

Herefordshire Local Plan Core Strategy 2011 - 2031



Adopted October 2015



**Herefordshire
Council**

Housing in Herefordshire's countryside

- 4.8.22 National guidance emphasises the importance of not promoting unsustainable patterns of development in rural areas and avoiding the provision of new isolated homes.
- 4.8.23 Where appropriate, settlement boundaries (or a reasonable alternative) for those settlements listed in Policy RA2 will be defined in either Neighbourhood Development Plans or the Rural Areas Sites Allocation DPD. In the period leading up to the definition of appropriate settlement boundaries the Council will assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship to the main built up form of the settlement. Outside of these settlements new housing will be restricted to avoid unsustainable patterns of development. Residential development will therefore be limited to those proposals which meet the criteria listed in Policy RA3. Proposals should seek to make use of existing buildings through conversion and adaption in preference to new development. This approach accords with Paragraph 55 of the NPPF.

Policy RA3 – Herefordshire's countryside

In rural locations outside of settlements, as to be defined in either Neighbourhood Development Plans or the Rural Areas Sites Allocations DPD, residential development will be limited to proposals which satisfy one or more of the following criteria:

1. meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or
 2. accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or
 3. involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or
 4. would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or
 5. is rural exception housing in accordance with Policy H2; or
 6. is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or
 7. is a site providing for the needs of gypsies or other travellers in accordance with Policy H4.
- 4.8.24 Occupancy controls will be applied to dwellings arising from the expansion of rural business enterprises, as well as to agricultural and forestry dwellings (Policy RA4) and will be secured from the start by a Section 106 Agreement.
- 4.8.25 Replacement dwellings will only be permitted provided that the existing building has established and continuing residential use rights and has not been abandoned. Proposals should ordinarily be sited in a similar position as the original dwelling unless there is technical justification to consider an alternative location within the existing lawful domestic curtilage. To safeguard the character and appearance of the rural landscape from the visual impact of large buildings, the size of any replacement dwelling will be of a comparable total cubic volume (measured externally) to the existing dwelling. To minimise the impact of the proposal on the surrounding area, the design of the dwelling and any associated development should respect the local character of the area and/or make a positive contribution to the rural landscape. As such the mass, scale, height and external appearance of the resultant development should be taken into account. Permitted development rights may be removed from replacement dwellings.

including the provision of specialist accommodation in locations where the principle of residential development is accepted; and by ensuring that general housing provision is designed in such a way that enables easy adaptation to meet the requirements of all households.

Traveller sites

- 5.1.20 It is important that the accommodation needs and requirements of all sections of the community are considered in developing planning policies. Government planning policy is increasingly favouring the identification of sites for travellers. Herefordshire Council recognises these requirements which will be taken forward in the preparation of a new Travellers' Sites Document. In the interim however, the following policy is required in order to consider the merits of planning proposals.
- 5.1.21 For the purposes of this policy the definition of "travellers" means "gypsies and travellers" and "travelling show people" as defined in Planning Policy for Traveller Sites, CLG 2015.

Policy H4 – Traveller sites

The accommodation needs of travellers will be provided for through the preparation of a Travellers' Sites Document (DPD) which will include site specific allocations.

In the absence of an adopted DPD, or where proposals for sites are brought forward on non-allocated land, proposals will be supported where:

1. sites afford reasonable access to services and facilities, including health and schools
2. appropriate screening and landscaping is included within the proposal to protect local amenity and the environment
3. they promote peaceful and integrated co-existence between the site and the local community
4. they enable mixed business and residential accommodation (providing for the live-work lifestyle of travellers)
5. they avoid undue pressure on local infrastructure and services
6. in rural areas, the size of the site does not dominate nearby settled communities and
7. they are capable of accommodating on-site facilities that meet best practice for modern traveller site requirements, including play areas, storage, provision for recycling and waste management.

In rural areas, where there is a case of local need for an affordable traveller site, but criterion 1 above cannot be fulfilled, then an exception may be made and proposals permitted, provided such sites can be retained for that purpose in perpetuity.

- 5.1.22 The approach to planning for travellers through the preparation of a Travellers' Sites Document will reflect the increased involvement of traveller and settled communities in determining the location of development. Traveller sites include those considered necessary to meet the residential needs of gypsies and travellers who will remain in a location permanently or for substantial periods, transit sites for those moving through the area as well as plots for travelling show people.
- 5.1.23 The Travellers' Sites Document, which is programmed in the Council's Local Development Scheme (2015), for adoption in spring 2016, will include the following:
- an assessment of current need for permanent residential pitches with an indication of the process for updating need on a regular basis;

- pitch targets for travellers;
- deliverable sites for residential pitches for the period 2014-19 to set against targets;
- identification of broad locations for further developable residential sites for travellers over the period 2019-2031;
- identification of need for, and approach to, the provision of transit sites for the plan period;
- consideration of the need for, and approach to, provision for travelling showpersons within the county for the plan period;
- consideration of the need for a rural exceptions policy to enable sites to be brought forward solely as affordable gypsy and traveller sites; and
- consideration of support for the authorisation of long-term unofficial sites where they meet the criteria in policy H4 above or the making available of alternative provision where they are lost for whatever reason.

