

**From:** Close, Roland  
**Sent:** 17 May 2016 14:13  
**To:** 'Guy Wakefield'  
**Cc:** 'Nick Rawlings'  
**Subject:** 153642  
**Importance:** High

Dear Mr Wakefield,

I refer to your letter e-mail of 23<sup>rd</sup> March 2016.

Attached is the formal screening & scoping decision together with the requisite report.

Regards

Roland Close

Principal Planning Officer



**EIA SCREENING & SCOPING OPINION REPORT & DECISIONS – LPA Ref: - 153642**

This is a report that responds to a formal request for a screening and scoping opinion submitted by Hunter Page Planning in an e-mail dated 23/03/2016 14:25 (not 6<sup>th</sup> April 2015 as the letter suggests).

The proposal within that formal request is described as follows:-

"Erection of up to 700 new homes (including affordable housing), 3 hectares of B1 employment land, land and contributions to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust, a new primary school, formal and informal public open space (including a new linear park), drainage works, highway works (including, amongst other things, improvements to the Hereford Road ad Bromyard Road junction), and other associated works."

On Thu 24/03/2016 12:35 a revised red line plan was submitted.

**The Site**

The site is located to the north of Ledbury. It comprises two arable fields and part of another. To the west is the River Leadon. To the north-east and east are existing employment units fronting Bromyard Road. To the north-west is more arable land. To the south is the Grade 2 listed Ledbury viaduct. The site outlined in red extends at one point to the south of the viaduct almost meeting the Hereford Road roundabout.

Topographically, the site falls towards the River Leadon to the west.

As mentioned above, the Ledbury Viaduct is a Grade II Listed railway viaduct and lies adjacent to the southern site boundary. However, the significance of this viaduct should not be underestimated. It is certainly a "landmark structure" by any reasonable definition and a defining feature / structure of Ledbury. In fact, visually for many years it has effectively been the defining northern edge of the town providing the transition between town and country (other than the employment units on the western side of Bromyard Road). It does not only have heritage significance but also landscape significance.

Whilst the site does not lie within the Malvern Hills Area of Outstanding Natural Beauty, much of the rising land on the east side of the Bromyard Road is within the Malvern Hills AONB. There is no doubt that the site provides part of the setting of the Malvern Hills AONB. The site is also visible from a number of public vantage points within the Malvern Hills AONB.

To the south west of the site Walls Hill Camp Scheduled Ancient Monument is located on the hilltop, within woodland.

A Site of Special Scientific Interest (The Ledbury Cutting) designated for its geological interest lies on the south western boundary of the area which also has Local Wildlife Site status.

The 1 in 1000 year floodplain of the River Leadon is confined within to approximately 75m of the western edge of the site according to the Environment Agency's floodplain maps.

### **The Proposal and background**

The proposal includes a variety of uses all of which are linked to the delivery of a mixed use site which is effectively allocated by the recently adopted Herefordshire Local Plan Core Strategy 2011-2031 (see policy LB2). The proposal involves the erection of up to 700 new homes (including affordable housing), 3 hectares of B1 employment land, land and contributions to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust, a new primary school, formal and informal public open space (including a new linear park), drainage works, highway works (including, amongst other things, improvements to the Hereford Road and Bromyard Road junction), and other associated works.

It is understood that an outline planning application will be submitted with all matters other than access reserved for future consideration.

Whilst it is understood from the deposited request that vehicular access to the site is yet to be determined, subsequent indications suggest that it is likely that a single means of vehicular access will be proposed off the Bromyard Road. It is understood that as a minimum, pedestrian access will be provided to the south through the Viaduct enabling pedestrians (and cyclists) to gain access onto the Hereford Road.

It is understood that a second pedestrian access might be provided at the south-eastern corner of the site in the vicinity of Ballard Close; also enabling pedestrians to gain access on to the Hereford Road. However, significantly this area is omitted from the red line plan the subject of this request.

It is understood that the precise alignment of the restored canal to be provided is yet to be determined although it will run from the southern boundary of the site (via the Viaduct) and then around the western part of the site (staying outside the floodplain) and exiting on to the Bromyard Road.

### **EIA Screening**

On 6<sup>th</sup> April 2015 The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 came into force. Those regulations amended the screening thresholds for urban development and industrial estate development projects.

Effectively they changed to:-

(b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas;

- (i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
- (ii) the development includes more than 150 dwellings; or
- (iii) the overall area of the development exceeds 5 hectares.



In this case the proposal clearly exceeds all three of the above criteria. The proposal is not only a major development but by any reasonable person's understanding represents a northern urban extension to Ledbury and would represent the largest development in that market town since the New Mills outline application in the late 1980's.

Therefore the proposal does lie within Column 1 of Schedule 2 and clearly falls above the thresholds in Column 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended by The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.

