

MINUTES OF THE MEETING | 24th July 2024.

Present: Cllr John Hull (Chair), Cllr Emil Morfett, Cllr L Lewis and Cllr Jackie Morris.

Officers present: Lisa Law, Clerk. John Wade, Footpaths Officer.

Two members of the public were in attendance.

24.37 Apologies for absence.

To receive apologies for absence. Apologies for absence received from Cllr Prosser and Cllr Morawiecka.

24.38 Declarations of interest and written requests for dispensation.

Members are invited to declare disclosable pecuniary interests (DPI) and any other registerable interests in items on the agenda. Requests for dispensation must be in writing to the Clerk as soon as possible before the meeting. There were not declarations of interest registered or written requests for dispensation received.

24.39 To approve the minutes of the Council.

To confirm as a correct record and sign the minutes of the meeting held on 12th June 2024. The minutes from the meeting held on 12th June 2024 were **approved** and the chair signed a copy.

24.40 Public Open session: To receive comments from the public on parish matters. A member of the public raised speeding in the parish, that there have been recent near misses at Eaton View and that HGV vehicles are being directed by Sat Nav to lanes around the parish. Cllr Hull also commented on the speed of delivery vans in the parish. Clerk to enquire with transport at Herefordshire Council if there is anything that could be done to reduce HGVs on unsuitable lanes in the parish with signage. **Noted.**

24.41 Ward Councillor Report. To receive a ward councillor report, if available. With the passing of Cllr Bob Matthews there was no report, however the chair wanted to acknowledge the attendance of Charlie Taylor at the meeting as a prospective Independent candidate for Ward Councillor.

24.42 Planning.

1. For members to consider the following planning applications to be decided by Herefordshire Council.

[222138](#) Land at Three Elms HR4 7RA. Outline planning application with all matters reserved except access. Cllr Morfett had circulated a draft response on the planning application and it was discussed by the members. It was **resolved**

that the council would object to the planning application and use the draft response from Cllr Morfett as the official response from the council. See appendix 1.

2. For members to note planning applications that have been determined by Herefordshire Council.

P241575/PA7 Site adjacent to Pomona Garage, Kings Acre Road, Hereford HR4 0SN. Erection of potting shed. Determination made prior approval not required. **Noted.**

P240028/V Warham Court Farm, Breinton Hereford. HR4 7PF. Certificate of Lawfulness (CLOPD). Approved. **Noted.**

24.43 Wyevale Woods. For members to discuss the decision of Herefordshire Wildlife Trust to sell Wyevale Woods. Clerk circulated an email from Herefordshire Wildlife Trust which stated that the Board of Trustees had reconsidered the decision and decided to withdraw Wyevale Woods from sale following feedback from stakeholders and the local community. Members welcomed the news. **Noted.**

24.44 Localities. To receive an update from the Locality Steward and consider any actions needed. C1189 Upper Breinton to Broomy Hill Road. Drainage investigation at the site had not been determined, further work is needed. **Noted.**

24.45 Parish Footpath Officer. To receive a report from the Footpaths Officer and consider any actions. The footpaths officer noted that the branch across BT2 footpath has still not been attended to, clerk after previous meeting had reported it the PROW team, clerk to re-report the issue. **Noted.**

24.46 Lengthsman. To receive a report from the Lengthsman and consider any actions.

A) Works carried out. Footpath BT2A from Kings Acre Road both sides to where path widens by poplar trees has been strimmed by the Lengthsman as instructed. Invoice included below.

B) Report of the meeting between the chair National Trust and the Lengthsman. Tim Pyne from the National Trust was in attendance with Cllr Hull and the Lengthsman. There was not a committal from the NT of detritus from the ditch being placed the other side of the ditch. The hedge also needs to be cut before the ditch is cleared. The ditch going down the lane and water going down the lane into the car park was raised by Cllr Hull as riparian responsibilities of the National Trust. Ongoing.

