



Committee and date

Northern Planning Committee

21st January 2025

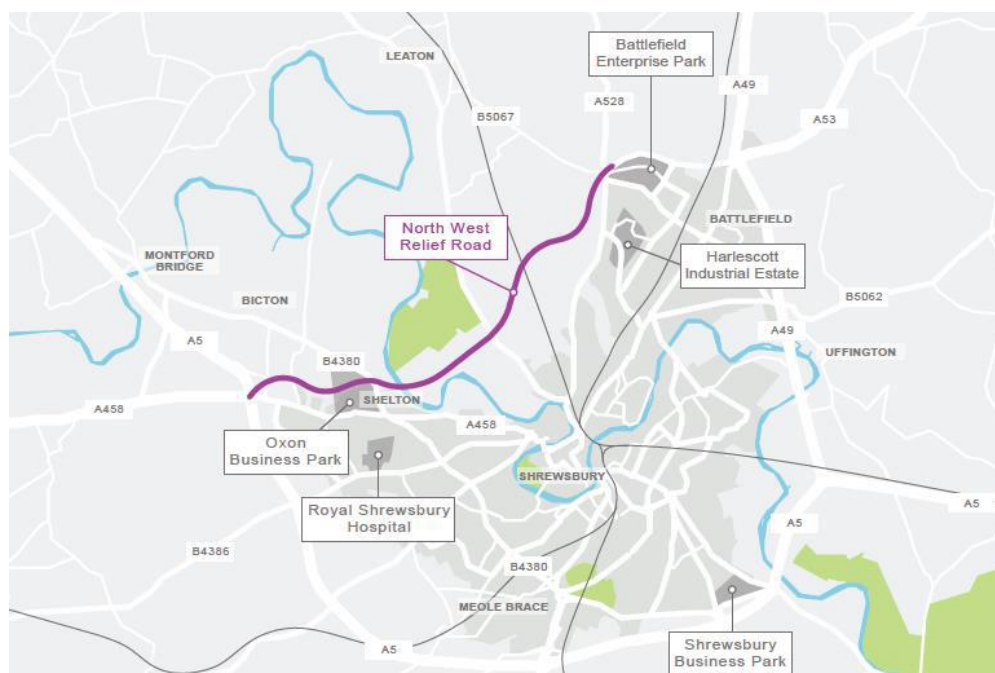
Development Management Report

Responsible Officer: Rachel Robinson, Executive Director of Health Wellbeing and Prevention

Summary of Application

<u>Application Number:</u> 21/00924/EIA	<u>Parish:</u>	Bomere Heath Bicton Shrewsbury Town
<u>Proposal:</u> North West Relief Road scheme. comprising - construction of 6.9km single carriageway (7.3m wide) road; severance of local roads and footpaths; provision of combined footway/cycleway; erection of three bridged structures over carriageway; diversion of existing bridleway/footpath via an underpass; 670m long viaduct; bridge over railway; two flood storage areas; provision of two new roundabout junctions and improvements to two existing roundabouts; associated traffic calming measures, landscaping and drainage schemes (Amended)		
<u>Site Address:</u> Street Record Welshpool Road Bicton Heath Shrewsbury Shropshire		
<u>Applicant:</u> Shropshire Council (Highways And Transportation)		
<u>Case Officer:</u> Mike Davies	<u>email:</u> mike.davies.planning@shropshire.gov.uk	

Grid Ref: 344830 - 313501



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Recommendation: - Delegate Authority to the Planning and Development Services Manager to grant planning permission subject to amended wording of condition 41 and the final wording of conditions 8, 30, 44 and 58 and subject to signed S106 obligations from the relevant landowners to deliver off site mitigation and the compensation strategy as laid out in the report below and appendices.

Delegated authority is sought to the Planning and Development Services Manager due to the departure of the Assistant Director to whom the previous delegation applied.

REPORT

1.0	THE PROPOSAL
1.1	<p><i>"The Proposed Scheme comprises a new 7.3m wide single carriageway all-purpose 6.9km long road with a permitted speed of 60mph, along with associated landscaping and drainage. As a result of the severance of a number of local roads, footpaths and public rights of way (PRoW), a combined footway and cycleway would be provided, adjacent to the carriageway, with linkages to existing non-motorised user routes. The Proposed Scheme includes three new structures over the carriageway. Clayton Way would be diverted over a new bridge and would be designed to accommodate vehicles and all non-motorised users and the existing PRoWs in proximity to Shepherd's Lane and Marches Way, would be diverted onto new bridges. In addition, at the B4380 Holyhead Road Roundabout the existing bridleway and footpath would be diverted underneath the Proposed Scheme via an underpass.</i></p>

	<p><i>A carriageway would cross the River Severn and floodplain on an approximately 670m long viaduct. A second bridge crosses the Shrewsbury to Chester railway. Two flood storage areas would be provided to compensate for the loss of flood storage.</i></p> <p><i>The Proposed Scheme includes two new roundabout junctions (one at the B4380 Holyhead Road and the other at the B5067 Berwick Road) and the improvement of two existing roundabouts (the A5 Churncote Roundabout and the A528 Ellesmere Road Roundabout). Traffic calming measures would be installed along Welshpool Road”.</i></p>
1.2	<p>The Proposed Scheme design remains largely the same as the one presented in the Feb 2021 Environmental Statement Non-Technical Summary. The design changes since the original submission in February 2021 are mainly limited to the area between Holyhead Road and east of the Viaduct. The changes include the removal of the climbing lane from the viaduct and the inclusion of an extended earthwork embankment into the floodplain, enabling a shorter viaduct (580m rather than 670m). The area that would store water in the event that the River Severn floods (called a flood storage area), which is located east of the River Severn, has been increased due to the additional bridge structures within the floodplain. The Application Boundary has been extended as a result of the increase flood storage area and to accommodate new access routes and additional planting to support wildlife. The viaduct sides or parapets have been changed from concrete to steel and the height has reduced slightly on the north side. There have been no further changes since the committee last considered the imposition of conditions in February 2024.</p>
1.3	<p>This planning application was submitted to the Local Planning Authority on 22nd February 2021. It was first considered by the North Planning Committee at their meeting on 31st October 2023, when it resolved to grant planning permission subject to the agreement of appropriate planning conditions. A further report was considered by the North Planning Committee on 15th February 2024 to agree the planning conditions to be attached to any planning permission granted subject to the completion of three S106 agreements between the Council and landowners relating to mitigation measures.</p>
2.0	SITE LOCATION/DESCRIPTION
2.1	<p>The north-west hinterland sector of Shrewsbury is generally undeveloped and comprises mainly agricultural land. Settlement is sparse, with small, isolated farmsteads and properties scattered through the landscape. The River Severn meanders through this area, with wooded valley slopes and extensive floodplains. The area is crossed by the Shrewsbury to Chester railway line in addition to footpaths and other PROW. The Site extends between National Grid Reference (NGR) SJ 44370 13510 in the west to SJ 49942 16943 in the northeast and envelops an area of approximately 120ha.</p>
2.2	<p>The proposed scheme comprises land, which is predominantly rural in character,</p>

	with agriculture being the main use. Generally speaking, land to the south is dominated by residential properties forming the outskirts of Shrewsbury whilst land to the north is rural in character. The communities of Calcott, Bicton, Bicton Heath, Bowbrook, Shelton, Rosehill, Gravel Hill, Coton Hill, Mount Pleasant and Battlefield are all in the proximity of the Site.
2.3	The local highway network within and adjacent to the Site includes, but is not limited to, the A458 Welshpool Road, A5 Shrewsbury Southern Bypass, A528 Ellesmere Road, A5124 Battlefield Link Road, B4380 Holyhead Road, B5067 Berwick Road, Calcott Lane, Shepherd's Lane, Shelton Lane, Gravel Hill Lane, Hencote Lane, Huffley Lane and Gravel Hill Lane.
3.0	REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION
3.1	As set out above this application has previously been considered twice before by the Northern Planning Committee. At the present time planning permission is still to be issued as the S106 agreements between the Council and three landowners in relation to the off-site mitigation measures have still to be concluded. In the intervening period a change in circumstances in relation to the carbon assessment previously provided by the applicant, has occurred and therefore it is considered necessary to report this matter back to Committee for consideration. A new carbon assessment was undertaken using the DfT formula which resulted in an increase in Greenhouse Gas emissions over that previously reported to the committee.
4.0	<p>Community Representations</p> <p>Comments received from the consultees and public both for and against the development have previously been considered by Planning Committee when they originally resolved to grant planning permission subject to conditions and S106 agreements being completed at their meeting on 31st October 2023. Those comments were contained in the reports and late representations before committee on 31 October 2023 and 15 February 2024.</p> <p>The only change that is being reported back to committee is the calculation in the total carbon emissions, the assessment/consideration of offsetting measures and the timetable for the carbon offset measures.</p> <p>In the interests of transparency, a further round of consultation has been undertaken on the basis of a change to the environmental statement, and views invited through a press notice and the erection of site notices</p> <p>The consultation responses below are those submitted as a result of this latest round of consultation.</p>
4.1	Public Comments
4.1.1	<ul style="list-style-type: none"> Concerns over the waste of public money and time on the North West Relief

Road (NWRR).

- Arguments for more cost-effective and environmentally friendly alternatives like bicycling and walking.
- Criticism of the project's carbon emissions, which have tripled compared to initial estimates.
- Lack of a plan to mitigate these emissions, challenging Shropshire Council's commitment to carbon neutrality by 2030.
- Suggestion for alternative traffic management measures using signage and ANPR cameras to monitor and charge through traffic.
- Support for measures to alleviate traffic in certain areas but concerns over the road's proximity to existing and new houses, and its rising costs.
- Call for a credible, costed plan from Shropshire Council to offset the road's emissions in line with its commitment to net zero by 2030.
- Comments on the validity of the street record for the project, noting errors in the planning application paperwork.
- Support for relieving traffic pressure on Dobbies island and the town centre, suggesting the bypass proposal be included on the 2025 local elections ballot paper.
- Suggestions for cost-effective traffic management measures, including ANPR cameras and a penalty system for through traffic.
- Concerns over increased costs and carbon output reassessment, questioning the Council's financial strategy for the project.
- Objections to the revised carbon assessment, noting that lifetime emissions have nearly quadrupled since the scheme's approval in October 2023.
- Call for Shropshire Council to use the latest emissions forecasting methodology and present a credible plan for offsetting emissions.

Main Points of Support and Objections

Supporting Points

- Relieving traffic pressure on Dobbie's island and the town centre.
- Suggestion to include the bypass proposal on the 2025 local elections ballot paper to gather residents' opinions.
- Proposing cost-effective traffic management measures such as ANPR cameras and a penalty system for through traffic.

Objections

- Lack of a plan to mitigate emissions, challenging Shropshire Council's commitment to carbon neutrality by 2030.
- Concerns over the road's proximity to existing and new houses and its rising

	<p>costs.</p> <ul style="list-style-type: none"> • Errors in the street record noted in the planning application paperwork. • Increased costs and carbon output reassessment questioning the Council's financial strategy for the project. • Objections to the revised carbon assessment, noting that lifetime emissions have nearly quadrupled since the scheme's approval in October 2023. • Call for Shropshire Council to use the latest emissions forecasting methodology and present a credible plan for offsetting emissions. • Criticism of the new carbon figures for the North West Road and the lack of a mitigation plan. • Concerns over the project's environmental and financial impacts, urging the Council to refuse the application at the earliest opportunity.
4.1.2	<p>Better Transport for Shrewsbury</p> <ul style="list-style-type: none"> • The lifetime greenhouse gas emissions from the combined road project (i.e. including OLR) are now assessed by the Applicant to have nearly tripled compared to the equivalent number considered by the Northern Planning Committee (NPC) when it approved the application in October 2023 (see more detail on why we believe that this is an underestimate in Section 4). • The new assessments show that, far from reducing carbon emissions from road users in Shrewsbury (as has been consistently claimed by the Applicant since the 2017 Outline Business Case, 2020 Public Consultation and 2022 EIA Scoping report), building the new road means there will be an increase in these emissions, and this will continue into the foreseeable future. This means that impacts on the climate from the road are predicted to occur beyond 2050. This is inconsistent with the UK's plans to achieve net zero by 2050 and Shropshire Council's plans to be net zero by 2030. • The Applicant still has no properly quantified or costed plans to mitigate these significant emissions. This is inconsistent with the current requirements of condition 41. • Instead, of tackling this problem, which the Applicant acknowledges is now "more challenging", it is proposing to revise condition 41 and suggests (in text that is not included in the revised condition 41) that it will submit plans by 2030 (i.e. after the project is completed) to show how neutrality by 2050 will be achieved. The important questions of how this would be enforced or what would happen if there were no affordable solutions are unanswered. This approach is contrary to both the current condition 41 and the proposed revisions. • The Applicant identifies emissions of 55,904 tCO₂e to 2050 as requiring mitigation. However, it is the lifetime emissions that require mitigation and previously a lifetime total of 27,500 tCO₂e was presented to the NPC when

deciding the application. It is hard to identify an entirely equivalent figure in any of the reports but WSP, 2024d says “the latest carbon assessment estimates that over the 60-year appraisal period, the Proposed Scheme (NWRR only) will have an overall impact of +94,457 tCO₂e” (i.e. 3.5 times higher). Elsewhere, the emissions from the Oxon Link Road are considered to be about a 15-30% of those of the rest of the scheme which implies total emissions of around 110-120,000 tCO₂e by this measure.

