

4 DEVELOPMENT REQUIREMENTS

4.1 Introduction

4.1.1 The overall strategy and general policies of the Plan, set out in Part I, emphasise the central importance of sustainability in setting a key context for the detailed policies and proposals in Part II. This chapter takes this forward by setting out a series of policies dealing with:

- requirements for individual development proposals, together with the Plan's approach to the use of planning obligations
- environmental protection, setting out the Council's stance on a range of environmental resources and issues.

4.2 Aims and objectives

4.2.1 The policies in this chapter aim to:

- ensure that development proposals take advantage of the opportunities that are available to contribute to sustainable development
- provide for the sustainable conservation, protection and enhancement of natural environmental resources such as water, air, land, biodiversity and tranquillity.

4.2.2 The policies have the following more specific objectives:

- to help ensure that new development achieves a high standard of design, which makes a distinctive contribution to Herefordshire, respecting patterns of local distinctiveness, townscape and landscape
- to ensure that all schemes maximise the contribution they can make to reducing the need to travel and fostering the use of alternatives to the private car
- to contribute to ensuring that the most efficient use is made of existing patterns of development and infrastructure
- to help ensure that where possible development makes a positive environmental contribution through the protection and enhancement of environmental resources
- to ensure the sustainable use of environmental resources including water, land, air and energy.

4.3 Strategy and general policy

4.3.1 All developments have a part to play in securing sustainable development. Sustainable development can only be fully delivered by specifying detailed requirements, to be met in different ways by all development proposals. This is the very essence of thinking globally, acting locally.

4.3.2 The Plan's overall approach is based on guiding principles P6, P7 and P8. These deal with the quality of environmental resources, the husbanding of finite resources, environmental protection and the integration of development within existing development patterns and the wider landscape.

4.3.3 Policy S2, set out in Part I of the Plan and reproduced below, reflects these concerns in the context of individual development proposals. The policy addresses the following principal aspects of development:

- design
- land use and activity

- movement
- environment
- health and safety
- infrastructure.

4.3.4 Further justification for specific elements of the policy are given in the context of individual Part II policies contained both in this chapter and in chapter 9 Natural and Historic Heritage (including landscape, biodiversity, and historic buildings and areas).

Part I policy

S2 Development requirements

The contribution that developments can make to a sustainable pattern of land use and development which respects the County's environmental resources will be secured by:

- 1. ensuring that new development achieves a high standard of design and layout which respects the townscape, landscape, ecological and historic character of the area; is sustainable in terms of its construction materials and methods, use of energy, water and other resources; and includes positive environmental benefits including landscaping schemes and provision of wildlife habitats;**
- 2. promoting land use patterns and developments which favour mixed uses subject to amenity considerations, which respect the development potential of adjoining land, and which wherever possible secure the reclamation and beneficial use of degraded or contaminated land, environmental improvements and the reduction or removal of environmental conflicts;**
- 3. ensuring that developments include suitable provision for public transport, cycling and walking, and that their likely effect in relation to the capacity and safety of both the trunk road and local highway network is taken fully into account;**
- 4. ensuring that development is designed having full regard to and within environmental constraints, including groundwater protection, land stability, contamination, and the location of hazardous uses;**
- 5. taking a risk-based precautionary approach to flood risk and the effects of flooding elsewhere, having regard to indicative flood risk in the major flood plains of the Rivers Wye and Lugg and their tributaries. Where development is proposed in locations at risk of flooding, it should be demonstrated that there are no reasonable options available in a lower risk category, consistent with other sustainable development objectives;**
- 6. ensuring that development does not lead to an unacceptable risk to human health and safety, and that risks of pollution of water, air, or land, or in terms of noise or lighting, are minimised;**
- 7. ensuring that development which would result in significant negative effects is avoided, but where environmental impact is unavoidable, requiring mitigation or compensation measures which provide benefits at least equal to any environmental loss;**
- 8. taking proper account of the ability of existing and proposed infrastructure including foul drainage, water supply and water resources, and the highway network to serve the development proposed without undue environmental impact; and**
- 9. making use of planning conditions and planning obligations to further the strategy of the Plan.**

4.4 Development criteria

4.4.1 This section identifies a range of criteria against which all development proposals will be assessed. It is emphasised that different opportunities will be available to different development proposals, depending on the nature of the scheme, its location and the pattern of environmental resources within the locality. The criteria have been grouped into four areas:

- design, relating both architectural and urban design quality to local distinctiveness, health and safety and the conservation of energy and water
- land use and activity, covering patterns of land use and related issues
- movement, dealing with the effect of a proposal on existing patterns of movement
- environment, linking individual development proposals to wider environmental concerns.

4.4.2 In securing sustainable development, planning obligations offer a key means whereby the overall quality of development can be enhanced. It is important to set out the overall approach to the use of planning obligations at this stage.

Design

4.4.3 The importance of achieving a high quality of design in both town and country is clearly set out within both PPS1 and the Regional Spatial Strategy. Good design can improve the existing environment; attract business and investment; reinforce civic pride and a sense of place; and help to secure continued public acceptance of necessary new development. The scope of these concerns clearly and properly embraces not only the design or architecture of the building, but also the relationship of the building to its immediate context and the wider local area. Both architecture and urban design require an understanding of the context in which development takes place, whether in urban or rural areas. Both are matters of public interest, material to the determination of planning applications and appeals. Individual schemes can contribute to this wider context, for instance through public art, and to other Plan aims such as encouraging walking, cycling and the use of public transport.

4.4.4 A key reference point for sustainable design considerations is the concept of local distinctiveness. This may be seen as the inter-relationship between geology, landscape, the pattern of land uses and activities, morphology and townscape, local building materials and styles which together define a sense of place or *genus loci*. Development proposals should serve to promote or reinforce local distinctiveness, having regard to the setting of the site and its key characteristics. Particular regard will be given to design factors in areas recognised for their landscape or townscape value, including Areas of Outstanding Natural Beauty and conservation areas.

4.4.5 Within this overall context the aim is to encourage good design with recognised scope for sensitive and responsible modern approaches.

