

Development Management Report

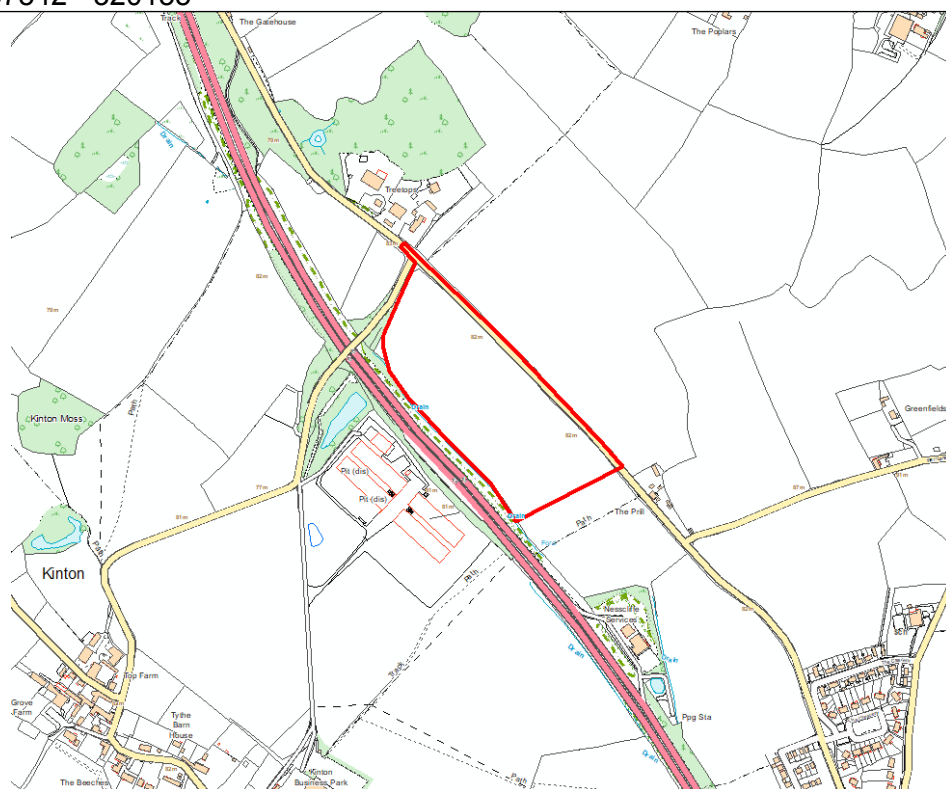
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 18/04965/FUL	<u>Parish:</u>	Great Ness
<u>Proposal:</u> Erection of a new crematorium with associated access, car parking and landscaping		
<u>Site Address:</u> Proposed Crematorium North of Nesscliffe Shrewsbury Shropshire		
<u>Applicant:</u> Mr Ed Aldridge		
<u>Case Officer:</u> Kelvin Hall		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 337542 - 320155



Recommendation: Delegate authority to the Planning Services Manager to grant planning permission subject to the conditions as outlined in Appendix 2, with any amendments to these conditions as considered necessary.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the construction of a crematorium on land to the north of Nesscliffe. The proposed building would include a chapel and associated porch, vestry and waiting room; a cremator room; a reception, general offices and storage. The complex would appear as two joined, single-storey buildings with a pitched roof. A porte-cochere would form the building frontage and the location at which people would enter the building. The main chapel building would be 7.6 metres high; the operational part of the building would be 6.7 metres high and this would include a chimney rising to a height of 7.5 metres. The external materials would include brick walls; slate roof tiles; timber fascia, trusses and window frames; and timber columns to the porte-cochere.
- 1.2 The main car park would be situated to the north of the building. There would be a water feature to the west of the building, with a floral tribute area further to the west. Roadways would be tarmac; parking areas would be porous paving; and paths would be a mix of tarmac and block pavers. The illustrative landscape masterplan indicates that the remainder of the site would comprise a mix of landscape planting, amenity grassland and informal gravel pathways. There would be an attenuation pond at the western corner of the site.
- 1.3 Vehicle access to the site would be via a new two-way access onto the Holyhead Road to the east. The timber entrance gates would be set back from the public highway, and post and rail fencing would be erected either side to connect to the existing roadside hedgerow. The opening hours of the facility would be 0900 – 1700 Monday to Friday, and 0900 – 1330 on Saturdays.
- 1.4 The application is accompanied by a detailed set of reports, including: an air quality assessment; an arboricultural impact assessment; an ecological appraisal; a Flood Risk Assessment; a groundwater risk assessment; a historic environment assessment; a Landscape and Visual Impact Assessment; a need report; a noise impact assessment; and a Transport Statement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises the northern part of an arable field that occupies land between the A5 trunk road and Holyhead Road, approximately 330 metres to the north of the village of Nesscliffe. The site extends to approximately 7.7 hectares. Its northern part is broadly flat, at an elevation of approximately 81m AOD. The land rises gently to the south to a level of around 87m AOD, forming a shallow hillock at the southern side of the site. The north-western, north-eastern and south-western boundaries of the site are formed by hedgerow, and there is a belt of off-site planting at the western corner. The south-eastern side of the site is open to the remainder of the field. A public footpath

runs between the A5 and Holyhead Road, approximately 50 metres beyond the south-eastern side of the site. The A5 at this point is in a cutting and is therefore at a lower level than the site. Surrounding land is predominantly in agricultural use. On the opposite side of the A5 is a large poultry unit. Alongside the north-western boundary is the road to Kinton village.

2.2 The nearest residential properties are the two dwellings at The Prill. The property boundary would be approximately 20 metres from the south-eastern corner of the site and approximately 260 metres from the proposed building. Holmwood is approximately 35 metres from the northern corner of the site and 270 metres from the proposed building.

2.3 Further afield, approximately 600 metres to the south-east, the land rises up to approximately 161 metres to form the wooded Nesscliffe Hill. This area includes Nesscliffe Hill Camp, a scheduled monument. Hopton Hill, approximately 161 metres, and The Cliffe, approximately 157 metres form two further hills to the east, 1km and 1.5km away respectively. These hills together form the Nesscliffe Hills and The Cliffe Countryside Heritage Site.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The officer recommendation is contrary to the views of the Parish Council and in addition the local Member has requested that the application is determined by Planning Committee. The Planning Services Manager in consultation with the Committee Chairman has agreed that the local Member's request and the views of the Parish Council are based upon material planning reasons, and as such a Committee decision is required.

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **Consultee Comments** (these have been summarised where appropriate – the full comments can be viewed on the online planning register.)

4.1.1 **Great Ness & Little Ness Parish Council** Objects. It is not in a sustainable location and not well placed to serve relevant populations - new development is being concentrated in Shrewsbury/Telford, less towards Oswestry. The applicant has failed to demonstrate what alternative sites have been considered and why is this the optimum site. Key concerns include traffic impact, visual impact including on setting of Nesscliffe Hill and open countryside, nearby ponds, possibility that it is an archaeological site, proximity to 2 nearby houses.

We further note that there is capacity at other crematoria in the area (Shrewsbury/Telford/Wrexham) and development of this site could undermine the sustainability of the Shrewsbury and Wrexham sites by taking business away from them.

4.1.2 **Environment Agency** No objections.

We consider that the proposed increased depth of the soakaway system from 2m to c.2.6m bgl is marginal, especially given the recorded groundwater level in nearby

boreholes is in the range of 72.2 to 72.8 mAOD. We note that Drawing No. 402.02845.00035/SK.02 indicates base of soakaway at 78.2 mAOD (c. 2.7m bgl). Based on the information provided we consider that there is likely to be a significant unsaturated zone between the base of the soakaway and groundwater level. Therefore we consider that the risk to controlled waters is acceptable. The remaining comments and conditions provided in the previous response remain valid.

This site is located above a Principal/Secondary Aquifer, Source Protection Zone (SPZ3), WFD groundwater body, WFD drinking water protected area and is adjacent to a surface water course (field drain). The site is considered to be of high sensitivity and the proposed use could present potential pollutant/contaminant linkages to controlled waters. We generally concur that the risk to controlled waters from scattering/interring of ashes is low; however, the field drain along the western boundary should be protected and therefore no scattering/interring of ashes should take place within 10m.

We understand a bund will be constructed at the low end of the site as shown on Drawing No. 003. The bund should not be constructed from contaminated materials and should be designed and constructed such that any potential failure of the bund (e.g. flooding or collapse) should not impact the adjacent A5 road.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

It is recommended that a condition is added to prohibit interring or scattering of ashes within a minimum distance of: 50 metres from a potable supply (including wells and boreholes); 30 metres from a water course or spring; and a minimum of 10 metres distance from field drains. Internments shall take place within the unsaturated zone

- 4.1.3 **Historic England** No objections. The proposed crematorium is within c.700 metres of an iron Age Hillfort on Nesscliffe Hill, a scheduled ancient monument. The development proposal will not have a direct impact upon the hillfort, although will have some impact upon it due to development within its setting - defined by the NPPF as the surroundings in which a heritage asset is experienced. The application is accompanied by a Historic Environment Desk-Based assessment by Wessex Archaeology. In our view the impact upon the significance of the hillfort would be affected somewhat because the new development would introduce a new and relatively large feature into an open agricultural landscape. This open farming landscape of the Severn Valley adds to the significance of the hillfort as the people who built the hillfort and lived in the area are known also to have extensively farmed the same landscape, and the presence of this fertile plain helps to explain why the hillfort was sited at this location. We also note that the proposed crematorium development is low density, generally low rise, includes substantial areas of open landscape, and includes provision for screening. In overall terms our view is that the impact upon the significance of the hillfort caused by development within its setting is less than substantial.

In terms of the site itself, we concur with Wessex Archaeology's report in ascribing some archaeological potential to the area. We would therefore recommend that, should the Council wish to grant planning permission, they consult with their specialist archaeological advisor regarding an appropriate mitigation strategy.

The issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF, including paragraph 196.

