

HC comments in red

Dilwyn PC comments in blue

Dilwyn Neighbourhood Plan Examination

Note and questions of clarification from the Examiner to the Parish Council and HC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

Note from the examiner for further consideration please

1. There is considerable concern over the site allocation at land to the southwest of Orchard Close and Castle Mount (subject of Policies DW3 and DW4). In particular I am thinking of the objection from Historic England. I am considering whether this site allocation should be deleted from the Plan. What implications would this have for the Plan? Is there additional work that could be done or other options which could be explored?

The loss of this site would mean that the Dilwyn NDP, as currently written, would not meet requirements to provide the level of proportional growth for the Parish required by the CS. The requirement is for 46 dwellings, as at April 2019 there has been 7 built and 9 commitments leaving a residual figure of 30. Without the site, the plan would accommodate a total of 28 dwellings (this included predicated windfall), leaving 18.

The 2017 pre-app advice on the site has been enclosed for information with the agents permission.

Total loss of the allocation would be a very great disappointment to the NDP Steering Group and Parish Council, especially as the site was promoted by HC (both through the SHLAA and by a Development Management Officer). Neither the issue of buried archaeology or setting of the SAM were raised by the Council's relevant conservation services during informal or formal consultations. NB the PC/SG has not seen the representation from HC Conservation referred to below (question 3). It is believed that advice during the additional consultation (See 3 below - post Regulation 16) received from the Council's Archaeological Service was:

'Site/ Policy DW 4 – Land to the south west of Orchard Close and Castle Mount.

1. *This large allocation occupies a potentially challenging location at the southern end of the historic village of Dilwyn.*
2. *We note the extensive prior correspondence that exists here (with Historic England and others) relating to the significant issue of the adjacent Dilwyn castle SAM.*
3. *Whilst the latest iteration of the neighbourhood plan does acknowledge the level of harm that might arise, and suggest mitigation, we are of the view that Policy DW4 may need to more explicitly describe the kind of buffer that might be needed here, or indeed redraw the boundary of the allocation to take some of the proposed housing area out of consideration entirely.*

4. *For example (although this is not a direct suggestion) if the western half [only] of the current allocation were to be developed, then I think that the open aspect and setting of the castle site would largely be retained, with only minor loss.*
5. *It is recognised of course that such a measure would almost certainly leave some shortfall. However, given that the other allocation in the village is much less sensitive archaeologically, and has on the face of it some scope for enlargement, it should be possible to limit this.'*

If this is the subsequent advice, it does not refer to any issue relating to the potential for buried archaeology. It is considered that the Heritage Impact Assessment is correct in indicating that, with the exception of a small area in the north-east corner of the site adjacent to the SAM, the likelihood that there is buried archaeology is very small. As such the site is no different in this regard to most sites brought forward for development within the County within or adjacent to its many historic settlements. Any unexpected discoveries would fall to be considered in accordance with section 12 of Herefordshire Council's Archaeology and Development SPG

(https://www.herefordshire.gov.uk/download/downloads/id/1442/archaeology_supplementary_planning_guidance.pdf). This is confirmed through criterion DW4(vi).

The NDP steering committee understands the importance of the SAM and this is one of the reasons why the East Court Orchard was designated as local green space. This field also has a series of mounds of archaeological interest related to the SAM. To the West, you cannot see the SAM as it is obscured by development that occurred in the 1980's Castle Mount and Orchard Close and in combination they enclose the SAM around its north, west and the great majority of the south, with residential gardens extending into the SAM almost completely along its southern edge. The bottom corner of the site proposed may have archaeological interest although this is unlikely as it is to the south of the second pool. From the south west a gap between any development and Orchard Close would not improve the view as you can only see the buildings. The Steering Group and PC considered that this site had a low impact on the conservation of our Village.

The principal issue appears to be the effect upon the setting of the SAM (not to be confused with setting of what might have been the castle or homestead). In addition to the information presented in the Heritage Impact Assessment it might be noted that evidence suggests it would seem unusual for the site to have been excluded from the Conservation Area boundary when it was defined if the Conservation Officer who defined this had considered it was important to a heritage asset that formed part of the settlement's character or appearance.

The most recent archaeological advice (italics above) suggests that half the site might be developed. It was never expected that the full site would be developed. The full site amounts to 3.7 hectares. Half the site would amount to 1.8 hectares (4.4 acres). The density of dwellings for the area comprising Orchards Close, Henwood Close and Castle Mount (aka Barn Close) is around 35 dwellings per hectare (14 dwellings per acre). The reduced area might accommodate around 60 dwellings on this basis. However, the intention is to seek 30 dwellings in similar arrangements to that at Orchard Close. Consequently, a reduced area on the basis suggested in the archaeology comments would not affect the ability provide the suggested level of development. The nature of development within the reduced area should be informed by criterion DW4(vii). The remaining area's inclusion within the defined site would enable that identified as important to the SAM's setting to be safeguarded by condition and/or agreement. In addition, benefit might be sought in terms of footpath access

to and enhancement at the edge of the SAM in accordance with para 11.3 of the Archaeology and Development SPG.