- The points above are all based on the figures presented by the Applicant. In fact, our detailed review of the reports shows that the Applicant has picked and chosen figures to suit its purpose. For instance, user emissions considered for mitigation are reduced by 90% from 53,235 tCO₂e in WSP, 2024e (whole life) to 5,386 tCO₂e (by 2050) by reducing the period over which they are considered, reverting to the previous assessment methodology (which yields emissions 80% lower) and some wishful thinking about 100% uptake of Electric Vehicles.
- In our analysis in Section 4 we show that a more consistent treatment of the Applicant's figures implies that the whole life emissions would in fact be 101,257 tCO₂e, almost double what is proposed to be mitigated by the Applicant.
- The Applicant continues to claim that Shropshire Council will ‘own’ these emissions without explaining what this actually means. For context, Shropshire Council's plans to achieve net zero by 2030 are not on track (Shropshire Council, 2024) and the initial work on the Local Transport Plan 4 shows that ‘without significant intervention’, transport in Shropshire is not set to reach net zero by 2050. This is also the picture for transport nationally. How the council can take on board these additional emissions when it is already off track in its plans to reach net zero is unclear and apparently only to be revealed by 2030.
- The Applicant now proposes that Shropshire Council should set aside £8.4M to compensate for these emissions (i.e. £150/t CO₂e). This is three times the implied rate of £50/t CO₂e presented to the NPC when it approved the application (£1.4M for 27,500 t CO₂e) and calls into question whether the Officer's Report for that meeting was correct in concluding that this issue “has been satisfactorily addressed by the applicant”. There also does not seem to be a robust mechanism in place to ensure that this funding will be delivered again calling into question how this will be enforced.
- Combining this rate with the more robust figure for emissions that we have developed would imply that the funds required for mitigation should increase to around £15.3M.
- It is apparent that these reports have been prepared in haste as there are many small errors and inconsistencies between the various reports which should have been cleared up if there had been enough time for thorough report review. Given the significance of the results it is concerning that these have been rushed to meet politically driven deadlines.

	<ul style="list-style-type: none"> The Applicant has subsequently submitted responses to a number of challenging questions raised by the LPA. We have reviewed these responses and concluded that in most cases they have failed to address the concerns raised.
5.0	THE MAIN ISSUES
	Principle of development Background Current Position Mitigating and Offsetting the Impact Case Law Alterations to other conditions
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	On 31 October 2023 Shropshire Council's Northern Planning Committee resolved that planning permission for NWRR should be approved in accordance with Officer recommendation, subject to additional conditions and the final wording of conditions being brought to a future meeting of the Committee for approval and signed Section 106 agreements between the Council and landowners effected by mitigation and compensation strategy proposals.
6.1.2	On 15 February 2024 Shropshire Council's Northern Planning Committee resolved that additional planning conditions and amended conditions circulated at the meeting be agreed, subject to minor amendments being delegated to the Assistant Director of Economy and Place. The Committee agreed that these conditions will be attached to any subsequent decision issued by the Local Planning Authority (LPA), following the completion of the Section 106 agreements.
6.1.3	The application is being referred back to the Northern Planning Committee again in order for the Committee to consider an updated greenhouse gas (GHG; hereafter referred to as carbon) assessment prepared for NWRR in November 2024. While it is not expected that applicants should re-assess carbon impact subsequent to planning approval, the applicant has separately developed an assessment as part of the development of a Full Business Case (FBC) to be submitted to the Department for Transport (DfT) in order to secure funding. For the purposes of transparency and to ensure management of the scheme's impact responds to the latest understanding of the likely impact an updated assessment of the scheme as submitted for planning has therefore been prepared in line with latest methodologies applied in the business case.
6.1.4	Whilst the principle of the development has previously been accepted by the Northern Planning Committee in resolving to grant planning permission subject to the completion of the S106 agreements, it is considered that the recent carbon assessment undertaken amounts to a material change which requires consideration by the committee given that their previous decision was based on lower figures presented to them at the time. Again, it is worthy of note that there is no change to the development in itself.

6.1.5	<p>A revised NPPF was published by the Government in December 2024, and this is therefore a material change in planning circumstances which the committee needs to have regard to.</p> <p>There are changes to section 14 of the NPPF which sets out national planning policy in relation to 'Meeting the challenge of climate change, flooding and coastal change.'</p>
6.1.6	<p>Para 161 now states "The planning system should support the transition to net zero by 2050 and take full account of all climate impacts."</p> <p>Para 163 further highlights 'The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.'</p>
6.2	Background
6.2.1	A carbon assessment was prepared in February 2021 as part of the Environmental Statement (ES) that was submitted with the planning application. Table 1 below at para 6.3.5 details the changes in the calculations for Greenhouse Gas emissions.
6.2.2	In response to design changes a reassessment of the construction phase emissions and operational resurfacing emissions was prepared as part of an Addendum to the ES in August 2021. As a result of design changes (e.g. simplification of the River Severn viaduct) and associated reductions in the construction impact (+48,233 tCO ₂ e) and operational resurfacing (+3,024 tCO ₂ e) the estimated net impact reduced to +26,711 tCO ₂ e over 60 years. This assessment was independently verified by the University of Birmingham and reported in the Climate chapter of the ES as a significant adverse effect during the construction phase of the scheme and a negligible impact during operation.
6.2.3	In recognition of Shropshire Council's declaration of a climate emergency, the Council committed to owning the carbon from the scheme and including this within its commitment as an authority to be carbon net-zero by 2030. As part of this pledge, £1.4m was allocated to offset the carbon footprint of the scheme. This was calculated on the basis of the estimated cost of carbon credits equivalent to the reported impact in the August 2021 assessment (+26,711 tCO ₂ e over 60 years). It was noted the funding would however, as a priority, be used to fund projects in the county.
6.2.4	Shropshire Council's Northern Planning Committee resolved to approve the planning application, subject to conditions. This included Planning Condition 41 which pertains to carbon: <i>"No development shall commence until the Carbon Assessment Plan has been submitted for approval to the Local Planning Authority. The Carbon Assessment Plan shall include in its scope, the built design, construction phase impacts and future use scenarios for the project, how the project will demonstrate achievement of a net-zero carbon outcome, and location of carbon offsetting or removal activity within Shropshire or neighbouring local authority area. Particular attention should be paid to minimising the release of carbon embodied in</i>

	<i>the vegetation cleared from the route. Development shall not commence until the Carbon assessment plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Carbon Assessment Plan."</i>
6.3	The Current Position
6.3.1	A Full Business Case (FBC) is being prepared for submission to the DfT to secure funding for the NWRR project by the applicant. As part of transport business case submissions, the DfT requires an assessment of GHGs in line with guidance and advice issued by them. In January 2024 they also issued to promoters of local authority major schemes an advice note on operational user emission assessment. This was provided to improve the consideration of road user carbon within business cases submitted to the DfT.
6.3.2	These guidance and advice notes have been followed as part of the carbon assessment for the FBC by the applicant. Since the last assessment undertaken by the applicant in 2021 updates have also been made to traffic modelling and estimated material quantities, which have been used in this latest assessment. Methodologies for estimating operational infrastructure carbon impacts (e.g. repair, energy use) and land use changes have also improved since the 2021 assessments so were included in this latest assessment in order to provide as complete an estimate of carbon impacts as possible.
6.3.4	While Planning Condition 41 did not require an updated carbon assessment, in recognition that data and methodologies have evolved and to be as transparent as possible the applicant has – alongside the assessment prepared for purposes of the FBC (NWRR only) – prepared an updated assessment of the scheme as submitted for planning (NWRR & OLR). As with the FBC assessment, this uses the most recent data and methodologies. This latest assessment was prepared in November 2024 on completion of updates to the traffic modelling scenario accounting for both NWRR & OLR and has been used for the Carbon Assessment Plan required via Planning Condition 41. For clarity the application is for both elements namely the NWRR and OLR the distinction between them relates purely to how they are being funded as the NWRR element is receiving funding from the DfT whilst the OLR element is not.
6.3.5	The updated carbon assessment prepared in November 2024 estimates a larger carbon impact than that reported in the ES prepared in 2021. A summary of how this latest assessment compares to those prepared previously is presented in the Table below.
	Table 1 Summary of carbon assessments of NWRR & OLR (using worst-case assumptions)


Table 1 Summary of carbon assessments of NWRR & OLR (using worst-case assumptions)

	February 2021 Assessment (ES)	August 2021 Assessment (Addendum to the ES)	November 2024 Assessment (updated assessment prepared alongside the FBC)
Estimated net impact over 62 years (including construction)	49,066 tCO ₂ e	26,711 tCO ₂ e	76,761 tCO ₂ e
Sources of carbon impact	Construction: +70,452 tCO ₂ e Operational (resurfacing): +3,159 tCO ₂ e Operational user emission impact: -24,545 tCO ₂ e	Construction: +48,233 tCO ₂ e Operational (resurfacing): +3,024 tCO ₂ e Operational user emission impact: -24,545 tCO ₂ e	Construction: +42,045 tCO ₂ e Operational (repair & replacement): +8,586 tCO ₂ e Land use change: +2,888 tCO ₂ e Operational energy use: +30 tCO ₂ e Operational user emission impact: +23,212 tCO ₂ e
Changes in methodology from previous assessment	N/A	<ul style="list-style-type: none"> No changes in methodology. Updated construction & operational resurfacing estimates to reflect revised design. 	<ul style="list-style-type: none"> Scope of assessment expanded to include land use change impacts and operational energy use. Scope of 'operational (resurfacing)' has been expanded to include broader repair and replacement. The study area for the user emission assessment was reduced down (from the full extent of the traffic model) to the Rest of the Fully Modelled Area in line with DfT's user emission advice note issued in January 2024 (see paragraph 3.1.2) i.e. a study area covering all likely impacts of the scheme but excluding periphery links where there is low confidence modelled changes in flows or speeds are a result of the scheme.