- 5.1.24 A pitch is defined as the 'area of land on a gypsy and traveller caravan site developed for a single family.' A plot means a pitch on a "travelling showpeople" site (often called a "yard"). This terminology differentiates between residential pitches for "gypsies and travellers" and mixed-use plots for "travelling showpeople", which may/will need to incorporate space or to be split to allow for the storage of equipment.
- 5.1.25 As at January 2015*, there are 114 authorised residential pitches within Herefordshire with a further 21 pitches on unauthorised, but tolerated sites. Numbers of caravans on these sites have fluctuated over the past two years from 148 to 161 and averaging 157. Some pitches accommodate more than one caravan.
- * Caravan count conducted by Herefordshire Council (January 2015)
- 5.1.26 The private sector may need to provide for further residential site needs until the Travellers' Sites Document is adopted in 2016 and policy H4 sets out the basis upon which planning permission will be granted during this period. The criteria in this policy may also apply when the defined need for residential gypsy and traveller sites has been met, yet further need is accepted.
- 5.1.27 In the same way that a rural exception policy is applied to housing development, rural exception sites can also be applied to affordable traveller sites and the Travellers' Sites Document will consider this issue. A rural exception site policy enables small sites to be used, specifically for affordable traveller sites in perpetuity, in small rural communities, that would not normally be used for traveller sites.
- 5.1.28 The assessment of need for transit sites or plots for travelling show people will be reviewed as part of the work for the Travellers' Sites Document. Should any need arise in the interim; proposals will need to satisfy the criteria set out in Policy H4.
- 5.1.29 In bringing proposals forward it will be important to ensure that sites are appropriately landscaped in order to limit their visual impact and should provide access to local facilities and services such as shops, schools and healthcare. It is also important to recognise that provision is included to meet the live-work nature of gypsies and travellers and adequate provision is made for play space for children.

Social and community facilities

- 5.1.30 The Core Strategy aims to achieve sustainable communities across Herefordshire and improve the well-being of its people. This requires an effective balance between the provision of new housing and employment and providing the social and community facilities required to support growth. There is a need to support and seek improvements to local services and facilities; particularly in rural areas where

Local distinctiveness

- 5.3.2 To successfully deliver the Core Strategy vision in respect of environmental quality and local distinctiveness, this section provides a proactive strategy for the conservation, restoration and enhancement of environmental assets and the delivery of new green infrastructure to support policies SS6 and SS7.
- 5.3.3 Locally distinctive assets both natural and man-made, are finite and irreplaceable and any detrimental impacts can carry cultural, environmental, economic and social costs. A number of assets benefit from statutory designations within national and international legislation. Statutory designations range from large areas conserved for landscape, geodiversity or biodiversity importance, such as the Wye Valley and Malvern Hills Areas of Outstanding Natural Beauty and River Wye Special Area of Conservation, to individual statutory listed buildings which are protected for their architectural or historical significance. Appendix 8 lists the designated sites in Herefordshire at the time of adoption.
- 5.3.4 Non-statutory designations and locally determined features are equally important to Herefordshire's local distinctiveness. Working with partner organisations, Herefordshire Council has identified important assets such as local wildlife sites, local geological sites and areas and buildings of local interest which contribute to Herefordshire's unique character. Non-statutory locally distinctive buildings and green spaces will be identified through forthcoming Development Plan Documents or Neighbourhood Development Plans.
- 5.3.5 Conserving local distinctiveness is central to the purposes of designations at all levels and achieved substantially through the production and implementation of management plans, conservation strategies and objectives and guidance resulting from best practice and local assessments.

Landscape and townscape

- 5.3.6 The European Landscape Convention defines landscape as *"an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors"*. Herefordshire has a distinctive and varied landscape. Much of the area is rural in nature but varied in landscape character, including high hills, forest, commons and river meadows. Herefordshire contains a wide range of settlement patterns, different types of farmland and evidence of ancient landscape features. This diverse landscape is an integral element of Herefordshire's local distinctiveness.
- 5.3.7 Landscape is important, not just as scenery but because it links culture with nature, and the past with the present. It has many values, not all of them tangible (such as sense of place); and it matters to people – it is people who create and value landscape. All landscapes matter, not only those with national designations. They provide a range of services such as food, water, climate regulation and aesthetic enjoyment.
- 5.3.8 The concepts of conservation, restoration and enhancement have been set out as a strategic approach to landscape and townscape management. The principles are relevant when considering the management of individual sites where the landscape character may be dependent upon unique landscape features. Landscape survey and analysis are proactive tools for allowing new build developments to address the three principles. For development proposals there are often opportunities for measures to conserve landscape features such as trees, to restore features such as boundary hedges and to enhance the landscape character by other means such as woodland planting, creation of wetland areas or restoration of historic features. The preparation of landscape schemes and management plans

should address these three aspects in relation to the local landscape character and the relevant landscape type. Designated areas are detailed on the Policies Map. Specific conservation area boundaries can be found on the council's website at the planning/conservation pages.

