

# 9 NATURAL AND HISTORIC HERITAGE

## 9.1 Introduction

9.1.1 This chapter deals with those parts of the physical elements that make up the natural and physical heritage of the County. Their protection and enhancement is afforded a high priority.

9.1.2 The UDP has a key role to play in achieving a successful integration between conservation and development. This is essential if a sense of local distinctiveness is to be maintained whilst contributing to the wider context of sustainable development and global responsibilities. To assist this aim, the Plan adopts a new approach to assessment of landscape character and the use of environmental appraisals and audits wherever necessary. These will be particularly helpful in enabling sustainable development and rural regeneration.

## 9.2 Aims

9.2.1 In overall terms, the policies in this chapter aim to:

- conserve and enhance the natural and historic heritage of the County, whilst promoting change that contributes positively to people's quality of life
- avoid, wherever possible, adverse environmental impact of development in respect of landscape character, sites and species of national and international nature conservation importance, biodiversity and features of geological interest, historic buildings and areas, and archaeology
- minimise any unavoidable adverse impacts on these features by means of measures to mitigate or compensate for any loss or damage, including restoration or enhancement of features, provision of replacement features and future management.

The sub-sections on Landscape, Biodiversity, Historic Buildings and Areas, and Archaeology each contain their own specific objectives supporting these general aims.

9.2.2 In Hereford and the market towns, this aim contributes to maintaining and creating local environments that are attractive to live and work in. Within rural parishes, the aim helps to maintain a diverse, thriving, attractive and environmentally healthy countryside with vibrant communities. Each section of this chapter sets out its own objectives to achieve this aim.

## 9.3 Strategy and general policy

9.3.1 Distinctive elements within the countryside, rural settlements and the City and market towns are special to Herefordshire and play a key role in defining a sense of place. Collectively, these assets comprising the natural and historic heritage contribute greatly to social life and economic well being. They are much valued by the local people and enjoyed by the visitors they attract. In many instances they have developed over the centuries and are irreplaceable and must be conserved if sustainable development is to be achieved.

9.3.2 Yet at the same time it is clear from the assessment in chapter 2 of the Plan that Herefordshire's environment is under pressure. Through the Herefordshire Partnership an Environmental Strategy has been prepared identifying a range of critical environmental issues and a framework to direct co-ordinated action by partners. The State of the Environment Report contains a number of environmental indicators that will be monitored in order to show whether progress is being made in addressing some of these issues. The strategy outlined in this chapter seeks to reflect those concerns where they are material to the use of land and will have a major impact on a number of the chosen indicators.

9.3.3 Guiding principle P7 sets out the commitment to safeguarding and perpetuating environmental assets. Special attention is given to irreplaceable resources and the distinctive character of local environments. Guiding principles P5, P6 and P10 are also relevant. The Plan's general policy takes these principles forward by identifying the ways in which the County's natural and

historic resources will be promoted. The policy forms the foundation for the more detailed policies contained in this chapter, which has been structured into four sections to address comprehensively those land use and development issues affecting landscape, biodiversity, historic buildings and areas, and archaeology.

### ***Part I policy***

#### **S7 Natural and historic heritage**

**The following assets comprising the County's historic and natural heritage will be protected, restored or enhanced:**

- 1. Areas of Outstanding Natural Beauty;**
- 2. sites and features of international, national and local nature conservation interest, species of biodiversity interest and areas of geodiversity;**
- 3. the historic heritage including archaeology, buildings and areas of historic or architectural importance, and natural landscapes; and**
- 4. landscape features that contribute positively to local distinctiveness and quality of the local environment.**

*Guiding principles P5, P6, P7 and P10*

## **9.4 Landscape**

### *Introduction*

- 9.4.1 The issues addressed within this section concern landscape protection and enhancement in the face of pressures on landscape character, particularly those arising as a consequence of changes facing agriculture. The section considers the findings of a comprehensive Landscape Character Assessment along with the application of national policy in two Areas of Outstanding Natural Beauty in the light of guidance in PPS7. In line with other chapters it confirms the Council's ambition to regenerate rural areas and encourage sustainable development in living communities, whilst at the same time recognising the importance of tranquillity and the need to protect and enrich historic landscape character and identity.
- 9.4.2 Given inevitable development pressures, particular attention is given to the landscape setting of Hereford, the market towns and rural settlements and to the role played by green corridors into development areas. The section also acknowledges the significant attention in recent years given to historic landscapes and parks and gardens, registered or otherwise, and considers the considerable contribution made to landscape character by woodlands, trees, traditional orchards and hedgerow patterns. Finally, the role that new development can play in landscape enhancement and mitigation through the appropriate use of landscaping schemes is considered.
- 9.4.3 Plan policy on landscape character is supported by more detailed supplementary planning guidance published separately.

### *Objectives of landscape policies*

- 9.4.4 In order to meet the Plan's guiding principles for a sustainable environment policies should:
- protect the countryside from unsympathetic and unsustainable development
  - safeguard landscape character and particular landscapes
  - enhance damaged and deteriorating landscapes, and secure appropriate beneficial enhancement and management from new development and land use change

- protect important settings and views into and from urban and rural settlements
- recognise, protect and encourage the appropriate restoration of historic parks, gardens and other historic designed landscapes
- protect and enhance landscape features such as woodlands, trees, hedgerows, ditches and ponds
- secure appropriate landscaping schemes as part of proposals and ensure their future maintenance.

#### *Areas of Outstanding Natural Beauty*

- 9.4.5 Herefordshire boasts two landscape areas of national significance, the Wye Valley and Malvern Hills Areas of Outstanding Natural Beauty (AONB). Both are situated in the eastern parts of the County and both are supported by management plans, which essentially seek to conserve landscape character through various forms of land management. The primary objective of designation is conservation of the natural beauty of the landscape. This Plan, through its policies, looks to complement the management plans; reconcile development needs and visitor pressure with the conservation of the AONB landscape and natural resources, and restore vulnerable and degraded landscapes when opportunities arise.
- 9.4.6 The Malvern Hills AONB is dominated by the narrow, elevated ridge of the Malvern Hills which separates Herefordshire and Worcestershire and extends southwards into Gloucestershire. The special character of the Wye Valley AONB is created by the River Wye which meanders through the broad meadows and scattered woods of the Herefordshire Plains. It contains some of the most dramatic limestone scenery in the County, including the renowned Symonds Yat where deeply inclined meanders have cut into the plateau to form an ancient wooded gorge. The Wye Valley AONB includes part of the Wye Valley Woodlands and Rivers Wye and Lugg Special Areas of Conservation where a specific policy approach applies in terms of the protection of biodiversity interest (see Biodiversity Section 9.5).
- 9.4.7 Local authorities are now required to prepare management plans for all AONBs. These will be material considerations when determining planning applications.

#### **LA1 Areas of Outstanding Natural Beauty**

**Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty, priority will be given to the protection and enhancement of the natural beauty and amenity of the area in the national interest and in accordance with the relevant management plans.**

**Development will only be permitted where it is small scale, does not adversely affect the intrinsic natural beauty of the landscape and is necessary to facilitate the economic and social well-being of the designated areas and their communities or can enhance the quality of the landscape or biodiversity.**

**Exceptions to this policy will only be permitted when all of the following have been demonstrated:**

- 1. the development is of greater national interest than the purpose of the AONB;**
- 2. there is unlikely to be any adverse impact upon the local economy ;**
- 3. no alternative site is available, including outside of the AONB; and**
- 4. any detrimental effect upon the landscape, biodiversity and historic assets can be mitigated adequately and, where appropriate, compensatory measures provided.**

### *Landscape character*

- 9.4.8 Herefordshire is considered to be the Midlands' most rural County and boasts a quality of landscape that is nationally acclaimed. Both visitor and resident alike value and cherish the variety, tranquillity and scenic beauty of the County's countryside. From the breathtaking views of the Black Mountain foothills and the Wye Valley Gorge to the rolling slopes of the Golden and Teme Valleys and the verdant low lying river meadows, Herefordshire encompasses an exceptional diversity of landscape beauty.
- 9.4.9 The majority of Herefordshire is not protected by national designation. Past policy has sought to give added protection through local designation to those areas considered to be the most attractive. More recently, Government guidance has stimulated a fundamental reassessment of local countryside designation. The UDP has been informed by a systematic assessment of landscape character rather than reliance on local designations. The Countywide Landscape Character Assessment undertaken by Herefordshire Council will accordingly be instrumental in the determination of development proposals. It is stressed that the Assessment essentially covers the wider countryside outside the recognised settlements. Inside each settlement, development proposals will need to be assessed in the context of that settlement's individual character and should seek to conform to the inherent settlement pattern. Other forms of assessment, such as village design statements and parish plans have a role to play in identifying internal settlement character.
- 9.4.10 The assessment identifies 22 distinctive landscape types within the County. Each is described in detail with additional information relating to design guidelines and management issues. The key attributes of each landscape type determine its distinctiveness both locally and regionally. Plan policy LA2, set out below, seeks to retain and enhance landscape character and to minimise the impact of landscape change, particularly that arising from new development. The intention is not to prevent necessary development, but to ensure that development respects landscape character. This will be achieved either by resisting inappropriate new development that would cause unacceptable adverse change to landscape character, or by accommodating it only if it can be demonstrated that landscape character can be protected adequately or that the proposed development can satisfactorily mitigate the impacts or compensate for them.
- 9.4.11 Summary details of the Landscape Character Assessment have been published separately as supplementary planning guidance (SPG) to complement and provide further detail for policy LA2. The guidance will help to guide and inform proposals for development. The assessment itself provides a detailed account of the natural, cultural and visual dimensions of landscape, classifying, describing and evaluating its character as well as promoting opportunities for conservation, restoration, enhancement and mitigation.
- 9.4.12 Policy LA2 refers to both key attributes and features. The indicators used to define key attributes are:
- topography
  - geology
  - soil type
  - land use
  - settlement pattern
  - tree cover character
  - tree cover pattern
  - spatial character
  - indicative ground vegetation
  - field boundaries
  - enclosure pattern
  - special characteristic features

Landscape features are acknowledged but not recorded in detail in the descriptions of specific landscape types within the assessment and the SPG. However they are considered to include:

- skylines and hill features including prominent views of such features
- mixed or broad-leaved woodlands with particular emphasis on ancient and ancient semi-natural woodlands
- areas of established hedgerow and tree patterns, including ornamental trees and orchards
- linear features of visual, archaeological, historic or landscape importance, including disused and/or dismantled railways/tramways, canals, water channels, hollow ways, green lanes and other disused former thoroughfares
- water features, especially river valleys and associated flood plains and including ponds, pools, dams, sluices, weirs, fords and water wheels
- sites of geological and geomorphological importance
- setting of settlements, including their individual form and road pattern
- the presence and pattern of historic landscapes including parks and gardens, commons, unimproved grassland and patterns of ridge and furrow
- natural drainage patterns.