- 4.1.4 **SC Conservation** The further revisions to the design and external materials and finishes of the scheme have generally addressed our earlier comments. Further consideration of a more locally sourced natural slate is recommended as the proposed slate is somewhat visually harsh and overly consistent.

The proposal would be sited centrally in what is currently a large linear agricultural field in a rural location just north east of the small settlement of Kinton. The field is bounded by the old A5 and the A5 Bypass just north of the Nesscliffe Services. The nearby settlement of Kinton is made up of a mix of designated and non-designated heritage assets, while to the east the Nesscliffe Hill Country Park contains both the Nesscliffe Hill Camp Scheduled Monument and Kynaston's Cave Scheduled Monument.

Due regard should be given to the following local and national policies, guidance and legislation would be required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the 2018 revised National Planning Policy Framework (NPPF) and Historic England Guidance, particularly The Setting of Heritage Assets.

The submitted Historic Environment Desk-Based Assessment assesses the impact of the proposed development on both sites of archaeological interest and on designated and non-designated heritage assets within the immediate and surrounding area and is considered to meet the requirements of the relevant sections of the NPPF and Policy MD13.

We would refer you to the suggested planning conditions from the review of the Landscape and Visual Impact Assessment regarding landscaping details and long term maintenance to help mitigate impact.

This is a visible site adjacent to several highways and is read against a largely rural landscape from most views, and this would include a large poultry farm to the immediate west of the site, and efforts to fully minimize the visual impact of this proposed facility through both landscaping mitigation and with respect to appropriate building design within this rural context is important should the proposal be considered acceptable in planning terms. Recessive finishes in materials appropriate to this rural setting will be key, including roof finishes where we had suggested a 'green roof' for consideration. There may also be scope to incorporate further external materials and finishes found within the local context including the appropriate use of local stone and this should be further considered. A subtle mix of finishes to also include horizontal boarding for example may be more appropriate within the context of the area. Surface finishes to the parking areas and access lanes will need to be recessive and vegetative screening

and natural landscaping and boundary treatments again appropriate to this setting is required.

Should the application be approved on this site for this type of development, appropriate conditions to agree final external materials and finishes and window and door details, as well as site surface finishes, will need to be imposed.

- 4.1.5 **SC Archaeology** Recommends a condition. The proposed development site is located c.750m north-west, and within the setting, of the Scheduled Monument of Nesscliffe Hill Camp. A cropmark pit alignment, which is likely to represent at form of later prehistoric land boundary, is also present on the proposed development site itself. In addition, a cropmark ring ditch is located to the north of it, immediately north of the road (former A5) north-west from Nesscliffe village. As a result, the proposed development site is considered to have moderate-high archaeological potential.

An Historic Environment Desk-based Assessment by Wessex Archaeology has been submitted with the application. This assesses the impact of the proposed development on the significance of the Scheduled monument and archaeological interest of the development site itself, and we therefore consider that it satisfied the requirements set out in Paragraph 189 of the revised NPPF and Policy MD13 of the Local Plan.

We note the advice contained in Historic England's consultation response. In particular, and with reference to Paragraph 196 of the Framework, Historic England conclude that proposed development would introduce a new and relatively large element into the hillfort, thereby altering the open, agricultural nature of its setting and affecting its significance somewhat. However, they also note that the proposed development will be low density, low rise and incorporate large amounts of landscaping, including screen planting. As a consequence, they conclude that the proposed development will cause less than substantial harm to the significance of the hillfort as a result of development within its setting. On this basis they raise no objection to the proposed development subject to the balancing exercise required by Paragraph 196 of the Framework being undertaken.

With regard to the archaeological interest of the proposed development site identified in Historic Environment Desk-based Assessment, and in relation to Paragraph 199 of the revised NPPF and Policy MD13 of the Local Plan, it is advised that a phased programme of archaeological work be made a pre-commencement condition of any planning permission for the proposed development. This should comprise an initial field evaluation, consisting of a geophysical survey of the proposed development site together with a targeted trial trenching exercise, followed with further mitigation work as appropriate.

- 4.1.6 **Natural England** No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

International sites – Midlands Meres and Mosses Phase 1 Ramsar (Fenemere): Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Midlands Meres and Mosses Phase 1 Ramsar

and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

The air quality assessment submitted in support of the application indicates that the emissions will be below the threshold that the Environment Agency considers significant for impacts on designated sites.

Notwithstanding the above, your authority should be aware of a Ruling made recently by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of *People Over Wind and Sweetman vs Coillte Teoranta* (ref: C-323/17). The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. Competent authorities currently making HRAs should be mindful of this case and should seek their own legal advice on any implications of this recent ruling for their decisions.

Lin Can Moss Site of Special Scientific Interest: Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Other advice In their consultation response Natural England have provided further general advice on the consideration of protected species and other natural environment issues.

4.1.7 **SC Ecologist** Recommends conditions. A Preliminary Ecological Appraisal was carried out on this site, and these comments are based on the findings of this report.

Designated Sites: Lin Can Moss SSSI lies approximately 700m to the north of the site. The site lies within Natural England's Impact Risk Zone layer and hits the trigger for 'Any industrial/agricultural development that could cause Air Pollution'.

Habitats: The site comprises an arable field, bounded by hedgerows on three sides with a small area of broad-leaved plantation woodland adjacent to the north western boundary. A margin of tall ruderal surrounds the arable field, forming an understorey to the hedgerow. The hedgerows are species-rich, intact, semi-mature and not gappy, appearing to be infrequently managed, and box cut though not recently.

The ecology report states that where new landscape planting is proposed species commonly occurring locally could be used, with other species making attractive additions to the site. Ideally a species rich grassland mixture should be incorporated within the boundary buffer habitats.

Great crested newts: Three ponds were identified within 500m of the site. The closest of these is 55m west; a trunk road (A5) separates this waterbody from the site. Two other ponds fall beyond 250m from the site boundary and as such outside the intermediate zone of influence. Additionally, one of these is considered to be located

beyond a barrier to dispersal in the form of main roads which lead to Nesscliffe and Kinton. The other is located adjacent to the Nesscliffe services, just off the A5.

The peripheral vegetation on site, including the hedgerow and tall ruderal margin provide some, albeit limited, opportunities for foraging, refuge and commuting for GCN.

The arable field is an area of high disruption and as such is considered sub-optimal for GCN. As such, no amphibian populations utilising these waterbodies will be impacted by development of this site, and no further surveys are recommended. Current proposals include the retention and enhancement of the boundary vegetation, with only a small section to be removed to allow access onto the site. The working methods recommended will ensure that any amphibians that enter the site will not be harmed during the works.

Bats: No trees or buildings were located onsite, and as such no roosting opportunities were present on site for bat species. The broad-leaved woodland located adjacent to the north western boundary' and hedgerows may be used by foraging and commuting bats. The landscaping scheme will enhance the site for bats. The lighting scheme for the site should be sensitive to bats (and other wildlife) and follow the Bat Conservation Trust's guidance.

Birds: The hedgerows provide potential nesting opportunities for a range of bird species. Hedgerow removal should take place between September and February to avoid harming nesting birds. The landscaping scheme will enhance the site for birds.

Badgers: The survey identified a badger latrine close to the south eastern boundary of the site. However, no evidence of badgers on site was found. Given the existing records of badger within 2km of the site it is likely that badgers may be utilising the site for commuting and foraging especially via the hedgerow. A pre-commencement badger survey should be carried out to ascertain whether badgers have built any setts in close proximity to the development area before works commence. If any sett-building activity is observed within 30m of the site during the survey then a mitigation strategy will be required that sets out appropriate actions to be taken during the works.

Other species: Records of brown hare and hedgehog were identified within 2km of the site boundary. The hedgerows and arable land on site may offer commuting and foraging habitat on site for both the above species.

Working methods should be followed to protect common amphibians, reptiles and small mammals that may enter the site during the works, as detailed in the ecology report.

Conditions and informatives: Conditions are recommended to require a pre-commencement badger survey and prior approval of any external lighting.

[The full consultation response is available on the planning register.]

4.1.8 **SC Trees** No response received.

4.1.9 **Ministry of Defence - Defence Infrastructure Organisation** Raises issues. The Defence Infrastructure Organisation (DIO) is part of the Ministry of Defence (MOD)

responsible for building, maintaining and servicing the infrastructure that the men and women who serve our country need to live, work, train and deploy on operations.

Following the submission of application 18/4965/FUL, DIO wishes to draw the Council's attention to potential noise and disturbance issues affecting the site which may not be reflected in the submitted Noise Impact Assessment.

The proposed crematorium is sited in an area within which high levels of noise and disturbance may be experienced due to MoD activity. The site falls within Low Flying Area 9 (LFA9), and is situated between RAF Shawbury, which is the home of the the Defence Helicopter Flying School and Central Flying School (Helicopter) Squadron and Nesscliffe Training Area.

LFA9 is a dedicated military helicopter training area covering Shropshire and parts of surrounding counties, where high volumes of air traffic occur. Whilst activity may be focussed on RAF Shawbury and the Relief Landing Grounds of Tern Hill and Chetwynd, a substantial amount of aircraft movements take place in to, out of and around Nesscliffe Training Area. Whilst flying activity can take place at any time to meet operational requirements, regular activity is likely to occur from Monday to Friday, between 0830 and 1700. For information, regular night flying will also take place in the hours of darkness Monday to Friday.

On the average weekday, it is estimated that the area in which the crematorium is proposed would usually be overflowed, or experience nearby, low flying activity on 12 to 18 occasions. This would include helicopters navigating/transiting close to Nesscliffe Training area as well as helicopters operating in the training area.

Nesscliffe, the boundary of which is approximately 1.2km to the west of the proposed crematorium site, is a 681ha Training Area suitable for Squadron/Company sized dismounted operations, helicopter operations, Field Hospital/Field Workshops and Logistics Base training. There is also limited use of light armour on established hardstands, watermanship training and adventurous training. Nesscliffe Training Area has numerous training facilities which include 10x large stone tents, 1x farm complex, 1x Forward Operating Base (basic), 1x large field circuit with hardstanding and numerous bivouac areas. In the training year 2016/17 Nesscliffe was also used by a multitude of regular, reserve and cadet units, in order to achieve their training aims, 65,730 man training days were recorded. Training using battle simulated charges (explosives) takes place within the area. Therefore, as per helicopter activity, it is highly likely that regular noise from both land-based training activity and explosives would be heard in the area of the proposed crematorium throughout the working week, but possibly also at weekends.

