



The countryside charity
Herefordshire

61 Bridge Street
Kington
Herefordshire
HR5 3DJ
Email: ngoodeforde@gmail.com

29 April 2024

Mr Ollie Jones,
Senior Planning Officer,
Herefordshire Council,
Hereford
Ollie.Jones@herefordshire.gov.uk

Dear Mr Jones

Ref Application Reference: P240422 Address: Land to the East of Hereford, South of Ledbury Road (A438), Hereford

HCPRE is concerned to protect the **beauty, diversity and tranquillity** of the countryside and any developments which threaten this are opposed. On behalf of the Executive Committee of HCPRE (Herefordshire Campaign to Protect Rural England) the Countryside Charity, I write to object to this application. In our opinion no measures could mitigate development on this site and our contention is that this and any other application should be rejected.

Executive Summary

The proposed development will occupy 25.33 Ha of mainly grade I and II agricultural land, is in a visually prominent site, in open countryside outside the Hampton Bishop settlement boundary and at an important gateway to Hereford City.

It is adjacent to land which floods and part of the site is also subject to flooding. It adjoins the protected Lugg Meadows SSSI. Such a large development will threaten the SSI's biodiversity and character with light, noise, air and land pollution.

It is questionable whether the development will be able to achieve a sustainable drainage system that will not affect the SSSI. The site is adjacent to a floodplain grassland and close to local watercourses (the Lugg and the Lugg Rhea). It is not in the 'most sustainable location'.

This is not an allocated site in the Herefordshire Local Plan and is superfluous to need. The developer should seek to bring forward this site through the due Local Plan process, now being undertaken.

The scheme lacks local support. Of 86 feedback forms received in response to the public consultation 67 were opposed to the principle of development, only 4 supported it. To date there are 1018 representations on the webpage – the vast majority objections.

Other Issues include:

- The local sewerage and water supply will not be able to cope with the additional housing (see Welsh Water comment)
- This is a sensitive site, adjacent to an important SSI, requires an EIA, it falls within Schedule II and at 5ha exceeds the 'applicable threshold'. It should also be subject to an HRA.
- Household pets are known to have a significant effect on wildlife; their impact is difficult to control and could threaten the wildlife in the SSI
- Obtrusive light pollution including light spill from internal lighting (from windows that have no curtains) has a detrimental impact on biodiversity.
- The Upper and Lower Lugg Meadows are historically important as 'Lammas Lands' survivors of a land tenure and farming economy that has disappeared a long time ago elsewhere.
- The applicant's rationale for this development at this location in planning terms does not bear scrutiny.



These points are below substantiated in detail.

1. NOT AN ALLOCATED SITE/LOCATION

This is not an allocated site, is outside Hampton Bishop's settlement boundary and is clearly at odds with the LPA's own policies.

The applicants' arguments for the development rely on the presumption that some of the sites allocated for new housing in Hereford in the Local Plan (2011-2031) cannot be delivered until the end of the current plan period because they are dependent upon a second river crossing. Even if this were the case, it does not justify bringing forward an alternative site without due process, namely in a review of the Local Plan and a new site assessment. It appears from the new draft local plan currently under consultation that the timetable for a bridge and for the allocated housing sites does not unduly concern the Council, as the rolled-forward Local Plan incorporates the same major housing sites as the current plan. Any developer wishing to bring forward an alternative housing site should do so through the due Local Plan process, now being undertaken, and not by what can only be considered a premature application seeking to by-pass that process.

The applicant compares the site to a development site on the southern fringe of the City (application no P193042/O) that has been granted planning permission for 250 houses. The applicant argues that the two sites are similar and that P193042 creates a precedent for the development of this site. However P193042/O is within Hereford Parish whereas the Lugg Meadow site is within Hampton Bishop parish and cannot be seen as contributing to Hereford's housing delivery. Hampton Bishop is not allocated more housing in the new draft Local Plan and has delivered a high number of houses to date.