Discarded cable sheeting plastic had been fly tipped into the ditch, photographed by Cllr Hull and Cllr Morfett. Clerk to report the removal of fly tipping to Herefordshire Council and report it to the local SNT police as evidence of possible cable theft. **Noted.**

24.47 Village Hall Committee. To receive a report from the Village Hall Committee and consider any actions. Members were given a verbal report from Cllr Lewis. A meeting of the village hall was held on the 21st June, it was noted that they had received a portrait of King Charles III donated by Breinton Parish Council. The hall is due for decoration and the floor sanded in August if possible. There is no update on the lease for the village hall or the land. A coffee morning is to be held in September in aid of Macmillan. **Noted.**

A member of the public left the meeting at 8.15pm.

24.48 Parish Council Summit 9th July. To receive a report from Cllr Hull on the parish Council Summit meeting held on 9th July at Plough Lane. Cllr Hull reported that the main points that were discussed:

Partnership and communication between parish councils and HC.

Re-introduction of the Parish Council Charter.

Planning officers for delegated areas.

[Herefordshire Local Plan 2024-28.](#)

New housing requirements of 1.5 million homes nationally may have an impact on the Local Core Plan.

NDPs are still relevant and are still applicable to planning applications.

Public Realm. Contract with Balfour Beatty to end May 2026. Locality stewards to come in-house to Herefordshire Council.

PROW grants mentioned as well as drainage funds of £445,000 to become available soon. **Noted.**

24.49 Finance:

1. To consider the below payments:

Supplier/ Invoice	Description	Net	Vat	Gross	Payment
Breinton Village Hall Inv 336	Hall Hire			£18.00	BACS
FMS Hereford 2665 *	Payroll Provider	£7.30	£36.50	£43.80	DD
Ionos 1&1 203042670026 *	Email Provider	£1.30	£6.50	£7.80	DD
Clerk's Salary December 2023	As per Contract				BACS

Clerk's Salary July 2024	As per Contract (As no meeting in August)				BACS 01/08/24
SLCC 249772-1	Membership			£62.04	BACS
Richard Mills 3714	Strim BT2 Footpath	£100.00	£20.00	£120.00	BACS

*Ionos 1&1 invoice no 203042670026 for £7.80 and FMS Hereford invoice 2665 for £43.80 have been paid by Direct Debit. All invoices were **approved** for payment.

2. To approve the cash books and bank reconciliations 1st April-13th May and 28th May- 16th July 2024. The cashbook and bank reconciliations were **approved**.

3. To note receipt of the VAT126 for 23-24 year reclaim of £1,553.89 on 27th June. **Noted**.

4. To consider the renewal of the IT support package for the laptop which covers any and all labour, callouts up to 5 miles and remote support for the laptop. Optional Norton 360 antivirus can be purchased for £10/ year. Base price £89/ year with Norton £99/year. This item was discussed and it was **approved** that the council would renew the IT package with the added Norton package for £99.00.

5.Budget Monitoring. For members to consider budget against spend for the council from April to July 2024. Members reviewed the budget against spend for April to July 2024 and it was **approved**. Copy of the budget against spend attached as appendix 2.

24.50 Policies. For members to review and adopt the following policies:

- **Financial Regulations.** NALC have published a new Financial Regulation model policy for parish councils to review, adapt and adopt.
- **Code of Conduct.**
- **Standing Orders.**

It was **approved** to defer the review and adoption of the above policies until the meeting in September.

24.51 John Champion, West Mercia Police and Crime Commissioner has sent out the Town and Parish Councils Survey 2024. This is an opportunity for the parish council to have a say on policing in the parish, raise any concerns and or improvements. Survey closes midday on Monday 5th August 2024. It was **approved** that the chair would answer the survey and it be circulated to members before it be submitted to the OPPC.

24.52 To consider items for the next agenda.

Tree warden

Bonfire Event

Policy reviews.

Meeting ended at 9pm

Signed

Date

Appendix 1.

BREINTON PARISH COUNCIL

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clerk@breintonparishcouncil.gov.uk

07548663379

25th July 2024.

Planning Services,

PO Box 230

Hereford.

