

24/02108/OUT- Consultee Comments Tracker

Listed from oldest to most recent

SC Ecologist

Comment Date: Mon 08 Jul 2024

BIODIVERSITY NET GAIN

A baseline BNG metric has been submitted, but there is no information on post-development interventions. Please provide a metric showing the proposed interventions to show how the development will achieve 10% net gain. On-site net gain will be preferred. Should this not be possible (and we are satisfied with the justification), details of off-site net gain need to be provided.

Please also submit the condition assessments.

PROTECTED SPECIES

The Preliminary Ecological Appraisal Report (Cass Design Consultants, April 2024) recommends further surveys for bats, GCNs, breeding birds, reptiles, and white-clawed crayfish. Please re-consult Ecology when these have been submitted.

SC Waste Management

Comment Date: Tue 09 Jul 2024

It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). An option for residents to have wheelie bins for recycling has been added to the service in 2022, therefore space for three wheelie bins per property could be required.

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here:
<https://www.shropshire.gov.uk/media/25994/shropshire-refuse-and-recycling-planning-guidance2022.pdf>

I would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that that the vehicle can access and turn on the estate. Details of the vehicle size and turning circles are in the document linked above.

Particular concern is given to any plots which are on private drives that the vehicles would not access. Bin collection points would need to be identified and residents advised when they move in/purchase.

Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.

National Grid Land and Development Team

Comment Date: Mon 15 Jul 2024

Consultation superseded

Shropshire Fire and Rescue Service

Comment Date: Wed 17 Jul 2024

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications' which can be found using the following link:
<https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

'THE BUILDING REGULATIONS 2010, FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting ' Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

For the attention of the Planning Officer. It is vital a robust Swept Path Analysis is undertaken throughout this development, in order to accurately track the suitability of access for fire appliances. This access must be fully compliant with the Building Regulations Approved Document B, Volume 1- Dwelling houses. As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications' which can be found using the following link: <https://www.shropshirefire.gov.uk/safety-at-work/planning-application>

Superseded SC Policy Comments

Comment Date: 17th July 2024

Planning Application reference: 24/02108/OUT

Proposal: Outline application to include access for a mixed-use development comprising up to 800 no dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage

Location: Patshull Road, Albrighton

Background The scheme subject to this outline planning application proposes to develop a site of around 47.17ha with 800 dwellings, a care home, local centre and secondary school with associated accesses, open space and drainage infrastructure. All matters other than Access are reserved for consideration under a separate reserved matters application should outline permission be gained.

Conformity with the Adopted Plan

The starting point for decision making is the adopted local plan, which currently consists of the Core Strategy (2011), Site Allocations and Management of Development Plan (SAMDev Plan) and any adopted formal Neighbourhood Plans. The adopted local plan should be read and applied as a whole.

Albrighton is identified as a Key Centre within the adopted Local Plan (Core Strategy Policies CS1 and CS3, and SAMDev Plan Policy MD1) and as such is considered to be a suitable location for sustainable development within the adopted Local Plan.

Settlement policy S1 of the SAMDev Plan provides the strategy for achieving the sustainable development of Albrighton. With regard to residential development, it states *“Albrighton will provide for local needs, delivering around 250 dwellings over the Plan period. Local needs will predominantly be met on two allocated sites, with small-scale windfall development within the development boundary making up the balance.”* It also specifies that *“All development proposals should have regard to the ‘Albrighton Plan’ (the non-statutory Albrighton Neighbourhood Plan Light, adopted by Shropshire Council in 2013).”*

The site subject to this pre-application enquiry is located to the south of Albrighton outside of the development boundary within the countryside and is part of Shropshire’s Green Belt land.

Core Strategy Policy CS5 (Countryside and Green Belt) alongside SAMDev Policy MD6 (Green Belt) expects development to be strictly controlled in the rural area in accordance with the national planning policies protecting the countryside and Green Belt.

Part 13 of the NPPF, published Dec 2023, relates to Protecting Green Belt Land, of particular relevance for the determination of planning applications are paragraphs 152 – 156.

Paragraph 152 of the NPPF states that, ‘inappropriate development, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances’. The NPPF confirms at paragraph 154 that ‘a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt’. Exceptions are set out within the same paragraph as:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposed scheme for the development of the land to the south of Albrighton with 800 residential units, a local centre, secondary school and care home does not fall within the list of exceptions and thus would be considered to be inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF states ‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’

SAMDev Policy MD3 relates to housing delivery and deals with the role of settlement housing guidelines stating the following:

The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to:

- i. *The increase in number of dwellings relative to the guideline; and*
- ii. *The likelihood of delivery of the outstanding permissions; and*
- iii. *The benefits arising from the development; and*
- iv. *The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and*
- v. *The presumption in favour of sustainable development.*

Where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to the considerations in paragraph 2 above.

With regard to settlement guidelines for Albrighton, the published Five-Year Housing Land Supply Statement (March 2024), identifies that as of 31st March 2023, for Albrighton 182 dwellings have been completed (since 2006/07), there are 76 sites with planning permission or prior approval and 83 are allocations without planning permission. Given the number of completions and commitments identified there is considered to be a sufficient supply of housing for Albrighton, with the adopted residential guideline being achievable within the plan period and as such there is no need to consider alternative sites outside of the development boundary.

The Five-Year Housing Land Supply and Housing Delivery Test

Shropshire Council annually prepares Five Year Housing Land Supply Statements to summarise the Shropshire five-year land supply and Shropshire housing delivery test position.

The current published Five-Year Housing Land Supply Statement has a base date of 31st March 2023. This assessment concludes that:

- Shropshire currently has 5.91 years supply of deliverable housing land against the housing requirement identified within the adopted Core Strategy (2011) and 7.63 years supply of deliverable housing land against the local housing need, calculated using Governments standard methodology (2023 base date to align with the base date for this assessment of housing land supply).
- Housing delivery in Shropshire over the last 3 years has exceeded the housing needed for this period as calculated within the national housing delivery test (152% delivery).

As such, there is a five-year supply of housing land across Shropshire and the national housing delivery test has been met. Therefore, the relevant adopted plan policies remain up to date.

Local Plan Review

The emerging Draft Shropshire Local Plan (2016-2038) has been through several stages of consultation and the Draft Local Plan was submitted to the Planning Inspectorate for examination on the 3rd September 2021. Examination is currently ongoing. The first phase of the public hearing sessions took place in July 2022, January 2023 and May 2023. The settlement policies have not yet been heard, however it is anticipated that this phase of hearing sessions will take place later in 2024.

Paragraph 48 of the NPPF stipulates the factors which effect the amount of weight that can be applied to relevant policies in emerging plans. Reflecting these considerations, it is considered that given the relatively advanced stage of the Local Plan Review, some limited weight can be applied to relevant draft policies in the draft Shropshire Local Plan, as a material consideration in the decision-making process on Planning Applications. However, it is also considered that this limited weight is significantly reduced where there are any relevant unresolved objections. Ultimately, the draft Shropshire Local Plan will only carry full weight upon its adoption.

Local Plan Review Policy Considerations

Albrighton is proposed to remain a key centre, as identified through Draft policy SP2: Strategic Approach. The draft settlement policy S1.1 sets out the level of development for Albrighton during the plan period proposing to deliver around 500 dwellings and around 5 hectares of employment development. The draft settlement policy seeks to deliver the new residential development through the saved SAMDev site allocations and proposed site allocations (ALB017 & ALB021). This would be complimented by appropriate small scale windfall residential development within the Albrighton development boundary shown on the policies map. The site subject to this preapplication remains outside the development boundary within the countryside and part of the Green Belt.

Draft policy SP10: Managing development within the countryside, is reflective of the policy within the current adopted plan, seeking to focus development in rural areas within the identified community hubs and community clusters. New affordable housing provision for evidenced local needs and appropriate rural employment opportunities, subject to the further controls over development that apply to the Green Belt.

Draft policy SP11: Green Belt and safeguarding land, is consistent with national policy on Green Belt, assuming that inappropriate development is harmful to the Green Belt. The draft policy identifies circumstances when development maybe acceptable and not in conflict with National Policy and where appropriate providing additional clarification in the Shropshire context. The level and type of development proposed under this planning application does not fall within any of the types of development which maybe acceptable and would represent inappropriate development, harmful to the Green Belt.

Conclusions

Paragraph 47 of the National Planning Policy Framework (NPPF) states that 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.' The Core Strategy and SAMDev (alongside any adopted formal Neighbourhood Plans) currently make up the adopted local plan in Shropshire. The draft Shropshire Local Plan does need to be taken into

consideration, albeit the proposed allocation of this site has only 'limited weight' as discussed above.

The site subject to this outline planning application is outside the established development boundary for Albrighton and for policy purposes located within the countryside. Furthermore, the site lies within the Green Belt. Adopted local plan policies (including Core Strategy Policy CS6 and SAMDev policy MD6) alongside the NPPF sets out criteria which limits new development including residential development within the countryside and the Green Belt.

The Five Year Housing Land Supply statement March 2024, demonstrates that Albrighton has a sufficient supply of housing to achieve the adopted residential guideline within the plan period, SAMDev policy MD3(3) is not triggered and there is no need to consider alternative sites outside of the development boundary.

The emerging draft local plan proposes to retain Albrighton as a Key Centre and the land subject to this enquiry is proposed to remain part of the Green Belt. Draft Local Plan policies SP10 and SP11 reflect adopted plan policies (CS5 and MD6) and the NPPF relating to the Green Belt.

The scale and type of development proposed is considered to represent inappropriate development, harmful to the Green Belt and contrary to national planning policy, adopted local plan policy CS6 and MD6 and emerging local plan policy, SP10 and SP11. No very special circumstances have been identified that would justify departure from planning policy.