Paragraph 182 of the National Planning Policy Framework (2018) states that "Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development after they were permitted" before going on to require the applicant or agent of change to "provide suitable mitigation before the development has been completed."

Whilst the content of the submitted Noise Impact Assessment is noted, as the survey

does not cover a five day, Monday to Friday period, a complete picture of the potential impact of military aviation or training activity on the proposed crematorium has not been provided. Such a survey may aid the applicant in preparing a mitigation strategy if required to minimise any potential noise and disturbance that may result from operational activity.

Every effort is made to avoid aircraft overflying crematoria where there is no restriction or detriment to training. The proposed crematorium site, by virtue of its location, may experience unavoidable noise and disturbance from both low flying aircraft and the training area, any impact exacerbated by the noise sensitivity of the intended use. It should be noted that due to the position of the proposed site, avoiding daily funeral services would effectively funnel Defence Helicopter Flying School aircraft, potentially creating a noise nuisance elsewhere, and increasing the likelihood of a mid-air collision.

- 4.1.10 **SC Landscape consultant – ESP Ltd.** No significant issues raised. The LVIA has been prepared in a proportionate manner in compliance with GLVIA3, and we are confident that its findings are reliable, however, clarification on predicted cumulative effects is required.

Planning conditions should be imposed to required submission and implementation of landscape details, protection of soils, maintenance of new planting and details of proposed lighting.

- 4.1.11 **SC Public Protection** The proposed crematorium will require a permit before any operation.

- 4.1.12 **Highways England** Recommends conditions.

Following the most recent submission of information by the applicant, we recommend that all of the previously outstanding matters have been resolved at least to the extent that planning permission can be granted subject to conditions to cover the following matters:

- Submission of detailed assessment of slope stability and water retaining soil bund design for approval prior to changing ground levels within 5 metres of the trunk road highway boundary and/or crest of the A5 Earthwork
- Implementation of noise mitigation strategy prior to first use of the site
- Submission of details of surface water drainage matters for approval.

Signage Strategy: The applicant has stated that any directional signs proposed as part of the crematorium signage strategy will be solely located within the local highway authority therefore there will be no requirement for signage to be located on the Trunk Road Network. The location of directional signs implemented within the local highway network may possibly have an impact on the SRN particularly at A5 Junctions with the local highway network therefore Highways England would have an interest in the discharge of any Local Highway Crematorium Signing Strategy condition to ensure safety of the A5 Trunk Road is not compromised. Highways England agrees that a Signage Strategy is not technically required on the A5 due to low traffic impact on the Strategic Road Network and that this is a separate local concern which the applicant and Local Planning Authority will need to consider.

Drainage Matters: The original drainage proposal involved use the existing drainage ditch along the western site boundary to convey greenfield run-off (i.e. surface water) from areas ‘upslope’ of the crematorium (i.e. no roads or car parks) to the new pond. It is understood that the existing drainage ditch is a Highway England Drainage Asset.

The drainage design has been revised to incorporate a new ditch within the site. On this basis the existing drain that runs along the outside of the south western boundary of the site will be unaffected by the works. The proposed new swale along the site boundary addresses concerns raised in terms of potential impact with the SRN drainage system. HE however, would still have an interest in the detailed drainage design due to the close proximity of the site to the SRN boundary and therefore it is recommended that a suitably worded detailed drainage design condition is applied to any consent.

Proposed Bund: Further detail has also been provided in regard to the proposed soil bund required to prevent exceedance flows onto the A5 trunk road located within close proximity of the A5 boundary. The principle of the bund appears acceptable, however, as the bund is located with 5 metres of the SRN Boundary, detailed design of the proposed water retaining soil bund and a supporting slope stability assessment in accordance with DMRB standard HD22/08 Managing Geotechnical Risk must be provided to demonstrate the structural integrity of the earthwork is sound for its intended purpose, and that it will not impact on any SRN assets or the safe operation of the A5 in accordance with DfT 02/2013 para 49. It is recommended that the submission of this additional information could be dealt with as a condition of consent.

Traffic Impact: The Transport Statement submitted states that a maximum of 4 services will be held per day on average with the services being undertaken between 10.30am and 15.30pm. A small number of staff would be expected to arrive and depart from the site during the peak periods. Due to the nature of the type of development it is accepted that friends and family are likely to travel to the site together in private vehicles.

The type of development is not represented within the TRICS database therefore an independent survey has been undertaken at a similar development site managed by the proposed operator which indicates that the average level of attendance of a service is 46 people with average car occupation of 2 per car. Based on the survey, the transport consultant indicates that the proposed level of daily arrivals would be 92 vehicles (23 arrivals per service) and daily departures would be 92 vehicles (23 departures per service) during the operating hours of the crematorium with 4 staff movements within the AM and PM Peak periods. Two thirds of the development traffic is expected to route from the A5 Trunk Road via Wolfshead Roundabout and one third from Felton Butler Roundabout.

We conclude that from a traffic impact perspective the development is unlikely to have a severe impact on the safe operation of the SRN.

Landscape and Visual Impact: A Landscape and Visual Impact Assessment has been undertaken dated October 2018 to support the proposal which appears robust and considers prevailing policies and standards. The assessment concludes that due to the A5 trunk road being located in a cutting, the dense vegetation along the western site

boundary and the topography of the development site, the proposed development is unlikely to give rise to any significant visual impact affecting motorists on the A5.

Noise Impact: A Noise Impact Assessment has been undertaken to support the proposed development which also appears robust and considers prevailing policies and standards in accordance with DfT Circular 02/2013 para 45. Due to the close proximity of the A5 trunk road, vehicle noise is considered the key noise source likely to impact the proposed development.

The Noise Impact Assessment considers the nature and sensitivity of the type of development would be considered a sensitive receptor therefore has been considered against the criteria for listening (place of worship, meditation, relaxation) as outlined in BS82233:2014 which is accepted. The assessment determined that the predicted Chapel internal noise levels met the BS82233:2014 criteria when windows were closed however internal noise levels were exceeded by 24 db (worst case scenario) on all elevations of the chapel building when windows were opened for ventilation purposes. Mitigation is therefore proposed by installing trickle vents for ventilation which appears an appropriate and acceptable solution, however, would be dependent on the proposed detailed design.

As the key noise source impacting the development is attributed to vehicles on the A5 trunk road Highways England would have an interest in ensuring suitable mitigation is installed to ensure BS82233:2014 criteria is met and would seek to ensure a suitably worded condition is attached to any consent.

Flood Risk: The Flood Risk Assessment and Outline Drainage Strategy appears robust and in accordance with best practice and regulatory requirements. The site is located in Flood Zone 1, risk to the site is considered very low and does not require any site specific mitigation measures to be applied.

Foul Drainage: Due to the remote location of the development site, there is no mains foul water drainage system within close proximity of the site. A pre-packaged foul water treatment plant is therefore proposed to manage 'residential' type waste on site before discharging to ground via a drainage field. The applicant has considered the pre-treatment foul water treatment plant proposed in regard to its forecast use which appears to be adequate to accommodate for the development. The applicant also considers that they will need to adequately maintain the treatment plant and undertake further BRE 365 infiltration tests determine whether the means of discharge to ground is appropriate or not. The foul treatment plant is unlikely to impact the SRN, however, we would have an interest in the detailed design information due to the close proximity of the SRN Boundary.

4.1.13 **SC Highways Development Control** No objections subject to conditions and to the applicant confirming that they will provide a shelter for the cycle parking.

The impact this application will have on the local highway network is being considered from a highways perspective, a crematorium of this size would generally have a low impact. This is because the staff numbers are in single digits therefore even in the peak traffic hours they will have a minimal effect on the traffic flows.

Most of the associated business traffic to and from this crematorium is anticipated to happen outside the morning or evening peak traffic flows, the busier local highways have been assessed including Holyhead Road and the A5, they are expected to be able to accommodate the additional traffic.

Routeing: The route to and from the crematorium for the majority of users and visitors can be from the north or the south along Holyhead Road. However, the applicant is proposing to direct, where they can, that all traffic approach from the north using the Wolfshead roundabout. To support the use of this northerly approach the intention is to provide highway signage on the A5 and other highways where it will assist.

Access: Drawing No OSWO1_P003 rev E sets out the design of the proposed access off Holyhead Road and is acceptable.

Internal Road layout: The internal road layout at a crematorium is important as it must be designed such that it allows for the incoming traffic to enter and park with ease while allowing for the exiting vehicles to egress with the minimum of impact. Consideration also has to be given to service vehicles moving around the site. The applicant has provided acceptable evidence that the internal layout can accommodate these types of vehicles.

Drawing No OSWO1_P003 rev E sets out an acceptable internal road layout, as it is expected to cater for the free flow within the site while avoiding causing problems on the public highway.

Parking: The applicant has provided comments on their experience on the amount of parking required at crematoria. The Council accepts that there are sufficient parking spaces provided for cyclists, disabled driver parking and for other vehicle parking. The parking layout as set out on Drawing No OSWO1_P003 rev E is acceptable.

To encourage staff use of cycles as a means of travel, the cycle stands should be covered. The applicant should be encouraged to agree to the provision of this type of shelter for the cycle stands offered on drawing OSWO1_P003 rev E.

Directional Signage: The applicant is proposing to direct wherever it can be done through online and through literature, the use of a northerly approach to the crematorium via the Wolfshead roundabout. Thus, encouraging all drivers to avoid passing through nearby Nesscliffe village.

In addition, the applicant is proposing to negotiate with the highway authorities for the placing of directional signage at appropriate locations, to direct traffic to the Wolfshead roundabout approach to the crematorium. The applicant has not yet provided such information.

It is recommended that planning conditions are imposed to require that the access, car parking and visibility splays are completed prior to use.

4.1.14 **SC Rights of Way** No comments to make.

