

9. NATURAL AND HISTORIC HERITAGE

9.1 PARAGRAPH 9.2.1

Objections

P1071/3335 English Nature (Conditionally Withdrawn)
P602/11210 Herefordshire Nature Trust

Summary of Objections / Issue

- The words “natural processes” should be added after “biodiversity”. (602)

Inspector's Reasoning and Conclusions

All objections

9.1.1 Changes were made to the Revised Deposit Draft which allowed English Nature to conditionally withdraw its objection. I consider the aims are sufficiently comprehensive without the addition of the words “natural processes.”

RECOMMENDATION

9.1/1 Do not make any modification in response to the objection.

9.2 LANDSCAPE – INTRODUCTION - PARAGRAPHS 9.4.1 TO 9.4.4

Objections

P635/1605 Campaign to Protect Rural England
P1156/3671 Mr J B Nash

Summary of Objections / Issues

- Whether Herefordshire’s landscape has been adequately described. (635)
- Whether the new policy approach has been dealt with adequately. (635)
- Whether there is a tension between clustering development and respecting inherent settlement patterns. (635)
- The Plan should address the Council’s land ownership responsibilities. (1156)

Inspector's Reasoning and Conclusions

Description of Herefordshire's landscape - 635

9.2.1 I would not expect to find, in the development plan itself, too detailed an overview of the resource that is Herefordshire's landscape. Key attributes of the county's landscape are referred to in Paragraphs 9.4.5 and 9.4.6 in respect of AONBs; and in Paragraph 9.4.8 more generally. At the same time, there is reference in Paragraphs 9.4.9 to 9.4.11 to the Countywide Landscape Character Assessment and to supplementary planning guidance where much detail is to be found. I find this coverage to be acceptable. No modification of the Plan is necessary.

New policy approach - 635

9.2.2 Amongst other things, Section 9.4 of the Plan deals with Landscape Character Assessment and Landscapes Resilient to Change. In Paragraph 9.4.1, there is an implied link between Landscape Character Assessment and the Countryside and Rights of Way Act 2000. However, as acknowledged by the Council at the inquiry, reference to PPS 7 would be more appropriate. I recommend a related modification.

9.2.3 With regard to landscapes resilient to change, I do not consider that the Council's proposed approach is clearly explained in the Plan. Be that as it may, I conclude in Section 9.4 of my report that assessment by reference to landscapes resilient to change should be dropped from the UDP. As a consequence, the only modification that is needed in the introduction is the removal of the related reference in Paragraph 9.4.4.

Clustering development / settlement patterns - 635

9.2.4 I acknowledge that there is a potential tension between the characterisation of landscapes as having dispersed settlement patterns and the Council's support for development in existing clustered settlements. However, Paragraph 9.4.9 of the Plan makes clear that landscape character assessment essentially covers the wider countryside outside the recognised settlements. Inside settlements, development should conform to the inherent settlement pattern. As such, I do not consider that any modification of the Plan is necessary.

Council's land ownership responsibilities - 1156

9.2.5 I appreciate that the Council is an extensive land owner. It could be argued that it has a responsibility to set high standards of land management. However, although its actions will be guided by the provisions of the Plan, acknowledgement of its responsibilities and details of how these will be achieved are not matters for a development plan. The same applies to all land owners. No modification is necessary in this regard.

RECOMMENDATIONS

9.2/1 In Paragraph 9.4.1, substitute "in the light of the guidance in PPS 7" for "as a consequence of the Countryside and Rights of Way Act 2000".

9.2/2 In Paragraph 9.4.4, delete the words "especially those that are not resilient to change" from the second bullet point.

9.2/3 Do not make any other modification in response to the objections.

9.3 AREAS OF OUTSTANDING NATURAL BEAUTY - POLICY LA1 AND PARAGRAPHS 9.4.5 TO 9.4.7

Objections

P44/223	National Farmers' Union
P217/11606	Walford Parish Council
P635/1607	Campaign to Protect Rural England
P846/2238	Country Land and Business Association
P862/2300	BP Oil (UK) Ltd
RW1267/500122	Campaign for Polyunnel Control
RW1278/500153	Campaign for Polyunnel Control
RW1273/500123	Mr P Draper
RW1274/500126	Dr P Huyton
RW1274/500128	Dr P Huyton
RW1277/500144	Mrs C A V Morgan
RW1279/500175	Mrs S Kelly
RW1283/500177	Mr J Kelly

Summary of Objections / Issues

- Farming needs to be identified as something which will be permitted. (44)
- Objection is raised to the reference to economic needs. (217, 1267, 1278, 1273, 1274, 1277, 1279, 1283)
- Whether landscape character needs to be introduced as a relevant element within AONBs. (635)
- Whether appropriate reference is made to mitigation. (635, 1267, 1278, 1273, 1274, 1277, 1279, 1283)
- The importance of a viable economy is not recognised. (846)
- Particular objection is raised to the prohibition of large scale proposals. (862)

Inspector's Reasoning and Conclusions

Permitting farming - 44

9.3.1 I would expect the reference to community and economic needs to embrace farming and farm diversification. Development would not be prevented provided that the criteria in the policy were met. No modification of the Plan is necessary.

Reference to economic needs - 217, 1267, 1278, 1273, 1274, 1277, 1279, 1283

9.3.2 Several objectors are concerned about the reference to economic needs in the revised deposit version of the Plan. There is suspicion about what this might mean or lead to. For my part, I note that the wording is intended to reflect the guidance in PPS 7. Here there is reference to the economic and social well-being of these designated areas and their communities. For the avoidance of doubt, I consider that is preferable to use the wording in the guidance. I recommend accordingly.

Landscape character in AONBs - 635

9.3.3 PPS 7 talks about utilising landscape character assessment outside nationally designated areas. Be that as it may, it appears to me that, through Policy LA2, landscape character assessment would be relevant in considering all Herefordshire's landscape including the AONBs. In such terms, there is no need to seek a way of introducing landscape character as a relevant element within such areas.

Reference to mitigation – 635, 1267, 1278, 1273, 1274, 1277, 1279, 1283

9.3.4 In my opinion, clause 4 of Policy LA1 in the Revised Deposit Draft is an appropriate improvement in several respects. First, it now introduces historic assets as a relevant consideration. Secondly, by referring to "adequately", it indicates the degree of mitigation that would be required. Thirdly, the words "where appropriate" rightly acknowledge that the provision of compensatory measures will not always be necessary. Bearing in mind that the requirements in this clause are additional to other parts of the policy, no modification of the Plan is necessary.

Importance of a viable economy - 846

9.3.5 Through modifications that I am recommending, I consider that the Plan will better reflect Government guidance concerning economic matters. No further modifications are needed in this regard.

Large scale proposals - 862

9.3.6 I believe that Policy LA1 reflects the tone of Government guidance whereby major developments should not take place in AONBs except in exceptional circumstances. In the policy, there is no absolute prohibition of large scale proposals. Exceptions could be allowed where the identified criteria are met. No modifications are need in this regard.

9.3.7 The designation of AONBs or the amendment of their boundaries is not a matter for the development plan.

RECOMMENDATIONS

9.3/1 In the second paragraph of Policy LA1, substitute the following for the words "can be demonstrated either to meet local community or economic needs or": "is necessary to facilitate the economic and social well-being of the designated areas and their communities or can".

9.3/2 Do not make any other modification in response to the objections.

9.4 LANDSCAPE CHARACTER AND AREAS LEAST RESILIENT TO CHANGE - POLICY LA2 AND PARAGRAPHS 9.4.8 TO 9.4.16

Objections

P44/224	National Farmers' Union
P217/11284	Walford Parish Council
P418/11483	Defence Estates, Central Region

P418/11486	Defence Estates, Central Region
W501/10947	Friends of the Golden Valley and the Friends of the Black Hill
P635/1612	Campaign to Protect Rural England
P635/1613	Campaign to Protect Rural England
P866/10893	Church Commissioners for England
P1058/3199	Eaton Bishop Parish Council (Conditionally Withdrawn)
P1169/3708	BT PLC
P172/388	Mrs D Klein (Conditionally Withdrawn)
P172/389	Mrs D Klein (Conditionally Withdrawn)
P350/646	RMC Western
P653/1507	Mr B McIlwrick

Summary of Objections / Issues

- The matter of landscapes least resilient to change needs to be reconsidered. (44, 418, 635, 866, 1169, 350)
- Whether Policy LA2 has been weakened. (217, 501)
- Development in the national interest should be an exception to Policy LA2 and referred to in Paragraph 9.4.10. (418)
- Whether clarification is needed of the status and role of Historic Landscape Characterisation. (635)
- There is no guidance on how to assess landscape features. (635)
- There are inconsistencies between Policy LA2 and the related supplementary planning guidance. (635)
- Policy LA2 is not compatible with Policy CF4. (1058)
- There should be exceptions to Policy LA2. (1169)
- Whether there should be amended reference to landscape features and to the coverage afforded by Policy LA2. (172)
- Whether Policy LA2 is unduly restrictive. (350, 653)

Inspector's Reasoning and Conclusions

Landscapes least resilient to change - 44, 418, 635, 866, 1169, 350

9.4.1 In some respects, the concept of identifying landscapes least resilient to change is very attractive. If it is possible to agree the definition of areas where the landscape is especially vulnerable to new development, it should be possible to adopt a precautionary approach; to alert developers to the particular sensitivity of the landscape; to require a particular form or detail of assessment; or to use the identification of such areas as a strategic tool for deflecting major new development.

9.4.2 Several objectors have, however, criticised the concept in one form or another. In addition, and throughout my involvement in the UDP, I found that the concept was being continually misused or misunderstood. This was by users of the Plan, often professional planners, landscape architects and lawyers, who might be expected to have a better understanding of the topic. I am quite certain that, without modification, such misuse and misunderstanding would continue into the future.

9.4.3 Some of the objectors expressed caution about the use, in a development plan, of a concept that is new and untested, that is still being debated within the landscape profession, where there is an absence of peer review and where there are several sceptical voices. The methodology, terminology and topic as a whole are all seen as unfamiliar and not easily understood.

9.4.4 In other objections, concern has been expressed about the complexity and robustness of the way resilience to change is worked out. Complex calculations are involved; the process is difficult to check and replicate; and an inappropriate degree of precision is implied. In addition, insufficient recognition is given to transitional areas, boundary definition and atypical areas. Resilience can change within character areas and near built-up areas. Further, there is no regard for important aspects of landscape assessment such as allowance for visual sensitivities.

9.4.5 Most importantly, the policy is having an effect opposite to that which was intended. Rather than highlighting vulnerable areas, it is clear that practitioners see the absence of the resilience to change designation as a green light to consider development opportunities. Thus, landscapes “resistant to change” are seen as areas where development can be promoted.

9.4.6 To my mind, all this begs the question of whether there should be a different, more rigorous approach within landscapes less resilient to change in any event. It has been argued that, with the exception of built-up areas such as Hereford city, practically the whole of Herefordshire’s landscape is of fine quality and worthy of the same protection. I subscribe to this view. I appreciate that there are areas, such as those mentioned in Paragraph 9.4.8 of the Plan, that are particularly appreciated and are high in the public’s consciousness. Nevertheless, I do not see the appropriateness of the proposed two tier approach.

9.4.7 Allied to the questioning of a two tier approach is whether there is a need to adopt a system in which there is complexity and disagreement such as to undermine confidence in the approach and its outcome. In my opinion, the essential question in any particular case is whether the proposed development would be damaging to the key characteristics within the landscape. I consider that this can be appraised by reference to landscape character assessment and landscape types. Reliance on local designations would not be appropriate bearing in mind the advice in PPS 7.

9.4.8 My experience at the inquiry is encapsulated in words to be found in the Countryside Agency’s topic paper on landscape character assessment (Document R 36, Paragraph 8.2): “... even experienced practitioners who have not been involved in this work may struggle to understand fully the terminology used, the subtleties of the definitions and the judgements that are made at every level of the assessment, as well as the way that the different factors are combined. They may also disagree with some of those definitions ... A lay audience could well be completely baffled by the complexity of the whole process. So although the arguments are logical, consistent and fully explained this can in itself open up potentially important areas of misunderstanding or debate.”

9.4.9 I have concluded that landscapes least resilient to change should not be identified on the Proposal Map nor used as a policy tool in the context of Policy LA2. In the policy, it will be sufficient to leave out the wording that refers to such landscapes. However, other references within the text will need to be amended.

In particular, Paragraph 9.4.10 will need comprehensive revision. I leave it to the Council to find an appropriate form of wording.

Weakening of Policy LA2 – 217, 501

9.4.10 These objectors indicate that the term “will not be permitted” (Deposit Draft) is to be preferred over “will generally be resisted” (Revised Deposit Draft). I agree. I would have thought that the starting point should be to say that nothing adversely affecting landscape character will be permitted. It may be that other considerations would point in a different direction in particular circumstances. However, bearing in mind the importance of Herefordshire’s landscape, I consider that any such cases should be treated as exceptions to the general thrust of the policy.

