

**From:** Ethan Giles <[ethan.giles@gpsltd.co.uk](mailto:ethan.giles@gpsltd.co.uk)>  
**Sent:** 06 March 2024 16:21  
**To:** Jones, Ollie <[Ollie.Jones@herefordshire.gov.uk](mailto:Ollie.Jones@herefordshire.gov.uk)>  
**Subject:** Re: P233282/F - Land adj. Orchard Farm Comberton Orleton Herefordshire

Dear Ollie,

Thank you for getting back to me and apologies for my delayed response as I have been on leave. Please see my email below addressing the necessary consultee comments that have been made.

**Ecology:**

The ecology comment made by J. Bisset dated 20/12/2023 is noted and addressed below.

In accordance with Circular 03/99 and 11/95 final drainage details can be dealt with by condition and therefore details are not required at this stage.

It is our contention that a full drainage assessment is wholly inappropriate for an application of this type and scale. Circular 01/99 states at Annex A, paragraph 4 “If, by taking into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, a package sewage treatment plant incorporating a combination of treatment processes should be considered.”

Paragraph 5 of Circular 03/99 proceeds to state that: “Only if it can be clearly demonstrated by the developer that the sewerage and sewage disposal methods referred to in paragraphs 3 and 4 above are not feasible, taking into account cost and/or practicability, should a system incorporating septic tank(s) be considered and proposed if appropriate. Applications for planning permission should be supported by a full assessment of the proposed use of septic tanks, to confirm that the adverse effects by reference to the factors in paragraph 6 below will not arise.”

As such, in accordance with Circular 03/99, a full drainage assessment is only required for septic tanks and cess pits and not required for a package treatment plant. Similarly, a percolation test should be satisfactorily dealt with by a condition if required.

Therefore, the aforementioned ecology comment does not form a reason for refusal and should be dealt with by condition, in a similar nature to the suggested conditions raised.

**Highways:**

The highways comment made by K. Jones dated 12/01/2024 is noted. As stated within

the objection, the reasons for such are two-fold; access visibility and pedestrian accessibility. Each point is addressed below.

*Access Visibility* - It is appreciated that the LHA officer is in agreement that visibility splays of 2.4m x 102m are suitable. Their objection is underpinned by the requirement to prune vegetation outside of the applicant's ownership.

All visibility splays that extend beyond the applicant's ownership boundary are confined to the highway verge. This is confirmed by the attached land registry title plans (HE4138 west; HW184768 east) which confirms the extent of the neighbouring land boundaries, and the extent of the highways verge.

The scale of visibility splay extension past the applicant's ownership boundary is further depicted by relevant survey data. Please see attached the site-specific topographical survey of the site, depicting the exact extent of the visibility splays. It is clear that minimal hedging will be pruned to achieve the necessary visibility splays and not "severe trimming, or even removal" as the LHA officer describes. Please note my use of the term 'pruned'. It is suggested in Herefordshire's 'Highways Design Guide - Section 2 Visibility' (attached) that a height of 600mm should be taken as the point above which unobstructed visibility should be provided. Therefore, the 26.585 sq.m (western side) and 10.517 sq.m (eastern side) of pruning will be to a height of 600mm. This renders the officer's statement of "severe trimming, or even removal" as incorrect.

Furthermore, the fact that neighbouring hedges have encroached into the highways verge is not a planning matter nor the responsibility of the applicant to address. Please refer to the Highways Act (1980) paragraph 154. The obstructive nature of the vegetation makes it exactly that, a highways obstruction. A competent authority, by notice to the owner of the hedge, tree or shrub, can require them within to lop or cut it as to remove the cause of the danger, obstruction or interference. Therefore, the need to prune existing vegetation, located within the highway verge is not a justified reason to object to a planning application.

Furthermore, the Highway Officer recognises that: "it is apparent that over time the verge has been subsumed by the boundary hedge." It is therefore common ground that the actual line of the highway has historically been behind the existing roadside face of the hedgerow. The fact that the hedgerow face has extended forward through lack of routine maintenance does not in any way affect the line of the adopted highway, which can only be changed through a formal, legal process.

