

13. COMMUNITY FACILITIES AND SERVICES

13.1 UTILITY SERVICES AND INFRASTRUCTURE - POLICY CF1 AND PARAGRAPHS 13.4.1 TO 13.4.3

Objections

P520/6389 Bromyard and Winslow Town Council
P1169/3711 BT PLC (Conditionally Withdrawn)

Summary of Objections / Issues

- Further investment in water and sewage treatment will be required to allow Bromyard to grow. (520)
- The criteria accompanying Policy CF1 are overly restrictive. (1169)

Inspector's Reasoning and Conclusions

Water and sewage treatment in Bromyard – 520

13.1.1 The Plan aims to make efficient use of existing infrastructure where possible and the strategy for sustainable development reflects this. Any necessity for upgrading water supplies and sewage treatment facilities would be addressed in the consideration of significant development proposals. Policies DR4, CF1 and CF2 provide an appropriate policy context for the consideration of these matters.

Overly restrictive criteria – 1169

13.1.2A change was made to the Revised Deposit Draft which allowed the objection to be conditionally withdrawn.

RECOMMENDATION

13.1/1 Do not make any modification in response to the objections.

13.2 FOUL DRAINAGE – POLICY CF2 AND PARAGRAPHS 13.4.4 TO 13.4.7

Objections

P748/1836 Biologic Design
P766/1920 Shobdon Parish Council
P898/2558 Herefordshire Green Party

Summary of Objections / Issues

- Whether Policy CF2 should embrace sustainable foul drainage systems. (748, 898)
- The Shobdon sewerage system should be rectified before further housing takes place. (766)

Inspector's Reasoning and Conclusions

Sustainable foul drainage systems – 748, 898

13.2.1I appreciate that the Council's main concern is to avoid septic tank drainage. This is the thrust of Circular 3/99 and, in turn, Policy CF2 of the Plan. However, I consider that there are circumstances where use of a natural wastewater treatment system would be a sustainable option. The effectiveness of such systems has been demonstrated in several cases. Their use would be consistent with Policy S1 and the encouragement given to sustainable urban drainage systems for surface water. Nevertheless, under the terms of Policy CF1, sustainable foul drainage systems would, effectively, be precluded.

13.2.2In my opinion, and in circumstances where the use of a sustainable foul drainage system has the support of the Environment Agency, there should be a place for such systems in Herefordshire. I am recommending an appropriate modification to the Plan.

Shobdon sewerage system - 766

13.2.3I do not consider that any modification of the Plan is necessary. Application of Policy CF2 should ensure that satisfactory arrangements for foul drainage are made in respect of any new housing development.

RECOMMENDATIONS

13.2/1 Add a new paragraph to Policy CF2: "Use of a sustainable foul drainage system will be considered as an alternative to the provisions of this policy only where the particular treatment proposal has the approval of the Environment Agency."

13.2/2 Do not make any other modification in response to the objections.

13.3 TELECOMMUNICATION – POLICY CF3 AND PARAGRAPHS 13.4.8 TO 13.4.12

Objections

W411/843	Stoke Lacy Parish Council
P506/11273	Colwall Parish Council
P1090/3464	Network Rail Infrastructure Ltd
P1095/3481	Hutchison 3G UK Ltd
P1169/3712	BT PLC

P1172/3716 Vodafone Ltd
RP1506/11194 Mobile Operators' Association

Summary of Objections / Issues

- Masts should not be sited near residential areas, following the ruling that public fear of health impacts is a material consideration. (411)
- The policy should be amended to state that proposals for new, free standing masts will not be supported in AONBs and conservation areas except in exceptional circumstances. Mast sharing should be emphasised. (506)
- The operational needs and special circumstances of networks such as the railway system should be taken into account. (1090)
- Criteria 1 and 2 should be redrafted to reflect the tests in PPG 8. (1095, 1172)
- The policy is too restrictive outside designated areas. Within designated areas PPG 8 does not support an embargo. (1169, 1172)
- Some further amendments are needed to Paragraph 13.4.12 to reflect current guidance. (1506)

Inspector's Reasoning and Conclusions

Health fears - 411

13.3.1 PPG 8 (Telecommunications) does not support an embargo on the installation of equipment near residential areas. The Government's view is that local planning authorities should not implement their own precautionary policies, for example, by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development. I see no justification for introducing such a restriction into the UDP.

