

Project Title: Planning Application 211049 Proposed New Dwelling. At Site Adjacent To Homelands, Orcop, Herefordshire	Job Number: CWC148
	Date: 25/08/2022
Subject: Drainage Design Assessment for Planning Appeal	

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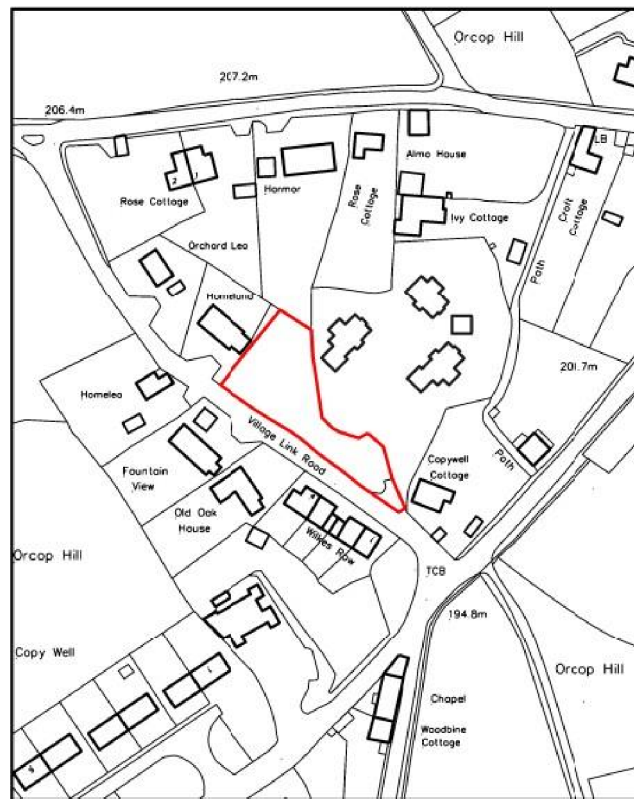
1. INTRODUCTION

1.1. Background

This Technical Note is in support of a planning appeal in connection with application 211049 entitled “Proposed New Dwelling. At Site Adjacent To Homelands, Orcop, Herefordshire, HR2 8SD.”

This report provides a response to drainage elements of the Refusal of Planning Permission by Herefordshire Council number 211049 dated 18 March 2022.

This report should be read in conjunction with other information associated with planning application 211049.