- 4.1.15 **SC Drainage** No objection. The proposed surface water drainage is acceptable. A condition should be imposed to require submission of details of surface and foul water drainage for approval.
- 4.1.16 **Outdoor Partnerships Country Parks Team** Objects.
- It would spoil the view from Oliver's Point, a key aspect of why people visit Nesscliffe Hill Countryside Heritage Site. The siting of the development is immediately in the line of site from this viewpoint
 - The proposed site is less than a kilometre away from Oliver's point, an elevated position that is directly in the prevailing westerly winds and any smoke pollution would have an impact on visitors using Nesscliffe Hill.
- 4.1.17 **Shropshire Fire Service** As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>
- 4.2 **Public comments**
- 4.2.1 The application has been advertised by site notice and by direct notification to 12 residential properties and businesses in the local area.
- 4.2.2 Objections have been received from 17 properties and from Shrewsbury Homes. A summary of these concerns is below:
- Site is open countryside and should remain so
 - Location not supported by local funeral practitioners or their clients
 - Should be sited closer to Oswestry
 - Not close enough to Oswestry to meet the 30 minutes travel time
 - Site is 12 miles from Shrewsbury and 10 miles from Oswestry, and when town driving time is added these towns would be outside the 30 minute drive time
 - Query why other locations were not considered
 - Site only chosen due to land availability
 - Federation of Burial and Cremation Authority recommend siting on the urban fringe not open countryside on edge of small village
 - Inappropriate location for either Shrewsbury or Oswestry
 - Would mean cremations are main activity of the village
 - Application recently refused for housing development in Kinton as in open countryside
 - No evidence that site is more than 200 yards from houses
 - Scattering of ashes may be too close to houses and roads
 - Increased traffic through Nesscliffe village
 - A5 either side of Nesscliffe is one of the most congested roads around Shrewsbury; will make congestion worse
 - Traffic gets diverted through Nesscliffe village when accidents on the trunk road
 - Traffic from north and east would use narrow country lanes
 - Routing could not be enforced
 - Noise from A5
 - Many HGVs using public weighbridge at Kinton

- Additional traffic from visitors other than those attending services
- Minimal benefit to the local community
- Little employment opportunities – no economic benefit
- No social benefit
- Negative impact on other crematoria in area
- Delays at Shrewsbury crematorium were due to improvements, not capacity
- Shrewsbury, Telford and Wrexham crematoria all have capacity and are in towns with good range of public services and easily accessible
- Negative impact on residential amenity
- No reliable or regular public transport to the site; no train station; no footpaths
- Unsustainable as relies on car for transport
- Impact on Nesscliffe Hill, the Cliffe and Hillfort and landscape
- Impact on visitors to the area
- Adverse impact from car in car park, and glint
- Cannot be satisfactorily landscaped
- Visible from the primary school
- Smell of chicken sheds would reduce appeal of the site
- Impact from noisy MOD low flying activities which are persistent
- Funeral directors would insist that flying is restricted during funerals
- Developer may put severe restrictions on existing businesses: poultry farm and MOD
- Noise from helicopters, gunshot and game shoots
- Site is neither quiet nor secluded
- Full archaeological investigation should be carried out
- Impact on air quality from emissions
- No mention of odours in air quality assessment
- Unlikely that chicken sheds would have been granted if crematorium was already there
- Prevailing wind will blow odour from poultry units onto site
- Impact on health and community wellbeing
- Mercury and other noxious pollutants would be released within 500 metres of primary school and nursery; released when bodies containing dental amalgam fillings are incinerated
- Site may be extended in the future; will result in further ribbon development
- No national or local planning guidelines for crematoria
- Contrary to Development Plan; a departure from policy

4.2.3 Five letters of support have been received:

- Good use of land
- Existing facilities at Shrewsbury and Wrexham involve considerable road journeys which add to the stress of mourners
- Existing facilities are old and experience operational difficulties leading to delays
- Delays at Shrewsbury and Telford crematoria resulted in the hospital hiring in emergency body storage in refrigerated units
- Service times at existing facilities are too short due to high demand
- Would reduce waiting times and travel distance
- Need for an additional facility to the north/north-west of Shrewsbury
- Wait time of 3-4 weeks is becoming normal, unless other further away facilities are used

- Shrewsbury crematorium is dirty with poor standards of decoration; outdated design; hemmed in by memorial and burial grounds; little ability/incentive to improve
- Crematorium near Oswestry would meet growing demands of ageing population
- Good access via dual carriageway; ample car parking
- Sufficient distance from Nesscliffe

4.2.4 **Nesscliffe Hills & District Bridleway Association – Parish Paths Partnership Group** Objects.

- Site should be closer to the population it is intended to serve, i.e. Oswestry, this would free up more space at Shrewsbury crematorium which does have spare capacity
- Location is right on the limit or beyond the recommended travel distance for anyone travelling from Oswestry
- Notoriously bad section of the A5, which often has accidents and hold ups
- Impact on horse riders who use the old A5 to reach off-road riding routes in Nesscliffe Hills
- Visual impact from viewpoints on these Hills, in foreground to views to Welsh Hills; impact on tourism; views were featured on ITV programme
- Impact on view from bridleway around bottom of Nesscliffe Hill
- Impact on users of the bridleways forming part of the Shropshire Council-promoted tourism routes of the Humphrey Kynaston Way, a long distance Linear bridleway route, which has to use a section of the old A5 through Nesscliffe; viewpoint over this proposed site features in the booklet; impact on views from Humphrey Kynaston Nesscliffe Circular Route and the Shropshire Way, and from Oliver's Point by Nesscliffe Hillfort
- Funeral corteges would cause delays to tourists and horse riders
- Air pollution impacts to users of Nesscliffe and Cliffe Hills blown by prevailing wind from west
- Changed from rural view to an urban one; difficult to screen
- Impact on historic landscape
- Impact from funeral corteges on horseriders who use this section of the old A5 and bridge over bypass to Kinton
- Additional traffic using narrow country lanes through villages for people living to the east
- Query why no up-to-date figures have been provided of capacity at other crematoria, or evidence of any specific capacity shortfall
- Query why no details given of other possible alternative sites that were considered
- Will not deliver 'significant community benefit'; not 'respectful of local character'
- Impact on sensitive receptors passing close by
- Does not meet requirements of policies CS5, CS6, CS7, CS16 or CS17 of the Shropshire Adopted Core Strategy
- impact on the unique character, visual heritage, landscape, and recreational values and functions of these assets, and their immediate rural surroundings, including the bridleways that provide local leisure routes and connecting corridors to the wider network, providing informal recreation for local communities and tourists. It will impact on health and community well being, and on maintaining air quality

- impact on strategic leisure routes and Nesscliffe Countryside Heritage Park which contribute to the offer within Shropshire

4.2.5 **RAF Helicopter Noise Liaison Group** Objects. The development of a crematorium would have irreversible and detrimental effects on the tri-service helicopter training from RAF Shawbury. Nesscliff camp is a major part of LFA 9 (Low Fly Area 9). Having to avoid overflights of funerals at the crematorium would possibly result in the use of Nesscliff Camp by the RAF as unsuitable in the future, concentrating the low level helicopter activity over the rest of LFA 9.

5.0 THE MAIN ISSUES

- 5.1
- ☐ Environmental Impact Assessment
 - ☐ Statement of Community Engagement
 - ☐ Planning policy context; principle of development
 - ☐ Need and general location considerations
 - ☐ Siting, scale and design; impact upon landscape character
 - ☐ Residential and local amenity considerations
 - ☐ Historic environment considerations
 - ☐ Traffic and access considerations
 - ☐ Ecological considerations
 - ☐ Pollution considerations

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1 The Council issued a Screening Opinion for the proposed development in November 2018 (ref. 18/04543/SCR). This stated that the application falls within category 11(b) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and is therefore Schedule 2 development as the area exceeds 0.5 hectare. In making the Screening Opinion the proposal was considered against the selection criteria in Schedule 3 of the 2017 Regulations and also to advice contained in Planning Practice Guidance on Environmental Impact Assessment. The Screening Opinion confirmed that it is not considered that the proposed development would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. As such an Environmental Impact Assessment is not required.

6.2 Statement of Community Engagement

6.2.1 The NPPF encourages pre-application engagement. Para. 128 of the NPPF states that applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. It states that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

6.2.2 The applicant sought pre-application advice from the local planning authority, and also held a pre-application public consultation event in Nesscliffe to which there were 117 attendees. Details of this are contained in the applicant's Statement of Community Engagement. This states that, of the 48 comments made, 50% were objections, 33.3% were in support and 16.7% were neutral. The objections included the following points: lack of need; too close to the village; wrong location; traffic impacts; too close to chicken

farm (smells); noise from nearby A5 and RAF helicopters; visual impact from Nesscliffe Hill and Oliver's Point. The support comments included: need for the facility; good access; peaceful and tranquil; well-designed layout and building; good job prospects; wildlife protection and landscaping measures welcomed.

- 6.2.3 The Statement of Community Engagement states that the applicant has taken all of the representations made into consideration and has concluded that there are no specific revisions required in order to directly address the concerns raised. As noted above there are a number of detailed reports submitted with the application which cover the issues raised at pre-application stage.

6.3 Planning policy context; principle of development

- 6.3.1 The application site lies on a greenfield site in a rural location and in an area classed as countryside for planning policy purposes. Core Strategy policy CS1 of the Development Plan states that in rural areas development and investment will be located predominantly in Community Hubs and Clusters. The village of Nesscliffe is defined as a Community Hub, however the site lies outside of this.

- 6.3.2 Core Strategy policy CS5 seeks to protect the countryside from inappropriate development. It states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. It states that this would include small-scale new economic development diversifying the rural economy, and required community uses and infrastructure which cannot be accommodated within settlements. Policy CS8 seeks to preserve and improve access to facilities and services wherever possible. Paragraph 84 of the NPPF states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

- 6.3.3 The application explains that the general principles of siting of crematoria are set out in the Cremation Act 1902. This states that these facilities should not be constructed '*nearer to any dwelling house than 200 yards (182m) except with the consent, in writing, of the owner, lessee and occupier of such house, nor within 50 yards (46m) of any public highway*'. This 200-yard rule restricts the development of new crematoria in urban areas, and in effect directs their siting to urban fringes or rural locations. Site selection and need considerations are discussed below. However officers accept, having regard to policies CS5 and CS8, that the siting of a crematorium within the countryside is acceptable in principle.