The above HC advice coupled with HC's previous promotion of the site to the landowner suggests that HC considers that a form of development upon the site is possible that would result in less than substantial harm (NPPF para 196). The public benefits supported by the community are that the site is large enough to support a resilient and balanced community through providing a range of housing types and sizes, including an element of affordable housing. As well as supporting the community's hard-fought efforts to retain a range of services within the village, there are limited opportunities for affordable housing within the rural parts of the Leominster Housing Market Area to meet its required target. The emphasis on promoting walking to the village's services, especially its school, are limited, and should this site be retained then there is the opportunity to approach the developer of the site opposite (see question 7 b) to provide a footpath to link this site to the existing village footpath network which starts on the opposite side of the road at Henwood Close.

Other sites that offered similar opportunities were assessed as part of the site assessment work and within the Heritage Impact Assessment. These included sites 1A, 11 and 16A to 16D. Site 1A is not considered to be in a sustainable location, Site 11 has previously been refused planning permission and has major access problems, sites 16A to D are also not considered to be in sustainable locations. No other sites were found to have any potential within Herefordshire Council's SHLAA.

Policy DW4 points to the further work necessary to achieve a scheme that would not result in significant harm to the setting of the SAM and the Council's archaeological advice appears to suggest a scheme comprising the number of houses indicated is possible.

Questions of clarification

2. Please confirm when the Plan was submitted. An email to me from HC indicates this was on 28 January 2019, but the Regulation 16 period started before this date and so I would like to check. 23rd January 2019.
3. The "Progression to Examination Decision Document" refers to and summarises a representation from HC Conservation. This does not appear to be included in the bundle of representations. Please send me a copy of the full representation and include it in the bundle as necessary. The same document refers to additional consultation undertaken with HC Archaeology. Is this advice public? If so, please send me a copy. The Parish Council and NDP Steering Group have not been made aware of any representation from HC Conservation at the Regulation 16 stage. Similarly, they were not made aware of any HC Archaeology comment although have just received advice from the Neighbourhood Planning Team which may contain this. If this is the advice then it suggests that a half of the DW4 site might be developed and this would be capable of accommodating the 30 dwellings suggested in the NDP.

This was an additional comment requested of HC Archaeological department subsequent to receiving the HE objection as they has not commented. All parties have received a copy of this document.

4. Did the Habitats Regulations Assessment Report of January 2019 take into account the new basic condition brought into force on 28 December 2018? Is the note from HC of 15 January relevant?

Yes the HRA will have taken this into account and the 15 January note is relevant.

5. A planning application, ref P171452/F, is referred to on page 17 of the Plan. Please send me further details of the grant of permission including the location plan, the site/layout plan and quantum of development. Is this site reflected in the settlement boundary? The site/layout plan for P171452/F is provided at Appendix 1. In addition, that for its predecessor P151755 is provided at Appendix 2. Further details of the first can be found at https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171452&search=P171452/F and for the second at https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=151755&search=P151755

The gap containing the orchard is reflected in the settlement boundary and purposely so.

6. A representation refers to a planning application, P152567, land adjacent to Wood Stock Cottage. Please send me the location plan and decision notice for this application and update me on any subsequent applications or appeals on this land. These are provided at Appendices 3 and 4. Further information, including the officer's report, can be found at: https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=152567&search=P152567
7. A number of queries arise in relation to the settlement boundary:
 - a) The proposed housing site, Policy DW3, Land east of Brookside Cottage is shown on the Policies Map, but the settlement boundary appears to go beyond this and include an adjacent open area? Is this correct and if so, why does this land not form part of the adjacent allocation? The area concerned was part of site 12 submitted through the call for sites. The site assessment (see <http://www.dilwynparishcouncil.gov.uk/UserFiles/Files/NDP/2%20Meeting%20Housing%20Requirement%20Report%20and%20Site%20Assessment%20V2%20L.pdf>) concluded that not all of the site should be included in the NDP. It is in a separate ownership to the adjacent site and there remains uncertainty that the landowner would be willing to bring forward proposals for the reduced area. There should be no requirement for both areas to be developed together. The adjacent open area is considered likely to accommodate 1 or 2 dwellings and below and well below the threshold that should form the basis for allocations (Planning Practice Guidance Paragraph: 009 Reference ID: 3-009-20190722). (Dilwyn NDP considered 3 dwellings to be the minimum).
 - b) Does the land included in the settlement boundary on the opposite side of the road to Orchard Close and adjacent to The Great House have any planning applications on it? If so, please send me details. Yes the site does. At the time the NDP was prepared it had planning permission for 5 dwellings under code P171288/F. More recently an amended plan was approved (P182911) – see Appendix 5. For more details see https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182991&search=P171228/F
8. The boundaries for a) the Bank Top Orchard and b) Court Orchard proposed Local Green Spaces seem to be arbitrary? Are there any features on the ground that would help to

designate these boundaries? Does HC consider the existing boundaries to be sufficiently clear for the purposes of development management?

HC Development Management, on subsequent review and site visit, had deemed these two boundaries as arbitrary. The boundary is not defined on the ground at the Bank Top Orchard site, and again for the Court Orchard site.

