

Town and Country Planning Act 1990  
 Planning and Compensation Act 1991

# PLANNING PERMISSION

## Applicant:

Mr Richard Hyde  
 Hereford Market Auctioneers  
 Cattle Market  
 Hereford  
 HR4 9HX

## Agent:

Biologic Designs  
 Archenhills  
 Hope House Lane  
 Stanford Bishop  
 Bringsty  
 Herefordshire  
 WR6 5TZ

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Date of Application: 22 March 2011      Application No:DMS/110749/N      Grid Ref:347486:241975

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## Proposed development:

**SITE:** New Hereford Livestock Market, Roman Road, Hereford, HR4 7AY  
**DESCRIPTION:** Creation of constructed wetland to purify the wastewater from the New Hereford Live stock Market.

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THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application and plans submitted to the authority subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing in advance by the local planning authority the development shall be carried out strictly in accordance with the approved plans (Site Plan and Section date-stamped 22 March 2011; Figure 1 (Pipe and liner detail); Figure 2 (Planting and pool liner detail); Figure 3 (Proposed boreholes); Figure 4 (Proposed borehole locations); Figures 5 and 5a (Site fencing details); 'Overview and Design & Access Statement' date-stamped 22 March 2011; Geosynthetics Clay Lining (GCL) details and method statement date-stamped 22 March 2011; ), except where otherwise stipulated by conditions attached to this permission.

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

- 3 Before the development hereby permitted is brought into first use, a long-term groundwater monitoring scheme shall be submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The scheme

shall include:

- i) The appointment of a named suitably qualified and experienced clerk of works to undertake system operation and groundwater monitoring for the life of the development;
- ii) Final details of the installation of a groundwater monitoring network within and surrounding the system (e.g. type, number, location and depths of boreholes);
- iii) Frequency of site monitoring visits;
- iv) Proposals for compiling a site diary, to include monitoring frequency, dates, sampling, results, action taken;
- v) That the site diary shall be retained by the Clerk of Works, and made available for inspection by the local planning authority in consultation with the Environment Agency on reasonable request;
- vi) A written list identifying sensitive receptors (e.g. local private water supplies and water features) within 350m of the site, to retained by the Clerk of Works;
- vii) Method and nature of sampling, including base-line data provision, proposed compliance levels and analysis suite (determinands);
- viii) Contingency plans for mitigating any system failure;
- ix) Provision for reviewing and updating the scheme as necessary.

The monitoring scheme shall be carried out as approved or subsequently updated, unless otherwise agreed in writing in advance by the local planning authority.

Reason: To enable groundwater quality sampling, to prevent any deterioration of ground or surface waters and to comply with policies S1, S2 and DR4 of the Herefordshire Unitary Development Plan.

- 4 If the monitoring scheme approved under condition 3 above shows any adverse risk of deterioration to water features (groundwater and surface water quality), written proposals for:

- a) Investigating the cause of the deterioration;
- b) Assessing and remediating the risks; and
- c) Monitoring and amending the remediation as necessary

shall be submitted to and approved by the local planning authority in consultation with the Environment Agency. The Proposals shall be implemented, including remediation, in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure satisfactory control of any adverse effects from the development, to prevent pollution of the water environment, and to comply with policies S1, S2 and DR4 of the Herefordshire Unitary Development Plan.

- 5 Before the development hereby permitted is brought into first use, a long-term site maintenance and management plan shall be submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The scheme shall include:

- i) The appointment of a named suitably qualified and experienced clerk of works to undertake all necessary maintenance for the life of the development;
- ii) Inspection regime proposals for plant health and growth, biodiversity, fencing integrity, invasive species, pool levels, soil erosion and sludge accumulation (including frequency of inspection);

- iii) Details of any action to be taken following inspections including any work to be undertaken by third parties;
- iv) The maintenance of a minimum through-flow of water to maintain hydration (e.g. 100 cu m per week);
- v) Provision for scheme review where necessary, in consultation with the local planning authority and the Environment Agency.

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure a satisfactory form of development and efficient working of the WET system, and to comply with policies S1, S2, DR4, NC1, NC8 and NC9 of the Herefordshire Unitary Development Plan.

#### Informatives:

- 1 The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

S1 - Sustainable Development

S2 - Development Requirements

DR1 - Design

DR2 - Land Use and Activity

DR4 - Environment

DR7 - Flood Risk

LA6 - Landscaping Schemes

NC1 - Biodiversity and Development

NC8 - Habitat Creation, Restoration and Enhancement

NC9 - Management of Features of the Landscape Important for Fauna and Flora

CF2 - Foul Drainage

In reaching this decision the local planning authority was mindful of the particular circumstances of the case, namely the extent to which the development complied with policy and the way in which local issues of sustainable drainage, pollution prevention, habitat creation and amenity were addressed and concluded that planning permission should be granted.

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (tel: 01432 261563).

- 2 Each pool and interconnecting pipe will be separately lined with GCL as indicated in the approved details. The inlet pipe from collection/separation tank/s to the first element of the WET system should be likewise lined, to ensure no risk of pollution at this point.
- 3 The application site overlays part of the approved landscaping scheme for planning permission reference DCCW2008/0262. A revised plan should be produced to reflect this, on completion of the WET system.
- 4 In the vicinity of the WET system a corridor of 10 metres minimum should be maintained to accommodate the definitive route of Public Footpath BT35, which crosses the market site. Dense planting bounded by chestnut fencing should be

installed and maintained along the full length of the path where it coincides with the WET system site area, in accordance with the approved plans.

- 5 Only clean (non-waste) wood chip may be used as mulch in the WET system.
- 6 The Reasonable Avoidance Measures (RAMS) established for the market site should be maintained with regard to the construction of the WET system in relation to the possible presence of European Protected Species in the vicinity and adapted as necessary as a precaution.
- 7 The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LG. Tel: 01905 763355

The attention of the applicant is also drawn to the provision of the Conservation (Natural Habitats &c) Regulations 1994 (as amended). European protected animal species and their breeding sites or resting places are protected under Regulation 39. It is an offence for anyone to deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs. It is an offence to damage or destroy a breeding or resting place of such an animal.

Planning Services  
PO Box 230,  
Hereford,  
HR1 2ZB

Date: 1 June 2011



TEAM LEADER

#### YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

##### Notes

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation. In particular consent may be required under the Building Regulations.

##### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

##### Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.