In addition the two sites are not comparable in terms of sensitivity, P193042 is rated in Hereford's Urban Fringe Sensitivity Analysis (2010) as of High Medium Sensitivity, the Lugg Meadows site is rated as of High Sensitivity: *'5b Aylestone Hill – Hampton Bishop. This zone comprises the steep slope between the edge of the city and the Lugg meadows. This slope is highly visible and a key element in the setting of Hereford, when approaching Hereford across the Lugg Meadows, either on the A465 or the A438. This slope is criss-crossed by footpaths which run from the city down onto the Lugg meadows and towards the crossing points of the River Wye – Lugg Bridge and Tupsley Bridge. This dense network of footpaths contributes both to the amenity value and to the historic landscape character of the area.'*

Reasons

- Elevated land which is visually very prominent
- Slope is an intrinsic part of the landscape setting of the city
- Dense network of public rights of way contributes to high amenity value of the area and to historic landscape character

Relevant Planning Policies:

NPPF

Section 2 Achieving Sustainable Development: paras 8c; 12 – Neighbourhood Plans

Section 12 Achieving Well-designed and beautiful places: paras 132 – neighbourhood plans and community; 135 local character and history, ...surrounding built environment and landscape setting

Herefordshire Local Plan: SS6 Environmental quality and local distinctiveness, Evidence Base: Urban Fringe Sensitivity Analysis (2010)

2. BIODIVERSITY

HCPRE endorses completely the comments submitted by Herefordshire Wildlife Trust (HWLFT) and also the Royal Society for the Protection of Birds (RSPB). The proposed location is adjacent to the western edge of the Upper and Lower Lugg Meadows, an important SSSI. If allowed it would be in breach of national, county and local Planning Policies and will undoubtedly harm an important SSSI for which the LPA will be held responsible.



The countryside charity
Herefordshire

SSSI, a Site of Special Scientific Interest is a national designation under the 1981 Wildlife and Countryside Act. It is used to denote areas of land and water that best represent our national heritage in terms of their flora, fauna and geology. Simple logic therefore presumes that only special circumstances will lead to ignoring completely or partially the designation of such sites. We note that no special, or indeed any circumstances at all, have been identified for the current Application.

The Upper and Lower Lugg Meadows are unique in Herefordshire, not just for their size, but also because they are extant survivors of a land tenure and farming economy that has disappeared a long time ago elsewhere. They are therefore part of our national and county heritage, dating back to the Domesday Book and at least Roman times. The meadows are narrow strips of land, grazed only during identified periods, closed for grazing between February 2nd and August 1st.

During winter months they are under water, and until the Lugg became badly polluted, received nutrients from the catchment area resulting in lush hay and a variety of other plant-life, among which are an abundance of fritillaries and the Narrow-leaved Water Dropwort (a threatened species) as well as a wide variety of meadow grasses. HWLFT have overseen the Meadows and its ground-nesting birds, among which are skylarks and curlews. The flooded meadows are also visited by winter wild fowl and waders, and an increasing number of otters.

A large housing estate on the edge of these meadows will generate noise, vehicle emissions, artificial lights at night, roaming domestic pets such as dogs and cats all of which will disturb a hitherto relatively quiet and safe environment for ground-nesting birds and create increasingly polluted air.

Evidence of our heritage and centuries of hard work by landowners and those mindful of the national treasure that they have cared for will be seriously jeopardized if this application is allowed.

It is notable that the whole area has been under water for a long period this winter and spring; that, alone, demonstrates its unsuitability for the proposed development.

Relevant planning policies:

NPPF Section 15 Conserving and enhancing the natural environment

Herefordshire Local Plan: CS LD2 Biodiversity and geodiversity, CS SS6 Environmental quality and local distinctiveness

3. FLOODING/ADDRESSING CLIMATE CHANGE

This is not an environmentally sustainable location primarily as it is adjacent to the SSI and the Lugg Meadows, biodiverse, sensitive environments, which regularly flood and lie 185m from the River Lugg (p 26 Design & Access Statement).