Merely because a development falls within Schedule 2 does not necessarily mean that it represents EA development where an Environmental statement is required. One needs to examine the sensitivity of the location, the characteristics of the development and the potential impacts. In undertaking a screening opinion one should not examine the planning merits of the proposal. I have been considering this screening request for some quite considerable time and am familiar with the site having visited in on several occasions. I am also very familiar with Ledbury as a Town having dealt with planning matters there for some ten years. My knowledge of the town extends to the manner in which it functions. I shall keep the screening opinion relatively brief.

In my mind in terms of the guidance in the NPPG:-

- The site has not previously been developed;
- The scheme involves more than 5 hectares;
- The development is could create more than 10,000 m2 of commercial floorspace. I would *normally* expect 3 hectares to yield up to 10,500m2; and
- the development would have significant urbanising effects in a previously non-urbanised area.

Applying the selection criteria for Schedule 2 developments specified in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the following considerations apply under Schedule 3 Selection Criteria for Schedule 2 developments:

Characteristics of the development

Location of the Development

Characteristics of potential impact

In my mind the proposed development clearly represents EIA development for the following summarised reasons:-

- The proposal is a significant development in terms of scale. The site provides part of the foreground to the setting of the Malvern Hills Area of Outstanding Natural Beauty (a "sensitive area"). Development upon the site would clearly create a new northern boundary to Ledbury as a Town. This development would provide a new urban edge to the open countryside the potential impacts of which would be significant. Therefore I



consider that the proposal is likely to have significant environmental effects upon the landscape.

- The proposal is a significant development in terms of scale. The development would generate significant additional vehicular traffic. It is critical that the adequacy of the highway network to cater with this additional traffic in terms of both capacity and safety is thoroughly examined (including alternative access arrangements). In addition, with such scale of development on the edge of a Town it is critical that pedestrian and cycle links are thoroughly planned to ensure that optimum connectivity is provided to reduce reliance on the private motor vehicle. On this second bullet point it is considered that the transportation implications of the development are likely to have significant environmental effects. I would add with regard this issue the cumulative impacts of other developments in Ledbury need to be considered including the recent appeal decision to the south of the Town allowed on appeal under reference APP/W1850/W/15/3009456 (LPA ref:- P143116/O).
- The Grade 2 listed railway viaduct is a heritage asset. However, it is more than that in that it is a landmark structure that effectively provides the current northern edge to Ledbury (transition between Town and Country). Clearly the scale of the proposal is likely to have significant environmental effects upon that heritage asset.
- The excavation (an engineering operation) required to create the canal to be delivered would create substantial waste in the form of spoil / soil. A thorough understanding as to the management strategy of this excavated spoil / soil together with supporting calculations would be required. It is considered that this has the potential to create significant environmental effects.
- I have consulted our Land Drainage advisors WSP / Parsons Brinckerhoff. They are of the view that given the scale of the development and therefore the potential significant impacts that an unmitigated development could have on water quality and water resources that an Environmental Statement should be required and this issue should be scoped into an Environmental Statement.

**For the above five reasons I consider that the proposal is likely to have significant environmental effects and as such an Environmental Statement is required.**

I shall now examine the other issues which whilst clearly crucial matters are not matters that I consider are likely to have significant environmental effects.

### **Bio – Diversity and Ecology**

The land contained within this area has no statutory or locally designated sites for nature conservation. As far as is known, no Habitats of Principle Importance excepting ponds and hedgerows occur within this landscape which is regarded as riverside meadows of apparently good agricultural land. The River Leadon flows through the site and through the western outskirts of Ledbury. This river has no designation at this point and links to no ecologically designated watercourse within the vicinity.

A Site of Special Scientific Interest (The Ledbury Cutting) designated for it geological interest lies on the south western boundary of the area which also has Local Wildlife Site status. Ranging from the site through the centre of Ledbury is the abandoned railway; this is a town

trail and provides good green infrastructure linkage and possibly functions as a wildlife corridor as well.

In my view potential impacts upon these sites would not qualify any development for an EIA on an ecological basis.

Ecological issues can be evaluated as part of the normal planning process of requiring ecological reports with specific recommendations for mitigation and enhancements.

Existing land use of the proposed area is arable crops and ley grassland which has potential for habitat enhancement to improve natural assets.

No direct impact upon statutory sites or upon local sites of interest is envisaged provided road access avoids impacting woodland areas and the designated SSSI/SWS and habitat which may support protected species.

Impacts are likely to be restricted to site effects upon certain species utilising the surrounding habitats for example bats, foraging barn owl, potential great crested newt populations (there are a number of ponds in the area) and badgers. This list is not exclusive and site impacts upon protected species can be adequately assessed with the requisite ecological survey to determine presence of, and impact upon, any protected species.