SC Regulatory

Comment Date: Thu 18 Jul 2024

Amenity

Parts of the site are close to sources of potential noise impact (industrial depot and roads) I would therefore recommend that the applicant be required to submit an appropriate noise impact assessment undertaken by a suitably qualified person. Additionally, I would comment that if mitigation is required to achieve suitable internal noise levels, it would be expected that that the primary measures would be focused upon, site layout, building orientation, design, and internal layout rather than reliance upon closed windows and mechanical ventilation.

I would also comment that given the scale of development and location in parts close to existing residential dwellings there is some potential for noise and dust impact during construction phase. I would therefore recommend that a condition requiring submission and implementation of a construction management plan that addresses these issues is added to any permission given.

Land Contamination

Environmental Protection has identified the site and surrounding areas as potentially contaminated land under the Council's Environmental Protection Act 1990 Part 2A responsibilities and therefore having regard to the NPPF, the developer will need to demonstrate:

a) a site is suitable for its proposed use taking account of ground conditions and any risks

arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

d) Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

This is primarily due to the presence of a former refuse tip in the eastern part of the proposed development site (Zone B).

A report by, Eastwood Consulting Engineers; Phase 1 Geotechnical and Geo-Environmental Site Investigation; Albrighton South; for Boningale Homes Ltd; Issue 1, Report Ref. 48842-ECE-XX-XX-RP-C-001, 28th March 2024, has been submitted in support of this planning application.

The Phase 1 is only a desk study in which a conceptual site model is developed, and a preliminary risk assessment undertaken, to identify potential sources of contamination, pathways, and receptors. The Phase 1 report has recommended that a Phase 2 intrusive investigation is undertaken to include a programme of gas monitoring and Environmental Protection supports this proposal.

Regarding a programme of gas monitoring, it is imperative that sufficient gas monitoring is undertaken (frequency, over a specified period (i.e., months)), in accordance with CIRIA guidance (C655 'Assessing risks posed by hazardous ground gases to buildings) and British Standards. Failure to meet the minimum monitoring requirements could result in a delay in discharging relevant conditions, as further monitoring may be required.

Environmental Protection has a record of a historical petrol station off the western boundary of Zone A (currently Albrighton Feeds Ltd '379996, 303260). This was formerly known as Whiston Cross Service Station. There were at least 5 underground fuel storage tanks, some of which were made safe in 1980.

Therefore, if planning permission is granted, the following must be included as Conditions:

Contaminated land

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

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

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

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

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

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

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

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

Environmental Protection

Comment Date: 18th July 2024

Consultee Details Name: - Environmental Protection Address: Car Park, The Shirehall, Abbey Foregate Shrewsbury, Shropshire SY2 6ND Email: Not Available On Behalf Of: SC Regulatory Services

Comments

Amenity

Parts of the site are close to sources of potential noise impact (industrial depot and roads) I would therefore recommend that the applicant be required to submit an appropriate noise impact assessment undertaken by a suitably qualified person. Additionally, I would comment that if mitigation is required to achieve suitable internal noise levels, it would be expected that the primary measures would be focused upon, site layout, building orientation, design, and internal layout rather than reliance upon closed windows and mechanical ventilation.

I would also comment that given the scale of development and location in parts close to existing residential dwellings there is some potential for noise and dust impact during construction phase. I would therefore recommend that a condition requiring submission and implementation of a construction management plan that addresses these issues is added to any permission given.

Land Contamination

Environmental Protection has identified the site and surrounding areas as potentially contaminated land under the Councils Environmental Protection Act 1990 Part 2A responsibilities and therefore having regard to the NPPF, the developer will need to demonstrate:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- d) Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

This is primarily due to the presence of a former refuse tip in the eastern part of the proposed development site (Zone B).

A report by, Eastwood Consulting Engineers; Phase 1 Geotechnical and Geo-Environmental Site Investigation; Albrighton South; for Boningale Homes Ltd; Issue 1, Report Ref. 48842-ECE-XX XX-RP-C-001, 28th March 2024, has been submitted in support of this planning application.

The Phase 1 is only a desk study in which a conceptual site model is developed, and a preliminary risk assessment undertaken, to identify potential sources of contamination, pathways, and receptors. The Phase 1 report has recommended that a Phase 2 intrusive investigation is undertaken to include a programme of gas monitoring and Environmental Protection supports this proposal.

Regarding a programme of gas monitoring, it is imperative that sufficient gas monitoring is undertaken (frequency, over a specified period (i.e., months)), in accordance with CIRIA guidance (C655 Assessing risks posed by hazardous ground gases to buildings) and British

Standards. Failure to meet the minimum monitoring requirements could result in a delay in discharging relevant conditions, as further monitoring may be required.

Environmental Protection has a record of a historical petrol station off the western boundary of Zone A (currently Albrighton Feeds Ltd 379996, 303260). This was formerly known as Whiston Cross Service Station. There were at least 5 underground fuel storage tanks, some of which were made safe in 1980.

Therefore, if planning permission is granted, the following must be included as Conditions:

Contaminated land

- a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority before development commences.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

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

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5.

The following link takes you to this document: <http://shropshire.gov.uk/committee/services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20%20Appendix.pdf>

SC Trees

Comment Date: Mon 22 Jul 2024

Planning Consultation Response

To: Lynn Parker

From: Martin Sutton

Date: 22nd July 2024

PLANNING REFERENCE
24/02108/OUT

DEVELOPMENT PROPOSED:

Outline application to include access for a mixed-use development comprising up to 800 no dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage

LOCATION:

Proposed Residential Development, Patshull Road, Albrighton, Shropshire, .

Dwg. No: Site Visit: yes

Tree Locations Verified: Constraints: TPO, green belt

Notes:

I have reviewed submitted documents and drawings and on behalf of Shropshire OCouncil Tree Team I wish to comment on arboricultural aspects of the proposed development.

The site is green belt and two protected oak trees lie within the site boundary towards the northern end of Newhouse Lane. Other protected trees are located on the far side of Cross Road, along the northern boundary near the properties known as Mapperley House and The Birches. Land to the south of the site, on the far side of the A464 Holyhead Road, falls within the Boningale conservation area. The landscape of the site is dominated by agricultural fields, with

a strong field pattern of established hedgerows and in-field and boundary trees and groups of trees of varying stages of maturity.

Ancient woodland and ancient or veteran trees are valuable and irreplaceable habitats that are afforded special protection within the planning system. Local Planning Authorities, developers and agents should take the Natural England (NE) and Forestry Commission (FC) 'standing advice' on ancient woodland and ancient and veteran trees into account when these features are located on or near a proposed development. The NE / FC standing advice can be found here: <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

Applications should be determined in accordance with paragraph 186(c) of the NPPF. Development that will result in the loss or deterioration of ancient woodland or ancient or veteran trees should be refused, unless there are wholly exceptional reasons AND a suitable compensation strategy exists.

The submitted tree survey schedule (Appendix A) shows that none of the recorded trees or tree groups are categorised as ancient or veteran, but several of the mature trees are seen to display some of the characteristics of such. Should any of these trees subsequently be found to be ancient or veteran, then the principles outlined above are expected to be applied.

With regard to the hedgerows within and bounding the site, the Tree Team recommends that they should be assessed and evaluated against the criteria for historic, landscape and biodiversity importance set out in the Hedgerows Regulations 1997. Although the Regulations do not apply to hedgerows that fall within the scope of a planning application, the Tree Team considers that evaluation against the criteria for 'importance' offers a better understanding of the value of hedgerows in a wider context than considering them purely under the classification system used in British Standard 5837: trees in Relation to Design, Demolition and Development. This is relevant in considering the value and importance of individual hedgerows, but also the collective value in terms of historic field patterns and boundaries and ecological connectivity. These issues should be taken into account in setting the strategic access and movement layout of the site. This is important in the current outline application, which includes access.

With regard to strategic landscape and arboricultural matters in general, Shropshire Council Tree Team would expect any development scheme to be planned in accordance particularly with the principles of SAMDev Policies MD12 (Natural Environment) and MD 2 (Sustainable Design). Important trees on and adjacent the site may be considered as natural assets for the purposes of SAMDev Policy MD12 the Natural Environment. This policy encourages development that appropriately conserves, enhances, connects, restores or recreates natural assets. Development that will have a significant adverse effect upon a natural asset will only be permitted if it can be clearly demonstrated that there is a) no satisfactory alternative means of avoiding such impacts through re-design or relocation on an alternative site; and b) the social or economic benefits of the proposal outweigh the harm to the asset.

In all cases, a hierarchy of avoidance then mitigation then compensation measures will be

sought. An application should demonstrate that on-site mitigation or compensation measures are not feasible, before off-site measures will be considered (such as tree planting, for example, towards compensation for unavoidable tree loss). Applicants may, where appropriate, make a contribution via a section 106 agreement to funds to support the conservation and enhancement of natural assets, including the planting of trees, woodland and hedgerows.

This approach is supported by SAMDev Policy MD2 (Sustainable Design) which states at paragraph 3.8 that 'to respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets, in accordance with MD12 and MD13.'

Section 3.12 of MD2 goes on to state that 'new planting of trees, woodland and hedges should be incorporated to reinforce existing landscape features and will be particularly favoured in publically accessible or visible locations within the site. Consideration should be given to the appropriate use of trees and plants, reflecting the character of the site and its context, including the use of native trees and provision of long lived, large canopied trees. Sufficient space should also be provided to safeguard existing vegetation where possible. Where the layout, density or design of development results in the loss of existing vegetation, suitable mitigation measures should be put in place on site, in the first instance, or through off site compensation measures where this is not possible, in accordance with the principles in Policy MD12 Natural Environment.'

Although a tree survey plan and schedule have been submitted, no assessment appears to have been made of the arboricultural impacts of the indicative layout as submitted. Since access is included in this application, the Tree Team recommends that an Arboricultural Impact Assessment (AIA) is provided prior to determination for those elements of access infrastructure (including visibility splays) that fall within the scope of the current application. The AIA must be undertaken by a competent arborist in accordance with BS5837: 2012. A tree protection plan and arboricultural method statement should be provided as necessary to show how retained trees and hedges that may be affected by nearby access related works are to be protected during any approved development.

