



Committee and Date  
 Northern Planning Committee  
 8th June 2021

Item  
**7**  
 Public

**Development Management Report**

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**Summary of Application**

<b>Application Number:</b> 20/01957/FUL	<b>Parish:</b>	Bicton
<b>Proposal:</b> Mixed residential development of 340 mixed (including 51 affordable units) with associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and biodiversity enhancement areas. (AMENDED DESCRIPTION)		
<b>Site Address:</b> Development Land At Churncote Off Welshpool Road Bicton Heath Shrewsbury Shropshire		
<b>Applicant:</b> Barratt David Wilson Homes (Mercia)		
<b>Case Officer:</b> Philip Mullineux	<b>email :</b> planning.northern@shropshire.gov.uk	

**Grid Ref:** 345331 - 313496

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**Recommendation: Approval subject to the conditions as outlined in appendix one and any modification to these conditions as considered necessary by the Planning Services Manager and the signing of a Section 106 agreement in accordance with the Town and Country Planning Act 1990 in reference to the points as outlined in paragraph 6.8.3 of this report.**

## **1.0 THE PROPOSAL**

- 1.1 The application is made in full and proposes a mixed residential development of 340 dwellings, (including 51 affordable units) with associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and biodiversity enhancement areas on land at Churncote off Welshpool Road, Bicton Heath, Shrewsbury.
- 1.2 The application was significantly amended during the application processing in order to give further consideration to the site layout and biodiversity issues which lead to a reduction from 345 to 340 dwellings and the retention of one of the ponds that has become established on site which represents a natural pond of ecological interest. Included in support of the application are a site location plan, layout plan, elevations and floor plans, design and access statement, planning statement, street lighting plan, flood risk assessment and drainage strategies, landscape and visual impact assessment, landscape master plan, tree retention/removal plan, planting species plan, boundaries treatment plan, ecological appraisal and supporting statements, transport assessment, travel plan, heritage statement, arboriculture assessment, noise survey, air quality assessment, construction environmental management plan, habitat management and maintenance plan, geo-environmental plan, boundaries materials treatment plan, phasing plan and a refuse layout plan.
- 1.3 The application proposes 240 dwellings consisting of:  
8 – 1 bedroom dwellings  
60 - 2 bedroom dwellings,  
199 - 3 bedroom dwellings  
73 - 4 bedroom dwellings  
(51 - dwellings are classed as affordable housing).

The application also proposes open space provision, a play area, attenuation ponds to the north of the site and retention of an existing natural pond in the south eastern section of the site and retention of some off the existing native trees on site. The main vehicular access into the site is proposed off Welshpool Road alongside the site's southern frontage.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site which is mainly grade 3 agricultural land, covers an area of approx. 12.557 hectares is mostly a relatively flat field that has been in arable production and is located on the edge of the area known as Bicton Heath, alongside the western fringe of the built up area of Shrewsbury. Part of the site also consists of a small haulage depot and thus a small area of the application site classed as a brown field site. Alongside the western boundary is Calcott Lane which runs north to south, Shepherds Lane runs north to south alongside the site's eastern boundary. Both these lanes have

dwelling dotted alongside their respectful road frontages with dwellings much more numerous alongside Shepherd's Lane. Alongside the site's southern boundary is Welshpool Road, (B4380). To the north of the site is further farmland and alongside the northern boundary of the site and within the field that forms part of the majority of the application site is allocated land for construction of the proposed 'Shrewsbury Relief Road, which will run from the direction of 'Churncote traffic Island' to the west of the site in a north easterly direction through Shepherds Lane. The proposed attenuation ponds and some open space provision is provided for on the other side of the land allocated for the proposed link road. (Subject to a separate formal planning application). Inside the site are two established footpaths. Boundaries consist of native hedgerows and trees, with a number of significant specimen trees dotted within the site. To the south eastern side of the site 3 ponds during recent years have become established. One in particular appears to have quite significant natural vegetation established around the pond's edges. The other two are not so well established in relation to vegetation and water levels are not consistent and especially during summer months when they can become dry.

- 2.2 The application has been screened in accordance with the Town and Country Planning Environmental Impact Assessment Regulations 2017 and a screening opinion dated March 2<sup>nd</sup> 2021 has established that an Environmental Statement is not required in support of the application. Consideration has been given to the significant information submitted in support of the application when assessing if an Environmental Statement was required against Schedule 3 criteria of Environmental Impact Assessment Regulations 2017.
- 2.3 The site forms part of a wider site that has a planning history in that planning application reference 14/00246/OUT: Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure was granted subject to conditions and a Section 106 agreement on 13th September 2019. The Section 106 agreement made provision for land allocation for the Link Road and a contribution, newt mitigation, public open space provision, sustainable urban drainage scheme and the provision on site of 45 number affordable houses.
- 2.4 The major changes in relation to the application under consideration compared to the previous approved application for development on site, (Outline with only landscaping reserved), are the number of dwellings has increased owing to what the applicants indicate as changes in the market conditions and the requirement for smaller dwellings to be provided thus increasing in number from 296 to 340, the accommodation mix now proposed demonstrates a focus around the delivery of smaller house types on site. The number of accesses from the surrounding roads to the site have been significantly reduced. There is no vehicular access now proposed from Shepherds Lane as the access to driveways have been removed. A number of accesses previously proposed to driveways from Calcott Lane have also been removed. Access into the site now mainly from Welshpool Road, with two access points to small cul-de-sacs off Calcott Lane. The current proposal also retains one of the ponds that has recently established on site.

- 2.5 The current application under consideration was amended from original submission which resulted in 340 dwellings instead of 345 to take account of:
- Retention of existing pond in the south west corner of the development site
  - Reorientation of the development to take advantage of the aspect of the retained pond in development and open space terms
  - Inclusion of details of the public open space details on land to the north of the proposed Northern West Relief Road (NWRR)
  - Inclusion of biodiversity enhancement area to the west of Calcott Lane

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application in accordance with the Council's constitution is presented to Committee in consideration of Bicton Parish Council's response to the application.

### 4.0 Community Representations

- 4.1 Bicton Parish Council have responded indicating:

*The following is supporting evidence that Bicton Parish Council (BPC) wish to be considered to support the fact that it continues to be strongly opposed to the planned development off Welshpool Road. Despite the fact that the amendments made on 16<sup>th</sup> March 2021 do progress a few of the concerns previously expressed in the BPC response of 15/02/21 many of the most significant issues with the plans still remain.*

*As a full set of the latest documents has not been issued it is assumed that any document in the previous 'amended' set that is not included in this latest 'revised' set is still relevant and so comments against any of the previous 'amended' documents that aren't revised in the latest issue are still considered to be relevant and are included here for completeness.*

*1. An overriding issue is that the documentation supporting the new layout is often inconsistent or confusing and information that was readily apparent in the initial application is no longer so easy to find, if it is available at all. Also, it is not clear that adequate notice has been given as there has not been a new posting of a Site Notice and notifications to neighbours appears to have been limited. Examples of issues include but aren't limited to:*

*Number of properties – whilst the application description and form have been belatedly updated on 02/02/21 to show the application is for 340 dwellings including 51 affordable units that was unclear for the initial part of the review period as the description on tracking emails still showed 345 dwellings including 52 affordable units until as recently as 11/04/21. Inconsistencies such as this have made it very difficult to be sure exactly what is being proposed and give little confidence that the plans can be relied on to be an accurate representation of what will happen.*

*West Midlands Design Charter response – at Principle 1 this states that more information can be found in the accompanying Planning Statement. Whilst that was a very helpful document for the last application it appears not to have been updated and so a lot of information in it is no longer up to date.*

*West Midlands Design Charter response – at Principle 4 the application*

*is supported by statements that are out of date or misleading e.g. the existence of a local veterinary surgery and the Four Crosses Public House neither of which were in existence at the time the plans were resubmitted. There is also a mention of schools such as Shrewsbury School which will be out of the reach of most residents with fees starting at £8,500 per term and Walton High School which isn't even in the area.*

*Amended travel plan – whilst the body of the document has been updated the fact that the illustrative masterplans at Appendix A are for the previous layout does not inspire confidence that the most recent plans have been properly considered.*

*Inconsistencies across documents – As examples the Transport Assessment Addendum and Transport Plan show different distances to the same asset e.g. the distance to the local centre ranges between 400m and 700m and the distance to the Oxon School ranges between 800m and 1100m. Also, the Environmental Noise Assessment mentions a 2.5m fence in areas where noise is expected to be high whereas the Materials and Boundary Treatment Plan suggest a 1.8m wall topped by a 0.7m close boarded fence. The resultant protection from noise might be the same but the inconsistencies impact on any confidence that the plans are accurately represented across all the documents which could lead to issues if development proceeds.*

*Revised Masterplan inaccuracies – on the diagram the shading of grass to the rear and the front of properties is the opposite to how it is described in the key.*

*NWRR approval – some documents still state that the new road to the north of the site is already approved which is incorrect.*

*Application form omission – at point 6 the boxes relating to existing rights of way has not been completed to show that there is an impact from these proposals.*

*Whilst individually these issues might appear minor, when considered across the totality of the plans they reduce confidence in the conclusions put forward. They indicate a lack of understanding of the current situation in the local area and therefore don't seem to provide a sound basis for some of the proposed benefits of the development nor do they provide a sound basis from which to base an approval to proceed. The fact that the latest amendments submitted on 16/03/21 do not appear to address any of these points suggests a lack of quality control which could be very significant if the same lack of control is apparent if this project is allowed to move into the development phase.*

*2. The National Planning Policy Framework (NPPF) at paragraph 8.a suggests an objective of sustainable development should include the identification of and co-ordination of the provision of infrastructure. Whilst the updated Design & Access Statement does seek to identify local infrastructure I think the conclusions drawn can't be justified for the following reasons:*

- a) Access to schools – there is a statement that there are 4 primary and 5 secondary schools within 5 kms. That statement is believed to be incorrect and therefore is not justification that this should be considered as a sustainable development from the perspective of schools.*
- b) Capacity of local schools - local schools are close to capacity with recognition in*

*the Shrewsbury Place Plan of the need for an additional primary school and a review of secondary school places but with no firm plans for provision. There doesn't appear to be an updated forecast of additional pupils in the new documentation so as there are already concerns about local capacity it is important that these estimates are reviewed before approval could be considered to ensure there is not an adverse impact on school places for current and future residents.*

- c) Local centre – part of the justification that this is a sustainable development is the proximity of the local supermarket. That supermarket is quite small and therefore is unlikely to be able to meet the full needs of a family for a large weekly shop. There is no provision for a new shop in this application which is likely to mean a significant increase in traffic to get to supermarkets on the other side of Shrewsbury which will have an impact on residents and may increase the traffic through Shrewsbury.*

*3. The NPPF at paragraph 8.b suggests an objective that sustainable development should be a safe environment with accessible services and open spaces. The revised Design & Access statement (page 27) now suggests that despite the previously stated concerns over the apparent lack of useful open space the latest design submitted on 16/03/21 actually reduces the provision from 13.97 acres of Public Open Space to 13.59 acres against a requirement of 13.55 acres. The argument that there will be significant open space off-site to the north of the proposed North West Relief Road (NWRR) seems to be spurious given that the NWRR is likely to make that area difficult to access. Furthermore, whilst there are some improvements to the plans for open space onsite the fact that a lot of it is made up of small pockets between drives, around car parks, on street corners and on the boundaries of the site which will be taken up with hedges suggests that the usable open space will be significantly less than claimed. If usable open space were to be properly considered it is felt that the proposed provision would not meet Shropshire Council's requirements and therefore is not fit for approval.*

*4. The NPPF at paragraph 8.c suggests an objective of sustainable development should be that it protects and enhances our natural environment. This application certainly does not meet these criteria and could be argued to have the opposite effect. The NPPF states that there should be a presumption in favour of sustainable development. As this application does not meet 3 of the key objectives of sustainable development that presumption should not apply to this application.*

*5. The NPPF at paragraph 91.c suggests that plans ought to enable and support healthy lifestyles through providing layouts that encourage walking and cycling:*

- a) Walking – at paragraph 98 it states Public Rights of Way (PRoWs) and access should be protected and enhanced. Far from meeting these criteria this application actually removes the opportunity for walking by effectively making two PRoWs far less attractive to walk. Arguably the route of the PRoW which runs through The Park area is an improvement over the previous plan but is still not ideal. It is noted that the other PRoW is now not along the main avenue given as that has been re-located and the original main avenue is now closed to through traffic. Even with that improvement it is still felt that the ProW is effectively lost when compared with the situation today as it still means walking*

*through an estate rather than open fields. This application, if developed as outlined will have a significantly detrimental impact on walkers and therefore any consideration that it should be approved ought to only be the case if it is considered acceptable that the PRoWs are effectively lost.*

- b) Cycling – It is interesting to note that there are now plans for the provision of cycle storage which is an improvement on previous plans. However, the low provision of garages and the consequential lack of storage space will probably mean that cycle storage will be inadequate for a family given the latest Transport Assessment (page 19) states there will be 1 cycle space per unit. Even if cycles can be successfully stored their use is likely to be very limited as the roads are narrow, pavement parking is inevitable and so safe spaces for anyone, particularly children to cycle are going to be few and far between. Given the government focus on encouraging cycling these plans should be reconsidered as far from encouraging cyclists this plan seems more likely to increase dependency on the car.*
- c) The self-binding gravel paths shown on the revised Landscape Masterplan appear to be of varying widths, with some looking to be quite narrow. Are these paths intended to be for use by pedestrians and cyclists? If they are will all the paths be sufficiently wide for all users to use them safely?*

*6. At paragraph 102.e the NPPF indicates that parking and other transport considerations should be considered as they contribute to a high-quality development. This development fails to make adequate provision for parking and transport and should therefore be rejected for the following reasons:*

- a) Parking – a recent survey of existing houses in Bicton concluded that 25% of households park 3 or more cars which already results in on street and on pavement parking in areas that are much less densely populated than this development. This proposal often allows for two spaces near to a house but also includes a lot of off plot parking which could lead to disputes amongst neighbours given there is likely to be more demand for parking than spaces.*
- b) Parking for visitors – The revised plans are not at all clear on visitor parking but if anything the situation looks to be even worse than on previous iterations of the plan. This is particularly apparent in the North West corner where there seems to have been an increase in groups of off-plot parking spaces. There are large areas of the site where it will not be safe for visitors to park cars which is likely to lead to allocated spaces away from dwellings being used by visitors. The densest part near Calcott Lane still looks to only have one space for visitors which is very close to the entrance from Calcott Lane. This will be inadequate for more than 50 dwellings. There appears to be no provision for the parking needs of disabled visitors as evidenced on the latest application form which shows there is no disabled parking provision at all onsite.*
- c) Revised layout north west corner – the new layout which has moved most parking away from dwellings meaning that a lot of spaces are unlikely to be fully visible from the dwelling. All the car parking is now on the edge of the development. That fact together with the remoteness from the dwellings seems to leave an unacceptable risk of high rates of car related crimes. Furthermore, of the 25 spaces on the north west boundary only one seems to be allocated to visitors. That will effectively be useless for visitors as even if they could find it the probability is that it will be in use by a resident as some dwellings only have*

*one allocated space.*

- d) Deliveries – the fact that there will inevitably be parking on the streets and pavements is likely to mean that delivery lorries will find it very difficult to make their deliveries and may even be prevented from getting close to the house they need to get to because of parked cars.*
- e) Emergency vehicles – the same limitations on access are likely to apply to emergency vehicles which could make it difficult for them to reach people in need.*
- f) Waste collection – the lorries collecting waste will experience the same difficulties as a result of parking on the streets, but this will be exacerbated by the fact that there are parts of the development at the end of cul-de-sacs without turning circles which will necessitate that lorries will need to reverse to turn around and get out of some of the waste collection points.*

*7. The response to Principle 7 of the West Midlands Design Charter – Technological Resilience isn't clear on what provision this application makes to comply with the goal that "new development should harness technological innovation from the outset":*

- a) Electric vehicle charging – the response states that houses "have been designed to accommodate electric charging points" but isn't clear on whether they will be provided as is suggested as a requirement at paragraph 110.e of the NPPF.*
- b) Smart meters – the response states that each "dwelling has the potential to be equipped with a smart meter" which presumably means that won't be provided with one from the outset.*
- c) High speed internet – the response also states that the "scheme will be connected to high-speed internet" without any indication of how this will be provided. Some of the nearby areas suffer from poor internet performance so more details of how reliable high-speed internet will be provided is needed.*

*Given the Government's desire to move away from petrol and diesel cars, rollout smart meters and improve broadband connectivity it should not be possible for a developer to have plans approved without a clear commitment to the future proofing of dwellings through the provision of these technological features. As a result of the fact that the response to the West Midlands Design Charter has not been included in the revised documents it is assumed there has been no improvement to these aspects.*

*8. With regards to the Arboricultural Assessment there has been an improvement in that it is clear that the changed layout has preserved tree T21 and apparently T20 and increased the open space around T21. Beyond that however the full impact of the planned removal of tree and hedges is less clear than the previous assessment as the table (Table 3: Summary of impact on tree stock in the document from March 2020) which clearly listed all trees and hedges to be fully or partly removed has not been included in the updated view.*

- a) Impact on trees – the lack of the table mentioned above means it is very difficult to assess exactly what is being proposed. As an example, at paragraph 5.11 it shows that there are 12 category 'A' trees affected by the proposal and then concludes that 12 of the 11 will be retained. It is assumed that should read 11 of the 12 but it is not clear which tree is now to be removed. There is a*



- reference to a tree retention plan 5326-T-03 Rev E but that is not included in the documentation.*
- b) Tree loss – in the revised Addendum to Arboricultural Assessment (November 2020) it states that “overall the level of tree loss is acceptable for this scale of environment”. This seems to be dismissive of the impact of tree loss and whilst it might be that similar size developments experience similar tree loss that does not in itself make tree loss acceptable. As an example, hedge H8 which contains several trees is all to be removed. Surely with a bit more care it would be possible to create a less dense plan that could incorporate that hedgerow and trees into the boundaries between dwellings rather than just consider it as an “acceptable loss”?*
  - c) Hedges – the fact that many of the hedges seem to be planned to be partially removed is very unhelpful in terms of understanding the impact of this development. Partial could be anything from 1% to 99% removal and so more clarity of the plans is required before a meaningful assessment of this plan could be undertaken.*
  - d) Risk to retained trees – it is noted that the area around the retained tree T21 has been enlarged which will hopefully remove the previously stated concern of impact on the root system although trees are still very close to the road and will require appropriate protection to avoid damage.*
  - e) New planting – the revised plans confirm planting plans that are along the edge of the ‘Link Road footprint’ both to the south and the north of the proposed road. Is the proposed planting consistent with the recently published plans for the NWRR or will the planting be significantly delayed or perhaps even prevented if the road is approved?*

*It is noted that a revised Addendum to Arboricultural assessment is included in the latest document set but it is felt that it still falls short of providing the clarity that is needed to fully understand how the plans will impact on trees and hedges. A revised version of the document should be provided for review before the plan is accepted to ensure there is no doubt about what is being proposed.*

*9. The latest proposed layout persists with proposing 340 dwellings despite feedback that this will be unacceptably dense given it contains a higher number of dwellings than on the original layout. There is nowhere in the application where a substantive reason for the increase from the original plan has been provided by the developer and the new proposal continues to ignore the request from Shropshire Council that 17 dwellings be removed from the layout which contained 345 dwellings. BPC maintain the view that the original plan for 296 dwellings was too dense as even at that level it was out of keeping with the area and demonstrated many of the following issues associated with cramming too many dwellings into the space available. It would be inappropriate for this application to be approved until the adverse impacts of over-crowding have been addressed by a significant reduction in the number of dwellings planned, preferably to below the original plan for 296, so that the key aims of the NPPF i.e. access to open spaces and the provision of a safe and healthy environment are achievable. Some of the potentially adverse impacts of the unacceptably high density proposed are as follows:*

- a) Waste collection points – the density of the houses means that many houses will have to take their waste to a collection point a lot of which are now*

*concentrated around the edge of open spaces. This is a very undesirable approach as there is a high risk that some bins will be left at the collection point rather than taken back to individual houses. There is also a high risk that on windy days the amount of rubbish that will be left around the collection points or end up in people's gardens or across the open spaces will be unacceptable. The density should be reconsidered so that waste collection points aren't necessary.*