Effects on designated areas – 506

13.3.2 I consider that the amendments to the policy in the Revised Deposit Draft satisfactorily reflect the advice in PPG 8 which requires sensitive design and siting as well as a demonstration that there are no suitable alternative sites. Mast and site sharing are now emphasised in the policy.

Other objections – 1090, 1095, 1169, 1172, 1506

13.3.3 Several changes were made at revised deposit stage which meet many of the objections. To my mind, the policy as amended broadly reflects the advice in PPG 8 and no further modification is necessary. Support for the changes was forthcoming from the Mobile Operators' Association. The Council accepts that Paragraph 13.4.12 should be updated to reflect the current code of guidance. Proposed Change No 21 sets out revised wording. Whilst I support the proposed change, I do not consider that it is necessary to require that removal of equipment and reinstatement should be to the satisfaction of the local planning authority.

RECOMMENDATIONS

13.3/1 In a variation of Proposed Change No 21, modify Paragraph 13.4.12 to read in full:

“In line with the Communications Act 2003, the Code of Best Practice 2002 and operators’ licence obligations and any other relevant information for the time being in force, operators will be required to remove any existing equipment rendered obsolete or redundant by the proposal or improvements in technology and reinstate the land.”

13.3/2 Do not make any other modification in response to the objections.

13.4 RENEWABLE ENERGY – POLICY CF4 AND PARAGRAPHS 13.4.13 TO 13.4.14

Objections

P436/903	Future Energy Solutions
P436/904	Future Energy Solutions
W501/3104	Friends of the Golden Valley and the Friends of the Black Hill
P635/1629	Campaign to Protect Rural England
P635/11446	Campaign to Protect Rural England
P799/10894	Countryside Agency
P1058/3201	Eaton Bishop Parish Council (Conditionally Withdrawn)
RP1423/10456	British Wind Energy Association
W280/500199	Mr R Gill

Summary of Objections / Issues

- There should be reference to the Government’s target for renewable energy generation; also to the findings of the document “Renewable Energy Prospects for the West Midlands”. (436)
- Whether there should be additional policies on renewable energy. (501)
- Whether sufficient protection would be afforded to visual amenity and zones of visual influence. (501)
- The protective clauses should cover more eventualities. (635)
- Whether greater emphasis should be given to the encouragement of renewable energy generation. (635)
- Reference to energy generation should be made elsewhere in the Plan. (635)
- The policy should be strengthened. (635)
- The policy should reflect the importance given to AONBs in PPS 7. (799)
- Support for renewable energy is incompatible with landscape protection. (1058)
- Adverse effects may be outweighed by benefits. (1423)
- The new words provide carte blanche to proposals to inflict seriously detrimental development. (280)

Inspector's Reasoning and Conclusions

Additional references - 436

13.4.1I am recommending that the Plan should include mention of PPS 22, the related companion guide, RPG 11 and the West Midlands Regional Energy Study. Given the passage of time, I consider that these are the most important and relevant references. The Government's targets are referred to in PPS 22.

Additional policies on renewable energy - 501

13.4.2Circumstances have changed considerably since the objection was first lodged. The objector is not now asking for policies specific to particular technologies. No related modification is necessary.

Protection to visual amenity and zones of influence - 501

13.4.3I appreciate that the objector is not entirely comfortable with the policies that are intended to protect the landscape. However, under Policy CF4, it is a requirement that the objectives of the designation of AONBs will not be compromised; also that, elsewhere, there would be no significant detrimental effect upon the character of the particular landscape qualities of that location. To my mind, sound protection would be available under these provisions. Protection would also be available under policies such as LA1 and LA2 (as proposed to be modified). To my mind, an appropriate balance has been struck between the encouragement of renewable energy and the protection of visual amenity.

13.4.4With regard to zones of influence, I am aware that the visual impact of a development will often extend well beyond the scheme itself. As such there may be an impact on areas such as AONBs even where the development is some distance away. However, I do not see the need for formal mention of zones of influence. In my opinion, the identification of zones of influence and the assessment of the impact within that zone is all part of the technique of visual impact assessment. There is no need for the policy context to embrace such matters.

