

MINUTES OF THE ORDINARY MEETING | 19th February 2025

Present: Cllrs J Hull (Chair), Cllr E Morfett, Cllr L Morawiecka, Cllr L Lewis, Cllr T Prosser and Cllr J Morris.

Others in attendance: Ward Councillor, C Taylor, Footpaths officer, J Wade, Chris Nugent Lidar-Logic and Gill Rivers (minute taker)

19 members of the public were in attendance

24.139 Apologies for absence.

To receive apologies for absence. Apologies for absence had been received from the Clerk, Lisa Law. It was noted that Lisa would be able to return to work at the end of her current sick note.

24.140 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. **None declared.**

24.141 Public Open session: To receive comments from the public on parish matters.

24.141.1. Contribution to parish life Tony and Nicky Geeson had been invited to the meeting to be presented a gift to acknowledge all the work that they had done for the parish and wider community, especially the NDP and for raising awareness to concerns in the parish.

24.142.2. Planning Application Breinton Lee It was noted that the revised sequential testing report/plan had been submitted to the planning officer, and this had resulted in a number of questions to the applicant's agents and JH handed over to the public open session for those attending to highlight any concerns. The following points were highlighted during a lengthy discussion regarding this planning application.

- Six other potential sites had been highlighted by Adam Lewis for further investigation to which the applicant had responded as follows:
 - o *Cre05 – land near Cherry Orchard, Swainshill*; this field was prime planning land for the occupier who doesn't intend to sell the land.
 - o *Cre06 – land adjacent to Kings Acre Halt*; the landowner had no interest in applying themselves and had no intention in the short term to sell to a developer. However, the meeting noted that planning permission had changed since the initial application for 73 houses that the landowner had made for this site when it was rejected in 2016.
 - o *Cre12 – land adjoining Pomona Cottage, Swainshill*; the existing access was considered too narrow for a multi dwelling site and was further restricted by land owned by National Grid electricity.
 - o *Cre13 – field off Kings Acre Road*; the only way to access the site would be demolish an existing property which would need to be purchased separately. Based on its size this is likely to render the project unviable. The site would still have tight access and visibility splay which is likely to be unacceptable to the local Highways Authority.
 - o *Cre16 – land west of Fayre Oaks caravan park*; the case officer and applicant disagreed on whether the size of the site made it unsuitable.
 - o *Cre26 – land opposite Bay Horse pub, Kings Acre Road*; access to this site would appear to be required across Cre16 and an agreement with the landowners of this land would be needed.
- It was argued that these alternative sites could be more suitable for the applicant, but they were keen to avoid having to abandon the existing application in favour of another site as they would lose the time and money already invested.
- Correspondence published by Adam Lewis, Principal Planning Officer at Herefordshire Council, on the Council's planning portal had also been reviewed in depth which included a link to a legal case study. The interpretation of the case study was that if sequential testing was required it

had to demonstrate that it had been carried out in a fair and flexible way and the area of the boundary should be considered. National guidance stipulated that it should be carried out in the entire area of the local planning authority (entire county of Herefordshire). It was, therefore, questioned why the sequential testing had been limited to the parish.

- If there was risk to damage or risk to harm the number of houses was irrelevant and any national guidance for more housing was secondary to risk to harm or damage caused by flooding.
- The applicant had not stipulated how the community would benefit from the housing and there were no facilities locally to accommodate the additional number of people.
- Concern was expressed at the delay to the sequential testing being carried out and whether it was because we would shortly be entering the drier summer months. It was noted that the sequential testing had originally been requested over 12 months ago.
- The Council had not re-consulted with ecology, highways, H&F fire and rescue, or arboriculturists following changes to the original planning application in 2022.
- The planning process had started in June 2022 and there was a statutory national time limit to determine a major planning application of 26 weeks. The applicant had breached the timescale many times. There was also a view that if the planning application had not been sorted it could be referred to the Secretary of State although it was considered that given the national agenda at the present time this would not be recommended as a way forward. It was suggested that this planning application could go before Herefordshire Council's Scrutiny Committee given the length of time that the planning application had taken, and over that time there had been an increase in flooding.
- Over the last two and a half years there were also additional environmental considerations which were now required for any new applications and this application should be subject to those requirements.
- The Environment Agency flood risk assessment for surface water had been updated in January 2025 and it was considered that this would change the perspective for this development.

