

ADVICE TO TRUST MEMBERS SEEKING TO OBJECT TO PLANNING APPLICATIONS.

In general terms, everyone needs to follow a few basic guidelines:

- If you are following the points raised in a model letter, it is best if possible to put these in your own words, rather than copying and signing the model letter
- If you want to object to an application use the actual words 'I/we object'
- It is best to keep your letter factual and avoid emotive language
- The best approach is to ensure that most of the points you raise are what the planners would term 'material considerations'
- The best way to do this is to cross reference your comments to relevant Herefordshire Council planning policies (see below for more info)
- Once you have demonstrated this, tell the planners that since that your points a, b and c are clearly contrary to Herefordshire Council policy x, y and z, the planners should recommend refusal of the application
- Ask to be informed if the planners decide to recommend granting consent, and/or if the planning committee grants consent (to give you longer to consider if/how to appeal)
- Since most planning decisions are made by the Councillors – you need to copy your letter to your local Councillors, asking them to turn the application down (even if the planning officers have recommended granting consent)

Planning policies

Herefordshire has recently adopted a new Local Plan (16/10/15) which has altered and introduced several new policies. Herefordshire Council have dealt with this by 'saving' some key policies from the UDP to 'tide them over'.

In your letter, it is best to refer to both ie xxx saved policies from the UDP, and yyy policies in the Local Plan.

I attach relevant policies as Annex 1. Try to cross refer all your lines of argument to one or other (or more) of these policies.

Old Policies	New replacement policy
S1 Sustainable development	SS1 and SS7
S2 Development requirements	SS1, SD1, ID1
S7 Natural and historic heritage	SS6
S10 Waste	Kept
DR4 Environment	SS6, SS7, SD1-4, OS1
DR7 Flood risk	SS6, SS7, SD7
DR9 Air quality	SS6, SS7, SD1
E12 Farm diversification	SS5, RA6
E13 Agricultural and forestry development	SS5, RA6
E16 Intensive livestock units	SS5, RA6
LA1 Areas of Outstanding Natural Beauty	SS6, LD1-LD4
LA2 Landscape character	SS6, LD1-LD4
LA4 Protection of historic parks and gardens	SS6, LD1-LD4
LA5 Protection of trees, woodlands and hedgerows	SS6, LD1-LD4
NC1 Biodiversity and development	SS6, LD1-LD4
NC3 Sites of national importance	SS6, LD1-LD4
NC4 Sites of local importance	SS6, LD1-LD4
NC6 Biodiversity Action Plan priority habitats and species	SS6, LD1-LD4
NC7 Compensation for loss of biodiversity	SS6, LD1-LD4
NC8 Habitat creation, restoration and enhancement	SS6, LD1-LD4
NC9 Management of features of the landscape important for fauna and flora	SS6, LD1-LD4

POLICES IN THE HEREFORDSHIRE LOCAL PLAN (2015)

(Sadly not as robust as the former UDP, due to changes in national planning policy which set a presumption in favour of development)

Policy SS1 – Presumption in favour of sustainable development

When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire. Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise - taking into account whether: a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or b) specific elements of national policy indicate that development should be restricted.

Policy SS5 – Employment provision

Existing higher quality employment land countywide will be safeguarded from alternative uses. A continuous supply of 37 ha of readily available employment land will be made available over a 5 year period, with an overall target of 148 ha of employment land over the plan period. New strategic employment land, in tandem with housing growth and smaller scale employment sites, will be delivered through the plan period. New strategic employment land locations are identified at Hereford (15 ha); Leominster (up to 10 ha), Ledbury (15 ha), and Ross-on-Wye (10 ha). The Hereford Enterprise Zone at Rotherwas will continue to provide the largest focus for new employment provision in the county. Proposals for employment land provision at Bromyard and Kington will be brought forward through Neighbourhood Development Plans or other Development Plan Documents. The continuing development of the more traditional employment sectors such as farming and food and drink manufacturing will be supported. The diversification of the business base, through the development of knowledge intensive industries, environmental technologies and creative industries as well as business hubs, live-work schemes and the adaptive design of residential development, will be facilitated where they do not have an adverse impact on the community or local environment. The provision of high speed broadband to facilitate diversification will be supported.

Policy 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 historic assets and especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county's residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant:

- Landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty;
- Biodiversity and geodiversity;

- Historic environment and heritage assets;
- The network of green infrastructure;
- Local amenity, including light pollution, air quality and tranquillity;
- Agricultural and food productivity and soils;
- Physical resources, including minerals, management of waste, the water environment, renewable energy and energy conservation.

The management plans and conservation objectives of the county's international and nationally important features and areas will be material to future development proposals. Furthermore assessments of local features, areas and sites, where undertaken to define local distinctiveness, should inform proposals.