Development in the national interest - 418

9.4.11 These objections concern the fact that land at Sterling Lines, Credenhill is washed over by the “landscapes least resilient to change” notation in circumstances where important military development is planned. At the inquiry, a compromise was reached between the Council and the objector whereby the atypical nature of the site in landscape terms and its potential for military development would be recognised. The objections were withdrawn subject to modification of the Plan in line with the agreed changes (Document DE 1).

9.4.12 The changes relate to the employment chapter and the Proposals Map but are dealt with here for convenience. I recommend the changes subject to minor modification to reflect other conclusions that I have reached elsewhere in this section in respect of landscapes least resilient to change.

Historic landscape characterisation - 635

9.4.13 I appreciate that background information on historic landscape characterisation may not have been available at the time the related objections were lodged. However, to my mind, the status and role of historic landscape characterisation and the relationship with landscape character assessment are clear from a reading of Policy LA2. The character of the landscape will, in part, be described in the historic landscape characterisation and developers must avoid adverse effects upon such character. It is something separate from landscape character assessment; but both matters need to be considered and addressed.

9.4.14 With regard to the adequacy of information available to developers, I would expect matters relevant to the consideration of landscape character to be set out in the Historic Landscape Characterisation; also in the Sites and Monuments Record. In these terms, there would be no need for SPG on the subject even though this was originally planned.

9.4.15 Paragraph 9.4.14 of the Plan states that the Historic Landscape Characterisation has informed the Landscape Character Assessment SPG. However, this is not readily apparent from perusal of the SPG. Given also that SPG on Historic Landscape Characterisation is no longer to be prepared, it would be better to omit this statement. Any implication that the Landscape Character Assessment deals with Historic Landscape Characterisation in any meaningful way would thereby be avoided.

Assessment of landscape features - 635

9.4.16 The main types of landscape feature are identified in Paragraph 9.4.12. The need to conserve, restore and enhance such features in appropriate circumstances

is clear from a reading of Paragraph 9.4.13. Although assessments will be subjective and involve professional judgements, I do not consider that any additional guidance is needed.

Inconsistencies with SPG - 635

9.4.17I would expect the Council to ensure that SPG is consistent with the adopted version of the Plan. However, the vetting of SPG is not my job. No modification of the Plan itself is necessary.

Compatibility with Policy CF4 - 1058

9.4.18I have considered this matter in Section 13.4 on my report. I have concluded that the Plan reflects Government guidance in this regard and supports 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.

Exceptions to Policy LA2 - 1169

9.4.19The objector is concerned that the policy could prevent essential expansion on developed sites within landscapes that are least resilient to change. It is suggested that the policy should indicate that the need for the development, or other material considerations, could outweigh any adverse impact on character.

9.4.20For my part, I am recommending that the concept of landscapes least resilient to change should be omitted from the Plan. Be that as it may, there is always the possibility that material considerations will override the provisions of a particular policy. However, it is not necessary to say so. No modification of the Plan is necessary.

Landscape features / coverage under Policy LA2 - 172

9.4.21These objections have been addressed in the Revised Deposit Draft and have been conditionally withdrawn. No further modifications are necessary.

Whether the policy is unduly restrictive – 350, 653

9.4.22Many of the points raised relate to landscapes resilient to change, a concept that I am recommending should be deleted from the Plan. In other respects, I do not consider that the policy is unduly restrictive. I appreciate that development that would have an adverse impact would be resisted. However, above all, the policy would ensure that the landscape's character was taken into account. Economic development, mineral extraction or any other type of development would not necessarily be precluded provided it does not adversely affect landscape character.

RECOMMENDATIONS

9.4/1 In Policy LA2, delete the second sentence of the second paragraph. Delete references to areas or landscapes least resilient to change in Paragraph 9.4.10, and elsewhere, as appropriate. Delete the related notation on the Proposals Map.

9.4/2 In the first Paragraph of Policy LA2, revert to the wording used in the Deposit Draft.

9.4/3 At the end of the employment chapter, add the following:

" *Military development*

6.5 25 The Sterling Lines site at Credenhill, as shown on the Proposals Map, is acknowledge by the Council to be a facility of national importance. As a result of existing and longstanding military development, the site is atypical of the landscape types within which it sits. Consequently, the site-specific landscape characteristics have been largely overridden and the opportunity for retaining and enhancing landscape character on the site through the use of Policy LA2 is considered minimal.

6.5.26 Nothing in this policy is intended to support the development of the site for non-military purposes.

E17 Military development

The Sterling Lines site, as shown on the Proposals Map, is designated for military purposes. Development for such purposes and according with the principles set out in Policy S2 will be supported."

9.4/4 Show the Sterling Lines site on the Proposals Map with the notation "Military Purposes (E17)".

9.4/5 Delete the final sentence of Paragraph 9.4.14.

9.4/6 Do not make any other modification in response to the objections.

9.5 LANDSCAPE CHARACTER AND AREAS LEAST RESILIENT TO CHANGE - POLICY LA2 - BOSBURY

Objection

P618/1377 Mr B Clutterbuck

Summary of Objection / Issues

- Land north and south of Bosbury should be designated as a landscape least resilient to change. (618)
- The Leadon and adjoining land should be designated as a wildlife corridor. (618)

Inspector's Reasoning and Conclusions

Designation of land north and south of Bosbury - 618

9.5.1 In Section 9.4 of my report, I have concluded that areas least resilient to change should not be identified within the Plan. Reliance would be placed on the landscape types identified through the Landscape Character Assessment. As such, no modification of the Plan would be appropriate in the vicinity of Bosbury.

Leadon and adjacent land - 618

9.5.2 I appreciate that a wildlife corridor may have been identified in the Malvern Hills District Local Plan. However, it appears to me that the Herefordshire UDP

relies on a different system of identifying sites, for example, based on information supplied by local nature trusts. In the present case, there is inadequate justification for the proposed designation. No modification of the Plan would be appropriate.

RECOMMENDATION

9.5/1 Do not make any modification in response to the objection.

9.6 LANDSCAPE CHARACTER AND AREAS LEAST RESILIENT TO CHANGE - POLICY LA2 – CREDEHILL

Objection

P418/876 Defence Estates, Central Region

Summary of Objection / Issue

- Land at Sterling Lines, Credenhill, should be excluded from the provisions of Policy LA2. (418)

Inspector's Reasoning and Conclusions

Sterling Lines, Credenhill - 418

9.6.1 The subject matter of this objection has been dealt with in Section 9.4 above. No further modification is necessary.

RECOMMENDATION

9.6/1 Do not make any modification in response to the objection.

9.7 LANDSCAPE CHARACTER AND AREAS LEAST RESILIENT TO CHANGE - POLICY LA2 – CUSOP

Objection

P364/776 Mr G Cundale

Summary of Objection / Issue

- Inset map 13 should be modified to include the small area between the edge of the Inset Map and the settlement boundary within the landscape least resilient to change designation. (364)

Inspector's Reasoning and Conclusions

Land at Cusop - 364

9.7.1 In Section 9.4 of my report, I have concluded that areas least resilient to change should not be identified within the Plan. Reliance would be placed on the landscape types identified through the Landscape Character Assessment. As such, it would not be appropriate to include additional land in the vicinity of Cusop.

RECOMMENDATION

9.7/1 Do not make any modification in response to the objection.

9.8 LANDSCAPE CHARACTER AND AREAS LEAST RESILIENT TO CHANGE - POLICY LA2 – DILWYN

Objection

P603/3721 Mr R J Verdin

Summary of Objection / Issue

- Objection is raised to specific areas in Dilwyn being identified as landscape least resilient to change. (603)

Inspector's Reasoning and Conclusions

Land at Dilwyn – 603

9.8.1 In Section 9.4 of my report, I have concluded that areas least resilient to change should not be identified within the Plan. I have recommended modifications that accord with the changes sought by the objector.

RECOMMENDATION

9.8/1 Do not make any modification in response to the objection.

9.9 LANDSCAPE CHARACTER AND AREAS LEAST RESILIENT TO CHANGE – POLICY LA2 – HEREFORD – WHITECROSS

Objection

P866/2471 Church Commissioners for England

Summary of Objection / Issue

- Land at Whitecross should not be designated as an area least resilient to change. (866)

Inspector's Reasoning and Conclusions

Land at Whitecross - 866

9.9.1 Objection is raised to the concept of areas least resilient to change with Whitecross being an example of an area where application of the designation is seen as being inconsistent and inappropriate. I agree that, given its proximity to Hereford city, Whitecross is an area where the urban area becomes an important influence in determining effect on landscape character. Be that as it may, the thrust of this objection has been discussed in Section 9.4 above. I have recommended modifications that accord with the changes sought by the objector.

RECOMMENDATION

9.9/1 Do not make any modification in response to the objection.

9.10 LANDSCAPE CHARACTER AND AREAS LEAST RESILIENT TO CHANGE - POLICY LA2 - LAND ADJACENT TO RIVER LEADON, LEDBURY

Objection

P510/1048

Ledbury and District Society Trust Ltd

Summary of Objection / Issue

- Additional protection of the landscape in this area is essential. (510)

Inspector's Reasoning and Conclusions

Land adjacent to the River Leadon, Ledbury – 510

9.10.1 Paragraphs 24 and 25 of PPS 7 give a clear steer away from rigid local designations in favour of a system based on landscape character assessment. This is the principal route followed in the Herefordshire UDP. In the circumstances, I believe that protection of the River Leadon through local designation would not be appropriate. I have concluded in Section 9.4 of my report that areas least resilient to change should not be included in the Plan. The landscape would be safeguarded through application of the landscape character assessment approach.

RECOMMENDATION

9.10/1 Do not make any modification in response to the objection.

9.11 LANDSCAPE CHARACTER AND AREAS LEAST RESILIENT TO CHANGE - POLICY LA2 – ARROW VALLEY

Objection

W287/4488 Mr A Greene

Summary of Objection / Issue

- The Arrow Valley should be protected by local designation. (287)

Inspector's Reasoning and Conclusions

Protection of the Arrow Valley by local designation - 287

9.11.1 Paragraphs 24 and 25 of PPS 7 give a clear steer away from rigid local designations in favour of a system based on landscape character assessment. This is the principal route followed in the Herefordshire UDP. In the circumstances, I believe that protection of the Arrow Valley through local designation would not be appropriate. The landscape would be safeguarded through application of the landscape character assessment approach.

RECOMMENDATION

9.11/1 Do not make any modification in response to the objection.

9.12 LANDSCAPE CHARACTER AND AREAS LEAST RESILIENT TO CHANGE - POLICY LA2 - LEA - LAND SOUTH OF VILLAGE

Objection

P923/2669 Messrs D, R and J Ewens

Summary of Objection / Issue

- The area appears to have been arbitrarily demarcated without reference to features on the ground. It should be deleted. (923)

Inspector's Reasoning and Conclusions

Land to the south of Lea – 923

9.12.1 In Section 9.4 of my report, I have concluded that areas least resilient to change should not be identified within the Plan. I have recommended modifications that accord with the changes sought by the objector.

RECOMMENDATIONS

9.12/1 Do not make any modification in response to the objection.

9.13 LANDSCAPE CHARACTER AND AREAS LEAST RESILIENT TO CHANGE - POLICY LA2 - LEOMINSTER - WATER TREATMENT PLANT AT CADBURY'S MARLBROOK

Objection

P944/2739 Cadbury Limited

Summary of Objection / Issue

- Inclusion of a water treatment plant in the designation is not merited. (944)

Inspector's Reasoning and Conclusions

Land at Marlbrook – 944

9.13.1 In Section 9.4 of my report, I have concluded that areas least resilient to change should not be identified within the Plan. I have recommended modifications that accord with the changes sought by the objector.

RECOMMENDATION

9.13/1 Do not make any modification in response to the objection.

9.14 LANDSCAPE CHARACTER AND AREAS LEAST RESILIENT TO CHANGE - POLICY LA2 - OMISSION OF LAND AT WHITECROSS AND BULLINGHOPE

Objection

P415/873 Crest Strategic Projects Ltd

Summary of Objection / Issue

- Objection is raised to the exclusion of land at Whitecross and Bullinghope from the area least resilient to change. (415)

Inspector's Reasoning and Conclusions

Land at Whitecross and Bullinghope – 415

9.14.1 Paragraphs 24 and 25 of PPS 7 give a clear steer away from rigid local designations in favour of a system based on landscape character assessment. This

is the principal route followed in the Herefordshire UDP. In the circumstances, I believe that protection of land at Whitecross and Bullinghope through local designation would not be appropriate. I have concluded in Section 9.4 of my report that areas least resilient to change should not be included in the Plan. The landscape would be safeguarded through application of the landscape character assessment approach.

RECOMMENDATION

9.14/1 Do not make any modification in response to the objection.