LOCATION PLAN - 1:2500
SITE AREA - 1213 SQ. M - 0.30 ACRES

Figure 1 Location Plan with The Trees Immediately North Eastwards

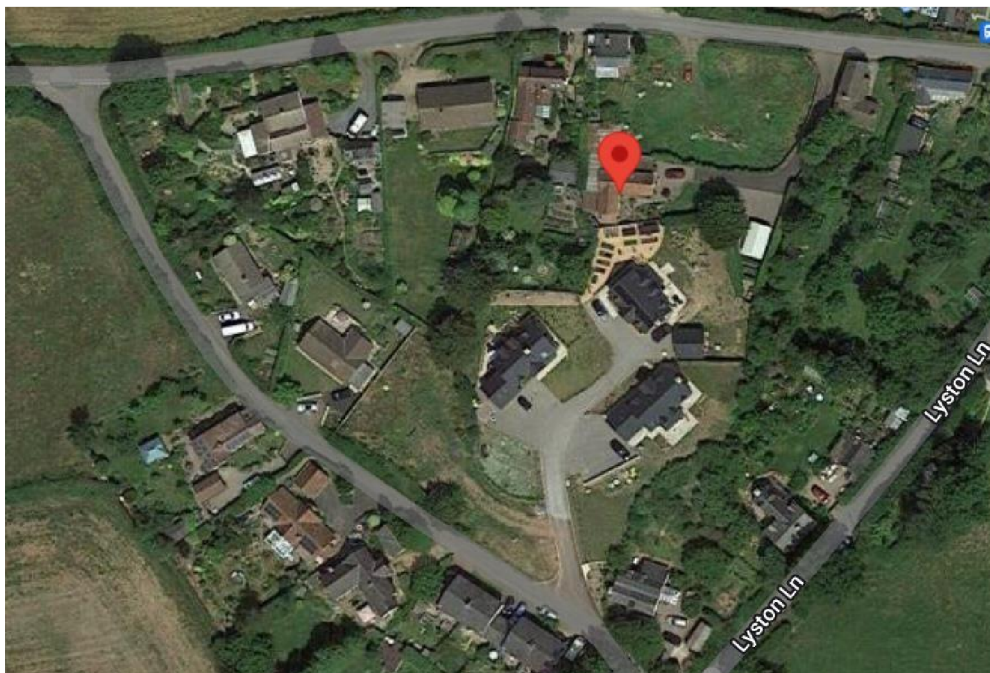


Figure 2 Aerial View of the Location and Adjacent The Trees

This report has been prepared by Alan Corner, Director of Corner Water Consulting Ltd, a firm that specialises in drainage consultancy and design work. I am the principal civil engineer and drainage technical lead in the firm, and I provide advice, both internally and to clients on drainage design and treatment of pollutants within flows. I have 39 years' experience as a civil engineer embracing design, construction supervision and consultancy practice.

The evidence which I have prepared and provided for this appeal written statement appendix is true and I confirm that the opinions expressed are my true and professional opinions.

Previously I was the Head of Flood Risk and Engineering at Hydro-Logic Services (International) Limited (HSLI), a company that has been working on drainage design in Herefordshire for many years, from an office in Bromyard. Since I joined HSLI in March 2016 I have worked on a number of schemes within Herefordshire every month. The closest site to this one where I was the project director was just north of Homelea, at the top left of the Location Plan in Figure 1.

I hold a BEng (Hons) degree in Civil and Structural Engineering. I am a Member of the Institution of Civil Engineers and a Chartered Engineer. I was a founder member of the British Water Sustainable Drainage Focus Group and represented Halcrow Group Limited from 2005 to 2010 followed by Hydro International from 2011 to 2014. I have served on various Construction Industry Research and Information Association (CIRIA) project steering groups including The SuDS Manual C753 (2015) and Water Sensitive Urban Design (WSUD) plus undertook a number of peer reviews of other's SuDS project submissions. I was on the Defra Task & Finish Groups finalising the Sustainable Drainage Systems Non-Statutory Technical Standards for Sustainable Drainage Systems (2015).

Approach Prior to the Planning Meeting and decisionNotice

Prior to the Committee Meeting to determine the planning application neither the Committee Report dated 16-3-2022, nor the Land Drainage Team comments dated 18-11-2021 had any objections to the scheme. The Parish Council also had no objection to the application.

The Refusal of Planning Permission by Herefordshire Council number 211049 is dated 18 March 2022. This refusal stated:

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that PLANNING PERMISSION has been REFUSED for the carrying out of the development described above for the following reasons:

1. The proposed dwelling will, by virtue of its scale, massing and siting, have an unacceptable impact upon the character of the area and the residential amenity of nearby dwellings contributing to an oppressive and intrusive feeling as a result of its overbearing nature contrary to policies SS6, LD1 and SD1 of the Herefordshire Local Plan - Core Strategy and policies ORC1 and ORC4 of the draft Orcop Neighbourhood Development Plan.
2. The proposed drainage strategy provides insufficient assessment and detail of the potential impacts of the foul and surface water drainage arrangements in light of the local conditions in Orcop Hill and recent failure of nearby private drainage infrastructure contrary to policies SD3 and SD4 of the Herefordshire Local Plan - Core Strategy and policy ORC5 of the draft Orcop Neighbourhood Development Plan.

1.2. Land Drainage Comments

The council Land Drainage comments are prepared by Balfour Beatty Living Places (BBLP). They include the overall response stating No Objection.

Date of Response: 18/11/2021

Overall Comment

We have no objections to the proposed development.