9.4.13 Development proposals throughout the County will need to clearly demonstrate that their design and layout incorporate opportunities to conserve, restore and enhance distinctive landscape character and, where necessary and appropriate, any prominent landscape features. Analysis of condition and site sensitivity held within the Landscape Character Assessment will be utilised to review these proposals. Where specific sites and landscapes will tolerate change and where development is acceptable against other Plan policies, proposals must specify the enhancement and/or mitigation measures required for them to be successfully accommodated within the landscape. Proposals must also incorporate any necessary management and maintenance arrangements to ensure environmental benefits are maintained over time.

#### *Historic landscapes*

9.4.14 The Government advises that historic landscapes should be safeguarded from development that would destroy them, or significantly adversely affect their character. In conjunction with English Heritage, the Council has also completed a Historic Landscape Characterisation of Herefordshire landscape which provides a basis for the definition of historic landscape protection. The Historic Landscape Characterisation study is complementary to the Landscape Character Assessment. The two studies have differing perspectives – the latter being primarily concerned with visual qualities, whereas the former is concerned with the underlying historical processes.

9.4.15 Through the work of the Malvern Hills and Wye Valley AONB Joint Advisory Committees, the Council will seek to establish good practice in management work, aimed at the restoration and care of historic landscapes. Additionally, the Council will actively support the work of DEFRA and the work of the Hereford and Worcester Gardens Trust in this regard.

9.4.16 The Council wishes to work with the owners of designed historic landscapes to establish management plans, including the replanting or restoration of lost features, the ongoing care of existing woods, trees, hedges and designed planting, repair of walls and other built features and the creation, where appropriate, of new areas of landscaping. Where they have biodiversity interest and/or historic value, old and over mature trees and dead wood should be retained wherever possible.

### **LA2 Landscape character and areas least resilient to change**

**Proposals for new development that would adversely affect either the overall character of the landscape, as defined by the Landscape Character Assessment and the Historic Landscape Characterisation or its key attributes or features, will not be permitted.**

**Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection. Where appropriate, developers will be encouraged to restore degraded or despoiled landscapes to their inherent character.**

#### *Setting of settlements*

- 9.4.17 There will be an inevitable pressure and requirement for new development to be located on the edge of Hereford, likewise the market towns and some rural settlements. Where such developments are either allocations of this Plan or are deemed to comply with Plan policies following planning applications, particular care will be required to assess landscape setting. Aided by the Council's aforementioned landscape assessments, new development proposals will be required to have minimal effect upon landscape setting and wherever possible will be required to restore landscape character. Certain important landscape features will need protection whilst important vistas into existing development are to be respected and conserved. Opportunities to create new open areas, urban parks, green wedges or tree lines particularly along main radial routes in conjunction with new development should be sought where such provision will enhance and complement landscape character and townscape, create access for recreation or benefit local amenity.

### **LA3 Setting of settlements**

**Development outside the built up areas of Hereford, the market towns and rural settlements, which is acceptable in terms of other Plan policies, will only be permitted where it would not have an adverse effect upon the landscape setting of the settlement concerned.**

**Important visual approaches into settlements, views of key buildings, open areas into development, green corridors, ridgelines and surrounding valued open countryside will be particularly protected and, where necessary, enhanced.**

**In appropriate new developments around existing settlements the creation of open space, urban parks, green wedges, and tree lines will be promoted where they complement and enhance landscape character and townscape.**

#### *Protection of historic parks and gardens*

- 9.4.18 Local authorities are required to protect registered parks and gardens in the context of their historic interest and the contribution they make to the richness and quality of the landscape. These creative landscape features also support large, varied and long-standing habitats for much flora and fauna. Herefordshire has a number of such parks and gardens that have been recognised by English Heritage as being of national importance and are included on their Register of Parks and Gardens of special historic interest in England. They are listed within Appendix A and are identified on the proposals map. Many of the parks and gardens were created during the 18<sup>th</sup> and 19<sup>th</sup> Centuries to provide picturesque settings for large houses with characteristic groups of trees. Others such as Moccas, Brampton Bryan and Eastnor Park are remnants of medieval and earlier deer parks. Many of these parks feature boundary walls, ha-ha or park paling and often include unique components such as gazebos and follies.
- 9.4.19 Many historic parks and gardens benefit from their setting, which contributes to the character and 'sense of place' of the designed landscape. Similarly, the designed visual envelope is pertinent to some parks and gardens where vistas and views out of the property to the 'borrowed' landscape were a fundamental element within the design.

9.4.20 Herefordshire also has a wealth of historic parks and gardens that are of local importance but are unregistered. Herefordshire Council and the Hereford and Worcester Gardens Trust have jointly undertaken a survey of the unregistered historic parks and gardens in the County. Those that are considered to be of local importance and substantially intact are also identified in Appendix A. Wherever possible, the designed visual envelope of both registered and unregistered properties has been identified and mapped separate to this Plan. Exclusion from this local list does not imply that a site is not of historic interest and it is accepted that further sites of local interest may be added in the future and consequently offered the protection of the following policy.

#### **LA4 Protection of historic parks and gardens**

**Development which would destroy, damage or otherwise adversely affect the historic structure, character, appearance, features or setting (including the designed visual envelope) of a registered park or garden will not be permitted.**

**Development proposals that would affect an historic park or garden should be accompanied by an historic landscape appraisal report and a restoration scheme, which may include or comprise a management plan, commensurate to the scale of the proposal that affects them.**

**Unregistered parks and gardens recognised and identified by the Council as currently of local importance will be afforded similar protection.**

#### *Protection of trees, woodlands and hedgerows*

9.4.21 Trees, woodlands and hedgerows are integral features within the Herefordshire countryside. Within and on the fringe of settlements, particularly in urban areas, trees and hedgerows are valued for visual amenity, historical heritage and biodiversity. Elsewhere forestry and woodlands along with associated commercial activities benefit the local economy, and are resources for tourism and leisure. The Malvern Hills and the Wye Valley AONBs are subject to Woodland Management Guidelines seeking to preserve the woodlands in these areas. The Forestry Commission has led the production of the Government's England Forestry Strategy, which sets out priorities and programmes that will apply over the Plan period. These include increasing the opportunities to visit woodlands and seek replanting where woodland is lost to development. The Commission is also a consultee upon planning applications affecting ancient woodlands. Significant areas of woodland in the county not only host a rich biodiversity but are also irreplaceable historic and landscape features.

9.4.22 The Council supports the Forestry Commission in their roles of regulating tree felling and operating the Woodland Grant Scheme for woodland creation and management, particularly where they strengthen the original woodland and retain landscape character. When responding to notification or consultation from the Forestry Commission upon forestry proposals involving felling, replanting or afforestation the Council encourage, through negotiation, proposals which:

- conserve and enhance ancient and ancient semi-natural woodland
- enhance the appearance of the landscape through careful and sensitive location and design
- are sensitive to and in accordance with the key characteristics described in the Landscape Character Assessment
- ensure planting of the appropriate choice of species, to the standards set out in the UK Forestry Standard
- maintain and where suitable extend and enhance public access
- provide appropriate tree and woodland planting around and within communities, on agricultural and brownfield land, to link and extend semi-natural woodland (where appropriate to the inherent landscape character) and to create a range of public benefits

- encourage the restoration of Ancient Woodlands sites where plantations have occurred (Plantation on Ancient Woodland Site (PAWS)).

9.4.23 The Council will use its powers to place Tree Preservation Orders on valued trees threatened by development or otherwise under threat where they have amenity value. In addition, important trees, hedgerows and other landscape features may be identified through audits and appraisals such as village design statements and conservation area appraisals. Significant regard will be paid to the protection and enhancement of these features. Conditions to any planning permissions will require safeguarding species, replacements where necessary, new planting and arrangements for on-going maintenance to ensure that landscape character is preserved and enhanced.