HR1 2ZB

Email: Heather.Carlisle@herefordshire.gov.uk; and planning_enquiries@herefordshire.gov.uk

Objection to - Outline Planning application with all matters reserved P222138/O

[Land at Three Elms, North-East Quarter To the north-east of Huntington and bounded by Three Elms Road and Roman Road Hereford Herefordshire HR4 7RA](#)

PENDING S106 AGREEMENT - Outline Planning application with all matters reserved, except access, for the first phase of an urban extension comprising up to 350 homes (Use Class C3); and a care home (Use Class C2), park & choose interchange; together with open and play space, landscaping, infrastructure and associated works.

Breinton Parish Council wish to raise five key objections on the planning proposal for Three Elms and additional comments on the updates as follows:

1. Herefordshire Council failed to consult with Active Travel England (ATE). Active Travel England is now a statutory consultee on all planning applications for developments equal to or exceeding 150 housing units, 7,500 m² of floorspace or an area of 5 hectares. The application is for an initial development of 350 homes and so ATE need to be notified of this current application, particularly as ATE are there to help planning authorities in their work to implement good active travel design – for example, by ensuring developments include walking, wheeling and cycling connectivity to schools and local amenities. **The Council should be using this statutory consultee to improve the scope and design of its active travel measures for this application.**
2. We believe that the full impact of climate change on the flood zones in city of Hereford should be considered before development is granted. Better sites are available, next to employment zones with rail access and better road access with far less potential impact on the city. The NPPF 2022 site Sequential and Exception tests for developments in Flood Zones should now be applicable given the fact that the site was chosen long before the full impact of climate change was understood. **The consultants state it is not required to conduct the Sequential and Exception tests. We believe it is in the best interests of the city and County that these tests should be conducted to avoid litigation. This planning decision looks flawed because better sites are available.**

3. This site is also a strategic location for commercial water supplies supporting some 3,000 local jobs that would be threatened if supplies were contaminated during construction or subsequent occupation. We now know it is potentially the worst possible location to build roads and a major phased urban expansion, adjacent to the boreholes that supply at least two key industries. The boreholes abstracting water closest to the proposed site were not included in the hydrological modelling until this latest update. We believe this proposed phased urban expansion is being rushed through planning process at a time when our local planning resources are truly stretched to the limit in terms of staff and capabilities. Proposing development approval with conditions, based on consultants' reports, before the main government agency, the Environment Agency, has completed its hydrological analysis is high risk given the demonstrated lack of reliable technical data on surface and subsurface water flows and the flood levels in the catchment. **We believe that the crucial design of additional flood retention areas should not be left to a later stage in the planning process, and it would be prudent to wait for the EA to complete their hydrological modelling first.**

4. The proposal includes new access roads and a roundabout to be constructed within 25m of a borehole used to supply local industry. It also includes several water retention ponds with capacity of 1,500m³ to hold back local surface water from the site and reduce the impact of flooding in Hereford city. **If the water bearing gravels are breached during construction, the excavations could contaminate the water resource and lead to closure of the factories that depend on them. We think the known characteristics of ground conditions and the underground river, illustrates this site is not suitable for the proposed phase of development, let alone a larger one.**

5. **Breinton Parish Council objects to the proposal based on its lack of details for wildlife protection of protected species. There is a need for conditions to be set to protect the known populations of badgers, bats, otters, skylarks, and European eels both during construction and post development.** We concur with the objection raised by the County Ecology officer as the application does not demonstrate compliance with Core Strategy SD3 (SS1, SS6 and LD2 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; and NERC Act obligations.

Lack of statutory consultation with Active Travel England

The application is for an initial development of 350 homes and so Active Travel England (ATE) need to be notified of this current application, particularly as ATE are there to help planning authorities in their work to implement good active travel design – for example, by ensuring developments include walking, wheeling and cycling connectivity to schools and local amenities. This will help improve public health, save people money and reduce harmful emissions. Building in active travel at design stage will also help to avoid big increases in vehicle traffic and reduce the need for costly upgrades to major road junctions or other corrective action in the future.