13.4.5At the inquiry, the objector indicated that the primary concern is that the current drafting of the Plan is not up-to-date. In this regard, I am aware that many of the key documents had not been published at the time the Plan was drafted. The Council has been playing "catch up". Nevertheless, I consider that Policy CF4 and the supporting text in the Revised Deposit Draft are relevant in all important respects. There is no need to quote extensively from the latest documentation. The wording can be updated through local development documents. It would, however, be appropriate to make clear that the Council's approach is firmly rooted in the guidance in PPS 22 and related documents.

Covering more eventualities - 635

13.4.6The objector is concerned that more eventualities, including implications for tourism, should be included within the scope of the policy. Under proviso 2 of the policy, any significant adverse effects on the qualities of a site would have to be clearly outweighed by the environmental, social and economic benefits. I would expect that harmful effects on the tourist industry and the like would stem from degradation of the qualities of a site. Thus such matters would be considered under the terms of the policy as currently drafted.

Encouragement of renewable energy generation - 635

13.4.7 The revised deposit version of the Plan includes a number of changes and additions. I am satisfied that the Plan reflects the guidance in PPS 22 and that an appropriate balance would be struck between encouragement of the generation of renewable energy and protection from undesirable effects. No modification is necessary.

Reference to energy generation elsewhere in the Plan - 635

13.4.8 There is a clear intention that the Plan should be read as a whole and that unnecessary cross-referencing should be avoided. Reference to renewable energy generation is already to be found in certain parts of the Plan where justified. I see no necessity for additional reference to this matter.

Strengthening the policy - 635

13.4.9 The policy as now drafted includes a number of exceptions and qualifications. To my mind, these provisions are entirely appropriate. The Plan reflects Government policy and no “strengthening” of the policy is necessary or appropriate.

Importance to be given to AONBs - 799

13.4.10 PPS 7 makes clear that, in AONBs, the conservation of the natural beauty of the landscape and countryside should be given great weight. In appropriate cases, support should also be given to suitably located and designed development necessary to facilitate the economic and social well-being of such areas and their communities. The guidance continues by saying that major development should not take place except in exceptional circumstances.

13.4.11 The advice in PPS 22 indicates that planning permission for renewable energy projects in AONBs should only be granted where it can be demonstrated that the objectives of the designation would not be compromised. Any significant adverse effects on the qualities for which the area has been designated should be clearly outweighed by the environmental, social and economic benefits. This wording is reflected in Policy CF4 and, as such, I do not consider that any significant modification is appropriate.

13.4.12 Nevertheless, to mirror the guidance in PPS 22, it would be better to refer to qualities of the area rather than qualities of the site. Reference to PPS 7 in Paragraph 13.4.13 would also ensure that the importance of guidance on sustainable development in rural areas is also to be taken into account.

Incompatibility with landscape protection - 1058

13.4.13 To my mind, the Plan reflects Government guidance and offers support for renewable energy in circumstances where there would be no unacceptable effects on the landscape. The objection has been conditionally withdrawn and no modification of the Plan is necessary.

Benefits outweighing adverse effects - 1423

13.4.14 The objector would wish it to be recognised that, outside nationally designated sites and areas, adverse effects could be outweighed by the benefits. In this regard, proviso 3 of Policy CF4 uses the words “no significant detrimental effect”. To my mind, potential benefits can be taken into account in considering whether an effect is “significant”. In addition, the final paragraph of the policy

already draws attention to potential wider environmental, social and economic benefits. No modification is needed.

13.4.15 On an additional matter, I appreciate that benefits from the use of renewable energy are likely to be material considerations. However, to my mind, this is clearly evident from the policy and the supporting text. It is not a matter that needs to be stated in the policy.

Inflicting seriously detrimental development - 280

13.4.16 I do not consider that the policy provides carte blanche to inflict seriously detrimental development. The reference to potentially overriding environmental, social and economic benefits is to be found in PPS 22. In addition, circumstances where there is no alternative solution and there are imperative reasons of overriding public interest will, in my opinion, clearly be relevant. Bearing in mind also the protection available under other policies in the Plan, I do not consider that any modification is necessary.

