

## **Matter 9 - Bridgnorth Place Plan Area (policy S3) – BRD030 – Tasley Garden Village, Bridgnorth.**

### Introduction

Tasley Parish Council has based its comments on new evidence relating to Matter 9 – BRD030, Tasley Garden Village (TGV) allocated in the draft Shropshire Local Plan (SLP), namely:

- The Planning Inspector's grounds for refusing an appeal (ref: APP/L3245/W/21/3289216) on 5th May 2023 against Shropshire Council's decision on the same grounds to refuse a planning application (ref: 17/01033/EIA) for development of intensive poultry units at Footbridge Farm in Tasley sited within land allocated in BRD030 in the draft SLP.
- Shropshire Council's response of 6th September 2024 to the recently published Scoping Request (both available on Shropshire Council's Planning Portal), which has not at this juncture been submitted as evidence to the examination but does appear to indicate Shropshire Council's prospective response to Q6.
- Shropshire Council's change to the BRD030 site allocation in which 600 homes are now intended to meet Black Country housing needs.

### Background

In September 2017 Shropshire Council granted planning permission for four intensive poultry units (ref: 17/01033/EIA) at Footbridge Farm in Tasley. This development was sited on the same land later allocated in the draft SLP site BRD030 for the proposed Tasley Garden Village.

Shropshire Council's planning decision was subsequently quashed in the Court of Appeal following a Judicial Review. (Squire v Shropshire Council and Matthew Bower [2019] EWCA Civ 888)

The Footbridge Farm application was resubmitted with changes and Shropshire Council refused it on two issues; ammonia and odour. (Decision notice, dated 7 December 2021).

Shropshire Council's refusal decision was appealed by the applicant (ref: APP/L3245/W/21/3289216) and dismissed by the Planning Inspector on 5<sup>th</sup> May 2023, again on the same grounds, in particular the potential impact of ammonia pollution on nearby Thatchers Wood and Westwood Covert SSSI and AW.

### Footbridge Farm Planning Appeal Ref: APP/L3245/W/21/3289216

Whilst there were proposed air scrubbers on the poultry units which would have reduced ammonia release into the atmosphere to levels deemed acceptable by the Environment Agency, in the Planning Inspector's view, **the resultant [nitrogen] pollutant levels from the development would have unacceptably resulted in the further degradation of the SSSI and AW and he effectively conceded that there couldn't be a de minimis level of additional emissions impact on the site.**

The Planning Inspector concluded that the proposed development would adversely affect the Thatchers Wood and Westwood Covert SSSI and AW by reason of ammonia concentration stating that it would be contrary to CS Policies CS6 and CS17 and SAMDev Policy MD12 which, amongst other things, require developments to protect, restore, conserve and enhance the natural environment, safeguarding natural resources and not to have a significant adverse impact on Shropshire's environmental assets.

The Inspector further concluded that it would be contrary to Paragraphs 174 and 180 of the National Planning Policy Framework (NPPF), which amongst other things, require planning policies and decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the development plan.

#### Thatchers Wood and Westwood Covert SSSI and AW

The recent Environmental Impact Assessment Scoping Report authored by national builders Bloor Homes and Taylor Wimpey states that Thatchers Wood and Westwood Covert SSSI and AW is located 1.6km to the south of the proposed Tasley Garden Village site and Figure 7.1 shows it to be within the 2km site buffer zone.

Thatchers Wood and Westwood Covert SSSI and AW comprises a predominantly damp wood in the valley of Mor Brook with areas of dry rocky woodland on slopes in Westwood Covert. It is also designated as Ancient Woodland.

**The ammonia and nitrogen levels are already in excess of critical levels and loads at the SSSI and AW thereby having an adverse impact upon it through eutrophication.**

Furthermore, a Lichen assessment of the SSSI and AW produced for planning application 17/01033/EIA showed the presence of several noteworthy ancient woodland nitrogen sensitive lichen species of local significance in this area and in the Midlands in general, which are mainly confined to old woodlands and not particularly common.

Whilst taking the BRD030 site out of agricultural production may produce a reduction in ammonia emissions on the SSSI and AW, **it is very unlikely this would outweigh the effect of increased nitrogen pollution from additional traffic emissions and the development of the site combining to further damage an already heavily damaged SSSI and AW and which now need to be considered.**

Shropshire Council, in its response of 6th September 2024 to the Scoping Request notes that ancient woodland and ancient or veteran trees are irreplaceable habitats and are afforded special protection within planning policy and guidance. **However, Shropshire Council has not appeared to have made any requests or comments with regard to the subject of nutrient nitrogen emissions on Thatchers Wood and Westwood Covert SSSI and AW.**

**Tasley Parish Council therefore considers that Shropshire Council has not adequately considered the effects of the inevitable nitrogen pollution from developing the Tasley Garden Village on Thatchers Wood and Westwood Covert SSSI and AW nor from associated traffic emissions.**

## Air Quality

Air quality in Bridgnorth is poor, already contributing to unacceptably high levels of nitrogen dioxide pollution.