The outline proposals still show a car centric design to this development with the outline proposals showing low density housing, with an urban sprawl across high grade agricultural land

and pose a risk to damaging potable fresh water supplies and flood risk to existing developments below the level of this development.

The council should request the results of a Sequential and Exception tests for this site.

We object to granting outline permission for this site without it passing the current Sequential and Exception tests for developments in Flood Zones. The revised 2022 National Planning Policy Framework and supporting planning practice guidance states these tests are now required for sites affected by surface water and groundwater flooding. This site development has a medium to high risk of flooding the downstream City of Herford during construction and contaminating the commercial aquifer.

We believe these new tests should be applied after the Environment Agency EA completes its detailed analysis of the hydrological conditions. As of June 2024, the EA had not finished its modelling of the source protection zones including the boreholes adjacent to the proposed new road, roundabout and housing sites. **This site, unlike other development sites available, lacks access to the rail network, extends over a complex underground river system, threatens the city commercial aquifer and its selection does not accord with the objectives of the New Local Transport Plan, in terms of developing non-car dependent housing.**

The updated flood risk and drainage strategy lacks data and the EA hydrological model

Peak flow estimates are derived by Tetra Tech using statistical methods despite a river gauge being in place since 1972. The consultant's latest report states that the data available on flows for the Yazor brook catchment is unreliable and is therefore disregarded. This begs the question why wasn't the data collected with a reliable flow monitor for inclusion in the modelling, instead of discounting the historic data as unreliable? What might the differences be between observed and calculated flows? These are serious technical issues that should be resolved long before the development decisions to avoid catastrophic failure through flooding or contamination of the aquifers.

We find it astonishing that there is limited hydrological data covering the Yazor catchment and that Tetra Tech states, in their latest report, there are no other hydrological studies available for this strategic urban expansion development site, despite the long period of pre-development planning and the inherent risks of development over commercial aquifers supporting around 3,000 jobs in the city.

We must ask these simple questions because the previous consultants' reports on flood levels for this area, submitted to the Council planning office in 2021 excluded data from the extreme flooding conditions experienced in 2019 and 2020. They also excluded the location of key borehole collars used for abstraction. Given the catalogue of omissions of key data in past consultants' reports give us more reason to wait for the official Environment Agency analysis and not rely solely on the consultant's analysis.

The Environment Agency is currently updating its hydrological model and we believe the results should be incorporated in the planning and design process before outline planning permission is granted. It is ludicrous to proceed to detailed design with outline planning approved before the

main and most complex hydrological issues facing the development are fully analysed by the Environment Agency, as the official appointed government body.

The detailed site-specific and regional hydrology is still unknown.

Breinton Parish Council maintains that a complete and comprehensive hydrological survey is required for the Yazor Brook catchment South of the Roman Road and to the East of Credenhill, prior to further major developments in the northeast of Hereford. The site run off has been re-evaluated with a reduced rate estimated from the site, due to the larger un-developed buffer zone between the Paddocks Housing development in the North. However, the spring and stream, shown on historic maps, (See latest objection by Dr N Gesson), is now interpreted as a broken pipe, by the consultants Tetra Tech. This clearly illustrates the current lack of detailed hydrological understanding of the area.

Ephemeral springs are a local characteristic of the surrounding strata, often confined to pipes by previous landowners. They indicate the presence of numerous underground water courses following the topography when they surface as springs. We are familiar with many such examples to the south of the proposed site along Breinton ridge.

The complex local geology of the site hosts a major underground river, flowing underneath the site and into the commercial aquifer. This was not clear when site selection was made.

The site is underlain by clays with lenses of gravels deposited at the end of the last ice age. This poses a challenge to engineers because the distribution and thickness of the gravel layers is irregular and unpredictable, even for the most experienced geologists. Excavating retention ponds and the subsurface drainage network will undoubtedly encounter unexpected layers of gravel in the clays. The current array of pits and drill holes used to delineate the subsurface layers across the illustrates a high variability in clay thickness. Design proposals for the retention ponds have already been modified to avoid known areas that could compromise the aquifer. Geophysical surveys are proposed as the next step to identify the lenticular and interfingered gravel deposits as potential hazards.