- b) Waste collection from drives – the revised Car Parking and Refuse strategy plan shows that most dwellings have individual pick up points on their drives but there are some plots e.g. 128, 129 and 130 where it looks as though pick up points from a drive might be shared by neighbours. An outcome where neighbours are expected to leave waste on each other's drives, if that is the intention, should be avoided as it is highly likely that issues will arise.*
- c) Parking – the density means that it is not always possible to have cars parked in clear view of the house as is desirable to limit the risk of crime. The main example is between plots 291 and 292 where there are 10 parking spaces in a parking area. The access to these parking spaces has been improved on the latest revision of the plan but the location which is setback from the road behind houses suggests this could become a meeting place with the potential for disruption to surrounding houses. There is also a smaller example between plots 176 & 177. Again, steps to reduce the density ought to be taken to enable a more acceptable plan from a parking perspective.*
- d) Access to gardens – access to rear gardens does seem to have been improved on the latest proposal but there is still at least one example where the garden is not accessible from the dwelling i.e. plots 230 & 231. The desire to squeeze extra houses in seems to be at the expense of creating a desirable location for people to live and should be reconsidered.*
- e) Whilst the Shrewsbury and surrounding areas Place Plan does recognise the need for power reinforcement for the Shrewsbury West SUE there are no firm plans that are visible to upgrade the electricity supply for the area and this could cause problems for existing properties. The Place Plan states that work carried out in 2018 would provide minimum capacity to develop the SUE West and suggests capacity would only be available on a first come first served basis. More details of how and when the electricity requirements of the increased number of houses in this development will be satisfied are needed to ensure no adverse impacts on existing or new residents.*
- f) There is no obvious mention of whether the new residents will have access to existing doctor's or dentist's surgeries nor any mention of a provision of new surgeries. It is already difficult to get an appointment in the near future so more clarity should be provided on how access to a local doctor and dentist will be enabled should be provided to ensure the situation for existing residents doesn't worsen.*
- g) Infectious diseases transmission – the lack of open space appears to be a very significant issue in the light of the current Covid-19 pandemic. There has been talk in the press about a possible future flu pandemic and the fact that one is overdue. Given the possibility that there will be another respiratory pandemic in the lifetime of these houses the plans ought to consider how to make more space available as the current layout would be a very difficult if not an impossible environment in which to achieve the levels of social distancing required in such a crisis.*

- h) The desire to squeeze more homes into this space has resulted in the plots for many, particularly on the Calcott Lane side of the development, to be unacceptably small.*
- i) The density means that the retained pond is closely surrounded by roads and dwellings which raises the potential risk of contamination or pollution. What safeguards are planned to avoid these issues and who would be responsible for resolving them if such issues do occur?*

*10. This application appears to meet the requirement for inclusion of affordable housing but gives rise to a few questions as to whether the provision is being allocated appropriately.*

- a) Allocation of dwellings – the plans give no details about how the allocation of these houses will be carried out. Assuming there are local people who would wish to take advantage of this housing will they be given priority over people coming from outside the area?*
- b) Distribution of dwellings – Whilst the cluster of affordable dwellings has been reduced in the north west corner so that it complies with the statement that clusters will not exceed 16 dwellings this still seems unacceptable when compared to local guidelines. This cluster seems to still be contrary to two Shropshire planning documents i.e. Shropshire Local Development Framework Adopted September 2012 and the pre submission draft of the Shropshire Local Plan 2016 to 2038. The first of these suggests “pragmatic groupings of up to six properties” and the second states an expectation that affordable housing will be provided “as an integrated part of the development and promote social inclusion”. This proposal is clearly not in keeping with those expectations and therefore should be reconsidered before any approval is granted.*

*12. The latest proposed location of the play area is an improvement on previous proposals. It is noted that the layout is considered to be indicative but regardless of that the space allocated still looks to be very small for the size of the development and it will probably not be very accessible to children from the Calcott Lane end of the development. So, whilst the improved location is welcomed the lack of information about the design e.g. provision of benches, litter and dog bins is a concern and it still feels like a different solution is required to ensure an outcome that will be safe and accessible to all children in the development.*

*13. The Landscape and Visual Impact Addendum seems to present an unrealistically positive view of the impact of the development, partly caused by the inclusion of out of data photos. In the early part of the document it describes the aims of the NPPF which for example at paragraph 2.2.15 talks of the development functioning well and adding to the overall quality of the area over the lifetime of the development. It is felt that this proposal can't be considered to add to the quality of the area at all, in fact it will have an adverse impact. As for the impact over the lifetime of the development it seems likely that the density will mean that over time the adverse impact will worsen. Some of the conclusions in the Addendum state that there will be a major moderate adverse residual visual effect which is considered significant but there is no mention of any mitigation measures that might lessen the impact.*

*14. The travel plan seems to present a positive view of what may happen which*

*seems to be exaggerated for the following reasons:*

- a) The target on page 34 sets a goal of a 7.8% reduction in vehicle trips generated by the development which will be monitored over 11 years from the start of development. The previous plan set a target for a 7.8% reduction to be achieved within five years of occupying the first dwelling. Aiming to allow twice as long for a target to be met seems unacceptable and seems to ignore the unwelcome fact that over 90% of the generated vehicle trips will persist with the inevitable consequences for local roads.*
- b) Mention of Oxon Park and Ride – this is noted as a local bus service but by the time the development completes that is highly unlikely to be the case. The nearest park and ride is actually proposed to be on the other side of Bowbrook which if anything is likely to increase traffic along Gains Park Way to get to the new Park and Ride. Additionally Park and Ride bus services are not intended to be used by walkers and so even if plans to move the site change and the existing site continues it will not be available to new residents unless they use their cars.*
- c) Local facilities – the table of local facilities presents an overly positive view of the amount and accessibility of local facilities. Whilst most of them do exist the lack of a safe cycle network means that most of them will in reality only be reached by car. The list of GPs suggests that there are several within easy reach whereas in reality there is only the Mytton Oak Surgery which is already very busy.*

*15. With regards to the transport assessment it largely deals with the additional traffic volumes from 44 additional dwellings having concluded that the original plan for 296 dwellings wouldn't have an adverse impact on the local highways. The latest response from Highways England which follows consultation with the developers has removed the requirement for additional details of the traffic assessment but as those details discussed in the consultations do not appear to be available for scrutiny it is still felt that the conclusions are incorrect as the evidence to the contrary is not available. It is not clear when the data collection for traffic modelling was carried out so it is felt that lockdown might have impacted the statistics given that prior to lockdown there were already queuing issues at Churncote roundabout. In addition, there are other current issues on the local roads as listed below that appear not to have been fully considered and so approval should at least be deferred until it is clear these have been considered and addressed:*

- a) Shepherds Lane – whilst the removal of the entrances from Shepherds Lane is a real improvement for the lane there will still be an adverse impact for residents. Currently the junction with Welshpool Rd has limited visibility so turning out of Shepherds Lane, particularly to the right, can be very difficult. The traffic calming measures planned as part of the NWRR proposal look likely to make this junction even more risky to negotiate and so it is highly likely the extra traffic generated by 340 houses will make this junction even more difficult with an increased risk of accidents*
- b) Calcott Lane – if this development takes place before the NWRR there will still be traffic using Calcott Lane to get between Holyhead Rd and Welshpool Rd. It is not clear whether the potential for an increase in traffic on this single-track road has been adequately considered. At busy times Calcott Lane can already*

*by quite difficult given the lane is too narrow for cars to pass in the vicinity of this development. An informal process where people take it in turns to go through this part of the lane works well because there is good visibility and no traffic joining. The exits from this development onto Calcott Lane where cars are likely to join the lane, turning both left and right from behind hedges will make it much more difficult for this informal arrangement to work successfully with the consequence that the risk of accidents or holdups because cars can't pass each other on the lane will be increased.*

- c) Churncote roundabout – this roundabout can already be quite tricky to get onto at peak times particularly from the direction of this development and this is almost certain to worsen if the proposed changes related to the NWRR go ahead. The increased traffic will inevitably lead to longer queues to get onto the roundabout to the point that they may impact on people trying to turn right out of Calcott Lane. With this development Calcott Lane and the Welshpool Road leading to the Churncote roundabout are likely to be much busier and more difficult to navigate with increased risk of accidents.*
- d) Impact of builders and delivery lorries - In addition to normal traffic for the duration of the work the extra traffic caused by building works will put an unacceptable extra strain on the Welshpool road that is already quite busy at peak times and particularly on the very narrow lanes where passing is already difficult. Even before work has started in earnest the recent delivery of a large digger on Calcott Lane made it very difficult for a car to squeeze by and vans or lorries would not have been able to pass.*
- e) Access to the site from Welshpool Rd – the plans do not indicate that there will be any widening of the Welshpool Rd to allow for a turning lane for people travelling west who want to enter the site. As a result, it is very likely that lengthy queues will form behind cars who are struggling to turn right across oncoming traffic.*

*16. The previous planning statement which has not been updated states that the site has poor drainage and concludes soakaways will not be adequate. Further evidence is needed on how the flooding risk will be managed. The continuing lack of such evidence gives rise to the following concerns:*

- a) The revised Flood Risk assessment at paragraph 7.1. still concludes there will be no increased flood risk but the fact that more surface water will drain into the ditches that run alongside Calcott Lane makes it more likely that Calcott Lane, which has flooded twice during the recent wet spell, will flood as a result of water running off from this development.*
- b) Looking beyond Calcott Lane and also taking into account the possible increase in run off of water from the proposed NWRR it is inevitable that a lot more water will flow into Bicton Brook. This brook flows close to the primary school, some properties and public areas in Bicton. Given the recent flooding events on Calcott Lane which seem to be occurring more frequently, has it been proven that Bicton Brook, particularly where it goes through the narrow culvert under Bicton Lane near the church, will be able to cope with the additional water?*
- c) The fact that the local geology has enabled three natural ponds to form in the south east corner of the site which persist even in prolonged spells of dry weather suggest that surface water will always collect in that corner and may therefore become a problem. Whilst the proposed retention of one of the ponds*

*does seem to reduce the risk of flooding a far more certain mitigation to the risk of flooding would be for all three ponds to be retained. This would bring the added benefit of more compliance with the NPPF in that it would help conserve and enhance the natural environment rather than destroy it.*

- d) There is evidence on the internet of issues with new houses where the gardens become unusable because they are too wet presumably through poor drainage provision. Given the apparent drainage issues on the site this seems to be a highly likely outcome for some areas of the site. What evidence is there that the drainage planned will be sufficient to ensure gardens are accessible throughout the year?*

*17. With regards to noise the revised environmental noise assessment still concludes that even taking the NWRR into account there is a low to medium risk that noise will be an issue but does nevertheless recommend screening and enhanced glazing and ventilation. The previously expressed concerns around the basis for this conclusion do not appear to have been addressed and so the following concerns remain:*

- a) At paragraph 2 of the Environmental Noise Assessment it states that the work was carried out between 02/12/2019 and 11/03/2021 a period which includes significant periods when noise would have been lower than normal because of lockdown. This casts doubts on whether the data captured is typical and suggests that the conclusions may be unreliable.*
- b) How were the noise levels that might be generated from the NWRR calculated and how is it possible to know that the proposed locations for a 2.5m fence (figure 9, page 18) will be adequate given that it only provides limited protection around the gardens closest to the NWRR. It is hard to imagine that a fence of any height can reduce the noise for those dwellings closest to the NWRR to the extent that it would be pleasant to spend any time in the garden.*
- c) There will be a lot more noise on Welshpool Rd with a lot of it being from acceleration or deceleration as cars leave or return to the site. No protection, beyond the existing hedgerows, looks to be proposed for this area which leaves a concern that the noise levels might be unacceptable.*
- d) The suggested enhancements to glazing and ventilation (figure 8, page 17) to protect against noise from the NWRR seem to have been applied in a way that will mean that as you move from west to east across the site dwellings are more likely to be exposed to unacceptable noise levels. It is noted at para 11.2 of the Environmental Noise assessment that to achieve the internal ambient noise criteria from BS8233:2014 windows would need to remain closed as acceptable levels could be exceeded if windows are open. This is clearly contrary to the aims of the paragraph 180 of the NPPF which seeks to mitigate and reduce potential adverse impacts from noise and identify and protect tranquil areas that are prized for their recreational and amenity value. It also fails to meet the aims of the West Midlands Design Charter which states new developments should promote wellbeing and good mental health which is surely not the case if it is impossible to open windows because of excessive noise.*

*18. The Shropshire Council SAMDev plan at MD3 (page 28) states that on sites of 5 or more dwellings there should be a mix and type of housing that has regard to local evidence and community consultation. The proposed plans do not evidence*

*community consultation in that a recent housing survey identified that the second choice of building for residents is bungalows which are not part of the proposed development. Furthermore, the mix of housing types and in particular the density is not in keeping with the character of the surrounding area.*

*19. Paragraphs 9.8 & 9.9 of the Planning Statement which has not been updated assert that wildlife will be encouraged by the new trees and landscaping and that habitat for Great Crested Newts will be improved. Whilst there are clear plans to seek to minimise the impact on the natural environment there is no evidence that the result will be an improvement over the existing landscape, and it is hard to see how that could possibly be the case. To use assertions such as these, describe them as planning benefits and conclude that ecological benefits will be maximised is clearly misleading as there will be a detrimental impact on the natural environment regardless of what steps are taken. Furthermore, changing the description of the proposal to suggest that Biodiversity Enhancement areas are included misrepresents that facts that this proposal will have a detrimental impact on biodiversity.*

*20. It is noted that the new ecological impact assessment (210312. R JERS 1991 Rev 1, differs in many respects from the initial ecological assessment posted in May 2020. The changes in the ecological assessment and mitigation measures do not inspire our confidence in the accuracy of evidence supporting the application. Great Crested Newts (GCN) are present in more than the single pond on Calcott Lane (WB09). An ecological assessment by WSP as Appendix 8.4 of the North West Relief Road application notes in 2019 positive eDNA results for GCN in pond WB55 a source for Bicton Brook between Welshpool Road, the A5 and Holyhead Road and GCN were found in 2017 in ponds in the same general locations WB09, WB 12 (on site on Shepherds Lane) and WB29 (off site on Shepherds Lane). All these records are in continuity with records adjacent to Bicton Brook in Bicton Hall and other properties in Bicton Lane and to records in Calcott Lane / Oxon Pool outside of the proposed site and confirmed in other recent surveys for planning purposes. GCN are a priority species in the Shropshire Biodiversity plan and subject to protection under the European Protected Species legislation. BPC note that a district license has been awarded for this scheme in November 2020 with planned mitigation in terms of the creation of ponds on the site from new drainage basins. However disruptive earthworks in Calcott Lane have already been undertaken to form hollows for these ponds and are in close proximity (less than 10m) to the pond on Calcott Lane. This work extended into the March breeding season for GCN and when these ponds had not been formed from the drainage basins. This will have inevitably damaged the population and apparently breached protection legislation.*

*21. Amended trim trail proposal – the plans for the NWRR are not approved as suggested on the layout. The provision of a Trim Trail looks to be a good idea in principle but the proximity to the proposed route of the NWRR with the associated noise and air pollution and the fact that the trim trail crosses the NWRR twice, without any provision of safe crossing points, appears to negate any benefit that might be obtained through providing an exercise route and will probably make the Trim Trail unusable as currently proposed. On reviewing the latest plans for the NWRR it looks as though there will be 2m high fences where it is suggested the trim trail will cross which strongly suggests that the plans for this development and the NWRR are not*

*compatible with each other and that in fact it will not be possible to provide a trim trail that is safe for residents to use? If it does prove possible that the trim trail can be provided with safe access across the road there is no obvious mention of how the trail will be maintained. Who will be responsible carrying out essential maintenance and for covering any associated costs incurred to ensure the trail is safe to use?*

*22. Geoenvironmental assessment – the original outline approval based on the 296 houses included condition 16 which addressed the risk of contamination from the transport depot in the south west corner of the site. An application to partially discharge that condition was made on 27/01/21. SC regulatory services advised that they could not consent to the discharge of the condition on 11/02/21. A way forward to address the condition was suggested in the SC Regulatory Services response but it is assumed this matter will need to be resolved before approval for the current application could be considered. On 23/04/21 a phasing plan was published which suggests the area at risk will be separated from the main development and become phase 2. According to the plans phase 1 cannot be delivered independently of phase 2 as the latter includes the accesses from Calcott Lane. Given the reliance on phase 2 no development should be allowed to start until evidence is available that all investigations into the issues with the phase 2 area are satisfactorily resolved.*

*23. Lack of an over-arching plan – there is nothing obvious in the proposals that address the fact that this development may well be in progress at the same time as work on the NWRR. This will compound any of the issues such as dust and noise management. Whilst these aspects have been considered and planned for in each proposal individually there ought to be an overall plan for how two major developments in the same location can be managed simultaneously if an unacceptable impact on existing residents is to be avoided.*

*In conclusion the applicants having reopened consultation need to consider the implications of the planning application for the Shrewsbury North West Relief Road (21/00924). Consultation on this planning application, since the last consultation on the current planning application, has opened and closed but contains details relevant to the current application. The applicants have made no assessment of cumulative interactions under the EIA Regulations 2017 either as effect or in combinations of interactions. BPC submit that there will be permanent adverse impacts as follows:*

- a) an adverse interaction on residents and users of public rights of way for walkers and cyclists.*
- b) considerable loss of foraging space and flightpaths for bats based on the bat survey conducted by DEFRA with increased bat mortality.*
- c) large adverse visual combination effects in the neighbourhood of the development and the NWRR which will be increased by the proposed increase in housing density which is not typical of the neighbourhood.*
- d) drainage difficulties and possible flooding not at the site of the development but downstream in areas adjacent to Bicton Brook which is the recipient of all water in the combined schemes.*

*BPC accepts that the latest revisions to the plans do include some changes that might be considered to be improvements but it remains strongly opposed to the application being approved as further significant improvements are necessary before any*



*consideration of approval would be appropriate. The scale of the development, the apparent number of concerns, and in particular the proposed density with a wide range of associated issues leads to the conclusion that his development will have a wholly negative impact on the area and therefore should not be approved. This plan doesn't fit well with the established rural character of the surrounding area and that fact together with the undeniable impact on residents on Calcott Lane, Shepherds Lane and Gains Park from the removal of an open space that currently positively encourages and enables local walking means that this proposal should not be approved without prior consideration at Committee.*

4.2 **Shrewsbury Town Council** have responded indicating:

*Whilst the Town Council accepts the need to provide more housing under SAMDev proposals, Members have a number of concerns in respect of this application: Members are unhappy with the increase in the number of properties for this development, increasing from the original 296 to 345, which leads to a higher density of residential premises. and layout of the proposed development. Members would like to see green and renewable energy initiatives incorporated in to the properties. Members have concerns in respect of the school and healthcare provision for the residents of this new development. Members feel that the green space within the plans is inadequate for the density of housing and would like to see more green space provision. Members would like clarification on the affordable housing provision for this development. Members would like to see plans for better cycling and walking routes incorporated in to this development. We also recommend that this application should go before Northern Planning Committee due to the material planning considerations raised.*

4.3 **Consultee Comments**

4.4 **The Environment Agency** has responded indicating:

*I refer to additional information received in support of the above application which was received on the 26 January 2021. The further detail has sought to address matters previously raised including the potential ecological impact as discussed further below. As stated in my previous response, attached for completeness, whilst we commented on the initial Outline application in 2014 (your ref: 14/00246/OUT) we were not consulted on any subsequent reserved matters and discharge of conditions applications. Whilst we would not ultimately object to the proposed development you may wish to seek greater consideration, in discussion with your Ecologist and Natural England, of the ecological mitigation and enhancement offered to offset to losses from the removal of two large natural pools.*

*It is understood that the current application has not, to date, be screened in accordance with EIA Legislation although the previous application, for a smaller number of residential dwellings, was not considered EIA development. As previously stated you may wish to revisit the need for EIA in this instance and seek further Screening/Scoping opinion based on the current proposals as the ecological value of the site has increased with the emergence of natural pools.*

**Ecological Impact:**

*The primary area of consideration with the application, with regards to Biodiversity, is the appearance of three pools on the site and the ecological value of these features.*

*These natural pools, and the surrounding habitat that has developed, represents valuable wildlife habitat and a wildlife network within the landscape, along with the potential for enhanced habitat and amenity value going forward.*

*Grassland and pools have developed naturally on the proposed development site over the last seven years. Species including dragonfly and damselflies, toads newts, aquatic plants, bats and birds now use the site. The amended submission would appear to underplay the importance of the habitat & species present, the sites value as a wildlife corridor and also the future potential wildlife value of the site, which would increase further as the site matured from its former intense arable and grassland use. The ponds and mature hedgerows and trees are habitat types of principal importance for conservation as defined under section 40 of the Natural Environment and Rural Communities Act (NERC) 2006 and were previously defined as Priority Habitats in the UK Biodiversity Action Plan. The NERC Act places a legal obligation on Local Authorities to have regard to these principal habitats which are of the greatest conservation importance when carrying out their functions, such as planning development. Full development of the site may result in the loss of a site which has valuable wildlife that would meet the qualifications required to be designated as a local wildlife site and for many species (bats, dragonflies) the site is of County level importance. The hierarchy of avoid, minimise (impact), mitigate and compensate would not appear to have been fully explored and demonstrated in the application to date.*

*The pools support a variety of species, such as foraging bats, swallows, sand martins, damsel, dragonflies and common toads, which are all declining species. Whilst these species fall outside our direct regulatory remit they should be considered as part of this application and the comments of Natural England and your Ecologist should be sought. This is similarly the case for Great Crested Newts (GCN). The ponds could host both aquatic and terrestrial habitat for GCN and therefore removal of such would require a license from Natural England.*

*Two large natural ponds and their associated wetland edge and scrub habitat will be lost, with the third pond retained, but significantly changed in shape from its current naturally developed and sustained form. Recreational disturbance would also be increased around the retained pond. The proposed mitigation to compensate these losses are a number of small ponds, principally designed for newts and a swale which is part of the sustainable urban drainage scheme for the site. The newt ponds will individually be much smaller and will not support developing reed bed and pond edge scrub which has developed around the large ponds on the site.*

*In line with Section 15 of the NPPF and the Government's 25 Year Environment Plan the development should aim to provide at least 10% biodiversity net gain in addition to compensation of any habitat loss. The new SUDS attenuation basins are primarily designed for water attenuation, so levels will fluctuate considerably and should not be included in the calculation.*