#### **LA5 Protection of trees, woodlands and hedgerows**

**The enhancement and protection of individual trees, tree groups, woodlands and hedgerows will be secured by:**

- 1. placing Tree Preservation Orders where necessary on trees, groups of trees and woodlands of amenity value, and making use of hedgerow protection legislation;**
- 2. resisting proposals that would cause loss or damage to trees (including veteran trees), hedgerows, mature traditional orchards or woodlands which are worthy of retention. In particular, proposals affecting protected trees and Ancient and Semi-Natural Woodlands will be subject to rigorous examination. Where the felling of protected trees is accepted replacement planting will be sought;**
- 3. requiring development proposals to include an acceptable landscaping scheme submitted in accordance with policy LA6, the retention of those trees and hedgerows considered important to local amenity, together with measures to ensure their protection during development, and the replacement of trees and woodland lost to development with an equivalent area of planting; and**
- 4. where appropriate taking into account as a material consideration the Woodland Management Guidelines produced for the Malvern Hills and Wye Valley AONBs and the Government's England Forestry Strategy together with Forestry Commission guidance on Ancient and Semi-Natural Woodlands.**

**Management agreements to enable new or increased public access to woodlands may be entered into, particularly where there is a shortage of such opportunities within the particular locality.**

#### *Landscaping schemes*

9.4.24 Landscaping schemes have an important role to play in ensuring that new development successfully integrates with its surroundings. Landscaping schemes should be an integral part of the overall proposal and reflect the character of the location. Landscaping includes hard surfacing, street furniture and means of enclosure as well as planted areas. It can help soften, screen and assimilate new development so enhancing the local environment. The retention and integration of existing natural features can greatly enhance and complement new development and soften its impact. Indigenous trees and plant species of local provenance, and hard surfaces that are in keeping with the surrounding areas should be used. Plant species will need to be carefully chosen with an understanding of their characteristics, ultimate height, spread, vulnerabilities and maintenance requirements. Finally developers will be expected to ensure protection of notable features during development, implement new planting as soon as practicable and to maintain and where necessary replace both existing landscape features and any new planting. Conditions may be imposed and agreements entered into where necessary to ensure the implementation of landscape works and maintenance during the establishment period, including the provision for replacement of any features that may be lost.

## **LA6 Landscaping schemes**

**Landscaping schemes will be required to be submitted as an integral part of any development proposals that will affect the visual amenity or character of the location. Landscaping schemes will be required to:**

- 1. assess the existing character and features of the particular site and its wider landscape character in accordance with policy LA2, indicating how these have contributed to the overall design approach and which features, including trees, will be removed;**
- 2. indicate and make arrangements to protect and retain existing trees and hedgerows, in accordance with policy LA5 and also other landscape features worthy of retention; and**
- 3. include new landscape works to ensure development integrates appropriately into its surroundings in terms of scale, enhances any existing character and features and especially takes the opportunity to remove eyesores and improve disfigured or despoiled land.**

**Landscaping works should be undertaken during development or as soon as practicable thereafter. In the case of major proposals, consideration should be given to advanced landscaping works being carried out before building or enabling works are commenced.**

## **9.5 Biodiversity**

### *Introduction*

- 9.5.1 Biodiversity, the sum total of life's variety on earth, encompasses all living things from the smallest micro-organism to the largest mammal. Biodiversity conservation on a European scale is promoted by the European Habitats Directive (1992). This was translated into UK law in 1994 by the Habitats Regulations. The Directive states that action must be taken to stem the loss of threatened habitats and species and requires Member States to take measures to maintain or restore natural habitats and species at a favourable conservation status. This is one of the cornerstones of sustainable development.
- 9.5.2 This Plan includes policies which protect designated sites and contribute to the conservation of biodiversity. It is also concerned with other land of conservation value and the provision of new habitats.
- 9.5.3 In 1992, Britain signed the Convention on Biological Diversity at the Earth Summit in Rio de Janeiro and made a commitment to preparing plans to implement biodiversity conservation. The Government published "Biodiversity: the UK Action Plan" in 1994. This identified a number of priority habitats and species which are under threat at a national level. It also encouraged the preparation of local Biodiversity Action Plans (BAPs) through partnership working between local authorities and nature conservation organisations. The Herefordshire Biodiversity Action Plan was published by the Herefordshire Biodiversity Partnership in 2000. It takes account of national priorities and local distinctiveness and identifies priority species and habitats for Herefordshire. It also encourages habitat restoration and enhancement. The UDP offers an opportunity to contribute to these national and local priorities through the control and sympathetic design of new development.
- 9.5.4 Herefordshire is a host to many important habitats and species. A County habitat survey commenced in 1999 to assess this resource and will continue to be updated throughout the life of this Plan. The importance of the County's nature conservation and geological resources is reflected in the number and variety of international, national and local designated sites.

Individual sites are referred to in the policies that follow and are identified on the proposals map and listed at Appendix B.

- 9.5.5 More detailed information and advice on the implementation of the UDP biodiversity policies has been published separately as supplementary planning guidance (SPG). The guidance provides advice about the levels and types of ecological information needed when submitting a planning application to enable the local authority to determine what, if any, effects the development will have on biodiversity. It also provides information about protected species, priority habitats and species, priority natural features and opportunities for habitat creation, restoration and enhancement and the targeting of such measures. Regard will need to be had to this supplementary planning guidance.

*Objectives of biodiversity policies*

- 9.5.6 Guiding principle P7 highlights the need to protect, restore and enhance environmental assets and gives special protection to irreplaceable resources such as biodiversity and features of geological interest and the processes which support them and seeks to ensure the sympathetic integration of new land use and development. This section seeks to:
- safeguard internationally, nationally and locally protected areas of biodiversity and geological interest, protected species and species listed in the UK and local BAP from inappropriate and unnecessary development.
  - ensure no net loss of either the quality or quantity of biodiversity in the County.
  - help meet the targets set in the Biodiversity Action Plan for Herefordshire.
  - encourage the provision of features of value to wildlife in all development schemes.

*Biodiversity and development*

- 9.5.7 Wildlife is not just confined to designated sites. Statutory and non-statutory sites only represent fragments of a once more extensive natural habitat. Many important wildlife species are not found on protected sites but dispersed in the landscape. Numerous features in both town and country serve as wildlife corridors, links and stepping-stones from one habitat to another. All help to form a network which is necessary to ensure that the current range and diversity of the natural heritage continues. Fragmentation of such networks erodes the value and quantity of the biodiversity resource.
- 9.5.8 It is emphasised that the term 'development' includes land use change proposals, which can have a major impact on biodiversity, as well as built development. It will be expected of all development proposals that they seek to retain natural features of major importance to wildlife and maintain ecological networks, such as hedgerows and woodland areas. Development proposals can also offer opportunities to promote wildlife interests. Sensitive landscaping, native planting and the creation and management of landscape features important to wildlife can all provide new habitats. Such positive provision can, if framed within the context of surrounding biodiversity, serve to create, consolidate or extend the wildlife network. Finally, where there is reason to believe that habitats, species, and features of geological interest may be affected by proposals, ecological field evaluations may be required prior to the determination of any planning application.

**NC1 Biodiversity and development**

**In determining all development proposals, the effects upon biodiversity and features of geological interest will be taken fully into consideration. Prior to determination of applications for development on sites where there is reason to believe that such features of importance exist, a field evaluation may be required. Proposals should:**

- 1. seek to retain existing semi-natural habitat, wildlife corridors, species or geological features within their layouts and design; and**

2. **demonstrate that the proposal will have no adverse effects on any adjacent biodiversity and features of geological interest, or lead to the fragmentation, increase isolation, or damage to protected or priority habitats and / or priority or protected species.**

#### *Sites of international importance*

- 9.5.9 There are three types of international site designation. Two of these, the Special Area of Conservation (SAC) and the Special Protection Area (SPA) arise from European Directives, the Habitat Directive 1992 and the Birds Directive 1979 respectively. The Conservation (Natural Habitats) Regulations 1994 implement the European Habitats Directive. Together, the two categories of European site make up a network of European protected sites known as 'Natura 2000'. These sites are part of a range of measures aimed at conserving important or threatened habitats and species. The third category of international site designation, 'Wetlands of International Importance especially as Waterfowl Habitat' known as Ramsar sites are designated under the 1971 Ramsar Convention. At the time of publication, Herefordshire has no SPA or Ramsar sites, but does have 4 SACs.
- 9.5.10 The 4 SACs in Herefordshire are: The River Wye (River Wye SSSI and part River Lugg SSSI), Downton Gorge, The Wye Valley Woodlands and the River Clun (part of the River Teme SSSI).
- 9.5.11 Development that may affect internationally designated sites will be subject to rigorous examination. The Council will consult Natural England on all development proposals affecting internationally designated sites. Proposals will be assessed to determine likely significant impact and developers may be required to provide further information to enable an appropriate assessment to be made. Any such proposal will be determined in accordance with Regulations 48-53 of the Habitats Regulations 1994. Applicants need to discuss the information that must be provided in support of their applications with the local planning authority.
- 9.5.12 The Council will encourage the management of international sites to sustain and enhance their biodiversity interest.

#### **NC2 Sites of international importance**

**Development which may affect a European Site, a proposed or candidate European Site or a Ramsar site will be subject to the most rigorous examination. Development that is not directly connected with or necessary to the management of the site for nature conservation, which is likely to have significant effects on the site (either individually or in combination with other plans or projects) and where it cannot be ascertained that the proposal would not adversely affect the integrity of the site, will not be permitted unless:**

1. **there is no alternative solution; and**
2. **there are imperative reasons of over-riding public interest for the development.**

**Where the site concerned hosts a priority natural habitat type and/or a priority species, development or land use change will not be permitted unless the authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.**

#### *Sites of national importance*

- 9.5.13 Nationally important sites are designated under the 1981 Wildlife & Countryside Act by Natural England. Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs) are of special interest for their flora, fauna, geological or physiographical features. There are currently 75 SSSIs and 3 NNRs in Herefordshire. The Council will consult Natural England on all development proposals affecting SSSIs and NNRs; Natural England keeps the sites under review and it is possible that existing sites may be denotified and further sites notified during the

Plan period. The Council is required under the Countryside and Rights of Way Act 2000 to consult Natural England when they propose to carry out operations or issue permissions which are likely to damage the special features on an SSSI. The Council is also under a duty to seek enhancement works to SSSI's under the CROW Act 2000. This applies whether or not the operation is taking place on land included within the boundary of the SSSI.