- Residents added that there had already been a considerable increase in traffic with the new houses built off Breinton Lee. This would be reiterated as part of the objection to the planning application. It was stated that the access to and from Breinton Lee is currently very dangerous. This is predominantly due to the road junction being opposite the Blue Diamond Nursery entrance, and the parking of large vans etc on what is left of the original layby.

The 10-house development in the Breinton Lee cul-de-sac is still being constructed. When this is finished there will be a significant increase in traffic compared to the existing level of traffic from residents of Breinton Lee Houses, Lambourne Gardens, and office workers from Peregrin house.

EM introduced Chris Nugent from Lidar-Logic who gave a presentation on the typography, soil mapping and flood risk of the proposed site. The following points were noted from his presentation:

- Flooding was not from river flooding but was ground and surface water from rain.
- The initial Flood Risk Assessment indicated that the land was at low risk of surface water flooding, but this report had been produced from old data provided by the Environment Agency. This data had been revised in January 2025 and an updated Flood Risk Assessment indicated that the land was now at an increased risk of flooding.
- Any planning approval should have the condition for a verification report built in.
- Chris Nugent explained that digital elevation data provided an outline of height of the land beneath and indicated high land at Breinton Ridge down to the proposed site. The ditch, which was considered to resolve the problem of flood risk, was in a flat area. Breinton Ridge was formed from Raglan Mudstone which was not as permeable as the Pleistocene till on the slope down to the site. When rainwater landed on the Raglan Mudstone it ran down to the groundwater on the flat land on already saturated soil and resulted in the flooding recently experienced on the land.
- Chris Nugent advised that he had recommended to Cllr Nick Mason that this site should not be developed due to the high risk of flooding.

- Parish Councillors suggested that conditions be stipulated for an over engineered drainage system and for all houses that have suffered any level of flooding to have sealed panels to go across doors. Residents commented that long term, an increased risk of flooding would result in a drop in the value of their property, and it would remain an ongoing concern.

Cllr Taylor agreed to pick up the relevant points with the Adam Lewis and it was **resolved** that the Parish Council would write a further letter objecting to the proposed development highlighting the points raised at the meeting. It would also be stressed that the application should be determined on 14 March 2025 and if the Council were minded to not refuse planning the application should go to the Planning Committee. Adam Lewis would also be asked to re-consult with ecology, highways, Hereford and Worcester fire and rescue and arboriculturists.

Chris Nugent suggested that alleviating the flood risk was essential and that this could be in the form of a very large attenuation pond with a float control on the outflow. However, it was noted that any ongoing costs to maintain the attenuation pond would fall to the residents on the new development through an annual service charge.

LM advised that the lead local flood authority report was not on the planning portal and Cllr Taylor agreed to request a copy and have this sent to the Parish Council. It was also agreed that it would be requested that Section 106 agreements in the original planning application be amended to reflect an increase in inflation.

4.142 To approve the minutes of the Council.

To confirm as a correct record and sign the minutes of the meeting held on 22nd January 2025. Members considered the draft minutes of the meeting, and they were approved as a correct record and a copy was signed by the Chairman subject to the amendment to item 24.138 that the agreed budget for the gift for Tony and Nicky Geeson had been £100 with the actual cost £113 including VAT, which would be reclaimable.

24.143 Ward Councillor Report. To receive a ward councillor report, if available. Cllr Taylor advised that there was nothing to report.

24.144. Planning.1 [P222769/F](#) Breinton Lee. For members to consider any actions after the publication of further information on the planning application. Following the lengthy discussion and presentation at the public open session it was **resolved** that another letter of objection would be submitted to include the main points highlighted. A draft response would be sent to members before submission.