*As previously mentioned you might encourage the developer to use the Biodiversity metric to calculate whether this development achieves this. It is not clear whether the Biodiversity metric had been used to calculate the 10% net gain and how it has been achieved on this site.*

*Whilst we would not be minded to object to the proposed development, and would defer to your Ecologist and Natural England, we would recommend that all of the ponds and a surrounding buffer zone of scrub and grassland is retained as a minimum to retain the principally important habitats and species that this site can support.*

*Whilst we would not be minded to object to the proposed development, and would*

*defer to your Ecologist and Natural England, we would recommend that all of the ponds and a surrounding buffer zone of scrub and grassland is retained as a minimum to retain the principally important habitats and species that this site can support. This site is located above a Principal Aquifer and Source Protection Zone (SPZ3). We consider the previous transport depot/yard and infilled pond areas to be potentially contaminative. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters. We have reviewed the submitted Flood Risk Assessment (RPS, Land off Welshpool Road, Shrewsbury Flood Risk Assessment, Report No: AAC5607, 9th April 2020) which include the Georisk, Geoenvironmental Assessment Shrewsbury West - Housing Land, Report No (12133/1 Date: November 2012) and are satisfied that the risks to controlled waters posed by contamination at this site can be addressed through appropriate measures. However, further details will be required in order to ensure that risks are appropriately addressed prior to the development commencing and being occupied. It is important that remediation works, if required, are verified as completed to agreed standards to ensure that controlled waters are suitably protected. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:*

- 1. The results of a site investigation based on the submitted Geoenvironmental Assessment (as updated) and a detailed risk assessment, including a revised Conceptual Site Model.*
- 2. Based on the risk assessment in (1) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.*
- 3. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (2). The long term monitoring and maintenance plan in (2) shall be updated and be implemented as approved.*

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

*Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.*

*Reason: To protect ground and surface waters (controlled waters) as defined under the Water Resources Act 1991). In addition to the Georisk, Geoenvironmental Assessment, we are also aware that a revised version of this report (dated 2019) was presented in support of 19/05247/DIS. Whilst we were not consulted on the discharge of conditions both versions recommend further detailed investigation and risk assessment of transport yard area of site and further ground investigation to delineate extent of pond infill deposits and detailed foundation design. We will expect to see*

*these recommendations satisfactorily addressed in order to be able to recommend discharge of the relevant contaminated land conditions.*

*Note: Notwithstanding the above comments on the ecological value of the pools it should be noted that dewatering the proposed areas of excavation may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Groundwater was encountered between 0.6 and 3.0m bgl. It is possible that this is perched in the superficial material. Should the proposed activities therefore require dewatering operations, the applicant should locate all water features and sites 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, please note that it may take up to 3 months to issue an abstraction licence.*

*Whilst there are no fundamental concerns, based on the information submitted, we would encourage the 'twin tracking' of the Environmental Permit, with the aim of encouraging more comprehensive submissions and thereby more informed, and speedier decisions i.e. more detailed information should be available to enable sufficient consideration of key land use issues and so assist in your determination of the planning application.*

*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.*

*We recommend that developers should:*

- 1) Refer to the Environment Agency's approach to managing and protecting groundwater: <https://www.gov.uk/government/publications/groundwater-protectionposition-statements>*
- 2) Follow the risk management framework provided in the Gov.UK 'Land contamination: risk management', when dealing with land affected by contamination: <https://www.gov.uk/guidance/land-contamination-risk-management>*
- 3) Refer to our <https://www.gov.uk/government/publications/managing-and-reducing-groundwater-risk> Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. (The Local Authority can advise on risk to other receptors, for example human health):*

[landcontamination](#)

- 4) Refer to our 'Verification of Remediation of Land Contamination' report:  
[http://webarchive.nationalarchives.gov.uk/20140328084622/  
http://cdn.environmentagency.gov.uk/scho0210brxf-e-e.pdf](http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0210brxf-e-e.pdf)
- 5) Refer to British Standards BS 5930:1999-2010 and BS10175 and our  
Technical Aspects of Site Investigations Technical Report  
P5-065/TR  
[https://www.gov.uk/government/publications/technical-aspects-of-site-  
investigation-inrelation-to-land-contamination](https://www.gov.uk/government/publications/technical-aspects-of-site-investigation-inrelation-to-land-contamination)

*Surface Water:*

*We would recommend you seek the comments of your Flood and Water Team, as the Lead Local Flood Authority (LLFA) with regards both surface and groundwater flooding. However, with regards the later, it would appear that the groundwater level is relatively shallow which may account for the natural ponds that have formed since 2016.*

4.5

**Highways England** have responded to the application indicating:

*HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.*

*This response represents our formal recommendations with regards to 20/01957/FUL and has been prepared by Adrian Chadha, Assistant Spatial Planner for Highways England.*

*Highways England most recently issued a holding recommendation for this consultation on 17 March 2021, raising our concerns over the likely traffic impact from the overall proposed development of 340 dwellings on the SRN (A5 and A458) in the area.*

*As you are aware, extensive communication have taken place between Highways England and the applicants/ their consultants since June 2020.*

*The development site benefits from a previously granted outline planning permission (Reference no. 14/00246/OUT) for a mixed-use development including 296 residential dwellings. As planning consent has already been granted for the application referenced 14/00246/OUT, the consultant had considered the traffic impact of the additional 44 dwellings only. While we acknowledged that the likely traffic impact from the additional 44 dwellings on the SRN in the area is considered to be minimal, it is to be noted that we were not in agreement with the capacity assessments undertaken with respect to the now consented planning application referenced 14/00246/OUT. Therefore, the capacity assessments provided by the applicant in the current Transport Assessment (TA) Addendum Note, which is based on the same models as that produced for the previous development, is not considered acceptable.*

*As such, we recommended that the consultant consider the likely traffic impact from the current proposal in its entirety (for 340 dwellings) rather than considering the impact for the additional 44 dwellings only. This was to undertake the assessment in*

*line with DfTU8217\92s Circular 02/2013 and thereby helping to understand the likely capacity issues or queues / delays from the full proposed development on the SRN in the area.*

*A teleconference was arranged with the applicants/ their consultants on 2 March 2021 to discuss further on this and identify the best possible solution. As the current proposal has been included in the assessments used for the proposed NWRR scheme, we acknowledge that the new design of the A5 Churncote roundabout (as part of NWRR scheme) will be capable of accommodating the traffic flows from the proposed development without resulting in a significant impact.*

*However, we recommended that the applicant submit to us further evidence to demonstrate that the proposed development of 340 dwellings will not result in a significant impact on the existing A5 Churncote roundabout, in the event that the NWRR scheme does not come forward.*

*The applicant's consultant has now submitted additional information regarding the level of traffic impact from the proposed development. The consultant has liaised with the NWRR modelling team at the Council and has obtained the relevant information as part of the NWRR scheme assessment. The consultant has stated that it is confirmed by the NWRR team at Shropshire Council that the previously consented development for 296 dwellings has been included in the 'Do Minimum' and 'Do-Minimum' scenario used for the NWRR assessment as a committed development.*

*The results from the 'Do Minimum' and 'Do-Minimum' scenario (with all the committed developments considered, but without the NWRR scheme) indicate minimal queuing at the A5 and A458 approach arms. Based on this, we do not anticipate that the proposed development of 340 dwellings will result in a significant impact at the Churncote roundabout. As such, Highways England do not expect the applicant to undertake any further traffic assessments in support of this planning application.*

*In line with the above, Highways England considers that its current holding recommendation can be lifted. However, we recommend that the following condition be attached to any planning permission that may be granted.*

*Condition 1: Prior to the commencement of the construction works related to the residential development, a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Highways England. The approved plan shall be adhered to throughout the construction period.  
Reason for Condition 1: To ensure that the A5 and A458 trunk roads continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety*

**4.6 SC Highways Manager** has responded indicating:

*The highway authority acknowledge that site benefits from a current outline planning permission with layout established. The current application seeks an increase in the number of residential units to 340 when compared to the 296 dwellings previously approved. Whilst the layout has changed from the previously approved scheme, there*



*are no fundamental issues with the internal road layout or access both onto Calcott Lane and Welshpool Road.*

*In terms of increased traffic movements, it is considered that the modest increase in the number of residential units over and above the approved scheme is considered acceptable. Moreover Highways England have confirmed following additional assessment that the proposal raises no highway issues. As a consequence there are no reasons on capacity or safety grounds to warrant or substantiate a highway objection.*

*It is considered that the following Conditions should be imposed upon any consent granted:-*

- Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall remain in force for the duration of the construction period of the site development. Reason: In the interests of local amenity and highway safety.*
- Prior to the commencement of development full details of the internal junction visibility splays and junction visibility splays onto Welshpool Road and Calcott Lane shall be submitted to and approved in writing by the Local Planning Authority; the junction visibility splays shall be implemented fully in accordance with the approved details. Reason: In the interests of highway safety.*
- The carriageways and footways within the development shall be laid out in accordance with the approved drawings and prior to any dwelling being first occupied the access road and footway serving that dwelling to be occupied shall be constructed to base course level in accordance with an engineering specification to be first submitted to and approved in writing by the Local Planning Authority. Reason: To provide an adequate means of pedestrian and vehicular access to each dwelling.*
- Prior to the occupation of the first dwelling a Phasing Plan setting out the strategy to carry out the final surfacing of the estate roads and footways/footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority; the phasing plan shall be implemented fully in accordance with the approved details. Reason: To ensure the proper coordination of the construction of the estate roads and footways within the site.*
- Prior to the occupation of the first dwelling a Travel Plan (TP) shall be submitted to and approved in writing by the Local Planning Authority; the TP shall be implemented fully in accordance with the approved details and shall remain in force for the lifetime of the development. Reason: To promote sustainable modes of transport, promote health benefits and to reduce carbon emissions.*

**4.7 SC Waste Management** have responded indicating:

*It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material.*

*Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of*

*supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. Vine Vine I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: <https://new.shropshire.gov.uk/media/7126/shropshire-refuse-and-recycling-planning-guidance-july-2017-002.pdf>*

*I would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that that the vehicle can access and turn on the estate. Details of the vehicle size and turning circles are in the document linked above. Particular concern is given to any plots which are on private drives that the vehicles would not access. Bin collection points would need to be identified and residents advised when they move in/purchase. Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.*

**4.8 SC Public Rights of Way** have responded indicating:

*As mentioned in previous correspondence, as laid down in DEFRA's Rights of Way Circular 1/09 the Highway Authority should avoid coinciding the use of estate roads and public rights of way wherever possible. However we do appreciate that in 2014 Officers agreed to divert Footpath 7 along the estate road and the development planned accordingly so Officers are satisfied that a reasonable alternative has been put forward for the diversion of the footpath through the open space, alongside the Welshpool Road and would therefore accept an application for this proposal.*

*Officers are happy for the diversion of FP 8Y to run along the already proposed route, however the detail may have altered since 2014 so this will need be discussed further at a later date.*

*Should planning be granted for this scheme Officers would like to discuss both diversions in more detail so they most appropriate way forward can be decided upon and request that the applicant contact the Mapping & Enforcement Team direct.*

An earlier response indicated:

*The Design and Access plan for this development acknowledges the need for open space as set out under SAMDev Policy MD2, however, Officers are still not happy with the location of the POS within the design layout.*

*Our comments remain the same as they have done on previous applications, from what can be seen no real attempt has been made to improve the development from its original design and Officers concerns have not been addressed.*

*There are still no green corridors through the development and no central public open space, as we discussed. The play area appears to have been removed for this layout design and the diversion route for FP 7 is still intended to run along the estate road. Officers have made it quite clear on several occasions that diverting a rural footpath along an urban estate road is not good practice and that Officers would not be happy to defend this legal order should objections be received, which are expected.*



*The Rights of Way network is an important factor in this development and in light of DEFRA guidance Officers will not accept an application to divert FP 7 onto the estate road therefore it is suggested that the applicant has discussions again with Officers within the Outdoor Partnership Team to try and resolve this matter prior to continuing with this current planning design.*

*There are public footpaths affected by this development and the applicant needs to discuss the diversion options directly with the Mapping & enforcement Team as a matter of priority.*

**An earlier response indicated:**

*The diversion of FP 7 has been proposed within this application with a section of it to run along the estate road. As laid down in DEFRA's Rights of Way Circular 1/09 the Highway Authority should avoid coinciding the use of estate roads and public rights of way wherever possible. Preference should be given to the use of made up paths, through the development, away from vehicular traffic therefore Officers recommend that the layout is redesigned accordingly.*

4.9 **SC Regulatory Services** have responded indicating:

*I refer to the revised layout and noise assessment. The layout appears to have been changed most notably in the North West, as looking at the plans, of the site where there has been set back/standoff distance from the proposed North West Relief Road and some housing along the northern edge appearing to be gable side on to the road. I would note that the principles of my previous response remain in that the site does have some identified housing where the façade levels of noise from road noise are in the upper reaches of LOAEL and close to SOAEL and mitigation will be required to ensure internal levels are to be met which will, to meet necessary standards for internal acoustic comfort, for some houses are to have windows closed to meet those standards (closed does not mean sealed, they will be openable windows for purge ventilation or indeed for the house holders choice). As previously mentioned the site is in an area where road traffic noise is anticipated, this situation is not necessarily unusual and the application shall be determined on other merits and mitigation in terms of layout and orientation, at source mitigation (i.e acoustic fencing) and suitable glazing will provide attenuation. I note that fencing will be 2.5 m in some areas of the development so to anticipate external standards are met but the main acoustic NWRR fence height is cited as being either 2m or 2.5m. The maintenance of this fence in the long term, may be an outstanding issue to be resolved. There is the competing need for adequate ventilation and The report by Noise.co.uk points to this in the assessment as being a medium to high risk. I would suggest that condition that an overheating and ventilation assessment is undertaken in line with AVO guidance and submitted for approval and implemented so to ensure sufficient ventilation and thermal comfort. Concerning Dust management. A comprehensive site layout with phasing, route ways and water suppression methods and a dust monitoring and sites protocol should be submitted prior to start of the development.*

Earlier responses indicated:

1. **Contaminated land** - please see comments in June 17th 2020 which has outstanding issues and no further information has been provided for comment.

2. **Noise assessment** - New Based on the acoustic survey, the site as assessed illustrates that for the majority of proposed houses are in the 'Low Medium' category as based in ProPG, where daytime noise is near 65dB but not above 70dB, and night time is broadly in the 55dB region, but not above 60dB. In this Medium category it is suggested it is less suitable and application may be refused from a noise perspective unless an acoustic design process is followed which suggests mitigation measures. This can be seen in the day and night 'empty site' noise maps in annex 3 and modified in the projected acoustic contours with buildings and mitigation present.

The National Noise Policy for England (NPSE) additionally recognises the difficulty of setting universally applicable numerical noise limits and therefore introduces the concept of evaluating noise impact in terms of various 'effect levels':

NOEL 'No Observed Effect Level- The level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL' Lowest Observed Adverse Effect Level which the level above which adverse effects on health and quality of life can be detected.

SOAEL' Significant Observed Adverse Effect Level which is the level above which significant adverse effects on health and quality of life occur.

The new acoustic report is based on the staged elements of ProPG in determining site suitability of housing in relation to noise. The Noise is in instance being predominantly traffic noise the projected use of the NWRR has been included, though can it be clarified on which road speed was used in the modelling compared to the anticipated speed on this section of the NWRR. There is no known commercial or industrial noise, but I understand there is an application for a supermarket is on adjacent lane to the west. The report specifies three specifications for mitigating road noise by acoustic treatment for facade boundaries and the glazing and ventilation spec. It is noted in the report that to meet internal acoustic standards, the windows will need to remain closed across the site.

The principle of ProPG and supplementary guidance is where if the scheme relies on windows being closed to achieve good internal noise conditions, the Acoustic Design Statement should initially include or refer to an explanatory statement detailing why this approach has arisen and how the use of layout, orientation, spatial design and non-building envelope mitigation has been used in the plan to minimise the need for reliance upon closed windows. The internal layout and orientation of the properties is an important consideration, which is to say that gables or sides with which the layout would have majority of non-habitable rooms facing the noise source such as hallway/entrances, kitchens, bathrooms and en-suites, landings and the smaller bedrooms can be noise facing so to reduce impact on habitable rooms and larger bedrooms.

With this in mind, the application documentation details a multitude of house designs, some named and some coded, without reference to a masterplan which I can find of which house type are going where, so this cannot be

*commented on further. The Design and Access statement mentions that the houses in the noisier areas on the periphery of the site (described as The Edge) illustrate two types of housing. In the hierarchy of good acoustic design, can it be confirmed whether the acoustic design has considered the orientation and layout and internal layout of house types in the Edge zone (or the Spec 2 and 3 properties) so to increase number of non habitable rooms facing the noise source and thus reduce impact? Furthermore, the western site is more affected by noise, so is there further embedded mitigation / acoustic design principles for the houses on the western periphery which are more affected by noise, such as by virtue of acoustic fencing, increased standoff distance, 'kitchens, stairwells, bathrooms, landings etc on noise facing facade.*

*The fa'eade of the western periphery properties on the acoustic mapping suggest that daytime projections are around at fa'eade level 65dB, and at night are around 58-59dB which, if 13dB is deducted for attenuation afforded by a partially opened window would result in levels are in the upper regions of LOEL and also exceed BS8233, as they will, with windows open, be 6-10dB above internal standards, unless windows are closed along with alternative all-house ventilation . I suggest some attention is made to the properties in the South West marked red in figure 8 to determine if layout, setback and orientation can be improved. The property in the South west Corner is just above SOAEL indication for both day and night at fa'eade levels and I would question its inclusion. If I have interpreted the report correctly It can be concluded that for the majority of the site that based on fa'eade values and contours that the internal values with windows open appear to be in the region of 5dB above BS8233 guidelines with windows open, internal standards will be achievable with windows closed and alternative sources of ventilation providing fresh air. Practically speaking many people will have windows open for connection to outdoors and by the anonymous character of traffic noise is somewhat a background noise. As mentioned as the impact in LEOL range may show behaviours in response to noise such as having to close windows, or when windows are open to turn up TV a little louder or speak a little louder in outdoor areas. The Spec 3 properties will have to have increased ventilation and the noise aspect of the ventilation system itself when operating hasn't been assessed. Can AVO risk assessment details be submitted. Overall, based on the monitoring and modelling, the site is in the Medium Category of noise as detailed in ProPG and some properties on the periphery, especially the western side are more affected than others, and this will in turn themselves create an acoustic shadow towards the properties in the middle of the site. This doesn't necessarily mean that traffic noise is a constant distracting disturbance, as traffic noise is often described as anonymous in character, which is to say a background noise, as opposed to a directional, impulsive, tonal or intermittent noise such as from the buzzes and hums and clanks of industry or commercial sources which creates a more disturbing environment even at lower overall decibel levels. Practically, this indicates that noise from road traffic will be audible and so to achieve internal standards, the windows will for many houses may to be closed to meet those standards' This importantly doesn't mean sealed shut or the default will be to close windows, as householders will have autonomy over windows for ventilation and for connection to the outdoors, but there is ' from a standards point of view- a competing interest of acoustic*

*comfort and natural ventilation, and so to mitigate this, efficient alternative ventilation is required for thermal comfort should windows be closed as specified. This isn't an especially unusual circumstance of development near transport routes, but a compromising approach balancing the need for this housing alongside other social factors are required to determine the application. The data doesn't show the site in the category where it should be refused on noise grounds alone and, as it is the case as mentioned in ProPG, that it may not always be possible to achieve acoustic standards with windows open or accepting that noise levels in parts of the outdoor amenity areas may not be optimal where there are other factors to be determined by the decision maker. Broadly speaking, the majority of the site is above the level of lowest observable adverse effect but below the level of Significant observable adverse effect. This is as mentioned before, not necessarily unusual but not ideal, and the application would have to be determined in the context of favour of other social merits or policy factors. Regarding noise guidelines, The first aim of the NPSE is to avoid SOAELs from occurring. The second aim of the NPSE relates to instances where noise levels are expected between the LOAEL and the SOAEL, such as on this site, and where ProPG principle will apply to create as good an acoustic environment as it can get' by the effort of designing the site as in Supplementary Guidance to ProPG, before reliance on windows to be closed to allow the developer achieve internal standards. It is balanced up with other factors in favour or not in favour to the overall development, thus' requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur'(NPSE, para 2.24). It is noted that ventilation is a requirement and that Building Document F is referred to, however there is guidance released in 2020 as the Acoustics, Ventilation and Overheating (AVO) Residential Design Guide which the acoustic consultant has mentioned as required for spec 3 properties and assessment required. As part of mitigation from noise sources, It is noted a 3M high acoustic barrier will be installed as mitigation for noise from the proposed North West Relief Road ,though the acoustic design statement states 2 Metres and 2.5M elsewhere, can this be clarified). Also, who would be responsible for this fence?  
I notice that the majority of the 'affordable housing' on the periphery neatly corresponds to the properties identified to be most detrimentally affected by noise. It may be worth noting that the occupants of affordable housing which may mean being allocated social housing, often do not have open market choice of house location than others, as some people are often rather unaffected by transport noise.*

**Construction Noise:** *Should the permission be granted, on the note of noise during any construction phase, the CEMP does not specify operation times. Due to the proximity of receptors I would suggest that 0800-1800 Monday to Friday, 0900-1300 Saturday and no work on Sunday and Bank Holidays. I would further suggest that reversing alarms are of the white noise type. Can the applicant advise whether pile-driving expected to be required? If so the cyclical/auger type method is advised to protect the amenity of existing residents.*