Officer: County Arboriculturalist

Dated: 22nd July 2024

SC Learning & Skills

Comment Date: Mon 22 Jul 2024

This proposal is neither allocated in the current or proposed Local Plan and as such this has not been factored into any current school place requirements. If permission were to be granted 800 houses would generate considerable pupil numbers across Early Years, Primary, Secondary, Post 16 and SEND, plus send transport, resulting the the following (using published DFE yield data):

Early Years: 64 places @£18 648 per place, totalling £1,193,472

Primary: 221 places @£18 648 per place, totalling £4,121,208

Secondary: 99 Places @£25 648 per place, totalling £2,539,152

Post 16: 38 places @£25 648 per place, totalling £974,624

SEND: 6 places @£98 472 per place, totalling £590,832

SEND Transport 6chn x 0.38 (transport yield) x 15years @£7 070 (average cost, totalling £241 794 - Contribution to transport cost (Outside of CiL / S106)

Total contribution to Learning of Skills £9,661,082 *at current yield values - this will increase over time.

Sport England UK

Comment Date: 23rd July 2024

Thank you for consulting Sport England on the above application.

Summar

Sport England therefore considers that it would be appropriate to secure a financial contribution via a section 106 agreement of £1,795,653 for investment in playing pitches as set out above, and would therefore have no objections subject to the section 106 contribution being secured. Alternatively, should the Council consider that such infrastructure falls to be considered via CIL, then we would encourage the Council to prioritise such investment into playing pitches in line with the Place Plan and evidence in the PPS. Sport England haven't included the indoor sports facilities sums in the absence of an investment priority being identified, though Sport England would support securing a contribution if a local priority were identified. This would ensure that the development makes suitable provision for sports facilities to meet the demand generated by the proposed population in accordance with the relevant infrastructure policies in the Development Plan (including policy CS9 of the adopted Core Strategy or any relevant successor policy that may be adopted at the time of determination of the application), and paragraph 102 of the guidance contained in the NPPF which relates to planning to meet the needs for sport and recreation facilities.

Sport England – Non Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.

<https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>

This application falls within the scope of the above guidance as it relates to the development of 300 dwellings or more.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

The Proposal and Assessment against Sport England's Objectives and the NPPF

The population of the proposed development is estimated to be up to 1888 persons. This is based on an estimated average occupancy rate of 2.36 persons per dwelling (and has been applied solely to the proposal for 800 dwellings, and not the care home). This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The attached SFC indicates that a population of in this local authority area will generate a demand for the following:

Swimming Pools: 19.41 sqm of waterspace equating to 0.37 lanes (or 0.09 pools) generating 118 visits per week in the peak period of use, the capital cost of which would be **£378,668**.

Sports Halls: 0.51 badminton courts equating to 0.13 sports halls generating 151 visits per week in the peak period of use, the capital cost of which would be **£347,901**.

Indoor Bowls: 0.04 rinks (6 visits per week in the peak period) at a capital cost of **£16,441**.

Sport England are not aware of any specific built indoor sports facility investment priorities at this time in the vicinity of the application site, though we would support the Council if suitable local priority projects were identified.

We note that the proposal includes a new secondary school, and we anticipate this would likely include provision of a new school sports hall. Sport England would advocate that this provision should meet with Sport England's design guidance (ie a 34.5m x 20m 4 court sports hall) which can be found here:

<https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance>

In the event that consent were to be granted, Sport England would wish to see a community use agreement secured for the school sports facilities, including the use of the sports hall to maximise the community benefits of this proposal. Having access to a suitably sized sports hall in Albrighton would be a benefit to the local community, since the closest alternative facilities are located at Idsall Sports Centre in Shifnal (TF11 8PD), or alternatively Codsall Leisure Centre in Wolverhampton (WV8 1PG). Advice on community use agreements can be found here

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>

In respect of demand for playing pitches, Sport England uses its Playing Pitch Calculator tool to estimate the demand generated by proposed new developments. This uses local team generation rates generated through the Birmingham Playing Pitch Strategy (PPS) to identify demand in match sessions for pitch sports, and also considers the demand for pitches for training and the demand for changing room provision.

For the proposed development, the attached spreadsheet demonstrates that the proposal would generate demand for 2.43 playing pitches at a capital cost of £387,148, together with an appropriate maintenance contribution (suggested to be £55,611 per annum for 15 years), and 3.08 changing rooms at a capital cost of £574,340, to provide a total playing pitch contribution of £1,795,653 (see annex and attached excel spreadsheet for full calculator results).

Sport England would support the Council in investing S106/CIL contributions that are secured in the event that permission were to be granted, into a locally identified priority(s) in accordance with the Playing Pitch Strategy, as there are identified shortfalls of capacity, along with identified issues of pitch quality and a need for better quality ancillary provision. In particular, the PPS identifies a need to undertake improvements to ancillary changing room provision at Albrighton Bowling and Football Club and Albrighton Cricket Club sites. There is also reference to installing a non-turf pitch at the latter site. Furthermore, the PPS identifies a shortfall of provision of 3G Artificial Grass Pitches (AGPs) for football use, and so there may be scope to explore installing an AGP as part of the facilities to be provided within the secondary school, subject to further

consultation with Football Foundation and Shropshire FA. We would advocate that an off-site financial contribution provision be secured via a suitably worded s106 agreement. If the Council considers that such infrastructure contributions fall to be considered via CIL, then we would encourage the Council to prioritise such investment into playing pitches in line with the Place Plan and evidence in the PPS

In the event that planning permission were to be granted for the proposed development, Sport England would recommend that planning conditions secure suitable details for the following:

- An agronomy assessment for the proposed new playing field at the secondary school to assess any constraints to providing suitable quality pitches, prepared by a suitably qualified sports turf specialist
- A proposed scheme of works for the provision of the new playing field, in line with the findings and recommendations above
- A proposed scheme of playing field maintenance for a minimum of 5 years

These details should be provided in respect of any reserved matters application for the proposed secondary school. Sport England can provide suggested condition wording as necessary. As set out above, we would also recommend a community use agreement is secured by condition and can provide suitable wording for this condition where required.

Sport England Position:

Sport England therefore considers that it would be appropriate to secure a financial contribution via a section 106 agreement of **£1,795,653** for investment in playing pitches as set out above, and would therefore have no objections subject to the section 106 contribution being secured. Alternatively, should the Council consider that such infrastructure falls to be considered via CIL, then we would encourage the Council to prioritise such investment into playing pitches in line with the Place Plan and evidence in the PPS. Sport England haven't included the indoor sports facilities sums in the absence of an investment priority being identified, though Sport England would support securing a contribution if a local priority were identified. This would ensure that the development makes provision for sports facilities to meet the demand generated by the proposed population in accordance with the relevant infrastructure policies in the Development Plan (including policy CS9 of the adopted Core Strategy or any relevant successor policy that may be adopted at the time of determination of the application), and paragraph 102 of the guidance contained in the NPPF which relates to planning to meet the needs for sport and recreation facilities.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agenda(s), report(s) and committee date(s).

If you would like any further information or advice, please contact me.

Yours sincerely,

Stuart Morgan

Principal Planning Manager, North Team

E: stuart.morgans@sportengland.org

T: 07810 180561

SUDS- Sustainable Drainage Systems

Comment Date: Tue 23 Jul 2024

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

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

Drainage Comment:

Condition:

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

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

The LLFA objects to this development in its present form, with the following major items requiring attention:

1. Surface Water Drainage Strategy

Pumped Surface Water.

Normally Shropshire Council will not accept a pumped solution due to the obvious risks of flooding, as a result of pump failure. If, however, a water company will be adopting the network they are an accountable body who sit under the regulation of the Water Industry Act 1991. If it is not possible for the developer to confirm this the LLFA would object to the proposed development as in its current state it cannot be demonstrated that the site can be effectively drained without resulting in increased flood risk.

Infiltration to ground.

On a development of this size, the developer must demonstrate by Ground Investigation or submission of infiltration test results, that infiltration to ground is not a viable solution, if it is not included in the proposed drainage strategy.

2. Risk of pluvial flooding and groundwater flood risk

The submitted FRA states that 'The site lies within Flood Zone 1 and this report confirms that the site is not at significant risk of potential flooding from any source, therefore the sequential test is not required'.

The LLFA does not consider this statement accurate. Although the site is not within Floodzone 3, Shropshire Council asset mapping indicates high pluvial and ground water flood risks on the west side of Patshull Road, through the development area. This area corresponds to the watercourse flowing through the site.

A detailed catchment analysis is required to demonstrate a full understanding of these flood risks. The developer would also need to provide comprehensive details as to how these flood risks would be alleviated.

3. Foul Water Drainage Strategy

Foul water is proposed to be discharged to a mains combined sewer, which is at the head of the system. Because of the size of this development and the proposed point of discharge, the developer would need prior consultation with Severn Trent to assess acceptability and existing network capacity. Following early consultation, evidence of acceptance of the foul water strategy, from Severn Trent, would be required.

SC Archaeology (Historic Environment)

Comment Date: Wed 24 Jul 2024

Background to Recommendation:

The proposed development lies within an area containing a background of known archaeological sites and find-spots of prehistoric to post-medieval date. Two Grade II listed buildings, Lea Hall (NHLE no. 1274036) and the adjacent barn (NHLE no. 12474090) are located immediately adjacent. Further to the south is the Boningale Conservation Area which contains the Grade II* St Chad's Church (NHLE no. 1053675) and a further 10 Grade II listed buildings and structures including three dating to the 16th ' 17th centuries. The churchyard cross is also designated as a scheduled monument (NHLE no. 1015888). The proposed site therefore has some archaeological and historical interest.

The application is supported by a Heritage Assessment [HA] (Pegasus Group, June 2024), which has considered both the archaeological resource and built heritage. The HA has concluded, in respect of the archaeological resource, that there is a low potential for prehistoric and a very low potential for Romano-British activity. However, the lack of previous archaeological work within the study area means that the archaeological potential for these periods is still uncertain. We would concur with the conclusions of the HA in respect of the potential and significance of

medieval and post-medieval activity within the proposed site boundary.