Evaluating the size of the development in association with the nature and location of nature conservation sites in the area, I would conclude that potential impacts are likely to be predominantly at the site. As far as is determinable other local developments will not contribute to any in-combination impact on sites or species. Assessing these impacts can effectively be covered by comprehensive ecological surveys without the requirement to produce an Ecological Statement for an Environmental Impact Assessment. This does not obviate the need for mitigation and development licensing for protected species if necessary nor exclude any requirement for site enhancement proposals.

Note without prejudice: Habitats Regulations Assessment screening for planning applications will be formally carried out at the time of submission of a planning application but no significant direct or indirect impact is envisaged upon any of the Special Areas of Conservation within Herefordshire. Should a decision be made that an EIA is necessary; scoping should include the requirement for formal appraisal of Habitats Regulations Assessment in relation to the development.

I not only state that the proposal as far as screening ecology / bio-diversity is unlikely to have significant environmental effects, I scope it out of an Environmental Statement.

### **Noise & Air Quality**

There would be possible local issues with impact on air quality and increase in noise particularly from traffic. Also the construction phase has possible adverse impacts on pollution of air, particularly dust and noise, and there may be concerns re pollution of water and land.

There is also the issue as of:-



- Impact of railway noise upon the amenities of the occupiers of the proposed dwellinghouses and the School; and
- Impact of industrial noise upon the amenities of the occupiers of the proposed dwellinghouses and the School;

However, these matters are not considered to be likely to have significant environmental effects and should be dealt with under the usually required noise / acoustic assessments and air quality assessment.

I not only state that the proposal as far as screening is concerned noise & air quality are unlikely to have significant environmental effects, I also scope it out of an Environmental Statement.

#### **Contaminated Land**

I have reviewed our records which indicate that the proposed development is sited largely on agricultural land with limited likelihood of significant contamination (although excessive use of pesticides or herbicides and the like may be considered a potential source). Whilst the normal expert reports would be required, there is nothing to suggest that there are any likelihood of significant effects arising from contaminated land issues.

I not only state that the proposal as far as screening is concerned contaminated land is unlikely to have significant environmental effects; I also scope it out of an Environmental Statement.

#### **Flood Risk**

The site is primarily located in Flood Zone 1 (low probability) based on the Environment Agency's (EA) indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1, a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where 'there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off'

Whilst primarily in Flood Zone 1 there are elements of the site that lie within Flood Zone 3, the high risk Zone. The River Leadon (Main River) runs along the South-West boundary of the site and the EA would expect no development, or land raising, within these areas. The EA would also expect any FRA to consider those 'ordinary watercourses' that are not modelled and/or have no floodplain associated with them due to the nature of their catchment.

It should be noted that the Flood Map at this location has not been produced from a detailed hydraulic model but by using a national, generalised mapping technique. Whilst this is the best data available at the current time, this is for indicative purposes only and may not be an accurate representation of the floodplain in this location as this type of mapping does not include the presence of structures such as bridges and culverts on flooding.

For developments of this size, the EA would require that the applicant provides hydraulic modelling, undertaken by a suitably qualified consultant, to determine the potential flood risk at the site. They should assess the flows in the watercourse for a 1 in 20 year, 1 in



100 year, 1 in 100 plus climate change and 1 in 1000 year flood event. The flood extents for these events should then be superimposed over a detailed topographic survey of the site to confirm the flood risk and the impacts of a 50% blockage of the bridge structures assessed.

This will confirm the area of developable land on the site and also be used to set finished floor levels of dwellings which must be set at a minimum of 600mm above the 1% plus climate change modelled level. All built development should be located in Flood Zone 1 i.e. outside of the 1 in 1000 year floodplain extent.

Whilst the EA would accept, as stated in the submitted Request for Screening and Scoping, that *'there is nothing to suggest that the development cannot be delivered without avoiding downstream flooding'* a comprehensive FRA would need to accompany any forthcoming application to demonstrate this.

Note - Climate change allowances: The NPPG refers to Environment Agency guidance on considering climate change in planning decisions which is available online: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> This has been updated and replaces the September 2013 guidance. Any revised FRA will need to consider advice within our area 'Climate Change Allowances for planning' guidance (March 2016).

Core Strategy: Policy LB2 of the adopted Herefordshire Core Strategy details the parameters of development within the 'Land to the North of the Viaduct Site'. Specific to matters within our remit development of this site should have no adverse impact on water quality and quantity in the River Leadon (Main River), with comprehensive SUDs proposed implemented to ensure no increased flood risk.