**Dust Impact :** *The risk assessment of construction phases dust is medium to high. There are a number of receptors in the area in close proximity (including properties which would be almost central in the construction site). If permission is granted, there should be a condition to require a pre-commencement detailed dust management plan based IAQM guidelines. The submitted Dust Management Plan is rather generic document without any indication of where site phasing will occur, where site stock holds will be located, internal road building, entrance and exit points, wheel wash equipment or where monitoring points will be located and who will be engaged to monitor*

An earlier response indicated:

*Regulatory Services have commented on three issues: 1 . Contaminated Lane, 2. Noise assessment, 3. Air Quality Assessment.*

*Please note that in relation to 2. Noise, further information has been requested from the agent so this comment is incomplete until further information is provided.*

*Contaminated land: A report by georisk Management; Geoenvironmental Assessment, Shrewsbury West - Housing Land; Report No. 12133/1, Revision 1, November 2019, is relevant to this planning application site and Regulatory Services has commented previously on an application to discharge condition 16 (contaminated land) on the original outline approval (14/00246/OUT) for this site.*

*This application includes the area of the former transport yard and georisk Management had recommended that within the transport yard area, further investigation and assessment is required as the investigation to date had been restricted to external areas only. Further investigation and risk assessment should be carried out post-demolition, to include the footprint of the workshop and fuel storage tank area. On completion of this further risk assessment a Remediation Strategy will need to be developed for the transport area of the site.*

*Accordingly, as part of this proposed development is considered as potentially contaminated land, the following must be included as conditions if permission is granted:*

*a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.*

*b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.*

*c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.*

*d) In the event that further contamination is found at any time when carrying*

*out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.*

*e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.*

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.*

*Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:*

*The report specifies three specifications for mitigating road noise by acoustic treatment for facade boundaries and the glazing and ventilation spec of each three identified grades of properties for mitigation. In Item 11.2.7 it is said that 'It should be noted that, in order to meet the internal ambient noise criteria in these areas, the windows will need to remain closed.'*

*The areas are not specified. Which properties will require the windows to be closed to meet internal acoustic standards in fig.7? Is it Spec 3, Spec 2 or all properties? If properties are identified as needing closed windows we expect that ProPG Good Acoustic design principles be explored first to reduce need of closed windows to meet internal noise standards.*

- 3. Air Quality Assessment** - *The risk assessment of construction phases dust is medium to high. There are a number of receptors in the area (including a property which would be almost central in the construction site). If permission is granted, there should be a condition to require a pre-commencement detailed dust management plan based IAQM guidelines as mentioned in the recommendations in item 7 of the report, to mitigate dust emissions and effects on residential properties.*

*In relation to contaminated land the response indicates:*

*A report by SLR; Preliminary Land Quality Risk Assessment; Pursuant of Parts a & b of Condition 6 of Planning Permission 18/04194/FUL; Erection of 80 Bedroom Care Home, Land South of Oteley Road, Shrewsbury, Shropshire; SLR Ref: 402.02498.00011.046, Version 1, August 2019 has been submitted in support of the discharge of condition 6 on planning approval 18/04194/FUL.*

*This report includes a review of previous site investigations by others dating back to 2013 and essentially the only further investigation and assessment is in respect of the stockpiles of material in the northwest of the site and their suitability for re-use.*

*SLR has recommended that an intrusive investigation and environmental screening to take account of the chemistry of soils within the stockpiles is undertaken to identify the composition of the stockpile. Secondary to the assessment of PPL 1a and 1b, this investigation would provide the opportunity to assess the chemistry of any soils identified for off-site disposal' if required. As the results of any investigation should be used to inform generic risk assessments, Regulatory Services will require sight of the conclusion to those assessments prior to commencement of development and will require remedial plans to be put in place and implemented in the event the unacceptable risks to humans / plants are found. Therefore, until the results of this further assessment are submitted, Regulatory Services cannot recommend the discharge of condition 6a.*

*With regard to the importation of material to be used in soft landscape areas, the requirements are detailed in the Councils 2013 Contaminated Land Strategy that can be view at <https://www.shropshire.gov.uk/environmental-health/environmental-protection-and-prevention/contaminated-land/> (Pages 67 to 72).*

4.10 **SC Archaeology Manager** has responded indicating:

*The developable part of the proposed development site comprises a 11.6ha area of agricultural land on the north-western edge of Shrewsbury, within the allocated area of the Shrewsbury West Sustainable Urban Extension.*

*RECOMMENDATION: To address the requirements of Policy MD13 of the Local Plan and Paragraph 189 of the NPPF a Heritage Statement by RPS has been submitted with the application. This concludes, at paragraph 7.6, that the site is considered to have a low/ negligible potential for significant (i.e. non- agricultural) remains of all periods.*

*On the basis of these findings, together with those of previous heritage assessments that have included the proposed development site, we confirm that we concur with this assessment of the archaeological interest of the proposed development site. These assessments include an archaeological field evaluation, comprising a geophysical survey and trial trenching, that was undertaken in 2018 on the line of the proposed Oxon Link/ North West Relief Road through the proposed development site, which found no archaeologically significant remains in this area.*

*We therefore have no further comments to make on this application with respect to archaeological matters.*

4.11 **SC Conservation Manager** has responded indicating:

*Further to the consultee comments from the Archaeology side of our Team, I would also note that a Heritage Statement prepared by RPS has been submitted with this application to address the requirements of Paragraph 189 of the NPPF and Policy MD13 of the Local Plan, where the findings and conclusions in terms of built heritage matters are generally concurred with.*

*Additionally an LVIA and a Design and Access Statement has been prepared, the latter of which refers to the specific house designs submitted in terms of their*

*appearance, architectural design and materials to be used in the scheme.*

*While there is no major concern raised with the house designs proposed, it is noted that there is a lack of chimneys through the entire site where such features could add some visual interest and variety to the development, and where these would relate to the wider rural context of the area. Also to improve the appearance and detail of the houses, a high quality window design is recommended for the front elevations, and where relevant, any rooflights should be the low profile flush fitting type, again to improve the appearance of the dwellings.*

*We would raise the above noted issues which we recommend require further consideration.*

4.12 **SC Ecology** have responded indicating:

*Biodiversity*

*The application is accompanied by an updated Biodiversity Metric calculation and report. Having analysed this and the accompanying information regarding habitats and condition assessments, and amending it in some areas based on my professional judgement, the metric indicates that the development will result in a measurable net gain of habitats of 0.05% and a net gain of hedgerows of 4.95 % from the baseline. The scheme includes for a Biodiversity Enhancement Area which will provide seven new ponds and adjoining terrestrial habitat specifically designed to provide optimal habitat for amphibians (including great crested newts) and which will also serve to compensate for the loss of two existing ponds present on the site. In addition to the BEA, the management of SUDS features and the existing pond plus grassland areas within the housing scheme (which are not amenity grassland) will promote biodiversity within the development, and the addition of bat and bird boxes (conditioned) will also provide roosting and nesting opportunities for bats and common birds, so that the development accords with the NPPF, MD12 and CS17. Drawing number AAJ4921-RPS-XX-xx-DR-L-LS-16 Rev 1 Habitats Enhancement Plan (RPS, April 2020) illustrates the incorporation of features for wildlife into the development, however, it is out of date as it not based on the latest submitted layout plan. I am largely in agreement with the measures proposed, however, I would request that a minimum of 68 bird boxes and a minimum of 68 bat boxes are integrated into the development. At the moment, the numbers proposed mean that less than 15% of the dwellings have such features. A condition is therefore recommended to secure this, alongside hedgehog friendly gravel boards and amphibian-friendly drainage features for the up to date layout.*

*Retention of existing pond*

*Additional information has been provided by the drainage engineer to address concerns I raised regarding the supply of water to the retained pond. It is proposed to divert some of the private roof drainage into the existing retained pond to supplement its catchment, thereby providing additional water supply to maintain its current fill level, post development. Drainage plans should therefore be altered to account for this diversion, which can be conditioned.*

*Bats*

*The lighting strategy for the site has been updated so that lighting columns are now proposed which have a warm white spectrum (ideally <2700 Kelvin) to reduce blue light component which is most disturbing to bats. I am satisfied that the use of the*



*site by bats will therefore be retained, and that commuting routes will not be subject to high levels of inappropriate lighting.*

*Great crested newt*

*My consultation response regarding GCN will be issued imminently.*

*CEMP and Habitat Management*

*The application documentation contains a Habitat Management Plan and CEMP by RPS dated April 2020 although these are now outdated as they do not reflect the updated site layout (for instance, they omit the retention of one existing pond).*

*Therefore, revised versions of these documents should be submitted for approval, and conditions are therefore recommended to ensure this, prior to commencement of development (CEMP) and prior to occupation (HMP).*

*Recommended Conditions*

*Construction Environmental Management Plan condition*

*No development shall take place (including demolition, ground works and vegetation clearance) until an updated Construction Environmental Management Plan (Ecology) has*

*been submitted to and approved in writing by the Local Planning Authority. The plan shall*

*include:*

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;*
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;*
- c) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);*
- d) The times during construction when an ecological clerk of works needs to be present on site to oversee works;*
- e) Identification of Persons responsible for:
  - i) Compliance with legal consents relating to nature conservation;*
  - ii) Compliance with planning conditions relating to nature conservation;*
  - iii) Installation of physical protection measures during construction;*
  - iv) Implementation of sensitive working practices during construction;*
  - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and*
  - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.**
- f) Pollution prevention measures.*

*All construction activities shall be implemented strictly in accordance with the approved plan.*

*Reason: To protect features of recognised nature conservation importance, in accordance*

*with MD12, CS17 and section 175 of the NPPF.*

*Habitat Management Plan*

*Prior to the occupation of the development, a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:*

- a) Description and evaluation of the features to be retained, created and managed;*

- b) Ecological trends and constraints on site that may influence management;*
- c) Aims and objectives of management;*
- d) Appropriate management options for achieving aims and objectives;*
- e) Prescriptions for management actions;*
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);*
- g) Personnel responsible for implementation of the plan;*
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;*
- i) Possible remedial/contingency measures triggered by monitoring;*
- j) The financial and legal means through which the plan will be implemented.*

*The plan shall be carried out as approved.*

*Reason: To protect and enhance features of recognised nature conservation importance, in*

*accordance with MD12, CS17 and section 175 of the NPPF.*

*Features for wildlife*

*No development shall take place (including demolition, ground works and vegetation clearance) until a plan showing features for wildlife to be integrated into the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:*

- a) Location and specification for the erection of a minimum of 68 bird nest boxes suitable for common bird species including tit species, robin (open fronted) and house sparrow (sparrow terrace boxes), as well as integral swift boxes (minimum 6) and starling boxes.*
- b) Location and specification for the erection of a minimum of 68 bat boxes suitable for crevice dwelling bats.*
- c) Location and specification of hedgehog friendly gravel boards, to promote connectivity for hedgehog through the development.*
- d) Location and specification of amphibian friendly drainage features (ie gully pots etc),*

*as part of the drainage scheme for the site.*

*The plan shall be carried out as approved.*

*Reason: To ensure the provision of features for biodiversity protection and enhancement are integrated into the development.*

*Informative*

*The active nests of all wild birds are protected under the 1981 Wildlife and Countryside Act*

*(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 scrub removal and/or conversion, renovation and demolition work in buildings or other suitable nesting habitat 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 and buildings for active bird nests should be carried out. If vegetation or buildings 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. [Only if there are no active nests present should work be allowed to commence / No clearance works can take place with 5m of an active nest.] If during construction birds gain access to [any of] the building[s] or vegetation and begin nesting, work must cease until the young birds have fledged.*

#### *Great crested newt (GCN)t*

*The presence of a small breeding population of GCN in the Calcott Lane Pond was confirmed in surveys undertaken in 2014, 2016 and 2019. Peak counts were between 1 and 3 adults, indicating a 'small' population.*

*The arable field ponds were subject to an environmental DNA (eDNA) survey in 2016 with a negative result. Because of the proximity of the breeding population in the Calcott Lane Pond, these waterbodies were subject to two six visit population surveys, one in 2017 and again in 2019. Over these surveys, a single adult GCN was recorded on one occasion in 2017 with no GCN observed or caught over the six survey visits in 2019. These findings indicate that these ponds do not support a breeding population.*

*Surveys of other waterbodies within 500m of the development have confirmed likely absence of GCN, indicating that the population in the Calcott Lane Pond is isolated. The development will lead to the loss of terrestrial habitat within 250m of the Calcott Lane pond, and therefore, to ensure the favourable conservation status of GCN are maintained as a result of this application, the applicants have provided a signed Impact Assessment and Conservation Payment Certificate as evidence that the application site has been accepted into the District Level Licensing (DLL) scheme for great crested newt, which is run by Natural England for Shropshire.*

*The Shropshire GCN DLL scheme allows for a strategic approach to ensure that the favourable conservation status of GCN in their natural range is maintained. This is through payment of a conservation payment that allows for the impacts on GCN (through a planning application) to be adequately compensated. It is therefore considered that the proposals will not be detrimental to the maintenance of the population of GCN at a favourable conservation status in their natural range.*

*As GCN are a European Protected Species, I have provided a European Protected Species 3 tests matrix at the end of this response.*

*The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.*

4.13 **SC Drainage Manager** has responded indicating:

*The revision D Exceedance Plan is acceptable and therefore all drainage proposals are acceptable.*

*As a general observation, levels of the proposed NWRR should be carefully considered as the roads is shown as being on 7% superelevation, with levels falling towards this proposed development, and will therefore be lower than those assumed on the plan. The proposed levels shown for this development will be somewhat higher*

*than the NWRR boundary*

*The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.*

*All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.*

*Condition: Prior to the development hereby permitted being first brought into use/occupied the foul and surface water drainage shall be implemented in accordance with Drawing Nos. RED087-180 Rev D, 181 & 182 Rev C, 925, 926 & 927, 930 - 935 Rev B, 940, and Storm Water Calcs 29/04/21.*

*Reason: To ensure a satisfactory drainage of the development.*

*Comment:*

1. *Drainage calculations for the layout as shown on drawings RED807/925, 926 and 927 should be submitted for approval with the discharge rate as agreed in the outline application. MicroDrainage frx / mdx / srcx files or equivalent should be submitted as part of the submission. The attenuation drainage system should be designed so that storm events of up to 1% AEP rainfall event + 40% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*
2. *A plan should be submitted clearly showing the drained areas plus the appropriate allowance for urban creep. The allowances set out below must be applied to the impermeable area within the property curtilage:*

*Residential Dwellings per hectare = Change allowance % of impermeable area*

*Less than 25 = 10%*

*30 = 8%*

*35 = 6%*

*45 = 4%*

*More than 50 = 2%*

*Flats & apartments = 0%*
3. *Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies.*

*Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width. The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.*

*Vulnerable areas of the development are classed by Shropshire Council as areas where exceedance flows are likely to result in the flooding of property or contribute to flooding outside of the development site. For example, vulnerable areas may occur where a sag curve in the carriageway vertical alignment coincides with lower property threshold levels or where ground within the development slopes beyond the development boundary.*

*Shropshire Council's 'Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12' requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above) within the development site or contribute to surface water flooding of any area outside of the development site. Contour and/or exceedance route plans should be submitted for approval demonstrating that the above has been complied with.*

- 4. Confirmation is required where the high level overflow as detailed on drawing RED870/940 is situated and how it forms part of the drainage strategy.*
- 5. A statement and details should be submitted demonstrating what provision or allowance, if any, has been made for in attenuating surface water flow from the proposed link road drainage system.*
- 6. An updated SUDS management plan should be provided detailing who will manage the SUDS features and a schedule of operations and frequencies.*

**4.14 Shropshire Wildlife Trust** have responded indicating:

*The Trust feels that the application falls a long way short of what might be expected in a 'sustainable' urban extension.*

*Of particular concern are the open space, green infrastructure and ecological elements of the proposals.*

*A large quantity of the open space provision is to be situated on the far side of the proposed North West Road. It is our understanding that the suggested pedestrian crossings will not be possible given the 60mph speed limit on the road. This open space will therefore only be accessible via a lengthy diversion to a foot/cycle way bridge proposed to the east of Shepherds Lane.*

*The ecological interest of the water bodies on the site has been down played but they are of high local value and their loss will result in a decline in the biodiversity value of the area. This is contrary to NPPF policies requiring biodiversity gain. It is also believed that these pools are ground water fed and so need to be treated appropriately. It is not acceptable for these pools, which provide a significant social and environmental asset, to be simply filled in and developed over.*

*We see little that in the proposed development that would contribute to a 'sustainable' definition of the urban extension. Lack of accessible open space, disconnected green infrastructure, impacts on water bodies and possibly groundwater, lack of sustainable travel options leading to a car focused commuter estate, etc. should not be acceptable in any development. Within a 'sustainable' development it might be expected that significant levels of biodiversity gain would be achieved possibly with the inclusion of green roofs and walls.*

**4.15 SC Learning and Skills Manager** has responded indicating:

*Shropshire Council Learning and Skills reiterates that the local schools are currently close to capacity. It is forecast that the cumulative effect of this and of other developments in the area will require additional school place capacity, over and above the current planned expansions, to further manage additional pupil numbers. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered*

*necessary to meet pupil requirements with the area. Based on the scale of the proposed development of 345 dwellings it is recommended that contributions, to address future capacity needs are secured by means of a s106 agreement. (It has since been acknowledged that the CIL contributions for this specific project have been secured for education purposes then that should satisfy the current education requirements).*

4.16 **SC Housing Manager** has responded to the application indicating:

*The provision of 51 affordable dwellings represents 15% of the proposed development of 340 dwellings and therefore meets policy requirements. The tenure of the proposed dwellings is split between Affordable Rented 36 dwellings (70%) and 15 (30%) Shared Ownership. Again, this satisfies the required tenure split as outlined in the Type and Affordability of Housing SPD. The clustering of the affordable dwellings is now acceptable, in terms of clustering and numbers of dwellings within each cluster.*

*The disappointment however, relates to the size of the dwellings. The one bedroom unit falls below the nationally described space standards. The 2 bed 4 person accommodation identified as 69.58 sq. metres is below the space standards for such accommodation of 79 sq.metres. Whilst, these space standards are not currently adopted by the Council, we would encourage the provision of these standards in all proposed new development*

An earlier response indicated:

*The proposed development comprises 340 dwellings on a site where the prevailing target rate for affordable housing is 15%. The scheme identifies the provision of 51 affordable dwellings, which would meet policy requirements. There is a requirement for the tenure of these to be split 70/30% in favour of rented tenure, with 30% being low cost home ownership. The plan fails to reference the tenure of each affordable property on a plot by plot basis.*

*Notwithstanding the absence of clarity regarding tenure split, the clustering of the affordable dwellings as indicated in the amended plan submitted in December (2020) is unacceptable. Vine The SPD Type and Affordability of Housing provides that Affordable housing should be integrated with market properties in terms of their appearance, design, layout and siting within the development. For ease of management, small clusters of affordable homes, for example pragmatic groupings of up to six properties, may be acceptable provided that when viewed as a whole the development meets this requirement for integration. Additionally, the Council may also be guided on this matter by any specific factors or reasoning put forward by Registered Providers on a scheme by scheme basis. It should be noted, that the Council has previously supported clusters of more than six affordable dwellings on larger market schemes. Such support has been on a case by case basis. The affordable provision to the north west comprises 25 affordable dwellings in one cluster. This amount of affordable housing in one cluster is unacceptable, given that this provides fractionally below 50% of the required affordable provision for the whole site, in one cluster. Vine The clustering and tenures indicated on the originally submitted layout plan in May 2020, represented an acceptable distribution of affordable dwellings. Vine We also require a phasing plan to enable an assessment to be made of when the affordable housing will be delivered in relation to market housing. Phasing and delivery of affordable housing will need to be referenced in the S106 agreement.*

*The size of the affordable dwellings fails to meet the technical housing standards nationally described space standard. T78 relates to a 4-person household at 59.27 sq. metres, whereas the national standards refer to a floor area of 79 sq. metres (70 for a 3-person household). The property referenced SH50 being 69.7 sq. metres is acceptable for a 3-person household but not 4, as indicated. The one bed units at 43.26 for two people are small when compared to the national standards, where 50 sq. metres is deemed appropriate. These standards are not currently adopted by the Council, but nevertheless, we use them to encourage developers to apply these standards. House type T78 is unacceptable and amendments to this house type should be sought.*

4.17 **SC Trees Manager** has responded indicating:

*No objection to the proposed development subject to tree protection conditions being attached to any grant of planning permission.*

*An objection was raised to the last iteration of the site layout on grounds that it did not provide an adequate buffer zone around the veteran tree T21. This has been addressed in the revised site layout that has provided additional space around the tree along with additional measures such as improving the bio-diversity in the area around the tree through landscaping and the provision of a detailed veteran tree management plan. Full details are provided in the revised addendum to the arboricultural assessment.*

*A second concern was raised regarding the provision of soil resource for the proposed new tree planting. This has been addressed through a revision to the landscaping scheme and is now considered to be satisfactory.*

*The above amendments satisfactorily address the concerns raised and the objection is withdrawn, subject to condition requiring a full tree protection plan and arboricultural method statement being provided and agreed with the LPA prior to the commencement of development.*

*It is considered that the proposed development accords with to the principals of sustainable development outlined in the NPPF and policies MD2 & MD12 of the SAMDev and the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17 in respect of tree retention, provision and protection.*