In our pre-application advice, in addition to a desk-based assessment, we recommended that an archaeological field evaluation in the form of a geophysical survey, followed by targeted trial trenching should be carried out across the proposed development site, and the results submitted with any planning application. Other non-intrusive archaeological investigations may also be considered, if site conditions allow, in addition to the geophysical survey with the aim of improving identification of archaeological features and to inform the trial trenching stage.

Until the geophysical survey has been completed and reported on in full, the need for and extent of further evaluation in the form of targeted trial trenching cannot be determined, nor can recommendations be made regarding any archaeological mitigation for the proposed development.

RECOMMENDATION:

In accordance with Paragraph 200 of the NPPF (December 2023) and Policy MD13 of the SAMDev component of the Shropshire Local Plan, and our pre-application advice for this application, there should be no determination of this application until the archaeological evaluation has been satisfactorily completed in full, and a report has been submitted to the Local Planning Authority.

The results of the HA and the field evaluation will enable us to determine whether archaeological mitigation may be required (which could include a programme of archaeological work).

Please re-consult us once the field evaluation has been completed and reported upon.

SC Leisure

Comment Date: Tue 30 Jul 2024

Application Reference: 24/02108/OUT

Site: Land at Patshull Road, Albrighton, Shropshire

The proposal includes a new secondary school, this would likely include provision of a new school sports hall. I would suggest that this provision should meet with Sport England's design guidance (ie a 34.5m x 20m 4 court sports hall). Furthermore, the Playing Pitch and Outdoor Sports Strategy (PPOSS) identifies a shortfall of provision of 3G Artificial Grass Pitches (AGPs) for football use, so there may be scope to explore installing an AGP as part of the facilities to be provided within the secondary school, subject to further consultation with Football Foundation and Shropshire FA.

The proposed application includes access for a mixed use development comprising up to 800

dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage. Building this many dwellings will put increased pressure on the current sports facilities. With that in mind I'm of the opinion some of these facilities would need to be improved and new ones built. Funding should be secured through a section 106 agreement or CIL and spent in accordance with the PPOSS and the Place Plan. The population of the proposed development is estimated to be up to 1888 persons. This is based on an estimated average occupancy rate of 2.36 persons per dwelling.

If planning permission were to be granted for the proposed development, I would recommend that planning conditions secure suitable details for the following:

' An agronomy assessment for the proposed new playing field at the secondary school to assess any constraints to providing suitable quality pitches, prepared by a suitably qualified sports turf specialist

' A proposed scheme of works for the provision of the new playing field, in line with the findings and recommendations above

' A proposed scheme of playing field maintenance for a minimum of 5 years

' community use agreement secured for the school sports facilities, including the use of the sports hall to maximise the community benefits of this proposal

I note from the Sport England response that they've referenced a figure of £1,795,653 as a total playing field contribution. This has been calculated using their Sports Facilities Calculator.

PPOSS updated 2023 - Albrighton

Albrighton Cricket Club

1 Good cricket square

Changing rooms rated as standard

Aspiration for non-turf pitch

3 senior men's teams

1 senior women's team

2 junior teams

RAF Cosford

2 Rugby pitches rated as poor and not available for community use.

1 sand filled and 1 sand dressed astro turf pitch, not available for community use. One is rated good the other is standard.

1 sand filled (small sided) astro turf pitch, not available for community use.

Albrighton Football Club (Loak Rd)

The adult pitch has improved from poor to good quality

Sustain pitch quality through appropriate levels of maintenance. Assist the Club in finding suitable alternative provision in order to alleviate demand off its main pitch. Assist the Club in obtaining relevant funding to make improvement to onsite ancillary provision.

Albrighton Bowling Club

Current membership of 58. This has increased by 21% between 2020 to 2023.

Albrighton Tennis Club

3 artificial tennis courts rated as good.

Changing rooms are rated as poor quality

Current membership of 108

Key recommendations for Albrighton

' Assist Albrighton FC in alleviating overplay at Loak Road and assist the Club in obtaining relevant funding to make improvement to onsite ancillary provision.

' Assist clubs in securing tenure where required for example Albrighton FC and Albrighton Primary School.

' Assist in Albrighton FC / Albrighton BC ambitions to improve ancillary provision.

' Explore the feasibility of creating dedicated community access for community clubs at RAF Cosford School of Physical Training.

SC Affordable Houses

Comment Date: Fri 02 Aug 2024

These comments are in addition to those provided by planning policy of 17th July which at the final paragraph stated that 'The scale and type of development proposed is considered to represent inappropriate development, harmful to the Green Belt and contrary to national planning policy, adopted local plan policy CS6 and MD6 and emerging local plan policy, SP10 and SP11. No very special circumstances have been identified that would justify departure from planning policy.'

In the event that the proposal is supported it should be noted that Shropshire Adopted Core Strategy Policy CS11 requires market residential schemes to deliver affordable housing at the prevailing housing target rate at the time of Reserved Matters application . The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing. The affordable provision is based on a 70/30%, the former being social/affordable rent and the latter low-cost home ownership tenures. There is requirement for all policy provision affordable housing to be transferred to a Registered Provider.

SC Green Infrastructure Advisor

Comment Date: Thu 08 Aug 2024

Comments on Play and Recreation

Emerging Local Plan policy:

DP15 ' Open Space and Recreation ' this policy promotes that housing should provide play and recreation in proportion of their scale.

DP14 ' Green Infrastructure promotes that GI should be in line with the Shropshire GI Strategy.

The SC GI Strategy identifies that Albrighton is below the county average for provision of Public Open Space per 1000 population and for provision for Children and Teenagers per 1000 population. Therefore, new development should assist in improving provision. Noting the observations in the GI strategy and the scale of the development ' it would be recommended that an application of this size should have more formal play and recreation provision than currently stated. We would advise that the amount of provision is considered and increased to:

- ' 3 x LAPs

- ' 2/3x LEAPs

- ' 1x NEAP and 1x MUGA

- ' Informal Play on the way features integrated into pedestrian and cycle routes

- ' Provision of exercise/ fitness opportunities located in the POS and served by pedestrian and cycle routes.

- ' Space for informal games and recreation.

These proposals should be well considered and integrated into the masterplan. We would advise that a play strategy is provided and submitted with the application. This strategy should detail the types of play and recreational opportunities the site will provide and how they are inclusive and accessible for all users. The proposals should integrate opportunities for users to; develop their fundamental movement skills, provide challenge, risk, variety, and progression. Inclusive and accessible play features should be integrated into the main play experiences to avoid a sense of separation. Principles of 'Make Space for Girls' and sensory/ quiet play provision for neurodivergent users should also be included. Fitness and exercise opportunities should be inclusive and accessible and varied. Examples of good play and recreation can be provided if required.

Comments on the GI Strategy

Emerging Local Plan policy: DP14 ' Green Infrastructure promotes that proposals should be high quality and accessible for all. They should enhance existing GI and not fragment existing features.

It is noted there are a number of existing waterbodies on site and in proximity to the site, this should strongly inform the GI strategy for the development. It is positive that the south site boundary provides four proposed SuDs features in proximity to existing water bodies, this provides a mosaic of wet and seasonally wet spaces. However, the GI along the south site boundary needs a stronger connection to the SuDs and waterbodies along the west/ northwest site boundary adjacent to Cross Road. Strong north-south green connections should link these existing waterbodies and green spaces.

A site of this scale has potential to deliver a wider range of soft SuDs. We would advise incorporating swales and rain gardens into the design. This may result in reducing the extent of larger basins and create more space for recreation in the POS. SuDs should be utilised as landscape features to enhance the POS and streetscape. They should frame spaces and act as informal wayfinding between POS. They could also be utilised with natural play opportunities.

There is scope to create a green pedestrian/ cyclist loop around the perimeter of the site, that is not interrupted by driveways or streetscapes. This loop can connect to the parcels of development and internal POS spaces, this would give residents a number of recreational route options at different scales. The current circulation network does not connect the existing PROW 0111/4/1 and 0111/3/1 to the site. The masterplan provides an opportunity to link to the west of the site to these existing routes improving permeability for the wider area.

The site sits in a wider area that is identified as being below the recommended 20% tree canopy cover. Please note that tree cover should be designed to enhance the local landscape typology 'Sandstone Estate lands' please refer to the SC document. Please utilise tree planting in the public streetscape with other planting and landscape features to green the streets and provides green links to the POS.

Severn Trent Water Ltd

Comment Date: 8th August 2024

For the attention of Case Officer

Our Ref: P-240708-44095

Good Afternoon,

Re Application: 24/02108/OUT

Re Site: Patshull Road, Albrighton, Shropshire

With reference to the above planning application the Company's observations regarding sewerage are as follows.

We would like a Holding Objection on the application in this area until we have better understood the impact of the drainage situation.

Due to the substantial size of this development, historic flooding in the wider catchment area and capacity issues at the treatment works, Severn Trent will need to undertake a comprehensive study / sewer modelling of the catchment to determine and understand the impact this development will have on the existing drainage system.

This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Should you require any further information please contact us on email below.

Kind regards,

Asset Protection Team

SC Planning Policy Comments

Comment Date: 12th August 2024

Background

The scheme subject to this outline planning application proposes to develop a site of around 47.17ha with 800 dwellings, a care home, local centre and secondary school with associated accesses, open space and drainage infrastructure. All matters other than Access are reserved for consideration under a separate reserved matters application should outline permission be gained.

Conformity with the Adopted Pla

The starting point for decision making is the adopted local plan, which currently consists of the Core Strategy (2011), Site Allocations and Management of Development Plan (SAMDev Plan) and any adopted formal Neighbourhood Plans. The adopted local plan should be read and applied as a whole.