Bank Top Orchard – the NW; NE and SE boundaries follow existing boundary lines. The SW boundary is not defined upon the ground but the edge is a continuation of the garden edge of the adjacent property to the south-east. It represents that part of the larger field that slopes most steeply and is crossed by a public footpath that exits onto the A4112 in its north-western corner. This is understood to have been the historic boundary before the field was incorporated into a larger area (See Appendix 6).

Court Orchard – The area indicated is that considered to cover the SMR entry (See Appendix 6). There is no specific edge visible on the ground but has been defined by the southern edge of the historic fish pond associated with the Castle Mound and drainage ditch flowing into it with a line drawn at right angles to this from Fields Place Lane. The Steering Group were concerned to cover the area thought to be subject to the HER reference but not too excessive.

9. Please send me a copy or link to, the Historic Environment Record for the Castle Moated Mound Scheduled Ancient Monument. There is an extract in the Heritage Impact Assessment, but I'm seeking the full record. HER link is <https://htt.herefordshire.gov.uk/her-search/monuments-search/search/Monument?ID=2238>
10. In relation to Policy DW6, should criterion f) refer to traditional orchards rather than (just) orchards? If not, why not? It is recognised that traditional orchards are included in Herefordshire Biodiversity Action Plan as an important habitat for which a Habitats Action Plan has been prepared (<https://herefordshirewildlifelink.files.wordpress.com/2015/07/traditional-orchards.pdf>). It was noted in relation to the planning application at Wood Stock House (see 6 above) that the Council's Ecologist referred to the orchard on this site indicating:

'Also I believe that you have discerned this site to be flagged as a traditional orchard. Indeed this is the case and I have checked the mapping system which shows this to be so although not on the ecology workspace. It is on the landscape and biodiversity workspace and is registered as a Traditional Orchard within the Natural England database used.

I believe the evidence for it being a commercial orchard and declared with Defra as such ought to be sought. This is not my area of expertise and not-with-standing my comments regarding its commercial status, it would still rate as a Habitat of Principle Importance and therefore have presumption against development in policy. My objection would therefore be sustained on this basis as well.'

See under Ecology Officer Objection at:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=152567&search=P152567 . This suggests that other orchards in

addition to traditional orchards are important from a biodiversity perspective. They also have landscape value and contribute towards the County's ecological network.

11. Two queries arise in relation to Policy DW8:

- a) Criterion 5. refers to trees of "no value". What was meant by this phrase? How might be this assessed? There is an accepted approach for determining whether a tree might be retained under BS5837 (See Appendix 7). This approach should be used to determine the value/qualities of any tree. The chart refers specifically to 'value' in column 3 which is considered to best reflect trees within the Conservation Area. Arboricultural and landscape qualities would be considered through policy DW6.
- b) Map 2 Location of Important Views. Please could arrows showing the direction of the views be incorporated into this map? The direction of the three views (called vistas in the NDP) into the village are shown by the orange arrows outlines in red. Can we clarify that it is these that need to be shown but more definitively?

12. Criteria c) and d) of Policy DW12 refer to live/work units outside of the settlements. I am not sure what the intention of these elements of the policy are? Please may I seek clarification? The preamble to Herefordshire Local Plan Core Strategy policy E3 (paragraph 5.2.19) relating to homeworking, also refers to live/work units. Policy RA5 (development in rural areas) also refers to live/work units. Dilwyn PC also wishes to support HC's promotion of this form of development that would support the local economy. However, it would not wish to see greenfield sites taken for this although recognises that one of the exceptions in policy RA3 (2) enables new dwellings in association with rural enterprises within the rural area.

13. Policy DW15 has an "and" at the end of criterion h). Is some text missing or is this a typo? Yes, this is a typo. Thanks for spotting.

14. Policy DW16 identifies various facilities and services seeking to protect them unless alternative provision is made. Three of the facilities identified (Village Green, St Mary's Church and churchyard and Play Area adjacent to the Primary School) are also proposed in the Plan as Local Green Spaces. I consider there may be a conflict between Policy DW16 which seeks to protect facilities, but allows for their loss and the rationale for identifying those spaces as Local Green Spaces. Should these facilities be removed from Policy DW10 (or DW16)? Suggest Village Green should be LGS because its value is as the green space; the other two might be best under DW16 in that they are associated with the built facilities.

15. Appendix 1 makes a reference to "Heritage England" (page 42 of the Plan). Should this be Historic England? Yes it should be as should the references to English Heritage in the Footnotes on this page. Thanks again for identifying.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.

Ann Skippers
Independent examiner
31 July 2019

Appendix 2: Site Plan for P151755



Appendix 3: Land adjacent to Wood Stock Cottage – Site Plan



Appendix 3: Land adjacent to Wood Stock Cottage – Decision Notice

Town and Country Planning Act 1990 Planning and
Compensation Act 1991

REFUSAL OF PLANNING PERMISSION

Applicant: Agent:
Mr Ian Hudson Mr John Phipps
c/o Agent Bank Lodge

Coldwells Road Holmer Hereford
HR11LH

Date of Application: 2 September 2015 Application No: 152567 Grid Ref: 341866:254800

Proposed development:

SITE: Land adjacent to Wood Stock Cottage, Dilwyn, Herefordshire

DESCRIPTION: Site for proposed erection of 10 dwellings with car ports and
associated road works

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in
pursuance of the provisions of the above Acts that PLANNING PERMISSION has been
REFUSED for the carrying out of the development described above for the following reasons:

- 1 The development will harm the setting of the local landscape and townscape character and appearance of the wider conservation area. As a result of this significant adverse impact, the local planning authority considers that the presumption in favour of the approval of sustainable development as set out in the National Planning Policy Framework should not apply and that planning permission should be refused on the basis that the scheme is contrary to Policies SS6, LD1, LD3 and LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.
- 2 The development will result in the removal of a large portion of hedgerow which is considered to be an important natural and ecological asset. As a result of this significant adverse impact, the local planning authority considers that the presumption in favour of the approval of sustainable development as set out in the National Planning Policy Framework should not apply and that planning permission should be refused on the basis that the scheme is contrary to Policies SS6, LD1, LD2, LD3 and LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.
- 3 The application is not accompanied by a completed Section 106 Agreement which is considered necessary to make the development acceptable. It is therefore contrary to Policies SCI and ID1 of the Herefordshire Local Plan - Core Strategy and the Council's Supplementary Planning Document on Planning Obligations.

Informative:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reasons for the refusal, approval has not been possible.

Planning
Services
PO Box
230
Hereford

Date: 25 February 2016 DEVELOPMENT MANAGER

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

NOTES

Appeals to the Secretary of State

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

Right to Challenge the Decision of the High Court

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision. Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review (JR).

The decision may be challenged by making an application for judicial review to the High Court. The time limits for bringing such challenges are very strict, and applications need to be made as soon as possible after the issue of the decision notice. So, if you think you may have grounds to challenge a decision by Judicial Review you are advised to seek professional advice as soon as possible.

These notes are provided for guidance only and apply to challenges under the legislation specified. If you require further advice on making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000). For further information on judicial review please go to <http://www.iustice.gov.uk>

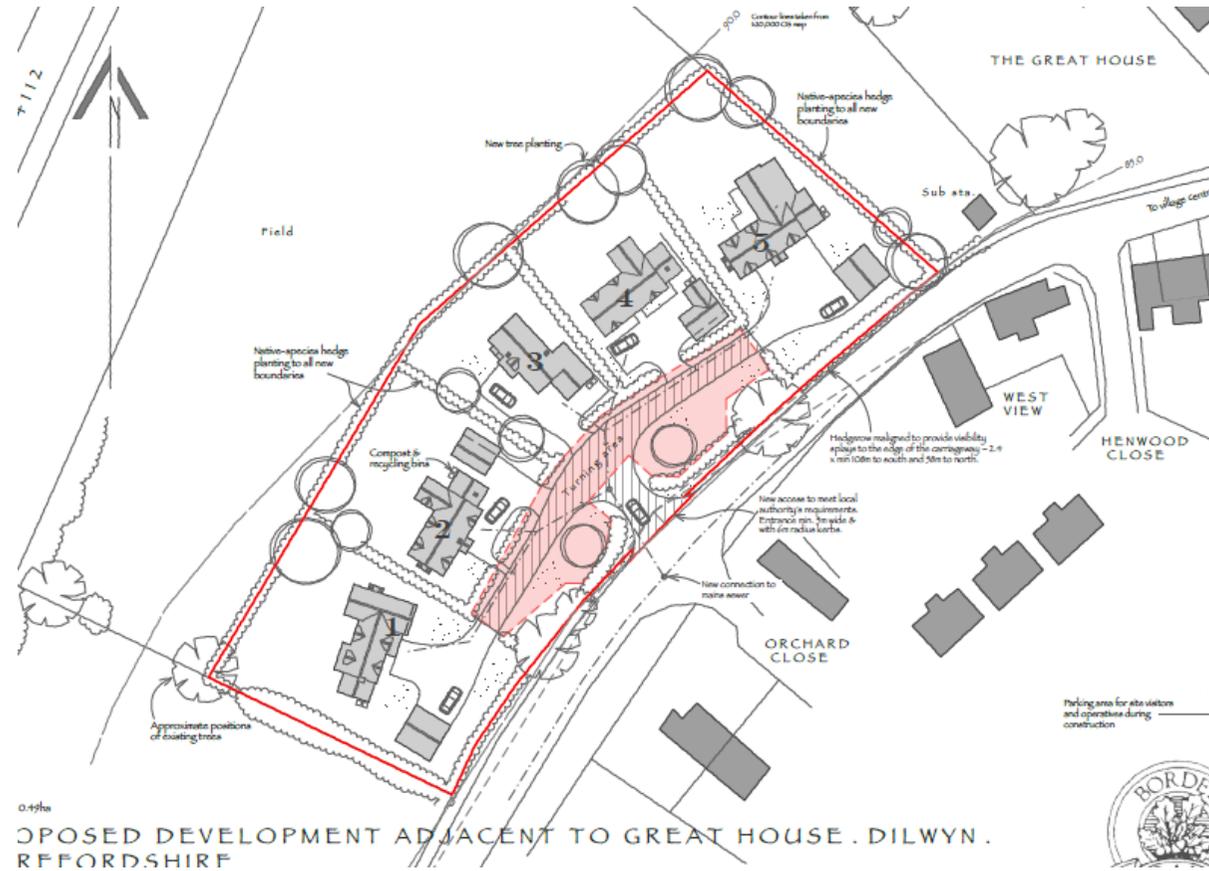
The Council has taken into account environmental information when making this decision. The decision is final unless it is successfully challenged in the Courts. The Council cannot amend or interpret the decision. It may be redetermined by the Council only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