Policy LD1 – Landscape and townscape

Development proposals should:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;
- incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
- maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.

- 5.3.9 A number of landscape and townscape character assessments have been prepared supported by a Historic Landscape Characterisation and completed conservation areas appraisals. The *Landscape Character Assessment Supplementary Planning Guidance 2009* (SPD) will be reviewed during the plan period. The SPD will build upon the detailed evidence base documentation; including Natural England's Character Areas as well as more recently produced *Urban Fringe Sensitivity Analysis January 2010*, *Rapid Townscape Assessments (various)*, *Green Infrastructure Strategy February 2010* and other local studies covering the architectural and historic environment. In conjunction with the above, relevant Areas of Outstanding Natural Beauty Management Plans and associated guidance also provide more place-specific guidance which should inform development proposals from the outset.
- 5.3.10 The particular importance of trees is recognised within the planning system and the extent of tree cover is important to the county's landscape and townscape. Tree surveys and arboricultural impact assessments may be necessary where it is important to assess and protect existing trees on or adjacent to sites where development proposals are being advanced.

Biodiversity and geodiversity

- 5.3.11 Biodiversity can be defined as the variety of sites, habitats and species within a specified locality and is influenced by factors such as geology, topography and climate. Geodiversity refers to the natural processes and constituent parts that have shaped the landscape and includes minerals, soils and water. Geodiversity is the variety of rock, minerals, fossils, soils, landforms and natural processes that have shaped the landscape.
- 5.3.12 Biodiversity and geodiversity assets provide an important contribution to the distinctiveness of an area. Herefordshire has a diverse range of geological features and wildlife habitats such as the Malvern Hills, the River Wye, ancient woodlands and traditional orchards. Wildlife is not confined to designated sites and many features serve as wildlife corridors, links and stepping stones. Ecological networks are vital to

- 5.3.27 Large scale developments should embrace the historic environment rather than regard it as a constraint. Utilising existing locally distinctive heritage assets within wider regeneration proposals can help create new developments that integrate positively with their surroundings, and can reinforce existing cultural and social characteristics. Where the loss of or substantial harm to a heritage asset or its significance is outweighed by the public benefits of a development proposal which is allowed to proceed, developers shall, in a manner proportionate to its importance, record and advance understanding of the heritage asset. This evidence shall be made publicly accessible normally through Herefordshire Historic Environment Record, a museum or other local archive as appropriate.

Sustainable design

- 5.3.28 Good design embraces more than simply the aesthetics of new development and includes how buildings are used, accessed and constructed. Equally, for development to be considered sustainable, it must embrace the move to a low carbon future through designing buildings that are more energy and water efficient and increase the use and supply of renewables. Herefordshire Council will seek to ensure that future developments are designed to enhance local distinctiveness but without stifling innovation and creativity, particularly with regard to energy efficiency.
- 5.3.29 High quality design and well planned developments can enhance community cohesion through maintaining or creating a sense of place. New development should be designed to preserve and enhance locally distinctive characteristics and positively contribute to the appearance of the locality. To achieve this, it is important that new development is successfully integrated into the existing built, natural and historic environment; however recognising that architectural styles change over time. Policy SD1 does not seek to stifle architectural innovation, contemporary design or reject advances in design and technology.

Policy SD1 – Sustainable design and energy efficiency

Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:

- ensure that proposals make efficient use of land - taking into account the local context and site characteristics;
- new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;
- safeguard residential amenity for existing and proposed residents;
- ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
- where contaminated land is present, undertake appropriate remediation where it can be demonstrated that this will be effective;
- ensure that distinctive features of existing buildings and their setting are safeguarded and where appropriate, restored;
- utilise physical sustainability measures that include, in particular, orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure;
- where possible, on-site renewable energy generation should also be incorporated;

Policy SD1 – Sustainable design and energy efficiency continued

- create safe and accessible environments, and that minimise opportunities for crime and anti-social behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measures;
- ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development; and
- utilise sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials;

All planning applications including material changes of use, will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset.