- 9.5.14 The Council will encourage the management of nationally important sites and habitats to sustain and enhance their biodiversity interest.

#### **NC3 Sites of national importance**

**Development in or likely to affect Sites of Special Scientific Interest or National Nature Reserves will be subject to special scrutiny. Where such development may have an adverse effect, directly or indirectly on the special interest of the site it will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard the network of such sites.**

**Where development is permitted proposals should make provision for the enhancement of such sites in order to improve their nature conservation status.**

#### *Sites of local importance*

- 9.5.15 Locally important sites have been identified by Herefordshire Nature Trust and Herefordshire Council. These sites are important for their plants and animals in a County context. Local sites in Hereford are termed Sites of Importance to Nature Conservation (SINCs) and local sites in the rest of the County are termed Special Wildlife Sites (SWSs). Together they make up the majority of designated sites in the Plan area and contribute significantly to biodiversity conservation and the wildlife network. Currently there are over 750 sites. There may be further additions to the list of Special Wildlife Sites and Sites of Importance for Nature Conservation over the life of the Plan.
- 9.5.16 Herefordshire Council and Parish Councils have the power to designate Local Nature Reserves (LNRs) under the 1949 National Parks and Access to the Countryside Act. The land within an LNR is under the control of the local authority, either by ownership, leasing or through a management agreement. There are currently 6 LNRs in Herefordshire although further may be designated during the Plan period. The Council has entered into a number of management agreements under Section 39 of the Wildlife and Countryside Act 1981 with owners of key nature conservation sites. These provide an effective way of sustaining and enhancing the wildlife value of these sites. There are currently 15 such agreements in the County.
- 9.5.17 Regionally Important Geological Sites (RIGS) have been identified and are continuing to be identified by the Herefordshire and Worcestershire Earth Heritage Trust. These geological and geomorphological sites are considered worthy of protection for their educational, scientific, historical and aesthetic importance. They are a unique natural heritage, providing a record of past biodiversity, climatic conditions and environmental processes. There are currently 40 RIGS within the County and further RIGS will be identified during the Plan period.
- 9.5.18 Following Britain becoming a signatory to the European Convention on the Protection of Archaeological Heritage (the Valetta Convention), it is considered that a number of peat reserves in the County could be designated as RIGS in the near future.

#### **NC4 Sites of local importance**

**Development proposals which could directly or indirectly affect a Special Wildlife Site, Site of Importance to Nature Conservation, Local Nature Reserve, a Regionally Important Geological/Geomorphological Site or a site subject to an agreement under section 39 of the Wildlife and Countryside Act will not be permitted unless it can be demonstrated that there would be no harm to the substantive nature conservation value of the site, or that**

**appropriate mitigation and compensatory measures can be taken in accordance with policy NC7, or that the reasons for the development clearly outweigh the need to safeguard the nature conservation value of the site.**

*European and nationally protected species*

- 9.5.19 There are two levels of legal protection for species – European and national. The European Habitats Directive, implemented by the Habitats Regulations, provides protection for a number of species and their habitats including dormouse, great crested newt, otter and all species of bats. Across Europe these species have either declined in numbers so much that they are now rare, or they are at risk of suffering such losses and are vulnerable. Nationally protected species, and in some cases their habitats are given special protection by the 1981 Wildlife & Countryside Act. The Biodiversity SPG gives more detail on protected species and their associated habitats for use within the development control process.
- 9.5.20 The protection afforded by the Habitats Regulations and the Wildlife & Countryside Act is independent of the planning system. However, if development proposals are likely to harm a protected species then the presence of that species is a material consideration. The Council will consult Natural England on all development proposals affecting internationally and nationally protected species. It should be borne in mind by prospective applicants that even if planning permission is granted, licences are still required from DEFRA in the case of European protected species and Natural England for nationally protected species. The granting of licences is not assured despite the possession of a planning permission.

**NC5 European and nationally protected species**

**Development proposals which would have an adverse impact on badgers or species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act as amended, will not be permitted. Where an over-riding need for the development is demonstrated, conditions on the planning permission will be imposed or a planning obligation entered into to:**

- 1. facilitate the survival of individual members of the species;**
- 2. reduce disturbance to a minimum; and**
- 3. provide adequate alternative habitats to sustain at least the current levels of population of the species.**

*Biodiversity Action Plan priority habitats and species*

- 9.5.21 The UK Biodiversity Action Plan and the Herefordshire Biodiversity Action Plan have identified a number of priority habitats and species. These priority habitats and species are those which are most threatened or are in decline in a national context and thus require action to effect their conservation. The Herefordshire Biodiversity Action Plan was published in 2000.

**NC6 Biodiversity Action Plan priority habitats and species**

**Developments should have regard to those habitats and species listed in the UK and Herefordshire Biodiversity Action Plans in order to protect, manage and enhance priority species and habitats. Proposals that might result in a threat to such priority species or habitats will not be permitted unless the reasons for the development clearly outweigh the need to safeguard the habitat or species.**

### *Compensation for loss of biodiversity*

- 9.5.22 The primary consideration for development proposals should be to ensure that they retain recognised biodiversity interests and provide mitigation against all adverse impacts. In exceptional circumstances where it is unavoidable to prevent the loss or damage to a habitat or feature of biodiversity interest appropriate compensation will be expected. Such measures will be of at least an equal quality and quantity to ensure that there is no net loss of biodiversity within the County.

#### **NC7 Compensation for loss of biodiversity**

**Where development is permitted, the use of conditions and/or planning obligations will be considered in order to provide appropriate mitigation and compensatory measures to avoid, minimise or offset the loss of or damage to any biodiversity feature covered by policies NC2 to NC6. Such measures will be at least proportionate to the scale of the loss or impact.**

### *Habitat creation, restoration and enhancement*

- 9.5.23 One of the cornerstones of the biodiversity process is the emphasis on halting and reversing recent trends in habitat loss and fragmentation. To do this, new habitats must be created, degraded habitats restored and the condition of existing habitats improved through enhancement measures. Natural England have distinguished 5 distinct Natural Areas within the County and for each a profile has been prepared that outlines a series of objectives to realise the favourable conservation status of the key habitats and species of the area. The five areas are: Malvern Hills and Teme Valley, Central Herefordshire, Dean Plateau and Wye Valley and the Clun and North West Herefordshire Hills. Accordingly the Council will encourage habitat creation, restoration and enhancement in furtherance of the BAP targets and in accordance with the Natural Area profiles.

#### **NC8 Habitat creation, restoration and enhancement**

**The design of new development and the restoration and reclamation of derelict and degraded sites and landscapes, should wherever possible, enhance existing wildlife habitats and provide new habitats for wildlife as opportunities arise. In bringing forward such measures proposals should:**

- 1. retain and enhance existing semi-natural habitats, wildlife corridors or geological features within their layouts and design;**
- 2. demonstrate that they will have no adverse effects on any adjacent nature conservation resource;**
- 3. help to create or restore habitat networks in particular through the creation of new wildlife corridors and /or stepping stones; and**
- 4. contribute towards one or more targets in the UK and Herefordshire Biodiversity Action Plans.**

### *Management of features of the landscape important for fauna and flora*

- 9.5.24 The protection and creation of habitats arising from development proposals is ultimately of little value if the long term maintenance of such features cannot be guaranteed. To do this, management is needed. Management of landscape features of major importance for wild flora and fauna is also a requirement of Regulation 37 of the European Habitats Directive. In accordance with Regulation 37 of the Habitats Regulations and Article 10 of the EC Habitat Directive, the Plan includes policies in respect of conservation of the natural beauty and amenity of the land, including encouraging the management of features of the landscape which are of

major importance for wild fauna and flora. Examples of such features include those that form a continuous network or that could be considered to act as stepping-stones. They include hedgerows, their margins and ditches; linear tree belts/shelter belts, plantations and small woodlands, larger semi-natural or ancient woodlands, semi-natural grasslands, mature traditional orchards, heathland, green lanes/droves, river corridors and canals, lakes and ponds, disused railway lines and their banks. Planning conditions may be used to secure future management although planning obligations and management agreements will be preferred.

#### **NC9 Management of features of the landscape important for fauna and flora**

**Development proposals which provide for the creation, restoration, enhancement or protection of biodiversity features including those provided as compensation for unavoidable loss in accordance with policy NC7, will also be required to provide for the management and monitoring of those features concerned. Conditions will be imposed or agreements entered into according to the nature of the management requirements needed.**

## **9.6 Historic buildings and areas**

### *Introduction*

- 9.6.1 Conservation of the built environment is now recognised as an important ingredient for economic and neighbourhood renewal. As such policies in the Unitary Development Plan should encourage private sector investment that utilises existing architectural and historic assets and resources. This section sets out the policies of the Plan in respect of listed buildings and conservation areas. It also addresses the contribution of locally important buildings and areas.

### *Objectives of historic buildings and areas policies*

- 9.6.2 Guiding principle P7 sets out the intention to conserve and enhance built environments so as to safeguard their distinctive local character and individual architectural and historic assets. This section of the Plan seeks to achieve this by:
- protecting buildings which are listed by virtue of their special historic and architectural importance, together with their setting
  - securing appropriate uses for listed buildings
  - defining criteria for the designation of new conservation areas and the review of existing conservation areas
  - ensuring that new development within conservation areas is appropriate in terms of sustaining and enhancing its special character
  - retaining locally important buildings and private and public spaces within townscape and village contexts
  - setting out requirements for shopfronts and advertising as affecting a listed building or within a conservation area
  - making best use of traditional rural buildings and ensuring design proposals respect individual and local characteristics.

