

From: Cotton, Julian
Sent: 28 March 2017 14:52
To: Atkins, Charlotte <catkins@herefordshire.gov.uk>
Subject: P170527/F, Land north of Maes Y Felin, Dinedor:
Importance: High

Charlotte,

P170527/F, Land north of Maes Y Felin, Dinedor: 'Reformation of land to provide swale, and installation of drainage pipes'

Thank you for consulting me about this application. I have the following comments to make:

1. I refer you to my original comments on this case [dated 17/02/2016, with reference to previous retrospective application 160196]. In essence, I considered that the large scale 'swale' works had done substantial harm to the setting and associated historic landscape of Dinedor Camp SAM, and had thereby failed to protect and conserve the historic environment. Accordingly, I objected, and advised that this deficient application be refused under NPPF Paras 128 /132, and Policy LD4 of the Herefordshire Local Plan Core strategy. That application *was* duly and with good reason refused (28/042016).
2. Subsequent to this of course, Herefordshire Council considered taking enforcement action against the applicant, with regard to the then unauthorised works. This in the first instance involved an agreed site visit, following which I made comments as requested (my email of 28/06/2016 to Kelly Gibbons, who was then dealing with the case). I re-iterated my significant concerns, noting that some of the works undertaken were grossly disproportionate to the claimed end, and appeared on the face of it to relate to a different purpose.
3. The application now made is for exactly the same completed development. No amendments of any kind have been made to it, and the errors and omissions within the application have not been corrected. The only differences of substance in the application documentation are that a new supporting statement and hydrology report have been submitted. For these documents to have any bearing on the case as it now is, they would have to demonstrate that other claimed planning considerations outweigh the strong historic environment objection here. In short, they have not.
4. Whilst naturally I accept that drainage and hydrology are not specialisms of mine, it is clear that all these documents do is attempt to justify an unsatisfactory fait accompli. The issue, I would say, is not whether the 'swale' as constructed achieves a satisfactory hydrological result, but what other, less damaging methods might have been or might still be employed to achieve a commensurate or better solution. I note that Historic England have made precisely the same point in their representation of 20/03/2017.

In conclusion therefore, I can see nothing in the current application that would lead me to amend the consistently strong objection I have maintained throughout the progress of this case.

I would advise that you **Refuse** this application

Regards,

Julian

Julian Cotton, Archaeological Advisor, Herefordshire Council

P.S. One of the errors/ omissions referred to above relates to the topographic plan/sections submitted with the application[s]. It is not clear what this was supposed to represent, and in any case it is clearly inaccurate. I am concerned that if this particular documentation is allowed to stand then it *may* prejudice future consideration of this case, and any decisions thereto. Would you be content in the circumstances to let it stand, or do you think that efforts should now be made to provide a better baseline?