Development in this location would hamper Herefordshire's attempts to mitigate the effects of climate change. No measures are identified in the Application that will address the effects of climate change. The consequence will be that the proposed development will worsen the risks of flooding and water-course contamination by an increase in areas covered by concrete, access roads and contaminated water running into the Wye catchment.

The proposed development will increase surface water run-off from roofs and other hard standing. There is no mention of rainwater harvesting but occupants will be encouraged to re-cycle and re-use rain and grey water (p. 62 Design and Access Statement). There is no detail how this will be achieved. All photographs of the houses in the Design and Access Statement have down-pipes that go into the ground (main sewer). Water butts must be fitted to all properties to encourage behaviour change in re-using and recycling rainwater.

It is questionable whether the development will achieve a sustainable drainage system that will not affect the SSSI. The site is adjacent to a floodplain grassland and close to local watercourses (Lugg Rhea and River Lugg). The northeastern area of the site is in Flood Risk Zone 2 and 3 and is prone to fluvial flooding (pp. 11- 12 Flood Risk Assessment and Drainage Strategy). The infiltration tests within the Flood Risk Assessment report identified only the east of the site



The countryside charity
Herefordshire

would be suitable for the soakaway drainage. Does this mean the majority of hard surfaces in the north, west and south of the site - where infiltration tests were not met - might create an overload of surface run-off on the sewer system?

CPRE Herefordshire supports the concerns raised by Herefordshire Wildlife Trust which includes the discrepancies in the survey reports (3.6) and the figures used in the flood assessment calculations (3.7). These require an immediate review and response.

We also note Welsh Waters concerns about the capacity of the sewerage network and potable water supply in this location, further evidence that this is not a sustainable location for a large scale development.

Relevant Planning Policies

NPPF (2023) Policy 14 Meeting the challenge of climate change, flooding and coastal change: Planning and Flood Risk: paras. 167, 168 and 173

Herefordshire Local Plan: SD1 – Sustainable design and energy efficiency, SD3 sustainable water management and water resources, SD4 Wastewater treatment and river water quality, SS6 Environmental quality and local distinctiveness
LD2 – Biodiversity and geodiversity

4. DARK SKIES AND LIGHT POLLUTION

At present, there is no light pollution affecting the site and the SSI, this benefits the local flora, fauna and ecosystems in and close to the site. Obtrusive light pollution including light spill from internal lighting (from windows that have no curtains) has a detrimental impact on biodiversity. Targeted street lighting on its own is not a mitigation, nor a solution, for reducing light pollution. No street lighting and no external lighting would be preferable.

Relevant Planning Policies:

NPPF (2023) Policy 15 Ground conditions and pollution: para. 191 c) specifically aims to *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

Herefordshire Local Plan: LD2 – Biodiversity and geodiversity, SD1 – Sustainable design and energy efficiency

5. ACCESS

The wide farm **access** route to Court Farm appears to be the route to be taken for the proposed Primary Access to the housing site but this is not clear from the drawings submitted with these planning documents. Part of the site floods, sometimes seriously.

If the route to Court Farm is the Primary Access point, i.e. off the Farm Track towards the east of the site as shown on Drawing PP03, then a well-designed junction off the busy A438 will be essential as observation shows that traffic descending the incline from Hereford is very fast on this Hereford - Ledbury Road, it is one of the main exits and entries to the eastern side of the City, and the Three Choirs Way (a national trail) runs alongside at this point. Clarification as to the exact location and design of this Primary Access is needed before a proper assessment can be made.

It is noted, from the documents, that another proposed entrance to the site is just below the 'Cock of Tupsley' pub car park on the north-west side of the site, which currently leads to derelict buildings, evidently former industrial units which are probably those destined for demolition in this outline application.

Relevant Planning Policies

Herefordshire Local Plan: CS MT1 Traffic management, highway safety and promoting active travel.