The plan confirms that the west of *"Ledbury is prone to flooding from the River Leadon. The physical development within the urban extension and employment area will need to demonstrate through a flood risk assessment that the housing, employment, play and sports facilities avoids the areas that are vulnerable to flooding and does not increase flood risk for any existing residents and businesses. Additionally, the urban extension and employment area should include a sustainable surface water drainage management system, incorporating features such as swales and ponds, sensitively integrated with the development, to achieve existing or better than existing greenfield runoff rates"*.

When identifying sites for development the Strategic Flood Risk Assessment (SFRA) should also be referred to. Herefordshire Council's SFRA is now over five years old and the maps contained within the document are out of date and, specifically, do not include recent Flood Map updates. Changes to the Flood Map, including a significant update in November 2012, means that, in some areas, the fluvial floodplain has become more extensive whereas in other areas it may have been reduced or removed. It is understood that there may be scope for comprehensive SFRA update in due course which may further help to inform the developability of the site.

The EA note from the submitted plan the presence of a 'reserved canal route'. The EA would expect a robust assessment of the impact of the canal on the Leadon and the adjacent development. The EA are aware that the no details have been produced for the canal yet but it is imperative that there are no impacts on flood risk once the stretch is operational.

In conclusion, whilst a Flood Risk Assessment will be required to be submitted I not only state that the proposal as far as screening is concerned flood risk is unlikely to have significant environmental effects, I also scope it out of an Environmental Statement.

#### **Water Framework Directive (River Leadon)**

The River Leadon, designated 'Main River', is currently classified as 'moderate status' under the Water Framework Directive (WFD). It is therefore essential that the site is managed in such a way that continues to protect the adjacent watercourses and ditches in order to avoid deterioration of the water quality and habitat in the Leadon, with opportunities to improve the watercourse implemented where viable.

#### **Archaeology**

Regarding archaeology as commonly understood, a programme of archaeological assessment and evaluation has been advised, and is currently in hand in relation to the proposal. In essence this involves a desk based assessment (now completed subject to any necessary amendments) site geophysics (completed in the field but not yet reported on) and field evaluation (currently being arranged). This programme would be necessary irrespective of the EIA status of the development, but has been scoped to be of a sufficiently extensive and robust nature to be EIA compliant if need be.

As ever it is difficult to be sure of the full environmental effects until the above results are in (risk of currently undiscovered below ground archaeology etc), although in the interim it is possible to draw some initial conclusions - without prejudice. I emphasise firstly that although a number of items of archaeological interest have been indicated to date, there is no *prima facie* evidence as yet of any below ground heritage assets of particularly high significance.

Wall Hills SAM is within 1km of the proposal site to the south west. In my judgement, the level of harm to setting here is not likely to be substantial.

Having recently attended a course on the subject the EIA process is a *cyclical process and matters can be "scoped in later" if need be*. At present, however, I would conclude that as far as screening is concerned archaeology is unlikely to have significant environmental effects; I also scope it out of an Environmental Statement.

#### **Water Supply**

I have not consulted Welsh Water re: ability to supply clean water. It is assumed that this matter would have been dealt with at the time of preparation of the Core strategy. I have no reason to believe that any significant environmental effects arise with respect this issue.

#### **Foul sewerage**

I have not consulted Severn Trent Water re: capacity of mains system. It is assumed that this matter would have been dealt with at the time of preparation of the Core Strategy. I



have no reason to believe that any significant environmental effects arise with respect to this issue.

# SCREENING DECISION

## SCREENING DETERMINATION

It is the opinion of Herefordshire Council as Local Planning Authority that the proposal set out above is an EIA development under Schedule 2 paragraph 10 (b) in Column 1 of the Regulations and the indicative criteria/thresholds in the National Planning Practice Guidance

It is clearly an urban development project where:-

- the development includes more than 1 hectare of development which is not dwellinghouse development; or
- the development includes more than 150 dwellinghouses; and
- the area of the development exceeds 5 hectares

Furthermore:-

- the site has not previously been developed;
- The scheme involves more than 5 hectares;
- The development of 3 hectares of employment land is likely to create more than 10,000 m<sup>2</sup> of commercial floorspace; and
- the development would have significant urbanising effects in a previously non-urbanised area.
- 

**The proposal is EIA Development and an Environmental Statement will be required.**

## Reasons for the opinion

It is clear to the LPA that the proposed development falls within a Schedule 2 listed project and exceeds both the thresholds within that Schedule and the guidance contained within the NPPG as to when an Environmental Statement is likely to be required. In the opinion of the Local Planning Authority:-

- The transportation matters relating to the proposed development are likely to have significant environmental effects. Furthermore the cumulative impact of the proposed development together with other commitments (including the development allowed on appeal to the south of the Town under reference APP/W1850/W/15/3009456 (LPA ref:- P143116/O).
- The development would have significant urbanising effects in a previously non-urbanised area. The development would impact upon the setting of the Malvern Hills area of Outstanding Natural Beauty and would effectively create a new northern boundary to the



town of Ledbury. The treatment of such transitions between town and country within the landscape is critical.