9.15 LANDSCAPE CHARACTER AND AREAS LEAST RESILIENT TO CHANGE - POLICY LA2 - OMISSION OF LAND TO NORTH OF GREEN LANES, BREINTON

Objection

P802/2114 Kings Acre Residents Association
P1189/3770 Breinton Parish Council

Summary of Objection / Issue

- The area north of Green Lanes should be included in the designation. (802, 1189)

Inspector's Reasoning and Conclusions

Land north of Green Lanes, Breinton – 802, 1189

9.15.1 Paragraphs 24 and 25 of PPS 7 give a clear steer away from rigid local designations in favour of a system based on landscape character assessment. This is the principal route followed in the Herefordshire UDP. In the circumstances, I believe that protection of this land to the north of Green Lanes, Breinton through local designation would not be appropriate. I have concluded in Section 9.4 of my report that areas least resilient to change should not be included in the Plan. The landscape would be safeguarded through application of the landscape character assessment approach.

RECOMMENDATION

9.15/1 Do not make any modification in response to the objections.

9.16 SETTING OF SETTLEMENTS - POLICY LA3 AND PARAGRAPHS 9.4.14 TO 9.4.16

Objections

P635/1614	Campaign to Protect Rural England
P1058/3200	Eaton Bishop Parish Council (Conditionally Withdrawn)
P350/644	RMC Western

Summary of Objections / Issues

- Whether Policy LA3 should apply throughout Herefordshire, not just to the setting of settlements. (635)
- The improvement of visual aspects should be a policy objective. (1058)
- The operating prohibition on development should be removed. (350)
- The setting of settlements should be the subject of objective definition. (350)

Inspector's Reasoning and Conclusions

Application of Policy LA3 throughout Herefordshire - 635

9.16.1I do not see the need for any modification in the light of this objection. To my mind, the setting of settlements is an important consideration that is rightly addressed in a separate policy. Protection to the landscape as a whole is available under Policy LA2 and there is no need to seek to apply Policy LA3 to the whole of the county.

Improvement of visual aspects - 1058

9.16.2This objection has been met through changes incorporated into the Revised Deposit Draft. The objection has been conditionally withdrawn and no modification is necessary.

Prohibition on development - 350

9.16.3It appears to me that the landscape setting of settlements is an important consideration. It should be a consideration in all development proposals notwithstanding any policy support that may also be available. No modification of the Plan is appropriate.

Definition of the setting of settlements - 350

9.16.4To my mind, the area that would comprise the setting of a settlement will vary considerably from place to place. I do not consider that such areas would be capable of objective definition. I would expect professional judgement to be involved taking into account the various factors mentioned in the Plan. Consideration of the setting of places is a familiar concept, for example, in relation to listed buildings. In all the circumstances, I am of the view that modification of the Plan would not be appropriate or necessary.

RECOMMENDATION

9.16/1 Do not make any modification in response to the objections.

9.17 PROTECTION OF HISTORIC PARKS AND GARDENS - POLICY LA4 AND PARAGRAPH 9.4.20

Objection

P846/2240 Country Land and Business Association

Summary of Objection / Issue

- Local designations should be subject to rigorous review and only retained where it is clear that normal development control mechanisms are unable to accommodate development pressures. This policy should be deleted. (846)

Inspector's Reasoning and Conclusions

Whether Policy LA4 should be deleted – 846

9.17.1 Planning Policy Statement 7 generally advises that local landscape designations should only be maintained where it can be clearly shown that criteria based planning policies cannot provide the necessary protection. Local development documents should state what it is that requires extra protection and why.

9.17.2 The policy is intended to apply to both registered and unregistered sites, as set out in Appendix C of the Plan. To my mind, historic parks and gardens are a characteristic feature of the countryside whose importance is widely acknowledged and merits the inclusion of a specific policy. The features which are considered to be of particular importance and which require protection are clearly set out in the supporting text.

9.17.3 The wording of the policy does not seek to place an embargo on development but is concerned with proposals which would destroy, damage or otherwise adversely affect the specified features. Whilst I appreciate that many of the general development control policies could be used to similar effect, I consider that the importance of historic parks and gardens should be recognised in the Plan.

RECOMMENDATION

9.17/1 Do not make any modification in response to the objection.

9.18 PROTECTION OF TREES, WOODLANDS AND HEDGEROWS - POLICY LA5 AND PARAGRAPHS 9.4.21 TO 9.4.22

Objections

W318/644	The Woodland Trust
W318/645	The Woodland Trust
W318/11295	The Woodland Trust
P635/1615	Campaign to Protect Rural England
P846/11222	Country Land and Business Association
P1071/3342	English Nature (Conditionally Withdrawn)
P1189/3769	Breinton Parish Council
RP1416/10425	Humber Ford and Stoke Prior Group Parish Council
P350/658	RMC Western

Summary of Objections / Issues

- Adequate specific protection for ancient woodlands would not be provided. (318)
- Change “Ancient Semi-Natural Woodlands” to “Ancient Woodlands” (318)
- The term “veteran trees” should be changed to “ancient trees”. (318)
- There should be reference to the full range of benefits that woodland can deliver. (318)
- How will trees, hedgerows and woodlands that are worthy of retention be identified? (635)
- The wording of the Deposit Draft should be used in criterion 2. (846)
- The restoration of plantations on Ancient Semi-natural woodland sites should be addressed. (1071)
- Tree Preservation Orders should be placed on an avenue of trees along Kings Acre Road. (1189)
- Mature traditional orchards should be deleted from the policy. (1416)
- There should be consideration of replacement hedges and trees. (350)

Inspector's Reasoning and Conclusions

Adequacy of protection for ancient woodlands - 318

9.18.1 Policy LA5 indicates that proposals affecting ancient semi-natural woodlands will only be permitted where the development is in the public interest. To my mind, this suggests that there could be exceptions to the protection that would be available under the policy. Whilst this would always be the case, to say so explicitly tends to undermine the message in the policy. It is also unnecessary. I consider that the words should be deleted.

Reference to ancient woodlands - 318

9.18.2I appreciate that ancient woodland consists of both ancient semi-natural woodland and planted ancient woodland sites where native broadleaves have been

felled and replaced by non-native conifers. However, in the policy, it would be more appropriate to use the term ancient and semi-natural woodland. This is a term in widespread use, for example in RPG 11. It could also be seen as broader and slightly more descriptive than simple reference to ancient woodland.

9.18.3 The final bullet point in Paragraph 9.4.22 refers to ancient semi-natural woodland sites where plantations have occurred. As acknowledged in the Council's statement (C9/08/LA5), this should read "... Ancient Woodland sites where plantations have occurred (Plantation on Ancient Woodland Sites [PAWS]). The definition should be added to the glossary.

Veteran trees - 318

9.18.4 I note that the term "veteran tree" is defined in the glossary. As such, usage of the term within the body of the Plan is entirely appropriate.

Full range of benefits that woodland can deliver - 318

9.18.5 The various public benefits of woodlands are, in fact, outlined in Paragraph 9.4.21. To my mind, no more specific reference is necessary.

Identification of trees, hedgerows and woodlands worthy of retention - 635

9.18.6 At the inquiry, the objector acknowledged that the policy context provided by the Plan is adequate. The concern is over implementation. In this regard, I can only help ensure that the Plan provides an appropriate policy context. No modification is necessary.

Criterion 2 – wording of Deposit Draft - 846

9.18.7 There is inadequate justification for the change that is sought. No modification of the Plan is appropriate.

Restoration of plantation on Ancient Semi-natural woodland sites - 1071

9.18.8 This objection has been addressed in the Revised Deposit Plan. The objection has been conditionally withdrawn and no modification of the Plan is necessary.

Trees along Kings Acre Road - 1189

9.18.9 Tree Preservation Orders cannot be made through the development plan adoption process. No modification of the UDP is appropriate.

Deleting mature traditional orchards from the policy - 1416

9.18.10 The objector is concerned that resisting the loss or damage of mature traditional orchards could have an adverse effect on farming activities. For my part, I recognise that such orchards are an important feature of the Herefordshire landscape and biodiversity. The main effect of the policy would be in respect of built development requiring planning permission. I would not expect most farming activities to be affected.

Replacement hedges and trees - 350

9.18.11 In Policy LA5 criterion 3 there is reference to the replacement of trees and woodland lost to development with an equivalent area of planting. To my mind, this is adequate recognition of the potential for mitigation and no modification of the Plan is necessary.

RECOMMENDATIONS

9.18/1 In criterion 2 of Policy LA5, delete the words “and only permitted where the development is in the public interest.”

9.18/2 In Policy LA5, replace references to “Ancient Semi-Natural Woodland” with “Ancient and Semi-Natural Woodland”.

9.18/3 In Paragraph 9.2.22, substitute the following for the final bullet point: “encourage the restoration of Ancient Woodland sites where plantations have occurred (Plantation on Ancient Woodland Site [PAWS]).” Add the definition to the glossary.

9.18/4 Do not make any other modification in response to the objections.

9.19 LANDSCAPING SCHEMES - POLICY LA6 AND PARAGRAPH 9.4.24

Objection

P635/1616 Campaign to Protect Rural England

Summary of Objection / Issue

- How will landscape features worthy of retention be identified? (635)

Inspector's Reasoning and Conclusions

Landscape features worthy of retention - 635

9.19.11 would expect landscape features worthy of retention to be identified through the site appraisal process. The types of features to look out for are identified in Paragraph 9.4.12. The advice and expertise of the Council’s planning officer as well as that of the developer or the consultant or agent would also be relevant. No modification of the Plan is necessary.

RECOMMENDATION

9.19/1 Do not make any modification in response to the objection.

9.20 GREEN BELT FOR HEREFORD – SUGGESTED NEW POLICY

Objection

P48/239 Ms D and Mr R Holland

Summary of Objection / Issue

- A new Green Belt should be designated to the north of Roman Road, Hereford. (48)

Inspector's Reasoning and Conclusions

Green Belt – 48

9.20.1 No part of Herefordshire is currently designated Green Belt. Green Belts are generally designated to prevent the spread of large metropolitan areas or the coalescence of settlements. Though it is a large urban area, I do not consider that it is necessary to designate a Green Belt to prevent the expansion of Hereford. Pressures for development on the fringes of Hereford are not so great as to make Green Belt designation an appropriate policy tool. In any event, any proposal to establish a new Green Belt would need to make a comprehensive assessment of Hereford and its surrounding countryside, rather than look at one particular area.

RECOMMENDATION

9.20/1 Do not make any modification in response to the objection.

9.21 BIODIVERSITY AND DEVELOPMENT - POLICY NC1 AND PARAGRAPHS 9.5.1 TO 9.5.8

Objections

W283/11084	Gloucestershire County Council
W283/11085	Gloucestershire County Council
P602/1325	Herefordshire Nature Trust
P602/1328	Herefordshire Nature Trust
P602/11209	Herefordshire Nature Trust (Conditionally Withdrawn)
P809/2097	Hereford and Worcester Chamber of Commerce
P1071/3343	English Nature (Conditionally Withdrawn)
P1071/3348	English Nature (Conditionally Withdrawn)
P1071/3349	English Nature (Conditionally Withdrawn)

Objections to Proposed Change

P602/20110 Herefordshire Nature Trust

Summary of Objections / Issues

- The phrase "and geological importance" is unnecessary. The policy should include reference to habitats as well as species. (283)
- The change of heading to Paragraphs 9.5.7 and 9.5.8 is unnecessary. (283)
- "Biodiversity" should be substituted for "wildlife" in Paragraph 9.5.2. Clause 1 should cover other species not protected by law. (602)
- Clause 1 has not been amended as intended in the proposed revisions. (602)
- There is no reference to adverse effects being appropriately mitigated. (809)

Inspector's Reasoning and Conclusions

Amendments and revisions - 283, 602

9.21.1 The Council accepts that further amendments are necessary to correct drafting errors. Proposed Change No 13 (Document J 20) was put forward to correct these, but this too requires amendment. A revision to clause 1 has been agreed with the Nature Trust as follows: “- safeguard internationally, nationally and locally protected areas of biodiversity and geological interest, protected species and species listed in the UK and local BAP from inappropriate and unnecessary development.”

9.21.2 As the Policy has been re-drafted and refers to biodiversity in place of nature conservation, it is necessary to identify areas of geological interest separately. Protection of habitats is referred to in the text and in any case is implicit in the protection of species. I do not consider the revised heading to Paragraphs 9.5.7 and 9.5.8 is misleading or confusing.

Mitigation – 809

9.21.3 Mitigation is satisfactorily dealt with in Policy NC7, which cross refers to this policy. There is no need for further reference which would merely be repetitive.

Other objections – 602, 1071

Amendments have been made to the Plan which have allowed these objections to be conditionally withdrawn.

RECOMMENDATIONS

9.21/1 Modify the first sentence of Paragraph 9.5.6, in accordance with Proposed Change No 13, by substituting “protection” for “attention”.