The ariel extent of the water retention ponds was revised to exclude them from SPZ1 zones, close to the borehole collars, after EA incorporated the boreholes that were previously excluded from the 1992 designated Source Protection Zone (SPZ). **The additional constraints on depth of excavations and the need for liners increases the development and maintenance cost and highlights the risk of contaminating the commercial aquifers when developing the site.**

The previously revised flood storage set out within the FRA complies with local planning policy HD5 contained within the Herefordshire Local Plan Core Strategy 2011 - 2031, considering the indicative SPZ extents and associated EA excavation constraints. The updated strategy complies with Local Plan Core Strategy 2015, HD5 and EA excavation restraints, but since 2015 our knowledge on the impact of climate change has expanded, especially after the severe flooding in 2019/2020.

The consultants state that development site does not need to pass the sequential and exception tests used to analyse new developments that affect flood zones 2 and 3 because it was approved in the current Core Strategy, but this development strategy is already out of date. Would this site pass the new 2022 tests given the location above commercial aquifers and up stream of our biggest city that already suffers from flooding via this catchment?

We noted the detailed excavation and lining requirements from EA over SPZ2 zones are now incorporated to provide a minimum flood storage of 1,500m³ within the site to reduce downstream flooding by 50-100mm. This is a small percentage of potential flooding and clearly illustrates that the

city can be better protected from future intense flood events by using the broader Three Elms site as a flood retention zone, why are we still proposing to develop it for phased housing development?

The consultants re-stated that the site will require additional flood retention areas at the detailed design stage, when the EA completes modelling of the groundwater (that flows from NW to SE across the site and into the commercial aquifer).

We believe that the crucial design of additional flood retention areas should not be left to a later stage in the planning process, and it would be prudent to wait for the EA to complete their hydrological modelling first.

There is visual evidence of a connection between flows of the Yazor brook and the extent of abstraction from the underlying aquifer when the brook rises or falls sharply despite a complete absence of any rainfall in the surrounding area during summer drought. This fact is not yet recognised by the consultants or reflected in the currently available modelling.

These important design issues should not be left to the late stage of reserved matters. The EA has yet to complete the hydrological modelling. These important engineering and design decisions could impact the surrounding housing estates and the city downstream. It is time to address the key issues before planning approval, instead of kicking the can down the road.

We have reviewed the latest version of Tetra Tech's Flood Risk Assessment & Drainage Strategy for this site and can confirm our concerns for the protection of the potable water supply from road construction and the necessary mitigation measures, particularly the containment of runoff from road infrastructure during and after construction.

We are pleased to see the construction risks of the proposed new roundabout and access roads within 25m of the boreholes use for water abstraction were recently highlighted by the EH officer comments. This requesting a condition be appended to any approval for the assessment of the risks to the borehole supply including its catchment area during and after construction. The fact is that the hydrological modelling by the EA is not finalised (including the extent of the SPZ 1 zone from the borehole collars) and therefore the design and construction proposed should not be permitted without the full technical analysis by the appointed government agency.

The latest W Waterman technical update report states:

“Further consideration of the provision of floodplain storage as part of the Proposed Development will be required at the detailed design stage following completion of the EA’s ongoing groundwater modelling exercise, as agreed by the EA in previous formal consultation responses. Where possible, further opportunities to provide additional floodplain storage will be explored as part of this first phase of development at the Reserved Matters Stage subject to EA confirmation of the SPZ extents.

It is recognised that future phases of development within the site allocation will also be required to demonstrate the provision of flood storage in compliance with Local Policy therefore additional flood storage over and above the volume outlined in the FRA will be explored as part of the wider site allocation and will contribute towards mitigating downstream flood risk.”

The high cost and increasingly complex extent of mitigation measures required speaks volumes for the inadequate nature of this development site upstream of the biggest urban concentration in the county.

Additional comments on air quality and the inadequate wording of the proposed DCWW condition on sustainable drainage in the HRA.

Air quality assessment of the Log Yard log-fired biomass oven for drying firewood in the centre of the site.