Albrighton is identified as a Key Centre within the adopted Local Plan (Core Strategy Policies CS1 and CS3, and SAMDev Plan Policy MD1) and as such is considered to be a suitable location for sustainable development within the adopted Local Plan.

Settlement policy S1 of the SAMDev Plan provides the strategy for achieving the sustainable development of Albrighton. With regard to residential development, it states “Albrighton will provide for local needs, delivering around 250 dwellings over the Plan period. Local needs will predominantly be met on two allocated sites, with small-scale windfall development within the development boundary making up the balance.” It also specifies that “All development proposals should have regard to the ‘Albrighton Plan’ (the non-statutory Albrighton Neighbourhood Plan Light, adopted by Shropshire Council in 2013).”

The site subject to this planning application is located to the south of Albrighton outside of the development boundary within the countryside and is part of Shropshire’s Green Belt land.

Core Strategy Policy CS5 (Countryside and Green Belt) alongside SAMDev Policy MD6 (Green Belt) expects development to be strictly controlled in the rural area in accordance with the national planning policies protecting the countryside and Green Belt.

Part 13 of the NPPF, published Dec 2023, relates to Protecting Green Belt Land, of particular relevance for the determination of planning applications are paragraphs 152 – 156.

Paragraph 152 of the NPPF states that, 'inappropriate development, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances'. The NPPF confirms at paragraph 154 that 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. Exceptions are set out within the same paragraph as:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposed scheme for the development of the land to the south of Albrighton with 800 residential units, a local centre, secondary school and care home does not fall within the list of exceptions and thus would be considered to be inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF states 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

SAMDev Policy MD3 relates to housing delivery and deals with the role of settlement housing guidelines stating the following:

2. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to:

i. The increase in number of dwellings relative to the guideline; and

ii. The likelihood of delivery of the outstanding permissions; and

iii. The benefits arising from the development; and

iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and

v. The presumption in favour of sustainable development.

3. Where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to the considerations in paragraph 2 above.

With regard to settlement guidelines for Albrighton, the published Five-Year Housing Land Supply Statement (March 2024), identifies that as of 31st March 2023, for Albrighton 182 dwellings have been completed (since 2006/07), there are 76 sites with planning permission or prior approval and 83 are allocations without planning permission. Given the number of completions and commitments identified there is considered to be a sufficient supply of housing for Albrighton, with the adopted residential guideline being achievable within the plan period and as such there is no need to consider alternative sites outside of the development boundary.

The Five-Year Housing Land Supply and Housing Delivery Test

Shropshire Council annually prepares Five Year Housing Land Supply Statements to summarise the Shropshire five-year land supply and Shropshire housing delivery test position.

The current published Five-Year Housing Land Supply Statement has a base date of 31st March 2023. This assessment concludes that:

- Shropshire currently has 5.91 years supply of deliverable housing land against the housing requirement identified within the adopted Core Strategy (2011) and 7.63 years supply of deliverable housing land against the local housing need, calculated using Governments standard methodology (2023 base date to align with the base date for this assessment of housing land supply).
- Housing delivery in Shropshire over the last 3 years has exceeded the housing needed for this period as calculated within the national housing delivery test (152% delivery).

As such, there is a five-year supply of housing land across Shropshire and the national housing delivery test has been met. Therefore, the relevant adopted plan policies remain up to date.

Local Plan Review

The emerging Draft Shropshire Local Plan (2016-2038) has been through several stages of consultation and the Draft Local Plan was submitted to the Planning Inspectorate for examination on the 3rd September 2021. Examination is currently ongoing. The first phase of the public hearing sessions took place in July 2022, January 2023 and May 2023. The settlement policies have not yet been heard, however it is anticipated that this phase of hearing sessions will take place later in 2024.

Paragraph 48 of the NPPF stipulates the factors which effect the amount of weight that can be applied to relevant policies in emerging plans. Reflecting these considerations, it is considered that given the relatively advanced stage of the Local Plan Review, some limited weight can be applied to relevant draft policies in the draft Shropshire Local Plan, as a material consideration in the decision-making process on Planning Applications. However, it is also considered that this limited weight is significantly reduced where there are any relevant unresolved objections. Ultimately, the draft Shropshire Local Plan will only carry full weight upon its adoption.

Local Plan Review Policy Considerations

Albrighton is proposed to remain a key centre, as identified through Draft policy SP2: Strategic Approach. The draft settlement policy S1.1 sets out the level of development for Albrighton during the plan period proposing to deliver around 500 dwellings and around 5 hectares of employment development. The draft settlement policy seeks to deliver the new residential development through the saved SAMDev site allocations and proposed site allocations (ALB017 & ALB021). This would be complimented by appropriate small scale windfall residential development within the Albrighton development boundary shown on the policies map. The site subject to this planning application remains outside the development boundary within the countryside and part of the Green Belt.

Draft policy SP10: Managing development within the countryside, is reflective of the policy within the current adopted plan, seeking to focus development in rural areas within the identified community hubs and community clusters. New affordable housing provision for evidenced local needs and appropriate rural employment opportunities, subject to the further controls over development that apply to the Green Belt.

Draft policy SP11: Green Belt and safeguarding land, is consistent with national policy on Green Belt, assuming that inappropriate development is harmful to the Green Belt. The draft policy identifies circumstances when development maybe acceptable and not in conflict with National Policy and where appropriate providing additional clarification in the Shropshire context. The level and type of development proposed under this planning application does not fall within any of the types of development which maybe acceptable and would represent inappropriate development, harmful to the Green Belt.

Conclusions

Paragraph 47 of the National Planning Policy Framework (NPPF) states that 'Planning law requires that applications for planning permission be determined in accordance with the

development plan, unless material considerations indicate otherwise.’ The Core Strategy and SAMDev (alongside any adopted formal Neighbourhood Plans) currently make up the adopted local plan in Shropshire. The draft Shropshire Local Plan does need to be taken into consideration, albeit the proposed policies only have ‘limited weight’ as discussed above.

The site subject to this outline planning application is outside the established development boundary for Albrighton and for policy purposes located within the countryside. Furthermore, the site lies within the Green Belt. Adopted local plan policies (including Core Strategy Policy CS6 and SAMDev policy MD6) alongside the NPPF sets out criteria which limits new development including residential development within the countryside and the Green Belt.

The Five Year Housing Land Supply statement March 2024, demonstrates that Albrighton has a sufficient supply of housing to achieve the adopted residential guideline within the plan period, SAMDev policy MD3(3) is not triggered and there is no need to consider alternative sites outside of the development boundary.

The emerging draft local plan proposes to retain Albrighton as a Key Centre and the land subject to this enquiry is proposed to remain part of the Green Belt. Draft Local Plan policies SP10 and SP11 reflect adopted plan policies (CS5 and MD6) and the NPPF relating to the Green Belt.

The scale and type of development proposed is considered to represent inappropriate development, harmful to the Green Belt and contrary to national planning policy, adopted local plan policy CS6 and MD6 and emerging local plan policy, SP10 and SP11. No very special circumstances have been identified that would justify departure from planning policy.

SC Conservation (Historic Environment)

Comment Date: Wed 14 Aug 2024

In considering the proposal due regard to the following local and national policies and guidance has been taken; when applicable: policies CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2, MD7a and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF), Planning Practice Guidance and Historic England's GPA3 The Setting of Heritage Assets. In legislative terms Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) is applicable when considering whether to grant planning permission for development affecting a listed building or its setting, where the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act is applicable where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

This is an outline application to include access for a mixed-use development comprising up to 800 no dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage at this site known as Proposed Residential Development, Patshull Road, Albrighton, Shropshire. The site lies close to a number

of designated heritage assets including the Grade II listed Lea Hall and barn and the Boningale Conservation Area which contains the Grade II* St Chads Church along with a number of other designated and non designated heritage assets. The Albrighton & Donington and Albrighton Conservation Areas lie to the north. The application is accompanied by a Heritage Impact Assessment which concludes that the proposed development will result in less than substantial harm to the setting of the Boningale Conservation Area and Grade II Listed Lea Hall and Barn. We would generally concur that the development will result in less than substantial harm to these designated assets. The National Planning Policy Framework (NPPF) paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires considerable weight to be given by decision-makers to the desirability of preserving the setting of all listed buildings. This requires that special regard has to be given to preserving the [listed] building or its setting, in effect a higher test than would normally apply. In this case less than substantial harm has been identified to the Boningale Conservation Area and Grade II Listed Lea Hall and Barn, therefore, great weight should be given to preserving the setting of these assets in any balancing exercise.

SC Conservation (Historic Environment)

Comment Date: Thu 12 Sep 2024

We do not wish to make any further comments from a conservation perspective.

SC ESP Ltd – Landscape Consultant

Comment Date: Thu 26 Sep 2024

24/02108/OUT - Proposed Residential Development, Patshull Road, Albrighton, Shropshire
Landscape and Visual Clarification Note by Pegasus on behalf of Boningale Homes

Thank you for forwarding this additional information for consultation.

We have reviewed the responses and actions detailed by Pegasus in relation to our comments in the recent LVIA review (ESP August 2024). As requested by Pegasus, we can confirm that the submitted Environmental Enhancement Strategy was amongst the documents originally reviewed. We accept the Pegasus response regarding the study area. However, we do not consider that the remaining response/actions tabled by Pegasus adequately respond to our original concerns.

ESP Ltd.
26 September 2024

SUDS – Sustainable Drainage Systems

Comment Date: Wed 27 Nov 2024

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

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

Condition:

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

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

Drainage Comment:

The submitted infiltration test results (12 Nov 2024) are acknowledged.

The LLFA objects to this development, with the following major items requiring attention:

1. Surface Water Drainage Strategy - Pumped Surface Water.

Normally Shropshire Council will not accept a pumped solution due to the obvious risks of flooding, as a result of pump failure. If, however, a water company will be adopting the network they are an accountable body who sit under the regulation of the Water Industry Act 1991. If it is not possible for the developer to confirm this the LLFA would object to the proposed development as in its current state it cannot be demonstrated that the site can be effectively drained without resulting in increased flood risk.