9.21/2 In a variation of Proposed Change No 13, modify the first bullet point of Paragraph 9.5.6 to read in full:

- safeguard internationally, nationally and locally protected areas of biodiversity and geological interest, protected species and species listed in the UK and local BAP from inappropriate and unnecessary development.

9.21/3 Do not make any other modification in response to the objections.

9.22 SITES OF INTERNATIONAL IMPORTANCE - POLICY NC2 AND PARAGRAPHS 9.5.9 TO 9.5.12

Objections

P846/2241	Country Land and Business Association
P1071/3350	English Nature (Conditionally Withdrawn)
P1071/3351	English Nature (Conditionally Withdrawn)
P1071/3352	English Nature (Conditionally Withdrawn)

Summary of Objections / Issue

- The policy should be worded to reflect a hierarchical approach to development. (846)

Inspector's Reasoning and Conclusions

Hierarchical approach – 846

9.22.1 Changes were made at revised deposit stage in recognition that the Plan should distinguish the hierarchical difference between the various levels of designation. The hierarchical approach is reflected in the three categories of site addressed in Policies NC2, NC3 and NC4 respectively. Policy NC2 is concerned exclusively with Sites of International Importance, which are statutory designations. No further modification is necessary.

RECOMMENDATION

9.22/1 Do not make any modification in response to the objection.

9.23 SITES OF NATIONAL IMPORTANCE – POLICY NC3 AND PARAGRAPHS 9.5.13 TO 9.5.14

Objections

P602/1330	Herefordshire Nature Trust
P846/2242	Country Land and Business Association
P890/2525	Government Office for the West Midlands
P1071/3353	English Nature (Conditionally Withdrawn)
P1071/3354	English Nature (Conditionally Withdrawn)
P1071/3355	English Nature (Conditionally Withdrawn)

Summary of Objections / Issues

- The policy should better reflect advice in PPG 9 with reference to the key importance of SSSIs. (602, 890)
- The policy should be worded to reflect a hierarchical approach to development. (846)

Inspector's Reasoning and Conclusions

Status of SSSIs – 602, 846, 890

9.23.1 Changes were made at revised deposit stage. I consider that the Plan now satisfactorily reflects national guidance in PPG 9 (now PPS 9) as regards the status and importance of SSSIs. The use of planning obligations and conditions is covered in Policy NC7.

Hierarchical approach – 846

9.23.2 Changes were made at revised deposit stage in recognition that the Plan should distinguish the hierarchical difference between various levels of designation. The hierarchical approach is reflected in the three categories of site addressed in Policies NC2, NC3 and NC4 respectively. Policy NC2 is concerned exclusively with Sites of International Importance, which are statutory designations. No further modification is necessary.

Other objections – 1071

9.23.3 Changes were made at revised deposit stage which enabled these objections to be conditionally withdrawn.

RECOMMENDATION

9.23/1 Do not make any modification in response to the objections.

9.24 SITES OF LOCAL IMPORTANCE - POLICY NC4 AND PARAGRAPHS 9.5.15 TO 9.5.18

Objections

P602/1332	Herefordshire Nature Trust
P846/2243	Country Land and Business Association
P890/2521	Government Office for the West Midlands
P1071/3356	English Nature (Conditionally Withdrawn)
P1071/3357	English Nature (Conditionally Withdrawn)
P350/648	RMC Western

Summary of Objections / Issues

- An explanation of Section 39 agreements should be included in Paragraph 9.5.16. The use of conditions and planning obligations should be referred to in Policy NC4. (602)
- The policy should be worded to reflect a hierarchical approach to development. The designation of non-statutory sites should only be undertaken where there is adequate information and consultation with owners. (846)
- The policy is too rigid and is not substantially different in its requirements from Policy NC2 which deals with nationally designated sites. (350, 890)

Inspector's Reasoning and Conclusions

Section 39 Agreements – 602

9.24.1 Additional wording was included in Paragraph 9.5.16 at revised deposit stage which satisfies the objection. The use of conditions and planning obligations to secure mitigation is satisfactorily covered in Policy NC7.

Other objections – 350, 846, 890

9.24.2 The nature conservation policies have been altered at revised deposit stage and the explanatory material now distinguishes clearly between the different levels of designation. It is the case that local designations are afforded less weight in decision making and the threshold of need for development would not be set as high as in the case of nationally or internationally designated sites. However, concerns remain that, in the application of policy, sites of local importance are in practice treated the same as higher category sites.

9.24.3 Paragraphs 14 and 15 of PPG 9 (now PPS 9) recognise that natural wildlife heritage is not confined to the various statutorily designated sites but is found throughout the countryside and in many urban areas. Paragraph 18 of PPG 9 requires that local planning authorities should have regard to the relative significance of international, national, local and informal designations in considering the weight to be attached to nature conservation interests. They should only apply local designations to sites of substantive nature conservation value; also take care to avoid unnecessary constraints on development.

9.24.4 With regard to the designation of non-statutory sites, there is no substantial evidence before me to show that locally designated sites in Herefordshire are not of substantive nature conservation value. I would expect that the designation process would include consultation with the owners of sites.

9.24.5 The test in Policy NC4 is that any development permitted would need to clearly outweigh the nature conservation value of the site. A similar test is applied to SSSIs under Policy NC3. I agree that there should be a clearer distinction between the approach to locally designated sites, and those in a higher category, whilst recognising that sites of substantive nature conservation value which merit protection from harmful development exist in many places outside the system of statutory designations.

9.24.6I propose a modification to Policy NC4 to reflect this and to recognise that there may be some forms of acceptable development which would not harm the substantive nature conservation value of locally designated sites.

RECOMMENDATIONS

9.24/1 Modify Policy NC4 to read: "Development proposals which could directly or indirectly affect a Special Wildlife Site, Site of Importance to Nature Conservation, Local Nature Reserve, a Regionally Important Geological / Geomorphological Site or a site subject to an agreement under section 39 of the Wildlife and Countryside Act will not be permitted unless it can be demonstrated that there would be no harm to the substantive nature conservation value of the site, or that appropriate mitigation and compensatory measures can be taken in accordance with Policy NC7, or that the reasons for the development clearly outweigh the need to safeguard the nature conservation value of the site."

9.24/2 Do not make any other modification in response to the objections.

9.25 EUROPEAN AND NATIONALLY PROTECTED SPECIES - POLICY NC5 AND PARAGRAPHS 9.5.19 TO 9.5.20

Objections

P602/1333 Herefordshire Nature Trust
P1071/3359 English Nature (Conditionally Withdrawn)

Summary of Objections / Issue

- Reference should be made to the use of planning obligations and conditions. (602, 1071)

Inspector's Reasoning and Conclusions

Use of planning obligations and conditions - 602, 1071

9.25.1 I consider that the changes made at revised deposit stage effectively satisfy the objections. English Nature has confirmed that its objection could be conditionally withdrawn.

RECOMMENDATION

9.25/1 Do not make any modification in response to the objection.

9.26 COMPENSATION FOR LOSS OF BIODIVERSITY - POLICY NC7 AND PARAGRAPH 9.5.22

Objections

W318/11597 The Woodland Trust
P1071/3361 English Nature (Conditionally Withdrawn)

Summary of Objections / Issues

- Ancient woodlands are irreplaceable and should be afforded absolute protection. (318)

Inspector's Reasoning and Conclusions

Ancient woodlands – 318

9.26.1 Policy LA5 gives a high level of protection to ancient woodlands. Ancient woodlands which are the subject of statutory or local designations are given additional protection through the nature conservation policies of the Plan. I consider that the degree of protection afforded by these policies is very strong and no modification is necessary.

Other objection – 1071

9.26.2 Changes were made at revised deposit stage which enabled the objection to be conditionally withdrawn.

RECOMMENDATION

9.26/1 Do not make any modification in response to the objection.

9.27 MANAGEMENT OF FEATURES OF THE LANDSCAPE IMPORTANT FOR FAUNA AND FLORA - POLICY NC9 AND PARAGRAPH 9.5.24

Objection

P1071/3364 English Nature (Conditionally Withdrawn)

Summary of Objection / Issue

- Additional wording should be included relating to the Habitats Regulations and Habitats Directive. (1071)

Inspector's Reasoning and Conclusions

Habitats Regulations - 1071

9.27.1 Changes were made at revised deposit stage that enabled the objection to be conditionally withdrawn.

RECOMMENDATION

9.27/1 Do not make any modification in response to the objection.

9.28 ALTERATIONS AND EXTENSIONS TO LISTED BUILDINGS - POLICY HBA1 AND PARAGRAPH 9.6.9

Objections

P890/2519 Government Office for the West Midlands
P1156/3676 Mr J B Nash

Summary of Objections / Issues

- Policies HBA1 and HBA2 duplicate provisions in another legislative regime and may not be needed in the UDP. (890)
- The Council should use existing powers to identify buildings at risk and ensure their retention in the long term. It should set a good example in the management of its own listed buildings. (1156)

Inspector's Reasoning and Conclusions

Duplication – 890

9.28.1 The control of development affecting listed buildings is a key aspect of the work of local planning authorities. I consider it is entirely appropriate for the UDP to contain comprehensive policies relating to proposals affecting listed buildings.

Buildings at risk – 1156

9.28.2 The objection essentially concerns the application of policy in practice and how the Council manages its own buildings. I do not consider that any modification to the Plan is necessary in response to the objection.

RECOMMENDATION

9.28/1 Do not make any modification in response to the objections.

9.29 DEMOLITION OF LISTED BUILDINGS - POLICY HBA2 AND PARAGRAPHS 9.6.10 TO 9.6.12

Objection

P890/2520 Government Office for the West Midlands

Summary of Objection / Issue

- Policies HBA1 and HBA2 duplicate provisions in another legislative regime and may not be needed in the UDP. (890)

Inspector's Reasoning and Conclusions

Duplication - 890

9.29.1 The control of development affecting listed buildings is a key aspect of the work of local planning authorities. I consider it is entirely appropriate for the UDP to contain comprehensive policies relating to proposals affecting listed buildings.

RECOMMENDATION

9.29/1 Do not make any modification in response to the objection.

9.30 DESIGNATION OF CONSERVATION AREAS - POLICY HBA5 AND PARAGRAPHS 9.6.17 AND 9.6.21 - EXTENSION TO KINGTON CONSERVATION AREA

Objections

P535/1185	Kington Town Council
W327/1907	Open Spaces Society
W321/948	Mrs E Newman

Summary of Objections / Issue

- The Kington Conservation Area should be extended. (535, 327, 321)

Inspector's Reasoning and Conclusions

Extending the Kington Conservation Area – 535, 327, 321

9.30.1 It is not possible to extend a conservation area under the development plan procedures. Paragraph 9.6.21 makes clear that designation is a separate process. It would be helpful if reference was also made to the alteration of conservation areas.

9.30.2 At the inquiry, it was pointed out that Paragraph 9.6.20 should be updated to refer to 64 conservation areas with 47 covering whole or parts of village. A consequential amendment to Appendix E is also necessary.

RECOMMENDATION

9.30/1 In the second sentence of Paragraph 9.6.21, add "and alteration" after "Designation".

9.30/2 In Paragraph 9.6.20, change "63" to "64" and "46" to "47". Add "Malvern Wells" to the list of conservation areas in Appendix E.

9.30/3 Do not make any other modification in response to the objections.

9.31 NEW DEVELOPMENT WITHIN CONSERVATION AREAS - POLICY HBA6 AND PARAGRAPHS 9.6.22 TO 9.6.23

Objections

P743/1807	Ledbury Town Council
P809/2098	Hereford and Worcester Chamber of Commerce
P846/2244	Country Land and Business Association

Summary of Objections / Issues

- The policy should be rigorously enforced. Flat roofs should not be allowed in Ledbury Conservation Area. (743)

- Clarification is needed in respect of features of importance. Allowance should be made for taller buildings where a landmark is appropriate. (809)
- There should not be a presumption that developments on adjacent sites should be treated as if they were in the conservation area. (846)

Inspector's Reasoning and Conclusions

Enforcement – 743

9.31.1 This is essentially a matter of how policy is applied in practice. Whilst flat roofs may well be inappropriate in conservation areas, a blanket ban would not be appropriate. Such proposals should be considered in the context of the criteria listed in the policy, particularly 2 and 4. No modification to the Plan is necessary.

Clarification – 809, 846

9.31.2 Criterion 2 of the Policy requires that proposals should respect the scale, massing and height in relation to adjoining buildings as well as the general pattern of heights. To my mind, this consideration would be applicable to the vast majority of development in conservation areas throughout Herefordshire. Where a taller building may be justifiable in a particular location, it would be up to the promoter to make the case in the particular local context. Quality of design would be a key consideration for a prominent building in or adjoining a conservation area. I do not consider any modification to the policy is necessary to cater for unusual circumstances.