*The following condition is recommended:*

*In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.*

a) *No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with*

*British Standard BS 3998: 2010 - Tree Work, or its current equivalent.*

*b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.*

*c) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a method statement providing details of tree protection measures to be implemented during the installation of the no dig drive has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.*

*d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until the veteran tree management plan in respect to T21 has been submitted and approved by the LPA.*

*e) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.*

*Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.*

*to the principals of sustainable development outlined in the NPPF and policies MD2 & MD12 of the SAMDev and the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17.*

An earlier response indicated:

*There are a number of trees on this site and an Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.*



*The AIA has identified 76 individual trees, 20 groups of trees and 5 hedgerows which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and agree that in the main they are appropriate, although I consider that tree T1 and T6 amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and agree that in the main they are appropriate, although I consider that tree T1'd landscape and should be categorised as A3. The AIA also identifies 3 veteran trees, one of which is within the development area.*

*The proposed site layout will require that 7 individual trees and 3 groups of trees are removed. Of these 2 are category B (moderate value) and the remainder category C (low value). In addition, there are 5 category U (unsuitable for long term retention) trees to be removed. 3 hedgerows (1 cat B and 2 cat C) are to be removed and sections removed from 7 other hedgerows. There is also encroachment into the RPA of T21, a veteran tree.*

*Overall, the level of tree loss is acceptable for a development of this scale and is compensated and mitigated through the new planting that is proposed for the site. A comprehensive landscaping scheme has been submitted, which provides for a high level of tree planting across the site, with both formal and informal features and includes trees which will develop to become large canopy specimens.*

*In principle the site layout in terms of tree retention and provision of new trees is reasonable, however two concerns are raised.*

*Encroachment into the RPA of veteran tree T21 is not acceptable and does not comply with BS 5837: 2012 recommendations, for a veteran tree in addition to the normal Root Protection Area, standing advice also references a buffer zone of 15 times the trunk diameter which should be protected from development activities. Although, the tree constraints plan does not show this buffer zone, and it is clear that there would be construction activity within this area and this would put the tree at an unacceptable level of risk from the development.*

*Veteran trees are very important assets and the presence of a veteran tree is a special circumstance and material consideration. Current standing guidance is that planning permission should be refused if development will result in the loss or deterioration of ancient woodland, ancient and veteran trees unless there are wholly exceptional reasons to approve it.*

*As it stands the proposal does not properly protect the veteran tree and therefore is contrary to both local and national planning policies.*

*Secondly, concerns are raised that there are not suitable soil resources provided to allow for the new planted trees to establish and grow to maturity where they are sited in the housing areas, particularly roadside plantings. These trees are an important part*

*of the landscaping of the site and must be provision with adequate soil resources.*

*It is recommended that the site layout is redesigned to accommodate the veteran tree and that details of soil resource provision are provided as part of the landscaping proposals.*

4.18 **SC Landscape Consultant** has responded indicating:

*The assessment of landscape and visual effects has been carried out in broad compliance with the principles set out in GLVIA3. However, although the judgements made do not appear unreasonable, the absence of a methodology for the assessment of effects and evidence for the judgements makes a full validation of the findings difficult. Proposed residential development, Welshpool Road Application 20/01957/FUL ESP Ltd Page 13 of 14 February 2021*

*We consider the absence of an assessment of cumulative landscape and visual effects to be a significant omission, and we have some concerns that the assessment of visual effects is limited to locations within and on the perimeter of the site.*

*At Year 15, a number of significant adverse effects are predicted to remain. These are: 'Major' Moderate adverse landscape effect on Landscape Character Type Shrewsbury 21, due to the openness of the landscape being lost due to the development Major 'Moderate adverse visual effect on Viewpoints 1, 2, 3, 5 and 6*

*At Year 15, beneficial landscape effects are predicted for managed hedgerows, mature trees and naturally regenerating grassland.*

*It has not been possible to make a comparison of landscape effects with the LVIA submitted with the outline application for this site. A comparison of visual effects however indicates that the predicted levels of effect are notably more adverse for this development.*

*Full details of landscape mitigation and aftercare have been submitted and these appear appropriate.*

*The proposals comply with Local Plan policies CS6, CS17, MD2 & MD12 in relation to landscape character and visual amenity.*

*We therefore recommend that prior to determination of the application the LVIA be amended to include an assessment of cumulative effects and consideration of visual effects outside of the immediate vicinity of the site.*

*It is important to protect the topsoil resource currently on the site which is at risk from poor construction practices. SamDEV policy MD12 makes specific reference to protection of soil as a natural asset, and we would recommend that, if the application is recommended for approval, this be conditioned with suggested wording as below:*

*Proposed residential development, Welshpool Road Application 20/01957/FUL 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 and these works 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 This will ensure the soils are in the optimum condition to promote healthy plant growth, and long-term site screening.*

4.19 **SC Recreation and Open Space Manager** has responded indicating:

The inclusion of usable Public Open Space within this development is still considered by officers to be disappointing with the lack of centrally positioning of public space and green off road corridors linking the various areas of the development however, this planning application does offer a better layout than that of the planning application granted in 2014.

The play area has now been more appropriately positioned and located more central to the development with the (applied for) diverted public footpath providing off road access to it which is welcomed.

The retainment of the naturally developed pool to the east of the development is a welcome addition to the public open space, although not considered “useable” open space it is accepted that this area will bring ecological benefits to the development.

With the inclusion of this natural space the POS within the development meets the 30sqm criteria and does provide more POS than that of the 2014 planning application. However, Officers do have major concerns about the possibility of the NWRR dissecting the POS to the north of the site, with no provision to be provided over the road to access the POS to the north of the road. A bridge should be provided at this dissection point to allow safe access for residents and walkers between the development and the POS. If no bridge is provided this will in effect make this northern section of the POS unusable.

Officers will require information about who will be taking on the future maintenance of the Public open Space. Arrangements must be in place to ensure that the open space will be maintained in perpetuity whether by the occupiers, a private company, a community organisation, the local town or parish council, or by Shropshire Council.

4.20 **Public Comments**

4.21 In the region of seventy four letters of objections have been received from members of the public, which includes Shrewsbury Branch of Friends of the Earth. Key planning related issues raised can be summarised as follows:

- Poor integration with the proposed new link road and little reference to the noise mitigation on that side of the development.
- Poor consideration of traffic flow with concerns on load leading into Shrewsbury to facilities and services not available on
- Overloading of services and infrastructure especially schools and retail facilities.
- A development on already pressured green space. Although there are few documented species - the breathing space is increasingly constrained and there will be bat flight paths from the well documented Preston Montford sights. The Shropshire Mammal Society should be consulted for up to date badger and otter sightings.
- Building so many houses will have huge negative effect on the location for

many months with pressure on services and roads.

- The application proposes an increase in housing numbers in comparison to the previous approval for the site and the scale and design is not considered reflective of current circumstances' the recent Covid 19 pandemic and the need for consideration to space for working from home and the need for larger private gardens.
- Boundary hedge between site and an existing private dwelling considered inadequate and needs further strengthening.
- Proposal lacks sufficient consideration to public open space.
- Concerns about private access to a septic tank on the land and access in order to maintain private property adjacent to the site.
- Lack of consideration to community cohesion.
- Concerns with regards to overall sustainability of the proposed development and increase in carbon emissions.
- Concerns with regards to dust management and applicants methodology for addressing this matter.
- Concerns with regards location of a electric sub station which is alleged to be 3-4 metres from an existing dwelling.
- Existing infrastructure will be unable to cope with further housing development.
- Detrimental impact on existing residents human rights. and the right to a peaceful enjoyment of possessions and loss of green space for exercise.
- Amended plans received do not address issues of concern.
- Errors contained within detail submitted in support of the application.
- Concerns with regards to highway issues and detail contained within the transport assessment submitted in support of the application.
- Loss of established ponds on site and the impacts this will have on local biodiversity

4.22 A letter of objection has been received on behalf of '**Morris Leisure**', (owners and operators of Oxon Touring and holiday home park), the conclusion to this objection indicates:

Leith Planning Ltd are once again instructed by Mr Edward Goddard, Managing Director of Morris Leisure who own Oxon Touring and Holiday Home Park, Little Oxon Lane, Bicton Heath, Shrewsbury. We are instructed to review and comment on the revised plans and documentation submitted in relation to planning application reference 20/01957/FUL. In preparing the comments made within this report we have paid due regard to the revised submissions and our concerns laid out within our earlier representation dated July 2020. We remain of the view that the application is unacceptable and has not addressed a number of our concerns as set out below. Planning Application Reference: 20/01957/FUL - Description of Development - The Description of Development is noted to have been amended. The application was previously described as follows, and remained under the identical description of development within the letters on the re-consultations sent out by the local authority in January 2021: 'Mixed residential development of 345 mixed (including 52 affordable units) with associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and play areas. However, from a review of the application online, it is noted that the description has now been duly amended to read:

'Mixed residential development of 340 mixed (including 51 affordable units) with

associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and biodiversity enhancement areas. (AMENDED DESCRIPTION).

Confirmation is therefore sought that the consultation on the application has been carried out in reference to the correct description of development.

Whilst it is noted that the applicants have sought to reduce the scale of development on site from the previously proposed 345 units, the minimal reduction of just 5 dwellings still clearly represents a significant increase over and above that previously approved on site, at just 296 units. We remain concerned that the applicants are seeking to significantly increase the scale and density of development on site to a level which is uncharacteristic of the local area, and which will inevitably lead to further applications on the other phases of the SUE for even greater levels of development over and above those set out within the Development Plan. This will have significant impacts on the amenity of neighbouring residents and businesses and on the local highway network.

#### Comments on Revised Submissions

We set out in detail within our objection dated July 2020 that a number of documents were absent from the application or simply incomplete. Having assessed the information now submitted we would comment as follows:

#### Environmental Impact Assessment - Screening Opinion

We have been unable to locate any further information or documentation in relation to our previous concerns on the Screening Opinion which are replicated below for ease of reference:

1. A letter from the Applicants' agent in relation to the need for an EIA is understood to have been provided. However, beyond the information contained within the Planning Statement we have not had sight of this document, and cannot therefore comment on the evaluation undertaken;

2. Within the Planning Statement the matter of the need for an EIA has been addressed. However, it would appear as though the Applicant is relying on the previous EIA decisions made in 2013/2014. Clearly some time has passed since the previous EIA screening was undertaken. Further, this application is for additional development above and beyond that previously approved. We are therefore of the opinion that a fresh Screening Opinion should be undertaken to ensure that the application is appropriately determined. It is understood that this position was shared by the local authority during the pre-application discussions on the development. We therefore remain concerned that the application has not been sufficiently assessed in relation to the need for an EIA and would ask for justification as to why an updated Screening Opinion has not been requested.

#### Landscape Visual Impact Assessment :

1. It is noted that Shropshire Council instructed third party consultants in February 2021 to undertake a review of the Landscape Visual Impact Assessment submitted by the Applicant. From a review of the report, it is clear that the consultants have some concerns with the applicant's submission. The Executive Summary is noted to state:

The assessment of landscape and visual effects has been carried out in broad compliance with the principles set out in GLVIA3, however we have some concerns relating to the lack of a methodology and the limited selection of visual receptors.

Between the commencement of the development and up to Year 15 after completion, a large number of significant adverse landscape and visual effects are predicted. Up to Year 15 no beneficial landscape or visual effects are predicted.

From Year 15, Major to Moderate significant adverse landscape character effects will remain, and Major to Moderate adverse visual effects will remain for 5 viewpoint locations. At Year 15, beneficial landscape effects are predicted for a number of landscape receptors.

Predicted levels of visual effects are notably more adverse than those submitted with the outline application for this site. The report sets out specifically within sections 7, 8 and 10 a number of concerns with the document as submitted which need to be addressed. The Council's consultant sets out a number of recommendations at section 11, namely:

11.8 We therefore recommend that prior to determination of the application the LVIA be amended to include an assessment of cumulative effects and consideration of visual effects outside of the immediate vicinity of the site. Given that the council's consultant state that it has not been possible to make a comparison of landscape effects with the LVIA submitted with the outline application for this site. A comparison of visual effects however indicates that the predicated levels of effect are notably more adverse for this development, we trust that the scheme and associated assessment will be duly amended. Alternatively, that the application be refused outright on the grounds of visual impact.

It is noted that this important document was only uploaded onto the Council website on the 19th February, and therefore it is assumed that third parties and statutory consultees will be given an appropriate amount of time to review and respond.

#### Flood Risk and Drainage:

It is noted that an updated flood risk assessment has been submitted with the application, and has been based on pre-application engagement with the relevant statutory bodies in January 2020. Given the well-publicised proposals for alternative flood mitigation measures within Shropshire, and the potential linkage of the flood management scheme with the NWRR, we would seek assurances that the applicant has submitted all of the detail required to address and overcome potential concerns on flood risk and drainage, particularly as it is noted that a number of drainage sections have been provided, however we have been unable to locate a detailed updated drainage assessment.

#### Updated Transport Assessment:

We have reviewed the updated Transport Assessment submitted with the application and would seek confirmation that this remains up to date given the recent submission of the planning application for the North West Relief Road (NWRR). It is further noted at table 3.3 that the applicants provide details of the distance and walking and cycle times to local facilities and amenities, including schools. However, there is no reference to Bicton C of E School which is clearly of relevance given its location to the

application site. The inclusion of Bicton School within the Transport Assessment will also necessitate the assessment regarding safe pedestrian access from the application site over the NWRR.

Noise Assessment : As a point of clarification, it is understood that the noise assessment was carried out between 2nd December 2019 and 2nd December 2020. Clarification is therefore sought as to when the survey data was collected as clearly the imposition of various lockdowns and travel restrictions over that time period will significantly influence the reliability of the assessment, as it may not necessarily provide a realistic indication of noise levels from the local highway network.

It is noted that the updated noise assessment submitted with the application does indicate that the predicated worse-case levels indicate that the guideline internal ambient noise criteria could be exceeded when windows are open, and a Level 1 noise and overheating assessment indicates a medium-high risk from noise through an open window. It is noted that the applicant proposes some mitigation to overcome noise related issues from the NWRR on the proposed development. It is noted that the proposed mitigation includes the provision of 2.5m close boarded fence in key areas shown in figure 9 of the report, with road traffic noise in external amenity space likely to be below 55dB. Firstly, we would advise that the provision of 2.5m close boarded timber fencing is not what is shown on the Materials and Boundary Treatment Plan, which shows the areas adjacent to the NWRR comprising 1.8m wall with 0.7 close-boarded timber fence on top. Confirmation should therefore be provided as to what exactly is being proposed, and if it's the fence and wall scenario that this will be fit for purpose to protect amenity and noise. Secondly, it is noted that noise levels in outdoor amenity areas is likely to be 55dB, however, as set out above confirmation is sought that this is realistic given the potential impacts of low traffic during the survey period, and whether the provision proposed is something which is likely to meet standards sufficient to support approval of the application.

The cumulative impact of noise from the development subject of this application and the NWRR have once again failed to be adequately assessed in relation to our client's concerns on the impact on the amenity of the visitors to Oxon Caravan Park and its staff. We would therefore once again request that the impact of noise on our client's business is considered as part of the application process and duly addressed.

#### Dust Management Plan:

It is noted at Table 3.1 that the applicants provide a summary of the closest local sensitive receptors within 350m of the site. Clarification is sought as to the closest proximity of the application to our clients site Oxon Hall, as this could fall within the 350m distance. Given the nature of our client's operation and the fact that there is consent for site managers to reside on site, it is our view that if within the parameters detailed above, that our client's site should also be assessed in relation to potential dust issues. This concern is heightened when reviewing the dust management strategy which appears to be lacking in certainty and clarity for third parties at this stage.

#### Air Quality Assessment:

As detailed within our earlier submission there are legitimate concerns that the Air Quality Assessment has failed to consider the impact of the NWRR on the amenity of

the proposed residents of the development. Given the potential impacts on health this issue simply cannot be ignored. Furthermore, it is noted that Figure 1 sets out the sensitive receptor locations, and the road sources modelled for the assessment. We are concerned to note that none of these elements, nor anywhere within the report has consideration been given to our client's site and the impact of the development on our client's operation. Given the sensitive nature of the use and the fact that people do have consent to reside on site, we would ask that this issue be looked at in advance of determination of the application.

#### Section 106 Agreement:

We welcome the submission of a development specific and updated draft Heads of Terms for the Section 106 Agreement, this is clearly the correct approach. However, as set out in our earlier representations the S106 agreement linked to application 14/00246/OUT failed to follow the committee instructions in several aspects, in particular there had been a direction from the Highways Agency that the agreement should provide for funding of improvements to Churncote Island in the event that the road scheme (Oxon Link or NWRR) did not proceed. The Highways Agency set out this position in its letter dated 21st August 2014 and which included the following statement "On this basis, the Agency is prepared to lift the TR110 holding direction relating to the current application 14/00246/OUT. The Committee minutes included the following resolution "That planning permission be granted as per the amended Officer's recommendation as detailed in the Schedule of Additional Letters, subject to: The completion of a S106 Legal Agreement to secure affordable housing, infrastructure contributions and land as set out in the report and to ensure that funding is provided for mitigation works to be provided to Churncote Island in the event that these are not delivered through planned junction improvement works within the next 10 years;" Highways England have yet to repeat that request, but it is clear that the earlier agreement should have provided for this and on that basis, so should any agreement associated with the current application. In addition, in relation to the NWRR it is noted that it states that:

'93To reserve the use of the Link Road for the purposes of the Link Road for a prescribed reservation period (provisionally 10 years the date of the 106 agreement or from occupation of a specified number of dwellings)

Any transfer to contain transfer back provisions in the event the Council does not construct the Link Road To provide access to construction working areas for the Link Road

If required, a commuted sum payment towards an acoustic fence for the Link Road  
This statement further heightens our general concerns in relation to the noise levels generated by the NWRR and the need to implement mitigation to make the scheme acceptable. The above statements also raise concerns about what will happen to the land safeguarded for the link road should the recently submitted application for the NWRR be refused.

#### Development Plan

We remain of the view that the development as revised falls foul of the tests laid out within the Development Plan including the provisions of the National Planning Policy Framework, the Shropshire Core Strategy and the Shropshire Site Allocations and Management of Development DPD when read as a whole. We therefore ask that the additional or amended information referred to above be provided, or alternatively that the Council seek to refuse this application in line with the robust objections submitted



by Bicton Parish Council.