Purchase Notices

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

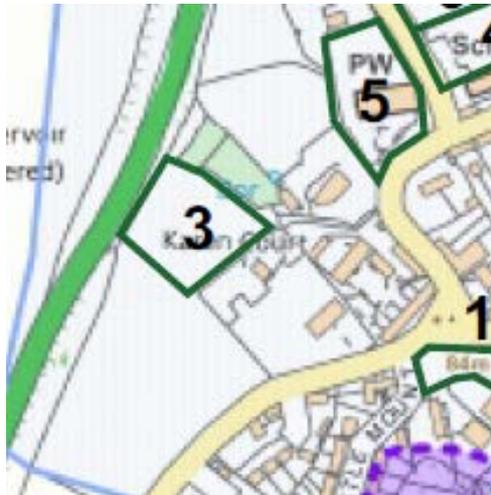
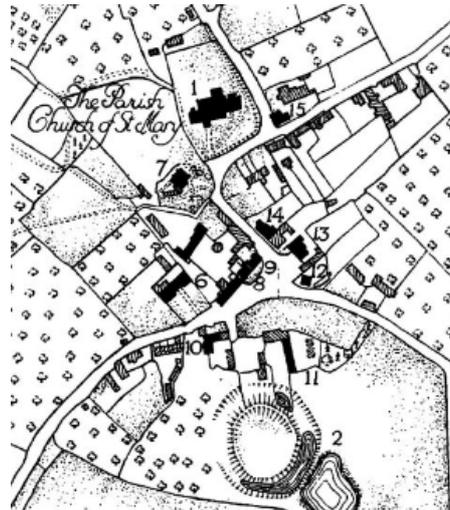
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Appendix 5 - Land adjacent to the Great House, Dilwyn.

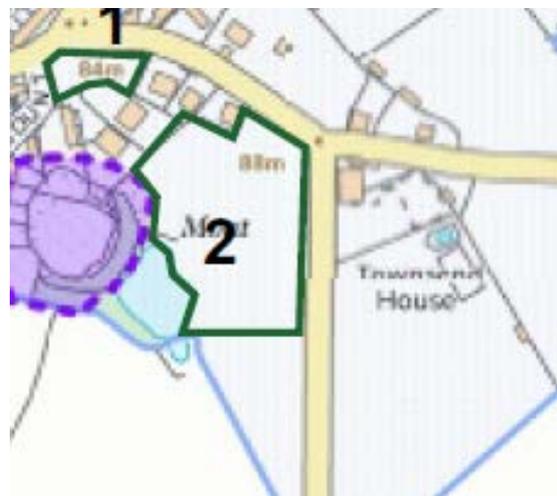
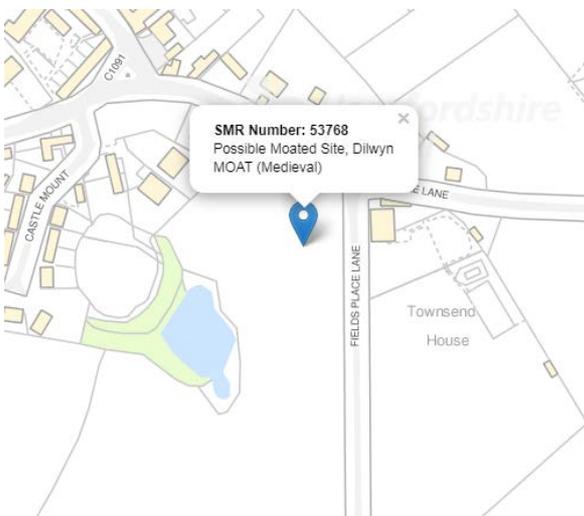


Appendix 6 - Local green Space

(1) Bank Top Orchard



(2) Court Orchard



Appendix 7 - Assessment under BS5837

BS5837:2012 Table 1 – Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)			Identification on plan
Trees unsuitable for retention (see Note)				
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see [BS5837:2012] 4.5.7.</i></p>			
	1 Mainly arboricultural qualities	2 Mainly landscape qualities	3 Mainly cultural values, including conservation	
Trees to be considered for retention				
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality	Trees with material conservation or other cultural value	
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value	

FLAC Note

The original contents of the column *Identification on plan* have been replaced by FLAC in the version above; spot colours to RGB codes given in BS5837:2012 Table 2

Economy, Communities and Corporate Directorate

Director: Geoff Hughes

Mr Spreckley
Brinsop House
Brinsop
Hereford
HR4 7AS

Our Ref: 170951/CE

Please ask for: Mr A Banks

Direct Line / Extension: 01432 383085

E-mail: abanks@herefordshire.gov.uk

16 May 2017

Dear Mr Spreckley

SITE: Land south of Orchard Close, Dilwyn, Hereford,
DESCRIPTION: Pre application advice - Proposed residential development.
Strategic landscaping on the eastern boundary to preserve the
setting of the former site of Dilwyn Castle.
APPLICATION NO: 170951/CE
APPLICATION TYPE: Pre App Advice

I refer to your pre-application advice request received on 10 March 2017.