6.3.6 The estimated impact of the NWRR has increased from the August 2021 ES assessment due to evolving methodologies for calculating carbon along with differing requirements for planning and the DfT funding regime. The assessment undertaken in August 2021 followed best practice guidance at the time, changes in

	methodologies, tools and guidance from the DfT has led to the methodological changes summarised in the table above.
6.3.7	The now-estimated increase in the scheme's impact is unlikely to materially affect the Government's ability to meet carbon budgets. It equates to 0.0027% of the national Carbon Budget 4, 0.0001% of Carbon Budget 5 and 0.0002% of Carbon Budget 6. The annual user emission impact is, at most (in 2032), only an 0.074% increase in total surface transport emissions in Shropshire from 2021 levels (715,900 tCO ₂ e) (latest Government data available).
6.3.8	The Climate chapter of the ES submitted in support of the planning application in August 2021 reported a "significant moderate adverse" effect from emissions associated with the construction phase of the scheme. Given the scale of construction impact remains similar, the applicant considers this to remain the same.
6.3.9	Based on the updated assessment of operational emissions associated with user emissions and operational repair and replacement, the carbon impact during the operational stage is considered to change from a slight beneficial (not significant) effect to a minor adverse effect that remains not significant when considered against the methodology for determining significance set out in the ES and with due regard to the latest EIA guidance on assessment of GHGs. Reasons for this include that this user emission impact will not materially affect the ability of the Government to achieve a trajectory in line with Net Zero by 2050 as it is insignificant on a national level. It also needs to be remembered that at a national level measures are in place that will mitigate such emissions going forward. This includes the now legislated Zero Emission Vehicle (ZEV) mandate which could significantly reduce the estimated increase in user emissions.
6.3.10	<p>It should be noted that the impact reported in the Table above is a worst-case scenario in the applicant's view. The rationale for this view is based on the following reasons:</p> <ul style="list-style-type: none"> • It does not account for remaining opportunities to reduce carbon through construction – a target has been set to reduce construction emissions of the NWRR component by 30% relative to the February 2021 assessment. A 26% reduction has been achieved so far. Carbon has been a key consideration in procurement of a contractor; a process that has identified carbon management opportunities that provide confidence a target of at least a 30% reduction can be achieved. • DfT assumptions on future composition of the vehicle fleet (i.e. ZEV uptake) used in the user emission assessment have not yet been updated to account for the now legislated ZEV Mandate. This places the requirement on vehicle manufacturers for 80% of new cars and 70% of new vans sold in Great Britain to be zero emission by 2030. The Labour Government has also pledged to reintroduce the 2030 ban on sales of new petrol and diesel cars with all new vehicles needing to be 100% zero emissions by 2035. This means the user

	<p>emission assessment, based on an assumption only 67% of cars in 2050 will be electric, can reasonably be considered an over-estimate of the scheme's impact. If a scenario of higher ZEV uptake is applied, such as the assumptions provided in decarbonisation scenarios of DfT's Common Analytical Scenarios the user emission impact reduces from +23,212 tCO₂e to approximately +6,532 tCO₂e over 60 years.</p> <ul style="list-style-type: none"> Carbon factors used in the estimates of construction and operational repair and replacement emissions are based on current carbon intensities associated with material manufacture, transportation, electricity consumption etc. Given the Government's commitment to Net Zero by 2050 it is reasonable to expect that the estimated carbon impact of operational repair and replacement emissions is an overestimate. It reports the impact over 62 years (assumed 2025-2027 construction period + 2027-2086 operational period). 19% (14,900 tCO₂e) of the scheme's net impact as reported in Table 1 occurs after 2050, when the UK has committed to achieving Net Zero by 2050. Further to the points made above on likely decarbonisation of ZEVs and operational repair and replacement, there is significant uncertainty in any estimation of carbon impacts beyond 2050.
6.3.11	For these reasons, an alternative assessment has been prepared using a DfT scenario of accelerated ZEV uptake and an assumption that the scheme's target for reducing construction emissions is met. This is a residual net whole-life carbon impact of +59,550 tCO ₂ e over 60 years or +55,904 tCO ₂ e up to 2050.
6.4	Mitigating and Offsetting the Impact
6.4.1	The applicant has reiterated their commitment to offset the impact of the scheme and has increased the allocation in the project budget for carbon offsetting from £1.4m to £8.4m to reflect this latest estimate of the scheme's impact. In response to requirements of Planning Condition 41 a process to achieve carbon neutrality has been drafted by the applicant which identifies initial measures that will be considered to deliver this outcome.
6.4.2	The use of and support to the Council's investment in a specialist pyrolysis company is a key component of the carbon offsetting strategy. Carbon from vegetation/biomass will be removed during construction with it being captured and stored as biochar. This along with other measures will be further developed by the applicant through an ongoing process to be agreed via the discharge of the suggested amendment to Planning Condition 41. This will be supported by ongoing monitoring and reporting of the scheme's impact by the applicant. In line with best practice, the Council will also prioritise measures locally in the first instance with a hierarchical approach to offsetting of local, regional, national and international to ensure the local economy realises the benefits of the proposals as much as reasonably possible.
6.4.3	The applicant acknowledges that the estimated increase in the scheme's carbon

	<p>impact makes offsetting the impact by 2030 unachievable. Irrespective of the increased impact, carbon neutrality by 2030 has also been made more challenging to deliver on account of delays to the project's programme (now not expected to be operational until 2027) and higher costs of carbon offsetting measures. The applicant has indicated they will by 2030 identify measures that can demonstrably offset the scheme's impact and will strive to deliver as many of these measures prior to 2030 as possible, although it acknowledges that it will not meet the net zero target by this date.</p>
6.4.4	<p>It should be noted that the carbon assessments prepared by the applicant consider the impact of the scheme in isolation; they do not account for benefits that are provided in the context of the Council's wider strategy for reducing emissions from the transport network. For example, the scheme will be a key enabler to provision of active and shared transport improvements and a reduction in traffic levels within Shrewsbury town centre. This strategy will be set out in the emerging Local Transport Plan (LTP) which will include a process of carbon analysis to support decision-making.</p>
6.4.5	<p>However, for the reasons set out in the paragraph above, the full residual impact of the scheme as assessed will not have been offset by 2030. For example, the actual 'removal' of carbon associated with measures such as tree planting or biochar will take several years to realise.</p>
6.4.6	<p>Previously, the condition required local offsetting, and this is still the preferred method as offsetting further afield is far less certain. The applicant has committed to a hierarchy of offsetting with local and regional solutions being the preferred options.</p>
6.4.7	<p>The longer timeframe is not in accordance with the Council's declared Climate Emergency and its stated aim of being Carbon Neutral by 2030. Whilst this isn't adopted planning policy it is a material consideration for members to take into account when deciding on the acceptability of the changes proposed.</p>
6.4.8	<p>Having regard to the above it is proposed that Planning Condition 41 be amended to allow the Council until 2050 to achieve carbon neutrality of the scheme's impact. A proposed revised wording to this Condition for consideration by the committee is as follows:</p> <p><i>"No development shall commence until the Carbon Assessment Plan has been submitted for approval to the Local Planning Authority. The Carbon Assessment Plan shall include in its scope the built design, construction phase impacts and future use scenarios for the project and how the scheme's residual impact will be offset by 2050 through a hierarchy of measures that prioritises delivery of measures locally in Shropshire. Particular attention should also be paid to minimising the release of carbon embodied in the vegetation cleared from the route. Development shall not commence until the Carbon assessment plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Carbon Assessment Plan."</i></p>

6.5	Case Law
6.5.1	<p>The correct approach to carbon emissions was considered in <i>R on the Application of Boswell v Secretary of State for Transport 2023</i> where the High Court upheld development consents granted for three road schemes in Norfolk, all within 20 kilometres of Norwich and designated as nationally important infrastructure projects. The transport secretary assessed the vehicular carbon emissions expected to be generated by each of them but did not measure the significance of the combined carbon emissions from all three schemes combined, together with other existing and/or approved projects in the local area, against the UK's national carbon budgets. Ruling on a challenge to this approach, Mrs Justice Thornton noted that the IEMA guidance expressly warns against the approach proposed by Dr Boswell, precisely because <i>"effects of [greenhouse gas] emission from specific cumulative projects ... in general should not be individually assessed as there is no basis for selecting any particular ... cumulative project that has [greenhouse gas] emission for assessment over any other"</i>. She ruled that there was a "logical coherence" to the transport secretary's approach and that he lawfully exercised his judgment. The transport secretary had acknowledged that each scheme would lead to an increase in carbon emissions. However, he concluded that, when compared with national carbon targets spanning 2023-2037, the increase in emissions from each scheme was "not significant". He found that each scheme was compatible with the UK's trajectory towards net zero carbon emissions by 2050. Dismissing the challenge to the decision, the judge ruled that the assessment of cumulative impacts were matters of "evaluative judgment" for the transport secretary. The Court of Appeal upheld the High Court's decision, Sir Launcelot Henderson commenting that there <i>"is in my judgment an air of complete unreality to the complaint that the secretary of state was somehow at fault in not having conducted a separate and wider assessment of cumulative emissions from each scheme (as disclosed in the data and tables contained in the environmental statements), in addition to the [individual assessments]"</i>. He went on to comment that <i>"on a fair reading of the decision letters, it seems to me that [the minister] provided adequate reasons for not embarking on a separate cumulative assessment which would inevitably have lacked a logical basis and could not have provided further information of any value. In the current state of scientific knowledge, as reflected in the IEMA guidance, this was in my judgment a rational position for the secretary of state to adopt and, in my view, it betrays no error of law."</i></p>
6.5.2	<p>The <i>Boswell</i> case was considered by the Secretary of State in granting development consent for the widening of the A12 in Essex together with other highway improvements. The examining authority considered a wide range of environmental, social and economic matters raised by the scheme and agreed that it would deliver improvements to the strategic road network in the context of the projected national growth in traffic levels, would support economic growth, improve journey times, reduce congestion and improve highway safety. The secretary of state agreed that these were significant benefits which had to be weighed against a range of impacts, with a further consideration relating to the UK's legally binding commitment under the Climate Change Act 2008 towards net zero carbon emissions by 2050. The secretary of state noted criticisms of the applicant's</p>

	<p>environmental impact assessment, that claimed it did not adequately account for cumulative carbon emissions. The applicant responded that this criticism was founded on a misreading of the EIA regulations which only required an assessment of effects of the proposed development itself in combination with other existing and/or approved projects. This approach was consistent with the judgment in <i>Boswell v Secretary of State for Transport [2023]</i>. The secretary of state opined that there was no single prescribed approach to assessing the cumulative impacts of carbon emissions and consequently there may be a number of ways such an assessment could be undertaken. He accepted the approach adopted by the applicant, determining that for the impact and effect of carbon emissions on climate change, unlike other environmental topics, there was a single receptor which was the global atmosphere. As a consequence, the secretary of state held that assessing the impact of projects such as the one before him, in combination with other local or national schemes in terms of the UK's net zero commitment, would be arbitrary. This was because the nature of carbon emissions meant that their impact was not local, or sector specific. While the scheme would give rise to a net increase in greenhouse gas emissions, the secretary of state concluded that this would not materially impact on the government's overall Net Zero Strategy and Transport Decarbonisation Plan to deliver upon the 2050 target. Nor did the government's announcement to postpone the introduction of all electric vehicle sales from 2030 to 2035 alter this conclusion. Secretary of State 12/01/2024.</p>
6.5.3	<p>The same issue arose in Secretary of State 17/02/2023 where the secretary of state for transport issued a development consent order for a proposal to upgrade the A47 west of Peterborough judging that the benefits outweighed the harm caused by the project. He noted that the government's Transport Decarbonisation Plan included a range of actions which would help in reducing carbon emissions over the transport network as a whole, including policies to decarbonise vehicles and radically reduce vehicle emissions. This approach would assist in ensuring that carbon reduction commitments were met. He also considered the applicant's argument, relying on the decision in High Court judgment <i>Transport Action Network Ltd v Secretary of State for Transport and Highways England [2021]</i>, that the Climate Change Act 2008 did not impose a legal duty to set carbon budgets on a smaller than national scale, and so there was therefore no legal requirement to assess the impact of the proposed development against the total carbon emissions for the country as a whole, as reasonable and proportionate. In his view, a local or regional approach to assessing cumulative effects carried a risk of being arbitrary and uncertain because the effects of carbon emissions were not limited to one geographical area. He also noted that, when set against the total carbon emissions, the impact of the proposal was very small.</p>
6.5.4	<p>From the above it is clear that greenhouse gases need to be considered on a national scale as opposed to a localised basis. If we consider the impacts of the NWRR on that national scale, then the additional carbon generated by the NWRR is negligible. Therefore, the question arises of whether the increase makes a material difference in planning terms? Clearly in relation to the project itself and on a county wide (local) base the increase is significant in terms of additional greenhouse gases however on a national and global basis the increase would barely register. Case</p>