We highlight to the Applicant the following informative:

- Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Other comments by the Land Drainage Team on the design approach are:

Surface Water Drainage

The Applicant has provided details on how surface water from the proposed development will be managed within the site boundary (Proposed Drainage Layout Ref: 01-B). A 13m x 1m x 0.8m soakaway is proposed to discharge roof surface water runoff located 5 m from building foundations. The soakaway has been sized based on a lowest recorded acceptable infiltration rate of 1×10^{-5} mm/hr, with invert levels and pipe diameters also detailed.

Foul Water Drainage

The Applicant has provided details on how foul water from the proposed development will be managed within the site boundary (Proposed Drainage Layout Ref: 01-B). As there is no foul public sewer within 30m of the proposed development site, a package treatment plant with discharge to a drainage field is proposed.

It is noted that the size of drainage field has been sized based on an occupancy of 6 and an acceptable Vp rate of 26.1 sec/mm.

The Land Drainage Team also clarify that a small number of queries that they had prior to 18 November 2021 are all now answered.

1.3. Ecology Comments

The Ecology Department responses to the Planning Department are available on the council's planning portal. They are also included within Clause 4.2.2 of the Committee report the comments and responses from the council's ecology team are detailed. They commence with "**Ecology – no objection/ no likely significant effects on SAC**"

4.2.2 Ecology – no objection/ no likely significant effects on SAC

The site lies within the catchment of the River Wye SAC and a Habitat Regulations Assessment process is triggered by this application. The appropriate assessment completed by the LPA should be subject to consultation with Natural England prior to any final grant of planning permission. The HRA process must be undertaken with legal and scientific certainty and with a 'precautionary approach'.

Notes in respect of HRA:

The supporting information provided by the applicant and their professional drainage engineers (Phil Warren); the comments dated 18/11/2021 by the council's drainage professionals (Balfour Beatty Living Places); and information supplied for specific use of the LPA by Natural England in their Private (small) Foul Water Drainage Risk Map are considered and refer.

- The proposal is for a single dwelling with additional foul water flows managed through a private 'package treatment plant' and soakaway drainage field located within the curtilage of the proposed new dwelling.*
- The professional drainage reports supplied indicate that a suitable private system with suitably sized soakaway drainage field can be achieved at this location.*
- All additional surface water can be managed through relevant on-site Sustainable Drainage Systems*

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

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- The Private (small) foul water management risk mapping provided by Natural England to the LPA (under restricted access data licensing) advises that the development is located in an area within the lowest risk category (in respect of groundwater levels, slope, proximity to protected sites and recorded watercourses)*
- The council's drainage consultants have reviewed the foul and surface water management scheme proposal and have returned a 'no objection' response.*
- This development is within the 'English' Lower Wye catchment of the Wye SAC.*
- Natural England have not currently advised this LPA that this catchment area is failing its conservation status.*
- Any additional nutrient loading on Wye SAC can if necessary be accommodated within the nutrient allowance currently secured through the Core Strategy housing allocation – as monitored and managed by the council's forward planning team.*
- Any scheme installed and operated in support of the development will be subject to future controls and enforcement by other competent authorities under regulations outside the control or remit of the local planning authority.*

From all professional information supplied the LPA ecology have no reason to consider that a suitable foul and surface water drainage system cannot be achieved at this location.

Subject to a 'no objection' response from Natural England to the appropriate assessment completed by the LPA - suggested conditions on any planning permission granted.

Habitat Regulations (River Wye SAC) – Foul Water

Unless otherwise approved in writing by the planning authority, all foul water created by any development permitted under this permission shall discharge through connection to a new private foul water system (Package Treatment Plant) discharging to a soakaway drainage field located on land under the applicant's control.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

Habitat Regulations (River Wye SAC) – Surface Water

Unless otherwise approved in writing by the planning authority, all surface water shall discharge through onsite Sustainable Drainage Schemes located on land under the applicant's control.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.

Additional ecology comments.

The preliminary ecological appraisal by Wydean Ecology dated 27 July 2020 is noted and refers.