4.4.6 The Council will promote this overall aim through the preparation of design guidance for particular areas or sites and through negotiation and discussion on individual schemes. Early approaches from prospective applicants, prior to the formulation of development proposals, are particularly welcome. Applications for planning permission should be accompanied, in a manner appropriate to the scale and nature of the proposals, by a design statement comprising suitable illustrative and written material and which sets out the design principles of a proposal and the regard that has been had to the wider setting of the site. Design statements will be particularly important in relation to complex or large-scale development proposals, or those involving sensitive sites. Further more detailed guidance on design issues is set out in the topic chapters of the Plan, notably Housing.

- 4.4.7 Supplementary planning guidance entitled 'Design and Development Requirements' has been published separately to help applicants address the design issues referred to in policy DR1 and other policies within this chapter of the Plan. It expands upon Plan policies and specifically furthers the use of design statements, illustrating where necessary the instances where such issues may need to be addressed. Wherever relevant the guidance provides the further detail applicants need to consider in respect of good design practice. In addition, a number of communities in Herefordshire have prepared documents such as village design statements and parish plans. The planning elements of such documents will be adopted as further planning guidance as an expression of local distinctiveness and community participation.
- 4.4.8 The Council are pursuing a Public Arts Strategy to raise awareness and challenge people to think creatively and imaginatively by engendering a sense of pride, wonder and surprise in the built and natural environments. Within major developments and particularly in publicly accessible places, street environments or public open spaces such developments will be required to include works of public art to promote a sense of identity and culture. In other instances and where appropriate, individual contributions will be sought to a wider and related area improvement or regeneration scheme. Such contributions will be secured by a planning condition or planning obligation.

DR1 Design

Where relevant to the proposal, all development will be required to:

- 1. promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure, scale, mass, height, design and materials;**
- 2. retain and where possible incorporate existing site features contributing to the quality of the local environment, including landscape, historic and natural elements such as wildlife habitats and species;**
- 3. respect the context of the site, taking into account townscape and landscape character and topography, including the impact of the proposal on urban vistas, longer distance views and ridgelines;**
- 4. include measures that address health and safety, the conservation of energy and water, and avoids nuisance and pollution; and**
- 5. submit a design statement with the application for planning permission which sets out how proposals relate to issues of design quality, environmental conservation and sustainability.**

Development which does not adequately address design principles or is of poor design, including schemes which are out of scale or character with their surroundings, will not be permitted.

Within major development proposals, the provision of public art will be expected as an integral part of the overall design to enhance identity and local distinctiveness.

Land use and activity

- 4.4.9 There are many ways in which patterns of land use can be used to promote a sustainable environment. In terms of the aim of reducing the need to travel, especially by car, an important contribution can be made by ensuring that schemes are both located and designed to maintain and improve choice for the use of walking, cycling and public transport. For instance, schemes which incorporate a mix of uses promote vitality, diversity and help reduce the need to travel, and will be particularly relevant in and around Hereford city centre and the market town centres as well as in major new development areas. It is recognised that the scope for promoting a genuine choice of modes of travel varies across the County, particularly between

the urban and rural areas. However full use should be made of all available opportunities, particularly those arising in public transport corridors.

- 4.4.10 Developments can make specific contributions to safety and security – both personal and property – and this is a material consideration in assessing proposals. The Council has a duty under the Crime and Disorder Act 1998 to have regard to the prevention of crime and disorder in exercising all its functions, and in partnership with other agencies in Herefordshire has drawn up a Crime and Disorder Reduction Strategy. In terms of land use planning, relevant aspects of crime prevention include overall site planning, embracing the disposition of buildings, vehicle parking and other open areas; access arrangements; landscaping and lighting, which together should minimise opportunities for concealment, and making full use of opportunities for informal surveillance.
- 4.4.11 All proposals should respect the amenity of existing neighbouring uses, particularly in the case of residential uses where privacy and overlooking considerations arise. Schemes should also respect and not constrain the reasonable development potential of adjacent sites or the area as a whole in order that efficient use can be made of existing patterns of development, investment in infrastructure, and development potential.

DR2 Land use and activity

Where relevant to the proposal, all development will be required to:

- 1. be located and designed so as to facilitate a genuine choice of modes of travel, including public transport, cycling and walking as alternatives to the private car;**
- 2. incorporate wherever possible a mix of compatible land uses and activities;**
- 3. be designed to deter crime and increase personal safety;**
- 4. not prejudice the amenity or continued use of adjoining land and buildings; and**
- 5. not constrain the future development of adjoining sites or prejudice the implementation of comprehensive development.**

Movement

- 4.4.12 Schemes should in all cases ensure that suitable provision is made for access to and from the site, in accordance with the hierarchy of transport modes defined in the Local Transport Plan (LTP) which places emphasis on access by non-car modes. Suitable provision should be made within the development for cycling, walking and public transport, including good quality cycle parking to the Council's standards. The provision of attractive, safe, convenient and direct routes for pedestrians and cyclists is particularly important in order to encourage these modes, which should not be disadvantaged by vehicular access arrangements. Such routes should link readily into public rights of way and other movement corridors adjacent to the site, with full advantage taken of the opportunities for route enhancement. In accordance with the hierarchy, high priority should be given to ensuring access for all including those with disabilities in considering such aspects as parking provision, access to buildings and other design issues (see also policy T16).
- 4.4.13 This overall approach applies to both town and country. In the rural areas, the strategy of the Plan to focus development within selected settlements acting as local service centres recognises their relatively good accessibility by modes other than the private car for jobs, shopping and other services. Developments in or near such settlements should continue to provide positively and appropriately for public transport, cycling and walking in order to support this approach. Elsewhere, development in the rural areas is generally restricted although again any opportunities should be taken to promote the use of public transport, cycling and walking in order to reduce rural isolation for those without the use of a car.