	<p>law is clear that in the case of GHG emissions there is a single receptor which is globally and as such on that basis the impact would not amount to a material change in itself. However, how this increase is offset on a localised scale given the Council's Climate Change Emergency declaration and the intention to be Zero Carbon by 2030 clearly raises significant issues for the authority. The applicant has taken the stance from the beginning that the Council will own the Carbon generated by the development, but clearly the increase in emissions means that as a standalone project the NWRR is going to prevent the Council achieving its Net Zero target of 2030. The applicant has also sought greater flexibility in the wording of the condition to increase its ability to meet the offset target faster, however it is considered that these are both material changes from that previously considered which require further consideration prior to the issuing of a decision by the local planning authority.</p>
6.6	Alterations to Other Conditions
6.6.1	<p>In addition, to the change in circumstances set out above in relation to the carbon calculations and the suggested amendment to condition 41 to deal with this matter, the applicant has also requested that four other conditions agreed by the committee at the meeting on 15th February 2024 are altered to reflect other minor changes. An explanation is provided in relation to each amendment sought to each condition.</p>
6.6.2	<p>The other conditions which the applicant wishes to amend are as follows:</p> <p>8. No demolition of West View (B1) (Shrewsbury North West Relief Road Appendix 8.14: Bat Building Survey Report) or felling/pruning of trees T041, T050, T092 and T150 (Shrewsbury North West Relief Road Appendix 8.13: Bat Tree Survey Report) shall take place until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority The proposal must be carried out in accordance with the approved information.</p> <p>Amended Wording</p> <p>8. No demolition of West View (B1) (Shrewsbury North West Relief Road Appendix 8.14: Bat Building Survey Report) or felling/pruning of trees T041, T050 and T150 (Shrewsbury North West Relief Road Appendix 8.13: Bat Tree Survey Report) shall take place until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority. The proposal must be carried out in accordance with the approved information.</p> <p>The reason provided for the change relates to The tree T092 being identified by the applicant in the June 2022 survey as having fallen to the ground (Photograph 3 of SEI Jan 23 Chapter 3, Appendix 3.K, Annex B). Given that T092 was a dead tree, it is likely that strong winds have brought it down since the last time T092 was surveyed for bats in 2021. The roost feature on T092 previously identified in surveys from 2021 was clearly identifiable from the ground (Photograph 4 of SEI Jan 23 Chapter 3, Appendix 3.K, Annex B), and it was clear that no bats remained</p>

	<p>in the roost feature post-collapse. Due to the collapse of the tree, features previously identified to be potential roost features were assessed to be unsuitable to support roosting bats and the suitability of the tree to support roosting bats was re-assessed to be negligible. As such, T092 should be removed the wording of the Condition.</p>
6.6.3	<p>30. No development shall commence until an amended Water Framework Directive Assessment (WFDa) has been submitted to and approved in writing by the LPA in consultation with the Environment Agency. The amended WFDa will build upon SEI Annex 6C: Water Framework Directive Assessment (PROJECT NO. 70056211, REF. NO. 70056211-WSP-EGN-ASRP-LE-00014) taking into account subsequent communications on the matter between the Environment Agency and the applicant, together with key outcomes from additional communications. The amended WFDa will address matters concerning risks and impacts to the Water Environment associated with the Proposed Scheme and propose mitigation measures where appropriate. The development shall be carried out in accordance with the approved details.</p> <p>The update to the WFD Assessment shall fully consider piling works or road pollution spills, notably relating to public water supply sources and high groundwater conditions.</p> <p>Amended Wording</p> <p>30. No development shall commence with regard to the viaduct piling works until an amended Water Framework Directive Assessment (WFDa) has been submitted to and approved in writing by the LPA in consultation with the Environment Agency. The amended WFDa will build upon SEI Annex 6C: Water Framework Directive Assessment (PROJECT NO. 70056211, REF. NO. 70056211-WSP-EGN-ASRP-LE-00014) taking into account subsequent communications on the matter between the Environment Agency and the applicant, together with key outcomes from additional communications. The amended WFDa will address matters concerning risks and impacts to the Water Environment associated with the Proposed Scheme and propose mitigation measures where appropriate. The development shall be carried out in accordance with the approved details. The update to the WFD Assessment shall fully consider piling works or road pollution spills, notably relating to public water supply sources and high groundwater conditions.</p> <p>The rationale for this change is that the current monitoring is ongoing, thus to submit with the correct data, this needs this to be linked to the viaduct piling works not the whole project.</p>
6.6.4	<p>44. Where the use of soakaways to drain the public highway are utilised, no development within the relevant phase of the development, as set out in the approved Phasing Plan required under condition 3 shall take place until infiltration</p>

	<p>testing in line with BRE Digest 365 and associated soakaway designs capable of attenuating all flows up to and including the 1 in 100 year return period and 40% climate change allowance has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is brought into use.</p> <p>Amended Wording</p> <p>44. Where the use of soakaways to drain the public highway are utilised, no development within the relevant phase of the development, as set out in the approved Phasing Plan required under condition 3 shall take place until infiltration testing in line with BRE Digest 365 and associated soakaway designs capable of attenuating all flows up to and including the 1 in 100 year return period and 40% climate change allowance has been submitted to and approved in writing by the Local Planning Authority. The exception to this is that the infiltration testing for the linear soakaway located at the toe of the Southeast embankment of the Berwick Road roundabout shall be completed at 100m intervals. The scheme shall be fully implemented before the development is brought into use.</p> <p>The reason for the changing to the wording relates to the revised infiltration testing protocol text as agreed with LLFA in principle. The additional granularity in this condition proposed meets their expectations.</p>
6.6.5	<p>58. Agricultural operations as detailed in the Habitat Regulation Assessment should be desisted within the buffer zone comprising all fields surrounding Hencott Pool within approximately 200m. Prior to the approved scheme being brought into use, a Final Compensation Delivery and Management Plan detailing measures to implement and monitor the approved mitigation shall be submitted to and approved by the Local Planning Authority and agreed with relevant parties in accordance with the S106 Agreement. The mitigation shall apply for a period of up to 80 years, subject to review every 5 years.</p> <p>Revised Wording</p> <p>58. Agricultural operations as detailed in the Habitat Regulation Assessment should be desisted within the buffer zone comprising all fields surrounding Hencott Pool within approximately 200m. Prior to the approved scheme being brought into use, a Final Mitigation Delivery and Management Plan detailing measures to implement and monitor the approved mitigation shall be submitted to and approved by the Local Planning Authority and agreed with relevant parties in accordance with the S106 Agreement. The mitigation shall apply for a period of up to 80 years, subject to review every 5 years.</p> <p>The change is required as the word "compensation" needs to be changed to "mitigation" to be in alignment with correct wording that avoids confusion with inferred adverse effect on the irreplaceable habitat in HRA terms and is in line with guidance for the mitigation hierarchy for planning decisions (paragraph 186(a) of</p>

	the National Planning Policy Framework) and as the remainder of the condition. The change is also required to align with reference to “mitigation” plan in the Section 106 agreement.
6.6.6	The above minor changes to wording of these four conditions have all been agreed with consultees and as such there are no objections to the proposed changes as it is not considered the changes dilute the requirements of the conditions. The changes are required more in relation to the logistics of delivery for the applicant and accordingly officers are satisfied that these requested changes can be accommodated without diminishing controls over the development.
7.0	CONCLUSION
7.1	In terms of mitigating and offsetting the now larger carbon impact, the applicant has reiterated their commitment to owning the carbon from NWRR. However, offsetting the scheme’s impact by 2030 is now considered impossible. Accordingly, the applicant has proposed that planning condition 41 be revised to allow the applicant until 2050 to achieve carbon neutrality of the scheme’s impact. The updated Carbon Assessment Plan sets out a plan to achieve this, and in line with best practice, the measures locally will be prioritised wherever possible. However, this increased flexibility in the wording would also allow the applicant to source carbon credits from further afield which potentially will result in expenditure not only outside of the county, but outside of the UK on potentially less reliable carbon offsets. Therefore, it is critical that a hierarchy of local, regional, country and international offsets is put in place and every effort made by the applicant to prioritise delivery of offsets on this basis, as opposed to sourcing cheaper offsets abroad which are less reliable and more difficult to monitor.
7.2	<p>Changes from the information provided in the Environmental Statement submitted in February 2021 are considered to be:</p> <p>The carbon impact of the scheme is now estimated to be larger than reported in the ES - under worst-case assumptions in line with the assessment prepared in the ES the impact would be 76,761 tCO₂e over 60 years. Under more realistic assumptions and timescales the impact is estimated as 55,904 tCO₂e by 2050. Either impact however is a minor increase in the context of UK carbon budgets (e.g. less than 0.01% in all active carbon budget periods). It results in an annual increase of approximately 8% in the context of total surface transport emissions in Shropshire. The impact under the worst-case assessment is considered not to change the judgement made in the EIA in 2021 of the proposals having a significant moderate adverse effect on GHG emissions. Therefore, the increase in emissions in itself is not considered to be material change from a planning perspective as case law is clear that it needs to be considered on a national scale and as such the change barely registers at that level.</p>
7.3	The increase in carbon and delays to the project programme mean it that the scheme’s estimated residual carbon impact cannot be offset by 2030 in line with the Council’s commitment as an authority to be carbon neutral by 2030. The applicant

	proposes to have by 2030 identified and committed to sufficient measures needed to offset the scheme's carbon impact. It is acknowledged that the full residual impact will not have been offset by 2030, but the process adopted will ensure the scheme's impact is offset by 2050 at the latest. It is therefore important to flag up that this raises a conflict between the Council's stated objective of being Carbon Neutral by 2030 and the applicant's goal of offsetting the impact of the scheme by 2050. It is considered that this is a material consideration that needs to be considered.
7.4	The revised calculation methodology has arisen from new DfT business case guidance and evolving best-practice from that accepted at the time the original assessment was undertaken, and the matter was considered by the North Planning Committee. This new DfT guidance was intended for assessment as part of business cases as a result of this, the applicant has re-assessed the carbon impact in order to ensure the management measures set out in response to Planning Condition 41 to reflect the latest understanding of the scheme's impact.
7.5	The applicant has reiterated their commitment to take the responsibility for carbon production arising from the scheme. The applicant has expressed confidence that the higher calculations can be accommodated by the typical activities mentioned in the mitigation and offsetting impact section of this report which are enforceable via condition 41. However, the applicant considers that by taking on this broader scope, a broader remit of solutions will be required and the wording in condition 41 will require revision to allow for this to be undertaken having regard to the geographical hierarchy set out above. The change to the wording of the condition to allow a more flexible approach geographically is considered a material change as previously the offsetting was envisaged to be delivered on a local/regional basis.
7.6	The updated carbon assessment and proposals for mitigating and offsetting the increased carbon impact of NWRR, including the proposed amendment to planning condition 41 are considered to result in a material change to the application which requires consideration by the Northern Planning Committee. However, it is considered that the rewording of condition 41 as set out above can satisfactorily deal with the increased carbon output and the applicant has indicated that they can satisfy the requirements of the reworded condition in the amended time frame.
7.7	The proposed alterations to the wording of conditions 8, 30, 44 and 58 are not considered to material in terms of the overall scheme and have been requested by the applicant to assist in terms of the delivery of the scheme. The amended wording of these four conditions has been discussed and agreed in consultation with the relevant consultees who raise no objections to the proposed changes and are content that the conditions are still robust.
7.8	Therefore, having regard to the above it is recommended that the Committee endorse the contents of the report and the proposed changes to condition 41, along with the revised wording of conditions 8, 30, 44 and 58 and resolve to grant planning permission subject to the completion of the S106 agreements with landowners.

8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
8.1.1	<p>The principal risk associated with this recommendation is as follows:</p> <ul style="list-style-type: none"> 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. This risk needs to be balanced against the risk of not proceeding to determine the application.
8.2	Human Rights
8.2.1	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.
8.2.2	First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.
8.2.3	The LPA have also had regard to the provisions of the Human Rights Act 1998. We consider that the opportunity for objectors to make their cases through the planning application process fully, fairly and in public has ensured compliance with Article 6. In some cases, there would be interference with private and family life and home in contravention of Article 8, and interference in the peaceful enjoyment of possessions in contravention of Article 1 of the First Protocol of the Human Rights Act 1998.
8.2.4	However, with the weight of exceptional circumstances coupled with planning policy in favour of the Proposed Development, along with the wider public interest justifies any interference with the human rights of the owners and occupiers affected by the proposals. The interference in their human rights would be proportionate and justified in the public interest.
8.2.5	This legislation has been taken into account in arriving at the above recommendation.
8.3	Equalities
8.3.1	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.
8.3.2	The proposal for the NWRR will provide for the needs and interests of the public at large, for example, how they use the highway network in Shrewsbury. Any impacts on footpaths, bridleways, cycleways and any other access routes have been taken into account and given appropriate weight in the consideration of the application.
8.3.3	The LPA have had regard to the Public Sector Equality Duty (PSED). The Proposed Development does not harm the interests of persons who share a protected characteristic or have any adverse effect on the relationships between such persons and persons who do not share a protected characteristic. On that basis, there would be no breach of the PSED.
9.0	Financial Implications
9.1	There are likely financial implications if the decision and / or imposition of conditions is challenged by a 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.
9.2	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.
10.0	Artificial Intelligence (AI)
10.1	AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register should you wish to view them in full.