2. Risk of Pluvial Flooding and Groundwater Flood Risk.

The submitted FRA states that The site lies within Flood Zone 1 and this report confirms that the site is not at significant risk of potential flooding from any source, therefore the sequential test is not required. The LLFA does not consider this statement accurate. Although the site is not within Floodzone 3, Shropshire Council asset mapping indicates high pluvial and ground water flood risks on the west side of Patshull Road, through the development area. This area

corresponds to the watercourse flowing through the site. A detailed catchment analysis is required to demonstrate a full understanding of these flood risks. The developer would also need to provide comprehensive details as to how these flood risks would be alleviated.

3. Foul Water Drainage Strategy.

Foul water is proposed to be discharged to a mains combined sewer, which is at the head of the system. Because of the size of this development and the proposed point of discharge, the developer would need prior consultation with Severn Trent to assess acceptability and existing network capacity. Following early consultation, evidence of acceptance of the foul water strategy, from Severn Trent, would be required.

Severn Trent

Comment Date: 30th December 2024

Customer Details

Name: Miss Rhiannon Thomas

Address: Not Available

Comment Details

Commenter Type: Group/Organisation

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: For the attention of Case Officer

Our Ref: P-240708-44095

Re Application: 24/02108/OUT

Re Site: Patshull Road, Albrighton, Shropshire,

Good day,

Further to our request for a Holding Objection (08/08/0024) we now have further comment to make on this proposed development from a Drainage perspective:

Modelling results have concluded that there is a risk of flooding on the network with additional flows from proposed development.

Capacity on the network will be available once upgrades to the network is complete.

IMPORTANT NOTE:

With regard to network capacity, this response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative - affected sewers and water mains

Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk

Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Our records indicate that there are no assets that may be affected by this proposal, however it is the duty of the site owner to confirm this is the case before any work takes place.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals.

Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building

Should you require any further information please contact us on email below.

Kind regards,

Asset Protection Team

planning.apwest@severntrent.co.uk

SC Archaeology (Historic Environment)

Comment Date: Tue 07 Jan 2025

Further to our comments dated 24 July 2024 we acknowledge receipt of the geophysical survey (WYAS Archaeological Services, December 2024).

The geophysical survey has identified anomalies which have been interpreted as being of principally geological or agricultural origin, in addition to two former ponds and a former electricity pylon. The report concludes that there is a low archaeological potential. The report does also note that 'to some degree ploughing has 'spread magnetic material across the site'. It is possible that ephemeral archaeological remains may still be present or be masked in parts by

the magnetic material encountered by the geophysical survey. We would concur that there is a low potential for archaeological remains of high heritage significance to be present.

RECOMMENDATION:

In accordance with Paragraph 218 of the NPPF (December 2024) and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise the second stage of the field evaluation, in the form of trial trenching. The results of the trial trenching will determine the scope and methodology of any further archaeological mitigation, as appropriate.

An appropriate condition of any such consent would be:-

Suggested Condition: (JJ35)

(a) No development approved by this permission shall commence until a written scheme of investigation for a phased programme of archaeological work has been submitted to and approved by the local Planning Authority in writing.

(b) The approved programme of archaeological work set out in the written scheme of investigation shall be implemented in full and a report detailing the results of the archaeological work provided to the local planning authority prior to first use or occupancy of the development.

Reason: The site is known to hold archaeological interest

Environment Agency (Midlands Region)

Comment Date: Wed 08 Jan 2025

-----Original Message-----

From [REDACTED]

Sent: 08 January 2025 11:05:56

To: [REDACTED]

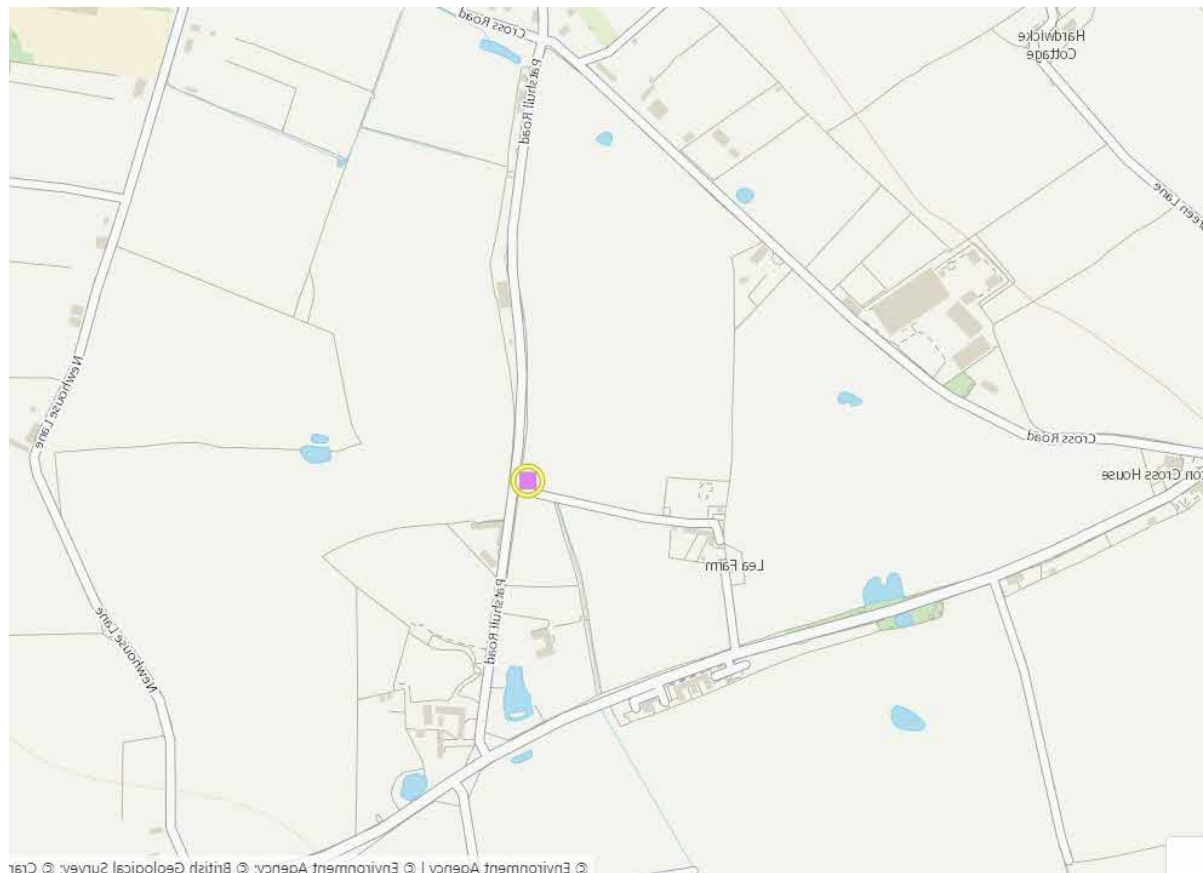
Subject: Environment Agency Monitoring Borehole on land relating to 24/02108/OUT Patshull Road

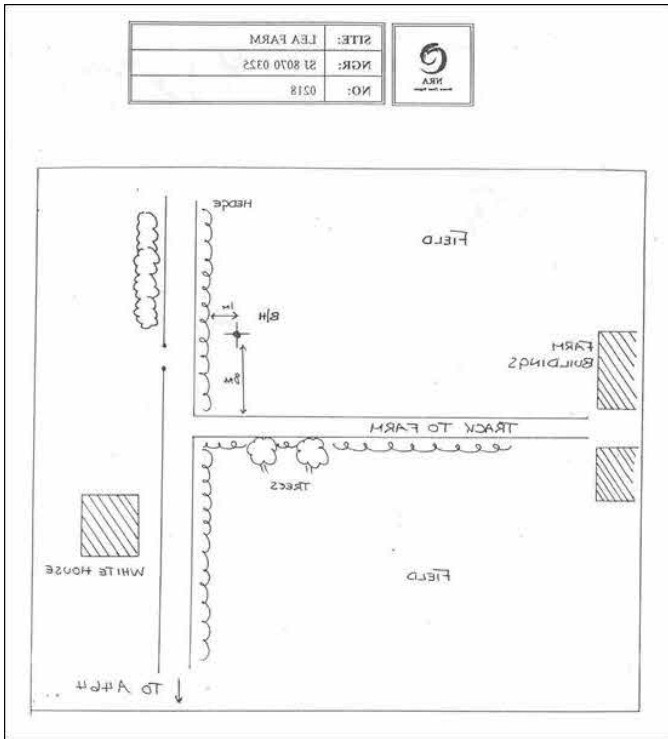
Please can you pass this message on to the relevant planning officer for this application.

I am writing from the West Midlands Groundwater Team at the Environment Agency. We have a monitoring borehole for groundwater levels located within the land for this planning application. We lost access to the borehole in 2015 when it was covered with a large pile of soil but we would like to be able to find it and reinstate monthly monitoring visits. One of our officers visited the site recently and noted that the ploughed area appeared to have extended closer to the margin of the field where the borehole was located. There was no sign of the borehole at the surface. Our next step would be to go out with a metal detector to see if we can locate it beneath the soil. He also noticed a sign for the planning application.

We are responsible for measuring groundwater levels in a network of boreholes and wells across the West Midlands Area. Prior to this borehole being buried it had a long record of water levels starting from 1977. This makes the data especially valuable for seeing long-term changes and it helps us to manage groundwater resources that are used by water companies (for drinking water supplies), businesses, and farmers, as well as supporting flows in rivers. The data that we collect helps us to make better decisions for protecting the environment. It is very difficult and costly to replace wells and boreholes that are lost from our network, so I hope that you will assist us in ensuring that, if found, access to this borehole will be protected both during and after the new development. If we can't locate the borehole before development starts, then it may be found during any groundworks. Please can you ensure that the developer is aware of the borehole and proceeds carefully in that area, notifying us at once if it is discovered and placing a protective barrier/fencing around it. If we find it in the meantime, then I will let you know.