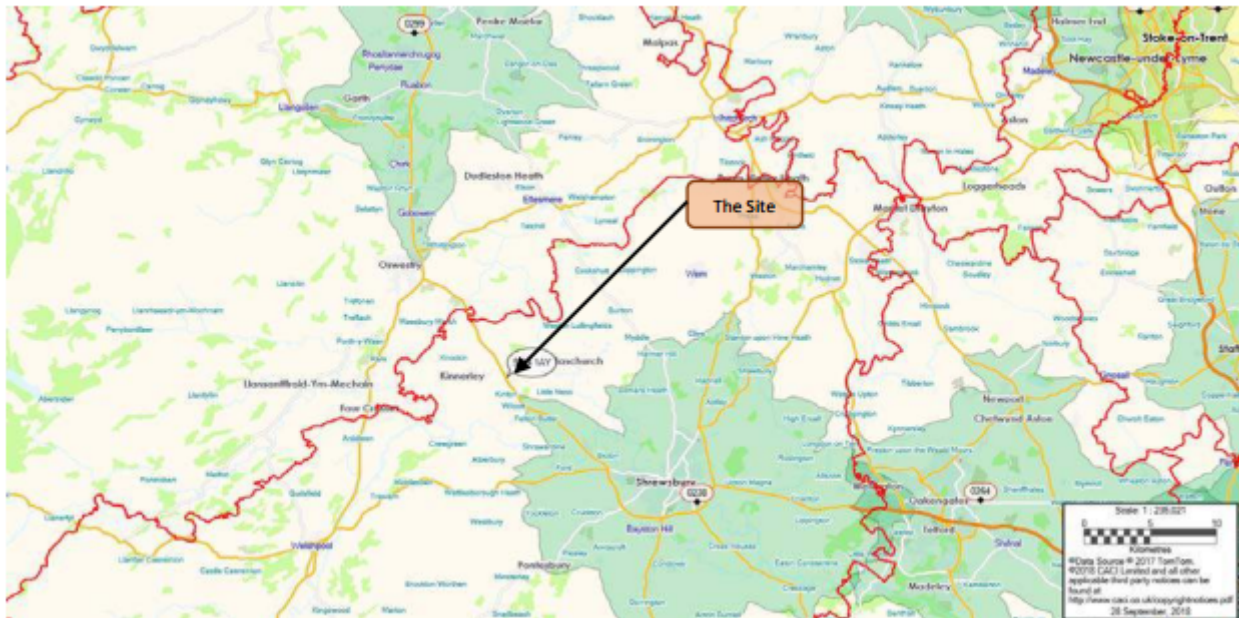
6.4 Need and general location considerations

- 6.4.1 The application is accompanied by a detailed report on the need for the facility, and also details of the site search methodology.

- 6.4.2 Background: The need report identifies that the elderly population of Shropshire is set to grow by 54% from 2016 to 2041. It states that the cremation rate is more than 79% and is set to rise over this period.

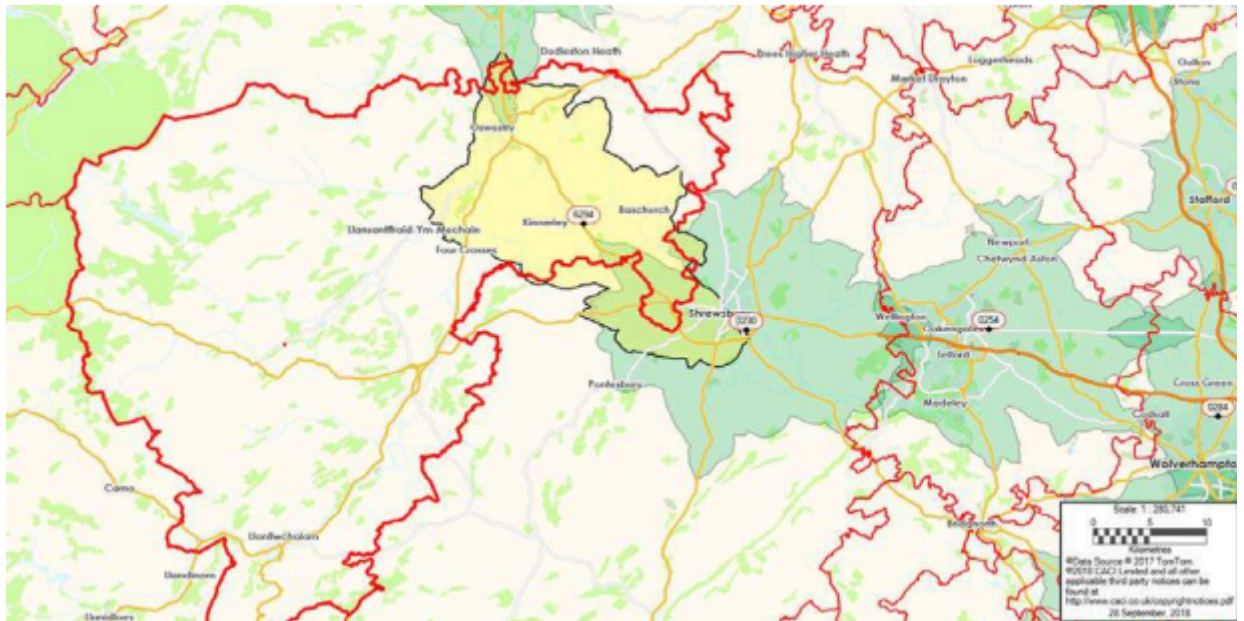
- 6.4.3 Drive Time: The need report states that it has been accepted at planning appeals that

a funeral cortege should not have to travel more than 30 minutes to reach the crematorium. The existing crematoria in the area are at Shrewsbury (Emstrey) and Wrexham. The applicant has provided a Drive Time map (see below) which indicates that there is a large geographic area to the south of Oswestry and north of Shrewsbury which is beyond a 30-minute drive time for any of the existing crematoria. This is estimated to encompass around 35,000 people.



Current 30-minute Drive Time and Catchment Map [Source: applicant's Need report]

- 6.4.4 The need report suggests that the proposed crematorium would be the nearest facility for nearly 92,000 people, and a total of 85,000 people would live within a 30 minute cortege drive time of it. Based upon average deaths per year, cremation rates, and other factors, the applicant estimates that the facility could cater for around 838 cremations per year which would otherwise be held at less convenient sites. The applicant's map below indicates the geographic area which would be within a 30-minute drive of the proposed crematorium.



Current Drive Time (green) and Proposed Drive Time (yellow). [Source: applicant's Need report]

- 6.4.5 Capacity of existing crematoria: The need report identifies that the Quantitative Standard for capacity of a crematorium is 80% of its Practical Capacity. It states that on average over the last three years both the Shrewsbury and the Wrexham crematoria have been operating at 110% of their Practical Capacity, and that this is well in excess of the Quantitative Standard. The report goes on to say that the consequences of this is congestion around the building and car park, leading to a mix of funeral parties and not providing the dignified and reflective environment the bereaved should have. It also states that the average delay to funerals at Shrewsbury and Wrexham is 3 to 4 weeks, with these being worse in winter.
- 6.4.6 Based upon the detailed assessment provided in the applicant's need report, officers accept that the provision of a new crematorium to serve the area between Shrewsbury and Oswestry would ease the pressure on the Emstrey and Wrexham sites, provide a more convenient facility for this catchment and may enhance the experience for mourners.
- 6.4.7 Site search methodology: There is no policy requirement for applications to detail the site selection process however the applicant has agreed to set out the site search methodology. Officers consider that it is useful background information in helping to understand the justification for selecting the proposed site. Following the identification of the need for a new crematorium in the locality, the applicant states that around 60 sites were initially identified through a desktop and site inspection process. The preferred site was identified through application of site selection criteria and discounting of other sites. The applicant states that the other sites were discounted for reasons which included: cortege and public access to the site; highways safety; visual impact; noise; flood plain; planning policy designations; exclusion zones of Cremation Act 1902; viability.
- 6.4.8 Justification for location: A number of representations have raised concern that the

proposed location has not been justified, and the comments of the Parish Council that the facility would not be well placed to serve relevant populations are noted. The catchment area extends into parts of Wales, and this is because the nearest crematorium to the west is at Aberystwyth. However the main centres of population that would be served by the facility would be at Oswestry and Shrewsbury. The Parish Council has suggested that as new development is being concentrated in Shrewsbury/Telford rather than Oswestry, the facility should be located closer to Shrewsbury. However the applicant anticipates that, based upon the predicted catchment area, the location of population centres and the available routes to the site it is likely that around two thirds of mourners would arrive from the north. Locating the facility either closer to Oswestry or closer to Shrewsbury would benefit one of those towns in terms of drive time at the expense of the other. In principle therefore, Officers accept that this general location is justified given the drive-time benefits it would bring to significant numbers of residents.

6.5 Siting, scale and design; impact on landscape character

- 6.5.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. Policy CS16 seeks the delivery of high quality sustainable tourism. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) and this has been reviewed by the Council's landscape consultant ESP Ltd. who consider that the findings of the LVIA are reliable.
- 6.5.2 The site itself is not designated for landscape protection however the LVIA considers the landscape to be attractive and of 'high' value. The site is visible from immediately surrounding public viewpoints including the Holyhead Road, the Kinton road and public footpaths, and also from the higher ground associated with the Nesscliffe Hills and The Cliffe to the east. The area of the site is relatively large however the built elements would be concentrated within the lower, relatively central part of the site, to the north of the raised part of the field. The building would be set back from the Holyhead Road to the east by approximately 100 metres. It would be generally low-rise, with a height lower than a standard two-storey dwelling, and this would facilitate screening from lower level viewpoints. Peripheral areas would predominantly be landscaping and amenity grassland. This separation distance and the existing and proposed landscaping would reduce the general visibility of the development in the immediate area, and help to assimilate the development into the wider landscape.
- 6.5.3 Landscaping: The surrounding area is characterised by small copses and woodland and the proposed structure planting at the site is designed to replicate this. Species would be predominantly native and reflect those found locally. There would be a mixture of understorey and larger trees to provide a robust structure. In addition to the structure planting it is anticipated that there would be areas within the grounds where memorial tree planting could be undertaken.