- The development would have a significant environmental effect upon the Grade 2 listed Ledbury Railway Viaduct, It is not only a Grade 2 listed building (Heritage asset) but also a landmark building of prominence that also effectively provides the northern built-edge of Ledbury with the open countryside.
- Any development of this scale inevitable involves a degree of cut and fill, especially on a sloping site. However, in this instance the development project involves a significant engineering operation in terms of the excavation of spoil / soil. The environmental effects of this operation need to be fully understood and their environmental effects assessed. One needs to be clear as to the strategy with respect the precise management and / or disposal of the spoil / soil.
- Given the scale of the development, the proposed development has potential significant environmental effects on water quality and water resources.

# SCOPING DECISION

The Environmental Statement required would clearly need to include the minimum required by the Regulation (Parts 1 and Part 2, Schedule 4 of Regulation 2(1)).

In terms of the specific areas that the LPA would scope into the Environmental Statement the advice is as follows:-

## Transportation

A full assessment needs to be carried out as to alternative arrangements with respect vehicular means of access(es). The following alternatives must be assessed:-

- A through road linking the Hereford Road (A417 / A438) roundabout to the Bromyard Road (B4214);
- A single vehicular means of access from the Hereford Road (A417 / A438) roundabout;
- A single vehicular means of access off the Bromyard Road (B4214);
- Two individual (not linked) vehicular means of accesses – one from the Hereford Road (A417 / A438) roundabout and one from the Bromyard Road (B4214).

Such an assessment would need to be in depth. In terms of a vehicular means of access off the Hereford Road roundabout under the railway viaduct a detailed design analysis and drawings would be required to ascertain whether such a vehicular access is physically achievable.

Then with respect all four alternatives the full environmental impacts would need to be assessed including:-

- Highway capacity – this needs to include the cumulative impact with respect other commitments including including the development allowed on appeal to the south of the Town under reference APP/W1850/W/15/3009456 (LPA ref:- P143116/O)
- Highway safety;
- Impacts upon ecology / diversity;
- Impacts upon the landscape;
- Impacts upon the propensity of people to utilise modes of transport other than the private motor vehicle;
- Impacts upon the setting of the grade 2 listed railway viaduct; and
- Impacts (if any) upon the physical deliverability of the Canal.

In addition a risk assessment would need to be undertaken to understand the potential impact of a point of access being closed (if only one vehicular means of access were proposed).

The capacity and safety of the road network would need to be assessed as per relevant guidance. This would need to include upon:-

- The road network through Wellington Heath (Beggars Ash and Burtons Lane) to 'Petty France';
- Rhea Lane;
- B4216 / A449 / A438 'Top Cross' junction;
- Knapp Lane / Cut Throat Lane;
- A417 / A438 roundabout; and
- The proposed vehicular means of access(es).

A detailed analysis of all potential pedestrian / cycle way links, especially to the Town Centre, the Swimming Pool, the Railway Station, the Town Trail, the Primary School, the Secondary School and any other identified significant public destinations. This must include a detailed analysis of each potential route(s) and the benefits and disbenefits of them all. This must include the potential route at the southern end of the site to the Hereford Road roundabout providing a link to the existing open space / park to the west of Leadon Way AND the potential route at the south-east corner of the site where the original canal and towpath passed under the railway viaduct providing a link in the vicinity of Ballard Close to the Hereford Road, the Railway Station, the Town Centre, the Swimming Pool, the Town trail, the Primary School and the Secondary School. This analysis should include walk times, distances, an analysis of 'desire lines' and the degree to which these route(s) would encourage users of the development (both occupiers and visitors) to use modes of transport other than the private motor vehicle.

#### Landscape

This element of the Environmental Statement would in essence take a form similar to a normal LVIA. However, particular attention needs to be given to the impact upon the setting of the Malvern Hills Area of Outstanding Natural Beauty and the manner in which the new northern and western edges of the Town would be formed. The transition between Town and Country is critical and a thorough analysis needs to be undertaken as to alternatives and the



most effective means of mitigation the landscape impacts of development. This needs a thorough exploration of alternative ways of treating the northern and western boundaries which would then need to be reflected in any Master Plan. Landscape character will clearly be significantly effected in that an essentially rural area will be become urbanised. How that change is mitigated and how the boundaries are treated ensuring an appropriate transition between town and country is critical.