From information supplied and images available there are no immediate ecology related concerns with this proposal. There are no ecological records of important or Protected Species immediately on or adjacent to the site. There are relevant species records within the wider locality. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning process. However a relevant information note is requested.

Wildlife Protection Informative

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

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The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.

In support of NPPF, Core Strategy and declared Climate and Ecological Emergency and as supported by wider national strategy and regulations all developments should provide a clear and sustainable biodiversity net gain for the lifetime of the development. A condition to require a comprehensive Biodiversity Net Gain enhancement plan to be approved prior to any construction above damp proof course that is based on final plans and designs approved is requested.

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to any construction work above damp proof course level commencing a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including provision of 'fixed' habitat features such as habitat boxes supporting a range of bird species, bat roosting features, hedgehog homes, 'hedgehog highways' and pollinator homes must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

The site is in an area with an intrinsically dark that benefits local amenity and nature conservation, including nocturnal protected species known to be present/roosting in the adjacent buildings. Any significant or additional permanent additional illumination could impact the foraging and commuting of this local bat population. A condition to ensure all external lighting is kept to the essential minimum and any systems installed compliant with current best practice is requested.

Protected Species and Lighting (Dark Skies)

At no time shall any external lighting except low power, 'warm' LED lighting in directional down-lighter luminaires, on motion operated and time-limited switches directly required in relation to the immediate safe use of the approved holiday accommodation be installed or operated and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

The supplied information and ecology report advises that no existing hedgerows are to be removed or impacted (except normal good husbandry) as part of the development process. A

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

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standard condition to secure that no hedgerows shall be removed without the prior approval of the LPA and that all existing hedgerows will be subject to suitable root protection areas (minimum 1m from edge of dripline) for the duration of all construction works is requested.

1.4. Planning Refusal Comments

The planning refusal includes a drainage item, and this is dealt with below. The council comment is given in italics followed by a response.

REFUSAL COMMENT - The proposed drainage strategy provides insufficient assessment and detail of the potential impacts of the foul and surface water drainage arrangements in light of the local conditions in Orcop Hill and recent failure of nearby private drainage infrastructure.

RESPONSE – As detailed fully within Appendix 2 a freedom of information act request has been made to the council to seek details of the supposed “local conditions in Orcop Hill and recent failures of nearby private drainage infrastructure”. During the committee meeting reference was made to such ‘failures but no data or evidence was produced.

The FOI request made was:

Under the freedom of information act 2000, I request all details on the drainage treatment plant failure at the trees site in Orcop Hill that was investigated by BBLP.

This is in regard to the dwellings at the trees site adjacent to HR2 8SD. Planning application 181664.

I request all email correspondence and meeting minutes on this case as well as any correspondence relating to future planning applications that this has impacted.

I also request that any details relating to a high groundwater level are highlighted as part of this.

As detailed within the Herefordshire Council Environmental Information Regulations Request EIR2022/00436, which relates to the supposed treatment plant failure at The Trees site the responses were as below – numbered for ease of reference.

1. Herefordshire Council and BBLP have no record of a drainage treatment plant failure at the above location.
2. BBLP have advised that they do hold an email regarding ground water levels at this site. That email was received from a third party and we consider the email and its contents to therefore constitute the personal data of that individual as defined by the Data Protection Act 2018 and the UK General Data Protection Regulations. As such this information is withheld under Regulation 13 of the Environmental Information Regulations 2004.
3. Planning have advised that, to their knowledge, no further planning applications have been received for this site that might have been affected by the failure that you report. Planning have confirmed that they are aware that the ground conditions in and around Orcop Hill are regularly a source of concern and objections in relation to planning applications, but each application would be considered on its own individual merits.

From these 3 points it has been assessed that:

- the council hold no formal record of a failure,

- an email relating to groundwater levels has been received detailing possibly high groundwater levels. This issue was included within the Land Drainage Response dated 18-11-2021, as below, and stated as having been dealt with to the satisfaction of BBLP staff, who are employed by the council as their drainage experts.