6. LANDSCAPE AND HISTORIC CHARACTER

The approach to the City of Hereford along the A438 is an important gateway to the City, with a clearly defined transition from rural to suburban edge at the Cock of Tupsley. The development site is on rising land and visually prominent from

Herefordshire CPRE is a registered charity number 1194146

The CPRE logo is a registered trademark



the A468, it was deemed to be of high landscape sensitivity (Urban Fringe Analysis 2010) because of this distinctive rural approach. This character would be lost if this large development were allowed.

Holywell Gutter Lane, currently a bridleway, is postulated as a cycle way. It leads from Hampton Dene road onto the B4224, the Hereford to Mordiford Road. The Hampton Bishop NDP notes that Holywell Gutter Lane is an *'historic route which marks the city boundary'*. It is also mentioned in the Urban Fringe Sensitivity Analysis (2010) - *'Holywell Gutter Lane contributes to the rural and historic character of this area. This is a historic route, which marks the city boundary. Much of the rural character of this narrow, partially sunken lane has been retained..... Holywell Gutter Lane (is) an important historic landscape feature, which contributes to the rural character and sense of place'*

Any development or improvement of the Lane would need to be very sensitively designed and managed so as to retain the rural/historic character.

As noted by Historic England the setting of the Scheduled Monument to the west of this site known as *'Ring Ditches and rectilinear enclosures east of Tupsley'* must be protected. This Monument includes the buried remains of a nationally important multi-period landscape including a double ditched enclosure, successive rectangular enclosures and a series of ring ditches that indicate a range of human activity over Prehistory and the Roman period. Additionally Historic England note that a linear feature with parallel ditches crosses the proposed development site in a broadly east/west alignment; this is described, in the geophysical survey report provided as part of the submission, as a linear feature with parallel ditches that crosses the site in a broadly eastwest alignment. This could be a possible trackway of prehistoric-Roman date as it passes through the scheduled Monument it could have an association with it. The proposed development would destroy this feature within the development site and lead to harm to this heritage asset.

Relevant Planning Policies

NPPF Policy 16 Conserving and enhancing the Historic Environment: paragraphs 200, 201, 205, 206 and 208

7. EIA

HCPRE is surprised that Herefordshire Council appears to have decided that the Applicant is **not** required to submit an Environmental Impact Assessment covering such a sensitive location. Additionally we believe that an **HRA** is essential.

8. PLANNING CONTEXT

HCPRE considers that, if allowed, **the decision will breach** the underlying aims of many of the NPPF Planning Policies, the Herefordshire Core Strategy, 2011-2031 and the Hampton Bishop Neighbourhood Development Plan

a) NPPF Policies (2023)

Section 2 Achieving Sustainable Development: paras 8c; 12 – Neighbourhood Plans

Section 12 Achieving Well-designed and beautiful places: paras 132 – neighbourhood plans and community; 135 local character and history, ...surrounding built environment and landscape setting

Section 14 Meeting the challenge of climate change, flooding and coastal change: Planning and Flood Risk: paras. 167, 168 and 173

Section 15 Conserving and enhancing the natural environment:

paras. 180, 181, Habitats and biodiversity;

paras: 185, 186 clause b), and 188. Proposals for development on land inside or outside an SSSI likely to have an adverse effect on it should not normally be permitted ;

para. 191 Ground conditions and pollution: c) specifically aims to *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

Section 16 Conserving and enhancing the Historic Environment: paragraphs 200, 201, 205, 206 and 208.

b. The Herefordshire Core Strategy (2021-2031) Policies

SS1 Presumption in favour of sustainable development: Objective 11 to address the causes and impacts of climate change; **Objective 12** to conserve, promote and enjoy our natural, built, heritage and cultural assets.