The map below shows the borehole location – pink square:





Kind regards,

Lorraine Tiller BSc (hons) MSc FGS
 Technical Officer – Groundwater & Contaminated Land | West Midlands Area
 External: [REDACTED]
 Team manager

Working Days: Monday, Wednesday & Friday term-time, reduced days school holidays.



Read the latest [Water Situation Reports](#)

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Facebook logo





SUDS- Sustainable Drainage Systems

Comment Date: Thu 09 Jan 2025

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

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

Drainage Comment:

Condition:

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

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

1. A detailed scheme of surface and foul water drainage should be submitted for approval.

Informative:

The FRA and Direct Rainfall Modelling analysis documents submitted on the 12th December are acknowledged. The flow paths identified within the site and the proposed control measures are acknowledged.

As part of the full submission the applicant must address the following items:

a. The Direct Rainfall Modelling analysis included graded ditches. This must be done on site as part of the drainage infrastructure works. All functional drainage ditches must be shown on the drainage layout plans and it must be stated that they are to be graded for conveyance of surface water.

b. A summery note of findings from the Watercourse 3 culvert network CCTV survey should be submitted and any implications to the Direct Rainfall Model accounted for, with revised results submitted as required.

c. Where attenuation features serve more than one catchment area the applicant should submit summary information to detail this.

d. Ordinary Watercourse Consent

Informative: The culverting of a ditch/ watercourse requires Ordinary Watercourse Consent from Shropshire Council in accordance with the Land Drainage Act 1991. Works should not commence until consent has been granted by the Council.

Ordinary Watercourse Consent Application Form and Guidance Notes are on the Council's website:

Ordinary watercourses - applying for consent for works | Shropshire Council

e. Exceedance Flows

Shropshire Council's Local Standard D of the SUDS Handbook requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined below) within the development site or contribute to surface water flooding of any area outside of the development site.

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

Contour and/or exceedance route plans should be submitted for approval demonstrating that the above has been complied with and that there is sufficient provision to remove surface water from the highway to the underground piped system. Gully catchment plans should be submitted.

SC Ecologist

Comment Date: 13th January 2025

From: Sophie Milburn

Sent: 13 January 2025 10:21

To: Lynn Parker

Subject: 24/02108/OUT

Hi Lynn,

Here is my response to this one. They haven't submitted any species surveys nor sufficient info./justification re. BNG.

Biodiversity Net Gain

Please submit the condition assessments.

I have read the submitted Biodiversity Net Gain (BNG) Feasibility Assessment (Beamsley Ecology, December 2024).

There is currently insufficient information on how 10% BNG will be achieved, and how the proposals will meet the Biodiversity Gain Hierarchy.

We need to be satisfied at planning app. stage that 10% BNG can be achieved and that the Biodiversity Gain Hierarchy will be met. We do not want to leave these matters until discharge of condition stage, which may result in major alterations to the site design in order to meet the BNG requirement.

Outline applications may not be able provide complete BNG information, but I would recommend that as much detail as possible is provided at this stage.

(If this development is to be phased, 10% BNG will need to be provided on the whole site; each phase doesn't have to achieve 10%, but the REM for each phase will need to show how it contributes to the overall BNG.)

Significant on-site BNG and all off-site BNG will need to be secured via a s106.

Protected Species

The Preliminary Ecological Appraisal Report (Cass Design Consultants, April 2024) recommends further surveys for bats, GCNs, breeding birds, reptiles, and white clawed crayfish. Please re-consult Ecology when these have been submitted.

Kind regards,

Sophie

Sophie Milburn

Planning Ecologist

Ecology Team

Health, Wellbeing and Prevention Directorate

Severn Trent

Comment Date: 28th March 2025

Customer Details

Name: Miss Rhiannon Thomas

Address: Not Available

Comment Details

Commenter Type: Group/Organisation

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Good Morning,

We have noted that the below comments, originally sent on 30/12/2024 are not displayed on the planning application 24/02108/OUT.

Please find original and updated comments below.

Updated Comment 28/03/2025

For the attention of Case Officer

Our Ref: P-240708-44095

Re Application: 24/02108/OUT

Re Site: Patshull Road, Albrighton, Shropshire,

Good day,

Further to our request for a Holding Objection (08/08/2024) we now have further comment to make on this proposed development from a Drainage perspective:

Initial investigations have concluded that upgrades may be required to both our network and treatment works, but no works are currently planned. Severn Trent needs to carry out further investigations to clarify what improvement may be needed.

Capacity on the network will be available once upgrades to the network are complete.

IMPORTANT NOTE: With regard to network capacity, this response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative - affected sewers and water mains Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk

Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Our records indicate that there are no assets that may be affected by this proposal, however it is the duty of the site owner to confirm this is the case before any work takes place.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building.

Should you require any further information please contact us on email below.

Kind regards,

Asset Protection Team

planning.apwest@severntrent.co.uk

SC Ecologist

Comment Date: 28 April 2025

Biodiversity Net Gain

- Please submit the Condition Assessment spreadsheet.
- Please provide the accreditation for the watercourse assessment.

I have read the submitted Biodiversity Net Gain (BNG) Feasibility Assessment (Beamsley Ecology, December 2024).

The BNG metric is showing a loss of -5.9% in hedgerow units and 0% gain in watercourse units.

There is currently insufficient information on how 10% BNG will be achieved, and how the proposals will meet the Biodiversity Gain Hierarchy. It is recommended that information is front-loaded at this Outline stage and factored into the S106.

The blue-line on Figure 1 in the Feasibility Assessment doesn't match the blue-line on the Location Plan. These will need to match in order to write the S106.

(BNG within the blue-line will need to be registered on the national gains sites register.)

Using our monitoring fee calculator, I'd consider this to be a large site of high technical difficulty, therefore requiring a monitoring fee of £45,741.39. This will be included in the S106.

Great Crested Newts

I have read the submitted Great Crested Newt eDNA Survey – Technical Note (Cass, June 2024).

- If the traditional licensing route is going to be followed then presence/absence surveys and a mitigation strategy needs to be submitted.

- If the District Level Licensing scheme is going to be used then a countersigned IACPC needs to be submitted.

One of these is required to allow SC Ecology to complete the favourable conservation status test of the Habitats Regulations 3 derogation tests. This needs to be carried out during the consideration of the planning application.

Other Species

The Preliminary Ecological Appraisal Report (Cass Design Consultants, April 2024) recommends further surveys for bats, breeding birds, reptiles, and white-clawed crayfish. Please re-consult Ecology when these have been submitted.

The presence of protected species needs to be considered as part of the planning application.

Sophie Milburn

Planning Ecologist

Ecology Team

SC Ecologist

Comment Date: Fri 20 Jun 2025

I am happy with the submitted Wintering Bird Survey Report, but we are awaiting the submission of other information before I can provide a formal response.

BIODIVERSITY NET GAIN

Please submit the Condition Assessment spreadsheet.

Please provide the accreditation for the watercourse assessment.

I have read the submitted Biodiversity Net Gain (BNG) Feasibility Assessment (Beamsley Ecology, December 2024).

The BNG metric is showing a loss of -5.9% in hedgerow units and 0% gain in watercourse units.

There is currently insufficient information on how 10% BNG will be achieved, and how the proposals will meet the Biodiversity Gain Hierarchy.

My recommendation is that we front-load this as much as possible. However, if the planning officer is happy to leave the details until REM stage, I will accept that. The REM will need to contain justification that the application meets the hierarchy and details of the post-intervention proposals. If we are happy with the justification and the proposals then the s106 will need to be written at REM stage.

The blue-line on Figure 1 in the Feasibility Assessment doesn't match the blue-line on the location plan. These will need to match in order to write the s106.

(BNG within the blue-line will need to be registered on the national gains sites register.)

Using our monitoring fee calculator, I'd consider this to be a large site of high technical difficulty, therefore requiring a monitoring fee of £45,741.39. This will be included in the s106.

GREAT CRESTED NEWTS

I have read the submitted Great Crested Newt eDNA Survey ' Technical Note (Cass, June 2024).

If the traditional licensing route is going to be followed then presence/absence surveys and a mitigation strategy needs to be submitted.

If the District Level Licensing scheme is going to be used then a countersigned IACPC needs to be submitted.

One of these is required to allow SC Ecology to complete the favourable conservation status test of the Habitats Regulations 3 derogation tests. This needs to be carried out during the consideration of the planning application.

OTHER SPECIES

The Preliminary Ecological Appraisal Report (Cass Design Consultants, April 2024) recommends further surveys for bats, breeding birds, reptiles, and white-clawed crayfish. Please re-consult Ecology when these have been submitted.

The presence of protected species needs to be considered as part of the planning application.

Kind regards,
Sophie

Sophie Milburn
Planning Ecologist

SC Trees

Comment Date: Fri 10 Oct 2025

Planning Consultation Response

To: Lynn Parker

From: Martin Sutton

Date: 10th October 2025

PLANNING REFERENCE
24/02108/OUT

DEVELOPMENT PROPOSED:

Outline application to include access for a mixed-use development comprising up to 800 no dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage

LOCATION:

Proposed Residential Development, Patshull Road, Albrighton, Shropshire, .

Dwg. No: Site Visit: no

Tree Locations Verified: Constraints: green belt, TPO

Notes:

I have reviewed the Arboricultural Assessment (fpcr, June 2024) and on behalf of Shropshire Council Tree Team I wish to comment on arboricultural aspects relating to this outline application, access included. Unfortunately the Arboricultural Assessment (AA) was registered on the same day as I submitted my previous consultation response to this application (22 July 2024) and I had not seen the AA prior to submitting that response. This current response should therefore be read in conjunction with my previous comments.

The findings and recommendations of the Arboricultural Assessment (AA) are accepted. The development layout as indicated on the Tree Retention Plan (12322-T-02 RevA) included within the AA would require removal of short sections from seven hedgerows (H1, H2, H5, H11, H12, H13 and H15) to create site accesses and internal access roads.