9.31.3 Criterion 6 was altered at revised deposit stage so that it now refers to the retention of features of importance which make a contribution to the character and appearance of an area. I consider that this satisfies the objection.

9.31.4 The Council accepts that criterion 8 should be amended so that it refers to views which are important to the character and appearance of the area. Whilst this does not fully meet the objection by the Country Land and Business Association, I consider that the revised wording accurately reflects the thrust of PPG 15. This states at Paragraph 4.14 that the desirability of preserving or enhancing the area should also be a material consideration in the handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area. I recommend accordingly.

RECOMMENDATIONS

9.31/1 Modify criterion 8 of Policy HBA6 in accordance with the Council's suggested wording, as follows:

8. Where the setting of and views into and out of the conservation area, including vistas and landmarks, are important to the character and appearance of the area they should be safeguarded.

9.31/2 Do not make any other modification in response to the objections.

9.32 LOCALLY IMPORTANT BUILDINGS - POLICY HBA8 AND PARAGRAPH 9.6.27

Objections

P44/225 National Farmers' Union
P846/4691 Country Land & Business Association

Summary of Objections / Issues

- As these buildings are not a statutory designation, they should not be given the same level of protection as listed buildings and buildings in conservation areas. (44, 846)

Inspector's Reasoning and Conclusions

Status of Locally Important Buildings – 44, 846

9.32.1 Paragraph 9.6.27 makes clear that these buildings will not have the full protection of statutory listing. Not all buildings which make an important contribution to the character or appearance of a locality are worthy of listing, or have the appropriate characteristics to be included in a conservation area. I consider that the policy provides an appropriate degree of protection for such buildings. In determining any planning application, the fact that the building is not listed or within a conservation area will be a material consideration to be taken into account. No modification is necessary.

RECOMMENDATION

9.32/1 Do not make any modification in response to the objections.

9.33 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 AND PARAGRAPHS 9.6.28 TO 9.6.33

Objections

P809/2099 Hereford and Worcester Chamber of Commerce
P1185/3752 Tesco Stores Ltd
P126/10553 Mr M Anson
P508/1043 Mrs S M Hyson (Conditionally Withdrawn)
P696/4604 Mrs P A Fairfax
W329/655 Cradley Village Design Statement
W280/1269 Mr R Gill

Summary of Objections / Issues

- The policy should make reference to those areas identified on the Proposals Map. (809)

- The policy does not seek to balance the loss of the identified features against other benefits. (1185)
- There is a potential conflict with Policy RST4. (1185)
- Whether the provisions are too vague. (126)
- The settlement boundary of Cradley should remain as determined by the Malvern Hills District Local Plan. (508, 696, 329)
- Valued open areas and green spaces within and adjacent to the settlement boundary of Cradley should be identified on the inset map. (280, 508, 696, 329)

Inspector's Reasoning and Conclusions

Reference to areas shown on the Proposals Map - 809

9.33.1 In my opinion, it could be misleading to refer in Policy HBA9 to the open areas and green spaces shown on the Proposals Map. This is because the policy is not restricted to such areas. As Paragraph 9.6.33 points out, there may be other areas, as yet unidentified, to which the policy would apply. Bearing in mind the explanation in the text, no modification of the Plan is necessary.

Balancing the loss of features - 1185

9.33.2I do not consider that it is necessary, or appropriate, for a policy such as this to include caveats. It will always be possible for an applicant to point to other material considerations. However, to refer to the possibility in the policy of balancing losses would dilute the message and purpose. There should be no modification in this regard.

Potential conflict with Policy RST4 - 1185

9.33.3From my reading of the Revised Deposit Draft, it is clear that Policy RST4 now relates to recreational open space. Policy HBA9 concerns the visual and amenity aspects of open areas and green spaces. Whilst the policies are complementary, I do not consider that there is any potential conflict.

Whether the provisions are too vague - 126

9.33.4I do not consider that "distinctive spatial character" needs to be defined or that any additional guidance is needed in this regard. I would expect users of the Plan to be well practiced in considering such matters. The factors set out in the policy will provide specific guidance in respect of potentially relevant considerations.

9.33.5In addition, I see nothing wrong in the way reference is made to the various numbered element in the policy. To my mind, the list is not intended to be exhaustive. Use of the words "in particular" emphasises the importance of the factors listed whilst not excluding other possibilities. No modification of the Plan is necessary.

Settlement boundary of Cradley - 508, 696, 329

9.33.6There are a number of open areas and green space on the edge of Cradley that lie outside the village boundary as defined in the Malvern Hills District Local Plan but which would be within the boundary proposed in the Herefordshire UDP.

It is argued that, bearing in mind the advice in PPS 7, better protection would be available to such spaces if they were regarded as part of the open countryside.

9.33.7I agree that strong protection would be afforded to such spaces if they were outside the settlement boundary. However, to my mind, Policy HBA9 would provide appropriate protection in any event. More particularly, the spaces in question are ones that legitimately fall within the boundary of the built-up area of the village. The settlement boundary now proposed represents a sensible revision of the position established in the adopted Local Plan. With appropriate protection under Policy HBA9, no further revision of the boundary is necessary.

Valued spaces within and adjoining Cradley – 280, 508, 696, 329

9.33.8In the Deposit Draft of the Plan, it was not possible to include valued open spaces that were subsequently identified in the village design statement. However, in the revised deposit version, I am satisfied that all open areas and green spaces worthy of protection have been included. In this regard, I consider that Policy HBA9 sets out the appropriate tests. It would not be appropriate to extend the coverage to all open areas within the village.

RECOMMENDATION

9.33/1 Do not make any modification in response to the objections.

9.34 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - HEREFORD - CAUSEWAY FARM

Objection

P809/7565 Hereford and Worcester Chamber of Commerce

Summary of Objection / Issue

- The Causeway Farm site should be excluded from the HBA9 designation on the Proposals Map. (809)

Inspector's Reasoning and Conclusions

Causeway Farm - 809

9.34.1 Planning permission has now been granted for development at Causeway Farm and the scheme has commenced on site. I would expect appropriate protection of open areas and green spaces to have been taken into account in the grant of planning permission and the related planning obligation without prejudice to a successful scheme. In the circumstances, I see no need to specifically exclude the site with its new development from the potential application of Policy HBA9.

RECOMMENDATION

9.34/1 Do not make any modification in response to the objection.

9.35 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - EARDISLAND - SOUTH OF SHOP COTTAGE

Objection

P383/819 Ms S Johnson

Summary of Objection / Issue

- Land south of Shop Cottage, Eardisland should be removed from the protection of Policy HBA9. (383)

Inspector's Reasoning and Conclusions

Land south of Shop Cottage, Eardisland - 383

9.35.1I consider that the objection site is an important open space that meets the criteria set out in Policy HBA9. Its protection from development in its entirety is justified. In this regard, I concur with the views of the Inspector who heard a similar objection into the Leominster District Local Plan.

9.35.2I appreciate that residents and others would not have to go far to enjoy views out of the village. Be that as it may, this is perhaps the only point where views to open countryside can be appreciated from the village street. The relationship with the countryside is thereby emphasised and relief obtained from views of built-up frontages. No modification of the Plan is appropriate.

RECOMMENDATION

9.35/1 Do not make any modification in response to the objection.

9.36 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - HEREFORD - LAND OFF SHERRINGTON DRIVE

Objections

P692/1702 Jennings Estates Ltd
P1107/3540 H P Bulmer Ltd and Jennings Estates

Summary of Objections / Issues

- The land meets none of the criteria within Policy HBA9 and should be excluded from the designation. It should be allocated for housing. (692, 1107)

Inspector's Reasoning and Conclusions

Land off Sherrington Drive – 692, 1107

9.36.1 I have dealt with a related objection to the effect that the land should be allocated for housing in Section 5 of my report above. The land lies between the Yazor and Widemarsh Brooks. It is designated under Policy DR7 as land liable to flood and for that reason would be unsuitable for housing in any event.

9.36.2 In my judgment, the land is appropriately identified under Policy HBA9. It is a visually attractive piece of land which contributes to the distinctive spatial character, form and pattern of this part of Hereford. Additionally, it has some nature conservation value. It was included in the Hereford Local Plan as urban open space and the previous Inspector accepted that the designation should be retained. These considerations remain valid and I consider that no modification should be made in response to the objection.

RECOMMENDATION

9.36/1 Do not make any modification in response to the objection.

9.37 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - KINGSLAND - ST MARY'S FARM

Objection

PX692/1717 Jennings Estates Ltd (Conditionally Withdrawn)

Summary of Objection / Issue

- Policy HBA9 is wrongly applied to areas of farm buildings at St Mary's Farm. (692)

Inspector's Reasoning and Conclusions

St Mary's Farm - 692

9.37.1 Changes were made in the Revised Deposit Draft which enabled the objection to be conditionally withdrawn. There is no need for any further modification.

RECOMMENDATION

9.37/1 Do not make any modification in response to the objection.

9.38 PROTECTION OF OPEN AREAS AND GREEN SPACES – POLICY HBA9 - KINGTON - WEST OF EARDISLEY ROAD

Objection

P774/4265 J W and G R N Watkins (Conditionally Withdrawn)

Summary of Objection / Issue

- The site boundary should be amended to allow the whole site to be considered within a development brief. (774)

Inspector's Reasoning and Conclusions

Land west of Eardisley Road - 774

9.38.1 Changes were made in the Revised Deposit Draft which enabled the objection to be conditionally withdrawn. There is no need for any further modification.

RECOMMENDATION

9.38/1 Do not make any modification in response to the objection.

9.39 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - KINGTON – BETWEEN TANYARD LANE AND THE RIVER ARROW

Objection

W189/606 Mr A Duckett and Ms K Williams

Summary of Objection / Issue

- Land between Tanyard Lane and the River Arrow at Kington should be removed from the protection of Policy HBA9 and considered as an area for the development of tourism. (189)

Inspector's Reasoning and Conclusions

Land between Tanyard Lane and the River Arrow, Kington - 189

9.39.1 In my opinion, Policy HBA9 is correctly applied to the majority of the objection site. Although not readily visible in isolation, it is open land that is an integral part of the green space either side of the River Arrow. The open and undeveloped nature of this land is an important feature of the setting of this part of Kington and the definition of the settlement edge.

9.39.2 With regard to tourism development, the Plan does not contain any tourist-related allocations. I would expect any application to be considered in the light of the provisions of Chapter 14. Given also that no specific proposals were put before the inquiry, there is inadequate justification for related provisions in the Plan. In any event, it is not readily apparent how the objectives of Policy HBA9 could be respected even if development was restricted to the northern part of the site. Flooding could also be any issue. In all the circumstances, no modification of the Plan is appropriate.

RECOMMENDATION

9.39/1 Do not make any modification in response to the objection.

9.40 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - LEDBURY - LAND SOUTH OF LEDBURY BYPASS

Objections

P173/391 The Trustees of the Fourth Lord Biddulph Settlement
P158/358 Messrs M and J Bennion

Summary of Objections / Issue

- The HBA9 designation should be removed from this land as none of the criteria set out in the Policy apply to it. (158, 173)

Inspector's Reasoning and Conclusions

Land south of Ledbury bypass – 158, 173

9.40.1 I consider that the land is properly included within the HBA9 designation. It provides an appropriate landscape buffer between existing housing and the Ledbury bypass in accordance with criterion 3 of the Policy. It also contributes to the distinctive spatial character, form and pattern of the settlement and helps to create and maintain a well defined edge. I conclude that the designation should be retained and no modification is necessary in response to the objection.

RECOMMENDATION

9.40/1 Do not make any modification in response to the objection.

9.41 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - LEDBURY – VARIOUS AREAS

W282/568

Persimmon Homes

Summary of Objection / Issue

- The HBA9 designation should be removed from this land as none of the criteria set out in the Policy apply to it. It should be allocated for residential purposes. (282)

Inspector's Reasoning and Conclusions

Land between the Full Pitcher and Martin's Way, Ledbury - 282

9.41.1 I have dealt with a related objection which seeks the allocation of the site for housing in Section 5 of my report where I conclude that the land should not be identified for housing. I consider that the football and cricket grounds are appropriately protected as recreational land under Policy RST4. The smaller area between the cricket ground and the bypass which is identified under Policy HBA9 is integral to the character of this sector of Ledbury where the open character of the land should be protected. I consider the HBA9 designation should be retained.

RECOMMENDATION

9.41/1 Do not make any modification in response to the objection.

9.42 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - LEINTWARDINE – DARK LANE

Objection

P813/10424

Mr M Kirby (Conditionally Withdrawn)

Summary of Objection / Issue

- The protected open space allocation is excessive and should be reduced in size. (813)

Inspector's Reasoning and Conclusions

Land at Dark Lane, Leintwardine - 813

9.42.1 Changes were made in the Revised Deposit Draft which enabled the objection to be conditionally withdrawn.

RECOMMENDATION

9.42/1 Do not make any modification in response to the objection.