- 6.5.4 External materials: Revised details of external materials have been submitted following discussions with Officers. It is now proposed that local sandstone would be used for flank walls at the site to reflect the use of these materials locally. The proposed use of brick walls and slate roof would provide a generally recessive appearance and in principle the external materials are considered to be acceptable subject to precise roofing details being agreed by planning condition. The substantial landscaping proposed would filter views of the development from surrounding areas.
- 6.5.5 Impact on landscape character: The LVIA includes a representative sample of viewpoints to assist with the assessment, and these include views from public rights of way and public highways both close to the site and further afield. It has assessed the impact of the proposals on the different local landscape character areas in the vicinity of the site. The proposed development would introduce built form to an area visible from the Nesscliffe Hills. The proposed landscaping would help to reduce this impact. The LVIA suggests that there would be a 'minor adverse' effect on this landscape character area and that this would reduce to 'negligible' in the long term as the planting develops. From Nesscliffe village it is considered that the impact would be minimal due to the intervening hillock and the proposed planting. The proposal would alter the nature of the local arable landscape associated with a change from agricultural use. The LVIA considers that the impact on this local landscape type would be 'moderate' adverse in both the short term and the long term, but that this would not be significant beyond the site boundaries.
- 6.5.6 The LVIA concludes that the generous areas of structure planting proposed within the site would help to assimilate the site into its wider surroundings and would replicate the many small woodlands and copses within the wider area. It states that in the long term, following the establishment of the planting the residual effects would reduce to 'negligible'.
- 6.5.7 Visual effects: The LVIA considers the visual effects from the Holyhead Road to be 'moderate' adverse in the short term. Over time, this would be expected to reduce to 'minor' adverse as the perimeter planting develops. Views from the footpath to the south-east of the site would be restricted due to the presence of the intervening hillock. Views from the A5 would be expected to be limited to brief glimpses of the rooftops. In time the boundary planting would merge in the view with existing embankment planting. From the Kinton road views of the site would be possible and the LVIA suggests these would be 'moderate' adverse. In time, planting would filter the development and reduce effects to 'minor' adverse but would also be likely to result in the loss of open views towards Nesscliffe Hill.
- 6.5.8 The LVIA recognises that Oliver's Point is a popular lookout point from which the site is clearly visible in the middle distance. The development would also be visible from The Cliffe. The buildings would not break the skyline and the recessive building colours would help to minimise visibility. The LVIA suggests that the car park may be eye-catching, particularly on sunny days if there is glint from cars. The development would clearly be a notable feature in the view and the LVIA suggest that this would be 'substantial' adverse and locally significant. Officers consider that the proposal would have an adverse impact on views from some parts of the Nesscliffe Hills. It should be noted that the development would form only a small element of the overall view from

these locations. It is noted that also within this view is the Nesscliffe service station a short way to the south of the site and the large poultry development to the west. In time the proposed landscaping would develop to a woodland block and would be expected to reduce visual effects to 'minor' adverse by year 15 which would not be considered significant. It is not considered that the development would have a significant impact on the use of these areas as tourist attractions, or on the recreational use of the area.

6.5.9 Lighting: The access road and car park would be lit by five 4 metre tall pole lights and there would be bollard lights in the car park would have bollard lights. These lights would be shrouded and directed to avoid light spillage. They would be time-controlled and switched off after 6pm when the site closes. Lights from the site may be apparent during late afternoon/early evening from some viewpoints. This would reduce as the landscape planting matures and it is not considered that this would have a significant impact on the landscape. A condition can be imposed requiring that external lighting is subject to prior approval.

6.5.10 Officers consider that the LVIA presents a fair assessment of the impacts of the proposal. The crematorium development would introduce a notable feature into this rural landscape and this would have significant visual effects on some views in the area, particularly from Holyhead Road, the Kinton road and elevated viewpoints within Nesscliffe Country Park. No cumulative impacts are anticipated. It is considered that, through siting, materials and landscaping, the development would minimise visual impacts initially and ensure that longer term impacts reduce to levels that are not significant. There would be short-term adverse impacts, and it is a matter of planning balance as to whether these are acceptable, and this is considered further below.

6.5.11 Agricultural land: Agricultural land classification maps indicate that the site is Grade 3, and no information is available as to whether this is Grade 3a or Grade 3b (Grades 1, 2 and 3a are classed as 'best and most versatile'). The NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Whilst the land is not of the highest value, it may include best and most versatile land which would be taken out of agricultural use and this constitutes an economic disbenefit of the scheme. However the proposal would also provide other benefits, and in the absence of significant impacts, it is not considered that the loss of the agricultural land would constitute a reason to refuse the scheme. A condition can be imposed to require details of soil handling to ensure that this resource is protected during earthworks and to retain its value as part of landscaping.

6.5.12 Potential impact on Ministry of Defence activities: The site falls within the MOD's Low Flying Area 9 (LFA9) and is situated between RAF Shawbury, which is the home of the Defence Helicopter Flying School and Central Flying School (Helicopter) Squadron, and Nesscliffe Training Area. The MOD has advised that high levels of noise and disturbance may be experienced in the area due to MOD activity. They have not objected to the proposal however they have drawn attention to these issues. They acknowledge that their activity is focussed on RAF Shawbury and the land grounds of Tern Hill and Chetwynd. However they have advised that a substantial amount of aircraft movements take place in to, out of, and around Nesscliffe Training Area,

approximately 1.2km to the west. They have suggested that it is highly likely that regular noise from both land-based training activity and explosives would be heard in the area of the proposed crematorium through the working week.

- 6.5.13 The MOD has advised that every effort is made to avoid aircraft overflying crematoria. However they have suggested that doing this would potentially create noise nuisance elsewhere, and increase the likelihood of a mid-air collision. They have advised that the facility may experience unavoidable noise and disturbance from both low flying aircraft and the training area.
- 6.5.14 The MOD suggest that, as the applicant's noise survey did not cover a five day, Monday to Friday period, it does not provide a complete picture of aviation or training activity. They state that a full survey may aid the preparation of a mitigation strategy if required. The noise survey spanned a 5.5 day period between a Thursday afternoon and Tuesday during July 2018 and therefore would not have accounted for any MOD activity on the other 1.5 days of this week. However it is considered that the monitoring was undertaken for a reasonable period of time.
- 6.5.15 The MOD has advised that current helicopter flying training use of Nesscliffe Training Area has been lower than norm compared to historic usage. They have advised that this is likely to increase from around 40-50 sorties per month to more than 22 per day by late 2019 / early 2020. They have suggested that this would effectively generate noise into the crematorium area on a constant basis.
- 6.5.16 The proposed crematorium would be situated approximately 1.2 km to the east of the Nesscliffe Training Area from which helicopters would fly from and to. It has not been possible to obtain precise flying routes from the MOD however they have confirmed that circuits to the east of the Training Area are restricted to prevent the villages of Kinton, Kynaston and Knockin from being permanently overflown. It is noted that Kinton is located directly between the Training Area and the proposed site, and therefore this may reduce the extent of flying activity in the vicinity of the application site. Officers also note the large size of the Training Area (681 hectares).
- 6.5.17 The applicant has considered the existing and potential future frequency of helicopter flying and are of the opinion that the use of the crematorium would not be harmed by any sporadic noise from the MOD Training Area. In addition they advise that the facility would not result in future limitations being put on the MOD in relation to where and when they can fly. They further consider that land-based activities should not affect the quiet use of the crematorium given the distance to the MOD site.
- 6.5.18 Para. 182 of the NPPF states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. It states that, where an existing business or facility could have a significant adverse effect on new development, the applicant should be required to provide suitable mitigation. In relation to the current application officers acknowledge that there may be times when MOD activity is audible from the site. However there does not appear to be sufficient evidence that the use of the site as a crematorium would be incompatible with existing land uses, or would result in pressure for the MOD to alter their activities.

- 6.5.19 **Potential impact from nearby poultry rearing unit:** The proposed crematorium building would be sited approximately 130 metres to the north-east of a large poultry rearing site on the opposite side of the A5(T). It is likely that, at times, odour from the poultry sheds would be detectable at the site. The noise report states that the building would be fitted with an alternative ventilation scheme which does not require the opening of windows. This would also be expected to minimise potential impacts from odour emissions. Odour from the poultry unit would be likely to be detectable at times within the grounds of the crematorium however it is not considered that this issue is of such significance as to make the development unacceptable.

6.6 Residential and local amenity considerations

- 6.6.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. It is anticipated that the main source of noise from the crematorium would be from the air blast cooler that would be located externally within the service yard area. All other plant would be located internally. The noise impact assessment concludes that noise levels from the cooler would be below existing background levels, based upon a worst-case assumption, and that no mitigation is required. Other than the potential for heat haze there would be no visible emissions or plumes from the chimney. The cremation plant would include a secondary combustion chamber to minimise odour. As noted below, the facility would require an Environmental Permit to enable it to operate. This would ensure that the cremation process is undertaken satisfactorily in order to minimise emissions. There have been no objections raised by technical consultees to the proposal. The significant separation distance between the crematorium and the nearest houses and public areas is considered to be satisfactory, and it is concluded that the proposal would not adversely affect residential or local amenity.