4.4.14 Travel plans offer a means of delivering a variety of sustainable transport objectives, including reducing car usage; increasing use of walking, cycling or public transport; reducing traffic speed and improving safety, particularly for pedestrians and cyclists; and making delivery and freight movements more environmentally friendly. The Council is committed to preparing a travel plan for its own operations and to encouraging other major employers in the County to follow this example. Such plans will be required to be submitted with planning applications for employment, retail, leisure and service development including health and education in the following circumstances:

- retail (food and non food) and leisure proposals above 1,000 square metres gross floorspace
- B1 uses including offices, and hospitals, higher and further education above 2,500 square metres gross floorspace
- stadia above 1,500 seats
- for proposals in or adjacent to Hereford and the market towns for retail, employment, leisure and services including health and education which would generate significant amounts of travel
- where such a plan can help address a particular traffic problem associated with a planning application which might otherwise have to be refused on local traffic grounds.

4.4.15 In order to ensure that the best use is made of existing infrastructure, development must be capable or readily capable of being accessed and served by the existing highway network without unacceptable traffic capacity, safety or environmental impacts arising. In the case of development proposals with significant transport implications, a transport assessment should be provided to recognised standards and which reflects the scale of development and its transport implications. For major proposals, assessments should consider accessibility to the site by all modes and the likely modal split, with details of measures that are proposed to improve access by public transport, cycling and walking, to reduce the need for car parking and to mitigate transport impacts. Sufficient information should be included to allow the impact of the proposal on the road network to be properly assessed, taking into account the contribution of other modes. Regard should be had to the hierarchy of transport modes set out in the LTP. Development comprising jobs, shopping, leisure and services should be able to demonstrate a realistic choice of access by public transport, cycling and walking, and should not be designed or located such that the car will be the only realistic means of access for the vast majority of journeys to and from the site. Assessments will normally be required in the following circumstances, and may also be sought below these thresholds where transport implications are significant:

- B2 uses above 5,000 square metres gross floorspace
- B8 uses above 10,000 square metres gross floorspace
- housing schemes above 100 units
- for retail, leisure, B1 uses including offices, stadia, hospitals, higher and further education the above thresholds for the submission of a travel plan will apply.

New development can make significant demands on transport infrastructure. Any development likely to have a material impact on either or both the trunk and local road network will be required to identify the need for mitigation measures to be funded by the developer. Any such need shall be identified through the transport assessment, taking into account other committed infrastructure and development in the area, and in the case of trunk roads shall have full regard to Highways Agency policy as set out in PPG13 and Circular 04/2001. The assessment should also consider the site access strategy and implications in accordance with the graduated approach set out in PPG13 and Circular 04/2001, with access being most severely restricted in the case of motorways and other core routes of key strategic significance. Works to the trunk road network are the responsibility of the Highways Agency on behalf of the Secretary of State. The Secretary of State is not able to enter into S106 agreements and therefore necessary improvements will be secured through conditions attached to planning permissions and agreements under Section 278 of the Highways Act 1980. Proposals that do not meet these

requirements and would have a detrimental impact on the safety or free flow of traffic on the trunk road network will be refused.

- 4.4.16 Provision should also be made for cycle and vehicle parking in accordance with the Council's requirements detailed in chapter 8 Transport.
- 4.4.17 Planning conditions will be imposed to apply on-site transport measures and facilities, including those forming part of a travel plan. Planning obligations will be used to secure high quality accessibility to sites by all modes, with an emphasis on the promotion of sustainable transport choices in accordance with the LTP's transport hierarchy through improvements to public transport, walking and cycling where these are likely to influence travel patterns to the site concerned, including those proposed through travel plans. The individual requirements of sites and proposals will affect the detail of transport related planning obligations.
- 4.4.18 Further guidance on other transport aspects of development is set out in the Transport chapter of the Plan. Where transport improvements are to be sought in connection with individual proposals these are indicated at the appropriate point in the Plan.

DR3 Movement

Where relevant to the proposal, all development will be required to:

- 1. provide a safe, convenient and attractive pattern of movement into, out of and across the site, particularly for pedestrians, people with disabilities and cyclists, incorporating pedestrian seating and cycle parking as required;**
- 2. include good links to public transport, incorporating wherever appropriate suitable access for public transport vehicles into the site and associated passenger facilities;**
- 3. include a travel plan as part of the planning application in the case of proposals for major employment, retail, leisure and service development, proposals for such uses in Hereford and the market towns generating significant travel, or where particular local traffic problems require to be addressed;**
- 4. be designed to secure access and mobility for all;**
- 5. incorporate adequate provision for vehicular access from the highway network without detriment to highway safety or to pedestrians, cyclists or public transport; and**
- 6. incorporate cycle and vehicle parking to the required standards having regard to the need to promote sustainable transport choices, together with suitable turning and loading facilities in the case of development proposals with significant transport implications, include a transport assessment.**

Taking account of any proposed measures to improve access by public transport, walking and cycling and to reduce motorised journeys, additional traffic arising from development should be capable of being accommodated on the local road network without undue environmental, operational or safety consequences, or the existing road system should be capable of improvement to meet those consequences.

Planning obligations will be used as required to secure high quality accessibility to sites with an emphasis on maximising access by public transport, walking and cycling.