I have received consultation responses from a number of my colleagues within the Council. The advice given below is a combination of the comments that I have received and my own thoughts about the proposal, particularly in respect of their compliance with policies contained within the Herefordshire Local Plan – Core Strategy, and the relevant sections of the National Planning Policy Framework. I will deal with matters under a number of sub-headings that include landscape, impacts upon the setting of heritage assets, ecology, highway safety, and drainage and flood risk.

Context

As I am sure that you are aware, the Council cannot currently demonstrate a five year supply of housing. Therefore, applications for housing development will be determined in accordance with paragraph 14 of the NPPF which presumes in favour of sustainable development.

The strategy for housing delivery across the county suggests that the biggest proportion of development will be directed towards Hereford and the market towns, with a third tier of villages identified by Policy RA2 of the Core Strategy. These have been identified on the basis that they are sustainable as they offer local services, employment opportunities, etc. Dilwyn is one of those villages that is considered to be sustainable.

Dilwyn is located within the Leominster Housing Market Area. It has a proportionate housing growth target of 14%. This equates to 46 new dwellings for Dilwyn over the plan period (2011 – 2031). I am aware of six commitments over the last 12 months which would reduce this number to 40. A Neighbourhood Area has been submitted and accepted by the Council but, to date, there has been little progress toward the completion of a Neighbourhood Development Plan.

There is a need to identify additional sites for housing development in Dilwyn to meet its proportionate housing growth targets. The site is immediately adjacent to existing residential areas and, in my view,

is sustainable in terms of its location. The following sections will consider its sustainability in other respects.

Landscape Impact

The site forms part of an attractive pastoral setting to the south west of the village. It is described by the Council's Landscape Character Assessment as Principal Settled Farmland. These areas are typically settled agricultural landscapes of dispersed, scattered farms and small villages and hamlets. Networks of small winding lanes within a matrix of hedged fields are characteristic. Tree cover is largely restricted to thinly scattered hedgerow trees, groups of trees around dwellings and trees along stream sides and other watercourses. Principal Settled Farmlands are landscapes with a notably domestic character, defined chiefly by the scale of its field pattern, the nature and density of its settlement and its traditional land uses.

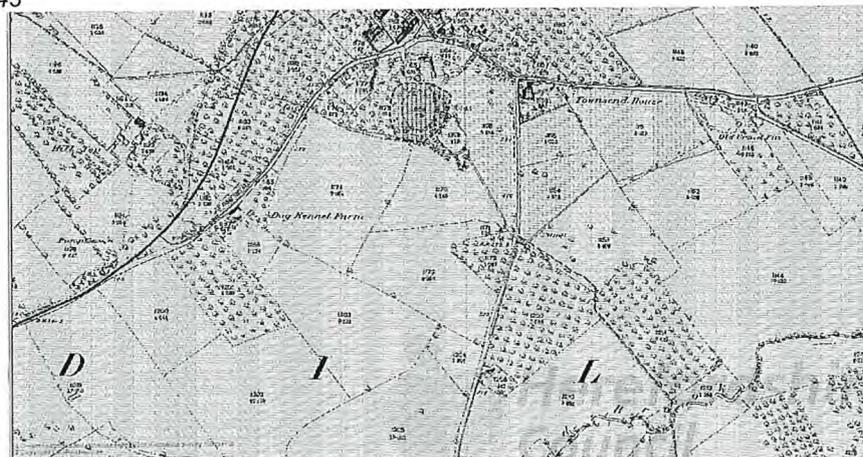
Policy LD1 of the Core Strategy is particularly germane. It advises that proposals should:

- *demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;*
- *conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;*
- *incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and*
- *maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.*

Your plan shows the site as being defined by an arbitrary line drawn diagonally across the field. It pays no regard to the field pattern and there is little to suggest that the scheme has been influenced by the landscape. I am therefore concerned that it fails the first bullet point of policy LD1.

The map below shows the field pattern at 1843 and shows that the site is part of a larger field. It also shows that there is no evidence to suggest that there was a southern field boundary as seems to be shown on your plan. Again this is simply a cursory line to sub-divide a larger parcel of land.

