

From: Erna Purser <ernapurser@hotmail.com>
Sent: 29 June 2021 15:12
To: Lewis, Adam (Planning) <Adam.Lewis@herefordshire.gov.uk>
Subject: 184544 Fir Tree Inn, Much Cowarne, Herefordshire

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Dear Adam,

Reference your most recent communication concerning the River Lugg problem.

I have spoken with my client and although we are not happy with the situation we have no alternative but to agree to an extension of time until Friday, 22nd October, 2021.

I trust you will keep me informed when progress can be made.

Regards

Colin Purser
Ten Acre Services

From: Lewis, Adam (Planning)
Sent: 25 June 2021 12:09
To: 'ernapurser@hotmail.com' <ernapurser@hotmail.com>
Subject: 184544 - Fir Tree Inn, Much Cowarne, Herefordshire

Dear Mr Purser,

With regards to the application above, I am sure that you are aware of the Habitat Regulations Assessment (HRA) matter which has put a hold on applications within the River Lugg Catchment area. This application is one that falls within that area and, as you know, it has essentially been put 'on hold' for a considerable period of time. The Council has been unable to conclude that the proposal will have 'No Likely Significant Effects' (LSE) on water quality within the River Lugg catchment of the River Wye Special Area of Conservation (SAC) and that we are currently unable to proceed with a positive recommendation for the application.

I have recently revisited your application and it is my view that at the proposal is broadly acceptable, with the exception of the need to provide a detailed foul water drainage strategy which allows for a positive HRA Assessment to be carried out. Once that can be achieved, I am anticipating that I will be able to recommend your application for approval (providing that there have been no material changes in policy or circumstances in the interim).

During my review I have also noted that that the Ecology Report supporting the application was completed in July 2019. Typically, an ecology report of this nature is considered valid for a period of two years. As applications must be determined based on information which is

up-to-date at the time of the decision, I would also take the opportunity to advise that it **may** be necessary for an updated survey to be provided in the future. I will revisit this and advise on the need for an updated survey when a solution to the Lugg HRA issue materialises.

In terms of seeking a resolution to the matter regarding HRA, work has continued to review the Nutrient Management Plan (NMP) and a draft was reported to the Management Board on 13 May 2021. Its purpose is to provide greater certainty around the timescales for phosphate reduction and, once the plan is approved, it will provide mitigation to allow planning applications to be determined positively. The Council has also engaged consultants to prepare an Interim Phosphate Delivery Plan (IP), the first two of three stages having recently been published to the Council's website, and also including a Phosphate Calculator to enable the calculation of phosphates likely to be created by a development in order to determine the amount to be mitigated. You may also be aware that the Council has recently published an updated Position Statement on the matter, in late April 2021. I attach a link, which also includes details of the IP and Phosphate Calculator, for your convenience:

https://www.herefordshire.gov.uk/downloads/download/2039/development_in_the_river_lugg_catchment

There are some notable changes from the previous iteration of the Position Statement of March 2020, most significantly that the criteria for discharges to drainage fields in the red area has been updated by Natural England. I have reviewed your application with these factors in mind and in my view there is a low probability that a compliant drainage scheme could be delivered on this site, bearing in mind that tests have confirmed the ground would not support the use of drainage fields and the constraints such as the proximity to watercourses. At this point in time therefore, there is unfortunately no obvious way forward for the application and the Council cannot currently make a positive recommendation at this time. A positive recommendation is likely to rely on a strategic solution being bought to fruition through the NMP which provides a mechanism for planning applications to be released across the board.

I am therefore requesting that you agree to a further time extension for a period of 4 months (this being until Friday 24th October 2021) to await further progress on the NMP. If you are happy to agree to such an extension, please let me know no later than 16:00 on Friday 2nd July. The application will then appear on the Council's website as being 'On Hold due to Phosphates' and I will, at that point, not undertake any further work on this application. This means that no further information will be accepted; no further consultations will be undertaken and no updates will be provided until such a time where changes in guidance suggests there is a positive way forward for the application. I will provide you with a further update should the agreed time extension expire. Of course, if progression of the NMP allows a positive determination to be made sooner I will seek to ensure that this happens and will provide you with a realistic timescale.

If you advise me that you are not prepared to agree an extension of time, are not intending to provide any further information or if I do not receive confirmation of an agreement to an time extension by 16:00 on Friday 21 May 2021, I will proceed with a recommendation for refusal, on the basis of your application as it currently stands. This decision would allow you a resubmission within 12 months of the date of the decision notice, as a free go. You would also be able to appeal against this decision should you wish.

I thank you for your continued patience as the Council seeks to resolve what is a very challenging and complex matter, and look forward to hearing from you in due course.

Best regards

Adam Lewis

Senior Planning Officer

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