We note the concerns about high groundwater levels in The Trees site, which is uphill of the proposed development site and drainage field. There needs to be clear evidence on file regarding the location of the three successful test pits. **The Applicant has confirmed that high groundwater levels were not observed in any of the trial pits. They comment that the adjacent Trees site does not experience high groundwater levels as they also undertook the drainage design for that site.**

- As bullet point 3 there are local objections made to planning applications within Orcop, which this author has experience of, in relation to drainage and flood risk. These objections require addressing and this is done by detailed on site soil investigations undertaken in accordance with UK National Best Practice Building Research Establishment Report 365, British Standard and the Building Regulations Part H. It should be noted that neighbours objecting to planning applications and in particular on the grounds of drainage and flood risk is not unique to Orcop.

If there was no data presented to back up the groundwater level comments made during the planning committee meeting, we wonder why the council did not demand the same burden of proof that they impose on applicants, namely physical and site-specific soil excavation and testing. The site testing undertaken to inform the Phil Warren design included a 1.5m deep test pit named Trail Pit 4, which was then utilised to undertake a series of three successful percolation tests in accordance with the Building Regulations Part H.

Without this level of proof then the council may have made a mistake in detailing the second refusal reason as they have phrased the condition, i.e. “in light of the local conditions in Orcop Hill and recent failure of nearby private drainage infrastructure” is not evidenced or proven.

It is also noted that a planning committee has overruled the council appointed and employed drainage experts, as above without any evidence of the statements made.

2. CONCLUSIONS

This Technical Note has determined that the:

- Soil testing undertaken in the preparation of the planning application, plus then used for the design of the drainage features, were undertaken in accordance with the appropriate UK standards.
- The design of the foul plus surface water drainage systems at the single dwelling has been approved by BBLP who act as the council Land Drainage approval body.
- Our assessment is also that the designs are compliant with UK design standards and approaches.
- The foul drainage design complies with the Building Regulations Part H.
- As such we believe that the foul drainage design is fully in compliance with UK and local standards and as such should be approved.

3. REFERENCES

Author	Date	Title/Description
CIRIA	2015	The SUDS Manual – CIRIA Report C753
DCLG	March 2012	Technical Guidance to the National Planning Policy Framework
Herefordshire Council	2018	Sustainable Urban Drainage Systems (SuDS) Handbook
Ministry of Housing, Communities and Local Government	2021	National Planning Policy Framework
UK Government	2015	The Building Regulations 2010 Part H 2015 Edition

APPENDIX 1 – Herefordshire Council Land Drainage Team Comments

Date of Response: 18/11/2021

SITE: Land adjacent to Homelands, Orcop Hill, Herefordshire
TYPE: Planning Application
DESCRIPTION: Proposed new dwelling
APPLICATION NO: 211049
GRID REFERENCE: OS 347999, 227997
APPLICANT: Mr R Jones
AGENT: Clive Emerson

Our knowledge of the development proposals has been obtained from the additional sources following on from our previous response in September 2021:

- Email chain with Applicant (Dated: 22/09/2021 & 18/11/2021);
- Proposed Site Plan (Ref: 7525-10b).

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), May 2021



Overview of the Proposal

The Applicant proposes the construction of a two-storey dormer style bungalow with associated detached garage building, new drive and alterations to access.

The site covers an area of approx. 0.3 ha and is currently landscaped area associated with The Homelands.

The topography of the site slopes down to the south east.

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1.

As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1.

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

Date of Response: 18/11/2021

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding.

Other Considerations

As the topography in the area is steeply sloping, there may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. A Finished Floor Level of 200.575m AOD is proposed. As an additional mitigation measure, the Applicant has confirmed that ground levels adjacent to the proposed two rear doors of the dwelling will be reprofiled to achieve a minimum 200mm threshold.