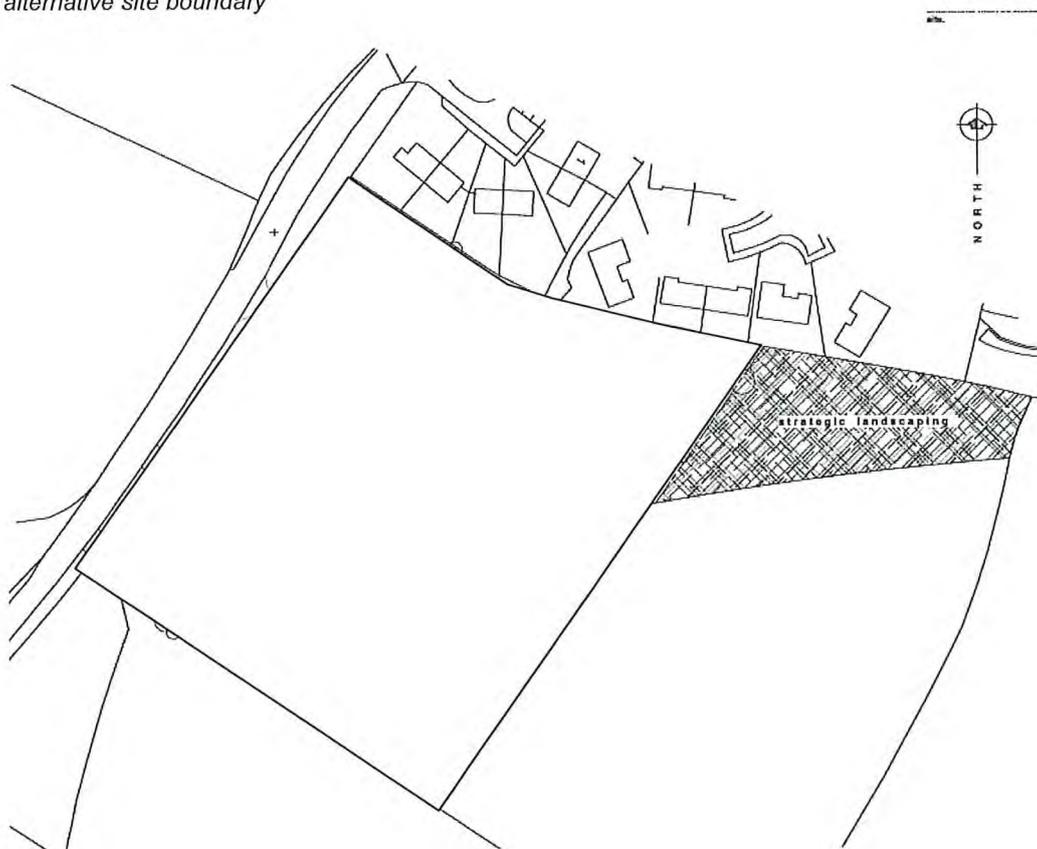
Historic map circa 1843



If a proposal is to progress to the stage of a planning application it must demonstrate both consistency with the settlement pattern of this landscape character type as well as appropriate treatment of what would become the new southern settlement edge. The proposal submitted fails to reflect the current field pattern, or does it seek to reinstate something which existed previously. I assume that the strategic planning that is shown on your plan is intended to protect the setting of the Scheduled Ancient Monument. Whilst I will deal with this in more detail later, I do not consider that it would serve any useful purpose given that it is currently seen in the context of existing residential development. I am of the opinion that the scheme presented fails to comply with the requirements of Policy LD1.

However, if a scheme is to come forward I would suggest that the extent of the site is re-considered as I have indicated on the plan below. The intention of strategic planting should be to soften the edge of the development and I would suggest that it should be introduced as a tree belt or orchard along the southern boundary.

Plan to show alternative site boundary



Impact on the setting of Heritage Assets

The site is immediately adjacent to the boundary of the Dilwyn Conservation Area and is also within the setting of a Scheduled Ancient Monument; a moated mound to the north east of the site. A number of listed buildings are also located within 300 metres of the site. If an application is to be submitted then it will need to be accompanied by a detailed Heritage Assessment. In accordance with paragraph 128 of the NPPF it should describe the significance of the assets affected, including their settings, and demonstrate that the impacts upon them is fully understood and that it can be demonstrated that impacts can be mitigated.

In terms of the determination of an application, Policy LD4 of the Core Strategy and paragraphs 132 to 134 of the NPPF are crucial. The NPPF sets out a two staged approach to the determination of applications. In the first instance the Council will need to determine whether the harm to heritage assets is substantial. If this is the case then paragraph 133 effectively directs refusal of consent.

Paragraph 134 deals with a the second stage where it is concluded that harm is less than substantial and in this case the harm is to be weighed against other public benefits. My initial view is that this will be the case.

Dilwyn is characterised by a dispersed linear settlement pattern. The alignment of the road gives changing views of buildings and the landscape beyond. Buildings are typically vernacular in detail and a mixture of brick and timber frame. The land rises to the west with views out of the village to the south and east.

A contemporary approach to design is not precluded, however this should take into account the landscape as well as conservation area setting and the characteristics of traditional buildings such as the span/depth ratio, solid to void ratio, roof pitch and design, plan form and layout, scale etc.

You are also aware of the sites proximity to a Scheduled Ancient Monument and the Council's Archaeologist has advised that any application should be supported by an archaeological evaluation to be completed prior to submission. In terms of the impact upon its setting, I am of the view that this has already been significantly eroded by development immediately to the north of the site and my initial feeling is that; subject to an appropriately designed scheme, any impacts upon the SAM would be less than substantial.