4.23 A letter of objection has also been received from **Sustainable Transport Shropshire**

This states:

*Sustainable Transport Shropshire wishes to object to this application.*

*Sustainable Transport Shropshire formed in June 2016 from people who use all types of transport. In acknowledging the extensive and long established science of travel mobility we believe that only sustainable travel can accommodate current and future growth in Shropshire's population and journeys - while ensuring the continued success and health of our people, businesses, towns and villages. Sustainable Transport Shropshire has researched and published several papers on rearranging mobility in Shropshire and in Shrewsbury to the benefit of everyone.*

*This application is of special interest because, in contrast to other site developments, this proposal to develop green fields is being made for a 'sustainable urban extension'. One may rightly expect a higher level of sustainability in consequence.*

*The Travel Plan*

*The Travel Plan objectives at 2.1.3, 2.1.4 and 2.1.5 are sound. Reducing car use accords with government aims to decarbonise transport; increasing active travel by cycling and walking meets public health, NICE and DfT guidelines.*

*It is disappointing therefore that the targets listed in the Travel Plan at table 5.2 are so weak as to be meaningless. A 5.3% reduction in travel by car and a compensating increase across three sustainable modes is pathetic, a travesty for a development at a 'Sustainable Urban Extension'*

*Such a marginal change may however be realistic given the site design chosen by the applicant. As well as continuous, targeted, active marketing of walking, cycling and public transport, travel behaviours are strongly influenced by a site's design and the convenience or otherwise of car transport. The decision to locate plentiful parking by front doors instead of at locations 100 to 200m distant will ensure that the private car will indeed be the primary transport mode for people who take up residence here. In contrast, the location plan suggests that cycle sheds might be found to the rear of dwellings, with potential cycle users needing to walk their bicycle past the car(s) occupying the driveway (if there is space to do so). As noted in the Travel Plan, the high frequency bus service is located on Gains Avenue 300m from the southern edge of the development. An intending passenger would need to walk through the new development, cross Welshpool Road and walk along Gains Park Way to reach the nearest stop for this service on Gains Avenue. Both the distance and the impediment of a busy road will discourage use unless the service is diverted inside the development.*

*The Travel Plan is silent about provision of on site bus service from the time the very first house is occupied, nor does it speculate on how long any introductory bus scheme might last. People's travel behaviours follow well worn habits and opportunities to alter them are few. One such is on moving to a new house when decisions about how best to reach work, shops or schools will be taken before moving in. It is essential therefore that a bus service on site is known to be in place from day of first occupancy and is guaranteed to continue at a published frequency for an extended period until well after the last resident has moved in.*

*The design layout of the proposed housing*

*The design follows contemporary patterns of road layouts to facilitate movement by car, with provision for parking of privately owned cars adjacent to the front door of each dwelling. Many also have enclosed car garages behind; the plans also show indicative locations for cycle sheds. These are at the rear of properties adjacent to gardens and it is likely that these inconveniently located sheds will in practice be used as garden sheds to house lawn mowers and other tools. Their location behind properties places cycles at a disadvantage compared with cars parked on hard standing by front doors.*

*There are footways alongside each road. The retention of existing PRow is welcomed, and the purple marked route through the Linear Park provides a direct access from the northern part of the site to the main site entrance without using the road network, as well as facilitating east-west journeys on site between Home Zones. This is an attractive feature.*

*For the homes on the eastern side of the site the only egress on foot is to the north along the PRow or south using the main vehicular access. Opening the Home Zones to Shepherds Lane, and onto Welshpool Road, would shorten journeys on foot/cycle to the facilities at Oxon to rebalance the convenience/inconvenience compared with localised journeys by car.*

*The PRow route to the west (marked in blue) crosses one cul de sac road and 19 driveways and it is likely to become partially blocked by cars. Each driveway poses a risk of collision for people on foot, and it is unfortunate the development design does not currently minimise such conflicts.*

*Transport For New Homes have published a measuring tool to assess the extent to which a proposed development prioritises/enables travel by walking and cycling. Conversely, reliance on private cars as the principal mode of transport, and their parking spaces, creates an environment of hard surfaces with little in the way of vegetation beyond the occasional 'indicative' tree. House frontages in the proposed design minimise vegetation and feature much hard surface for car parking.*

*Road widths on the site are said to be suited for use by public buses. The design does not have a through route and this is likely to make it unviable for an operator to provide a commercial service on site. Buses in Urban Developments (January 2018) published by the Chartered Institution of Highways & Transportation (CIHT) recommends road network design that enables a direct bus route with access at both ends of a site. This minimises delay to the bus and to passengers already on board enabling a service to be diverted from an existing route with minimum time penalty. Such a route needs to be planned with additional walking paths so as to maximise the population living close to a stop and in any case less than 300m. The Avenue lends itself to such a through route but will require a new bus access via Calcott Lane with a bus gate or other control feature to eliminate unwanted traffic.*

*The environs beyond the development site*

*When first published the Oxon Link Road/SUE West development included direct vehicular access from this development via a roundabout onto the Oxon Link Road. Under that proposal Welshpool Road would not have direct access from the*

*Churncote roundabout and was described as a 'low traffic boulevard'. The new proposal has deleted the access onto Oxon Link Road and restores Welshpool Road as a through route.*

*The development site is not well situated for access to the amenities of Shrewsbury and journeys of four or more kilometres will be commonplace which rules out walking as a likely travel mode. With the exception of a medium sized supermarket at Oxon the nearest large retail centres are at Meole Brace (6-7 km depending on route taken) and in the town centre (4 km). The closest secondary school is 5 km. In order to minimise use of cars in accordance with the objectives of the Travel Plan the environs need to enable these journeys to be undertaken by cycle as well as by public bus. The absence of frequent bus service on site or along Welshpool Road has been noted above. There is no cycle specific infrastructure in place either. The direct cycle route to the town centre is along Welshpool Road and the Mount which involves sharing the sometimes narrow carriageway with a range of motor vehicles. While a journey to the secondary schools of Radbrook and to the Meole Brace retail park could be undertaken using footways these do not provide quick end-to-end journey times as they necessitate many crossings of minor roads and drives, nor are they easy to navigate. The best cycle route would use Racecourse Lane, Squinter Pip Way and Bank Farm Road, but for the lengthy Squinter Pip Way to feel safe for cycling it would first need to be closed to through traffic (probably near Morant View).*

- 4.24 **Shrewsbury Civic Society** has responded with objections indicating:  
*As a Samdev allocation, the site has some potential for development. However, our Planning Committee finds this proposal is of insufficient quality to meet Shrewsbury's needs and be sustainable in all the meanings outlined in the NPPF. We note that the Guidelines of 'Building for Life' have been used to justify the site's design. However, answers to many of the Guideline's questions are very weak, suggesting that the standards will not be fully met. For example, there are few usable social facilities provided 'no shop, no community building \u8211'96 no central social feature or social draw. The most important facilities are not provided on site and some (eg school places, medical practice) are both distant and under pressure. It would appear that the Building for Life assessment is not sufficiently robust.*

*Consequently the proposal is a recipe for an isolated commuter suburb in three sections. However, Shropshire is now adopting the West Midlands Combined Authorities Design Charter and it is clear that these development aspirations will not be met either.*

*In particular, the Society objects to the quality of design of the buildings (eg unvaried rooflines with no chimneys, the quality and size of windows in the smaller homes. We find that despite the central green space, too much of the site is given to roads or buildings. Consequently, the original ecological features are undermined and split up. There are also issues concerning the linkage of the current pond areas. There is just one access road for two of the development sections rendering the development as an isolated estate. The plans show too little to satisfy the social and well-being needs of residents 'no cycleways' too few community spaces or facilities (only a green tract and a playground at one far end). The plans do not meet Shropshire's target for affordable homes.*

*Overall, we object to the plans because too few of the aspirations for sustainable living and quality homes are met. As it stands we hope the application will be rejected and returned for substantial alterations.*

4.25 **Shropshire Group of The Ramblers** has made comment indicating:

*Having studied carefully the various plans of the proposed development, we are obliged to object to the Application because Bicton public footpath 0408/9/1 has been completely ignored by those drawing up the plans. Some 175 metres of the footpath runs just inside the northern boundary of the Application site from a stile in the garden of the house on Calcott Lane, called the Cottage, to a stile leading to a narrow, enclosed footpath which runs round the back of the houses 1 - 3 Pool View and exits onto Shepherd's Lane. This section is a well-used footpath, utilised by dog-walkers and others coming from Welshpool Road and the Bicton Heath area (they use footpaths 0443/8Y/2 & 1 and then continue round the edge of the field to join this section of footpath 9, and then return via footpath 7 or vice versa, and this is what should be provided by the development). We appreciate that the area it passes through is designated as grassland on some of the plans, but the footpath needs to be formally recognised on these plans, and proper 'furniture' provided to cater for the vastly increased usage that can be expected with nearly 350 houses within a few hundred metres of it.*

*Moreover, we are extremely disappointed by the 'downgrading' of footpath 7 to a roadside pavement, passing alongside the main distributor road of the development. This is not an adequate solution because it is extremely likely that vehicles will be parked at various times of the day partially on this pavement, obliging walkers to use the road to pass them. This is not a safe proposition, especially as many of the walkers will be local and have dogs with them. This raises all sorts of questions about road safety. Possible acceptable solutions are to make one of the pavements much wider so that parked vehicles can be avoided, better still the pavement could be positioned a few metres from the kerb so that there is no possibility of conflict between parked vehicles and walkers. The developers should be aware that this sort of diversion of a rural footpath onto a roadside pavement is no longer welcomed by Government Policy and should be avoided at all cost. Of course, the ideal solution would be to redesign the layout of the development so that the footpath passes along a wide 'green' corridor between houses from which the residents can access the back gardens of their properties.*

4.26 **Shrewsbury Branch of the Friends of the Earth** have responded to the application indicating:

*We contend that it is impossible to make full comments on this application as it is presented. It contains factual errors that are misleading and as such means comment or lack of comment can be meaningless.*

*The following have been noted:*

*The Oxon Park and Ride is being closed*

*Information on schools is nonsense*

*The planning application for the NWRR is imminent but there is no "tie up" with what is proposed. The speed limit is 60mph not 50mph, footbridges to open space are no longer included. Also a layout for the Trim Trail would be virtually obliterated if the NWRR goes ahead. What is to be assumed in assessing the application?*

*The noise assessment acknowledges the highly detrimental effects that the NWRR would have but more information on surfacing etc is needed before proper judgement*

can be made.

The conclusion from all this is twofold:

1. The applicant should be required to withdraw this application and submit a competently prepared set of documents
2. Some of the issues around the interaction between this application and the NWRR show more thought is needed on how the Council is to manage the whole Western Urban Extension. Other implications such as public transport, cycle routes, amenities etc etc cannot be properly dealt with when a piecemeal approach is adopted. Each of the planning applications should be contributing to the ultimate provision of a good overall development.

However a few brief comments:-

The Amendments\line This amended proposal does not resolve the reasons why we strongly objected to the original application. The site is still overcrowded and it is obvious the factors that would create improvements are still secondary to the desire to cram in the maximum number of houses.

The strategy by the developer of initially submitting an unacceptable proposal and now apparently making "concessions" must be dealt with firmly. This is the first stage of the Western Urban Extension of the town and nothing less than a development that provides a good environment for its residents must be accepted.

The 3 ponds on the site are a real asset and should be retained.

The noise assessment shows some houses still could not open their windows. This is completely unacceptable. The suggestion that a 2.5metre high close boarded fence would be effective isn't guaranteed but in fact is very unlikely to help. (Of course cancelling the NWRR solves the problem)

Since the last opportunity to comment on this proposal, some 8months ago, the Government has placed more emphasis on the need to promote active travel. Also the importance of access to green space has been realised. As noted above it is not possible to make a judgement on whether these matters are going to be addressed.

Conclusion - We still strongly object to the application.

Until a more coherent approach is taken to the development of The Western Urban Extension it will be impossible to make judgements on some aspects of the proposals.

## 5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping
- Highway access and transportation
- Residential amenity
- Drainage
- Ecology
- Section 106 and CIL.

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise

6.1.2 The granting of the outline planning consent for a wider site that this site forms part of,

(ref: 14/00246/OUT), has accepted the principle of residential development on site.

- 6.1.3 The application site forms part of the Shrewsbury West Sustainable Urban Extension (SUE), which is identified in the Council's adopted Core Strategy as a strategic location for development as part of the Shrewsbury Development Strategy (Policy CS2). The SUE is also identified in the Site Allocations and Management of Development (SAMDev) Plan SAMDev Plan Policy S16.1 and related Schedule S16.1a (Allocated Housing Sites).
- 6.1.4 Schedule S16.1b (Allocated Employment Sites), and Figure S16.1.2 (Shrewsbury West SUE Land Use Plan) provide further policy guidance. In addition, the Council adopted a Master Plan to guide the development of the SUE (adopted by Council on 19th December 2013). The application site forms a first phase of the development of the SUE. This Plan set out a strategy for 750 homes by 2026 delivered in 3 specific parcels of land, to which this site forms one of them, as part of the Shrewsbury West Sustainable Urban Extension area, and thus the proposal is in line with adopted Core Strategy Policy CS2, and SAMDev Plan Policy S16.1 and the adopted SUE Master Plan, all of which seek the delivery of comprehensively planned and integrated development, including housing, employment land, and appropriate infrastructure provision/contributions. The location of the area proposed for housing, as well as the business uses and public open space, and the provisions made with regard to land for, and contribution to the cost of, the planned Link Road (between the Churncote Island on the A5 to the Holyhead Road) accord with the Council's policies.
- 6.1.5 Whilst objections in relation to the application and 'sustainability issues' are noted such as from Shrewsbury Civic Society and issues they have raised will regards infrastructure, this will be covered by Community Infrastructure Levy, (CIL), payments. On balance the principle of the development is considered acceptable subject to matters as discussed below.
- 6.1.6 As referred to in paragraph 2.2 above the application was screened in accordance with Environmental Impact Assessment Regulations and the screening opinion dated March 2nd 2021 established that the area of the development would exceed two of the indicative criteria's as set out in the regulations (Schedule 2 – 10(b) for determining significance and whether or not there is a need for EIA, with reference to Schedule 3 criteria of EIA Regulations and to the guidance set out in the NPPG and noting the considerations as set out in the assessment, it is concluded that an Environmental Statement is not required in order to ensure adequate and thorough consideration. Biodiversity impacts and net gain, along with consideration to landscape, visual and historic character impacts, archaeology, surface and foul water drainage, highway impacts and amenity can be addressed via subject specific surveys/ reports where considered necessary without the need for an environmental statement. With adequate consideration to these aspects, the Council has not carried out a scoping exercise as the key issue in relation to this development is the ecological impacts of the potential impacts of the proposal in relation to the existing on site and surrounding environment. These matters are discussed later in this report.
- 6.2 **Siting, scale and design.**
- 6.2.1 Section 12: Achieving well-designed places of the NPPF advocates optimising the potential of the site to accommodate development, create and sustain an appropriate



mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks. The NPPF seeks to improve and enhance places where people live. This national policy is reinforced and expressed locally in Core Strategy Policy CS6 and SAMDev Policy MD2

- 6.2.2. The proposal is for a total of 340 dwellings with associated highway infrastructure, landscaping and open space. The submission includes a total of 51 affordable dwelling representing 15% of the total number of dwellings on site. The application proposes houses that are terraced, semi detached and detached. The dwellings are predominately 2 storey with 2'bd storey along the central boulevard feature. Information in support of the applicants' submission indicates that the development will create its own identity, respecting the character of its surroundings. Six distinct character areas are proposed These areas produce variety within the development establishing a strong identity whilst also demonstrating a common design theme.
- 6.2.3 The final layout of the proposed development is set out below and this includes provision for the retention of one of the three ponds that have recently established on site, this connects to open space to the north west which retains three important mature Oak trees that are a feature to the site . To the north of this is the proposed childrens' play area and green connectivity to the drainage attenuation ponds and natural vegetation in relation to this. To the north of this attenuation pond is the location for the proposed link road that will run alongside the northern boundary of the residential development. Further north on opposite side of the proposed new road is further sustainable drainage facilities and open space.



- 6.2.4 Detail in support of the application indicates that the proposed development comprises

a range of 1, 2, 3 and 4 bed dwellings. The houses are terraced, semi-detached and detached as well as Maisonettes. The dwellings are predominately 2-storey and 2.5 storeys, with the 2.5 storeys along the linear park and along the main avenue street. The layout includes the provision of 51 affordable dwellings ( 8 - 1 bed, 28 - 2 beds and 15 - 3 beds), these overall dwelling numbers are consistent in percentage terms with the existing permission (ref 14/00246/OUT) and is policy compliant at 15%. The overall housing mix breakdown as a percentage is detailed in Table 7 below.

Bedrooms	Numbers	Percentage of overall housing provision.
1	8	2%
2	60	17%
3	199	58%
4	73	21%

- 6.2.5 The development is proposed to create its own identity, respecting the character of its surroundings. four distinct character areas. These areas produce variety within the development establishing a strong identity whilst also demonstrating a common design theme which is intended to integrate within the context of the surrounding area.

Vehicular access into the site is in the form of a purpose-built priority-controlled junctions will be taken from three locations, one from Welshpool Road and two from Calcott Lane. Majority of the 316 dwellings are expected to access the Site via the Welshpool Road access, with the Calcott Lane access (North) mainly serving the development located in the north-western corner of the Site. The southern access off Calcott Lane will serve the 24 dwellings located in the south-western corner of the development site only. Pedestrian and cycle access will be provided via the footways which line the new access junctions with Welshpool Road and Calcott Lane. The two PROW which run through the site will be preserved and improved as part of the scheme, providing a further link for pedestrian and cyclist onto Shepherd's Lane and Calcott Lane, from Welshpool Road. There is no vehicular access proposed off Shepherd's Lane into or out of the site.

- 6.2.6 The design of the houses is mostly two storey with some 2.5 storey houses making use of the roof space. The house types will demonstrate a cottage like vernacular including brick and render or stone cills & stone/brick heads or gauged arch windows, bay windows. They are finished mainly in brick and some render. The palette of materials proposed will include:

Brickwork using cream and red bricks, some with white render, brick/stone cills, with plain tiles in either dark brown or slate grey for the external roofing. Whilst concerns raised in relation to scale and design are acknowledged such as from Shrewsbury Civic Society overall this aspect of the development on balance considered acceptable.

- 6.2.7 The application meets the affordable housing requirement in that the provision of 51 affordable dwellings represents 15% of the proposed development of 340 dwellings. The tenure of the proposed dwellings is split between affordable rented 36 dwellings (70%) and 15 (30%) shared ownership, which is considered acceptable. The revised plans indicating site layout and clustering of affordable dwellings within the overall site is also now considered acceptable and in accordance with the Type and Affordability



of Housing SPD.

Whilst size of some of the dwellings is a disappointment. Nationally recognised space standards are not currently adopted by the Council policy, although we do encourage the provision of these standards in all proposed new development.

- 6.2.8 In relation to scale and design overall the proposed development whilst significant in area, is considered acceptable and is considered to be in accordance with the aims and aspirations of the SUE policy for this site and thus in accordance with Policies CS1, CS2, CS6, CS10, MD1, MD2, MD3 and S16 of the local plan and the overall aims and objectives of the NPPF in relation to sustainable development.
- 6.3 **Visual impact, landscaping and open space provision.**
- 6.3.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy encourages development that improves the sustainability of communities whilst requiring development to protect and conserve the natural, built and historic environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, and the achievement of local standards for the provision and quality of open space and ensure sustainable design and construction principles are incorporated within the new development.
- 6.3.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
- 6.3.4 Policy CS17 ‘Environmental Networks’ states that development will identify, protect, enhance, expand and connect Shropshire’s environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. In addition, SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets.
- 6.3.5 Also, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire’s heritage assets will be protected, conserved, sympathetically enhanced and restored. In relation to historic issues this application is considered acceptable.
- 6.3.6 The applicants have submitted in support of their application a landscape and visual, impact assessment and this concludes that the Site measures almost 24 hectares adjacent to the north-western settlement edge of Shrewsbury. Although it is in close proximity to the settlement edge in most people’s eyes it would be classed as a rural Site and it is greenfield land. At first glance without understanding the concept behind the proposed development (and its relationship with the proposed wider SUE) it may seem inappropriate for a development of this type to be located on a rural site however this is not always the case. The principle landscape resources of this Site and its context are its mature trees, hedgerows and ‘openness’. Arboricultural, ecological and landscape and visual audits have

been undertaken as part of this application to ensure that these elements are retained as much as possible within the emerging proposal and also appropriately enhanced where possible. In visual effect terms the site is relatively well hidden. The gently rolling topography, mature hedgerows and managed hedges, mature broadleaf trees, landscaped buffer to the A5 and the relatively small number of private properties that experience views of this site mean that the residual visual effects are generally of minor significance. The application has more of an effect in landscape terms. There is no doubt that the site comprises open green field land that contributes to an important green gap between Bicton Heath and the Shropshire and Mid Wales Hospice, the Camping and Caravanning Touring Park and the small number of properties at Calcott. The character of the site and its context will change beginning with the development of the housing element of the Site and followed by the detailed design and development of the employment land and the first section of the Link Road. The assessment has informed the emerging masterplan for the housing development to ensure that mature trees and hedgerows are retained and enhanced where possible to integrate the site within its context, opportunities to provide new structural landscaping and green infrastructure are realised, opportunities to retain and enhance public linkages between Bicton Heath and the wider countryside are explored, and important landscape and wildlife assets are not conflicted.

6.3.7 The Council's Landscape Consultant has commented on the application indicating that the assessment of landscape and visual effects has been carried out in broad compliance with the principles set out in GLVIA3. However, although the judgements made do not appear unreasonable, the absence of a methodology for the assessment of effects and evidence for the judgements makes a full validation of the findings difficult. Concerns are raised with regards to the absence of an assessment of cumulative landscape and visual effects to be a significant omission, and there are some concerns that the assessment of visual effects is limited to locations within and on the perimeter of the site. A comparison of visual effects however indicates that the predicted levels of effect are notably more adverse for this development. Full details of landscape mitigation and aftercare have been submitted and these appear appropriate. The response indicates that the proposal complies with Local Plan policies CS6, CS17, MD2 & MD12 in relation to landscape character and visual amenity. The response indicates that it is important to protect the topsoil resource currently on the site which is at risk from poor construction practices. SAMDev policy MD12 makes specific reference to protection of soil as a natural asset, and therefore if the application is recommended for approval, this matter should be conditioned with suggested wording as follows:

*'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 and these works 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*

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

- 6.3.8 Clearly the Council's Landscape Consultant whilst raising no objections to the principle of the development and methodology used to assess the proposal in relation to landscape and visual impact issues does raise concerns with regards to the absence of an assessment of cumulative landscape and visual effects to be a significant omission, and there are some concerns that the assessment of visual effects is limited to locations within and on the perimeter of the site. Whilst this omission is acknowledged it is considered that this matter would have been a consideration when the site was allocated for residential development in accordance with the master plan and formal adoption of the site as part of the local plan for residential development. The site is located on the edge of urban development with that of open countryside all be it within the built development on the urban side of the town's bypass on a site clearly considered appropriate for residential development and hence a natural place for future growth of the town. Also of significant planning weight is the previous approval for residential development on site that was approved in accordance with the current local plan and a permission that remains extant and albeit landscaping was reserved for future consideration, this aspect in relation to this approval has since been approved by the Council and therefore the applicants could in theory commence development on site. Whilst Officers acknowledge the current application proposes 40 more dwellings, it is also acknowledged that the application under consideration gives greater consideration to retention of a natural pond on site and thus greater emphasis on biodiversity and green issues. 40 dwellings as part of a large development of mainly smaller houses than that of the previous approval on site as part of the wider material considerations not considered that significant so as to warrant a recommendation for refusal on this aspect.
- 6.3.9 Open space provision on site will result in an increase in open space provided on the residential aspect of the site, compared to the previous residential approval for the site, with 3.82ha (9.46acre) area of POS being provided as usable space. This is then supplemented by an additional 3.89 ac (1.57ha) of amenity open space in the form of natural ponds and water features. A total of 13.35ac of open space is provided, excluding the ecological enhancement area. In response to a request from Officers the designed play area has been relocated from its far north west location as approved via permission (ref 14/00246/0UT) and its indicative location is now incorporated to the middle of the central linear are. It is considered that this will significantly improve its accessibility and security. A linear area of public open space is proposed alongside the route of the link road, separating the residential development from the highway. This area will provide access to public natural open space that will include areas of habitat potential and SUDs drainage proposals. There will be significant area of POS that will be centrally located around the retained pond. There will also be off-site for a new public open space to the north of the proposed residential development on the other side of the Link Road to be secured by S.106 agreement.
- 6.3.10 SC Parks and Countryside Manager has responded to the application indicating that the inclusion of usable Public Open Space within this development is still considered by officers to be disappointing with the lack of centrally positioning of public space and green off road corridors linking the various areas of the development however, the response is clear in that this planning application does offer a better layout than that of the planning application granted in 2019. The play area has now been more appropriately positioned and located more central to the development with the (applied

for) diverted public footpath providing off road access to it which is welcomed. The retainment of the naturally developed pool to the east of the development is a welcome addition to the public open space, although it must be acknowledged not considered “useable” open space, although it is accepted that this area will bring ecological benefits to the development and this is considered a material benefit to the development as a whole.