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

The Applicant has provided details on how surface water from the proposed development will be managed within the site boundary (Proposed Drainage Layout Ref: 01-B). A 13m x 1m x 0.8m soakaway is proposed to discharge roof surface water runoff located 5 m from building foundations. The soakaway has been sized based on a lowest recorded acceptable infiltration rate of 1x10⁻⁶ mm/hr, with invert levels and pipe diameters also detailed.

Foul Water Drainage

The Applicant has provided details on how foul water from the proposed development will be managed within the site boundary (Proposed Drainage Layout Ref: 01-B). As there is no foul public sewer within 30m of the proposed development site, a package treatment plant with discharge to a drainage field is proposed.

It is noted that the size of drainage field has been sized based on an occupancy of 6 and an acceptable Vp rate of 26.1 sec/mm.

Whilst we have some concerns about the siting of the proposed drainage field, due a risk of ice forming on the highway as result of groundwater seepage, no groundwater was observed in the trial pits. We note the proposals to install the drainage field within fractured sandstone.

We are in receipt of a site plan showing 5 crosses which suggest that 5 test pits were excavated. The test results show TP1, TP3, TP4 only. If there are two more test pit results, then we request that the results of these are presented. *The Applicant has confirmed that only the 3 were tested as the ground makeup does not vary across the site.*

We note the concerns about high groundwater levels in The Trees site, which is uphill of the proposed development site and drainage field. There needs to be clear evidence on file regarding the location of the three successful test pits. *The Applicant has confirmed that high groundwater levels were not observed in any of the trial pits. They comment that the adjacent Trees site does not experience high groundwater levels as they also undertook the drainage design for that site.*

Date of Response: 18/11/2021

Overall Comment

We have no objections to the proposed development.

We highlight to the Applicant the following informative:

- Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

APPENDIX 2 - Herefordshire Council Environmental Information Regulations Request Re Treatment Plant Failure At The Trees Site



Directorate/Division: Corporate Support
Team: Information Access Team
Please ask for: Gabrielle Yeomans
Direct line: [REDACTED]
Email: [REDACTED]
Date: 26th May 2022

[REDACTED]
Ryan Taylor
[REDACTED]

Dear Ryan Taylor

Ref: ENVIRONMENTAL INFORMATION REGULATIONS REQUEST EIR2022/00436

Further to our previous correspondence, your request has now been considered and the council's response is set out below:

Under the freedom of information act 2000, I request all details on the drainage treatment plant failure at the trees site in Orcop Hill that was investigated by BBLP.

This is in regard to the dwellings at the trees site adjacent to HR2 8SD. Planning application 181664.

I request all email correspondence and meeting minutes on this case as well as any correspondence relating to future planning applications that this has impacted.

I also request that any details relating to a high groundwater level are highlighted as part of this.

- A. Herefordshire Council and BBLP have no record of a drainage treatment plant failure at the above location.

BBLP have advised that they do hold an email regarding ground water levels at this site. That email was received from a third party and we consider the email and its contents to therefore constitute the personal data of that individual as defined by the Data Protection Act 2018 and the UK General Data Protection Regulations. As such this information is withheld under Regulation 13 of the Environmental Information Regulations 2004.

Planning have advised that, to their knowledge, no further planning applications have been received for this site that might have been affected by the failure that you report. Planning have confirmed that they are aware that the ground conditions in and around Orcop Hill are regularly a source of concern and objections in relation to planning applications, but each application would be considered on its own individual merits.

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Document 1

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If you are dissatisfied with the council's handling of your request, you can ask us to review our response. Requests for review should be submitted within 40 days of receipt of this letter. Further details can be found in the [Internal review procedure for FOI and EIR requests](#). Please quote the above reference number in any correspondence.

Further information is also available from the Information Commissioner's Office who can be contacted as follows:

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113

Website: [ICO](#)

Please note that we already publish a variety of information on the [council's website](#), and in particular in our [Publication Scheme](#), [Open Data](#) and [Understanding Herefordshire](#), which you may find of use if you are looking for information in the future.

Yours sincerely

Gabrielle Yeomans
Information Access Team

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