Where the benefits of proposals are considered to outweigh the adverse effects on the environment, or there are competing environmental object

Policy SS7- Addressing climate change

Development proposals will be required to include measures which will mitigate their impact on climate change. At a strategic level, this will include:

- Focussing development to the most sustainable locations;
- Delivering development that seeks to reduce the need to travel by private car and which encourages sustainable travel options including walking, cycling and public transport;
- Designing developments to reduce carbon emissions and use resources more efficiently;
- Promoting the use of decentralised and renewable or low carbon energy where appropriate;
- Supporting affordable, local food production, processing and farming to reduce the county's contribution to food miles*;
- Protecting the best agricultural land where possible;

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.

Key considerations in terms of responses to climate change include:

- Taking into account the known physical and environmental constraints when identifying locations for development;
- Ensuring design approaches are resilient to climate change impacts, including the use of passive solar design for heating and cooling and tree planting for shading;

- Minimising the risk of flooding and making use of sustainable drainage methods;
- Reducing heat island effects (for example through the provision of open space and water, planting and green roofs);
- Reduction, re-use and recycling of waste with particular emphasis on waste minimisation on development sites; and
- Developments must demonstrate water efficiency measures to reduce demand on water resources.

Adaptation through design approaches will be considered in more locally specific detail in a Design Code Supplementary Planning Document

Policy LD2 – Biodiversity and geodiversity

Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:

- Retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows:
 - Development that is likely to harm sites and species of European Importance will not be permitted;
 - Development that would be liable to harm Sites of Special Scientific Interest 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 considerations are sufficient to outweigh nature conservation considerations;
 - Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site, habitat or physical feature that supports important species.
 - Development that will potentially reduce the coherence and effectiveness of the ecological network of sites will only be permitted where adequate compensatory measures are brought forward.
- Restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and
- Creation of new biodiversity features and wildlife habitats.

Where appropriate the council will work with developers to agree a management strategy to ensure the protection of, and prevention of adverse impacts on, biodiversity and geodiversity features

Policy LD3 – Green infrastructure

Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:

- Identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain;
- Provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and
- Integration with, and connection to, the surrounding green infrastructure network.

Policy LD4 – Historic environment and heritage assets

Development 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 through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;
- Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;
- Use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes;
- Record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence or archive generated publicly accessible and
- Where appropriate, improve the understanding of and public access to the heritage asset.
- The scope of the works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance. Development schemes should emphasise the original form and function of any asset and, where appropriate, improve the understanding of and public access to them.

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;
- 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.

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:

- The proposal does not adversely impact upon international or national designated natural and heritage assets;
- The proposal does not adversely affect residential amenity;
- The proposal does not result in any significant detrimental impact upon the character of the landscape and the built or historic environment and
- 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.

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:

- 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;
- 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;
- 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;
- 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;
- Herefordshire Local Plan – Core Strategy 2011-2031
- 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;

- 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 sq.m gross floor space 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.

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
- 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.

Policy OS1 - Requirement for open space, sports and recreation facilities

The provision of appropriate open space, sports and recreation facilities will arise in the following proposals for planning applications:

- All new residential dwellings; or
- Retail and employment proposals where there is need to provide informal areas of amenity greenspace for the use of employees and visitors; and
- Residential institutions, student accommodation, assembly and leisure, hotels or hostels

Policy RA6 - Rural economy

Employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported, including proposals which:

- Support and strengthen local food and drink production;
- Support and/or protect the vitality and viability of commercial facilities of an appropriate type and scale in rural areas, such as village shops, petrol filling stations, garden centres and public houses;
- Involve the small scale extension of existing businesses;
- Promote sustainable tourism proposals of an appropriate scale in accordance with Policy E4 - Tourism;
- Promote the sustainable use of the natural and historic environment as an asset which is valued, conserved and enhanced;
- Support the retention of existing military sites;
- Support the retention and/ or diversification of existing agricultural businesses;
- Planning applications which are submitted in order to diversify the rural economy will be

- permitted where they;
- Ensure that the development is of a scale which would be commensurate with its location and setting;
 - Do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell;
 - Do not generate traffic movements that cannot safely be accommodated within the local road network and
 - Do not undermine the achievement of water quality targets in accordance with Policies
 - SD3 and SD4.

Policy ID1- Infrastructure Delivery

Provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where necessary, in addition to planning conditions for essential on-site design requirements and critical infrastructure, developer contributions towards strategic infrastructure through s106 agreements and/or a future Community Infrastructure Levy (CIL), will be secured in accordance with national planning policies and other relevant legislation. A Planning Obligations Supplementary Planning Document (SPD) will provide details of the type and scale of obligations that may apply