RECOMMENDATIONS

13.4/1 Add the following words at the end of Paragraph 13.4.13: "The Council's policy is intended to reflect the advice in PPS 22 and the related companion guide as well as RPG 11 and the West Midlands Regional Energy Study. The guidance in PPS 7 will be relevant particularly in AONBs."

13.4/2 In proviso 2 of Policy CF4, substitute "qualities of the area" for "qualities of the site".

13.4/3 Do not make any other modification in response to the objections.

13.5 NEW COMMUNITY FACILITIES – POLICY CF5 AND PARAGRAPH 13.5.1

Objections

W323/2859	CTC Right to Ride (Conditionally Withdrawn)
P786/1954	Much Birch Parish Council
P809/2101	Hereford and Worcester Chamber of Commerce
W229/491	Mr N Antrobus

Summary of Objections / Issues

- Criterion 4 should refer to cycle parking. (323)
- The Plan should identify the provision of support services to cater for the development of additional housing. (786)
- Criterion 2 should be amended to allow for facilities which are accessible from the area which they serve. (809)
- The Plan should make provision for the needs of religious groups. (229)

Inspector's Reasoning and Conclusions

Cycle Parking – 323

13.5.1A change was made at revised deposit stage which allowed the objection to be conditionally withdrawn.

Need to make specific provision for additional services and facilities – 786, 229

13.5.2A change was made to the Revised Deposit Draft to include reference to libraries and places of worship, amongst other things. This list is not exhaustive and the policy allows for the consideration of other types of facility. In my opinion, Policy CF5 sets out appropriate criteria for the assessment of proposals for new community facilities. The objectors do not propose specific sites for inclusion in the UDP to meet the suggested needs and there is no basis for me to recommend the inclusion of specific sites.

Accessibility – 809

13.5.3 Accessibility is a key consideration for all development. For example, Policy DR3 sets out a number of criteria to ensure that new development is accessible by a variety of means of transport. I do not consider that further specific emphasis is necessary in Policy CF5.

RECOMMENDATION

13.5/1 Do not make any modification in response to the objections.

13.6 NEW COMMUNITY FACILITIES – POLICY CF5 AND PARAGRAPH 13.5.1 - LIBRARY AT LEDBURY

Objection

P618/1373 Mr B Clutterbuck

Summary of Objection / Issue

- The site for a new library in Ledbury should be identified in the Plan. (618)

Inspector's Reasoning and Conclusions

New library in Ledbury - 618

13.6.1 It appears to me that the Council is committed to a new library in Ledbury. However, a specific site cannot be identified at this stage. In any event, as and when provision can be progressed, development could be brought forward under Policy CF5. No modification of the Plan is necessary.

RECOMMENDATION

13.6/1 Do not make any modification in response to the objection.

13.7 NEW COMMUNITY FACILITIES – POLICY CF5 AND PARAGRAPH 13.5.1 - COMMUNITY FACILITY AT SHOBDON

Objection

P766/1919 Shobdon Parish Council

Summary of Objection / Issue

- A site for the relocation of the community facility at Shobdon School needs to be considered. (766)

Inspector's Reasoning and Conclusions

Community facility – 766

13.7.1 Policy CF5 sets out appropriate criteria for the assessment of proposals for new community facilities. The objector does not propose a specific site for inclusion in the UDP to meet the suggested need and there is no basis for me to recommend the inclusion of a specific site.

RECOMMENDATION

13.7/1 Do not make any modification in response to the objection.

13.8 SCHOOL PROPOSALS – POLICY CF8 AND PARAGRAPH 13.5.5 – WHITECROSS HIGH SCHOOL

Objections

P802/10335 Kings Acre Residents' Association
P1189/10347 Breinton Parish Council

Summary of Objections / Issue

- A flood risk assessment of the development of the school site should take into account the impact of the suggested new cattle market and the risk to Kings Acre Road dwellings. (802, 1189)

Inspector's Reasoning and Conclusions

Flood risk – 802, 1189

13.8.1A flood risk assessment has already been undertaken for the proposed new Whitecross High School. The scheme now has planning permission and construction is under way. At the time of writing, no site has been identified for the cattle market replacement. However, any development proposed for an area of flood risk would require a flood risk assessment in accordance with Policy DR7.