9.43 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - LEOMINSTER – GINHALL LANE

Objections

P527/11596 P D O'Herlihy
RW1261/11555 Sport England

Summary of Objections / Issues

- The protected open space allocation is excessive and should be reduced in size. The whole site should be allocated as an established residential area. (527)
- The protected open space should not be deleted without reasonable justification. (1261)

Inspector's Reasoning and Conclusions

Whether the whole site should be included within the established residential area - 527

9.43.1 The open space designation comprises the northern part of the objection site amounting to about 60% of the total site area. It forms part of a long-standing designation of a linear park which was a key element of the residential development of the Buckfield Estate during the 1980s and 1990s.

9.43.2 Ginhall Lane retains a very rural character in contrast the residential area to the south. To my mind, the objection land makes an important contribution to the character of this part of Leominster which would be radically changed if residential development were permitted on the site.

9.43.3I therefore consider it is appropriate to retain the HBA9 designation in the Plan, to retain the present sense of continuity with the land to the west, which is also included in the designation, and the established linear park. It makes a contribution to amenity in terms of criteria 1, 5 and 6 and may also be of ecological value both in its own right and as a wildlife corridor. I conclude that it should not be identified as being within the established residential area.

Deletion of open space – 1261

9.43.4 The site was originally identified as a recreational site under Policy RST4. However, the Council considers that this designation should only relate to land with a specific recreational dimension. In preparing the Revised Deposit Draft, it was considered that the HBA9 criteria fitted the nature of the site more closely. The site therefore remains protected under Policy HBA9. As it does not have a recreational function, I consider Policy HBA9 to be a more appropriate policy to apply to the site.

RECOMMENDATION

9.43/1 Do not make any modification in response to the objection.

9.44 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - PEMBRIDGE - WEST OF SUCKLEY LANE

Objections

P429/893 Mr R Evans
P431/894 Mr G Evans

Summary of Objections / Issue

- The area of protected land west of Suckley Lane, Pembridge should be reduced so as to allow for infill development. (429, 431)

Inspector's Reasoning and Conclusions

Land west of Suckley Lane, Pembridge – 429, 431

9.44.1 I do not consider that there is any overriding justification for this proposal on the grounds of housing need. I was told that opportunities have been identified sufficient to build 58 houses within the village. There were also 13 outstanding commitments as at 2004.

9.44.2 Nevertheless, I did not gain the impression that this is an important open area or green space that would be particularly "valued locally". It is essentially a small paddock, largely screened by perimeter vegetation, but with views from the entrance to what looked like industrial or farm buildings beyond the northern and western boundaries. Provided that the roadside vegetation was retained, particularly along Suckley Lane, I do not consider that the exclusion of this land would diminish the contribution made by the rest of the open land or prejudice the objectives of the policy.

RECOMMENDATION

9.44/1 On Inset Map 33, exclude the objection site from the area subject to Policy HBA9.

9.44/2 Do not make any other modification in response to the objections.

9.45 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - ROSS-ON-WYE - THE CHASE HOTEL

Objection

P917/2631 Camanoe Estates Ltd

Summary of Objection / Issue

- The site should be deleted from Policy HBA9 and identified as a housing site. (917)

Inspector's Reasoning and Conclusions

Land at the Chase Hotel - 917

9.45.1 Although it is not public open space, the land represents a major open area in this part of Ross-on-Wye which is important to the setting of the Chase Hotel. I do not consider that its use as a housing site would be acceptable in view of the high importance of the land in terms of its contribution to the character and appearance of this part of Ross-on-Wye which lies within a conservation area. The HBA9 designation should be retained.

RECOMMENDATION

9.45/1 Do not make any modification in response to the objection.

9.46 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - SHOBDON - LAND AT MOOR MEADOW

Objection

P766/1914 Shobdon Parish Council (Conditionally Withdrawn)

Summary of Objection / Issue

- The grass verge should not be included as a protected green space. (766)

Inspector's Reasoning and Conclusions

Land at Moor Meadow – 766

9.46.1 Changes were made at revised deposit stage which allowed the objection to be conditionally withdrawn. No further modification is necessary.

RECOMMENDATION

9.46/1 Do not make any modification in response to the objection.

9.47 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - LAND NORTH OF B4362 AND WEST OF SHOBDON BRIDGE

Objection

P766/1917 Shobdon Parish Council

Summary of Objection / Issue

- The site is suitable for housing and should not be protected under Policy HBA9. (766)

Inspector's Reasoning and Conclusions

Land north of B4362 – 766

9.47.1 I consider that the embankment is important to the setting and character of the village and is appropriately identified as an open area and green space. It meets criteria 1, 4, 5, and 6 of the policy. The north side of the road has an undeveloped character and housing development as suggested by the objector would bring about consolidation with a loss of rural character. No modification to the Plan is necessary.

RECOMMENDATION

9.47/1 Do not make any modification in response to the objection.

9.48 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - KINGSLAND – ST MARY'S FARM

Objection

RW1261/11544 Sport England

Summary of Objection / Issue

- Open space should not be deleted without justification. (1261)

Inspector's Reasoning and Conclusions

Land at St Mary's Farm, Kingsland – 1261

9.48.1 The designation affected an area of farm buildings which the Council accepts was inappropriately included in the designation. A change was made to the Revised Deposit Plan to reflect this. No modification is needed in response to the objection.

RECOMMENDATION

9.48/1 Do not make any modification in response to the objection.

9.49 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - KINGTON – RECREATION GROUND

Objections

P535/10389 Kington Town Council
RP1362/10324 Kington Area Regeneration Partnership

Summary of Objections / Issue

- Removal of protection reduces the protection of an important open space. (535, 1362)

Inspector's Reasoning and Conclusions

Kington Recreation Ground – 532, 1362

9.49.1 The site remains protected as a recreation ground by Policy RST4. Given the nature of its use, I consider that this is the more appropriate means of protecting the site. Removal of the HBA9 designation does not imply any downgrading in the status of the site or its importance to the community. No modification is necessary.

RECOMMENDATION

9.49/1 Do not make any modification in response to the objections.

9.50 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - SHOBDON – LAND AT MOOR MEADOW

Objection

RW1261/11536 Sport England

Summary of Objection / Issue

- Open space should not be deleted without justification. (1261)

Inspector's Reasoning and Conclusions

Land at Moor Meadow – 1261

9.50.1 The original designation affected an area of roadside verge which the Council accepts was inappropriately included in the designation. A change was

made to the Revised Deposit Plan to reflect this. No modification is needed in response to the objection.

RECOMMENDATION

9.50/1 Do not make any modification in response to the objection.

9.51 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - ADDITIONAL AREA - BODENHAM - VARIOUS AREAS

Objection

P551/1233 Bodenham Parish Council (Conditionally Withdrawn)

Summary of Objection / Issue

- Additional areas around the surgery and the Parish Hall should be delineated. (551)

Inspector's Reasoning and Conclusions

Bodenham – various areas - 551

9.51.1 Changes were made at revised deposit stage which enabled the objection to be conditionally withdrawn. No other modification is necessary.

RECOMMENDATION

9.51/1 Do not make any modification in response to the objection.

9.52 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - ADDITIONAL AREA - CRADLEY - ADJACENT TO RUSSET HOUSE

Objection

P1005/7351 Mr R D Carver

Summary of Objection / Issue

- Additional areas adjacent to Russet House should be included in the designation. (1005)

Inspector's Reasoning and Conclusions

Land adjacent to Russet House – 1005

9.52.1 The land adjoining Russet House is considered in Paragraph 9.53.4 of my report. I conclude that it is rightly excluded from the provisions of the policy.

RECOMMENDATION

9.52/1 Do not make any modification in response to the objection.

9.53 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 – ADDITIONAL AREA - CRADLEY - ADJACENT TO THE CHURCH

Objections

P769/1911	Cradley Parish Plan Project and Village Design Statement Steering Group
P770/1923	Hon Curate of Cradley with Mathon and Storridge
P1068/3257	Cradley Parish Council
P508/4751	Mrs S M Hyson (Conditionally Withdrawn)
P696/4750	Mrs P A Fairfax
P1005/7350	Mr R D Carver
P1068/500135	Cradley Parish Council
W280/500197	Mr R Gill
P712/500176	Mr E J Edgar
P1005/11140	Mr R D Carver

Summary of Objections / Issues

- Whether the policy should apply to land in the vicinity of St James Church. (769, 770, 1068, 508, 696, 1005)
- Whether the protected area around the church should be extended. (1068, 280, 712, 1005)

Inspector's Reasoning and Conclusions

Applying Policy HBA9 to the area around St James Church - 769, 770, 1068, 508, 696, 1005

9.53.1 Various spaces of value to the community are identified in the Cradley and Storridge Village Design Statement. The results of this work were not available in time to inform preparation of the Deposit Draft UDP. However, the Revised Deposit Draft now identifies a number of areas in Cradley that are considered to be worthy of protection under Policy HBA9.

9.53.2 One of these areas is the land including, and in the vicinity of, St James Church. The boundary is not entirely coincident with that identified in the village design statement. However, from what I saw on my site visit, I agree that the land now identified meets the various considerations set out in the policy. Given

the inclusion of this land in the Revised Deposit Draft, I do not consider that any further related modification of the Plan is necessary.

Extending the protected area – 1068, 280, 712, 1005

9.53.3 Several objectors consider that the area now protected is not extensive enough. It should be extended to include land on the south side of Rectory Lane as well as land adjoining Russet House.

9.53.4 To my mind, the land adjoining Russet House does not satisfy any of the criteria set out in Policy HBA9. In particular, it has no particular public value nor does it contribute in any material way to the setting of the village. In my opinion, it is rightly excluded from the provisions of the policy.

9.53.5 With regard to land adjoining Rectory Lane, part of the frontage is occupied by two private dwellings; part comprises a paddock that is outside the settlement boundary. Protection of these areas under Policy HBA9 would not be appropriate.

9.53.6 Particular attention has focussed on an area adjacent to The Rectory that is used for parking. I can see the importance of this land to the community. However, as an important village facility, I would expect the land to enjoy protection under Policy CF6. It is not an area that would satisfy the criteria for consideration under Policy HBA9 and no modification of the Plan is appropriate.

RECOMMENDATION

9.53/1 Do not make any modification in response to the objections.

9.54 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 – ADDITIONAL AREA - CRADLEY - BURYFIELDS PLAYING FIELD

Objection

P1068/3238 Cradley Parish Council

Summary of Objection / Issue

- Buryfields Playing Field should be included in Policy HBA9. (1068)

Inspector's Reasoning and Conclusions

Buryfields Playing Field - 1068

9.54.1 In the Revised Deposit Draft, Buryfields Playing Field was identified under Policy RST4. As its primary function is recreation, I consider this is the appropriate policy and it is unnecessary to identify it under Policy HBA9 as well.

RECOMMENDATIONS

9.54/1 Do not make any modification in response to the objection.

9.55 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 – ADDITIONAL AREA - CRADLEY – BROOKSIDE

Objections

P1068/500136 Cradley Parish Council
W280/500198 Mr R Gill

Summary of Objections / Issue

- Additional land at Brookside should be designated. The boundary should be delineated by the eponymous brook. (280, 1068)

Inspector's Reasoning and Conclusions

Land at Brookside – 280, 1068

9.55.1 Whilst I do not consider that the additional land referred to has any development potential, I agree that the brook itself would be a more logical boundary to the identified area. I recommend accordingly.

RECOMMENDATIONS

9.55/1 Modify the Cradley Inset Plan to show the boundary of the HBA9 land at Brookside running along the brook.

9.55/2 Do not make any other modification in response to the objection.

9.56 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 – ADDITIONAL AREA - CRADLEY - LAND BETWEEN ST KATHERINES AND HUNTINGDON

Objections

P769/1910 Cradley Parish Plan Project and
Village Design Statement Steering Group
P1068/3246 Cradley Parish Council
P41/4672 Mr J and Ms H Hunaban
P51/4676 Ms E Kevan
P53/5294 Mr G W Thomas
P65/4673 Mr B and Ms C Allcock
P148/4669 Ms P A Fenwick
P149/4670 Mr P T Fenwick
P508/4634 Mrs S M Hyson (Conditionally Withdrawn)
P511/1051 Ms P Edwards (Conditionally Withdrawn)

P518/4675	R and E W Repton
P694/4674	Mrs S J Davies
P696/1726	Mrs P A Fairfax
P712/4665	Mr E J Edgar
P760/4651	G P Young
P1005/3083	Mr R D Carver
P126/10552	Mr M Anson

Summary of Objections / Issue

- Whether Policy HBA9 should apply to land between St Katherines and Huntingdon. (All objectors)

Inspector's Reasoning and Conclusions

Application of policy to land between St Katherines and Huntingdon – all objectors

9.56.1 In Section 9.54 of my report, I note that various spaces of value to the community are identified in the Cradley and Storridge Village Design Statement. The results of this work were not available in time to inform preparation of the Deposit Draft UDP. However, the Revised Deposit Draft now identifies a number of areas in Cradley that are considered to be worthy of protection under Policy HBA9. One of these is the land between St Katherines and Huntingdon. To this extent, related objections have been met.