11. Background

Relevant Planning Policies

National Planning Policy Framework (NPPF – December 2024)

National Planning Policy Guidance

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:

CS1 - Strategic Approach

CS2 - Shrewsbury Development Strategy

CS5: Countryside and Green Belt

CS6 - Sustainable Design and Development Principles
CS7 - Communications and Transport
CS8 - Facilities, Services and Infrastructure Provision
CS13: Economic Development, Enterprise and Employment
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside
MD8 Infrastructure Provision
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S16 - Shrewsbury
SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

PREAPP/12/00559 Mixed use development of approximately 350 dwellings, 3.23ha of B1 and commercial uses, relocated park and ride facility, section of Oxon Link Road between Churncote Island and Shepherd's Lane, and associated open space, landscaping, highway and drainage works. PREAIP 16th August 2013

13/00265/SCR First phase of a comprehensive mixed use proposal for approx. 720 dwellings and 9 to 12 hectares of Class B1, 2 and 8 and other commercial floor space, Local Centre uses, open space, park and ride facility, drainage engineering operations and highway links EAN 20th February 2013

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/17/00029 The Oxon Link Road consists of a single two lane carriageway approximately 1.8km in length with footway, cycle facilities and grassed verges. Sections of the proposed highway will be on embankment and in cutting as well as at existing ground level. The existing A5 Churncote roundabout will be increased in size to accommodate the Link Road and two new roundabout junctions constructed at the intersection with Little Oxon Lane and Holyhead Road. Proposed structures consist of two footway/cycleway bridges crossing the Link Road, one adjacent to Calcot Lane forming part of an existing footpath diversion and the second along the line of Clayton way which will be downgraded to pedestrian use only. The road will include drainage, signs and lighting where appropriate. PREAIP 15th March 2017

17/01222/SCR Screening Opinion for the Oxon Link Road EIA 10th April 2017

17/01998/SCO Scoping Opinion for the Oxon Link Road (PREAPP/17/00029) SCO 7th June 2017

PREAPP/18/00226 Proposed construction of new road (North West Relief Road) PREAIP 29th May 2018

18/03166/EIA Construction of two-lane carriageway (approx. 1.7km) with a combined use footway/cycleway and grass verges; sections of the scheme will be on embankment and in cutting as well as at existing ground level; re-construction of existing A5 Churncote roundabout to accommodate the link road and two new roundabout junctions constructed at the intersection with Little Oxon Lane and the B4380 Holyhead Road WDN 30th August 2019

19/05023/SCO Request for Environmental Impact Assessment Scoping opinion (North-West Relief Road) . SCO 28th January 2020

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

PREAPP/20/00140 The Proposed Scheme comprises the provision of a new 7.3m wide single carriageway all-purpose road with 1.0m nearside hard strips. A climbing lane will be provided on the westbound approach to the proposed Holyhead roundabout which will cross the proposed viaduct structure over the River Severn. The Proposed Scheme also proposes an accommodation overbridge to provide access to the north and south of the Proposed Scheme west of Berwick Road. The Proposed Scheme will cross the Shrewsbury to Chester rail via an underbridge structure. Throughout the Proposed Scheme, adjacent to the southside of the carriageway a footway/cycleway facility will be provided with linkages to existing non-motorised user routes. The Proposed Scheme will also introduce two new roundabout junctions and the improvement of the A5 Churncote roundabout and the A528 Ellesmere Road Roundabout to facilitate the Proposed Scheme. The Proposed Scheme comprises the provision of a new 7.3m wide single carriageway all-purpose road with 1.0m nearside hard strips. A climbing lane will be provided on the westbound approach to the proposed Holyhead roundabout which will cross the proposed viaduct structure over the River Severn. The Proposed Scheme also proposes an accommodation overbridge to provide access to the north and south of the Proposed Scheme west of Berwick Road. The Proposed Scheme will cross the Shrewsbury to Chester rail via an underbridge structure. Throughout the Proposed Scheme, adjacent to the southside of the carriageway a footway/cycleway facility will be provided with linkages to existing non-motorised user routes. The Proposed Scheme will also introduce two new roundabout junctions and the improvement of the A5 Churncote roundabout and the A528 Ellesmere Road Roundabout to facilitate the Proposed Scheme. PREAIP 19th May 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

20/04924/DIS Discharge of condition 10 (Badger Inspection) attached to planning permission 14/00246/OUT DISAPP 7th 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 1st March 2021

PREAPP/23/00444 Proposed erection of a foodstore with associated car parking, hardstanding and landscaping PREUDV 19th July 2023

12. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QOXI5QTD06Z00>

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 Chris Schofield
Local Member Cllr Lezley Picton – Tern Cllr Alex Wagner – Bowbrook Cllr Rob Wilson – Copthorne Cllr Nat Green – Quarry and Coton Hill Cllr Garry Burchett – Bagley Cllr Jeff Anderson - Harlescott
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

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, drawings and documents as listed in Schedule 1 below.

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

3. Prior to the commencement of the development, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA). The Phasing Plan shall present, the order and time period within which each phase of the approved development will be constructed. Conditions (set out below) that are required to be submitted to the Local Planning Authority for approval shall be submitted to and agreed in accordance with the sequence set out in the agreed phasing plan. The approved development shall thereafter be implemented solely in accordance with the approved Phasing Plan.

Reason: To allow the development to progress in phases and each relevant condition to be discharged according to the relevant phase.

4. In this condition 'retained tree' means an existing tree, woody shrub or hedge which is to be retained in accordance with the approved plans and particulars; and any tree, woody shrub or hedge planted as a replacement for any 'retained tree':

a) No retained 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 LPA. Any approved tree works shall be carried out in accordance British Standard 3998: 2010 Tree Work - Recommendations, or its current version.

b) Prior to commencement of each phase of the development, as set out in the approved Phasing Plan required under condition 3, a scheme shall be submitted to and approved in writing by the LPA to safeguard trees, woody shrubs and hedges to be retained on and adjacent to the site. The scheme shall be based upon an Arboricultural Impact Assessment and include an Arboricultural Method Statement (AMS) and / or a Tree Protection Plan (TPP), prepared in accordance with and meeting the minimum tree protection requirements recommended in, British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations, or its current version.

c) For each phase of the development, any pre-commencement tree works and all tree protection measures detailed in the approved AMS and / or TPP shall be fully implemented and

details of implementation shall be submitted to and approved in writing by the LPA, before any development related equipment, materials or machinery are brought onto the site.

d) The development shall be implemented in accordance with the approved tree protection scheme, AMS and / or TPP. The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

e) For each phase of the development, all services and drainage infrastructure will be routed outside the Root Protection Areas indicated on the approved TPP or, where this is not possible, a detailed method statement and task specific TPP will be submitted to and approved in writing by the LPA prior to any work commencing on site. Thereafter the development shall be carried out strictly in accordance with the AMS and TPP.

f) No works associated with the relevant phase of development, as per the approved Phasing Plan (condition 3) shall 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 approved tree protection measures are fully complied with. The LPA will be informed in writing of the identity of said person and any change 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 in accordance with Policies CS6 and CS17 of the Core Strategy and MD12 of the SAMDev Plan.

5. No development shall commence until a Final Compensation Strategy for Ancient Woodland, Veteran Trees and Local Wildlife Sites has been submitted to and approved in writing by the Local Planning Authority and the related plans required by the Final Compensation Strategy as set out in the S106 Agreements have been agreed in accordance with the S106 Agreements. The Final Compensation Strategy shall include the following:

a) A delivery plan and timetable;

b) Detailed Woodland Management plans prepared in compliance with the UK Forestry Standard (5th Edition, October 2023);

c) Detailed Veteran Tree Management plans prepared in accordance with 'Ancient and veteran trees: further guidance on management' (published by the Tree Council, 2013); and

d) Detailed planting and maintenance plans for compensatory tree planting, prepared in accordance with British Standard 8545: 2014-Trees: from Nursery to Independence in the Landscape - Recommendations.

The development shall thereafter be completed in accordance with the Approved Strategy.

Reason: To ensure that a suitable compensation strategy is provided due to the loss and deterioration of irreplaceable assets as per paragraph 186c) of the NPPF and to compensate

for unavoidable significant impacts to natural assets as per Local Plan policies MD12 and CS17.

6. No development shall commence until a scheme for the offsetting of wet woodland impacts has been submitted to and approved in writing by the Local Planning Authority. The proposed offsetting scheme shall include:

- i. The identification of an offsetting site or sites which generates a minimum of 12.28 wet woodland or broadleaved woodland biodiversity units in accordance with the statutory biodiversity offsetting metric, and
- ii. The provision of arrangements to secure the delivery of offsetting measures, including a timetable for delivery; and
- iii. A Woodland Management and Monitoring Plan, to include for the provision and maintenance of the woodland offsetting scheme for a period of no less than 30 years from the date of implementation of the offsite provision. The management and monitoring plan shall include:
 - a. Description of woodland habitat to be created/enhanced including expected management condition and total area; and
 - b. Review of the ecological constraints; and
 - c. Detailed designs and/or working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location of proposed works; and
 - d. Type and source of materials to be used, including species list for all proposed planting and abundance of species within any seed mix; and
 - e. Identification of the persons responsible for implementing the works; and
 - f. A timetable of future ecological monitoring to ensure that the woodland habitats achieve their proposed management condition as well as a description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.
 - g. Monitoring reports will be submitted to the Council during years 1, 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Woodland Management and Monitoring Plan demonstrating how the offsetting provision is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The offsetting scheme shall thereafter be maintained and monitored in accordance with the approved details.

Reason: To compensate for the loss of wet woodland priority habitat in accordance with the mitigation hierarchy and Local Plan policies MD12 and CS17.

7. No development within 50 metres of an active badger sett shall take place (including demolition, ground works and vegetation clearance) until either:
- a) a Licence with respect to badgers has been obtained from Natural England and submitted to the Local Planning Authority; or

b) a statement from an appropriately qualified and experienced ecologist has been submitted and approved in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required for prior approval. These measures will be implemented as approved.

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

8. No demolition of West View (B1) (Shrewsbury North West Relief Road Appendix 8.14: Bat Building Survey Report) or felling/pruning of trees T041, T050, T092 and T150 (Shrewsbury North West Relief Road Appendix 8.13: Bat Tree Survey Report) shall take place until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority. The proposal must be carried out in accordance with the approved information.

Reason: To ensure the protection of bats which are European Protected Species.

9. No works in the relevant phase set out in the Phasing Plan (condition 3), including clearance of vegetation shall take place until a Construction Environmental Management Plan (Ecology) pertaining to that phase has been submitted to and approved in writing by the LPA. 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) Requirements and proposals for any site lighting required during the construction phase;

d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);

e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;

f) 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.

g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved details and timing of the plan.

Reason: To protect features of recognised nature conservation importance in accordance with MD12, CS17 and section 180 of the NPPF. This a pre-commencement condition to ensure that the wildlife protection zones, and protective measures are in place before any other works to ensure that the development does not adversely affect wildlife.

10. No development within each phase of the development (including vegetation clearance, ground works etc), as set out in the approved Phasing Plan required under condition 3 shall commence until a Bat Monitoring Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of bat monitoring to be undertaken in the whole summer immediately prior to the commencement of vegetation clearance and thereafter at appropriate intervals during construction and during the first year of operation.

The surveys shall be undertaken in accordance with the approved strategy, and the results of each survey together with monitoring conclusions and any recommendations for additional mitigation measures required shall be submitted to the LPA within 3 months of their completion and implemented in accordance with the recommendations with 12 months.

Reason: To monitor the effectiveness of mitigation for bats which are European protected species.