### *Listed buildings*

- 9.6.3 Buildings included on the statutory List of Buildings of Special Architectural or Historic Interest are an important and recognisable part of any town or village. They frequently provide identity and familiarity in a changing environment. There is a need to protect these buildings from deterioration and decay by encouraging proper repair and maintenance.
- 9.6.4 At present, the County contains 5905 listed entries. Of these, 1% are listed Grade I, that is, are of exceptional interest. A further 5% are Grade II\* and described as particularly important

buildings of more than special interest with the remainder being Grade II, buildings of special interest which warrant every effort being made to preserve them.

- 9.6.5 The careful guardianship of listed buildings throughout Herefordshire is of prime importance to the Council in order to safeguard the quality of life for the residents of the County and preserve the historic environment.

*Alterations and extensions to listed buildings*

- 9.6.6 The elements which make up the special interest may include the visual, spatial, historical, archaeological and technological characteristics of a building and its setting. It may be derived from the original characteristics of the building, including its features and setting. It is likely also to owe much to later architectural features which are of interest as evidence of the building's evolution. This historic fabric should be preserved, and if necessary carefully adapted rather than removed or obscured. The removal of later inappropriate alterations may be encouraged, but not merely to make way for other detrimental proposals. In some cases the scope for further adaptation or extension may be very limited, for instance where there would be a detrimental cumulative impact.
- 9.6.7 In order to protect listed buildings, listed building consent / planning applications should include sufficient information to enable the full impact of a proposal on a listed building or structure, its features and its setting to be assessed, clearly identifying elements to be retained together with the extent and nature of any new work and demolition. It should be clearly demonstrated that the works proposed are necessary and justifiable. Applications should be accompanied by scaled plans, elevations, details of construction and materials, and specifications.
- 9.6.8 In most cases proposals will require both planning permission and listed building consent and in these circumstances both applications should be considered together. A series of advisory notes for the repair of historic buildings are available separately. Applicants may be required to arrange suitable programmes for the recording of any features that may be lost through any alterations for which consent is sought.
- 9.6.9 Structures or buildings which form part of a group within the curtilage of a listed building are important and their loss or unsympathetic alterations can be detrimental to the character of the principal listed building. Development affecting ancillary buildings within the curtilage of principal listed buildings will be subject to the same level of control as the main building. In considering proposals to extend or alter a listed building where the character of the building might be affected, the special interest of the listed building and its setting must be weighed against the economic viability of proposed new uses or alterations and extensions and the implications of these for the continued preservation of the building and its setting.

**HBA1 ALTERATIONS and extensions to listed buildings**

**Development proposals to alter or extend a listed building will only be permitted when:**

- 1. the components which make up the special interest of the building, its features and setting are preserved;**
- 2. all new work is in keeping with the age, style, materials, detailing and character of the building;**
- 3. extensions are subservient in scale and design and relate well to the existing building; and**
- 4. the structural limitations of the building are respected and preserved.**

### *Demolition of listed buildings*

- 9.6.10 Listed buildings are a finite resource and their preservation is considered to make a major contribution to the quality of life in Herefordshire. In considering applications for listed building consent there will be a general presumption in favour of the preservation of such buildings. Whilst viability, alternative uses, the merits of a proposed replacement building or community benefit are material considerations in assessing proposals for demolition, they will rarely provide sufficient justification to allow the loss of all or substantial parts of a listed building.
- 9.6.11 Evidence that serious efforts have been made to continue the building's existing use, or to find an alternative use, including offering the unrestricted freehold of the building for sale on the open market at a realistic price which reflects its condition, will be a necessary preliminary to showing that a building is wholly beyond economic repair. In appropriate cases the Council makes grants toward the repair and/or restoration of historic buildings under section 57 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.6.12 In those exceptional circumstances where it has been proven that demolition is unavoidable, applicants may be required to arrange suitable programmes for the recording of the building, or any features that would be lost in the course of works for which consent is sought. Wherever beneficial, materials should be salvaged from the building and reused in conservation and restoration schemes, either through redevelopment of the site concerned or the refurbishment or repair of other buildings. To avoid premature demolition in advance of new development, any consent will be linked by condition to the redevelopment works, which should be subject to a signed contract and have the benefit of planning permission before the associated demolition occurs.

#### **HBA2 Demolition of listed buildings**

**Development proposals which involve the demolition of all or substantially all of a listed building will only be permitted in exceptional circumstances, where all of the following have been demonstrated:**

- 1. all possible efforts have been made to repair the building, and / or incorporate it sensitively into new development;**
- 2. the condition of the building and the cost of repairs sufficiently outweigh its intrinsic importance and the value derived from its continued use;**
- 3. there is no interest by prospective occupiers or purchasers following the property being offered on the open market; and**
- 4. existing uses are no longer sustainable, and all possible efforts to find compatible alternative uses have failed.**

**Where demolition is to be followed by redevelopment, listed building consent will be conditional on a contract for the redevelopment works being signed and planning permission for those works granted prior to demolition taking place.**

**The recording of buildings, structures or features to be removed may also be required.**

### *Change of use of listed buildings*

- 9.6.13 To secure the upkeep of historic buildings they need to be kept in active use. The best use for a listed building will very often be the use for which the building was originally designed. However, this is not always practicable. Control over changes of use will be exercised sympathetically in order to find the best viable use which is compatible with the fabric of a listed building and its setting.

- 9.6.14 In order to ensure that the fabric of a listing building will not be damaged as a result of the works related to the change of use, applicants may be required to provide both a schedule of works and detailed specification setting out the extent of alterations and works required, and a method statement indicating how the works will be carried out.

#### **HBA3 Change of use of listed buildings**

**The change of use of part or the whole of a listed building will be permitted where it can be demonstrated that:**

- 1. the building is structurally capable of accommodating the proposed use without requiring substantial rebuilding;**
- 2. the proposed use is compatible with the preservation of the existing building, its features and setting and where relevant those of any immediately adjacent listed buildings;**
- 3. the proposed use complements any other existing uses of the building which are to be retained;**
- 4. the proposal assists the retention and beneficial use of a historic building; and**
- 5. in relation to reuse and adaptation of traditional rural buildings, the use complies with policies HBA12 and HBA13.**

#### *Setting of listed buildings*

- 9.6.15 Structures or buildings which form part of a group within the curtilage of a listed building are important and their loss or unsympathetic alteration can be detrimental to the character of the principal listed buildings. Development affecting ancillary buildings within the curtilage of principal listed buildings or structures will be subject to the same level of control as the main building.
- 9.6.16 New development, including new uses which affect the setting of a listed building can have a critical impact on its character and setting unless carefully considered. The local planning authority is required to consider the desirability of preserving such settings.

#### **HBA4 Setting of listed buildings**

**Development proposals which would adversely affect the setting of a listed building will not be permitted. The impact of the proposal will be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations.**

#### *Conservation areas*

- 9.6.17 Conservation areas are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. The local planning authority has a duty to consider the designation of such areas under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This entails considering the area as a whole, including the architectural quality of individual buildings as well as townscape quality in the broadest sense, including the contribution made by open spaces.
- 9.6.18 Conservation areas should not be seen as static 'museum' environments. Change must take place to accommodate the needs of residents, businesses and visitors. The Council will be flexible in its approach to conservation areas, for example by allowing further housing for local people or providing for economic growth. However, this must be balanced against the particular intrinsic qualities of each conservation area so that changes do not damage their special character but preferably enhance it.

- 9.6.19 It is important to consider more than the built fabric in a conservation area. The uses within, and the local community, are equally important factors in defining its character. A conservation area whose buildings and spaces are being used is likely to remain in a better state of repair through maintenance and economic input. The Council will consequently seek to protect and enhance the vitality of conservation areas.
- 9.6.20 There are 64 conservation areas in Herefordshire. Some 47 cover whole or parts of villages, 9 fall within the boundaries of Hereford and 8 within the County's market towns. Conservation areas are shown on the proposals maps. It is proposed that detailed conservation area appraisals be undertaken for these areas.

*Designation of conservation areas*

- 9.6.21 Local planning authorities are required to keep under review the need for additional conservation areas (Planning (Listed Buildings and Conservation Areas) Act 1990). Designation and alteration of such areas is carried out separately from development plan preparation. As part of the review process, character assessments of existing and possible new conservation areas will be prepared utilising the elements listed in the following policy. The criteria reflect guidance in PPG15 and from English Heritage on the assessment and designation of conservation areas. It is not necessary for every element to be present to justify designation. The boundaries of existing conservation areas will be assessed to determine their continued appropriateness and, where necessary, the boundaries will be amended.