- 6.3.11 With the inclusion of this natural space, the Public Open Space, (POS) within the development is considered to meet the relevant policy 30 square metre criteria and it must also be acknowledged the proposal overall does provide more POS than that of the 2014 planning application subsequently approved in September 2019. Whilst the concerns about the proposed relief road dissecting the POS to the north of the site, and with this application not confirming provision to be provided over the road to access the POS to the north of the road, this matter is discussed further in paragraph 6.4.6 below. Maintenance of the open space provision will be covered in the Section 106 agreement, this in principle is referred to in paragraph 6.8.4 below.
- 6.3.12 Given the above in relation to landscape and overall visual impact, and open space provision, on balance and in relation to the overall material considerations of the circumstances, and with consideration to the objections on biodiversity issues raised, (members of the public and non-statutory consultees), it is considered by Officers, that the development is broadly in accordance with Policies CS6, CS17, MD2, MD12 and S16 of the local plan as well as the NPPF in relation to landscaping and visual impacts.

#### 6.4 **Highway access and transportation**

- 6.4.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”
- 6.4.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced.
- 6.4.3 Policy S16.1a of the Council’s SAMDev refers to the Shrewsbury West Sustainable Urban Extension indicating that development will deliver comprehensively planned, integrated and phased development of the SUE having regard to the SUE land use plan and facilitation of the new improvement of the A5 Churncote Island along with sustainable transport measures.
- 6.4.4 The applicants have submitted a transport assessment, (TA), in support of the application, this concludes that the site can be accessed via a variety of sustainable modes, with footways and potential cycle connections to local facilities/amenities and to Shrewsbury Town Centre. Bus stops within walking distance of the site provide access to the wider area, as well as to onward connections to major hubs from

Shrewsbury Railway Station. Following a review of the recorded injury collisions in the vicinity of the site, there are not considered to be any unusual patterns or trends of recorded collisions that would likely be exacerbated by the development. Utilising the trip rates presented in the TA for the consented application, the proposed uplift in development is envisaged to generate approximately 26 two-way trips during the AM peak and 30 two-way trips during the PM peak. The trip generation figures equate to approximately one additional vehicle every two minutes on the surrounding highway network during the respective AM and PM peak periods. It is not considered that the traffic associated with the additional 44 dwellings at the site would result in a significant impact on the operation of the surrounding highway network. It is therefore not envisaged that any additional junction capacity modelling is necessary to support the variation in outline planning consent to increase the number of dwellings from 296 to 340 on the site. However due to possible delays to the relief road as a result of its inclusion to the Shrewsbury North West Relief Road Scheme, Highways England requested the reassessment of the A5/A485 Churncote roundabout. The assessment concludes that it is not considered that the proposed development uplift at the site would result in any severe impacts on the surrounding highway network, and as such the application for a variation in outline planning consent to increase the number of dwellings from 296 to 340 on the site should not be prevented or refused on transport grounds.

- 6.4.5 Highways England raise no objections to the proposed development, initially indicating concerns with regards to the applicants methodology used in consideration of impacts on the 'Churncote roundabout in relation to the previous application subsequently approved whilst also taking into consideration the scenarios in the event that the 'North West Relief Road' does not materialise. The applicants subsequently submitted further information on these matters and Highways England in response have indicated that based on this, they do not anticipate that the proposed development of 340 dwellings will result in a significant impact at the Churncote roundabout. As such, Highways England do not expect the applicant to undertake any further traffic assessments in support of this planning application. The response from Highways England indicates no objections subject to a condition in respect of construction and environmental management plan being attached to any approval notice subsequently issued.
- 6.4.6 The application (as did the previous application subsequently approved), proposes to provide some public open space to the north of the proposed link road. Pedestrian access from the residential element of the development to this open space will be via an access further to the east of the site on the other side of Shepherds Lane. It is important to note that the access itself is not part of this application and the Shrewsbury West SUE masterplan references the fact that a pedestrian crossing or bridge will be provided. The detail of this is to ultimately form part of any consent for the link road itself. The North West Relief Road, (NWRR), road had a design speed of 60mph. The application (reference 21/00924/EIA), for the NWRR includes provision for a pedestrian/cycle crossing bridge directly to the east of Shepherd's Lane. The approved solution will need to safely reflect the nature and purpose of the road as well as the likely level of pedestrian traffic given the function of linking the development with public open space. Given that the proposed road crossing does not in itself form part of the current application (it would not be required without the link road), and that its provision would in any case accord with the adopted masterplan, officers consider

that whether or not it is formed of a bridge, or some other form of crossing, is not material to the current application for a decision before the Council. Ultimately the design of the crossing will need to take account of the function and speed of the new road and the need to provide a safe crossing for pedestrians of all types.

- 6.4.7 The applicants have as part of the application layout plan indicated diversions to on site footpaths and the SC Public Rights of Way Manager has indicated in response to the application that as laid down in DEFRA's Rights of Way Circular 1/09 the Highway Authority should avoid coinciding the use of estate roads and public rights of way wherever possible. However it is appreciated that in relation to the development approved in 2019, Officers agreed to divert Footpath 7 along the estate road and the development planned accordingly, in consideration of this it is considered a reasonable alternative has been put forward for the diversion of the footpath through the open space, alongside the Welshpool Road and as such, the diversion as proposed can be supported. The Rights of Way team appear to accept a diversion of FP 8Y to run along the already proposed route. Should planning be granted for this scheme the Public Rights of Way Team have indicated they would like to discuss both diversions in more detail so the most appropriate way forward can be decided upon and request that the applicants contact the Mapping & Enforcement Team direct. It is recommended an informative note is attached to any approval notice issued reminding the applicants of this requirement.
- 6.4.8 SC Highways Manager has responded indicating that the highway authority acknowledges that site benefits from a current outline planning permission with layout established. The current application seeks an increase in the number of residential units to 340 when compared to the 296 dwellings previously approved. Whilst the layout has changed from the previously approved scheme, the SC Highways Manager considers there are no fundamental issues with the internal road layout or accesses both onto Calcott Lane and Welshpool Road.
- 6.4.9 In terms of increased traffic movements, it is considered that the modest increase in the number of residential units over and above the previous approved scheme is acceptable. It is also noted Highways England have confirmed following additional assessment that the proposal raises no highway issues.
- 6.4.10 In conclusion, overall, the application submission essentially meets with the aspirations in delivering the Shrewsbury West SUE allocation as approved by the Council in its adoption of the SAMDev. The highway authority acknowledges that the current application seeks to form the main vehicle access onto Welshpool Road. Subject therefore to the inclusion of highway conditions, in relation to a construction traffic management plan, internal junction and junction visibility splays, carriageway and footway construction, final surfacing strategy phasing plan and a travel plan, the highway authority supports the application. It is therefore recommended that the conditions as recommended by Highways England and SC Highways Authority are attached to any approval notice, if members are mindful to support the application.
- 6.4.11 On transportation, access and highway matters, the application is considered acceptable and based on information provided, it is considered that development as proposed can be considered a significant part of the aims in relation to a sustainable urban extension in accordance with relevant policy and the master plan in relation to

this site. As such the development on transportation issues considered to be in accordance with local plan policies CS1, CS3, CS6, CS8, MD2, MD3 and S14 and the overall aims and objectives of the NPPF in relation to sustainable transportation with conditions thatched as discussed.

## 6.5 Residential amenity

- 6.5.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. The applicants have submitted a noise assessment and impact assessment in relation to the proposal and these have been considered as part of the considerations in relation to the application.
- 6.5.2 The assessment concludes that there will be no significant impacts in relation to the residential amenity of surrounding dwellings.
- 6.5.3 Officer have considered residential amenity and privacy in relation to all surrounding dwellings to the application site as well as in relation to dwellings that will form part of the residential development and have concluded that impacts on occupiers of these dwellings is acceptable. It is accepted that vehicular access onto Calcott Lane out of the application site will have an impact, however this land is much more rural in character than that of Shepherds Lane and it is acknowledged that there are no dwellings within the immediate vicinity of the site where the proposed accesses are located and further still these access points will only be used by a limited number of dwellings that form part of the application site.
- 6.5.4 The Council's Regulatory Services were consulted on the application and whilst they raised no significant concerns in relation to the application, it is not clear what the overall height of the proposed acoustic barrier is to be located alongside the site of the proposed relief road and who will be responsible for its maintenance. Whilst this element of the application will form part of the Section 106 agreement in relation to the application, it is recommended that a condition is attached to any approval notice issued requiring detail in relation to this prior to occupation of any dwelling on site. It is also recommended that this condition also refers to ventilation of dwellings facing the proposed roadway, as it is considered that adequate ventilation and connection with the outdoors and efficient ventilation is a reasonable requirement in relation to thermal comfort. Also recommended is a dust and air quality management plan and construction environmental management plan. These latter two a usual consideration in relation to developments of the magnitude as proposed.
- 6.5.5 Concerns have been raised by members of the public with regards to lack of consultation in relation to this application. Whilst it is acknowledged that the NPPF encourages public consultation prior to submission of a formal planning application, this is not a statutory requirement. It is understood the applicants did consult with the community with regards to the principle of development on site in relation to the previous application for development on site which remains extant.
- 6.5.6 Overall and with conditions attached to any approval notice as recommended by the Council's Regulatory Services and in particular in relation to dust and the acoustic barrier and noise, (this aspect also subject to the Section 106 agreement in relation to the noise barrier installation and its maintenance), the proposal on amenity issues is

considered acceptable and in accordance with Policy CS6 and the NPPF in relation to this matter.

## 6.6 **Drainage**

- 6.6.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an increase in runoff. The site is identified by the Environment Agency flood data map, as being fully located within Flood Zone 1. (Low risk of flooding). Such areas are assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%) in any one year. A flood risk and foul drainage assessment has been submitted with the application. This confirms that the proposed development on land off Welshpool Road, Shrewsbury has been assessed with regards to flood risk and that it is not considered that flooding poses a risk to the proposed residential development of the site subject to implementation of the recommended measures as outlined in the flood risk assessment.
- 6.6.2 The Environment Agency has responded indicating that whilst they consider there are no fundamental concerns, based on the information as submitted, they recommend advice is sought from the Council's drainage specialists. The EA also recommend conditions with regards to a remediation strategy that includes components to deal with the risks associated with contamination of the site to be submitted to and approved, in writing, by the Local Planning Authority prior to development on site and if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) to be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt
- 6.6.3 The Council's Drainage Manager raises no objections subject to a condition in respect of surface and foul water drainage being attached to any approval notice issued. It is recommended that such a condition is attached to any approval notice in order to fully ensure a sustainable drainage system is installed in relation to the development
- 6.6.4 With consideration to the above-mentioned drainage matters are considered satisfactory and in accordance with policies CS6 and CS18 of the Shropshire Core Strategy and the NPPF

## 6.7 **Ecology**

- 6.7.1 The NPPF places high importance on protection of biodiversity interests and new development should minimise impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. It also places great weight on conserving and enhancing the natural environment. Core Strategy Policies CS6 and CS17 require development proposals to respect the natural environment of Shropshire and its biodiversity interests. Policy MD12 of the SAMDev, amongst other matters, encourages development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition. Development should minimise impacts upon biodiversity and provide net



gains in biodiversity wherever possible.

6.7.2 An ecological report accompanies the application and this was amended during the application processing in consideration of changes to the site. The report indicates that the development area comprises the new residential areas, formal green space, drainage scheme, public open space and a Biodiversity Enhancement Area (BEA) formerly referred to as the Newt Mitigation Land. The report assesses the impacts associated with the construction of the development upon terrestrial ecology and any additional impacts associated with the occupation of the new residential area.

6.7.3 The report indicates that the following avoidance, mitigation and enhancement measures have been incorporated into the detailed design and layout to help avoid, offset or reduce impacts on biodiversity:

- Retention and protection of the northern, eastern, western and southern boundary hedgerows.
- Retention of mature trees with root protection areas within green spaces
- Incorporation of stand offs between retained hedgerows and mature trees to protect the long term health
- Creation of public open space (POS) within the main development and in the northern part of the site
- Creation of an attenuation basin with permanent wetland in the northern part of the site
- Creation of swale with wetland and meadow grassland adjoining the main residential Development
- Provision of linked green space around the site with good connectivity into the wider Landscape
- Creation of a Biodiversity Enhancement Area including the protection of the Calcott Lane Pond (the GCN breeding pond).

6.7.4 The application acknowledges that there will be a permanent loss of two of the three arable field ponds on site. (These have evolved on site since receipt of the previous application for development on site which remains extant). The central field pond will be retained within the layout to provide a natural resource. The application proposes that this waterbody be modified and incorporated into a landscaped green space in the centre of the residential development. Part of the naturally regenerated grassland will be kept as longer grassland on the northern side of the pond. Detail in support of the application further states that the retained habitats will be supplemented by the creation of seven ponds in two groups within the 2.8hactare Biodiversity enhancement area, (BEA), in close proximity to the Great crested newt breeding pond. The three new ponds at the eastern end of the BEA will be periodically recharged from the northern attenuation basin. The design of the attenuation basin will maintain a pond in the base with a maximum depth of 600mm, set by the height of outfall. Consequently, after prolonged or heavy periods of rainfall, the outfall ditch will frequently carry water and maintain water levels of up to 2m in depth in each of the new ponds. The application acknowledges that there will be some impacts on the current biodiversity value of the site which will arise from the loss of the single internal hedgerow and several associated hedgerow trees plus two trees within the arable field. In addition, one small tree in centre of the Shepherds Lane hedgerow will also be removed where

an internal road unavoidably overlaps with the root protection area. However it must also be appreciated that key veteran trees on site are to be retained and incorporated into the overall layout of the site and the Council's Tree Officer has been consulted on the application and raises no objections subject to a suitably worded condition being attached to any approval notice issued with regards to tree protection on site and consequentially suitable biodiversity enhancement. The application is supported by a Habitat Management Plan which sets out the overall aim of maintaining and enhancing the nature conservation value of retained and created habitats and the objectives for grassland, hedgerows, ponds and woodland. However, owing to several amendments to the application since original submission it is recommended that if members are mindful to support the application that this element of the proposal is subject to a condition to any approval notice issued.

The Council's Planning Ecologist has responded to the application indicating:

#### 6.7.5

##### *'Biodiversity*

*The application is accompanied by an updated Biodiversity Metric calculation and report. Having analysed this and the accompanying information regarding habitats and condition assessments, and amending it in some areas based on my professional judgement, the metric indicates that the development will result in a measurable net gain of habitats of 0.05% and a net gain of hedgerows of 4.95 % from the baseline. The scheme includes for a Biodiversity Enhancement Area which will provide seven new ponds and adjoining terrestrial habitat specifically designed to provide optimal habitat for amphibians (including great crested newts) and which will also serve to compensate for the loss of two existing ponds present on the site. In addition to the BEA, the management of SUDS features and the existing pond plus grassland areas within the housing scheme (which are not amenity grassland) will promote biodiversity within the development, and the addition of bat and bird boxes (conditioned) will also provide roosting and nesting opportunities for bats and common birds, so that the development accords with the NPPF, MD12 and CS17. Drawing number AAJ4921-RPS-XX-xx-DR-L-LS-16 Rev 1 Habitats Enhancement Plan (RPS, April 2020) illustrates the incorporation of features for wildlife into the development, however, it is out of date as it not based on the latest submitted layout plan. I am largely in agreement with the measures proposed, however, I would request that a minimum of 68 bird boxes and a minimum of 68 bat boxes are integrated into the development. At the moment, the numbers proposed mean that less than 15% of the dwellings have such features. A condition is therefore recommended to secure this, alongside hedgehog friendly gravel boards and amphibian-friendly drainage features for the up to date layout.*

##### *Retention of existing pond*

*Additional information has been provided by the drainage engineer to address concerns I raised regarding the supply of water to the retained pond. It is proposed to divert some of the private roof drainage into the existing retained pond to supplement its catchment, thereby providing additional water supply to maintain its current fill level, post development. Drainage plans should therefore be altered to account for this diversion, which can be conditioned.*

##### *Bats*

*The lighting strategy for the site has been updated so that lighting columns are now proposed which have a warm white spectrum (ideally <2700 Kelvin) to reduce blue light component which is most disturbing to bats. I am satisfied that the use of the*

*site by bats will therefore be retained, and that commuting routes will not be subject to high levels of inappropriate lighting.*

*Great crested newts*

*It is considered that the proposals will not be detrimental to the maintenance of the population of Great Crested Newts, (GCN) at a favourable conservation status in their natural range. As GCN are a European Protected Species, The Council's Planning Ecologist has provided a European Protected Species 3 tests matrix and this is attached as appendix two to the report.*

*CEMP and Habitat Management*

*The application documentation contains a Habitat Management Plan and CEMP by RPS dated April 2020 although these are now outdated as they do not reflect the updated site layout (for instance, they omit the retention of one existing pond).*

*Therefore, revised versions of these documents should be submitted for approval, and conditions are therefore recommended to ensure this, prior to commencement of development (CEMP) and prior to occupation (HMP).' (As referred to earlier in this report it is considered that this matter can be subject to condition to any approval notice subsequently issued).*

6.7.6 In relation to ecological issues whilst it is appreciated three ponds have recently established on site, (and the response and comments from the Environment Agency in relation to Biodiversity as outlined in paragraph 4.4 of this report have been taken into consideration), it is noted the applicants propose retaining the centrally visually most ecological rich of the three as part of their overall biodiversity enhancement along with Newt Mitigation works/biodiversity enhancement as part of a Section 106 agreement (referred to in the section below), and with other ecological enhancement as outlined in paragraph 6.7.3 above it is considered that on ecological issues that this application is acceptable and it is worth noting the site has an extant permission for residential development and this does not include provision for the pond on site (proposed for retention), as part of its development therefore on ecological grounds the current application and its biodiversity measures is seen as a significant material consideration on which basis to support the current application.

6.7.7 In conclusion on ecological matters the application is considered acceptable with conditions attached to any approval notice as discussed and in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy and MD2, MD12 and S16 of the SAMDev and the NPPF in relation to biodiversity issues.

## 6.8 **Section 106 contributions and CIL**

6.8.1 Policy CS9 and CS11 of the Core Strategy seeks to secure provision of affordable housing either on the development site or, where appropriate, as an off-site financial contribution. The applicant has agreed to the provision of 10% affordable housing on site which equates to 51 dwellings. This will be delivered through a Section 106 planning obligation and the detail is considered acceptable by the Council's Housing Manager.

8.8.2 Shropshire Council has been involved in discussions with the applicant and other parties about the appropriate delivery and funding of infrastructure associated with this development. This will be funded by the development's CIL contributions and will be

supplemented by on site delivery directly by the developer(s). It is considered that the contributions considered appropriate and necessary in relation to local infrastructure such as educational requirements are in line with the provisions of policies CS9 and CS11

6.8.3 The previous approval for the site (granted on 13th September 2019), included a Section 106 agreement which made provision for the following:

- A commitment to 15% affordable housing
- Contribution to the Link Road (North West Relief Road)
- Contribution to Acoustic Fencing for the Link Road
- Newt Mitigation Works
- Provision of Public Open Space on site
- Provision of the sum of £45k for the laying out and landscaping of the open space land
- The sum £294k for the maintenance of open space.

6.8.4 The current application under consideration also makes provision for a Section 106 agreement (which is currently in draft form), and follows the lines of the previous approval's Section 106 agreement. The key issues the agreement will make provision for include the following:

- A commitment to 15% affordable housing. (51 dwellings).
- Financial contribution towards the Link Road. (Two equal instalments in relation to residential development – totalling £2532958m).
- Contribution to Acoustic Fencing alongside the Link Road £43365
- Newt Mitigation works/biodiversity enhancement
- Provision of Public Open space on site
- The sum of £252243K for the maintenance of open space. (contribution from the Council £41876) Total = £294119
- Land for construction of the link road and a licence for access. (construction).
- Provision of sustainable urban drainage. (SUDS).

6.8.5

The Section 106 is considered acceptable and in accordance with the recognised requirements in relation to Section 106 agreement. The application will also attract payment via The Community Infrastructure Levy, (CIL), towards local state schools' infrastructure, local road improvements and provision of play equipment on the designated plan area to be provided on site as part of the residential development, based on the scale of the development built on site. This requirement complies with relevant planning policy and infrastructure requirements, which is a matter of concern that has been raised in letters of objections received in relation to the proposed development.