11. No works in the relevant phase set out in the Phasing Plan (condition 3) shall take place and no equipment, machinery or materials will be brought onto site for the purpose of said development phase until a detailed soft landscaping scheme pertaining to that phase incorporating suitable and appropriate tree, shrub and hedge planting, grassland and wetland planting prepared in accordance with relevant British Standards, has been submitted to and approved in writing by the LPA. Tree planting objectives shall be specified, and plans and specifications drawn up to accord with BS8545: 2014-Trees: from Nursery to Independence in the Landscape - Recommendations) The landscaping scheme shall include:

a) A planting schedule, detailing plants/seed mixes, noting species (including scientific names), planting stock types and sizes and proposed numbers/densities where appropriate;

b) Details as relevant of ground preparation and cultivation, tree planting pit specifications, and planting or sowing technique;

c) Means of protection and support for planted trees and shrubs against browsing damage from livestock or wild animals;

d) Written specifications for mulching, weeding and other maintenance operations as relevant to ensure successful establishment of planting and habitat creation;

e) Specifications for, and locations of, badger fencing; and

f) Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The approved landscaping scheme shall be implemented as specified and completed prior to completion of the relevant phase. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design in accordance with Policies CS6 and CS17 of the Core Strategy and MD12 of the SAMDev Plan.

12. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust/Institute of Lighting Professionals Guidance Note 08 23 Bats and artificial lighting at night. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to protected species in accordance with Policy CS17 of the Core Strategy and MD12 of the SAMDev Plan.

13. Prior to the commencement of development within the relevant phase as set out in the approved Phasing Plan, the following plans shall be submitted to the Local Planning Authority for approval in writing showing:

a) Badger tunnels of a minimum of 600mm in width; and

b) Details of how wildlife will access the mammal ledge provided through Alkmund Park Culvert, Willow Pool Wildlife Culvert and the Hencott Pool Culvert.

The plans shall be implemented as in accordance with approved details.

Reason: To ensure effective mitigation is provided for protected species in accordance with Policy CS17 of the Core Strategy and MD12 of the SAMDev Plan.

14. No development shall take place until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment),

schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.

Reason: To ensure appropriate landscaping of the site having regard to SC6 "Sustainable Design and Development Principles", SC17 "Environmental Networks" of the Shropshire Core Strategy, and MD12 "Natural Environment " of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan.

15. No development shall take place until a method statement for the control and eradication of invasive species such as Japanese knotweed and Himalayan balsam has been submitted to and approved by the Local Planning Authority. The submitted method statement shall include location maps for all stands and method of control, including timings of the work and disposal of any contaminated material. The development shall be carried out in accordance with the approved details.

Reason To safeguard and enhance the natural environment and biodiversity of the County in accordance with the requirements of Policies SC6 "Sustainable Design and Development Principles", SC17 "Environmental Networks" of the Shropshire Core Strategy, and MD12 "Natural Environment " of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan.

16. No development within each phase of the development, as set out in the approved Phasing Plan required under condition 3 shall take place until a scheme of surface water drainage providing evidence that the proposed drainage systems serving the North West Relief Road (NWRR) (relevant to that phase) are capable of attenuating all flows up to and including the 1 in 100-year return period + 40% climate change, whilst maintaining the agreed rates of discharged shown in table 4.2 of the Flood Risk Assessment (Appendix 17.2: Flood Risk Assessment V2.0), has been submitted to and approved in writing by the Local Planning Authority. Where the proposed drainage system connects to an existing highway drainage network, evidence that the receiving system has the capacity to adequately cater for any increased flow up to their point of discharge should be submitted. Where offsite improvements are required to accommodate additional flows, these works should be completed prior to any new connections being made. The approved scheme shall be fully implemented before the development is brought into use.

Reason: To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policy C18.

17. No development within each phase of the development, as set out in the approved Phasing Plan required under condition 3 shall take place until a scheme for dealing with exceedance flows relevant to that phase has been submitted to and approved in writing by the Local Planning Authority.

Shropshire Council's "Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12" and CIRIA's "C753 The SuDS Manual" requires that exceedance

flows for events up to and including the 1 in 100-year return period + climate change should not contribute to surface water flooding of any area outside of the development site. Although the attenuation features have been designed accordingly, critical storm analysis and flood exceedance should be carried out to determine exceedance storage volumes / depths and flow paths within the highway corridor should be designated to mitigate the risks to people and property.

A contour and exceedance route plans should be submitted for approval demonstrating that the above has been complied with. The approved scheme shall be fully implemented before the development is brought into use.

Reason: To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policy CS18.

18. No development within each phase of the development, as set out in the approved Phasing Plan required under condition 3 shall take place until a SuDS and Highway Drainage Maintenance Plan relevant to that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall set out ownership and maintenance responsibilities, access and frequencies for each of the proposed SuDS features, the highway drainage network and all associated land drains, filter strips and conveyance ditches etc included in the detailed drainage design. Where agencies with proposed ownership and maintenance responsibilities have been identified, evidence that they have the relevant experience and expertise to fulfil these requirements will also be required. Where MEICA e.g. alarmed interceptors will be used to identify and contain pollution incidents, a detailed management plan setting out responsibilities for responding to, containing and disposing of any hazardous waste (to include the remediation of the affected SuDS feature) over the lifetime of the NWRR will be required. The approved scheme shall be fully implemented before the development is brought into use.

Reason: To ensure satisfactory drainage of the site and to avoid flooding in accordance with the requirements of Policy CS18.

19. No development within each phase of the development, as set out in the approved Phasing Plan required under condition 3 shall take place until a scheme of habitat and biodiversity enhancements to compensate for any loss of ordinary watercourse habitat which may be caused as a result of the implementation of the relevant phase of development has been submitted to and approved in writing by the Local Planning Authority. Where Ordinary Watercourses and Main Rivers are being amended, Ordinary Watercourse Consent and Flood Risk Activity Permit must be secured prior to any works taking place. Where the proposed scheme impacts the contributing catchments for existing surface water features (such as the pool on Calcott Lane), evidence on how sufficient flow to these features will be maintained or how compensatory clean flows will be provided to as part of the scheme should be submitted. The approved scheme should result in demonstrable enhancements in each location where the NWRR crosses Ordinary Watercourses and be fully implemented before the development is brought into use.

Reason: The condition is a pre-commencement condition to ensure that the project secures the required Ordinary Watercourse Consents and Flood Risk Activity Permit and that the projects does not have a negative impact on the surface water environment and to ensure the satisfactory drainage of the site and to avoid flooding in accordance with Policy CS18

20. No development (excluding test piling) shall take place until a scheme for dispersivity modelling including reporting, and any mitigation measures, has been submitted to and agreed in writing by the LPA in consultation with Severn Trent Water Ltd and the Environment Agency. The development shall be carried out in accordance with the approved details.

Reason: To avoid impact and provide protection of the surface water environment and associated sensitive public water supply sources in accordance with Policy CS18.

21. No development (excluding test piling) shall commence until a scheme for an update to the Detailed Quantitative Risk Assessment (DQRA) is submitted to and approved in writing by the LPA in consultation with Severn Trent Water Ltd and the Environment Agency. The scheme shall include, but may not be limited further revised modelling, review of risk, Review strategy, any monitoring, and implementation of any necessary avoidance and mitigation measures. The development shall be carried out in accordance with the approved details.

Reason: To avoid impact and provide protection of the groundwater environment and associated sensitive public water supply sources in accordance with Policy CS18.

22. No development shall commence until a water feature survey has been submitted to and approved in writing by the LPA. This shall include:

- The precise location of both licensed and un-licensed private groundwater sources (springs, wells and boreholes nominally supplying potable water).
- An impact assessment upon those features identified that may be affected by then proposed works.
- Proposals for monitoring and sampling including frequency and location of monitoring; method and nature of sampling and the analysis suite (determinands). Thereafter monitoring shall be carried out and reviewed in accordance with the approved scheme.
- Options to remediate any impact, details of the measures required and how they are to be undertaken. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The development shall be carried out in accordance with the approved details.

Reason: To avoid impact and provide protection of the groundwater environment and associated sensitive public water supply sources in accordance with Policy CS18.

23. No development shall commence until a scheme for groundwater and surface water monitoring is submitted to and approved in writing by the LPA in consultation with Severn Trent Water Ltd and the Environment Agency. The scheme shall include, but may not be limited to

- Details of the proposed groundwater and surface water monitoring strategy, the proposed monitoring network, monitoring frequency/duration and analytical testing suites.
- Assessment criteria including screening levels and reporting mechanisms (standard and in response to screening exceedances).
- Review and implementation of any necessary mitigation measures should screening levels be exceeded.
- Details of a borehole decommissioning strategy.

The development shall be carried out in accordance with the approved details.

Reason: to protect the water environment, including public and private water supplies in accordance with Policy CS18.

24. No piling work (excluding test piling) associated with the construction of the road section (River Severn Crossing) will commence until a turbidity protocol is submitted to and approved in writing by the Local Planning Authority. The protocol shall be developed in consultation with Severn Trent Water and the Environment Agency and will act to ensure that risks to the operation of local public water supply boreholes are appropriately managed during the construction period. The protocol will include:

- o Details of the required network of observation boreholes and installed monitoring equipment.
- o Monitoring and sampling plan (pre, during and post construction) at observation boreholes and abstraction boreholes.
- o Agreed Piling methodology and standoff limits between toe of piling and bedrock.
- o Schedule of alarm trigger levels (set with respect to UKDWS limits) and stakeholder notification plan.
- o Piling stand down triggers.
- o Stand Down and Recommencement Process Plan including contingency and mitigation proposals.
- o Reporting requirements.

Piling activities will not be undertaken outside of standard (Mon-Fri - 0800-1730) working hours unless formally agreed in advance with Severn Trent Water. The development shall be carried out in accordance with the approved details.

Reason: To address monitoring and management of turbidity risks identified in the Piling Works Risk Assessment and to ensure that the water environment is not compromised in accordance with Policy CS18.

25. Prior to the commencement of the development, detailed proposals that demonstrate how a minimum of a 10 metre standoff shall be achieved, between the base of any piles supporting the Shelton Rough River Severn Viaduct and the underlying competent bedrock

((defined within SEI Jan 2023, Chapter 5: Geology & Soils, Appendix 5.D: Appendix 10.3: Piling Works Risk Assessment, Revision 4 (confidential); Annex D; Interpretation & definition of completely weathered and fractured bedrock) shall be submitted to and approved in writing by the Local Planning Authority, The development shall be carried out in accordance with the approved details.

Reason: To ensure protection of underlying competent bedrock in accordance with CS18.

26. Prior to the development there by approved being brought into use, final details of how a 10m standoff between the base of any piles and the underlying competent bedrock has been achieved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include borehole logs that demonstrate the depth to, and the lithological configuration within, which the piles were drilled and completed. The development shall be carried out in accordance with the approved details.

Reason: To ensure protection of underlying competent bedrock in accordance with Policy CS18.

27. Prior to the commencement of the development, no test piling works will commence until detailed proposals for how test piles will be designed and implemented have been approved by the Local Planning Authority, in consultation with Severn Trent Water Ltd and the Environment Agency. The proposals shall include details of how the findings of the test piles will be communicated to the Local Planning Authority, Severn Trent Water Ltd and the Environment Agency. The development shall be carried out in accordance with the approved details.

Reason: To ensure protection of underlying competent bedrock in accordance with Policy CS18.

28. Prior to the commencement of the relevant phase of development, as set out in the approved Phasing Plan, detailed designs including drawings showing extent and tie-in details and method statements for the construction of the bank protection works on the right bank of the River Severn at Shelton Rough, substantially in accordance with the details defined within SEI Jan 2023, Chapter 1, Appendix 1.P Bank Protection and Appendix 6.F Geomorphological Assessment, shall be submitted to and approved in writing by the Local Planning Authority. A longer-term vegetation/bank protection management strategy, including consideration of additional bankside habitat enhancement as well as the mitigated length, should be produced to ensure good structural vegetation is maintained appropriately which includes the maintenance buffer zone within the boundary of the site and submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: To ensure protection of the right bank of the River Severn in accordance with Policy CS17, CS18 and MD12 of the SAMDev Plan.

29. No development shall commence until a surface water drainage scheme for all road systems and infrastructure within the Shelton Source Protection Zone has been submitted to and approved in writing by the LPA in consultation with Severn Trent Water Ltd and the Environment Agency. The scheme shall include design, construction, pollution control, and future maintenance of an effective road drainage system in accordance with the Drainage Strategy 70056211-WSP-HDG-AS-RP-CD-00001 P02 July 2021.

Reason: To ensure a satisfactory drainage scheme and protect the water environment including public water supply in accordance with Policy CS18.