6.7 Historic environment considerations

- 6.7.1 Core Strategy policies CS6 and CS17 require that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.
- 6.7.2 The submitted Historic Environment Desk-Based Assessment identifies that the proposed development would be intervisible with the scheduled monument at Nesscliffe Hill Camp which is approximately 700 metres to the east. However it suggests that it would not lead to any harm to the significance of the monument or the ability to appreciate the significance of it. In the opinion of Historic England, the impact upon the significance of the hillfort caused by development within its setting would be less than substantial. In these circumstances, para. 196 of the NPPF states that this harm should be weighed against the public benefits of the proposal. Taking into account the increased screening that would occur as the landscaping matures, officers consider that the limited impact on the scheduled monument would be outweighed by the benefits of the development.
- 6.7.3 There are no designated heritage assets within the site. However based upon previous

archaeological investigations in the area there is the potential that the site may contain buried archaeological remains, in particular relating to an adjacent 'linear ditch' which may continue into the site. The Council's archaeology officer advises that the proposed site is considered to have moderate-high archaeological potential, and has recommended that a phased programme of archaeological work is undertaken. A condition can be imposed to deal with this, to include a requirement for a geophysical survey of the site and a trial trenching exercise, followed by further mitigation work as appropriate. This would be in line with advice in para. 189 of the NPPF.

- 6.7.4 Officers consider that, subject to the archaeological work and landscape mitigation measures, any proposed harm to heritage assets would be outweighed by the benefits of the development. As such the proposal meets the test set out in para. 196 of the NPPF and is in line with policies CS6, CS17 and MD13.

6.8 Traffic and access considerations

- 6.8.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The application is accompanied by a Transport Statement which identifies the traffic implications of the proposal, based upon existing and expected proposed traffic levels.
- 6.8.2 The new access onto the Holyhead Road includes appropriate visibility splays and its design is satisfactory for the proposed level of traffic. It is considered that the level of car parking provision within the site is appropriate for the anticipated visitor numbers.
- 6.8.3 The Transport Statement advises that typically 95% of the applicant's funerals are undertaken within the core operational hours of 10:30 to 15:30, and there would be on average four services carried out each weekday. The operating hours of the crematorium would therefore be outside of the morning and evening peak hours. There would be on average four services per weekday, with each service attracting on average 23 cars. This is a small proportion of the existing traffic flows on the Holyhead Road and it is considered that this can be accommodated without significant impact on highway safety.
- 6.8.4 Based upon the predicted catchment area, the population centres and the routes available it is anticipated that around two thirds of mourners attending services would approach from the north. In order to encourage traffic to avoid Nesscliffe it is proposed that travel management measures are implemented. Direction signs would be provided at the site exit and on the highway opposite the exit; and along the Holyhead Road. In addition it is suggested that route details could be provided to all funeral directors, and details given to mourners and on a website, to approach via the Wolfshead roundabout (to the north of the site). There would inevitably be some traffic through Nesscliffe however it is not considered that this would be of a sufficient level to warrant signage on the A5 trunk road roundabout. It is considered that a condition can be imposed to require the submission of a signage and routing strategy, to be implemented before use of the site.
- 6.8.5 Officers accept that, due to the nature of the journey, travel to a crematorium would be more likely to be made by private car even if there was public transport available.

Mourners are likely to car share, and car occupancy levels are likely to be higher than for other forms of development. The NPPF recognises that car sharing is a sustainable transport mode. Nevertheless the site is on a bus route and therefore the site would be accessible by public transport. In addition cycle parking stands would be provided should visitors wish to use this form of transport.

6.8.6 The proposed site is some distance from the main population centres within the catchment. However in terms of wider sustainability considerations, the provision of a new crematorium in this location would result in a reduction in travel distances for mourners whose drive time would be reduced by the facility. Officers consider that this would be an environmental benefit.

6.8.7 The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe. Taking this into account, it is not considered that an objection on highway grounds could be sustained.

6.9 Ecological consideration

6.9.1 Core Strategy Policies CS6 and CS17 seek to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan Policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment.

6.9.2 The site comprises an arable field bounded by hedgerow on three sides and open on the south-eastern side. There is an area of broad-leaved woodland adjacent to the site along the north-western boundaries. An ecological report has been submitted as part of the application, which includes the findings of an Extended Phase 1 Habitat Survey and a preliminary protected species assessment. The report considers that the habitats within the site, i.e. the arable field, are considered to be of limited ecological value. The perimeter hedgerows have greater ecological potential and the majority of these would be retained.

6.9.3 Designated sites: The site lies approximately 7km from the Fenemere Midland Meres and Mosses Ramsar site. The submitted air quality assessment indicates that emissions from the crematorium would be below the threshold that the Environment Agency considers significant for impacts on designated sites. Natural England has confirmed that the proposal would not be likely to have significant effects on this Ramsar site. Officers have undertaken a Habitat Regulation Assessment and this concludes that there is no legal barrier to planning permission being granted. The assessment is included below as Appendix 1. The site lies approximately 700 metres away from the Lin Cann Moss SSSI. Natural England considers that the proposal would not damage this designated site.

6.9.4 Great Crested Newt: The arable field is considered to be sub-optimal for Great Crested Newt (GCN). The nearest pond is 55 metres to the west but the A5 trunk road separates this waterbody from the site. Other ponds are more than 250 metres away. The majority of the peripheral hedgerow provides some potential for GCN habitat but the

majority of these would be retained. The ecology report has undertaken the Natural England Rapid Risk Assessment and the output of this is that the risk of offence to this protected species is 'highly unlikely'. The ecology report recommends that a precautionary method of works is provided, and officers consider that this would be a proportionate approach.

- 6.9.5 Bats: The loss of the arable field is considered to have negligible impact on bat foraging activity. The perimeter hedgerow and off-site woodland habitat, which would provide foraging and commuting routes, would be retained. The landscaping scheme would enhance the value of the area for bats. A condition can be imposed to require that external lighting is designed to be sensitive to bats, e.g. to control light spill.
- 6.9.6 Birds: The majority of the peripheral hedgerow would be retained, and this habitat would be increased through the substantial landscaping proposed. Legislation is in place to protect active nests of wild birds, and this would need to be adhered to when hedgerow is removed to form the site access.
- 6.9.7 Badger: The ecology survey did not identify any badger setts on site, however in line with the recommendation of the Council's ecologist it would be appropriate to require a pre-commencement check for any new badger activity and this can be dealt with by planning condition.
- 6.9.8 The proposed development would not result in significant impacts on ecological assets in the area. Precautionary measures can be undertaken to minimise risk of harm, and enhancements to biodiversity value would be provided as part of the landscaping of the site which can be secured by a planning condition. The proposal would therefore be in line with policies CS6, CS17, MD2 and MD12 regarding ecological protection.
- 6.10 Pollution and water management considerations**
- 6.10.1 Core Strategy policy CS6 requires that development safeguards natural resources including air, soil and water. Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity.
- 6.10.2 Air pollution considerations: The NPPF states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions where these are subject to separate pollution control regimes. The proposed crematorium would be regulated under the Environmental Permitting regulations and would require an Environmental Permit to enable it to operate. There is therefore a separate mechanism for controlling the detailed matters relating to the cremation process and in particular air emissions. Nevertheless it is relevant to give consideration to potential air quality issues as part of the planning application process.
- 6.10.3 The submitted air quality assessment report acknowledges that the crematorium has the potential to cause air quality impacts at sensitive locations. This is due to the release of combustion gases from the process. The report advises that impacts have been predicted on a worst-case scenario. It has considered existing background concentrations of air pollutants and taken into account the sensitive receptors in the vicinity of the site (both human and ecological), and the results were compared with the

relevant Environmental Quality Standard. It is understood that air pollution emissions from poultry farming, i.e. ammonia, are not included in the maps of background levels. The report confirms that emissions from the plant would comply with the limits for abated cremators set out in Government guidance. The report concludes that impacts on existing pollutant concentrations are predicted to be not significant at any location and that air quality impacts should not be viewed as a constraint to planning permission.

- 6.10.4 It should be noted that an application has been submitted for additional poultry rearing buildings at the existing broiler unit to the west of the site, and is currently undetermined. Should permission for the crematorium be granted then this would need to be taken into account when a decision the proposal for additional broiler buildings is made.
- 6.10.5 Surface water drainage: The site lies within Flood Zone 1 denoting areas with a low risk of flooding. Given the size of the site a Flood Risk Assessment (FRA) has been submitted in line with national requirements. As noted in the FRA, proposals involving buildings uses for professional and other services are classed as 'less vulnerable' developments. National guidance confirms that these are appropriate in Flood Zone 1.
- 6.10.6 The proposed development would utilise sustainable drainage techniques for surface water management. Surface water runoff would be attenuated on the site and infiltrate to ground. When the infiltration capacity of the underlying strata is reached, 'excess' flow would discharge to the adjacent drain. Permeable paving would be used in each of the main car parking areas together with French drains alongside access ways to capture overland flow.
- 6.10.7 A lined pond is proposed at the north-western corner of the site to provide attenuation storage. A bund would be constructed between the pond and the A5 to prevent exceedance flows impacting on the public highway. A 'crate' system would be constructed adjacent to this to deal with overflow. This system would itself also have an overspill comprising a shallow depression. The water supply would be from the public mains supply. Highways England has confirmed that the proposed drainage works, which would be close to the trunk road boundary, are acceptable in principle. Detailed designs can be agreed as part of a planning condition.
- 6.10.8 Foul drainage: There is no mains foul water drainage system within close proximity of the site. A package treatment plant would be installed and treated effluent would be discharged to ground via a drainage field.
- 6.10.9 Ashes management: It is anticipated that 10-20% of cremated remains would be scattered or interned on site. A condition can be added to the decision notice to prohibit disposal of ashes within specific distances to water supplies and watercourses, as recommended by the Environment Agency.
- 6.10.10 No objections have been raised by the Council's drainage consultant, the Public Protection team, or the Environment Agency and it is considered that the proposal does not raise significant land-use planning issues in respect of pollution and water management. Further control over emissions would be regulated by the required Environmental Permit.