9.56.2 Residents and others have stressed the perceived amenity value of the land and its contribution to neighbourhood character. Attention is drawn to the support of the village design statement and the need to protect greenfield land such as this from unnecessary development. Mention is made of the way in which the site enhances the quality and setting of Cradley, acts as an area of transition between the built-up area and open countryside and is characteristic of the way the village has developed. All in all, the site is seen as a locally distinctive feature and a pleasant natural break in the built form. Reference has also been made to views from the site and its importance as a wildlife habitat.

9.56.3 The Council for its part draws attention to the importance of the site in providing relief from built development and as an important amenity of value to the local community.

9.56.4 I appreciate that the objection site is a familiar open space within Cradley that has remained undeveloped. However, in terms of the considerations within the policy, I do not consider that protection of the site is of overriding importance. In particular, it is not within an otherwise built-up frontage since there is no built-up frontage to the east. Further, although there is built development on all sides, the site fringes such development. I would not describe the site as being “within developments” in the sense that an open area of green space can often provide visual and spatial relief from the intensity of surrounding housing.

9.56.5 As to the importance of the site to the local community, this is evident from the objections and from responses reported in the village design statement. However, public sentiments have to be weighed against planning merits. Also, many of the objectors are against development of the site. The issue here is not whether the site should remain undeveloped. This can be achieved, as necessary, in other ways. Rather the issue is whether the site warrants protection under the policy.

9.56.6 To my mind, the objection site is within one of the built-up parts of the village. The approach from the west is past conventional detached frontage housing. From the east, access is along a narrow rural lane. This passes through the “strategic gap” and alongside St Katherines Orchard both of which truly contribute to the distinctive spatial setting, form and pattern of Cradley. However, by the time St Katherines is reached, the nature of the area has changed to one characterised by built development albeit that the road at this point is still like a country lane.

9.56.7 In this context, the objection site is an anomaly. It is a small area of open grassland, sometimes grazed by sheep, with housing all around. Rather than a visually attractive green space, I perceived the site to be a residual area of land, rather functional in appearance and contributing little to the appreciation of the settlement or the neighbourhood. The roadside vegetation screens views into and out of the site although the land is open to view notably from the footpath along the eastern boundary.

9.56.8 In the light of the above, I am firmly of the opinion that the objection site does not warrant protection under the policy as an important open space or green area. I fully appreciate, however, that there may be other reasons why development here would not be appropriate.

RECOMMENDATION

9.56/1 On Inset Map 11, exclude the objection site from the area subject to Policy HBA9.

9.56/2 Do not make any other modification in response to the objections.

9.57 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 - ADDITIONAL AREA - CUSOP - LAND EAST OF ROAD TO DINGLE

Objection

P364/774 Mr G Cundale

Summary of Objection / Issue

- An additional area should be included to the south of Cusop and to the east of the road up to the dingle. (364)

Inspector's Reasoning and Conclusions

Additional land at Cusop – 364

9.57.1 I consider that this land is satisfactorily protected by its location in the countryside, particularly by Policies LA2 and LA3. It would be inappropriate to include it in the HBA9 designation.

RECOMMENDATION

9.57/1 Do not make any modification in response to the objection.

9.58 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 – ADDITIONAL AREAS - FOWNHOPE – VARIOUS

Objection

P785/7060	Fownhope Parish Council
P785/7061	Fownhope Parish Council
P785/7062	Fownhope Parish Council
P785/7063	Fownhope Parish Council
P785/1945	Fownhope Parish Council

Summary of Objections / Issue

- A number of additional areas should be designated in Fownhope. (785)

Inspector's Reasoning and Conclusions

Land between the school and the hall – 785

9.58.1 This area is a hard standing with no particular amenity value. It does not meet the criteria for inclusion under Policy HBA9.

Grassed area by school entrance – 785

9.58.2 This is a very small area of grassed verge. I agree with the Council that it is too small to warrant identification as a specific site.

Green Lane - 785

9.58.3 This is a green lane providing access to the farmland to the north. I do not consider that any purpose would be served by including it within the designation.

School playing field –785

9.58.4 The Council accepts that it is appropriate to protect the school playing field, but in view of its recreational value considers that Policy RST4 is a more appropriate designation. This change was included in the Revised Deposit Draft Inset Map 18. It is therefore unnecessary to include the land under Policy HBA9 and no further modification is needed in response to this objection.

Venture play area – 785

9.58.5 The Council accepts that this area should be protected but as a recreational area under Policy RST4. This change was included in the Revised Deposit Draft Inset Map 18. It is therefore unnecessary to include the land under Policy HBA9 and no further modification is needed in response to this objection.

RECOMMENDATION

9.58/1 Do not make any modification in response to the objections.

9.59 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 – ADDITIONAL AREA - HEREFORD - BARTONSHAM LAND AT HAROLD STREET

Objection

P164/2502 Ms P Jones

Summary of Objection / Issue

- An area of agricultural grazing land at Bartonsham should be designated under Policy HBA9. (164)

Inspector's Reasoning and Conclusions

Land at Bartonsham – 164

9.59.1 Given the character of the surroundings, I consider it is appropriate for this land to be identified as an established residential area. I do not consider that the land qualifies as an important open area or green space of particular amenity value to the surrounding area. In any event, it lies within a conservation area and any amenity issue would need to be considered in this context.

RECOMMENDATION

9.59/1 Do not make any modification in response to the objection.

9.60 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 – ADDITIONAL AREA - HEREFORD - TA CENTRE, HAROLD STREET

Objection

P164/2504 Ms P Jones (Conditionally Withdrawn)

Summary of Objection / Issue

- Land at the TA Centre, Harold Street should be designated under Policy HBA9. (164)

Inspector's Reasoning and Conclusions

Land at the TA Centre, Harold Street – 164

9.60.1 Changes were made in the Revised Deposit Draft which enabled the objection to be conditionally withdrawn.

RECOMMENDATION

9.60/1 Do not make any modification in response to the objection.

9.61 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 – ADDITIONAL AREA - KINGTON - VARIOUS AREAS

Objections

P535/1199	Kington Town Council
P535/10390	Kington Town Council
RP1397/10406	Mrs R Bradbury

Summary of Objections / Issues

- Additional areas at Kington should be identified under Policy HBA9. (535)
- If the employment allocation south of Hatton Garden is deleted, the land should be identified under Policy HBA9. The land forms a valuable open space resource for a housing estate that has no recreational open space or play areas. (535, 1397)

Inspector's Reasoning and Conclusions

Land south of Hatton Gardens – 535, 1397

9.61.1 The employment proposal was deleted in response to an objection by the Environment Agency relating to flood risk. In consequence, the land is now excluded from the development boundary for Kington. I consider that this provides sufficient protection of its open character and there is no need additionally to include it within Policy HBA9. No modification is necessary.

Land west of Lady Hawkins School - 535

9.61.2 The site remains protected as a recreation ground by Policy RST4. Given the nature of its primary use, I consider that this is the more appropriate means of protecting the site. It is unnecessary to include it within the HBA9 designation as well. No modification is necessary.

RECOMMENDATION

9.61/1 Do not make any modification in response to the objections.

9.62 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 – ADDITIONAL AREA - LEDBURY - GROUNDS AT UPPERHALL

Objection

P743/1817 Ledbury Town Council

Summary of Objection / Issue

- The grounds of Upperhall should be safeguarded against any development for the foreseeable future. (743)

Inspector's Reasoning and Conclusions

Grounds of Upperhall – 743

9.62.1 The majority of the grounds of Upperhall lie outside the settlement boundary and are therefore treated as open countryside where development is strictly controlled. The grounds are also included within the conservation area. Any development proposal which would affect their character and appearance would need to be considered in that context and I consider that designation under HBA9 is unnecessary.

RECOMMENDATION

9.62/1 Do not make any modification in response to the objection.

9.63 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 – ADDITIONAL AREA - PEMBRIDGE - VARIOUS AREAS

Objection

P172/390 Mrs D Klein

Summary of Objection / Issue

- A number of other areas should be included on Inset Map 33 including gardens along the north side of the A44; open land on Bridge Street; unprotected land on Suckley Lane and the Rectory Garden; Open land south of the Market Square and behind the Old stores; and three recreation areas. (172)

Inspector's Reasoning and Conclusions

Additional areas – Pembridge – 172

9.63.1 A number of the sites referred to by the objector have been identified as recreation sites under Policy RST4 through changes to the Revised Deposit

Draft. Significant areas of Pembridge have also been designated under Policy HBA9. In addition, the village and much of its setting are protected by conservation area designation. Any proposals which would affect the character and appearance of Pembridge would need to be considered in this context. I do not consider that sufficient justification has been made for the inclusion of additional areas many of which are protected by other designations.

RECOMMENDATION

9.63/1 Do not make any modification in response to the objection.

9.64 PROTECTION OF OPEN AREAS AND GREEN SPACES - POLICY HBA9 – ADDITIONAL AREA - WITHINGTON - LAND ADJACENT TO WHITESTONE CHAPEL

Objection

P1030/3152 Dent Farms Ltd

Summary of Objection / Issue

- This land was formerly protected by Policy C.30 of the South Herefordshire District Plan. It is inconsistent to now identify it as a housing site. (1030)

Inspector's Reasoning and Conclusions

9.64.1 Notwithstanding that it was identified as an area of open space in the South Herefordshire District Plan, I do not consider that the land meets the characteristics required for inclusion under Policy HBA9. No modification is necessary.

RECOMMENDATION

9.64/1 Do not make any modification in response to the objection.

9.65 ADVERTISING - POLICY HBA11 AND PARAGRAPH 9.6.37

Objections

W198/1208 Hereford Civic Society
P1121/3616 Outdoor Advertising Association

Summary of Objections / Issues

- The policy should be strengthened to control internal advertising in shop windows. (198)

- Paragraph 9.3.7 should be amended to omit reference to a positive contribution to the environment in town and country. (1121)

Inspector's Reasoning and Conclusions

Internal advertising – 198

9.65.1 Whilst I accept that the Council could produce a voluntary code of practice in pursuit of this aim, it would not alter the statutory framework for the control of advertisements which does not cover internal advertising. I do not consider there is any need to amend the policy in response to the objection.

Clarification – 1121

9.65.2 Paragraph 9.6.37 was amended in the Revised Deposit Draft by substituting “the main purpose” for “the purpose”. With this amendment, I consider that the paragraph satisfactorily reflects the guidance in Paragraph 2 of PPG 19.

RECOMMENDATION

9.65/1 Do not make any modification in response to the objections.

9.66 RE-USE OF RURAL BUILDINGS - POLICY HBA12 AND PARAGRAPHS 9.6.41 AND 9.6.43

Objections

P11/311	Wall, James and Davies (Solicitors)
P44/226	National Farmers' Union
P832/2157	Co-operative Group (Conditionally Withdrawn)
P846/2245	Country Land and Business Association
P846/11224	Country Land and Business Association
P1102/3513	H P Bulmer Ltd
P1102/7507	H P Bulmer Ltd
P1169/3709	BT PLC (Conditionally Withdrawn)
P388/833	D Boynton and Son

Summary of Objections / Issues

- Whether the policy should refer to “traditional” rural buildings. (11, 44, 832, 846, 1169)
- Reference to the potential removal of permitted development rights is inappropriate. (846)
- Whether there should be reference to development that could have detrimental effects. (1102)
- Residential use should not be totally excluded. (1102)
- The policy should allow for new development. (388)

Inspector's Reasoning and Conclusions

Traditional rural buildings – 11, 44, 832, 846, 1169

9.66.1 The references to "traditional" rural buildings were dropped in the revised deposit version of the Plan. I consider that the thrust of the objections has been met and that no further modification is necessary.

Reference to permitted development rights - 846

9.66.2 I appreciate that each planning application should be judged on its merits. However, in the case of the conversion of rural buildings, it is common for permitted development rights to be withdrawn. In this way, beneficial use of redundant buildings can be achieved without accompanying harmful effects on the character and appearance of the countryside. In the circumstance, it is useful to flag up the potential withdrawal of permitted development rights. No modification of the Plan is necessary.

Development that could have detrimental effects - 1102

9.66.3 Under Policy HBA12, the re-use of rural buildings will be allowed subject to the provisions of the policy. These include avoiding development that would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting. It appears to me that these are important pre-requisites. Omission of this part of the policy would not be appropriate.

Residential use - 1102

9.66.4 To my mind, Paragraph 9.6.41 reflects the guidance given in PPS 7 regarding the re-use of buildings in the countryside. The paragraph already indicates where residential uses may be acceptable. Re-use of rural building for residential purposes is also addressed under Policy HBA13. As such, there is no need to say that residential uses are not totally excluded. However, the paragraph should now refer to PPS 7 not to PPG 7.