30. No development shall commence until an amended Water Framework Directive Assessment (WFDa) has been submitted to and approved in writing by the LPA in consultation with the Environment Agency. The amended WFDa will build upon SEI Annex 6C: Water Framework Directive Assessment (PROJECT NO. 70056211, REF. NO. 70056211-WSP-EGN-ASRP-LE-00014) taking into account subsequent communications on the matter between the Environment Agency and the applicant, together with key outcomes from additional communications. The amended WFDa will address matters concerning risks and impacts to the Water Environment associated with the Proposed Scheme and propose mitigation measures where appropriate. The development shall be carried out in accordance with the approved details.

The update to the WFD Assessment shall fully consider piling works or road pollution spills, notably relating to public water supply sources and high groundwater conditions.

Reason: To minimise, and if possible avoid, significant risks or impacts to the Water Environment associated with the Proposed Scheme in accordance with Policy CS18.

31. No demolition or construction work within each phase of the development, as set out in the approved Phasing Plan required under condition 3 shall commence until a Construction Environmental Management Plan (CEMP) relevant to that phase, and including means for protecting the nearby highly sensitive environmental receptors (water abstractions, surface waters, etc) from contamination, and other sensitive receptors from dust, noise and vibration, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be based upon the framework and topic matters set out in the approved Outline Construction Environmental Management Plan.

The CEMP shall include:

- o Procedures to ensure all works adhere to Best Practicable Means (BPM), to reduce noise (including vibration) to a minimum, with reference to the general principles contained in British Standard BS5228: 2009 'Code of practice for noise and vibration control on construction and open sites, Parts 1 and 2'.
- o An assessment in accordance with British Standard 5228 2009+A1:2014, as part of the finalisation of working methods and informed by the specific plant and machinery which will be used to show how noise and vibration effects of construction will be minimised.

- o Where the assessment indicates a serious noise impact over a substantial period of time in accordance with the criteria provided in BS5288 a scheme of additional mitigation shall be provided.
- o A procedure for dealing with complaints regarding noise and dust.
- o A procedure for notifying occupiers who are likely to be impacted from works.
- o Staff training to cover principles of Best Practicable Means (BPM) relating to all site activities.
- o Measures to prevent the deposit of extraneous matter (mud, debris etc.) onto public highways by vehicles travelling from the site;
- o Emergency procedures to cover spills or pollution
- o Sensitive working practices and robust pollution prevention control measures in proximity to sensitive locations, including (but not limited to) the Severn Trent Water surface water intake on the River Severn, Groundwater Source Protection Zones (SPZ) and other sensitive surface water receptors such as Hencott Pool and Oxon Pool;
- o Sensitive demolition practices.
- o Details of construction phasing and programming
- o The designated route for all construction and delivery vehicles
- o Details of diversion of local roads, footpaths and public rights of way
- o Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- o Details of construction access/haulage routes, parking and traffic
- o Details of traffic management and control measures including temporary road signage.
- o Measures to protect vulnerable road users (cyclists and pedestrians)
- o Arrangements for temporary facilities for any bus stops or routes
- o Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Arrangements for the turning of vehicles, to be within the site unless completely unavoidable
- o Construction compounds including the storage of plant and materials used in the construction of development.
- o Details of any Utilities Diversions
- o Private Farm Services
- o Working hours and restrictions
- o Details of Site security including o the erection and maintenance of security hoarding and any scaffolding;
- o Construction Employment
- o 24-hour emergency contact number
- o Site Office and Welfare facilities
- o Temporary drainage solutions
- o Site clearance procedures
- o Earthworks and Site levels
- o Lighting
- o A scheme for recycling/disposing of waste resulting from demolition and construction works.
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- o Key construction practices
- o Health and Safety Procedures
- o Travel planning for construction operatives
- o Environmental Procedures and Protections

- o Details of and position of any proposed cranes to be used on the site;
- o A detailed programme of the works and risk assessments
- o Full details of restoration and reinstatement works with a timetable.
- o a dust management plan shall be submitted for approval in writing prior to any ground works and construction activity commencing. The plan shall include but not be limited to details and activity specified in section 7.2 of the CEMP submitted with the application to ensure dust nuisance and PM10 monitoring locations, methodology and timeline relative to delivery of the development shall be included. The plan will state a timeline for introducing monitoring and maintaining monitoring. The plan shall state how any complaints arising will be processed and actioned.

The development shall be undertaken in accordance with the approved Construction Environmental Management Plan.

Reason: In the interest of the amenity of the occupants of surrounding properties, environmentally sensitive receptors and the safe operation of the highway network in accordance with Policies CS6 and CS18.

32. No construction and or demolition works (including deliveries) that may be clearly audible at the site boundary shall occur before 07:30 or after 18:00 on weekdays nor before 0800 or after 1300 on Saturdays and not at any time on Sundays or Bank Holidays.

Where any site activities cannot comply with these times, the Applicant shall apply to the Council in writing for a Dispensation at least 21 days in advance of the proposed operation submitting the following:

- o Details of the operation in question
- o Reasons why the operation cannot be carried out within the terms of the Consent
- o Proposed working hours
- o Predicted noise and vibration levels at relevant locations
- o Proposed steps taken to reduce noise and/or vibration to a minimum.

Where dispensation is required for works of a critical nature for reasons not envisaged and beyond the control of the applicant (such as key activities likely to delay other key activities) the applicant shall apply in writing where practicable at least 48 hours in advance and at least 7 days in advance if the work is expected to last for a period of 5 days or more.

Reason: In the interest of the amenity of the occupants of surrounding sensitive properties in accordance with Policy CS6.

33. Prior to the commencement of the development a Construction Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The details contained in the approved Waste Management Plan shall be adhered to at all times.

Reason: The information is required prior to commencement of the development to safeguard the amenities of the area in accordance with Policy CS6 of the Core Strategy.

34. No development shall take place until a detailed noise mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall include details of all embedded and secondary mitigation detailed in Chapter 15 of the Environmental Statement (the noise reports ref: 70056211-WSP-EGN-AS-RP-LE-00007) & the Supplementary statement (ref: 70056211-WSP-EGN-AS-RP-LE-00013), including detailed specification for the:

- o Quiet Road surface proposed on the full length of road
- o 2m barrier running from the new roundabout at Shelton to Holyhead Road
- o 2m barrier along road north of Shelton Gardens
- o 2m high barrier to the western end from the A5 Churncote roundabout to Holyhead Road
- o 2m barrier on southern side of the Proposed Scheme carriageways to the east of Holyhead Road between the proposed B4380 Holyhead Road Roundabout and the Shelton Rough River Severn Viaduct.
- o 2m barrier on south between A5 Churncote roundabout and Little Oxon Lane
- o The south side of the parapet on the Shelton Rough River Severn Viaduct shall have a solid structure of 1.5m height.
- o Noise bunds and barriers
- o Maintenance responsibilities for mitigation

The development shall be carried out in accordance with the approved details and shall be completed prior to the opening of the road and be retained thereafter.

Reason: In the interest of the amenity of the occupants of surrounding sensitive properties in accordance with Policy CS6.

35. No development shall take place until full details of all bridges, structures, underpasses, bridge wing walls, abutments and crossings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include information on the colours and treatment of all surfaces, finishes and textures associated with these elements (e.g. railings, wing walls, side walls of underpass) as well as exact clearance heights. The bridges, structures, underpasses, bridge wing walls, abutments and crossings shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of public safety and to ensure the appearance of the development is acceptable having regard to policies CS6 "Sustainable Design and Development Principles" of the Shropshire Core Strategy MD2 "Sustainable Design" and MD8 "Infrastructure Provision" of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan.

36. No development shall commence until full construction details of the proposed pedestrian and cycleway, footpaths and Bridleway as indicated on the approved drawings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- o Construction and surfacing details;
- o Drainage proposals;
- o Lighting (where appropriate);
- o Controlled & uncontrolled crossing facilities along the routes and
- o Measures to control access and usage.

The pedestrian and cycleway, footpaths and bridleways shall not be brought into use until the approved details have been implemented in full unless otherwise agreed in writing with the Local Planning Authority. These facilities shall be made available for use prior to the first use of the development.

Reason: In the interests of public safety and to ensure the appearance of the development is acceptable having regard to policies CS6 "Sustainable Design and Development Principles" of the Shropshire Core Strategy and MD2 "Sustainable Design" of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan.

37. No development shall take place until details of the bunds for noise mitigation and landscaping to be constructed along the boundaries of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include appropriate cross sections of the bunds and include details of the location, size and height of the bund as well as details of the proposed materials and method of construction. Following the construction of the bunds they shall be landscaped and maintained in accordance with the details approved pursuant to Condition 14. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason In the interests of visual amenity and to ensure compliance with Policies SC6 "Sustainable Design and Development Principles" of the Shropshire Core Strategy, MD2 "Sustainable Design" and MD8 "Infrastructure Provision" of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan.

38. Prior to the commencement of development details of the temporary measures to maintain designated and permissive Rights of Way that are affected by the construction work shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented for the duration of construction works.

Reason: In the interests of highway safety and to safeguard the amenities of the locality pursuant to Policies SC6 "Sustainable Design and Development Principles", SC17 "Environmental Networks" of the Shropshire Core Strategy, and MD12 "Natural Environment " of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan.

39. Prior to commencement of the development, full engineering details of the proposed improvements to the junction of Harlescott Lane/A528 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with approved details prior to the opening of the hereby permitted road to the public.

Reason: In the interest of highway safety and to avoid congestion in the surrounding area in accordance with Policy CS8.

40. a. Notwithstanding submitted Table 5 - Highway Mitigation Summary contained within Transport Technical Note TTN00009 dated 22nd August 2023 no development shall take place, until details of the proposed Monitor and Manage Strategy including an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. The Monitor and Manage Strategy shall set out proposals, including locations and timing of surveys and trigger points for intervention in order to monitor the Highway network during and post construction.

b. The Monitor and Manage Plan shall be implemented in accordance with the approved details. Reports demonstrating ongoing monitoring shall be submitted annually to Local Planning Authority for approval for a period of ten years from the development being brought into use.

Reason: In the interest of highway safety and to avoid congestion in the surrounding area in accordance with Policy CS8.

41. No development shall commence until the Carbon Assessment Plan has been submitted for approval to the Local Planning Authority. The Carbon Assessment Plan shall include in its scope the built design, construction phase impacts and future use scenarios for the project and how the scheme's residual impact will be offset by 2050 through a hierarchy of measures that prioritises delivery of measures locally in Shropshire. Particular attention should also be paid to minimising the release of carbon embodied in the vegetation cleared from the route. Development shall not commence until the Carbon assessment plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Carbon Assessment Plan.

Reason: To allow the Council to meet its declared climate change objectives in accordance with Policies SC6 "Sustainable Design and Development Principles" of the Shropshire Core Strategy, MD2 "Sustainable Design" and MD8 "Infrastructure Provision" of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan.

42. A road drainage management plan, including management responsibilities and maintenance schedules for the section of the road through source protection zones in Shelton, shall be submitted to and approved by the Local Planning Authority in advance of the opening of the road. The plan will be developed in consultation with Severn Trent and the Environment Agency. The plan will include:

- o Description and location of specific assets to be monitored and maintained. Aims and objectives of management.
- o Methodology for maintenance plan.
- o Monitoring schedule.
- o Details of the body or organisation responsible for management of the plan.

- o Remedial work arrangements.
- o Stakeholder involvement and reporting regime.

The development shall be carried out in accordance with the approved details and implemented in full for the lifetime of the road.

Reason: To ensure that that the Source Protection Zone is not compromised in accordance with Policy CS18.

43. An emergency response plan, for the section of the road through Source Protection Zones 1 and 2, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Severn Trent Water Ltd and the Environment Agency in advance of the opening of the road. The approved emergency response plan will be implemented in the event of any accident leading to a pollution incident covering both rapid clean up measures as well as considering related monitoring, investigatory and other remedial actions.

Reason: To ensure that that the Drinking Water Protection Area (including the Source Protection Zone) is not compromised in accordance with Policy CS18.

44. Where the use of soakaways to drain the public highway are utilised, no development within the relevant phase of the development, as set out in the approved Phasing Plan required under condition 3 shall take place until infiltration testing in line with BRE Digest 365 and associated soakaway designs capable of attenuating all flows up to and including the 1 in 100 year return period and 40% climate change allowance has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is brought into use.

Reason: To ensure satisfactory drainage of the site and to avoid flooding in accordance with Policy CS18.