Environment

- 4.4.19 Development proposals can have a wide variety of impacts on environmental resources. It is important that these factors are taken into account in a comprehensive and consistent way. This is achieved by the policy set out below complemented by specific environmental protection policies and those dealing with historic heritage, biodiversity and utilities.
- 4.4.20 In all cases it is essential that the necessary infrastructure required by development, such as water supply and foul drainage, is either in place or can be readily made available without undue impact on the environment or other users. Where infrastructure improvements are needed to allow a development to proceed but are not programmed, planning obligations may be used to secure their implementation.
- 4.4.21 Developments should also aim to secure the prudent use of natural resources such as energy and water. Resource use should be minimised throughout the lifetime of a development. Energy use for instance can be minimised through consideration of the effects of microclimate, landscape and landform, the potential of daylight and solar heating, and the contribution that can be made through building design, form and layout. Similarly, water use can be minimised by including water saving measures, promoting the use of water efficient appliances and the recycling and reuse of water.
- 4.4.22 Development proposals should take advantage of all opportunities to protect, respect and enhance the local environment. Risks of creating or exacerbating pollution to a range of environmental resources such as air, water and land should be avoided, as should pollutants such as dust, odour, grit, and vibration which are likely to give rise to injury or complaint. Specific policies are included below in respect of noise and light pollution and air quality. Through positive design, steps should be taken to incorporate elements such as landscaping, public art and open space provision. Landscaping proposals have a particular role to play in ensuring that new developments integrate effectively with their surroundings; they should take full account of existing site features and planting, incorporate native species and address arrangements for future maintenance. Specific requirements in respect of landscaping schemes are set out at Plan policy LA6.
- 4.4.23 Developers should utilise sustainable drainage techniques and practices in order to reduce the adverse environmental effects associated with greater surface water run off from increased impermeable surfaces. Taken together, such techniques offer a means of avoiding creating or exacerbating flooding; reducing pollution risk and improving the quality of surface water run off, thus reducing environmental impact; encouraging groundwater recharge; minimising the disruption of existing drainage patterns; and providing an opportunity to enhance the amenity and ecological value of developments through such features as ponds, wetland habitats or green swales. Sustainable drainage techniques include preventative measures such as recycling; the increased use of permeable surfaces; soakaways; and detention and retention pools and wetland areas. In residential developments, any safety concerns which arise as a result will need to be addressed in detailed site planning, whilst recognising that sustainable drainage systems can make a significant contribution to good design. Further details on the use of sustainable drainage systems can be found in PPS25 Annex F.

DR4 Environment

Where relevant to the proposal, all schemes will be required to:

- 1. be capable of being served by existing services or demonstrate that adequate services are reasonably accessible or can be readily provided without significant environmental impact;**
- 2. minimise resource use, including water and energy, and maximise resource efficiency including passive energy absorption;**
- 3. safeguard the availability and quality of surface and groundwater supplies, avoid creating or exacerbating problems of flooding and pollution, and utilise sustainable**

drainage techniques in respect of surface water wherever possible, with alternatives being considered only where sustainable techniques cannot demonstrably be provided;

- 4. demonstrate that where the potential for causing pollution and general nuisance exists by emitting odour, dust, smoke, chemicals or fumes, that the chosen location, site layout and proposed operation together with any necessary mitigation or protection measures avoids adverse effects to other land uses, residential amenity and the environment;**
- 5. contribute to local open space provision and safeguard and where appropriate protect, restore and enhance biodiversity, features of geological interest and landscape character; and**
- 6. maximise opportunities to enhance the local environment, to include the appropriate provision of public art, external lighting, and hard and soft landscaping.**

Environmental impact assessment

4.4.24 Environmental impact assessments (EIAs) aim to ensure that decisions about relevant projects are made in knowledge of the likely environmental effects. EIAs offer a systematic procedure for drawing together and assessing environmental data and assessment, embracing both the importance of the predicted effects and the scope for reducing them. The framework for EIAs is established under EC Directive 85/337/EEC as amended by EC Directive 97/11/EC, implemented in England and Wales by regulations which detail the procedures to be followed by local planning authorities. The purpose of the regulations is to integrate the EIA framework into the existing framework of planning control, where the general responsibility to consider the environmental implications of development proposals is well established. Where assessments are provided their results will be taken into account in the determination of the relevant planning application. However, it remains the task of the local planning authority to judge each planning application on its merits within the context of the Unitary Development Plan, taking account of all material considerations including environmental impacts.

Planning obligations

4.4.25 Section 106 of the 1990 Act as amended by the 1991 Planning and Compensation Act enables local planning authorities to secure planning obligations with the grant of planning permission. Permission may also be granted subject to conditions; like obligations, planning conditions can be used to secure modifications or improvements to proposals. An obligation can restrict the development or use of land, require specified operations or activities to be carried out on land, or can require specified sums to be paid to the Council as local planning authority. Planning obligations 'run with the land'. They can be positive, asking the developer to provide a benefit, or negative by preventing a developer harming or removing a valued asset.

4.4.26 Circular 05/2005 'Planning Obligations' sets out the Government's policy for their use. The broad principles are that they should be sought only where they meet the following tests:

- necessary
- relevant to planning
- directly related to the proposed development
- fairly and reasonably related in scale and kind to the proposed development
- reasonable in all other respects.

- 4.4.27 The Circular confirms the role of planning obligations in fostering sustainable development in ways which add to rather than detract from the quality of the environment.
- 4.4.28 Within this context, the Council is keen to seek obligations which make a positive contribution to furthering the UDP's vision, guiding principles and Part I strategic policies. Specific instances where obligations may contribute to the achievement of sustainable development include:
- promoting urban and rural regeneration and social inclusion, including stimulating local employment and training opportunities
 - improving community life, in city and town centres and elsewhere
 - enhancing natural and built environments
 - promoting sustainable transport.
- 4.4.29 The UDP provides the framework into which an obligation should fit. Planning obligations will be sought in relation to a wide range of development proposals and environmental factors, including housing, transport, recreation, community facilities, landscape, biodiversity and environmental improvements. Since obligations must directly relate to individual proposals it is not possible or appropriate to set out precise requirements. However, a number of Plan policies refer to the general circumstances in which planning obligations will be sought.
- 4.4.30 A Supplementary Planning Document will be prepared where required to give more detail as to the Council's requirements which are to be met through planning obligations.

DR5 Planning obligations

To further the strategy of the Plan planning obligations will be sought to achieve community, transport and environmental benefits where these benefits are reasonable, necessary, relevant, and directly, fairly and reasonably related to the proposed development. The circumstances in which such benefits will be sought will be identified in relevant Plan policies and may be further detailed in Supplementary Planning Documents.

4.5 Environmental resources

- 4.5.1 There is a need to establish specific policies to provide for the protection and conservation of environmental resources and avoid or minimise the risk of pollution. These policies should be read with the Natural and Historic Heritage policies of the Plan (chapter 9), which deal with such aspects as landscape, biodiversity and historic buildings and areas, and with policies dealing with the supply of infrastructure (chapter 13).

