

DELEGATED DECISION REPORT

APPLICATION NUMBER

201537

Bradley Farm, Bradley Court Road, Mitcheldean, Herefordshire, GL17 0DR

CASE OFFICER: Ms Elsie Morgan
DATE OF SITE VISIT: 19 June 2020

Relevant Development Plan Policies:

Herefordshire Local Plan – Core Strategy Policies:

- SS1** Presumption in favour of sustainable development
- SS5** Employment provision
- SS6** Environmental quality and local distinctiveness
- SS7** Addressing climate change
- RA6** Rural economy
- MT1** Traffic management, highway safety and promoting active travel
- LD1** Landscape and townscape
- SD1** Sustainable design and energy efficiency
- SD3** Sustainable water management and water resources
- SD4** Waste water treatment and river water quality

Lea Neighbourhood Development Plan (Made 22nd March 2019)

- Lea 2** Surface and foul water drainage
- Lea 3** A valued environment in which to live

National Planning Policy Framework (NPPF)

- Chapter 2** Achieving sustainable development
- Chapter 6** Building a strong, competitive economy
- Chapter 12** Achieving well-designed places
- Chapter 15** Conserving and enhancing the natural environment

Relevant Site History: None relevant

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X	X			
Transportation	X		X		

Ecologist	X		X		
Trees	X		X		
Natural England	X				
Herefordshire Wildlife Trust	X	X			
Forestry Commission	X		X		
Site Notice	X	X			
Local Member	X				

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application relates to an agricultural unit located to the north of Micheldean. This is comprised of two farmyards, the smaller of which sits to the west of the C1281. This application seeks permission for the installation of a covered manure store, enclosed wash-down area and covered livestock handling area.

Representations:

Parish Council – No response

Transport – No objection

"Whilst there are no objections to this from the LHA in Herefordshire as impact on the network will be negligible, it should be noted that the site take access from part of Gloucestershire's highway network. As a result that LHA may need to be consulted on the proposals."

Ecologist – No objection with conditions

"Habitat Regs. Assessment – River Wye SAC

The site is located within the River Wye (Wye-Rudhall Brook) SSSI/SAC catchment and a Habitat Regulation Assessment is triggered in relation to site drainage. River Wye SAC Impact Risk Zone for "any discharges of water or liquid including to mains sewer." This application is subject to a formal Habitat Regulations Assessment (HRA) process by this local planning authority (LPA) as the competent body in consultation with Natural England.

The initial Habitat Regulations Screening Assessment identifies surface water as 'likely significant adverse effects'. The applicant has indicated in their application that surface water will outfall to SuDs, and manure spreading is on land under the applicant's control, regulated in accordance with the provided Manure Management Plan. There is no proposed increase in livestock numbers, and the proposed covered solid manure store, covered wash-down area and covered temporary animal handling area will drain to site soakaway in line with best practice and hence reduce the potential for phosphate or nitrogen run-off. All proposals are compliant with Catchment Sensitive Farming regulations.

Subject to this mitigation being secured through a relevant condition a conclusion of 'NO Likely Significant Effect' has been returned by this LPA.

Habitat Regs. Appropriate Assessment – Wye Valley & Forest of Dean Bat SAC

The site falls within 1km of Wigpool Ironstone Mine SSSI, 4km from Westbury Brook Ironstone Mine, both part of the Forest of Dean and Wye Valley Bat SAC. A Habitat Regulation Assessment process is triggered in relation to potential impacts of nitrogen air emissions impacts to woodland sites that may impact on the Core Sustenance Zones of Lesser and Greater Horseshoe bats, associated with both SAC sites. Also within 2km of the site there are 3 Local Wildlife Sites, Howley Grove, East Dean/Wigpool Common and Lea Bailey wood, all ancient woodland sites and of importance for bat foraging habitat in association with the SACs.

The applicant has provided a Manure Management Plan to indicate no proposed increase in livestock numbers, and the proposed covered solid manure store, wash-down area and animal handling area will result in emissions no greater than the existing/baseline data (for previous open air manure storage and livestock handling/wash down areas). These additional improvements to the farm are in accordance with good practice Catchment Sensitive Farming and Code of Practice for Reducing Ammonia emissions.

It is therefore considered that there is no increase in overall livestock numbers/nitrogenous waste emissions compared to the existing baseline and hence no detrimental impact to nearby ancient woodlands and SAC sites and hence associated lesser and greater horseshoe bat populations, a verdict of 'No Likely Significant Impacts' to the Forest of Dean and Wye Valley Bat SAC can be made.