The Wealden case is often cited in relation to in-combination assessments (<https://www.landmarkchambers.co.uk/news-and-cases/wealden-district-council-v-secretary-of-state-for-communities-and-local-government-lewes-district-council-and-south-downs-national-park-authority-2017-ewhc-351-admin>).

Whilst Thatchers Wood is a SSSI, not a European Protected Site, and as such is not within the scope of the Habitats Regulation Assessment (HRA) for the draft Shropshire Local Plan, the Wealden Case does set a relevant precedent.

The act of developing the TGV site (BRD030) will unquestionably cause the release of further nitrogen into the atmosphere, and as such is **potentially caught by NPPF 2021 paras 185 and 186** in that Planning policies and decisions should:

*“ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development...”* and

*“sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified....”*

## Sustainability and Deliverability

The Transport Study used to support the evaluation of Tasley Garden Village vs Stanmore Garden Village (SGV) was carried out in April 2021. **This study was completed before it was revealed that 600 of the homes at TGV are now intended to meet Black Country housing needs.**

**Tasley Parish Council therefore considers that the level of trip generation and distribution will need to be reconsidered particularly in the light of additional nitrogen pollution on Thatchers Wood and Westwood Covert SSSI and AW.**

(<https://www.shropshire.gov.uk/media/20462/bridgnorth-development-options-assessment-2021-appendix-1-highways-ev01302.pdf>).

Bridgnorth and surrounding areas are particularly poorly served by communications links to support employment development.

**Infrastructure requirements to support the TGV and other housing development remain unclear (especially transport), and there does not appear to have been an assessment of the employment related transport requirement either.**

Historically, employment delivery in the Bridgnorth area has been very low over a 20 year period and the area already has substantial unused employment land allocations.

Housing\_allocation in Tasley is already excessive. The Tasley Gateway development (ref: 21/05023/OUT) sited across the road from the proposed 1,050 home TGV development has outline planning permission for 550 homes. **It's been well over a decade since the land, circa 30 acres, was allocated in SAMDev, yet nothing has been built evidencing a lack of demand.**

Since the draft SLP was put out for examination, fewer people are now employed at Stanmore after the relocation of part of Coram, management buyout at Granger & Worrell, and the loss of the Technology Training Centre, now a warehouse for domestic fuels. Only 0.09 hectares, one new building, has been constructed on Stanmore during SAMDev. Closer to town, Bridgnorth Aluminium has reduced its workforce, Swegeon Air Products are leaving, Chartwell is not fully constructed, and no development at Tasley. **This downward trend strongly evidences that local employment development is unlikely.**

**All these facts leads to the danger of unsustainable development.**

### Conclusion

Despite its best efforts to get the draft local plan adopted, it seems Shropshire Council is in danger of pushing through a strategically unsustainable development on Tasley and surrounding communities through its BRD030 site allocation.

Whilst Tasley Parish Council are in no doubt about the importance of having an adopted local plan, and will continue to contribute constructively toward that end, we cannot ignore the major underlying issues with the BRD030 allocation and proposed Tasley Garden Village that remain unresolved by Shropshire Council.

Tasley Parish Council therefore considers:

- Stanmore Business Park should stay in the Green Belt (there is no need to release further employment land) and the 16 hectares of employment land in the BRD030 site allocation is not currently needed.
- The rationale for adding 600 homes for the Black Country is weak - this element should be completely removed from the BRD030 site allocation.
- The impact of air pollution from the proposed Tasley Garden Village on the SSSI and AW has not been adequately considered by Shropshire Council.
- A full assessment and mitigation is required given Thatchers Wood and Westwood Covert SSSI and AW is already being damaged by nitrogen pollution and consequently cannot be scoped out.
- The BRD030 site is potentially caught by NPPF 2021 para 185 and 186 and by precedents set by appeal decision (APP/L3245/W/21/3289216) and the Wealden case.

**To make an exception for any development where damage or deterioration is likely to occur, the benefits would have to be public not private benefits and be specific to the location where the development is proposed and could not be obtained if the development were to take place somewhere else which did not impact a SSSI or an irreplaceable habitat.**

Tasley Parish Council respectfully suggests that whilst the 'Draft DP Policy: Housing Provision for Older People and those with Disabilities and Special Needs' is commendable, should the TGV development go ahead Shropshire Council ought to condition it to provide a well thought out, vibrant and welcoming retirement and assisted living community centre with specialist housing close by and facilities such as a library and IT suite, fitness suite, cafe, community hall and medical consulting rooms, which are open to the wider community.

Tasley Parish Council thank the Examiner and Shropshire Council on behalf our community for the opportunity to comment.

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