Water resources

- 4.5.2 Water is an essential resource, the pollution of which can have a serious effect on drinking water supply (including private water supplies), industry, agriculture and ecology. Risk factors to both surface and groundwater quality and quantity are many and include:
- inadequately treated effluent from a range of sources, such as sewage or water treatment works, industrial processes and mineral extraction
 - inadequate foul or surface water drainage
 - inappropriate development of contaminated land or material storage, particularly oils and chemicals
 - agricultural activities
 - threats to recharge of groundwaters
 - contaminated surface water run off.

- 4.5.3 Groundwater merits particular attention and protection from both contamination and over-exploitation. Once groundwater has become contaminated it can remain so for many years, with decontamination being difficult if not impossible. The availability of groundwater can also be affected by changes in land use, which may restrict recharge through increases in impervious areas or divert flows. Groundwater contributes to the baseflow of watercourses, vital to ensure dilution of discharges, water supply and maintain biodiversity.
- 4.5.4 It is important that development that poses an unacceptable risk to water availability and quality is resisted. The Council will consult with the Environment Agency as to whether development proposals are likely to pose an unacceptable risk to water resources, having regard to Agency advice as to groundwater vulnerability. There may be cases where the inclusion of specific measures to control a potential adverse impact allows an otherwise unacceptable development to be permitted. Sustainable drainage techniques should be incorporated wherever possible (see policy DR4).

DR6 Water resources

Development will not be permitted where there is the likelihood of an unacceptable risk to the availability or quality of water resources.

Flood risk

- 4.5.5 The susceptibility of land to flooding is a material planning consideration. Flood risk is generally associated with land adjacent to watercourses, although localised flooding can also occur elsewhere when intense rainfall causes surface flows to exceed the capacity of the existing drainage system. PPS25 sets out the importance the Government attaches to the management and reduction of flood risk in the planning process, recognising the uncertainties that are inherent in the prediction of flooding and that flood risk is expected to increase as a result of climate change. Reflecting these uncertainties, PPS25 requires application of the precautionary principle to decision making concerning flooding issues, with a sequential approach ensuring that risk is avoided where possible and managed elsewhere.
- 4.5.6 A number of areas within the County are at risk of flooding, although the extent of risk varies. Areas of high risk (as defined in PPS25, i.e. with a 1% annual probability of occurrence) have been identified by the Environment Agency in the form of indicative maps. For much of the County, these give the best available current information on the approximate extent of such flooding. Other local data is also available, for instance for Hereford, and has been used in conjunction with the Agency information for the purposes of identifying land liable to flood on the proposals map. However, it is important to emphasise that the areas shown as being at risk of flooding are only indicative. It is also recognised that the limits of floodplains cannot be defined precisely, given the fact that floods are natural events (albeit which may have been exacerbated by human intervention) arising from different combinations of circumstances. The limits shown are therefore not to be taken as the sole basis for determining where the following policy applies. There are also other areas of lower flood risk where the policy will be applied. It is expected that the indicative limits will be updated by the Agency as more detailed information becomes available.
- 4.5.7 It is necessary to ensure that new development is not at direct risk from flooding, and that development in flood risk areas or elsewhere in catchments does not create or exacerbate flood risk to other land, for instance by reducing storage capacity. Risks of watercourse pollution during times of flood can also arise as a result of development. For these reasons development within land at risk of flooding should generally be avoided, and will only be permitted where no alternative location is available on land at lower risk of flooding and which is otherwise suitable in planning terms. Account will also be taken of other sustainability considerations, including the need to secure regeneration and the reuse of previously developed land. Where such development is to be allowed, appropriate and acceptable flood protection and mitigation measures should be included. Developments in flood risk areas should result in no net loss of flood plain storage, should not impede water flows and not increase flood risk elsewhere.

4.5.8 Government urges greater emphasis on urban regeneration and on redeveloping previously developed land to minimise the take up of green-field land. Often previously developed land will be vulnerable to flooding. Proposals for development of such land or the reuse of existing buildings and structures will need to take due account of the risks of flooding, any existing flood defences and the ability to improve them. A balanced, flexible approach is required which addresses the risk of flooding whilst recognising the damage from under-investment and blight. The acknowledged risks of flooding might be mitigated by confirmed suitable levels of protection, including protected access, prudent design of development and effective public warning systems.

4.5.9 PPS25 requires authorities to give priority in allocating or permitting sites for development, in descending order to the flood zones set out in Table D1 of the PPS, including the sub-divisions in zone 3. [Note: PPS25 was published after the Modifications stage of the Plan. The PPS sets out a modified sub-division of zone 3 from that in PPG25, which provided the basis for Plan policy DR7. Reflecting the relative publication date of the PPS and the Modifications stage of the Plan, the following classification of Zone 3 reflects the earlier guidance]. Until the Environment Agency has published maps of the zone 3a, 3b and 3c high risk areas for the County, the Plan interprets those areas on the following basis for the purpose of processing planning applications:

Zone 3a, developed areas – all land within settlement boundaries unless it forms a functional flood plain

Zone 3b, undeveloped and sparsely developed areas – all land outside settlement boundaries unless it forms a functional flood plain

Zone 3c, functional flood plain – land within or outside settlement boundaries.

4.5.10 Flood zones should be identified from the Environment Agency's flood data ignoring the presence of flood defences. Areas currently protected by the defences and the standards of protection provided by those defences will need to be identified. Development should not be permitted where existing defences, properly maintained, would not provide an acceptable standard of safety over the lifetime of the development as such land would be extremely vulnerable should a flood defence embankment be breached.

4.5.11 Functional flood plains and washlands have important natural roles, not only in regularly accommodating flood waters but also in providing important wildlife habitats and adding to landscape value. Built development in such areas should be wholly exceptional and will be limited to essential transport and other utilities infrastructure for which there is no alternative location. Such infrastructure should be designed and constructed to remain operational in times of flood, as well as meeting the other requirements set out above.

4.5.12 In considering planning applications for development within flood risk areas, flood risk assessments should be provided which are appropriate to the scale and nature of the development and which consider:

- flood risk and surface water run off implications of the proposed development
- any increased risk arising elsewhere
- measures proposed to deal with these risks and effects, including use of sustainable drainage techniques
- provision of a dry pedestrian access for residential development.

In areas of little or no flood risk, a flood risk assessment may still be required appropriate to the scale of development, and developers should seek advice from the Environment Agency at the earliest opportunity.