**HBA5 Designation of conservation areas**

**New conservation areas will be designated where areas of special architectural or historic interest are identified on the basis of the following elements, which will also provide a basis for the definition and revision of conservation area boundaries:**

- 1. historic elements which comprise the topographical framework representing the origins and development of the area, including any predominant use or mixture of uses, and the historic layout of property boundaries;**
- 2. important buildings and other structures, both listed and unlisted, which combine to provide a special historic or architectural character through their type, period, design, quality or other similarly important inter-relationships;**
- 3. areas of archaeological significance, including Scheduled Ancient Monuments;**
- 4. high quality civic spaces, precincts and similar important layouts creating enclosure, serial vision and views in and out of the area;**
- 5. a generally consistent range or attractive combinations of high quality and/or traditional materials for buildings, walls and ground surfaces;**
- 6. important trees, hedges, greens and other vegetation which combine with buildings and spaces to create the particular character and appearance of the area;**
- 7. significant landmarks, vistas and panoramas, and other elements of landscape related to the built environment; and**
- 8. the need for enhancement measures to improve features which detract from the area's appearance, to reduce the intrusion or impact of traffic, and to encourage beneficial changes through appropriate development.**

*New development within conservation areas*

- 9.6.22 Urban and rural regeneration will place pressures in particular upon central parts of the County's urban areas and also its villages. Many of these are conservation areas and their historic built environment already provides something unique, which if capitalised upon properly, can represent a valuable asset. To ensure their contribution to the process of renewal, development proposals must be to a high standard of design so that new building works complement and contribute to the preservation or enhancement of the character and appearance of the conservation area. Activities also need to reflect the character of the particular area with new and appropriate uses being found for vacant or under-utilised buildings.
- 9.6.23 Emphasis will be placed upon sensitive building and landscape design, which blends the new with the old. New buildings need not imitate earlier styles and innovations will not necessarily be resisted but should avoid creating discord or unsympathetic features which detract from the qualities contributing to the character and appearance of the surrounding area. All relevant details of new proposals should be available to enable the quality of the proposed development to be determined. Consequently, detailed planning applications will generally be required, with outline planning applications only being considered in those exceptional cases where the layout and appearance of a proposal are not material factors.

**HBA6 New development within conservation areas**

**Development within conservation areas will not be permitted unless it preserves or enhances its character or appearance. In assessing the suitability of a development proposal, a comprehensive design approach will be expected, in particular addressing the following criteria:**

- 1. the type and scale of uses proposed should complement those which presently exist and help to preserve and enhance the character and vitality of the area;**
- 2. the proposed development shall respect the scale, massing and height in relation to adjoining buildings, and the general pattern of heights;**
- 3. where the building line, plan form or density are important characteristics, proposals should integrate successfully into this structure;**
- 4. the quality and type of design, details and materials should reflect those contributing to the area's character and appearance;**
- 5. any hard landscape features, including street furniture, surfaces and boundary treatments, should maintain consistency with, and be appropriate to the use of the area;**
- 6. open spaces, topographical features, trees and other landscape features should contribute to the character or appearance of the area and where such features of importance already exist and make a contribution they should be retained;**
- 7. the creation of unnecessary additional access points and the loss of important ancillary features within visually prominent frontages should be avoided;**
- 8. where the setting of and views into and out of the conservation area, including vistas and landmarks, are important to the character and appearance of the area they should be safeguarded; and**
- 9. ancient and historic thoroughfares should be retained.**

### *Demolition of unlisted buildings within conservation areas*

- 9.6.24 Conservation areas derive their intrinsic qualities and character from all the elements within them. The loss of buildings or other features through demolition can dramatically change the character of an area. In assessing proposals involving demolition, account will be taken of the part played in the architectural or historic interest of the area by the building, including the wider effects of demolition on the immediate surroundings and on the area as a whole. In making this assessment the Council will seek to preserve buildings which make a positive contribution to the character and appearance of a conservation area.
- 9.6.25 Demolition is not an end in itself and regard will be had to the use that is proposed for the site. In granting consent for demolition the Council must be satisfied that any redevelopment will preserve or enhance the character of the conservation area and not detract from its intrinsic qualities.
- 9.6.26 To avoid premature demolition and the creation of unsightly gap sites, a condition will normally be imposed on any conservation area consent to the effect that demolition shall not take place before an acceptable redevelopment scheme is secured through a planning consent. Similarly, it will normally be a condition of consent that applicants arrange suitable programmes of recording of features that would be destroyed in the course of the works for which consent is sought.

#### **HBA7 Demolition of unlisted buildings within conservation areas**

**Proposals for the demolition of unlisted buildings or structures in conservation areas will only be permitted where:**

- 1. it is accompanied by a redevelopment proposal in accordance with policy HBA6;**
- 2. the building does not make a positive contribution to the character or appearance of the conservation area; and**
- 3. the structural condition of the building is such that the cost of repair out-weighs the importance of its retention.**

**Where considered necessary in order to preserve or enhance the character or appearance of a conservation area, conservation area consent will be conditional on a contract for the redevelopment works being signed and planning permission for those works granted prior to demolition taking place. The recording of buildings, structures or features to be removed may also be required.**

### *Locally important buildings*

- 9.6.27 There are many buildings which are not of such importance that they are included upon the statutory List of Buildings of Special Architectural or Historical Interest yet which make a valuable contribution to the area's historic and architectural development or to the general townscape. Where possible, these buildings are identified in conservation area appraisals and in village design statements. However, it is unlikely that all such buildings have been identified in advance. Accordingly, the Council will assess buildings which are the subject of applications for development, in order to determine whether they are of local importance and warrant protection from inappropriate change. They will not however enjoy the full protection of statutory listing.

#### **HBA8 Locally important buildings**

**Development proposals which would adversely affect the appearance or setting of locally important buildings of architectural or historic interest, or buildings that make a valuable contribution to the character and appearance of the area, will not be permitted.**

### *Protection of open areas and green spaces*

- 9.6.28 Government guidance sets out the protection to be given to open spaces in order to help meet diverse objectives – including recreation, amenity, environmental and air quality, nature conservation and biodiversity and economic regeneration. In both urban and rural areas, open spaces can contribute to quality of life, sustainable development and a sense of community and individual well being.
- 9.6.29 Whilst a number of Plan policies address open space issues relative to the interests of conservation, wildlife and historic areas, Plan policy RST4 affords protection to land valued for recreational and related amenity purposes. The following policy however seeks to protect open land valued locally for its open nature and its contribution to the character of settlements and neighbourhoods.
- 9.6.30 Open spaces, whether or not there is public access to them, form an important contribution to the quality of life. The character of all settlements is made up of both buildings and the open spaces between them. It is a legitimate aim of the planning system to protect these spaces where it is considered that their loss would detract from that character.
- 9.6.31 Planning policies have tended to concentrate development within settlements, particularly villages, through the definition of settlement boundaries. In some places this has placed unnecessary pressures upon important gaps, open areas and green spaces. Therefore open spaces and green areas which form an integral part of a settlement's character should be protected.
- 9.6.32 Such land can take the form of meadows, orchards, woodlands, and large gardens. They might also include small gaps that provide relief in otherwise built-up frontage or avoid the impression of cramming. Some valued amenity land has been identified and will continued to be identified through the preparation of village design statements by local communities.
- 9.6.33 Whilst a number of parcels of land known to be valued for their visual amenity have been identified within inset maps, there may well be additional areas whose contribution to the settlement or neighbourhood character is not fully appreciated. Their value may only become apparent when development is proposed. The criteria listed in the following policy will be used in considering planning applications, to judge whether open spaces are of sufficient visual quality, historic interest or amenity value that they should be conserved.

#### **HBA9 Protection of open areas and green spaces**

**Proposals which would result in the loss of important open areas or green spaces which contribute to the distinctive spatial character, form and pattern of a settlement or neighbourhood will not be permitted. In particular the following such elements are worthy of protection. Land/open areas which:**

- 1. provide relief within an otherwise built up frontage or within developments;**
- 2. create and maintain a well defined edge to the settlement;**
- 3. provide a buffer between incompatible uses;**
- 4. provide important views into or out of settlements and of attractive buildings and their settings, or of attractive landscapes;**
- 5. provide an important amenity of value to the local community;**
- 6. represent a familiar or distinctive element within an attractive street scene;**
- 7. represent an historic element within the origins or development of the settlement or area; or**

**8. provide wildlife corridors or stepping stones within built up areas.**

**Where the importance of such land has already been established within Hereford, the market towns or main villages, the area concerned is shown on the proposals maps. Elsewhere and where appropriate, the Council will apply the above criteria to any other land which may become the subject of applications for development, where it is considered that the open nature of the site is of such importance to warrant protection.**

*Shopfronts*

- 9.6.34 Shopfronts make an important contribution to the character and appearance of conservation areas in Hereford city centre, market town centres and other settlements throughout the County. It is important that traditional and other shopfronts of value are retained where appropriate; that new shopfronts are carefully designed; and that opportunities to improve visually discordant shopfronts are taken.
- 9.6.35 Many traditional shopfronts are fairly narrow, reflecting the historic plot arrangements of city and town centres. This character should be respected and where shopfronts are to be fitted across two or more buildings the boundary demarcations evident on the upper storeys should be reflected in the new shopfront.
- 9.6.36 The Council has prepared supplementary planning guidance setting out further design principles and guidance in respect of shopfront design, advertising and security measures, access considerations, the use of colour and traditional materials in shopfront design, and lettering and corporate image in advertising.

**HBA10 Shopfronts**

**The repair or retention of historic shopfronts within conservation areas and on listed buildings, which contribute to the character of the area or building respectively, will be sought. Proposals for the alteration to existing or installation of new shopfronts will only be permitted where:**

- 1. both the overall design and individual elements including fascia boards, security shutters, blinds or canopies, signs, lettering and lighting respect the character and appearance of the host building and its setting, particularly in terms of proportions, scale, materials and colour;**
- 2. the design respects the character of the frontage, in particular existing architectural features and divisions between buildings; and**
- 3. access arrangements for those with special access needs are provided where this can be accommodated without compromising any important architectural features or the character or appearance of the conservation area.**

*Advertising*

- 9.6.37 The main purpose of advertisement control is to regulate outdoor advertising in terms of 'public safety' and 'amenity' so that a positive contribution is made to the appearance of an attractive and cared-for environment in both town and country. Advertisement control has a particular role to play in village, town and city centres in the County where commercial activity is juxtaposed with many listed buildings and designated conservation areas. Whilst outdoor advertising is essential to many retail and commercial businesses, it is also the case that a building's appearance and neighbourhood amenity can be damaged by a poorly designed or located sign or advertisement, or through insensitive choice of materials, colour, proportion or means of illumination. Outside of the commercial centres, many areas of northern, eastern and southern Herefordshire have been designated as Areas of Special Control of Advertisements under procedures separate to those governing the preparation of

development plans. Here there are stricter controls over both the size and siting of advertisements. These areas were established by the former Leominster, Malvern Hills and South Herefordshire District Councils in recognition of their landscape value and they continue in force.