- 5.3.30 High quality design can significantly enhance the environment and amenity for new residents. Equally, the amenity and quality of life for existing residents can be adversely affected by insensitive, poorly considered design. To address this, buildings, extensions and spaces must be designed with regard to overlooking, overshadowing and overbearing impacts. Additionally, ensuring that new development is compatible with the surrounding locality requires more than simply scale and aesthetic qualities, and includes consideration of the impacts of noise and artificial light, ground conditions and air quality.
- 5.3.31 All developments must demonstrate how they have been designed and how they have incorporated measures to make them resilient to climate change in respect of carbon reduction, water efficiency and flood risk. Carbon reduction should influence design from the outset by ensuring the fabric of the building is as energy efficient as possible, for example, attaining thermal efficiencies through construction that achieves low U values and fuel efficiencies through the use of services such as efficient boilers. Good site planning can also aid greater energy efficiency in new development, for example, by seeking to maximise solar gain.
- 5.3.32 Revisions to the Building Regulations are introducing progressive increases in the energy efficiency requirements for new buildings. In terms of energy conservation, developments in sustainable locations that achieve accredited standards of energy conservation which cover a range of sustainability criteria will be supported, particularly where the level achieved materially exceeds the relevant Building Regulations and other relevant standards in place at the time.
- 5.3.33 Large-scale developments should demonstrate how opportunities for on-site renewable energy generation and sustainable waste management have also been considered and addressed within the design of the scheme. Such details should include an appraisal of all suitable renewable energy technology. Other developments will also be encouraged to consider whether on-site renewable energy opportunities might be available. Alongside this, the council supports the provision of renewable and low carbon technologies within existing developments, subject to such proposals according with other policies of the Core Strategy.
- 5.3.34 The efficient use of land is encouraged in the design policy; however it does not specify minimum development densities; these are referenced in Policy SS2. It is recognised that in highly accessible locations development proposals may be more sustainable and viable if constructed to higher densities than usually found elsewhere in the county, provided there is no detrimental impact upon existing local amenity. However in most instances, appropriate density will primarily be informed by the local context as well as site opportunities and constraints.

- 5.3.35 Accessibility for all members of society is fundamental to achieving sustainable development and inclusive design, and must be carefully considered in all development proposals. Development layouts should be designed to provide a high degree of permeability particularly for sustainable modes of travel within the site, and provide safe connections to adjoining land uses and local community facilities.
- 5.3.36 Sustainable design principles can also contribute to reducing crime and the fear of crime. Developers should consider whether the location and form of their development should adopt the principles set out in the document 'Secured by Design 2010 (Association of Chief Police Officers)' incorporating design measures such as ensuring a high level of natural surveillance, sensitive consideration of boundary treatments and clear delineation of public and private spaces, in order to aid the creation of a safer and more inclusive environment. In addition, provision should be made to allow ease of access for emergency services.
- 5.3.37 Council Directive 96/82/EC (the Seveso II Directive) requires that the objectives of the prevention of major accidents involving hazardous substances and limiting their consequences for man and the environment are taken into account in land use planning. Within the county, certain industrial sites and associated infrastructure fall within the scope of hazardous substances controls by virtue of the nature and quantity of substances used or stored; in considering applications for development in the vicinity of such sites regard will also be had to the risks arising. It is important that the presence of hazardous substances is compatible with the existing and proposed uses of the site and of land in the vicinity. In particular, appropriate distances should be maintained between establishments where hazardous substances are present or proposed and existing or proposed residential areas, areas of public use and areas of particular natural sensitivity or interest. Full account will be taken of advice from the Health and Safety Executive and the Environment Agency in dealing with applications for both hazardous substances consent and for development at or in the vicinity of land where such substances are present.
- 5.3.38 The age structure of the county is rapidly changing with an increasing elderly population. Increasing fuel prices is resulting in residents, particularly in rural areas, reviewing their home to work travel patterns, furthermore continual advances in technology means costly refurbishments of existing buildings is often required to meet modern requirements. It is therefore important that developments are flexibly designed to be adaptable to different and future occupational and technological needs and demands. This can include measures such as meeting lifetime homes and equivalent standards in residential design, providing infrastructure to meet the growth in demand for electric vehicles, providing adequate space for internal and external plant and facilitating home working and live/work opportunities.
- 5.3.39 Design guidance will be prepared as a Supplementary Planning Document to provide baseline standards across Herefordshire; expanding on the above design principles and to inform the preparation of masterplans, other Development Plan Documents, Neighbourhood Development Plans, parish plans, village design statements and planning applications.

Renewable and low carbon energy generation

- 5.3.40 An overarching principle of the planning system is to support the transition to a low carbon future. A significant means of achieving this goal is through the use of renewable energy sources. Renewable energy covers energy generated directly from natural sources, be it sun, wind or water, or indirect sources such as biomass and geothermal heat. The Climate Change Act makes the UK the first country in the world to have a long term legally binding commitment to cut greenhouse gas emissions. The Act commits the UK to reduce carbon dioxide emissions by 80%, from a 1990 baseline, by 2050. The UK

Renewable Energy Strategy (2009) sets a target for 15% of the UK's energy to come from renewable resources by 2020, which represents a seven fold increase from 2008. In respect of wind energy, National Planning Policy Guidance indicates that in order to gain planning permission suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Therefore, Herefordshire Council will consider whether to identify suitable areas for wind energy through the preparation of the Rural Areas Site Allocation Development Plan Document or other appropriate development plan document. Neighbourhood Development Plans also have the ability to consider identifying suitable sites for wind energy development.