- 4.5.13 Where necessary, developers will be required to carry out and provide details of hydraulic and hydrogeological investigations to properly determine the implications of proposed development, having regard to the recommendations of the Environment Agency. Developers should normally fund the provision and maintenance of flood defences or alleviation works that are required because of their development; these will be secured by means of planning obligations.
- 4.5.14 Finally, consideration of flood issues is not confined to rivers and their flood plains. Surface water which cannot percolate into the ground or reach natural watercourses can increase occurrence. Changes in farming, field drainage, lack of maintenance to watercourses, culverts and gullies can effect the rate of flow and time taken for water to travel within a catchment area. Where new development is allowed proposals should make suitable provision for continued access to watercourses where development occurs. Land adjacent to the top of both banks should be reserved for maintenance and improvement purposes and for recreational use where appropriate, and to secure the retention of river corridor habitat. Such strips of land should be kept free of all new buildings and other structures including means of enclosure, with no raising of ground levels.

DR7 Flood risk

Proposals for development in flood risk areas will need to be accompanied by a flood risk assessment. Additionally and within high risk areas (zone 3) as defined on the proposals map or as reviewed by other justified data, proposals will need to demonstrate through a sequential test that there are no reasonable alternative locations available on land of a lower flood risk, taking account of other environmental considerations.

Development within high risk developed areas (zone 3a) may only be suitable for residential, commercial and industrial development provided the minimum standards for flood defence can be provided and maintained for the lifetime of the development.

Development within high-risk undeveloped and sparsely developed areas (zone 3b) will not be permitted unless a particular location is essential.

Built development within functional flood plains (zone 3c) should be wholly exceptional and limited to essential transport and utilities infrastructure that have to be there.

In all cases development will only be permitted where it would not be at an unacceptable risk of flooding or where it is essential to that location. Any protection, compensatory, mitigation and other measures proposed must be acceptable in safety terms and in terms of their environmental effects. All proposals will need to include the necessary minimum standards of flood defence, including a dry access for residential development, show that there would be no net loss of flood plain storage and that the proposed development would not impede water flows or increase flood risk elsewhere.

Wherever possible sustainable drainage techniques should be used to minimise the adverse effects associated with increased surface water run off. Adequate access to watercourses and flood defences for maintenance and improvements should be maintained.

Culverting

- 4.5.15 Under the Land Drainage Act 1991 or the Water Resources Act 1991 the culverting of watercourses requires land drainage consent from the Environment Agency. Where planning permission is required the following policy will apply.
- 4.5.16 For flood defence, amenity and nature conservation purposes it is beneficial for watercourses to remain open. Culverting can exacerbate the risk of flooding and increase the maintenance requirement, whilst also destroying wildlife habitat, damaging natural amenity and interrupting the continuity of linear features. Wherever possible therefore watercourses affected by

development proposals should remain open with a corridor of land on both sides. Culverting should not be proposed except where necessary to enable other development and until all other options have been explored and rejected, including:

- open span bridges with existing banks and bed retained
- revision of site layout to include open watercourse and banks
- as a last resort, watercourse diversion by means of an environmentally acceptable channel and corridor of minimum length.

4.5.17 Where culverting can be shown to be unavoidable, such as short lengths for access crossings, the length of culvert should be restricted to the minimum necessary, the environmental and hydraulic design fully assessed and suitable environmental enhancements included in the proposal by way of mitigation. Proposals made for sites containing existing culverted watercourses should provide wherever possible for their restoration to open channel in order to achieve benefits such as biodiversity and flood alleviation.

DR8 Culverting

Development proposals should wherever possible retain open watercourses with an open corridor on both banks. Any culverting proposals should:

- 1. include appropriate mitigating enhancements;**
- 2. be for the minimum length necessary;**
- 3. demonstrate that the need for the development outweighs the objections to culverting in principle and that all other options have been explored and rejected; and**
- 4. where development proposals are made for land containing a culverted watercourse, restore this to open channel as part of the overall scheme.**

Air quality

4.5.18 The National Air Quality Strategy, published in 1997 within the framework of the Environment Act 1995, identifies the planning system as one of the key methods for securing UK air quality improvements. The Council has so far undertaken two reviews of the local air quality within Herefordshire, in accordance with this Strategy. The first led to an Air Quality Management Area (AQMA) being declared in November 2001 in respect of sections of the A49T and A465 around Hereford city centre, reflecting the impact of road traffic emissions. Following this, a draft Hereford City Air Quality Action Plan was formulated to improve air quality in the Hereford AQMA, the Plan being closely linked to the proposals within the draft Local Transport Plan. The second review has led to an Air Quality Management Area (AQMA) being declared in March 2006 in respect of the Bargates area of Leominster, again reflecting the impact of road traffic emissions and local congestion at a road junction. An Action Plan to improve the air quality in the Leominster AQMA will be drafted in due course.

4.5.19 Outside the framework of the national strategy, the risks to air quality in Herefordshire also include those associated with odour, dust and grit arising from agricultural operations and industrial processes.

4.5.20 The UDP and the Local Transport Plan can both contribute to achieving air quality objectives. It is important that an integrated approach is taken to air quality issues within Herefordshire. In strategic terms, the following elements of the Part I policies of the UDP should help deliver air quality benefits. Within this overall framework, other Part II elements of the Plan, such as the provision of walking and cycling route networks within main transport corridors, can also help achieve air quality benefits.

- reducing the need to travel
- concentrating development within urban areas or within public transport corridors
- reducing waste and pollution and minimising energy use
- encouraging modal choice particularly alternatives to the motor vehicle.

4.5.21 In the consideration of individual development proposals, any air quality issue which relates to the use and development of land is capable of being a material consideration. Much will depend on the particular circumstances of the case. Air quality issues may include:

- impacts arising from the operation of the development itself
- impacts arising from traffic generated by a development
- impacts from existing emission sources on proposed developments which are sensitive to air quality.

4.5.22 The UDP makes a number of proposals for development within and adjacent to Hereford which are likely to have implications for air quality, particularly within the AQMA. The proposals include new development, redevelopment and the relocation of existing uses. Schemes which come forward to implement these proposals will be considered in accordance with the following policy and having regard to the overall framework of planning and transport policy.