24.144.2 Planning applications to be determined by Herefordshire Council for members to consider:

a) [P250172/FH](#) 6 Four Acres, Hereford. HR4 0SH. Proposed 1st floor extension and new porch. Comments by 3rd March. Councillors agreed that there were no issues with this planning application.

b) [P250271/FH](#) Breinton Court, Breinton, Hereford. HR4 7PG. Proposed residential outbuilding comprising garaging, store and changing facilities. Comments by 4th March. It was noted that the proposed building would adjoin the end of the cottages which had previously been holiday lets. LM raised concern that the planned outbuilding could be converted to a residential property later. Following a discussion, it was **resolved** that Councillors agreed that they had no objection to the planning application subject to the condition that the proposed building was for garaging, storage and changing facilities, and should not be converted to residential or commercial use.

24.145.1 Localities. To receive an update from the Locality Steward and consider any actions needed. LM noted that the damaged white railings and posts had been repaired but the lower railing was not complete and had not been made good. JH advised that he would make contact with Mike Gill asking that the work be completed. JH also agreed to follow up regarding the location of approved signage advising that the lanes were unsuitable for long vehicles.

24.145.2 Verge Cutting Season 2025. For members to consider the number of cuts for the verge season 2025. Following a discussion, it was **resolved** that there would be two cuts of the verges for the 2025 season.

24.146 Parish Footpath Officer. To receive a report from the Footpaths Officer and consider any actions. It was noted that a tree had fallen across Breinton

footpath 15 at Upper Wood, near the bluebell wood on the boundary between Stretton Sugwas and Breinton parishes and two other trees had fallen in the bluebell wood on a public right of way. All trees were on land owned by Morgan Jones and JH agreed to notify the landowner.

24.147 Lengthsman. To consider any works to be carried out. JH advised that he had tried to contact the lengthsman, Richard Mills, once again but had not been able to get hold of him. LL reported that she had received several complaints about the clearing out of ditches and that flooding had not been alleviated. TP suggested looking for another lengthsman and JH agreed to speak to Linda Wilcox at HALC to see if she had heard anything from Richard Mills as he was a lengthsman for several parishes. It was noted that the lengthsman grant ended on 31 March 2025 and it was necessary to carry out the work as soon as possible.

LM left the meeting at 9.30pm.

24.148 Village Hall Committee. To receive a report from the Village Hall Committee and consider any actions. LL reported that the village hall management committee had met on Monday 27 January 2025. Anne and Phil Chapman had advised that they would be standing down as booking secretary at the AGM which would be held on 9 June 2025. The village hall management committee were currently looking into software for bookings to be made online. A quiz to raise funds for the village hall would be held on Friday 7 March 2025 and the next coffee morning would be held on Saturday 5 April 2025. The committee were looking to recruit volunteers to either join the committee or help every now and again. Regular pieces were included in TeamTalk to help recruit more volunteers. **Noted.**

24.149 Finance: 1. To consider the below payments:

Supplier/invoice	Description	Net	VAT	Gross	Payment
Clerk's salary	February				As per contract
Breinton Village Hall - invoice 427	Hall hire			£18.00	BACS
T Prosser	Reimbursement			£113.00	BACS
E Morett	Reimbursement			£21.99	BACS

Members considered the payments listed above and **approved** for payment.

24.149.2 To approve the cash book and bank reconciliation for 12th February. See clerk's report. **Noted.**

TP left the meeting at 9.40pm

24.150 To consider items for the next agenda.

- Local Transport Plan
- Bench on Breinton Common
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24.151 Any Other Business

25.150.1 Weight limit through Breinton

JH, EM and LM met with Herefordshire Council on site at Magpie Lane to discuss road damage from HGV traffic, weight limits and restrictions through Breinton. It was noted that there was currently a three to four year waiting list and the advice had been to go for an advisory that the roads were not suitable for long vehicles. In the meantime, Breinton would be added to the waiting list for a weight restriction. **Noted.**

25.150.2 Hydrology Survey for the parish – it was **resolved** that EM would obtain three quotations for a hydrology survey for the parish, one of which would be from Christ Nugent, Lidar Logic.

Meeting closed at 9.45pm.