#### Setting of Grade 2 listed railway viaduct.

The development would impact upon the Grade 2 listed Ledbury Railway Viaduct, It is not only a Grade 2 listed building (Heritage asset) but also a landmark building of prominence that also effectively provides the northern built-edge of Ledbury with the open countryside. The Environmental Statement must fully explain the manner in which the setting of the listed building has been taken into account in the Master Planning, the alternatives investigated / explored, the impacts and the mitigation measures.

#### Management of spoil / soil arising from the engineering operation of delivering the Canal

Any development of this scale inevitable involves a degree of cut and fill, especially on a sloping site. However, in this instance the development project involves a significant engineering operation in terms of the excavation of spoil / soil. The environmental effects of this operation need to be fully understood and their environmental effects assessed. One needs to be clear as to the strategy with respect the precise management and / or disposal of the spoil / soil. The environmental statement would need to include calculations with respect quantities, how the spoil / soil is to be managed during the construction of the development (including the Canal), where the spoil / soil would be disposed of together with a detailed analysis as to the environmental impacts (e.g. transportation, raising and levels upon flood risk, landscape etc). The alternative strategies explained and their environmental impacts assessed.

#### Water Environment – Water quality and water resources

The LPA would expect a chapter within the Environmental Statement addressing the Water environment. One would want to see an assessment of the following:

- Potential impacts to the ecological, chemical and hydromorphological quality of surface water resources during construction, including any proposed works within or adjacent to watercourse channels.
- Potential impacts to the ecological, chemical and quantitative quality of groundwater resources during construction, including an assessment of potential impacts to licensed and private groundwater abstractions.
- Potential impacts to the ecological, chemical and hydromorphological/ quantitative quality of surface water and groundwater resources during operation, including those associated with the quality of surface water runoff.
- A review of the capacity of foul water infrastructure and the ability to treat foul water flows from a development of this size.
- An assessment of the potential impacts of the development on potable water supplies and, most importantly, the additional stress that this development may place on surface water and groundwater resources.
- A summary of proposed mitigation measures to reduce the above identified effects.
- Consideration of cumulative impacts when other permitted and / or planned developments are taken into account.



Case Officer:- ... R.C .....Roland Close

DATE: 17/05/16

Lead Development Manager:- .....Kevin Bishop

DATE:- 17/05/16

**From:** Close, Roland  
**Sent:** 25 May 2016 15:43  
**To:** 'Guy Wakefield'  
**Cc:** 'mailto:Jenny.Chapman@bwbconsulting.com'  
**Subject:** 153642 - Land North of the Viaduct, Ledbury: Response to Scoping - Water  
**Importance:** High

Dear Mr Wakefield,

Further to the formal Screening & Scoping Opinion of the LPA dated 17<sup>th</sup> May 2016, I can confirm that given the e-mail correspondence below, the LPA are willing to scope out of the ES out a Water Environment Chapter of the EIA as the relevant assessments will be provided within standalone reports, namely:-

- A Flood Risk Assessment (to include a surface water management strategy);
- Water Framework Directive Assessment (noting that this should assess impacts to the surface water and groundwater environments); and
- Foul Water and Utilities Assessment (noting that this must consider impacts to potable water supplies and resource availability).

Regards

Roland Close

Principal Planning Officer

**From:** Goodwin, Joanna [<mailto:Joanna.Goodwin@pbworld.com>]  
**Sent:** 25 May 2016 15:15  
**To:** Close, Roland  
**Subject:** FW: Land North of the Viaduct, Ledbury: Response to Scoping - Water

Hi Roland,

I have received this email from the consultants working on the Ledbury Viaduct development. They wish to scope out a Water Environment Chapter of the EIA as the relevant assessments will be provided within standalone reports, namely:

- A Flood Risk Assessment (to include a surface water management strategy);
- Water Framework Directive Assessment (noting that this should assess impacts to the surface water and groundwater environments); and
- Foul Water and Utilities Assessment (noting that this must consider impacts to potable water supplies and resource availability).

If these standalone reports are prepared then I see no need to also provide the Water Environment ES Chapter – unless this is also a requirement of other disciplines, for example the Council's ecologist or Environment Agency.



I have not emailed the Consultant directly regarding my thoughts on the matter as I believe our correspondence should be via the Council.

Kind regards,

**Joanna Goodwin** MCIWEM C.WEM  
Principal Engineer, Water Engineering



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**From:** Jenny Chapman [<mailto:Jenny.Chapman@bwiconsulting.com>]

**Sent:** 19 May 2016 10:34

**To:** Goodwin, Joanna

**Subject:** Land North of the Viaduct, Ledbury: Response to Scoping - Water

Hi Joanna,

We are working on the Ledbury project on the Flood Risk Assessment, Hydrologic Modelling and water aspects of the proposals. We have reviewed the Scoping Decision and have some points on the requirements relating to water.