- 5.3.41 Herefordshire is predominantly a rural county which benefits from the presence of many international and national designations, alongside highly valued local landscapes. While these designations limit the potential for strategic renewable and low carbon energy generation, opportunities are present in Herefordshire to support such measures and the exceptional circumstance for such provision needs to be recognised. For example, farm diversification schemes can provide opportunities for the implementation of renewable or low carbon energy projects. Neighbourhood Development Plans promoting community-led micro-generation schemes will be supported where they are in accordance with policy SD2 and other relevant policies of the Core Strategy.

Policy SD2 – Renewable and low carbon energy generation

Development proposals that seek to deliver renewable and low carbon energy will be supported where they meet the following criteria:

1. the proposal does not adversely impact upon international or national designated natural and heritage assets;
2. the proposal does not adversely affect residential amenity;
3. the proposal does not result in any significant detrimental impact upon the character of the landscape and the built or historic environment and
4. the proposal can be connected efficiently to existing national grid infrastructure unless it can be demonstrated that energy generation would be used on-site to meet the needs of a specific end user.

In the case of energy generation through wind power developments, permission will only be granted for such proposals where:

- the proposed site is identified in a Neighbourhood Development Plan or other Development Plan Document as a suitable site for wind energy generation; and
- following consultation with local residents, it can be demonstrated that the planning impacts identified can be fully addressed, and therefore the proposal has the backing of the local community.

Sustainable water management

- 5.3.42 Sustainable water management means minimising our impact on the healthy functioning of the water cycle. Changes occurring to the climate mean that we are likely to experience an increase in the intensity, severity and frequency of extreme weather events such as droughts, storms and floods, which could dramatically impact on the way we need to manage water in the development of sustainable communities. There is a finite capacity within the environment, and it cannot simply provide more and more water as a result of increased consumption rates or overall demand. Equally there is a limit to the amount of waste water that can be safely returned to rivers without having a detrimental effect.

- 5.3.43 The issue of water management is especially important in Herefordshire with a number of watercourses benefiting from different levels of protection. The entire lengths of the River Wye and River Lugg are designated as Sites of Special Scientific Interest, while the Wye and the Lugg from Hampton Court Bridge to its confluence are designated as a Special Area of Conservation under European legislation. Alongside this, all watercourses and groundwater, are covered by the European Water Framework Directive and are recognised as providing significant biodiversity, health and recreational benefits. Delivery of the Water Framework Directive is proposed through a “Catchment Based Approach” and the Local Plan should play a part in achieving its objectives.
- 5.3.44 Changes in rainfall patterns, land management and land use, combined with more frequent occurrence of extreme weather events will present increased flood risk. Although flooding cannot be wholly prevented, its impacts can be avoided or reduced through good planning and land management. To this end the susceptibility of land to flooding and surface water management are material considerations when assessing planning applications. Accordingly Herefordshire Council will support development proposals that accord with the principles of the *Strategic Flood Risk Assessment 2009* (SFRA), as well as national technical guidance on the sequential test and the exception test, and ensure that surface water drainage is also properly managed. Where flood risk assessments are undertaken they should include all sources of flooding, including fluvial flooding from ditches and water courses across the site.
- 5.3.45 The SFRA aims to ensure that planning policies and development land allocations will not increase the risk of flooding both within the development and the surrounding area, and to identify and promote measures that will minimise flood-risk and/or enhance flood resilience. The SFRA for Herefordshire refines the county’s flood risk areas by taking into account other sources of flooding and other strategies, such as the Wye and Usk Catchment Flood Management Plan and the River Severn Catchment Flood Management Plan.

Policy SD3 – Sustainable water management and water resources

Measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. This will be achieved by ensuring that:

1. development proposals are located in accordance with the Sequential Test and Exception Tests (where appropriate) and have regard to the Strategic Flood Risk Assessment (SFRA) 2009 for Herefordshire;
2. development is designed to be safe, taking into account the lifetime of the development and the need to adapt to climate change by setting appropriate floor levels, providing safe pedestrian and vehicular access, where appropriate, implementing a flood evacuation management plan and avoiding areas identified as being subject to Rapid Inundation from a breach of a Flood Defence;
3. where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar betterment to enhance the local flood risk regime;
4. development will not result in the loss of open watercourse and culverts should be opened up where possible to improve drainage and flood flows. Proposals involving the creation of new culverts (unless essential to the provision of access) will not be permitted;
5. development includes appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site. Development should not result in an increase in runoff and should aim to achieve a reduction in the existing runoff rate and volumes, where possible;

Policy SD3 – Sustainable water management and water resources continued

6. water conservation and efficiency measures are included in all new developments, specifically:
 - residential development should achieve Housing - Optional Technical Standards - Water efficiency standards. At the time of adoption the published water efficiency standards were 110 litres/person/day; or
 - non-residential developments in excess of 1,000 m² gross floorspace to achieve the equivalent of BREEAM 3 credits for water consumption as a minimum;
7. the separation of foul and surface water on new developments is maximised;
8. development proposals do not lead to deterioration of EU Water Framework Directive water body status;
9. development should not cause an unacceptable risk to the availability or quality of water resources; and
10. in particular, proposals do not adversely affect water quality, either directly through unacceptable pollution of surface water or groundwater, or indirectly through overloading of Wastewater Treatment Works.