- 9.6.38 In terms of 'public safety' this embraces an advertisement's effect upon the safe use and operation of all forms of traffic and transport.

#### **HBA11 Advertising**

**Consent for the display of advertisements will only be granted where they do not adversely affect public safety or amenity, having regard to the architectural, historic and visual character and appearance of the area and to both individual and cumulative effects.**

#### *Re-use of rural buildings*

- 9.6.39 The re-use and conversion of existing rural buildings has an important role to play in meeting the needs of rural areas for commercial, agricultural diversification and industrial development as well as for tourism, sport and recreation. In defined settlements it can also contribute towards new housing and consequently reduce the demand for new building in the countryside; make use of an existing resource, and avoid leaving existing buildings vacant and prone to dereliction and vandalism.
- 9.6.40 Rural buildings in Herefordshire vary enormously in terms of scale, design and materials depending on their original use. Many are situated within open countryside where special care is needed to ensure that proposals for their re-use are both environmentally acceptable and sustainable in overall terms. The overall policy aim is to secure a beneficial use which is appropriate both in terms of the building concerned and its overall location, satisfying a need and demand and hopefully assisting the local economy.
- 9.6.41 PPS7 sets out the weight that should be given to securing business re-use for rural buildings, especially in areas where the creation of local employment is a priority. Within the rural areas of Herefordshire considerable emphasis is placed on economic regeneration, reflecting the vulnerability of the rural economy to structural change highlighted in chapter 2 of the Plan. Much of the County has received European funding over recent years and this is set to continue through Objective 2 and other funding programmes; recent changes in the agricultural economy and allied activities have emphasised the need to address regeneration issues and foster diversification. For these reasons, and in support of wider regeneration programmes, employment generating uses are the preferred use for rural buildings within the wider countryside. Such uses would include light industry, various business and tourism uses including research and training, serviced or self catering holiday/recreational accommodation. Residential uses may also be acceptable on the basis that they are a necessary accompaniment to the growth of an existing and established rural enterprise or part of a wider employment scheme.
- 9.6.42 Where a residential element is agreed as a subordinate part of an employment scheme, or in support of an established rural business, planning conditions will be imposed or agreements sought requiring the employment use to be established prior to occupation of the residential element. It could also be appropriate to tie occupation of the residential element to the operation of the enterprise to prevent it being sold separately.
- 9.6.43 The development strategy of the Plan seeks to achieve the most sustainable pattern of development given the predominately rural nature of the county. The City, market towns and main villages have been highlighted as the most sustainable areas for future development. Policies on rural buildings reflect this strategy by encouraging the conversion of existing buildings whilst discouraging the dispersal of uses particularly residential throughout the open countryside. Within the market towns and settlements for which boundaries have been defined a more flexible approach to re-use is appropriate and here existing rural buildings can

offer a useful source of supply of new dwellings. Outside these areas all rural buildings will be required to fully investigate the potential for alternative uses including a market tested report to be submitted with any residential applications. In respect of new housing it should be stressed that the Plan through its policies is not seeking to encourage residential development in the open countryside.

- 9.6.44 Notwithstanding the benefits of re-using existing buildings, proposals must also comply with criteria designed to ensure that all schemes respect the character and appearance of both the building itself and the wider locality. In order to avoid the rebuilding of former barns and other buildings which have fallen into a ruinous state, buildings should be structurally sound and capable of bona fide conversion for the proposed use without major reconstruction. Proposals should be in keeping with the property and its setting, and should not introduce a distinctly alien design into a rural context. Such adverse impacts may be particularly associated with the introduction of residential uses, both in terms of effect on the building itself through for instance the creation of additional door and window openings, or through the introduction of domestic curtilages into the open countryside. Overall, schemes should utilise existing openings and keep new openings to a minimum; respect internal features and spaces; and avoid introducing features such as dormer windows, chimney stacks, porches or unsympathetic materials, where these would have a significant adverse effect on the character and appearance of the building.
- 9.6.45 A number of rural buildings particularly those used in agriculture continue to be valued habitats for wildlife. Wherever possible and necessary, particularly in relation to legally protected species such as bats and barn owls as protected under European and UK law and Plan policy NC5, re-use proposals will be required to make provision within their design to ensure their protection.
- 9.6.46 Supplementary planning guidance has been prepared in order to:
- specify the information which applicants should provide to demonstrate the efforts which have been made to secure an employment related use;
  - provide design guidance;
  - detail other requirements, including the need for planning applications to be for full planning permission which incorporates detailed survey drawings and a structural report to verify that the building is capable of conversion without substantial re-building.
- 9.6.47 The scheme for the conversion of the building will be considered to be finite and further development will not normally be permitted. This will ensure that the qualities of the original scheme are not diminished by insensitive works.

#### **HBA12 Re-use of rural buildings**

##### **Proposals for the re-use and adaptation of rural buildings will be permitted where:**

- 1. the building is of permanent and substantial construction capable of conversion without major or complete reconstruction;**
- 2. the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting;**
- 3. the proposal does not lead to dispersal of activity on such a scale as to prejudice town and village vitality; and**
- 4. the proposal is compatible with neighbouring uses, particularly agricultural operations and does not itself cause undue environmental impacts.**

**Where appropriate, a planning condition will be imposed removing the permitted development rights to future alterations, extensions and outbuildings.**

### **HBA13 Re-use of rural buildings for residential purposes**

**The re-use of rural buildings within main villages for residential purposes will be permitted when proposals accord with policy HBA12. Proposals outside of main villages will only be permitted when it has been clearly demonstrated that every reasonable attempt has been made to secure an alternative business, recreational or community use and that such development uses are not acceptable or practical.**

**Within open countryside and beyond reasonable access of urban areas, main villages and smaller settlements, residential proposals will only be supported where:**

- 1. there are acknowledged historical, architectural, local landscape or amenity benefits of retaining the building; or**
- 2. the accommodation to be provided is of a type to satisfy a demonstrated local housing need; or**
- 3. it is a necessary accompaniment to a new business or the growth of an existing and established rural enterprise; or**
- 4. it is a subordinate part of a wider scheme for a business use.**

## **9.7 Archaeology**

### *Introduction*

- 9.7.1 Archaeological remains are a valuable but fragile part of our heritage, and once destroyed they can never be replaced. Such remains include not only finds but also traces of buildings, layers of soil and entire landscapes. Maintaining this resource is an important part of the Council's commitment to conservation.
- 9.7.2 Government has stressed the importance of archaeology and the role archaeological considerations should play in the planning process. It recognises that archaeological remains are irreplaceable and introduces the concept of mitigation (reducing the damage to such remains by means of sympathetic designs or other conservation arrangements). The onus for protection is placed on local authorities, emphasising the importance of appropriate planning policies in development plans and their implementation through development control. Government also recognises that development plans should include policies for the protection and enhancement of archaeological sites and their wider settings. It suggests that, as not all archaeological remains and sites are of equal value, the policies should be flexible enough to take this into account.
- 9.7.3 English Heritage has endorsed this approach and suggests that policies should also cover identification, enhancement and recording in advance of destruction; not all sites need be identified on a proposals map, allowing for the discovery of new sites or the re-evaluation of those currently inadequately valued. Herefordshire contains a wealth of archaeological remains resulting from the County's strategic location in the centre of the Welsh Marches. These remains range from caves and rock shelters inhabited during the Ice Ages, through the castles and religious foundations of the Marcher Lords, to the remains of World War II fortifications and camps. The County's rich and varied archaeological heritage embraces the ancient City of Hereford as well as the market towns and the surrounding rural areas.
- 9.7.4 The Plan adopts a tiered approach to the protection of sites of archaeological interest, with separate policies adopted for each grade. The grading is:

- Scheduled Ancient Monuments (SAMs)
- Sites of National or Regional Importance (SNRIs)
- Sites of lesser Regional or more Local Importance (SRLIs)

9.7.5 Although surveyed by the Royal Commission on the Historical Monuments of England in the 1930's, the archaeology of Herefordshire is under-explored compared with historic counties of similar area in England. Moreover, English Heritage is currently carrying out a national review of Scheduled Ancient Monuments (the Monuments Protection Programme (MPP)), which is likely to lead to a four fold increase in the number of protected sites nationally. Reflecting these factors, the grading of individual sites may be either enhanced or reduced during the Plan period in the light of changing knowledge, whilst a substantial increase in the number of sites designated is also expected. Gradings should not therefore be regarded as immutable, and the archaeological responses to planning applications affecting Sites of Regional or Local Importance should above all be flexible. A Supplementary Planning Document will be prepared and reviewed during the Plan period, to specify those SNRIs formally scheduled as a result of the MPP.

9.7.6 The greatest concentration of archaeological remains is found in the City of Hereford. Following the Ancient Monuments and Archaeological Areas Act 1979, a large part of Hereford city centre was designated an Area of Archaeological Importance (AAI). It is one of only five towns in England to be specifically protected in this way. The extent of the AAI is identified on the proposals map.