With regard to the Scoping Decision received we consider that a chapter specifically covering Water Environment – Water quality and water resources, is not required and the following supporting documents outlined below will demonstrate that there will not be significant impacts to the water environment.

We acknowledge that Flood Risk has been scoped out of the ES chapter requirements due to the provision of the FRA and we consider that the other water environment subjects can also be scoped out of the ES due to the provision of the following.

- Potential impacts to the ecological, chemical and hydromorphological quality of surface water resources during construction, including any proposed works within or adjacent to watercourse channels.
  - The potential impacts of surface water resources will be considered within the drainage strategy

- We would recommend a Framework Water Framework Directive Compliance Assessment suitable to support an outline application demonstrating no significant effects
- Potential impacts to the ecological, chemical and quantitative quality of groundwater resources during construction , including an assessment of potential impacts to licensed and private groundwater abstractions.
  - The potential impacts to the groundwater resources during construction and operation will be included within the FRA, from review of the data available from the Environment Agency indicates there are no groundwater or surface water abstractions within 1km of the site and therefore there are unlikely to be any significant effects on this resource.
- Potential impacts to the ecological, chemical and hydromorphological quantitative quality of surface water and groundwater resources during operation, including those associated with the quality of surface water runoff.
  - We would recommend a Framework Water Framework Directive Compliance Assessment suitable an outline application demonstrating no significant effects
- A review of the capacity of foul water infrastructure and the ability to treat foul water flows from a development of this size.
  - A Foul Water and Utilities Assessment will be provided with the application and no significant effects are envisaged in relation to this within the scoping opinion
- An assessment of the potential impacts of the development on potable water supplies and, most importantly, the additional stress that this development may place on surface water and groundwater resources.
  - A Foul Water and Utilities Assessment will be provided with the application which will also cover water supply and no significant effects are envisaged in relation to this within the scoping opinion
- A summary of proposed mitigation measures to reduce the above identified effects.
  - Mitigation measures will be provided within the respective reports identified above
- Consideration of cumulative impacts when other permitted and I or planned developments are taken into account.
  - There are unlikely to be any cumulative effects as a result of the development of any other local schemes in combination with the Proposed Development as it is assumed that each development has been or will be subject to the same national and local guidance.

If you could respond to let me know if you agree with our proposals that would be greatly appreciated.

Many thanks,

Jenny



## Jenny Chapman

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**From:** Close, Roland  
**Sent:** 28 November 2016 11:15  
**To:** 'Guy Wakefield'  
**Subject:** RE: Ledbury

Dear Guy,

I refer to your e-mail of 23 November 2016 18:53. I have consulted a number of internal & external consultees on your request. The responses received to date are as follows:-

### **Environment Agency:-**

"I am of the opinion that the management of spoil, and an assessment of the spoil arising from the proposed development, should form part of the ES.

If they are using 7,000m<sup>3</sup> of the soil on the site of production that material is not deemed to be a waste as it is not 'discarded' from the site of production. However, if they are proposing to remove 8,000m<sup>3</sup> for disposal then this material is discarded and becomes a 'controlled waste'. 8,000m<sup>3</sup> is clearly a large quantity of waste material so we would require detail of (a) who is removing the waste and (b) where it is being taken (including the authorisation for acceptance).

Notwithstanding the above there will also need to be consideration of the environmental impacts of such spoil removal with regard to flood risk and ground contamination.

I therefore feel the paragraph in the Scoping Opinion (penultimate page) is valid and justified."

### **Environmental Health (Contaminated Land)**

"A site investigation has been carried out at the site which considered contamination risks back in 2012/13. I'll revisit in more detail as and when but seem to recall there were a few more bits and pieces which needed looking at. I'm assuming this is the same applicant or at least has access to these reports.

However, what I don't think I appreciated at the time was the extent of cut and fill operation for reopening of the canal, albeit on a different route. I'm not sure the investigations recognised this either and would have to look again with fresh eyes given the material may not be staying in the same place and may not be representative of what ends up in peoples gardens.

As the applicant says, they're not really sure what they've got and the properties of the soil will govern its likely re-use/removal to some extent. Given this uncertainty in volumes and type of material, and given more SI was required anyway our approach is to get the right information in place early on. I would add that 15,000m<sup>3</sup> of unsuitable material (accepted as hugely



unlikely) is a lot different to 15,000m<sup>3</sup> of suitable material from a contaminated land point of view.”

**Minerals and Waste Principal Planning Officer:-**

“Having read through the email below and the attached scoping report, I’m of the opinion that for an application of this size and given the restored Canal to be delivered as part of the application, then the management of spoil and an assessment of the spoil arising from the proposed development should form part of the ES.