Development proposals should help to conserve and enhance watercourses and riverside habitats, where necessary through management and mitigation measures for the improvement and/or enhancement of water quality and habitat of the aquatic environment. Proposals which are specifically aimed at the sustainable management of the water environment will in particular be encouraged, including where they are required to support business needs such as for agriculture. Innovative measures such as water harvesting, winter water storage and active land use management will also be supported. In all instances it should be demonstrated that there will be no significant adverse landscape, biodiversity or visual impact.

- 5.3.46 The 'Sequential Test' is set out in paragraphs 100-104 of the NPPF. This aims to ensure inappropriate development does not take place in areas at high risk of flooding by directing it away from areas at highest risk. Areas at risk of flooding are those falling within Flood Zones 2 and 3 as defined on the Environment Agency's website. Flood Zone 1 is the area of low probability of flooding and should generally be used in preference to land in other zones. However land in Flood Zone 1 may also have critical land drainage problems which can be ascertained through Herefordshire Council's Land Drainage team. Where no reasonable sites are available within Flood Zone 1 the 'Exception Test' may be applied. Where this test needs to be applied certain forms of development may be permitted in Flood Zones 2 and 3 depending upon their level of vulnerability. These are identified in Technical Guidance to the National Planning Policy Framework.
- 5.3.47 Policy SD3 also provides criteria for developers to consider when proposing development within areas identified as being at risk of flooding within the district. The policy identifies the need for development proposed within flood risk areas to take account of a number of measures to ensure that the development is safe and remains safe, in times of flood including:
- setting appropriate floor levels which should be above the 1% predicted plus climate change design flood level, incorporating an allowance for freeboard. Development should also consider in the design the risk from more extreme events. Where it is not feasible or practicable to set the floor levels, then other forms of flood resilience and resistance techniques may be considered as an alternative;
 - where overnight accommodation is included, the development should include a safe pedestrian access route which would be available during a 1% plus climate change design flood event. In considering this, regard should be given to the evidence in the SFRA and for 'defended areas' including an assessment of Flood Defence breach/overtopping scenarios. Other development should consider this as a residual risk;

- consideration of safe vehicular access; and
- for developments implementing a flood evacuation management plan, where appropriate, to manage the risk to the development site itself and future users/occupiers during all flood events along with any remaining residual risks.

- 5.3.48 A key component to reducing the risk of flooding is the implementation of Sustainable Drainage Systems (SuDS) in all developments. Such systems can also assist in improving water quality. The Flood and Water Management Act 2010 introduces the mandatory inclusion of SuDS within developments alongside the ability for the setting of national standards. Development proposals are to accord with these standards and where appropriate be accompanied by surface water management plans detailing the drainage proposals. Advice is contained within the SFRA.
- 5.3.49 Government legislation sets out the statutory introduction of Sustainable Drainage Advisory Bodies (SABs). SABs are designed to appraise and grant approval or refusal on proposed Sustainable Drainage Systems. Herefordshire Council will work in partnership with the SAB as well as the Environment Agency, to ensure that development proposals do not have adverse flood impacts.
- 5.3.50 With respect to water conservation and efficiency of use, Policy SD3 sets out targets for reduced consumption in association with new development, which in turn will result in decrease flow entering the sewer system. This approach will also help to reduce flows entering waste water treatment infrastructure, thereby assisting to manage the level of nutrients in the River Wye Special Area of Conservation (see Policy SD4). The Department for Communities and Local Government has published a 'water efficiency calculator' that applicants can use to demonstrate the water efficiency of proposed developments.
- 5.3.51 For employment development a standard of BREEAM 3 credits equivalent for water consumption is required. This equates to 40% reduction in water consumption over current building regulations. The Environment Agency has stated that all new non-residential development should meet the 'Good Practice' level of the AECB (Association for Environment Conscious Building) Water Standards. These measures will complement the measures set out in Policy SD4 - Wastewater treatment and river water quality.
- 5.3.52 The availability of water resources to meet demand during the plan period has been examined and Dwr Cymru-Welsh Water's Water Resource Management Plan identifies that there are sufficient water resources available to meet demand during this plan period.
- 5.3.53 While agricultural water use lies largely outside planning control, it is a significant contributor to the water cycle conditions within Herefordshire and its impacts need to be taken into account in the Core Strategy and other Development Plan Documents and Neighbourhood Development Plans. There is considerable potential for farmers to capture and store surplus water for future use thereby reducing the need to abstract water from other sources, while enhancing biodiversity. However, reservoirs in particular will alter landscapes and habitats on a permanent basis and care on siting and design is essential.
- 5.3.54 Land management practices can also play a vital role in managing flood risk and water quality at a local level; for example, the creation and restoration of wetlands and woodlands can reduce the level of flooding, and in some cases remove the risk of local flooding altogether. These practices also improve water quality in addition to producing wider environmental benefits, including encouraging an increase in wildlife species and habitats and reducing carbon.