4.5.23 In considering proposals where air quality issues arise and in particular in defining acceptable levels, regard will be had to the objectives and targets of the National Air Quality Strategy and to the Council's own air quality reviews and plans.

DR9 Air quality

Development proposals which could contribute to the deterioration of air quality below acceptable levels, either locally or on a more widespread basis, will not be permitted unless adequate air quality enhancements or mitigation measures can be accommodated and demonstrated as part of the development. In assessing schemes regard will be had to both their operational impacts and to associated traffic generation. Where developments sensitive to air quality are proposed, regard will be had to local air quality as a material consideration.

Contaminated land

4.5.24 The strategy of the Plan seeks to maximise the use of previously developed land. Whilst such an approach brings into focus the extent to which the legacy of previous uses constrains redevelopment, it also provides an opportunity to deal with the threats posed by contamination to health or the environment and to bring land back into beneficial use. The Government's policy is to encourage the reclamation and redevelopment of contaminated land under a 'suitable for use' approach. Whilst contamination is subject to separate controls under pollution legislation, the primary method of controlling the use of contaminated sites is through the planning system. Whilst contamination issues will typically arise through development proposals it is also recognised that woodland and forestry uses offer a significant beneficial use for contaminated land.

4.5.25 In considering proposals for land which may be contaminated, it is important that the nature of the contamination is fully appreciated and addressed during the planning process. If not, hazards may arise leading to pollution of air, water or nearby land or to health and safety risks. Contamination may arise from a wide variety of sources including previous uses such as industrial sites, gas works, landfill, sewage treatment works, industrial sites, petrol filling stations and gas works. Radon gas may also pose a risk.

4.5.26 Where land is known or suspected to be contaminated, developers will be required to undertake appropriate site investigations and risk assessments in order to determine the most

suitable use for the land and any specific precautions required to facilitate development. Risk assessments should incorporate a 'source-pathway-receptor' approach to assessing the risk. The results of such investigations and details of the remedial or other protective measures proposed should be made available as part of the planning application submission in order that the Council can be satisfied that proposals take proper account of any contamination, bearing in mind the proposed land use. Where necessary and with regard to the powers available to pollution control authorities, planning conditions and obligations will be used to secure environmental benefits, including arrangements for decontamination, restoration and aftercare.

DR10 Contaminated land

Development on or adjacent to land which is known or suspected to be contaminated will only be permitted provided that:

- 1. a site investigation and risk assessment has been carried out to determine the nature and degree of any contamination, its source and possible pathways and receptors; and**
- 2. appropriate remediation and protection measures are proposed to reduce any risk to an acceptable level, taking into account the nature of the proposed use and the nature and extent of contamination, its source and possible pathways and receptors.**

Development will not be permitted where the risk cannot be reduced to an acceptable level or appropriate remedial or protection methods are not proposed.

Soil quality

- 4.5.27 The protection of soil resources is a key sustainable development issue. Soil quality has developed over many generations and yet is easily destroyed or degraded in the course of development. Such damage may range from compaction, for instance by earth moving equipment, through the inappropriate reuse of soils as unnecessary and alien landscaping features, to the landfilling or other disposal of unwanted 'spoil'. Soils which constitute 'waste' may require a licence for their handling and disposal from the Environment Agency. Where it is necessary to excavate significant quantities of soils to allow development or other operations to proceed, this material should be carefully stripped and stored for re-use on the site. In providing for reuse, the formation of excavated material into mounds or bunds will only be acceptable where required to achieve a specific and legitimate purpose, such as noise protection where it is likely that otherwise noise levels likely to cause complaint could arise. In all cases, such features must be in keeping with the character of the locality.

DR11 Soil quality

Development which requires the excavation or disturbance of soils and sub-soils on a significant scale must provide for their separate stripping and storage, and wherever possible for their reuse and respreading within the site in an acceptable manner. The use of surplus soil mounds to form landscaping or noise barriers will only be permitted where such mounds are both necessary and appropriate to the townscape and landscape character of the locality.

Hazardous substances

- 4.5.28 Council Directive 96/82/EC (the Seveso II Directive) requires that the objectives of the prevention of major accidents involving hazardous substances and limiting their consequences for man and the environment are taken into account in land use planning. The Planning (Control of Major Accident Hazards) Regulations 1999 implement the requirements of the Directive by means of amendments to existing controls, with guidance set out in Circular

04/2000. Development plans are required to have regard to certain matters, notably the siting of new establishments, modifications to existing establishments, and new developments such as transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting is such as to increase the risk or consequences of a major accident.

- 4.5.29 Specific consent (hazardous substances consent) is required for the storage or use of stated quantities of hazardous substances, providing the opportunity for the risks arising to persons in the surrounding area and the wider implications for the community and the environment to be properly considered. Within the County, certain industrial sites and associated infrastructure fall within the scope of hazardous substances controls by virtue of the nature and quantity of substances used or stored; in considering applications for development in the vicinity of such sites regard will also be had to the risks arising.
- 4.5.30 It is important that the presence of hazardous substances is compatible with the existing and proposed uses of the site and of land in the vicinity. In particular, appropriate distances should be maintained between establishments where hazardous substances are present or proposed and existing or proposed residential areas, areas of public use and areas of particular natural sensitivity or interest. Full account will be taken of advice from the Health and Safety Executive and the Environment Agency in dealing with applications for both hazardous substances consent and for development at or in the vicinity of land where such substances are present. Where the introduction of hazardous substances gives rise to a separate requirement for planning permission, the two applications should normally be considered together.

DR12 Hazardous substances

Applications for hazardous substances consent, for development involving the presence of hazardous substances, and for other development at or in the vicinity of establishments where hazardous substances are present, will only be permitted where there will be no unacceptable risks to the safety of the local community, the potential occupants and users of the development proposed, and the environment.