It is also unclear why the Officer asserts: "This is a common occurrence and is the reason why the highway boundary is usually defined by the front face of a well-trimmed hedge rather than a reliance on the inaccurate OS based highway extents", as in the absence of any contrary information, it is the centreline of the hedge that is normally assumed to be the boundary line, not its face, specifically because of the moving face which grows out from the planted, defined line, as has clearly occurred in this case.

Well-trimmed does not apply in this case, as is apparent by the progressive growth towards the carriageway surface. In this case, it appears the growth of the hedgerow

has been limited by the passage of traffic rather than formal maintenance. Given the foregoing, there is no reason to believe that trimming the hedgerow back to clear the verge area in this case would kill it, as the Officer suggests. Whilst it would undoubtedly affect the appearance for a short period of time, such hedgerows typically recover well providing their main stems are not damaged. There is no reason to believe the main stems along the hedge centreline would be affected in this case, due to the relatively minor trimming required beyond the site frontage.

*Pedestrian Accessibility* - The LHA officer's concerns regarding pedestrian access are noted.

The principle of the proposed location is supported through CS policies RA3 (permitting the principle of gypsy and traveller sites outside of settlements) and H4 (reasonable access to services and facilities, including health and schools). As specified within the planning statement, the application site is sustainably located. The nearest school is Orleton C Of E Primary School, located 750m south-east and the nearest health facility is Orleton Medical Practice, located 1000m south-west. Orleton, houses a plethora of other services such as bus stops, shops, public houses and a church all accessible within 2000m of the application site. Such distances would not exceed the desirable and acceptable distances for walking to access essential services, as set out in the Institution of Highways and Transportation's "Guidelines for Providing for Journeys on Foot".

With regard to accessing Orleton on foot, the application site borders onto Orleton Footpath 1 which provides a direct route to Orleton, as well as access to Orleton Footpath 19, Orleton Footpath 2 and Orleton Footpath 3 that provide alternative routes.

Similarities can be drawn between this application and application P200117/F that was deemed to be suitable in terms of access and location. For reference, the same approach should be utilised here.

However, it should be noted that despite the access to relevant public rights of way, sites that rely on short car journeys for access to everyday services, in the context of both the lifestyle of the Gypsy and Traveller community and the more limited sustainable/active transport options available in rural areas, should be deemed suitable. This is supported through a plethora of national appeals.

In conclusion, the development does not represent an unacceptable risk to highway safety and provides suitable access to local services. Please note, this response to the highways comment has been made in line with advice by The Hurlstone Partnership Limited.

### **Landscape:**

The landscape comment raised by Nigel Koch dated 11/02/2024 is addressed below.

Firstly, the landscape comment states that "the development removes a substantial length of established hedgerow" however this is not reflective of the proposal, as per

the proposed site plan. The existing hedge is to be trimmed to a height of 600mm (as aforementioned) and further enhanced outside of the visibility splays, maintaining the existing character of the site.

Secondly, the comment also refers to the applications impacts on a local priority habitat (Traditional Orchard). Regarding such, I refer to the applications existing site and block plan, which has been produced in line with a topographical site survey. The 'Traditional Orchard' only relates to the southerly third of the ownership site where there are a total of seven substantial trees and five smaller trees. All of which are to be maintained. The only proposed development located here is the access track in a repositioned location. Please note that there is an existing access track as shown on the topographical survey, however, the proposed access is of a shorter, more direct nature.

If there are to be any lasting landscape concerns, in accordance with Circular 11/95, final landscape details can be dealt with by condition. This would allow for the applicant to further conserve, restore and enhance the landscape, biodiversity and ecological features on site. Thereby presenting the opportunity to further enhance the existing landscape.

I hope the above is of use and suitably addresses the comments made by statutory consultees. Should you require any further clarification, please let me know. Likewise, should you require any further information I am happy to provide such.

Kind Regards, Ethan

--

**Ethan Giles**

Planning Application Caseworker

**Green Planning Studio Ltd**  
Unit D Lunesdale  
Upton Magna Business Park  
Shrewsbury  
SY4 4TT

Tel: 01743 709364

www: <http://greenplanning.co.uk/>

Company no. 8736963