- 5.3.55 A Herefordshire Water Steering Group was established and attended by Herefordshire Council, Dwr Cymru-Welsh Water, the Environment Agency and Natural England, in order to investigate how development might be accommodated within the limits set by the Habitats Regulations. It is expected that this group will be expanded in order to address issues arising from the preparation of a Nutrient Management Plan. One of the areas that it might consider is identifying best practice in the reduction of water use.

Wastewater treatment and river water quality

- 5.3.56 The water quality of Herefordshire's main rivers and their tributaries is of strategic importance and in particular, current unacceptable levels of nutrients along part of the rivers need to be addressed. This is important to the overall environmental objectives of the Core Strategy.
- 5.3.57 The Rivers Wye, Lugg, Teme and Clun are Sites of Special Scientific Interest (SSSIs), designated under the *Wildlife and Countryside Act 1981* (as amended). Furthermore, the River Wye, including part of the River Lugg (downstream from Hampton Court Bridge), part of the River Clun (downstream of Marlow, Shropshire) and Downton Gorge on the River Teme are also designated as Special Areas of Conservation (SACs).
- 5.3.58 Both levels of designation require efforts to be made to ensure the whole system, or catchment, achieves and then remains resilient in terms of supporting river habitats consistent with policy LD2 (Biodiversity and geodiversity). The Environment Agency has responsibility for water quality and ecological objectives set by European Directive 2000/60/EC, the 'Water Framework Directive,' which applies to surface waters and groundwater, and is preparing a River Basin Management Plan to deliver these. Natural England has responsibility for ensuring SSSIs and SACs achieve 'favourable condition.' Currently all parts of the river SSSIs are in unfavourable condition although some are recovering. All public bodies have a duty to contribute towards meeting these targets.

Policy SD4 - Wastewater treatment and river water quality

Development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.

In the first instance developments should seek to connect to the existing mains wastewater infrastructure network. Where this option would result in nutrient levels exceeding conservation objectives targets, in particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate the adverse effects of wastewater discharges into rivers caused by the development. This may involve:

- incorporating measures to achieve water efficiency and/or a reduction in surface water discharge to the mains sewer network, minimising the capacity required to accommodate the proposal, in accordance with policy SD3;
- phasing or delaying development until further capacity is available;
- the use of developer contributions/community infrastructure levy funds to contribute to improvements to waste water treatment works or other appropriate measures to release capacity to accommodate new development;
- in the case of development which might lead to nutrient levels exceeding the limits for the target conservation objectives within a SAC river, planning permission will only be granted where it can be demonstrated that there will be no adverse effect on the integrity of the SAC in view of the site's conservation objectives; and

Policy SD4 - Wastewater treatment and river water quality continued

- where the nutrient levels set for conservation objectives are already exceeded, new development should not compromise the ability to reduce levels to those which are defined as favourable for the site.

Where evidence is submitted to the local planning authority to indicate connection to the wastewater infrastructure network is not practical, alternative foul drainage options should be considered in the following order:

- provision of or connection to a package sewage treatment works (discharging to watercourse or soakaway);
- septic tank (discharging to soakaway).

With either of these non-mains alternatives, proposals should be accompanied by the following:

- information to demonstrate there will be no likely significant effect on the water quality, in particular of designated national and European sites, especially the River Wye SAC and the River Clun SAC; or
- where there will be a likely significant effect upon a SAC river, information to enable the council, in its role as a competent authority, to ascertain that the development will have no adverse effect on the integrity of the SAC;
- in relation to water courses with national or European nature conservation designations, the inclusion of measures achieving the highest standard of water quality discharge to the natural drainage system including provision for monitoring.

The use of cesspools will only be considered in exceptional circumstances and where it can be demonstrated that sufficient precautionary measures will ensure no adverse effect upon natural drainage water quality objectives.