9.7.7 The historic towns of Herefordshire have also been subject to detailed research. During the 1990's English Heritage commissioned a series of reports to determine areas of archaeological interest in a number of historic centres in Shropshire and Herefordshire. On the basis of these reports, and subsequent archaeological evidence, the Council has identified 35 settlements within Herefordshire as non-statutory Archaeologically Important Urban Areas (AIUAs), excluding Hereford which benefits from AAI designation. The available information is insufficient to allow these areas to be identified by boundaries on the proposals map. The settlements concerned are:

Blackwardine	Madley
Bodenham	Mansell Lacy
Brampton Bryan	Much Cowarne
Bromyard	Pembridge
Clifford	Ploughfield, Preston-on-Wye
Eardisley	Richards Castle
Ewyas Harold	Ross-on-Wye
Huntington	Stapleton
Kenchester	Stapleton - Presteigne
Kilpeck	Staunton on Wye
Kingsland	Stretton Grandison
Kington	Thruxton
Kinnersley	Weobley
Ledbury	Weston-under-Penyard
Leintwardine	Wigmore
Leominster	Winforton
Longtown	Wilton
Lyonshall	

9.7.8 In conjunction with English Heritage, the Council has prepared a Historic Landscape Characterisation for Herefordshire. This survey identifies the origins of the historic character of each part of the Herefordshire landscape, and will provide a basis for the definition of historic landscape protection.

### *Objectives of archaeology policies*

- 9.7.9 Guiding principle P7 sets out the requirement to safeguard and perpetuate environmental assets and give special attention to irreplaceable resources such as archaeological remains. This section of the Plan seeks to achieve this by:
- ensuring protection for Scheduled Ancient Monuments and sites of regional and local importance
  - securing evaluations on proposals within the Hereford AAI and AIUAs where necessary and appropriate
  - requiring foundation designs and arrangements for the preservation of archaeological remains for such urban sites
  - requiring prior excavations and recording of archaeological remains on sites of interest
  - seeking protection, enhancement and public access from development proposals where appropriate.
- 9.7.10 Following the UK governments ratification in March 2001 of the European Convention on the Protection of the Archaeological Heritage (Revised), Valetta, 1992 (the Valetta Convention), the Council will seek to implement its various Articles during the lifetime of the Plan. The identification and subsequent designations of archaeological reserves that protect the archaeological remains of the County is provided for under Article 2 and will be a priority of Herefordshire Archaeology.
- 9.7.11 A strategy outlining the detailed priorities and actions for conservation of the archaeology and historic landscape of Herefordshire has been prepared by the Council's archaeological service, Herefordshire Archaeology. It is the first in a 5 yearly series and covers the period 2001-2005.

### *Archaeological assessments and field evaluations*

- 9.7.12 Where proposals affect sites on which there are indications of the existence of important archaeological remains, including within the statutorily designated Hereford AAI and settlements identified as AIUAs, the Council may, after taking professional archaeological advice, request the prospective developer to provide as part of the planning application an assessment or evaluation of the archaeological or historic importance of the site or structure and the likely impact of the proposed development upon it. The detailed proposals for the development will be expected to have full regard to the findings of the study.
- 9.7.13 It is likely that many development proposals for works within the Hereford AAI and settlements identified as AIUAs will require an archaeological field evaluation. However, there may be other areas within Herefordshire which contain undiscovered sites of archaeological interest. For this reason, prospective developers are asked to contact the Council for an opinion of the archaeological potential of their sites and for advice on whether assessment or evaluation is necessary.

### **ARCH1 Archaeological assessments and field evaluations**

**Prior to the determination of applications for development on sites where there is reason to believe there are remains of archaeological importance, an archaeological field evaluation may be required. In addition where proposals are put forward within AIUA's that may affect the integrity of the historic character of such settlements a historic landscape appraisal will be expected.**

### *Foundation design and mitigation for urban sites*

- 9.7.14 It is likely that the greatest pressure for commercial development in Herefordshire will be focused on Hereford city centre, within the AAI, and the five market towns, all of which have

been identified as AIUAs. These locations are also most likely to contain the greatest concentration of archaeological deposits. It is possible, through sensitive design layouts, to avoid the destruction of buried remains. This requirement is in addition to the need for archaeological assessments and field evaluations, set out above.

#### **ARCH2 Foundation design and mitigation for urban sites**

**In Hereford AAI and the historic market towns of Bromyard, Kington, Ledbury, Leominster and Ross-on-Wye, applicants may be required to submit details of foundation designs and proposals for optimum preservation of archaeological remains and historic urban deposits in situ.**

#### *Scheduled Ancient Monuments*

- 9.7.15 Prior Scheduled Ancient Monument consent will be required for any works affecting sites, buildings or structures that are SAMs. The Secretary of State for Culture, Media and Sport is responsible for deciding such applications. When considering applications that may affect a SAM, the Council will seek to protect the monument's intrinsic character and setting, taking into account relevant consultation responses. All SAMs are identified on the proposals map.

#### **ARCH3 Scheduled Ancient Monuments**

**Development proposals and works which may adversely affect the integrity, character or setting of Scheduled Ancient Monuments will not be permitted.**

#### *Other Sites of National or Regional Importance*

- 9.7.16 PPG16 recognises that not all nationally important archaeological remains will be scheduled. Non-scheduled but nationally important sites are recorded together with regionally important sites in the County Sites and Monuments Record, maintained by Herefordshire Council. The exact status of such sites can be ascertained through consultation with the County Archaeologist. The preservation in situ of such sites and their settings may be accomplished through the development of a satisfactory mitigation strategy, allowing development to proceed, but there will be cases where this cannot be achieved. Further sites will be discovered during the Plan period and these will be added to the County Sites and Monuments Record.

#### **ARCH4 Other Sites of National or Regional Importance**

**Planning permission for development which would destroy or seriously damage unscheduled, nationally important remains or sites of regional importance, or their character or setting, will not be permitted.**

#### *Sites of Lesser Regional or Local Importance*

- 9.7.17 The County Sites and Monuments Record provides information about the existence of archaeological remains which do not qualify for scheduling or are not of national importance, but are of sufficient local or lesser regional importance (by virtue of their local rarity or the contribution they make to the integrity of the historic environment) to merit protection.
- 9.7.18 The preservation of sites of lesser regional or local importance in their setting is important, and may frequently be achieved through sympathetic layout and design. For some sites of regional, and for most sites of more local importance, it is likely that a satisfactory accommodation can be reached between development proposals and the policies of the Plan, in order to ensure protection of the historic or archaeological interest of such sites.

#### **ARCH5 Sites of Lesser Regional or Local Importance**

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

##### *Recording of archaeological remains*

- 9.7.19 Where development is permitted on a site of archaeological interest and it is not feasible to preserve remains in situ, the developer will be required to implement mitigation measures prior to the commencement or during the course of the development. This may include the carrying out of prior excavations and the recording of the archaeological evidence.

#### **ARCH6 Recording of archaeological remains**

**Where preservation in situ is not feasible, conditions on planning permissions will be imposed to ensure that, where appropriate, sites of archaeological interest including standing structures are excavated and/or recorded before alteration, demolition, site clearance or development commences, or are alternatively subject to a limited recording action project during development. The results of any recording project or excavation should be made available to the public.**

##### *Hereford AAI*

- 9.7.20 The archaeological importance of Hereford city centre was recognised by the designation in 1983 of a large part of the central area as an Area of Archaeological Importance (AAI) under the 1979 Act. Designation confers on developers and their agents the duty of giving prior notification of new proposals to Herefordshire Council. Herefordshire Archaeology, the Council's Archaeology Service and the Investigating Authority under the terms of the 1979 Act, has a statutory right to enter the site to make records concerning all development. This right applies whether the development requires planning consent or not within the AAI area and, if necessary, to excavate it for up to four and a half months before development may proceed. Herefordshire Archaeology should be consulted at an early stage concerning any works that may intrude below ground level within the AAI, which is shown on the proposals map. It is proposed to produce further SPD regarding the AAI during the Plan period.

#### **ARCH7 Hereford AAI**

**Within the Hereford Area of Archaeological Importance, development which is likely to affect archaeological remains or their setting will only be permitted where either full preservation in situ can be achieved, or time and resources will be made available for an appropriate level of archaeological investigation, conservation and post excavation work to be carried out.**

##### *Enhancement and improved access to archaeological sites*

- 9.7.21 Not all potential damage to sites or monuments of archaeological importance arises from development, nor does responsibility for the survival, management and appreciation of archaeological remains end with the granting or otherwise of planning permission. There is a significant need, which the Council will endeavour to pursue, to protect and enhance the encouragement of positive management strategies.
- 9.7.22 The Council will seek to resist potentially harmful schemes for the adaptation of sites and areas of archaeological importance and will encourage schemes which will enhance perception of their original form and function, and support attempts to improve both public access to and understanding of these sites.

9.7.23 When considering planning applications affecting sites of archaeological interest, the Local Planning Authority will expect applicants to investigate the potential to enhance the archaeology and / or improve access to it. Where it is reasonable to require such proposals to be brought forward in the light of investigations they should, in particular, emphasise the original form and function of the archaeology. Conditions may be imposed on the grant of permission or agreements may be entered into requiring the preparation of management strategies for the archaeological resource, in particular where the proposal is permitted as a consequence of enhancement or improved access to the archaeology.

**ARCH8 Enhancement and improved access to archaeological sites**

**Proposals affecting sites of archaeological interest will be required to show how the interest will be protected and where feasible, can be enhanced. Favourable consideration will be given to development schemes which emphasise the original form and function of the sites and where appropriate improve public access to them. Such measures will be secured by use of conditions, planning agreements and management plans.**