In the circumstances, I do not consider that any modification to Policy CF8 is necessary.

RECOMMENDATION

13.8/1 Do not make any modification in response to the objections.

13.9 SCHOOL PROPOSALS – POLICY CF8 - CREDENHILL SCHOOL - OMISSION OF NEW CREDENHILL SCHOOL

Objection

P993/2966 Stroudwater Redevelopment Partnership Ltd

Summary of Objection / Issue

- Land north of St Mary's School, Credenhill, should be identified for provision of a replacement school. (993)

Inspector's Reasoning and Conclusions

Replacement school site at Credenhill - 993

13.9.1 The suggestion of allocating a site for a replacement school is intimately linked with housing proposals discussed in Section 5 of my report. However, I have determined that there is no need for the proposed housing. As such, there is no related need to allocate a school site.

13.9.2 It is acknowledged that the school in Credenhill does need replacing. However, it appears to me that the education authority is still considering its options. In any event, a replacement school could be progressed under Policy CF5 and no modification of the Plan is necessary.

RECOMMENDATION

13.9/1 Do not make any modification in response to the objection.

13.10 NEW PRISON – PROPOSED NEW POLICY

Objection

P416/875 H M Prison Service

Summary of Objection / Issue

- The Plan should include a policy / allocation for a new prison. There is a particularly urgent need for additional places to serve the West Midlands. (416)

Inspector's Reasoning and Conclusions

Prison development – 416

13.10.1 The objector does not propose a specific site for a prison and, accordingly, I do not have the evidential basis necessary to recommend the inclusion of a specific site.

13.10.2 Circular 3/98, Paragraph 4 states that prisons should be provided in locations close to the areas they serve. The circular identifies a broad requirement for new prisons in several regions, including the West Midlands. The Prison Service has not at this stage identified a specific site within Herefordshire to put forward a proposal for a prison, but considers that Herefordshire is well located strategically to meet urgent needs for additional prison places.

13.10.3 Amongst other considerations, particularly site security, the circular refers to the objectives of sustainable development and the need to reduce unnecessary travel. It states that prisons should not be located too far from the centres of population they serve and there should be reasonably good accessibility to public transport services. Good access to the motorway or main arterial trunk road system would be an added advantage. If the timetable for review of the local plan allows, proposals should appear in the plan when it is clear that the development will take place during the plan's lifetime.

13.10.4 It is not immediately obvious that a location in Herefordshire would satisfy these criteria, having regard to the population distribution of the West Midlands region, and the objector's submissions throw no further light on this. Nor is there any indication that development could take place during the Plan's lifetime. In the circumstances, I do not consider that it would be appropriate to include a specific policy relating to possible future prison development. However, I consider that an additional paragraph should be added to the Introduction to Chapter 13 to acknowledge the regional requirement for additional prison places and the need to have regard to the criteria set out in Paragraphs 9 to 12 of Circular 03/98 in considering any specific proposals which may come forward.

RECOMMENDATIONS

13.10/1 Modify Section 13 by including the following additional paragraph:

"The Council acknowledges an identified need within the West Midlands region to provide additional prison places to accommodate the growing prison population. In considering any proposals within Herefordshire, the Council will have regard to the criteria set out in Circular 03/98 "Planning for Future Prison Development"."

13.10/2 Do not make any other modification in response to the objection.

13.11 NEW LEDBURY LIBRARY, COACH PARK AND TOILETS – PROPOSED NEW POLICY

Objection

P743/1816

Ledbury Town Council

Summary of Objection / Issue

- There should be a planning obligation to pay for a new public library, a new coach park and public toilets for Ledbury.

Inspector's Reasoning and Conclusions

Proposals for Ledbury – 743

13.11.1 It appears to me that the Council is committed to a new library in Ledbury. However, a specific site cannot be identified at this stage. In any event, as and when provision can be progressed, development could be brought forward under Policy CF5. No modification of the Plan is necessary.

13.11.2 The UDP is principally concerned with land use, rather than resource allocation. Whilst it is possible to negotiate contributions from development to the provision of facilities, provided they are reasonably related to the development proposed, it is not possible to commit public funds through the UDP.

RECOMMENDATION

13.11/1 Do not make any modification in response to the objection.