- 5.3.59 There is a duty upon Herefordshire Council, so far as it is able, to further the conservation and enhancement of the river SSSIs within its area. Each SSSI has its own 'conservation objectives,' which include targets that form the baseline against which its favourable condition is judged. The decisions the council takes can influence whether a site meets its targets or not. With respect to the river SSSI's, this includes decisions on foul and surface water drainage from development. Developers can assist by contributing to the resilience of ecological networks through their efforts to deliver green infrastructure under policy LD4. Maintaining a high quality environment will assist marketing of homes and the attraction of employment.
- 5.3.60 Herefordshire Council is a competent authority under the Conservation of Habitats and Species Regulations 2012 and there is a duty upon it to have regard to the requirements of the Habitats Directive in exercising any of its functions. Furthermore, the LPA can only permit development which would have a likely significant effect (either alone or in combination with other plans or projects) upon European sites after having undertaken an Appropriate Assessment. Subject to certain derogation tests, only development which can be shown to have no adverse effect on the integrity of European sites can be permitted.
- 5.3.61 In addition, there is also a duty on the council to help deliver Water Framework Directive (WFD) objectives. It is imperative that proposals for growth do not adversely affect river water quality, and this includes that within associated watercourses flowing into the rivers and other 'controlled waters' (lakes, ponds and groundwater etc). Wastewater from most new development within the county will connect to sewage treatment works. Such treatment works are potentially point sources of pollution especially if

they are unable to achieve acceptable standards of discharge, either directly or indirectly into rivers. Septic tanks and other activities such as agricultural practices form more diffuse sources of potential pollution.

- 5.3.62 The county's rivers have a finite capacity to accommodate discharges arising from development before their water quality is adversely affected, and improvements to the management of waste water will be required to ensure both the achievement of the watercourses conservation objectives and the ability to deliver the scale of growth set out in the Core Strategy.
- 5.3.63 The Environment Agency and Natural England have prepared a Nutrient Management Plan aimed to control and reduce phosphate within the River Wye SAC and in doing so seek to identify actions to enable additional development. The Core Strategy will play a vital role in delivering the requirements of the Nutrient Management Plan, along with other mechanisms and measures. The Nutrient Management Plan and associated Action Plan identifies the management actions required to achieve the conservation objectives target for phosphate by 2027. Planning guidance will be prepared where necessary to cover relevant measures included within the Nutrient Management Plan, or any revisions to it, comprising the need for planning advice, detailed phasing requirements, options that might be funded through developer contributions, water quality and ecological condition of stretches along the SAC rivers, and monitoring arrangements.
- 5.3.64 Sections of the River Wye SAC where the water quality targets are already exceeded will be subject to measures to reduce nutrients in line with the targets. New development must not compromise the ability of the Nutrient Management Plan to deliver the necessary overall reductions along these stretches.
- 5.3.65 Sections that are currently meeting their phosphate targets will be subject to measures to ensure that future inputs of nutrients will not lead to failures.
- 5.3.66 Figure 5.4 identifies river sub-catchment areas within Herefordshire, set by the Water Framework Directive. Development within these areas has the potential to detrimentally affect water quality standards. High levels of phosphates have been identified as particular problems with concentration levels exceeding targets.
- 5.3.67 Herefordshire Council will expect developments to connect to existing sewage infrastructure. However, when this would compromise the ability to achieve favourable condition, and potentially be contrary to the Habitats Regulations, mitigation measures would be required if the development is to proceed.
- 5.3.68 Local water companies are responsible for providing and maintaining sewage treatment works at a standard to meet permitted conditions. Their asset management programmes will set out capital works to ensure compliance with discharge licences. Should such works be required then it may be necessary to phase new development within timescales set by these programmes. However, there may be an additional requirement for developer contributions or community infrastructure levy funding to make further improvements.
- 5.3.69 Increases in flows to sewage treatment works lead to increases in nutrients in watercourses, as discharges have set nutrient concentrations. Reducing flows to sewage treatment works through measures referred to in Policy SD3 can therefore contribute to reducing nutrient levels in the receiving watercourses. The separation of foul and storm water will have similar benefits.

- 5.3.70 Development seeking to use non-mains drainage solutions will need to explain why this is necessary in the light of the Government advice on mains drainage and Herefordshire Council's planning application requirements in respect of non-mains drainage (see Herefordshire Council website). Herefordshire Council will wish to be assured that such proposals will not adversely affect the quality of water within watercourses and in particular, will have no negative effect upon SAC rivers and, in this regard, will undertake Habitat Regulation Assessments where necessary using information required from and provided by developers. Measures proposed to mitigate any effect will be rigorously scrutinised; and monitoring arrangements may need to be put in place to ensure the chosen system is effective. Sustainable forms of water treatment such as reed beds may be used as alternatives to or in combination with foul water treatment and disposal. Full details should be provided to show these will achieve the required standard of discharge into the natural drainage system. The sensitivity of Herefordshire's environment is such that the use of cesspools should be avoided, however if this is deemed to be the only option then a rigorous assessment of potential effects will be required.
- 5.3.71 A number of rivers have water quality problems arising from sedimentation. Where operations requiring planning permission may cause or add to the problem then mitigation works such as trenches, wetlands, retention ponds, buffers, swales and other forms of sediment traps may need to be considered as part of sustainable water practices under policy SD3.