45. No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with Annex B and Annex C of Supplementary Appendix 17.2: Flood Risk Assessment Addendum (PROJECT NO. 70056211, REF. NO. 70056211-WSP-EGN-AS-RP-LE-00013), including storage works immediately to the north of the highway embankment within the Alkmund Park Stream floodplain and adjacent to the Shelton Rough River Severn Viaduct on the eastern bank.

The scheme shall be designed to allow for fish passage back to the river channel; include for maintenance arrangements and provide fluvial flood risk betterment in events up to and including the design 1% AEP with climate change floodplain. Thereafter the scheme shall be implemented and maintained in accordance with the approved details.

Reason: To reduce fluvial flood risk and provide flood risk betterment in accordance with Policy CS18.

46. There shall be no storage of any materials, including soil, or raising of ground levels (other than those on approved plans), within the design 1% AEP with climate change floodplain, as indicated within the Flood Risk Assessment.

Reason: To ensure that there will be no increased risk of fluvial flooding, impedance of flood flows and/or reduction of flood storage capacity in accordance with Policy CS18.

47. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within the buffer zone edge of the watercourse of the River Severn, inside or along the boundary of the site.

Reason: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows in accordance with Policy CS18.

48. Before the new sections of road hereby approved are brought into use details of all proposed lighting to be implemented as part of the development (including street lighting and that associated with the bridges, underpasses and other circulation areas, etc) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be implemented and carried out in full accordance with the approved details prior to the development being brought into use.

Reason: To ensure that any lighting is the minimum necessary for its purpose in accordance with Policies SC6 "Sustainable Design and Development Principles" of the Shropshire Core Strategy, MD2 "Sustainable Design" and MD8 "Infrastructure Provision" of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan.

49. Prior to the first use of the road, a landscape habitat and wildlife features (including badger fencing) management and monitoring plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the habitats and features to be 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 and feature quality;
- i) Possible remedial/contingency measures triggered by monitoring;

j) The financial and legal means through which the plan will be implemented.

The development shall be carried out in accordance with the approved details prior to first use of the development.

Reason: To secure the long-term management of landscaping, habitats and features. in accordance with policies SC6 "Sustainable Design and Development Principles", SC17 "Environmental Networks" of the Shropshire Core Strategy, and MD12 "Natural Environment " of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan and section 180(d) of the NPPF.

50. Notwithstanding the information on bat roost enhancement detailed in section 4.4 of SEI Jan 23 Appendix 1.H plus indicative locations for bat boxes as shown on SEI Jan 2023 Appendix 1.U, prior to the first use of the development, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 50 bat roosting boxes or bat roosting features (ie BrandenBark TM) suitable for crevice dwelling bat species.
- A minimum of 50 nest boxes suitable for a variety of bird species recorded in association with the habitats present including (for instance) stock dove, tawny owl, kestrel, tit species etc.

The boxes / roosting opportunities shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of mitigation and enhancement for bats and birds in accordance with MD12, CS17 and section 180 of the NPPF.

51. A 10 (ten) year landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape, woodland and ecological mitigation areas, shall be submitted to and approved by the Local Planning Authority prior to the opening of the new sections of road hereby approved. The management plan shall be implemented in accordance with the approved details.

Reason: To ensure appropriate landscaping of the site in accordance with Policies CS6 and MD2 of the development plan.

52. No newly constructed part of the road shall be opened for traffic until all parts of the newly constructed road are complete and available for use unless a phasing programme for completion of the road is submitted and approved in writing by the Local Planning Authority. Such phasing plan shall include: A timetable for the opening of all sections of the road; Transport modelling of the impact of opening phases of the road and A layout plan and safety audit for any interim junction arrangements. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to safeguard the amenities of the locality pursuant to Policies SC6 "Sustainable Design and Development Principles", SC17 "Environmental Networks" of the Shropshire Core Strategy, and MD12 "Natural Environment " of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan.

53. The development shall be carried out in accordance with the approved noise mitigation measures which shall be in-situ before the development is operational.

Within 6 months of the opening of the road a Noise Insulation Regulations (NIR) 1975 assessment shall be carried out to identify any properties that are eligible for insulation.

The applicant will produce and display a map showing all eligible properties that qualify under the Noise Insulation Regulations (1988).

Any properties that qualify for a NIR grant shall be informed of the noise insulation grant provisions available and insulation works should be carried out as specified in the NIR subject to consent of the property owner(s).

Reason: In the interest of the amenities of the occupants of nearby noise sensitive properties in accordance with Policy CS6.

54. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and received approval for a remediation strategy to the Council as Local Planning Authority detailing how this unsuspected contamination shall be dealt. Should this occur in the Shelton Source Protection Zone this will be in consultation with Severn Trent Water Ltd and the Environment Agency in addition to the LPA. The remediation strategy shall be implemented as approved.

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.

55. Prior to the first use of the road, a remediation verification report shall be submitted to and approved by the LPA. This shall include details of any unforeseen contamination encountered during construction, remedial works undertaken, validity testing and subsequent assessment of any residual risks. The verification report shall also include details of all contamination monitoring undertaken during construction (including those identified in the Water Features Survey), any actions undertaken during construction based on the monitoring results, and details of borehole decommissioning works undertaken. Severn Trent Water Ltd and the Environment Agency shall be consulted on any verification report involving remediation work within the Shelton Source Protection Zone.

Reason: To ensure that risks from contamination 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.

56. A scheme detailing proposals for the wider signing strategy on the Local and Strategic Highway network, to include appropriate measures to reflect the phasing of the construction shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with approved details prior to the first use of the development.

Reason: In the interests of highway safety.

57. Prior to the opening of the development to traffic, the proposed improvement works at A5/A458 Churncote Roundabout shall be implemented in accordance with the General Arrangement drawing (Drawing No. 70056211-WSP-GEN-DR-CH-01013 to 01016).

Reason; To ensure the A5 and A458 trunk roads continue to serve their purpose as part of the national system of routes for through traffic in accordance with S.10(2) of the Highways Act 1980, in the interests of highway safety.

58. Agricultural operations as detailed in the Habitat Regulation Assessment should be desisted within the buffer zone comprising all fields surrounding Hencott Pool within approximately 200metres. Prior to the approved scheme being brought into use, a Final Compensation Delivery and Management Plan detailing measures to implement and monitor the approved mitigation shall be submitted to and approved by the Local Planning Authority and agreed with relevant parties in accordance with the S106 Agreement. The mitigation shall apply for a period of up to 80 years, subject to review every 5 years.

Reason: To ensure no long-term significant effect on the integrity of the Midlands Meres and Mosses Ramsar Phase 2.

59. Nitrogen dioxide monitoring shall be installed prior to construction and be maintained for two full calendar year post commencement of the operational phase. Monitoring locations shall be submitted to and approved in writing by the LPA and shall cover a representative sample of the area of impact. Monitoring shall be in place prior to commencement of construction activities to capture any impact of construction vehicle movements in any areas of interest and carried out in accordance with the approved details.

Reason: to ensure impacts from the development are captured and fed into Local Air Quality Management duties to understand any need for additional measures to fulfil statutory duties in respect of this regime.

60. The landscaping details approved in condition 14 shall be completed in accordance with the following: - a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority. b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces). c) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations) d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site having regard to SC6 "Sustainable Design and Development Principles", SC17 "Environmental Networks" of the Shropshire Core Strategy, and MD12 "Natural Environment " of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan.

61. No development shall take place until the applicant, or their agents or successors in title, has completed the ongoing programme of archaeological evaluation works in accordance with the previously agreed Written Scheme of Investigation (WSI) which was submitted by the applicant and approved by the Local Planning Authority.

Works shall be carried out in accordance with the programme and methodology set out in the approved WSI. A written record of any archaeological evaluation works undertaken shall be submitted to and approved in writing by the Local Planning Authority within three months of the completion of the archaeological evaluation works unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority

Reason: The site is known to hold archaeological interest in accordance with Policy MD13 of the Shropshire SAMDev Plan and Paragraph 211 of the NPPF (Dec 2023).

62. a) Following the completion of the archaeological evaluation works, no development shall take place until the applicant, or their agents or successors in title, has completed a programme of archaeological mitigation works comprising, but not limited to, the archaeological excavation and recording and/or preservation in-situ, where warranted and feasible, of areas of archaeological significance identified from the preceding archaeological evaluation works. These works are to be carried out in accordance with a agreed Written Scheme of Investigation (WSI), which has been submitted to and approved by the local planning authority in writing.

b) No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that Phase has

been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the WSI approved under condition 62 'archaeological mitigation works'.

Reason: To ensure that the archaeological and historic interest of the site is safeguarded and recorded in accordance with Policy MD13 of the Shropshire SAMDev Plan and Paragraph 211 the NPPF (Dec 2024); and, to deliver the mitigation as identified in Chapter 11 of the Environmental Statement (Feb 2021) and the Environmental Statement Addendum (August 2021) pursuant to the extant scheme.

63. No development shall take place (including demolition, ground works and vegetation clearance) until a District Level Licence with respect to great crested newts has been obtained from Natural England and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of great crested newts, which are European Protected Species.

Informatives

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

2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

3. The applicant is reminded that confirmation of a Diversion Order for the public right of way shall be obtained prior to development being commenced. The commencement of development prior to such confirmation would be likely to lead to legal complications and/or possible infringement of existing public rights and thus conflict with other legislation.

4. The applicant is reminded that confirmation of a Stopping Up/Extinguishment Order for public right of way/highway shall be obtained prior to the development being commenced. The commencement of development prior to such confirmation would be likely to lead to legal complications and/or possible infringement of existing public rights and thus conflict with other legislation.

5. Does your development require utility connections?
Any works/activities carried out either by, or on behalf of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act (NRSWA) 1991 and

the Traffic Management Act (TMA) 2004 and licensed accordingly by the Street/Highway Authority in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Shropshire. Developers must also inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment.

Any such works or activities commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with Shropshire Council Street Works Team. To allow effective co-ordination contact must be made with the Street Works Team at least three months in advance of the commencement of the works and any subsequent applications must be in line with the noticing requirements of the NRSWA 1991, TMA 2004 and Highways Act 1980. The developer must particularly ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time and using the same Traffic Management measures.

For more information please contact Streetworks@shropshire.gov.uk or <https://shropshire.gov.uk/roads-and-highways/application-forms-and-charges/>

Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

6. The discharge of surface water to a water course requires the prior consent of the ENVIRONMENT AGENCY under the Control of Pollution Act 1974 and the Water Act 1991.

7. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.

8. Invasive species

[Himalayan balsam / Japanese knotweed / giant hogweed / cotoneaster species] is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to allow this species to be released into, or cause it to grow, in the wild and landowners should not allow it to spread onto neighbouring land, although they may not be obliged to remove or treat it on their own land.

Treatment of [Himalayan balsam / Japanese knotweed / giant hogweed / cotoneaster species] should be carried out by an experienced contractor and development cannot commence until the plant has been completely removed from the site.

Use of herbicides alongside water courses should only be undertaken by experienced, licensed contractors following advice from the Environment Agency.

[Himalayan balsam / Japanese knotweed / giant hogweed / cotoneaster species] is classed as a controlled waste and should be disposed of by an experienced contractor to an approved

waste site in accordance with the Environmental Protection Act (Duty of Care) Regulations 1991).

9. General site informative for wildlife protection

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

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

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

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

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

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

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

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

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

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

[Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.]

10. Badgers

Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett.

No development works or ground disturbance should occur within 30m of a badger sett without having sought advice from an appropriately qualified and experienced ecologist and, where necessary, without a Badger Disturbance Licence from Natural England. All known badger setts must be subject to an inspection by an ecologist immediately prior to the commencement of works on the site.

There is an unlimited fine and/or up to six months imprisonment for such offences. Items used to commit the offence can also be seized and destroyed.

11. It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

12. Bats

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

[Any chemical treatment of timbers should not take place between the beginning of October and the end of March and no pointing or repairs of any gaps or crevices which cannot be easily seen to be empty should take place between the beginning of October and the first week in April, to minimise the possibility of incarcerating bats.]

[If timber treatment is being used then the Natural England's Technical Information Note 092: Bats and timber treatment products (2nd edition) should be consulted and a suitable 'bat safe' product should be used (see <http://webarchive.nationalarchives.gov.uk/20160913000001/http://publications.naturalengland.org.uk/publication/31005>).]

[Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.]

13. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

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

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Location: Street Record, Welshpool Road, Bicton Heath, Shrewsbury, Shropshire