The countryside charity
Herefordshire

SS6 Environmental quality and local distinctiveness: *“Development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape biodiversity and heritage assets and especially those with specific environmental designation”.*

MT1 Traffic management, highway safety and promoting active travel: *“Development proposals should:*

- demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network...*
- ensure that developments are designed and laid out to achieve safe entrance and exit...for all modes of transport, needs of people with disabilities and provide safe access for emergency services*
- protect existing local and long-distance footways, cycleways and bridleways....”*

LD1 Landscape and townscape: *“Development proposals should demonstrate that the landscape....has positively influenced the design, scale, nature and sites selection, protection and enhancement of designated areas”*

The application documents do not appear to describe how this Policy has influenced the proposal.

LD2 Biodiversity and geodiversity : *“Proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire through the retention and protection of sites and habitats, and important species...”*

b) *“Development that would be likely to harm SSSIs or nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material conditions are sufficient to outweigh nature conservation considerations.”*

No evidence is presented by the Applicant that meets these requirements.

LD3 Green infrastructure

LD4 Historic environment and heritage assets: *“Proposals affecting heritage assets and the wider historic environment should: Protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance...”*

The Applicant appears to have ignored the unique features of the two SSSIs.

SD1 Sustainable design and environmental efficiency

SD3 sustainable water management and water resources: *“Measures for sustainable water management will be required...in order to reduce flood risk; to avoid and adverse impact on water quantity, to protect and enhance groundwater resources....”*

It has been noted that the area has been underwater for several months in 2023-4. The location is clearly unsuitable for housing.

SD4 Wastewater treatment and river water quality: *“Development should not undermine the achievement of water quality targets for rivers within the county...”*

The integrity of the Wye catchment waters will inevitably be worsened if this proposal were to be allowed.

RA2 and RA3 govern Housing in Settlements outside Towns and housing in Herefordshire’s Countryside. RA2 specifies that housing in settlements will be governed by Neighbourhood Development Plans, whilst RA3 states that *“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..”*(a list of restrictive criteria follows including provision for agricultural workers, rural exception sites, the replacement of existing dwellings, traveller sites – this site is none of those.)

c. Hampton Bishop Neighbourhood Development Plan (made in 2019)

The Neighbourhood Plan identifies 4 key issues facing the parish – 3 of these relate to water and drainage and one relates to concern about future development in the Parish:

‘The idyllic rural setting of Hampton Bishop’s farm land and orchards, nestling between two rivers on the approach road to the busy City of Hereford is under significant and constant threat from proposals for development on the edge of Hereford City.

Some significant planning applications have been granted which will have enormous impact on the Parish; 110 houses

Herefordshire CPRE is a registered charity number 1194146

The CPRE logo is a registered trademark



The countryside charity
Herefordshire

were granted permission in the north west part of the parish adjacent to Hereford City. Increased drainage to the River Lugg could affect the Village which is downstream protected by a flood bank which only has 1 in 25 years' protection value and some parts allowing a lower level.

Objectives of the NDP include: *'Objective 1 To help ensure that the future development is designed and managed to reduce problems associated with poor surface water drainage and flooding in and around the village.'*

Relevant policies include:

HB2 Design for flood resistance

HB3 Design to reduce Surface Water Run off

HB6 Hampton Bishop Settlement Boundary

HB8 Landscape Design Principles: 2 Local Habitats and wildlife should be preserved...

6 Locally distinct landscapes should be retained unless there are compelling reasons to support their loss.

HB9 Green Infrastructure – Priority Habitats ... wet meadows ... are protected to preserve the existing eco-system.

HB10 - *'any development in areas of high and high medium landscape sensitivity on the urban fringe of the City of Hereford must be avoided in order to protect both the rural and historic character of the Parish and the visually unique approaches to Hereford from Lugwardine and Mordiford.'*

We trust that this application will be Refused and that, through the regulatory process, the reservoir will be restored to water storage with no added AD digestate. We also ask for reassurance that the required Environment Agency Permit has been obtained, that the HRA and consequent Appropriate Assessment process has been followed and agreed, and that a full Traffic Assessment is carried out by the LPA and that CS Policy MT1 is not being contravened.

Yours sincerely,

Nicola Forde

For P.L.A.N. Herefordshire CPRE