Ecology

The proposed development lies within the River Lugg SAC/SSSI catchment and consequently the authority has a duty to consider any further planning application under a Habitat Regulations Assessment Screening. There is also a requirement to consider the local ecology and biodiversity. In support of any further application I would request:

- A Phase 1 Ecological Report; with Phase 2 'Optimal Period' Surveys as appropriate. In particular looking at the roadside hedge as this will likely be removed, at least in part to create the access and visibility splay. There are also records of Great Crested Newts, Skylarks and bats in the vicinity.
- If Foul water is going to be managed through connection to the mains sewer system confirmation that this is viable and acceptable to the relevant statutory undertaker must be provided. If not connected to the mains sewer then full details of all proposed foul drainage with sufficient detail to ensure that even in flood situation no foul water would enter local water courses must be provided. Any final outfall from a package treatment plant must be through a spreader/soakaway system.
- It would appear that established trees and potentially hedgerows are going to be impacted, pruned or removed as part of the full application so a fully detailed BS5837:2012 tree (and including hedgerows) survey with appropriate risk assessment, proposed retained tree and hedgerow protection plan and full arboricultural working method statement should be supplied for consideration and approval.
- Details of how surface water run-off will be managed to ensure no increased discharge from site will occur and how potential pollution/contamination from vehicles, roadway and drives will be managed on site.

- In addition to any required mitigation a detailed Biodiversity enhancement plan should show all the biodiversity enhancements being offered by the site, as cited in NPPF guidance and our Core Strategy - this should include provision for birds, bats, and invertebrates/insects within the new buildings and hedgehog homes and amphibian/reptile refugia within the wider landscaping and boundary features.
- Detailed landscaping and planting plan with a 10 year establishment and maintenance plan. All planting must be native species or relevant to the current treescape species. Consideration could be given to using locally characteristic fruit tree varieties in the planting scheme - but their more 'specialist' establishment and ongoing management requirements should be considered.

Highway Safety

The site has a site frontage of approximately 115 metres with the C class road which connects the village to the A4112. The road is straight and visibility is good in both directions. The speed limit changes at the edge of the village; and the north eastern boundary of the site, from 30 mph to a 60 mph national speed limit. In accordance with Manual for Streets 2 a visibility splay of 2.4 m x 154 metres in both directions would be required. However, it is likely that speeds are significantly lower than 60 mph at this point and that splay requirements could be reduced accordingly. For this reason it is recommended that a seven day speed survey is commissioned to confirm actual 85th percentile speeds specific to the proposed access.

A review of the proposed layout highlights that the plan shows individual driveways as well as the main access off the main road. Whilst a limited number of driveways directly emerging onto the highway may be acceptable, vehicles must be able to turn on site and should not be required to manoeuvre in the highway. However, the Council's preference would be for the provision of a single access with properties served by an internal road.

Drainage and Flood Risk

Review of the Environment Agency's Flood Map for Planning indicates that the site is located within the low risk Flood Zone 1. Flood Zone 1 comprises land assessed as having less than a 1 in 1,000 annual probability of river flooding.

As the proposed development is more than 1ha, in accordance with Environment Agency standing advice, the planning application should be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance.

The FRA should focus on flood risks from sources such as surface water, and the management of the additional surface water runoff generated by the proposed development. The Applicant should also give consideration to any minor watercourses that could pose flood risk to the development as well as anecdotal evidence.

With regard to matters of drainage, an application should include a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Where possible, betterment over existing conditions should be promoted.

In accordance with the NPPF and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should be restricted to pre-development Greenfield values, or if possible, strive to provide betterment to the pre-development Greenfield values.

In accordance with Policy SD4 of the Core Strategy, you should also provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage.

As this response is based on internal consultations only I would recommend that you contact the relevant public sewerage authority in regards to foul water discharge from the site to check whether it is feasible to connect to the public sewers. If there are no sewers within the vicinity of the site you should consult with the Environment Agency regarding the use of a package treatment plant or other on-site method of wastewater treatment and disposal.

Conclusion

The principle of development on this site would appear to be acceptable. It is immediately adjacent to the settlement and I am of the view that it is sustainable in terms of its location. There are issues to be resolved in terms of the setting of the village and the conservation area and in order for this to be fully and properly assessed I would suggest that a full application should be submitted rather than in outline.

It appears to me that the site is capable of accommodating more than the ten dwellings shown on your plan. I am also mindful of the fact that the substantive requirement of the proportionate growth target for Dilwyn is still to be met, and therefore I would recommend that you seek to engage with the parish council and their designated Neighbourhood Planning Group at your earliest convenience to see if this site can assist with the delivery of their plan.

This advice is given in the context of your request and the information provided in support and has regard to the Council's planning policy. Should you wish to submit a planning application I would recommend that this advice is taken into account. However this advice is offered without prejudice to any future decision the Council may make following the formal consideration of a planning application.

Yours sincerely,

AB.

MR A BANKS
PRINCIPAL PLANNING OFFICER

Please note

Environmental Information Regulations

Please note that pre-application advice is subject to the Environmental Information Regulations, which means that members of the public can make requests to see the recorded information we hold on pre-application matters.

Although there are various exceptions within the legislation that might prevent release of information, all these have to be seen against the 'public interest' test. This means that the Council may refuse to disclose information only if in all the circumstances of the case the public interest in maintaining the exception outweighs the public interest in releasing the information.

If there are any reasons why you consider that the information should not be made public in accordance with the exceptions set out in the Regulations, for example, where there are issues of commercial sensitivity, please outline them below. We will usually consult you further if a request is made involving information giving to you as pre-application advice, as the situation may have changed by the time a request is received. Herefordshire Council reserves the right to release the information where appropriate in accordance with the requirements of the legislation.