EHO ruled unlikely that the oven would unlikely exceed NO₂ and particulate emission requirements. Waterman Group did the report for the Church Commissioners but did not have the emission spec for the installed oven, so they compared two similar ovens emissions using a DEFRA model, based on the height of the building (7m) and the height and diameter of the stack, (8.2m and 0.2m). The simulation tests are run on hourly, daily, and annual mean emissions.

We note that average emissions are stable but emissions peak during start up and shut down of ovens, thus exposing residents to temporary but dangerous fumes and particulates. It was deemed acceptable to run it in the centre of a new housing estate, but will the new residents be happy to buy houses next to an industrial log drying yard? Will the houses east of the yard and downwind be the potential affordable houses, given the variable air quality, if so, is this a future ECO issue?

In the HRA dated June 2024' Para 4.23 page 25 states the following:

In their re-consultation responses received July 2024, DCWW have confirmed their support to dispose of surface water via a sustainable drainage system with the following condition recommended to be attached to an outline planning consent to ensure the hydraulic overload if the public sewerage system is not exceeded:

*"No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. **The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means.** Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.*

The highlighted text is a condition to **assess the potential** to dispose of surface and land water by sustainable means. It should state **'the scheme must enable disposal of surface and land water by sustainable means'**.

Lisa Law,

Clerk,

Breinton Parish Council.

Appendix 2

INCOME	Budget 2023/24	ACTUAL 2023/24	Budget 2024/25	LIVE 2024/25	
Precept		£ 13,165.00	£ 13,165.00	£ 6,582.50	
Bank interest		£ 440.33		£ 60.11	
VAT claim				£ 1,553.89	
Other Payments					
Total Income		£ 13,605.33	£ 13,165.00	£ 8,196.50	
EXPENDITURE	Budget 2023/24	ACTUAL 2023/24	Budget 2024/25	LIVE 2024/25 Used Budget	2024/25 Remaining Budget
Clerk's Salary and PAYE	£ 7,000.00	£ 6,067.64	£ 8,432.36	£ 1,656.31	£ 6,776.05
Stationery	£ 55.00	£ -	£ 40.00	£ -	£ 40.00
Home office allowance	£ 100.00	£ -	£ 100.00	£ -	£ 100.00
Councillor training	£ 300.00	£ 220.00	£ 500.00	£ -	£ 500.00
Payroll Provider	£ -	£ -	£ -	£ 145.10	
Insurance	£ 220.00	£ 290.99	£ 300.00	£ 353.15	£ 53.15
ICO	£ 35.00	£ 35.00	£ 35.00	£ -	£ 35.00
Ext/Int Audit	£ 270.00	£ 220.00	£ 270.00	£ 250.00	£ 20.00
Room Hire	£ 190.00	£ 238.75	£ 220.00	£ 72.00	£ 148.00
Royal British Legion	£ 50.00	£ 19.99	£ 50.00	£ -	£ 50.00
Teamtalk Magazine	£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 1,000.00	£ -
HALC/NALC	£ 700.00	£ 787.72	£ 700.00		£ 700.00
Tree Warden	£ -	£ -	£ -	£ 30.00	
Grit Bins			£ 250.00	£ -	£ 250.00
Lengthsman	£ 2,500.00	£ 700.60	£ 2,500.00	£ 203.75	£ 2,296.25
Website and Laptop Maintenance	£ 500.00	£ 645.41	£ 500.00	£ 85.99	£ 414.01
Noticeboards	£ -		£ 1,000.00	£ 322.18	£ 677.82
Defibrillator		£ 906.00	£ 1,000.00	£ -	£ 1,000.00
Election Costs	£ 100.00			£ 153.46	
NDP Renewal	£ 600.00	£ -	£ 600.00	£ -	£ 600.00
Bonfire Community Event		£ 500.00	£ 500.00	£ -	£ 500.00
Admin		£ 644.04		£ -	
VAT		£ 469.25		£ 189.41	
£0.00	£13,620.00	£ 12,745.39	£ 17,997.36	£ 4,461.35	£ 14,053.98