

BREINTON PARISH COUNCIL

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Application 222138 — Land at Three Elms, North East Quarter, Hereford, HR4 7RA

Breinton Parish Council Formally Requests that the above Planning Decision of November 2025 be referred back to the Planning Committee for further consideration in light of material planning considerations arising prior to a published notice of decision.

In summary, the Parish Council notes that material changes have taken place between the decision date and before the formal notice was issued, which demand further consideration. In our opinion, given the material changes noted below, the decision should be referred back to the committee with full EA ground water modelling, all commercial user concerns thoroughly addressed and updated site access roads and downstream flood risk analysis, full consideration that the new Biodiversity Net Gain (BNG) requirements will be incorporated into the development, as per new NPPF 2025-26 guidance, before the final decision is published.

The Parish Council never received a response from the planning department to its January 2026 letter seeking confirmation that all the reserved matters would be considered by the full planning committee and not delegated to an officer.

We wish to record further objections to the observed procedure and share them with the council's Planning Committee, the Monitoring Officer and Councillor Charlie Taylor, our ward member.

Breinton Parish Councillors attended the planning committee meeting, which appeared rushed and partially prepared, with key correspondence missing, just before imminent and substantial changes in the national planning guidance on increasing flood risk and biodiversity losses (BNG). The evidence base presented for the ecological data is on the margin of the required five-year period, and material changes to the habitat have occurred in the interim period.

The committee members were not fully briefed on the proposal and some did not appear to even understand the purpose of the meeting, to grant access with all other matters reserved. The official video recording of the meeting clearly illustrates this.

Some key elements, such as the correspondence from Heineken, were not publicly available until after the decision was made, despite the economic impact this could have on a large number of residents and businesses. Even now, the conditions requested by Heineken, a major and long established employer in the City of Hereford, have not been published.

The committee report was based on the NPPF (2024), but this policy guidance was outdated within a month of the committee's decision. Substantial revisions to national planning policy framework were announced on 16 December 2025 — after the committee's resolution on 19 November.

The decision made on the cusp of major changes to the NPPF framework

Significant revisions were made to NPPF on biodiversity net gain and viability guidance, including new guidance with respect to flood risk and water resources. The government NPPF consultation closed two months ago on 10 March 2026 and the final framework is expected to be completed in 65 days.

In the light of these major changes to guidance we believe it would be prudent to review the decision before final notice is given, to avoid potential legal challenges with respect to increased local flood risk, City flood risk, aquifer protection issues and rising commercial insurance rates users of the industrial aquifer.

A decision to risk loss of 3,000 jobs and increased City flooding without the full EA analysis

We highlighted in our previous objections that the Environment Agency's groundwater modelling was incomplete following the identification of boreholes adjacent to the proposed development excluded from the protection zones. The committee resolved to grant permission for access while the Environment Agency's groundwater and Source Protection Zone modelling for this site remained incomplete. The proximity of one particular borehole would suggest road access was granted over the potential Source Protection Zone 1. The committee, therefore, approved as reserved matters, parameter plans, attenuation pond locations and the excavation strategy condition based on the outdated source protection zone model and without the benefit of the latest EA input of the impact of climate change on regional and local flooding.

Water source protection measures are limited relative to high commercial risks

In our representation to the committee we highlighted that the groundwater abstraction from the gravel aquifer below the site supplies commercial operations supporting some 3,000 local jobs. Discussions on the matter of how to avoid contamination of water supplies by subsequent residential occupation, during the planning committee meeting, were not fully resolved. Officers suggested a letter to new residents stating disposal of solvents, oils and weedkillers in land drains would suffice. In our opinion, this is not a satisfactory solution to the increased substantial commercial risk placed on Heineken and Avara, raising insurance costs all water source users.

Proposed attenuation ponds are on clay slopes above the existing houses

With respect to downstream flood risk and the increased risk to residents of the Huntington Hamlet, the decision to line attenuation ponds and retain surface flood waters in elevated positions on clay slopes above existing housing to be approved in reserved matters, despite no final groundwater source protection zone modelling. The proposed attenuation ponds are designed to be small but the aggregated volume of all the ponds poses increased flood risk to downstream City residents. We believe it is inappropriate to leave all these matters to be resolved by officers without further scrutiny by the public and the planning committee.

Works on the Yazor Brook increased local flood risk by raising pond levels.

We now understand that the authorised works to de-silt the Yazor Brook under the Roman Road and drastically reduce the willow tree growth along its banks resulted in the increased temperatures and flow and subsequent deposition of hundreds of tonnes of fine silt in the main Pond at Huntington Court, in the centre of the proposed development. The increased silt deposition raised water levels and reduced the pond's capacity to retain flood water, thus exacerbating existing flood risk. These are material changes to the site conditions that, in our opinion, should not be left to reserved matters.

The risk of City floods should merit a full independent review of proposed works.

The lack of final input from the EA modelling and implications for location, structure of additional ponds in relation to site and downstream flooding, from the new 2025 EA climate-adjusted flood risk analysis is a major material and economic consideration that should not be left to reserved matters. In our opinion these matters should be expertly reviewed by independent hydrologists and engineers before the final decision is published. The Parish Council has already highlighted the increased flooding and flood risk occurring in areas of Breinton Parish adjoining this development that will be exacerbated by this development.

Regulation 26 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires the council to ensure that its reasoned conclusion on the significant environmental effects of the development is up to date at the time the decision is taken. The Environmental Statement and its ecological baseline is based on data from surveys dating back to September 2021 which will be out of date in a couple of months.

In the light of recent remedial works on the Yazor Brook removing trees and de-silting the pipes under the Roman Road, damaging sites frequented by red listed species such as skylarks, bats, otters and badgers,. These works have physically degraded active habitats used by protected species and as the physical baseline of the site has drastically worsened after the committee voted, the ecological data presented to members is no longer accurate.

For these reasons and in line with legislation and case law, Breinton Parish Council requests that the application is referred back to the planning committee for consideration once the Environmental data, Flood risk, robust Protection of the Water Source for major industries in Hereford is provided and that the application is in line with the revised NPPF.

Lisa Law
Clerk, on behalf of
Breinton Parish Council