As per previous comments (dated 13/10/2020)

Site ecology

The ecological appraisal report (Environmental Methods, dated Sept 2020), includes results of bat activity surveys indicating limited use of the site by foraging bats; common pipistrelle, Myotis sp. and horseshoe bats (mostly greater horseshoe but also lesser horseshoe), were recorded foraging around the woodland edge. The advice and recommendations in the ecology report should be followed, including No use of external lighting that could impact bat foraging routes.

The report also includes Methodology for hedgerow translocation and replanting, Working methods Statement and enhancements for reptiles and amphibians (including great crested newts), Net gain provisions: installation of nest boxes for starlings. The recommendations should be implemented by condition."

Trees – No objection

"I do not have any objections. The woodland is far enough away and threat/impacts are minimal."

Natural England – No response to HRA

Herefordshire Wildlife Trust – No response

Forestry Commission – No objection with standard advice

Site Notice – No response

Local Member – Updated via email on 20 April. Cllr has raised no objection to the scheme or a delegated decision.

Pre-application discussion: None

Constraints:

Appraisal:

Policy context and Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the ‘made’ Lea Neighbourhood Development Plan (NDP) adopted 22nd March 2019. At this time the policies in the NDP can be afforded full weight as set out in paragraph 48 of the National Planning Policy Framework 2019, which itself is a significant material consideration.

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has been made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

The Core Strategy policy SS5 seeks to support the continuing development of the county’s more traditional employment sectors such as farming and food and drink production. More detailed policy RA6 relates specifically to employment generating proposals in the rural economy, and inter alia states that proposals which help to support the retention and/or diversification of agricultural businesses will be supported. These policies are also reflective of paragraph 83 of the NPPF. This application is sought

in association with an established agricultural enterprise, and would serve as a pollution control measure to minimise the amount of effluent waste run off, contaminating existing water courses. The proposal is considered to be reasonably necessary and the need for the building sufficiently justified. The principle of the development can thus be supported by both national and local planning policies outlined above.

With regards to the design of new buildings, Core Strategy policy SD1 is applicable. This states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions, and massing of surrounding development. This proposal is to be constructed in a similar manner to the existing farm buildings, using the same materials and a similar height. This proposal would thus accord with Core Strategy policy SD1.

Furthermore, with regards to landscape impacts policy LD1 applies. This policy explains how development proposals should demonstrate that the character of the landscape has influenced the design, scale, nature and site selection, and should also include new landscaping schemes to ensure development integrates appropriately into its surroundings. The proposed location of the manure store, cattle handling area and wash down area are within the existing farmyard area adjacent to existing agricultural buildings. Whilst the buildings would be viewed from the surrounding landscape, due to the topography sloping down towards the site, it is considered that the proposal will not stand out on the skyline and will read as part of a group of agricultural buildings. The proposed development will not have such an adverse impact upon the character of the surrounding landscape to seem the proposal unacceptable and so complies with LD1.

The proposal is not of a nature which would give rise to any demonstrable additional vehicle movements to and from the site. No conflicts with MT1 is therefore found.

There is no proposed increase in livestock numbers, and the proposed covered solid manure store, covered wash-down area and covered temporary animal handling area will drain to site soakaways in line with best practice and hence reduce the potential for phosphate or nitrogen run-off, and would consequently have a beneficial impact upon local water quality and biodiversity. No conflict with SD4 is identified in this regard. The Council's Ecologist has conducted a HRA appropriate assessment and concluded the no likely significant effect would incur as a result of the proposal, this has raised no objection from Natural England (no comments received).

In light of the above, the proposal is considered to constitute an appropriate form of development which would comply with national and local policy. It is recommended for approval accordingly.

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

(please note any variations to standard conditions)

1. C01 Time limit for commencement
2. C07 Development in accordance with approved plans and materials
3. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the report by Environmental Methods, dated Sept 2020, shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by

the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4 and Dark Skies initiative (DEFRA-NPPF 2013/19).

4. All surface water shall be managed through on-site SuDs system and soakaways, in accordance with a Manure Management Plan, on land within the applicant's ownership; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

Informatives

1. IP1



Signed:

Dated: 23/4/21

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☒

REFUSE ☐



Signed: Dated: 23 April 2021