7.0 CONCLUSION

- 7.1 The planning application for a crematorium on land to the north of Nesscliffe demonstrates that existing crematoria in the area are operating significantly above their practical capacity. The proposal would provide a facility which is within a 30 minute cortege drive time of over 85,000 people including communities in parts of Oswestry and Shrewsbury. It would provide additional crematorium capacity for the area and officers accept the need for a new facility in this general area, and consider that a countryside location can be justified in relation to Core Strategy policy CS5.
- 7.2 The proposed siting meets the criteria as set out in the Cremation Act 1902, and the design and layout of the development is generally acceptable. It is considered that satisfactory access can be provided to the public highway, and that the local highway network can accommodate the anticipated traffic that would be generated. Whilst it is accepted that the site is some distance from the main centres of population, the site is well located in relation to principal highways and is in a generally accessible location, and sustainable transport modes would be likely to be used.
- 7.3 The existing land uses of the area, including MOD activity, have been taken into account and it is not considered that the proposal is incompatible with these. The proposal would not adversely affect residential amenity and any harm to heritage assets would be outweighed by the benefits of the proposal. The Habitat Regulation Assessment, included as Appendix 1, considers that there is no legal barrier to planning permission being granted in relation potential impacts on designated ecological sites, and enhancements to biodiversity would be provided through landscaping measures. Satisfactory information has been submitted to demonstrate that the siting is acceptable in relation to likely air emissions from the cremator, and detailed regulation of this process would be provided through the required Environmental Permit. The proposed design would incorporate acceptable sustainable water management measures, the precise details of which can be agreed by planning condition.
- 7.4 The proposed development would result in adverse landscape and visual effects on some areas initially, and these are considered to be substantial adverse in relation to visual effects from the Nesscliffe Hills to the east. These impacts would be mitigated in the longer term to a level which is not significant through substantial landscape planting. In the planning balance it is considered that the overall benefits of the scheme are sufficient to outweigh these initial impacts. Officers consider that the proposed development can be supported in relation to Development Plan policy and other material considerations including the NPPF, and that planning permission can be granted subject to the conditions set out in Appendix 2.

8.0 Risk Assessment and Opportunities Appraisal**8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree

with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD8 - Infrastructure Provision
MD12 - Natural Environment
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

PREAPP/18/00421 Creation of a new crematorium to serve Oswestry and north west Shropshire with associated access, car parking and landscaping PREAMD 25th September 2018

18/04543/SCR Creation of a new crematorium for Oswestry with associated access, car parking and landscaping EAN 20th November 2018

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Ed Potter

Appendices APPENDIX 1 – Habitat Regulations Assessment APPENDIX 2 - Conditions
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Habitats Regulations Assessment (HRA) Screening Matrix

1.0 Introduction

The proposal described below has the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the project at Proposed Crematorium North Of, Nesscliffe, Shrewsbury (18/04965/FUL) undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EEC) before the council, as the 'competent authority' under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

Date of completion for the HRA screening matrix:

19th December 2018

HRA screening matrix completed by:

Sophie Milburn
Assistant Biodiversity Officer
sophie.milburn@shropshire.gov.uk
Tel.: 01743 254765

2.0 HRA Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

2.1 Summary Table 1: Details of project

Name of plan or project	18/04965/FUL Proposed Crematorium North Of, Nesscliffe, Shrewsbury, Shropshire
Name and description of Natura 2000 site	Fenemere Midland Meres and Mosses Ramsar Phase 1 (16.34ha) is a particularly rich and interesting mere with eutrophic water. Fenemere is also important for its rich aquatic invertebrate fauna. It is included within the Ramsar Phase for its open water, swamp, fen, wet pasture and Carr habitats with the species <i>Cicuta virosa</i> and <i>Thelypteris palustris</i> .
Description of the plan or project	Erection of a new crematorium with associated access, car parking and landscaping

Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

2.2 Statement

Fenemere Midland Meres and Mosses Ramsar Phase 1 lies approximately 7km to the north-east of the proposed development site.

As stated by Natural England in their consultation response, the air quality assessment submitted in support of the application indicates that the emissions will be below the threshold that the Environment Agency considers significant for impacts on designated sites.

The proposed development site does not lie within the water catchment for Fenemere and there is no surface water link between the site and Fenemere.

No increase in recreational pressure is anticipated as Fenemere is not publicly accessible.

It is concluded that there are no pathways between the development and Fenemere which could cause an effect, alone or in-combination with other plans or projects. An appropriate assessment (HRA Stage 2) is therefore not required.

There is no legal barrier under the Habitats Regulations Assessment process to planning permission being granted in this case.

3.0 Guidance on completing the HRA Screening Matrix

The Habitats Regulations Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitats Regulations Assessment of Local Development Documents (Revised Draft 2009).

Habitats Regulations Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulations Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

APPENDIX 2 - Conditions**STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to changing ground levels within 5 metres of the trunk road highway boundary and/or crest of the A5 Earthwork, a detailed assessment of slope stability and water retaining soil bund design will be prepared in accordance with HD22/08 Managing Geotechnical Risk, BS6031:2009 Code of Practice for Earthworks, BSEN1997-1 +A1:2013 Geotechnical Design and BS8002:2015 Code of Practice for Earth Retaining Structures and submitted to and agreed in writing with the local planning authority and Highways England. The ground alterations works must be implemented in accordance with the approved plans prior to use of the development.

Reason: To maintain and protect the structural integrity, and thereby the safe operation, of the Strategic Road Network.

4. No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding; to ensure compliance with requirements set out in DfT Circular 02/2013 paragraph 50; to ensure the continued safe operation of the SRN.

5. No development approved by this permission shall commence until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest.

6. No development shall take place until a Soil Resource Plan for the site has been submitted to and approved in writing by the local planning authority. The approved Plan shall be carried out as approved. The details shall include:

- the areas of topsoil and subsoil to be stripped;

- the methods of stripping;
- the location and type of each soil stockpile;
- the soil replacement profiles;
- the means of preventing soil compaction.

Reason: This will ensure the soils are in the optimum condition to promote healthy plant growth, and long-term site screening.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

7. No above ground work shall be undertaken until details of the noise mitigation measures to the proposed crematorium building have been submitted to and approved in writing by the local planning authority. The building shall not be brought into use until the mitigation measures have been completed.

Reasons: The proposal may be sensitive noise receptors to existing traffic noise on the SRN and other noise in the area. The condition is to protect future occupiers from the potential noise impact from existing uses.

8. No above ground works shall commence until samples and/or details of the roofing materials and the materials to be used in the construction of the external walls, doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

9. The use of the crematorium shall not commence until the bicycle stands, including any covers proposed, have been constructed in accordance with a scheme to have received the prior written approval of the local planning authority.

Reason: To ensure a satisfactory appearance of the development and facilitate the use of the site by cyclists in the interests of sustainable patterns of travel.

10. No above ground works shall take place until a detailed hard and soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:

- the materials to be used for all paved surfaces;
- plant species, sizes, densities, method of cultivation and planting, means of protection and maintenance, and programme for implementation. This is for all grassed areas, tree, shrub and hedgerow planting, including inter-planting gaps in the existing hedgerows.
- area proposed for memorial planting and list of species proposed for this area.

Other than memorial planting, the landscaping shall be maintained for a minimum period of 5 years. Maintenance shall include the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective. The replacement shall be another plant of the same species and size, and at the same location, as that originally planted.

Reason: To ensure the implementation and protection of the landscaping of the site in order to protect the visual and landscape character of the area.

11. The development hereby permitted shall not be opened for operation until a signage and routing strategy for the local highway authority roads has been submitted and agreed with the local planning authority and the physical measures implemented in accordance with the agreed strategy. The crematorium shall not be operated other than in accordance with the approved strategy.

Reason: To help minimise the amount of traffic using the Holyhead Road through Nesscliffe.

12. Prior to the development hereby permitted being first brought into use, the access layout and visibility splays shall be implemented in general accordance with the Drawing OSWO1_P003 rev F.

Reason: To ensure a satisfactory means of access to the highway.

13. Prior to the commencement of the use hereby permitted a visibility splay measuring 215 x 2.4 metres to the nearside carriageway edge shall be provided to each side of the access where it meets the Holyhead Road and such splays shall thereafter be maintained always free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

14. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the spaces shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

15. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy that sets out appropriate actions to be taken during the works.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

16. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition), and minimise light pollution. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species, and light pollution.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

17. Condition: All internment or scattering of ashes shall not take place within a minimum distance of: 50 m from a potable supply (including wells and boreholes); 30 m from a water course or spring; a minimum of 10 m distance from field drains. Internments shall take place within the unsaturated zone (between the land surface and the water table).

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

4. Highways England advice:
In relation to the proposed bund, Highways England has advised that the principle of this appears acceptable, however, as the bund is located with 5 metres of the SRN Boundary, detailed design of the proposed water retaining soil bund and a supporting slope stability assessment in accordance with DMRB standard HD22/08 Managing Geotechnical Risk must be provided to demonstrate the structural integrity of the earthwork is sound for its intended purpose, and that it will not impact on any SRN assets or the safe operation of the A5 in accordance with DfT 02/2013 para 49.

5. Highways advice:

i. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to: construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

ii. Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

6. Environment Agency advice:

Pollution / enforcement note: Operators of cemeteries should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The Environment Agency has powers under the Environmental Permitting Regulations 2010 to take action where groundwater pollution occurs, or is likely to occur.

If pollution was to occur, Section 161, Water Resources Act 1991 empowers us to recover all costs reasonably incurred in:

- carrying out works, operations or investigations to prevent pollution of surface waters or groundwater;
- undertaking remedial action following a pollution of surface waters or groundwater.

Should we be required to undertake such work we would be able to recover these from the company or person responsible.

Advice to Applicant: Dewatering the proposed excavation (if required) may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Should the proposed activities require dewatering operations, the applicant should locate all water features and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features.

The applicant should note that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. On 31st October 2017, DEFRA/Welsh Government (WG) announced that the transitional arrangements for licensing of the currently exempt abstractions for trickle irrigation, quarry dewatering, geographically exempt areas and other exempt abstractions will come in to force on 1st January 2018. The applicant should contact the National Permitting

Service (NPS) to confirm the legal requirements. When scheduling their work, the applicant should be aware that it may take up to 3 months to issue an abstraction licence.

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

7. Ecology team advice:

Nesting birds

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a

height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Landscaping

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.