Noise

- 4.5.31 In guiding development to the most appropriate locations and sites, the relationship between development and activities that generate, or have the potential to generate, levels of noise with the potential to give rise to injury or complaint needs to be considered. Noise is increasingly recognised as a form of environmental pollution and is a material consideration in planning decisions. The overall aim is to ensure that as far as practicable:
- noise sensitive developments (such as housing, hospitals and schools) are located away from existing or proposed significant noise sources
 - potentially noisy developments are located where noise will not be an important consideration.
- 4.5.32 In both cases the opportunity may exist to mitigate the impact of noise to an acceptable level through such measures as insulation, screening, design, layout or controls over the timing, hours of operation or nature of activities. Where proposals raise noise issues, information on likely noise impacts/exposure and mitigating measures proposed should be prepared by the developer and submitted as part of the consideration of the application. Planning conditions will be imposed or an agreement sought to control the source of, or limit exposure to, the noise.
- 4.5.33 In the case of proposals for residential development in an area with an existing noise source, the information submitted should be expressed in terms of the noise exposure categories defined in PPG24.

- 4.5.34 Special consideration will be given to proposals for noisy development in or near to designated areas such as SSSIs and the County's AONBs, whilst the impact of noise on the quiet enjoyment of other areas of landscape, wildlife and historic value will also be considered.

DR13 Noise

Development with the potential for generating significant levels of noise or for exposing a noise sensitive use to an existing noise source will be required to include appropriate measures within the proposal to mitigate the noise impact to an acceptable level. Development which, after taking account of mitigation measures proposed, would still have an unacceptable noise impact or result in unacceptable exposure to noise will not be permitted.

Development which would adversely affect the quiet enjoyment or the special interest of designated areas will not be permitted. The quiet enjoyment and tranquillity of the wider countryside, landscape and wildlife areas and historic features will also be considered.

Lighting

- 4.5.35 External lighting has an important role to play in road safety and crime prevention, and can help in promoting a night-time environment which is secure, pleasant and attractive, particularly in the urban areas of the County. However, lighting needs to be used with care if adverse impacts are to be avoided. Light spillage onto adjoining areas and into the night sky represents a potential nuisance and distraction to residents and road users. In the County's rural areas and on the edges of settlements, light pollution can detrimentally alter the landscape character of the countryside, reducing the darkness of the night sky and altering the local distinctiveness of an area from rural to quasi-urban after dark. On the widest scale light pollution represents a waste of finite energy resources leading to the unnecessary emission of greenhouse gases.
- 4.5.36 The policy approach is designed to limit these impacts whilst recognising the positive aspects of lighting schemes. Developments which require or are likely to require an external lighting scheme will be assessed in terms of the scope and design of the lighting proposed. The specification of the lighting installation should be no more than necessary to achieve the task in hand. Reference should be made to relevant standards and publications, including those prepared by the Institution of Lighting Engineers and the Chartered Institution of Building Services Engineers. Full details of the installation should be submitted with the application. Schemes should ensure that illumination is confined to within the boundaries of the property or area concerned. The emission of light above the horizontal is particularly associated with sky glow and should be minimised. The use of such devices as timers and passive sensors should also be considered in order to avoid the unnecessary operation of lighting equipment, as should the use of landscaping to screen lighting from the wider view. Well-designed lighting schemes which take account of their immediate surroundings in respect of such matters as the intensity, duration and direction of lighting will be encouraged.

DR14 Lighting

Development requiring or likely to require external lighting should include details of the lighting scheme proposed. The scheme should meet the following requirements:

- 1. demonstrate that external lighting is necessary for the development, and that the proposed lighting scheme is no more than the minimum needed to achieve the necessary purpose;**
- 2. minimise light spillage into adjoining areas and the sky;**
- 3. have appropriate regard to the immediate surroundings taking into account residential amenity, environmental and landscape character, particularly in edge of**

settlement or rural locations; and

4. where necessary include suitable mitigation measures.

Development which includes unnecessary, excessive or obtrusive lighting proposals will not be permitted. Lighting proposals should maximise the security, safety and crime prevention benefits of external lighting in relation to buildings, open spaces and walking and cycling routes.

4.6 Supplementary planning documents

- 4.6.1 Throughout the Plan, reference is made to the use of Supplementary Planning Documents (SPD's). These are provided for by the Planning and Compulsory Purchase Act 2004 and have an important role to play in setting out details of policy implementation which, because of the level of detail involved, cannot be realistically included in the Plan itself. The role of SPD's is thus to supplement Plan policies and provide further helpful information to users of the Plan as to specific issues to be addressed and the requirements of the local planning authority.
- 4.6.2 The SPD's referred to in this Plan comprise either general guidance on design issues relative to design statements submitted pursuant to policy DR1, development briefs for allocated sites or guidance dealing with specific policy areas. In addition, prior to the 2004 Act several pieces of Supplementary Planning Guidance (SPG) were published pursuant to Plan policies. Though SPG is no longer to be prepared, such existing SPG continues to carry weight and is a material consideration in the determination of planning applications. Over time it will be replaced by SPD. The position regarding the status of existing Guidance and the timetable for the preparation of the SPDs is set out in the Council's Local Development Scheme.

Village appraisals, parish plans and village design statements

- 4.6.3 A number of rural communities in Herefordshire have prepared village appraisals, village and parish plans, and village design statements, a number of which were adopted as SPG before commencement of the 2004 Act. Village appraisals and parish plans embrace a wide range of social, economic and environmental issues of concern to local communities. They have a role to play in the planning process in providing a framework and justification for the consideration of local issues such as housing need, design, and community requirements to be met through associated developments. These documents should address the needs of all in the community and incorporate opportunities to participate in their preparation. Where they are consistent with planning policies, parish plans will be recognised by the Council through adoption of their planning elements as further planning guidance to the UDP and as an expression of local distinctiveness and community participation.
- 4.6.4 Village design statements offer more specific expressions of local character and design issues, with a clear message of local distinctiveness. They embrace a wide range of environmental issues, identifying local vernacular, materials and landscaping together with the role of open spaces and car parking areas. A number of design statements have been prepared in the County, in close consultation with the Council. Where village design statements are in conformity with the development plan and have benefited from consultation, again their planning elements will be adopted as further planning guidance to the UDP.