6.9 **Other matters**

6.9.1 This application has generated a number of objections from both Shrewsbury Town Council, Bicton Parish Council, members of the public and other non-statutory consultees as set out in Section 4 of this report. It is not considered appropriate or necessary to address in this report every single point individually as many concerns have been considered as part of the report as a whole. The following points however

are made in relation to the key planning issues raised:

- 6.9.2 **Sustainability** – The site is allocated for housing in accordance with the local plan and thus the sustainability credentials of the site have been thoroughly tested as part of the local plan (and masterplan), adoption process. As such the development is considered sustainable and in accordance with the requirements of the NPPF.
- 6.9.3 **Infrastructure** – This ties in with the above-mentioned point and sustainability. Further still CIL will assist with required infrastructure such as increased demand for school places, local road improvements. (latter if considered necessary).
- 6.9.4 **Advertising of application.** The Council followed national recognised procedures with regards to advertising the application and site notices were placed adjacent to the site informing members of the public with regards to the application, as well as the application being available for inspection on the Council's planning website. Immediate residential neighbours were also as a matter of courtesy informed by letter. It is understood the applicants carried out a public consultation prior to submission, however it must be acknowledged that the recent national pandemic would of restricted their ability to carry this out as effectively as some may of wished.
- 6.9.5 **Internal highways and sustainable transport measures.** – Shropshire Council's Highways Manager was consulted on the application and has responded. His conclusions are discussed as part of this report. Highways England as the national consultee on trunk roads was consulted in relation to impacts on Churncote roundabout and their response is outlined in paragraph 4.5 of this report.
- 6.9.6 **Waste collection** – The Council's Waste Management was consulted on the application and their response is set out in paragraph 4.7 of this report. It is considered by Officers that the proposal is acceptable in relation to this matter.
- 6.9.7 **On site construction** – This matter will be addressed via the attachment of a condition to any approval notice with regards to a Construction Management Plan in the event of planning permission being granted for development on site.
- 6.9.8 **Drainage** – Both the Environment Agency and the Council's Drainage consultees were consulted on the application and raise no objections. Their responses are set out above and drainage is discussed as part of this report.
- 6.9.9 **Link Road.** – The provision of the Link Road is a separate matter and currently subject to a separate planning application under consideration by the Council. This includes reference to pedestrian access to the open space on the other side from the site, of some of the open space provision. It is the responsibility of the applicants in relation to the 'Link Road' to ensure the residential element of the development has satisfactory access to the open space to which the Link road will sever from the residential element of the site The Link Road is an objective of the Council and the applicants are paying a financial contribution towards its construction as part of the Section 106 agreement in relation to this application in consideration of the aims and objectives of the Local Plan, master plan in relation to the Shrewsbury SUE West which the application site forms part of.

- 6.9.10 **Housing Density.** – The housing density of the site represents approx. 35 per hectare. This is considered acceptable and well within nationally recognised guidelines on housing density.
- 6.9.11 **Extant planning permission** – The site has planning permission for 296 dwellings and this does not expire until 13th September 2022. Landscaping was reserved for future consideration and this has since been approved. As such there is a live application for residential development on site to which the applicants could legally commence development in consideration of whenever they wish. (Discharge of conditions has also taken place),
- 6.9.12 **Access to a private septic tank.** – A member of the public has raised concerns. This is considered a civil matter

## 7.0 CONCLUSIONS

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 The relevant local plan policies are set out below and the proposed scheme has been assessed against them. Other material planning considerations have also been considered in the assessment of the merits of the case. The proposed development forms part of the adopted master plan Shrewsbury West Sustainable Urban Extension site as set out in S16.1a of the SAMDev.
- 7.3 It is considered that development as proposed offers in principle a range of dwellings and public open space along with public highway and transportation that complies with the adopted master plan.
- 7.4 Issues in relation to drainage with the attachment of a condition to any approval notice issued are considered satisfactory as are matters in relation to ecology and residential amenity.
- 7.5 Landscape and visual impact is considered to be adequately addressed, with mitigation as proposed and this matter also subject to condition in order to ensure satisfactory consideration to landscape mitigation and integration into the surrounding environment. Historic matters have also been considered as part of the application processing and there are no concerns raised on this latter issue.
- 7.6 Public highway access and impacts on the surrounding trunk road highway infrastructure (Churncote Roundabout), also considered acceptable with neither Highways England or SC Highways raising no objections in relation to the proposal subject to conditions being attached to any approval notice issued as discussed in this report.
- 7.7 Impacts on surrounding residential amenity and privacy have been considered and it is considered that development on site on this matter is acceptable and will have no significant detrimental impacts on existing surrounding dwellings or dwellings as part

of the SUE. As commended upon by the Council's Regulatory Services noise mitigation detail must form part of any eventual approval and this matter and the noise barrier is subject to the Section 106 agreement.

- 7.8 It is noted that both Shrewsbury Town Council and Bicton Parish Council as well as Shrewsbury Civic Society and the public make comments in relation to impacts in relation to local infrastructure, these issues have been considered and the CIL contributions will cover the key issues and requirements in relation to this matter. A section 106 agreement will ensure delivery of affordable housing in accordance with the relevant policy requirements. The Section 106 agreement also ensuring delivery and maintenance of the public open spaces the site provides for as well as a financial contribution towards the Spine Road which will link the site up to the adjacent site that is also part of the SUE. Shropshire Council Highways and Highways England raise no objections on highway grounds subject to conditions attached to any approval notice issued. Comments made by members of the public and non-statutory consultees have been noted.

It is considered that the proposal accords with the overall aims and provisions of the NPPF and the relevant Shropshire LDF policies CS1, CS3, CS6, CS8, CS9, CS11, CS17, CS16, MD1, MD2, MD3, MD8, MD12, MD13 and S16. As such the recommendation is one of approval subject to a S106 legal agreement in relation to affordable housing provision financial contributions towards the Spine Road and open space provision and maintenance and management and the conditions as set out in Appendix 1 and any amendments considered necessary to these conditions by the Planning Services Manager.

## **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 gives 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 1990.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar 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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

- CS1 - Strategic Approach
- CS2 - Shrewsbury Development Strategy
- CS6 - Sustainable Design and Development Principles
- CS9 - Infrastructure Contributions
- CS11 - Type and Affordability of housing
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management
- MD1 - Scale and Distribution of Development



MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD8 - Infrastructure Provision  
MD12 - Natural Environment  
MD13 - Historic Environment  
Settlement: S16 - Shrewsbury  
SPD Type and Affordability of Housing  
SPD Sustainable Design Part 1  
National Planning Policy Framework

#### RELEVANT PLANNING HISTORY:

14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure GRANT 13th September 2019

PREAPP/19/00486 Alterations to approved planning permission 14/00246/OUT to include an increase in residential dwellings to 345 dwellings including 15% affordable housing and removal of accesses from Shepherds Lane PREAIP 20th December 2019

19/05247/DIS Discharge of condition 4 (Full Arboricultural Impact Assessment) 11 (CMS) 13 (Ecology) 17 (Materials) 18 (Drainage Details) 22 (Drainage - Surface Water) 23 (Foundations) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 20th May 2020

19/05386/DIS Discharge of Conditions 12 (Construction Environmental Management Plan) and 26 (Tree and hedgerow removal/retention Shepherds lane) relating to Planning Permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 11th February 2020

20/00307/REM Reserved matters pursuant to outline permission reference 14/00246/OUT for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure to include landscaping GRANT 17th July 2020

PREAPP/20/00145 Erection of new foodstore, car parking, access and landscaping PREUDV 9th June 2020

20/01667/AMP Non Material Amendment to previously approved (19/05386/DIS) Condition 12 (Construction Environmental Management Plan) to Planning Permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure GRANT 5th May 2020

20/01957/FUL Mixed residential development of 340 mixed (including 51 affordable units) with associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and biodiversity enhancement areas. (AMENDED DESCRIPTION)  
PCO

20/03163/AMP Non material amendment to the details of the design of the drainage pond located to the north of proposed link road relating to Planning Permission 14/00246/OUT GRANT 22<sup>nd</sup> September 2020

20/04924/DIS Discharge of condition 10 (Badger Inspection) attached to planning permission 14/00246/OUT DISAPP 7<sup>th</sup> January 2021

21/00425/DIS Discharge of condition 16 (Contamination) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 1<sup>st</sup> March 2021

21/02473/FUL Temporary (3 years) planning application for the erection of two Sales and Marketing Cabin (MSU) for the 340 proposed housing scheme (ref: 20/01957/FUL) pursuant to Outline Planning Permission (Ref: 14/00246/OUT) with associated infrastructure and 5 car parking spaces at Churncote Bicton Lane, off Welshpool Road Shrewsbury, Shropshire. REC

## 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)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member  Cllr Lezley Picton
Appendices APPENDIX 1 - Conditions

**APPENDIX 1****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. No built development on any element of the development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the local planning authority for the relevant phase. The development shall be carried out in accordance with the approval details.

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

4. a) No development within the Phase 2 area (blue boundary), as detailed on the Phasing Plan dated 01/04/20, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance - Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the

Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

5. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. The results of a site investigation based on the submitted Geoenvironmental Assessment (as updated) and a detailed risk assessment, including a revised Conceptual Site Model.
2. Based on the risk assessment in (1) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
3. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (2). The long term monitoring and maintenance plan in (2) shall be updated and be implemented as approved.

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

6. Prior to the commencement of the construction works related to the residential development, a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Highways England and SC Highways. The approved plan shall be adhered to throughout the construction period.

Reason: To ensure that the A5 and A458 trunk roads continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and in the interests of road and amenity safety

7. No development shall take place (including demolition, ground works and vegetation clearance) until an updated Construction Environmental Management Plan (Ecology) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- d) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- e) Identification of Persons responsible for:
  - i) Compliance with legal consents relating to nature conservation;
  - ii) Compliance with planning conditions relating to nature conservation;
  - iii) Installation of physical protection measures during construction;
  - iv) Implementation of sensitive working practices during construction;
  - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
  - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- f) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

8. No development shall take place (including demolition, ground works and vegetation clearance) until a plan showing features for wildlife to be integrated into the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- a) Location and specification for the erection of a minimum of 68 bird nest boxes suitable for common bird species including tit species, robin (open fronted) and house sparrow (sparrow terrace boxes), as well as integral swift boxes (minimum 6) and starling boxes.
- b) Location and specification for the erection of a minimum of 68 bat boxes suitable for crevice dwelling bats.
- c) Location and specification of hedgehog friendly gravel boards, to promote connectivity for hedgehog through the development.
- d) Location and specification of amphibian friendly drainage features (ie gully pots etc), as part of the drainage scheme for the site.

The plan shall be carried out as approved.

Reason: To ensure the provision of features for biodiversity protection and enhancement are integrated into the development

Reason: To ensure the provision

9. 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 and these works 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: To ensure the soils are in the optimum condition to promote healthy plant growth, and long-term site screening.

10. Notwithstanding the approved plans prior to any development on site detail will be submitted to the Local Planning Authority and approved in writing with regards to a dust management plan based on the Institute of Air Quality Management (IAQM), guidelines. Detail will also include reference to wheel wash equipment and where monitoring points will be located and who will be engaged to monitor these issues. The development will be carried out in accordance with the dust and wheel washing plan as approved.

Reason: In consideration of the amenity of the surrounding area and to ensure debris does not enter onto the public highway.

11. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the

development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a method statement providing details of tree protection measures to be implemented during the installation of the no dig drive has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.

d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until the veteran tree management plan in respect to T21 has been submitted and approved by the LPA.

e) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development. to the principals of sustainable development outlined in the NPPF and policies MD2 & MD12 of the SAMDev and the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17.

12. Prior to the commencement of development full details of the internal junction visibility splays and junction visibility splays onto Welshpool Road and Calcott Lane shall be submitted to and approved in writing by the Local Planning Authority; the junction visibility splays shall be implemented fully in accordance with the approved details.

Reason: In the interests of highway safety

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

13. Prior to the development hereby permitted being first brought into use/occupied the foul and surface water drainage shall be implemented in accordance with Drawing Nos. RED087-180 Rev D, 181 & 182 Rev C, 925, 926 & 927, 930 - 935 Rev B, 940, and Storm Water Calcs 29/04/21.

Reason: To ensure a satisfactory drainage of the development.

14. Prior to the occupation of the development, a habitat management plan shall be submitted to

and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be retained, created and managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

Features for wildlife

15. Prior to the first occupation of any dwelling on site, details will be submitted to the Local Planning Authority with regards to the provision of the necessary acoustic fencing in terms of its density/acoustic performance and its height and details of future maintenance responsibilities. The facade glazing mitigation shall be strictly in accordance with proposals submitted within the acoustic noise report 12625E 1-R-1 dated 11th March 2021 which identifies the dwellings that require any noise mitigation in relation to properties with facades facing towards the route of the proposed relief road. An assessment of overheating and thermal comfort and proposals of systems for properties identified in the report as requiring windows closed to achieve acoustic comfort shall be submitted for approval.

Reason: To protect the residential amenities of future occupiers of the dwellings.

16. The carriageways and footways within the development shall be laid out in accordance with the approved drawings and prior to any dwelling being first occupied the access road and footway serving that dwelling to be occupied shall be constructed to base course level in accordance with an engineering specification to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To provide an adequate means of pedestrian and vehicular access to each dwelling.



17. Prior to the occupation of the first dwelling a Phasing Plan setting out the strategy to carry out the final surfacing of the estate roads and footways/footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority; the phasing plan shall be implemented fully in accordance with the approved details.

Reason: To ensure the proper coordination of the construction of the estate roads and footways within the site.

18. Prior to the occupation of the first dwelling a Travel Plan (TP) shall be submitted to and approved in writing by the Local Planning Authority; the TP shall be implemented fully in accordance with the approved details and shall remain in force for the lifetime of the development.

Reason: To promote sustainable modes of transport, promote health benefits and to reduce carbon emissions.

19. Notwithstanding the approved plans, prior to occupation of any dwellings on site, details will be submitted to the Local Planning Authority and approved in writing with regards to boundary treatments and this includes rear boundary treatments to individual dwellings on site to which the emphasis on individual rear dwelling's boundaries and boundaries of the site in general must be towards hedgerow plantings. Development will be carried out as approved.

Reason: In consideration of the semi-rural location and need for consideration to green infrastructure and connectivity and the overall amenity of the surrounding area.

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

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991). In addition to the Georisk, Geoenvironmental Assessment, we are also aware that a revised version of this report (dated 2019) was presented in support of 19/05247/DIS. Whilst we were not consulted on the discharge of conditions both versions recommend further detailed investigation and risk assessment of transport yard area of site and further ground investigation to delineate extent of pond infill deposits and detailed foundation design. We will expect to see these recommendations satisfactorily addressed in order to be able to recommend discharge of the relevant contaminated land conditions.

21. Construction and demolition activities hereby approved including the arrival of vehicles and deliveries on site shall not occur outside of the following times: Monday to Friday 07:30-18:00, Saturday 08:00-13:00. No activities shall be carried out on Sundays and bank holidays.

Reason: to protect the amenity of the area and that of nearby residential properties.

### **Informatives**

1. It should be noted that dewatering the proposed areas of excavation may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Groundwater was encountered between 0.6 and 3.0m bgl. It is possible that this is perched in the superficial material. Should the proposed activities therefore require dewatering operations, the applicant should locate all water features and sites 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, please note that it may take up to 3 months to issue an abstraction licence.

Whilst there are no fundamental concerns, based on the information submitted, we would encourage the 'twin tracking' of the Environmental Permit, with the aim of encouraging more comprehensive submissions and thereby more informed, and speedier decisions i.e. more detailed information should be available to enable sufficient consideration of key land use issues and so assist in your determination of the planning application.

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.

We recommend that developers should:

- 1) Refer to the Environment Agency's approach to managing and protecting groundwater:  
<https://www.gov.uk/government/publications/groundwater-protectionposition-statements>
- 2) Follow the risk management framework provided in the Gov.UK 'Land contamination: risk management', when dealing with land affected by contamination:  
<https://www.gov.uk/guidance/land-contamination-risk-management>
- 3) Refer to our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site. (The Local Authority can advise on risk to other receptors, for example human health):  
<https://www.gov.uk/government/publications/managing-and-reducing-landcontamination>
- 4) Refer to our "Verification of Remediation of Land Contamination" report:  
<https://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.u>

k/scho0210brxf-e-e.pdf

5) Refer to British Standards BS 5930:1999-2010 and BS10175 and our "Technical Aspects of Site Investigations" Technical Report P5-065/TR

<https://www.gov.uk/government/publications/technical-aspects-of-site-investigation-in-relation-to-land-contamination>

Surface Water: We would recommend you seek the comments of your Flood and Water Team, as the Lead Local Flood Authority (LLFA) with regards both surface and groundwater flooding. However, with regards the later, it would appear that the groundwater level is relatively shallow which may account for the natural ponds that have formed since 2016

2. The active nests of all wild birds are protected under the 1981 Wildlife and Countryside Act

(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 scrub removal and/or conversion, renovation and demolition work in buildings or other suitable nesting habitat 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 and buildings for active bird nests should be carried out. If vegetation or buildings 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. [Only if there are no active nests present should work be allowed to commence / No clearance works can take place with 5m of an active nest.]

If during construction birds gain access to [any of] the building[s] or vegetation and begin nesting, work must cease until the young birds have fledged.

3. The applicants are reminded of the requirement prior to development on site in relation to diversion of rights of way through the application site to contact the Council's Mapping & Enforcement Team direct in relation to the proposed diversions and of the requirements of the DEFRA's Rights of Way Circular 1/09.

## APPENDIX 2

### EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

20/01957/FUL

Land At Churncote Off Welshpool Road, Bicton Heath, Shrewsbury.

Mixed residential development of 340 mixed (including 51 affordable units) with associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and biodiversity enhancement areas. (AMENDED DESCRIPTION);

Date of consideration of three tests:

25 May 2021

Consideration of tests one and two carried out by:

Philip Mullineaux

Principal Planner

Consideration of third test carried out by:

Suzanne Wykes

Specialist Practitioner (Ecology)

**1 Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?**

Yes. The application site forms part of the Shrewsbury West Sustainable Urban Extension (SUE), which is identified in the Council's adopted Core Strategy as a strategic location for development as part of the Shrewsbury Development Strategy (Policy CS2). The SUE is also identified in the Site Allocations and Management of Development (SAMDev) Plan SAMDev Plan Policy S16.1 and related Schedule

S16.1a (Allocated Housing Sites). Therefore the need for the development is to meet the housing supply for Shropshire as a whole, an imperative reason of overriding public interest.

## **2 Is there ‘no satisfactory alternative’?**

No. The application site forms part of the ShrewsburyWest Sustainable Urban Extension (SUE), which is identified in the Council's adopted Core Strategy as a strategic location for development as part of the Shrewsbury Development Strategy (Policy CS2). The SUE is also identified in the Site Allocations and Management of Development (SAMDev) Plan SAMDev Plan Policy S16.1 and related Schedule S16.1a (Allocated Housing Sites). Alternative development sites were considered during the plan making process, and this site was identified as suitable and essential to supply housing to support the growth of Shropshire.

## **3 Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?**

The applicants have obtained an Impact Assessment and Conservation Payment Certificate (IAPC) from Natural England, confirming their acceptance to enter into the Natural England run district level licensing (DLL) scheme in Shropshire for great crested newt (GCN) which they have signed to agree to enter the DLL scheme, and a copy of which has been received by the Local Planning Authority.

The Shropshire GCN DLL scheme allows for a strategic approach to ensure that the favourable conservation status of GCN in their natural range is maintained. This is through payment of a conservation payment that allows for the impacts on GCN (through a planning application) to be adequately compensated.

It is therefore considered that the proposals will not be detrimental to the maintenance of the population of GCN at a favourable conservation status in their natural range.

### **Guidance**

The ‘three tests’ must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary (since no offence under the legislation is likely to be committed), it is not necessary to consider the three tests.

The planning case officer should consider tests 1 (overriding public interest) and 2 (no satisfactory alternative). Further information may be required from the applicant/developer/agent to answer these tests. This should not be a burdensome request as this information will be required as part of the Natural England licence application. If further information is required, it can be requested under s62(3) of the Town and Country Planning Act 1990.

Test 3 (favourable conservation status) will be considered by SC Ecology, with guidance from Natural England.

A record of the consideration of the three tests is legally required. This completed matrix should be included on the case file and in the planning officer's report and should be discussed and minuted at any committee meeting at which the application is discussed.

As well as the guidance provided below, pages 6 and 7 of the Natural England Guidance Note, *Application of the Three Tests to Licence Applications*, may assist the planning officer to answer tests 1 and 2.

### Answering the three tests

#### Test 1

Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

**Preserving public health or public safety** must also be shown to constitute a reason of **overriding public interest**. You need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public, e.g.:

1. If an unstable structure (e.g. a building or tree) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.
2. If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

#### Imperative reasons of overriding public interest

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992). Projects that are entirely in the interest of companies or individuals would generally not be considered covered.

#### Test 2

Is there 'no satisfactory alternative?'

An assessment of the alternative methods of meeting the need identified in test 1 should be provided. If there are any viable alternatives which would not have an impact on a European Protected Species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) any other solutions, and c) whether the alternative solutions will resolve the problem or specific situation in (a).

**Test 3**

Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; and b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if the proposal would have a detrimental effect on the conservation status or the attainment of favourable conservation status for a European Protected Species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of the destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected.

Compensation measures do not replace or marginalise any of the three tests. All three tests must still be satisfied.