Allowing for new development - 388

9.66.5 A special case can be made for the re-use of existing buildings in the countryside. However, to add new or replacement buildings may not be sustainable. The overall size of the development could become unacceptable. Landscape, amenity and traffic generation issues could also arise. As such, I consider that it would be wrong to refer to new building within the policy or supporting text. I acknowledge, however, that there may be exceptional circumstances where an element of new-build would be appropriate.

RECOMMENDATIONS

- 9.66/1 At the beginning of Paragraph 9.6.41, substitute "PPS 7" for "PPG7".
9.66/2 Do not make any other modification in response to the objections.

9.67 RE-USE OF RURAL BUILDINGS FOR RESIDENTIAL PURPOSES - POLICY HBA13

Objections

P44/227	National Farmers' Union
P217/11289	Walford Parish Council
P605/3038	Three Counties Planning
P635/11443	Campaign to Protect Rural England
P685/1697	Tufnell Town and Country Planning
P832/2159	Co-operative Group
P846/2252	Country Land and Business Association
P866/2472	Church Commissioners for England
P1066/11228	Paul Smith Associates
P1102/3529	H P Bulmer Ltd
P1169/3710	BT PLC

Summary of Objections / Issues

- The restriction to "traditional" buildings only does not reflect Paragraph 3.14 of PPS 7. (44, 832, 846, 1169)
- Clause 3 should be amended to read "a viable new business". (217)
- The policy should include the reconstruction of parts of buildings for residential use and alterations to existing traditional rural buildings to comply with modern day living standards. (605)
- The revised wording of the second sentence is too restrictive. Policy HBA12 should apply to all rural buildings. (635, 685, 832, 1102, 1169)
- The term "not acceptable, practical or beneficial" is too vague. (635)
- Residential conversions of rural buildings make a useful contribution to the delivery of the UDP's housing strategy. The restrictions on conversion other than in main villages in Policy H13 are unwarranted and will reduce the housing contribution of conversions. (832)
- Clause 3 should be re-worded to allow housing in support of business diversification. (846)
- Reference to prioritisation for recreational and community use is not supported by PPS 7. (866)
- Financial viability should be taken into account. (1066)
- Local need is not a relevant consideration. (1169)

Inspector's Reasoning and Conclusions

Restriction to "traditional" buildings – 44, 832, 846, 1169

9.67.1 In the Revised Deposit Draft, "rural" was substituted for "traditional" in Policies HBA12 and HBA 13. I consider this satisfies the objections.

Viability of businesses – 217

9.67.2 Clause 3 requires that proposals should be “necessary”. I consider that this would enable considerations of viability to be assessed without the need for a further modification.

Extensions and alterations – 605

9.67.3 PPS 7 supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. The emphasis is on re-use. Extensions and alterations can have a significant impact on the character of a building and its impact in the countryside. A policy which permitted extensions and alterations to rural buildings which have already been converted would permit inappropriate change which could harm the countryside.

Whether the policy is too restrictive – 635, 685, 832, 866, 1102, 1169

9.67.4 PPS 7 states that re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of building. Planning authorities should therefore set out their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses.

9.67.5 The UDP strategy seeks to ensure a sustainable pattern of new residential development. In rural areas, most new housing is directed to main villages. In my view, conversion of rural buildings to residential use should have regard to the sustainability considerations which underlie the Plan.

9.67.6 Allowing widespread residential use of rural buildings would conflict with this approach which I consider to be consistent with guidance in PPS 7. Government guidance gives planning authorities discretion as to what uses should be included in planning policies relating to the re-use of rural buildings. I consider that a requirement to demonstrate that other uses, including employment and recreational and community uses, have been fully explored before residential use is entertained is consistent with the settlement strategy. I do not consider that any modification is necessary.

Vagueness – 635

9.67.7 I agree that the term “beneficial” is open to interpretation and does not add clarity to the policy. However “practical” and “acceptable” relate more directly to planning considerations. These are matters of judgment which should always be supported by clear reasoning. I recommend that the end of the second sentence of the policy is modified to read “acceptable or practical”.

Support for business diversification – 846

9.67.8 The policy already refers to “a new business or the growth of an existing and established rural enterprise.” To my mind this embraces diversification and no modification is necessary.

Financial viability – 1066

9.67.9 I consider that the question of viability is covered by the need to show evidence that a particular scheme would not be practical. There is no need to introduce a specific test of financial viability into Policy HBA13.

Test of need – 1169

9.67.10 I consider that it is reasonable to refer in the policy to the opportunity to meet local housing need as a circumstance where the conversion of a rural building might be acceptable. Other circumstances are listed in the policy as alternatives. Conformity with the settlement strategy of the UDP requires close scrutiny of residential proposals in isolated locations even where these involve the conversion of existing rural buildings.

RECOMMENDATIONS

9.67/1 Modify Policy HBA13 by substituting “acceptable or practical” for “acceptable, practical or beneficial” in the second sentence.

9.67/2 Do not make any other modification in response to the objection.

9.68 HISTORIC BUILDINGS / AREAS - HISTORIC CHURCH BUILDINGS – PROPOSED NEW POLICY

Objection

P1079/3295 Revd N Read and Ms A Holden

Summary of Objection / Issue

- There should be more discussion on the development of historic churches, most of which are listed buildings. (1079)

Inspector's Reasoning and Conclusions

Historic churches – 1079

9.68.1 Whilst I have sympathy with the objectors' concerns, I consider that the policies for listed buildings and development in the countryside provide the appropriate policy context for considering the development of churches. I consider there is no need to include more specific discussion of rural churches.

RECOMMENDATION

9.68/1 Do not make any modification in response to the objection.

9.69 MANAGEMENT OF FEATURES OF THE LANDSCAPE IMPORTANT FOR FAUNA AND FLORA – PROPOSED NEW POLICY

Objection

P602/1334 Herefordshire Nature Trust

Summary of Objection / Issue

- A new policy is required to encourage the management of landscape features which are of major importance for wild flora and fauna. (602)

Inspector's Reasoning and Conclusions

Need for a new policy – 602

9.69.1 Paragraph 9.5.24 of the Revised Deposit Draft includes reference to Regulation 37 of the Habitat Regulations 1994. I consider these matters are satisfactorily dealt with in Policy NC9, and the supporting paragraphs, and there is no need for a new policy.

RECOMMENDATION

9.69/1 Do not make any modification in response to the objection.

9.70 ARCHAEOLOGICAL ASSESSMENTS AND FIELD EVALUATIONS - POLICY ARCH1 AND PARAGRAPH 9.7.13

Objection

P846/2253 Country Land & Business Association

Summary of Objection / Issue

- A hierarchy of importance should be established to avoid unnecessary restrictions on development and delay in the processing of applications. (846)

Inspector's Reasoning and Conclusions

Hierarchy of sites – 846

9.70.1 In general I consider that the archaeology policies satisfactorily reflect the hierarchy of sites. They recognise that development may be acceptable on lower category sites provided satisfactory mitigation can be achieved or arrangements made to record remains where preservation in situ is not feasible. I recommend a modification to Policy ARCH5 so that it refers to sites of lesser regional importance, to make it clear that not all sites of regional importance are subject to the higher levels of protection afforded by Policy ARCH4. However, there is no need to modify Paragraph 9.7.13 or Policy ARCH 1.

9.70.2 With regard to delays in the system, the advice in PPG 16 is clear. The needs of archaeology and development can be reconciled, and conflict very much reduced, if developers discuss their preliminary plans with the planning authority at an early stage and before a planning application is submitted. These consultations will help to provide prospective developers with advance warning of the archaeological sensitivity of a site. The Plan provides the context for this to happen.

RECOMMENDATION

9.70/1 Do not make any modification in response to the objection.

9.71 SCHEDULED ANCIENT MONUMENTS - POLICY ARCH3 AND PARAGRAPH 9.7.15

Objection

P357/727 English Heritage

Summary of Objection / Issue

- "Other sites of national importance" should be linked with Scheduled Ancient Monuments rather than regional sites in Policy ARCH4.

Inspector's Reasoning and Conclusions

Other sites of national importance - 357

9.71.11 consider that the level of protection afforded to "other sites of national importance" by Policy ARCH4 is appropriate. It provides a high degree of protection for such sites from development which would destroy or seriously damage the site or its setting. There is no need to modify Policy ARCH3 to ensure that other sites of national importance are satisfactorily protected.

RECOMMENDATION

9.71/1 Do not make any modification in response to the objection.

9.72 OTHER SITES OF NATIONAL OR REGIONAL IMPORTANCE - POLICY ARCH4 AND PARAGRAPH 9.7.16

Objections

P357/729	English Heritage
P809/2100	Hereford and Worcester Chamber of Commerce
P846/2255	Country Land & Business Association
P897/2532	Quarry Products Association
P350/645	RMC Western

Summary of Objections / Issues

- The level of constraint in this policy is too strong. (357, 846, 897)
- The unscheduled nationally or regionally important sites are not referred to in the Plan. (350)

- The policy should allow for sites to be preserved out of situ and should be combined with Policy ARCH5, which allows for mitigation. (809)

Inspector's Reasoning and Conclusions

Whether the level of constraint is too strong – 357, 846, 897

9.72.1 The advice in PPG 16 is that archaeological remains identified and scheduled as being of national importance should normally be earmarked in development plans for preservation. Authorities should bear in mind that not all nationally important remains meriting preservation will necessarily be scheduled; such remains, and in appropriate circumstances other unscheduled archaeological remains of more local importance, may also be identified in development plans as particularly worthy of preservation.

9.72.2 Policy ARCH4 groups together “other sites of national importance” with regionally important sites, identified in the County Sites and Monuments Record. The policy resists development which would destroy or seriously damage unscheduled nationally important sites or their character or setting.

9.72.3 Having regard to the advice in Paragraph 16 of PPG 16, I do not consider that the level of constraint is too strong providing it applies to sites of national importance, and regional sites of genuine importance, identified as such in the County Sites and Monuments Record. The policy does not preclude all development but gives protection against development which would destroy or seriously damage such sites or their setting.

9.72.4 Paragraph 9.7.16 recognises that the preservation of such sites and their settings may be accomplished through the development of a satisfactory mitigation strategy, allowing development to proceed, but there will be cases where this cannot be achieved. Again early consultation on development proposals will reveal whether mitigation can be achieved so as to allow development to proceed. However, I consider it would be inappropriate to frame a policy which would appear to permit development which was damaging to sites of genuine regional or national importance.

Identification of sites - 350

9.72.5 In many cases the information is readily available from the County Sites and Monuments Record. However, I do not think it is appropriate or necessary to attempt to include a definitive list of other sites in the Plan and illustrate them on the Proposals Map. The status of sites is subject to change either through re-evaluation or the discovery of new sites. It is preferable for such information to be maintained separately.

Preservation out of situ – 809

9.72.6 Policy ARCH6 allows for circumstances where preservation in situ cannot be achieved. I consider it is unnecessary for this to be incorporated into Policies ARCH4 and ARCH5 or for ARCH4 and ARCH5 to be combined.

RECOMMENDATION

9.72/1 Do not make any modification in response to the objections.

9.73 SITES OF REGIONAL OR LOCAL IMPORTANCE - POLICY ARCH5 AND PARAGRAPH 9.7.17

Objection

P846/2257 Country Land & Business Association

Summary of Objection / Issue

- A hierarchy of importance should be established, to avoid unnecessary restrictions on development. (846)

Inspector's Reasoning and Conclusions

Hierarchy of importance – 846

9.73.1 To my mind, confusion arises from reference to sites of regional importance in both Policy ARCH4 and ARCH5. I consider that the distinction would be clearer if Policy ARCH5 is modified to refer to sites of lesser regional or local importance. This would accord with the distinction set out in Paragraph 9.7.4.

RECOMMENDATION

9.73/1 Modify Policy ARCH5 to read:

ARCH5 Sites of Lesser Regional or Local Importance

Development proposals which adversely affect a site of lesser regional or local importance that is unlikely to merit full preservation in situ will be permitted where the impact on the archaeological interest of the site can be shown to have been adequately mitigated.

9.73/2 Do not make any other modification in response to the objection.

9.74 ENHANCEMENT AND IMPROVED ACCESS TO ARCHAEOLOGICAL SITES – POLICY ARCH8 AND PARAGRAPH 9.7.23

Objection

P350/660 RMC Western

Summary of Objection / Issue

- For certain types of development, improved public access could be ill-advised on health and safety grounds. (350)

Inspector's Reasoning and Conclusions

Need for caveat – 350

9.74.1 The Council accepted the objector's concern and an appropriate change was made at revised deposit stage. No further modification is necessary.

RECOMMENDATION

9.74/1 Do not make any modification in response to the objection.