The agent has identified that they ‘don’t’ know enough about what’s in the ground and therefore how much soil could be used on site and consequently how much would need to be taken off the site’. Without an understanding of the nature and scale of the engineering works required for the development, I’m of the opinion that the Council would not be able to assess the potential of environmental impacts associated with the development. I would expect a waste management assessment to be undertaken to define the nature and scale of potential impacts associated with the project, specifically in terms of the amount and type of soil and waste generated during the construction and options to avoid and manage the wastes. The ‘prediction’ of roughly 8000m<sup>3</sup> to be disposed off-site is a significant amount, and has transportation/movement implications. Available options to dispose of the waste need to be explored and identified so the Council can assess the potential environmental impacts associated with the handling, storage, possible treatment and disposal of waste arising from the construction of the development.

The management and assessment of spoil should remain scoped in and the associated environmental impacts should be satisfactorily assessed. 8000m<sup>3</sup> of material would generate in the order of 700 – 800 traffic movements based on 20 tonne lorries being used although the applicant should be able to more accurately calculate the likely vehicle movements.

In addition, based on our mapping there are some areas of contaminated land identified on the site which needs to be tested particularly since the agent presupposes that half of the spoil was going to be used on the site. There is also the possibility that nearby aquifers/alluvium (which may or may not be connected to the River Leaden as base flow) may also have become contaminated, which could further complicate the issue.”

**Senior Landscape Officer:-**

“The site provides part of the foreground setting to the Malvern Hills Area of Outstanding Natural Beauty. The Malvern Hills AONB is a designated area with high visual and landscape character sensitivity. There are a number of Public vantage points within the Malvern Hills AONB with views of the proposed site. Based on the potentially removal of 8000m<sup>3</sup> of waste soil material from the site there are going to be major lorry movements on the

adjacent road network during the construction phase of the development. These movements of material will have a high visual impact when seen from the Public vantage points on the Malvern Hills AONB.

The cut material to be used as fill material for environmental bunds on site also have a potential visual impact during the construction phase when cut material requires storage. Storage of these soils to be kept on site during the construction phase need to be identified on an appropriate plan to show that the storage proposals are not within the flood plain. With views from the Malvern Hills AONB proposed storage heights of cut material also need to be as low as possible to reduce the visual impact.

There is also a need to provide a statement on the composition of the cut material as the soil needs to be suitable for landscaping opportunities.

Due to the potential removal of 8000m<sup>3</sup> of soil waste which is a large quantity of waste the applicant should also indicate potential sites for disposal.

From a landscape sustainability perspective cut material as far as possible should be retained and reused on site.

Due to the scale of the development proposal adjacent to an area of landscape sensitivity the Malvern Hills AONB I would recommend that the cut and fill proposals should form part of the ES."

Therefore even prior to receiving any other consultees responses (Highways & Ecology), I inform you that the LPA have reviewed their position and do **NOT** scope out the 'Management of spoil / soil arising from engineering operations from the development'.

I hope this provides the clarity that you seek.

Regards

Roland Close

Principal Planning Officer

**From:** Guy Wakefield [<mailto:Guy.Wakefield@hunterpage.net>]  
**Sent:** 23 November 2016 18:53



**To:** Close, Roland  
**Subject:** Ledbury

Roland

I am writing to you in response to the request for cut and fill to be considered as part of the ES and to ask that this be scoped out for the following reasons.

There are two reasons why we think it should be scoped out. The first is because at this stage we simply don't know enough about what's in the ground and therefore how much soil could be used on site and consequently how much would need to be taken off site. Linked to this is the fact that at this stage as part of an outline application we simply don't know enough about the nature and scale of the engineering works required.

Secondly all we could say in the ES is that we intend to use as much soil on site as possible. We predict at this stage that in order to create the canal basin one will end up excavating very approximately 15,000 m<sup>3</sup> of soil and that we predict approximately 7000m<sup>3</sup> to 8000m<sup>3</sup> will be used on site in the construction of a noise and landscape attenuation bunding. The means that roughly 8000m<sup>3</sup> will have to be disposed off-site. It is impossible to say where it will be moved to at this stage. Some may go to other construction sites for example. As always the method of disposal would have to adhere to the relevant regulations. Therefore we'll keep what we can and dispose of the rest in an appropriate manner.

I appreciate that more soil will be excavated on this scheme than other strategic sites because of the canal but we really can't say much more at this stage. Therefore because of the level of certainty with which we can at this stage realistically predict things and because of the standard process for keeping as much soil on site and then disposing the rest off-site, whilst being mindful of why the process involved in soil excavation and disposal in this instance is likely to actually have a "significant" impact on the environment, we can't help but question the appropriateness of having this issue included within the ES.

What we do suggest is that a condition be attached to any future permission requiring a Construction and Earthworks Management Plan that would suitably examine this issue at a more appropriate time.

I look forward to hearing from you.

Kind regards  
Guy

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