The layout would also require the removal of one category 'B' mature English oak tree (T75), to create a new access on the eastern side of Newhouse Lane. Google Streetview (June 2022) shows this tree to be a large and prominent specimen, and given the open agricultural fields on either side of Newhouse Lane at this location and the approaches to it, the Tree Team would question whether the road alignment could be adjusted slightly, so as to allow retention of this fine oak tree (whilst taking account of the need for an appropriate visibility splay). We respectfully request that this matter is put to the applicant for consideration and possible amendment of the access, prior to determination of this application, for which access is included.

Other than the foregoing point, the advice and recommendations contained within Section 6 (New Tree and Hedge Planting), Section 7 (Tree Protection Measures) and Section 8 (Tree Management) of the AA are supported, although we would recommend that Section 8 be expanded to include a statement about the approach and procedure to be adopted with bats, all species of which are protected under national and European legislation.

If this application is determined and permission is granted with the road and access layout approved as currently submitted, the following tree protection and landscaping conditions are recommended:

·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'. This condition shall have effect until a Reserved Matters application is submitted and approved:

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 with British Standard 3998: 2010 Tree Work - Recommendations, or its current version.

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.

·No part of the development hereby approved shall commence until a tree survey, an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan prepared in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction ' Recommendations, or its current version, have been submitted to and approved in writing by the LPA. Thereafter the development shall be carried out strictly in accordance with the recommendations of these approved plans and reports.

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.

·The plans and particulars submitted in support of a reserved matters application shall include a landscaping scheme, incorporating suitable tree and hedge planting as appropriate, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape ' Recommendations, or its current version, to the written satisfaction of the LPA. The approved scheme shall include:

- a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

The development shall subsequently be undertaken in accordance with the approved landscaping scheme.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

Officer: County Arboriculturalist

Dated: 10th October 2025

SC Ecology

Comment Date: 30th October 2025

From: Sophie Milburn

Sent: 30 October 2025 16:35

To: Lynn Parker

Subject: 24/02108/OUT

Biodiversity Net Gain

I have read the Biodiversity Net Gain Report (PJA, August 2025) and most up to date BNG metric.

River condition assessment

The User Guide states that:

Watercourse habitat types use different methodologies to assess condition, for:

- culverts – you do not need a condition assessment
- ditches – you should use biodiversity metric condition sheets
- all other watercourses (including canals) – you should conduct a river condition assessment (RCA)

You should be a qualified RCA assessor to conduct a river condition assessment.

The on-site watercourse baseline includes 'Other rivers and streams', therefore a river condition assessment and confirmation that the surveyor is accredited is required to support the application.

Watercourse enhancement

What enhancements are proposed to the watercourse?

S106 and monitoring fee

Notwithstanding the above, the BNG is significant and will require a s106. In April 2025 I stated that the monitoring fee would be £45,741.39 (for a large site of high technical difficulty). However, since then we

have updated our monitoring fees and the fee will actually be £41,227.55.

Great Crested Newts

The Great Crested Newt eDNA Survey (Cass, June 2024) has confirmed the presence of GCNs within an on-site pond and an off-site pond.

The letter from PJA (dated August 2025) states that the development will join the District Level Licensing scheme. To allow SC Ecology to complete the 'favourable conservation status' of the Habitats Regulations '3 tests', a countersigned Impact Assessment and Conservation Payment Certificate needs to be submitted.

Bats

Sections 5.13 of the Preliminary Ecological Appraisal Report (Cass, April 2024) states '[I]t is recommended that bat activity surveys are undertaken to further determine the value of the site to bats and

determine how bats are using the site.' These need to be submitted in support of the planning application.

Section 5.15 states that 'The mature trees on the site may contain potential roosting features for bats. If these are to be directly affected by the development proposals, further bat tree assessment surveys should be undertaken to fully assess their suitability for roosting bats'. Confirmation that the mature trees won't be directly impacted, or further survey work, are required.

Birds

Breeding birds

Section 5.22 of the Preliminary Ecological Appraisal Report (Cass, April 2024) states 'Given the presence and habitat suitability for breeding species of conservation concern (such as skylark), a breeding bird

survey is recommended to determine the likely effect of the development proposals on birds. This survey should be undertaken between March and July.' These need to be submitted in support of the planning application.

Should any ground-nesting bird territories be present, areas of the site will need to be set aside as mitigation/compensation land.

Wintering birds

The Wintering Bird Survey Report (Beamsley Ecology, June 2025) states that 'It is assessed likely that ... skylarks will be negatively affected at a 'Local' level.' 'At the point of a detailed planning application

when detailed proposals are available, the data presented herein should inform an Ecological Impact Assessment (EclA) to assess the likely residual impacts on wintering birds during construction and operational phases of the development.' This assessment is required to support the planning application.

Conditioning survey work

Baseline survey data is required to support a planning application. We will only condition initial survey work under exceptional circumstances. Up-to-date surveys are often conditioned for developments that will take place over a number of years (e.g. phased), or where there are delays in the commencement of development.

Other species

I am happy with the White-clawed Crayfish Survey Report (PJA, October 2025) and the Reptile Survey Report (PJA, September 2025). No additional survey work is required.

Kind regards,

Sophie

Sophie Milburn

Planning Ecologist

Ecology Team

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SC Planning Policy Updated

Comment Date: 5th November 2025

Conformity with the Adopted Plan

The starting point for decision making is the adopted Local Plan, which currently consists of the Core Strategy (2011), Site Allocations and Management of Development Plan (SAMDev Plan) and any adopted formal Neighbourhood Plans. The adopted Local Plan should be read and applied as a whole.

Policy CS1 of the Core Strategy and Policy MD1 of the SAMDev Plan set the overall strategic approach for the County, including establishing the broad strategic distribution of growth between Shrewsbury, the Market Towns and Key Centres, and the rural area. Core Strategy Policies CS2-CS4 and SAMDev Plan Settlement Policies S1-S18 (alongside others) expand upon this strategic approach, detailing the role and strategy for the settlements of Shropshire.

Within this strategic approach, Albrighton is identified as a Key Centre (Core Strategy Policies CS1 and CS3, and SAMDev Plan Policies MD1 and S1.1) and as such is considered to be a suitable location for sustainable development within the adopted Local Plan.

Core Strategy Policy CS3 and SAMDev Plan Policy S1.1 provide the strategy for achieving the sustainable development of Albrighton. With regard to residential development, SAMDev Plan Policy S1.1 states “Albrighton will provide for local needs, delivering around 250 dwellings over the Plan period. Local needs will predominantly be met on two allocated sites, with small-scale windfall development within the development boundary making up the balance.” It also specifies that “All development proposals should have regard to the ‘Albrighton Plan’ (the non-statutory Albrighton Neighbourhood Plan Light, adopted by Shropshire Council in 2013).”

The site subject to this planning application is located to the south of Albrighton outside of the development boundary within the countryside and is part of Shropshire’s Green Belt land.

Core Strategy Policy CS5 (Countryside and Green Belt) alongside SAMDev Plan Policy MD6 (Green Belt) and SAMDev Plan Policy MD7a (Managing Housing Development in the Countryside) expect development to be strictly controlled in the countryside and Green Belt, in accordance with the national planning policies protecting the countryside and Green Belt.

Part 13 of the National Planning Policy Framework (NPPF) (December 2024, amended in February 2025), relates to Protecting Green Belt Land. Of particular relevance for the determination of planning applications are paragraphs 153 – 160.

Paragraph 153 of the NPPF states that “*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*”

The NPPF specifies at paragraph 154 that “*Development in the Green Belt is inappropriate unless one of the following exceptions applies:*

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. mineral extraction;*
 - ii. engineering operations;*
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

The proposed scheme for the development of the land to the south of Albrighton with 800 residential units, a local centre, secondary school and care home does not fall within the list of exceptions and thus would be considered to be inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF, referenced above, outlines the approach to consideration of this matter.

However, the NPPF specifies at paragraph 155 that “The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and

d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”

A Green Belt Assessment has been prepared by the Consultants LUC in September 2025. This concludes that “The proposed development land (application site of 24/02108/OUT) would not be considered to be grey belt owing to its strong contribution to Purpose A. However, the proposed development would not fundamentally undermine the purposes of the Green Belt as a whole.”

As this Green Belt Assessment concludes that the land subject to this Planning Application is not grey belt land, paragraph 155 of the NPPF is not applicable.

Therefore the proposed scheme is considered to be inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF, referenced above, outlines the approach to consideration of this matter.

SAMDev Plan Policy MD3 relates to housing delivery and deals with the role of settlement housing guidelines stating the following:

“2. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to:

i. The increase in number of dwellings relative to the guideline; and

ii. The likelihood of delivery of the outstanding permissions; and

iii. The benefits arising from the development; and

iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and

v. The presumption in favour of sustainable development.

3. Where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to the considerations in paragraph 2 above.”

With regard to the settlement housing guideline for Albrighton, the Council's latest Five-Year Housing Land Supply Statement (31st March 2024 base date), identifies that in Albrighton at 31st March 2024:

- 216 dwellings have been completed (since 2006/07).
- 83 dwellings were committed on sites with planning permission or prior approval.
- 110 dwellings were committed on sites allocated for development within the adopted Local Plan without planning permission.
- 180 dwellings were identified on proposed allocations within the withdrawn Local Plan (of these 150 dwellings benefit from planning permission after the base date for this Five-Year Housing Land Supply Statement).

Given the number of housing completions and commitments identified at Albrighton, there is confidence that its settlement housing guideline is achievable within the plan period and as such paragraph 3 of SAMDev Plan Policy MD3 is not applicable and there is no need to consider alternative sites outside of the development boundary to achieve it.

The Five-Year Housing Land Supply and Housing Delivery Test

Consistent with paragraph 78 of the NPPF, Shropshire Council undertakes an annual assessment of the supply of specific deliverable housing sites to determine whether a five-year housing land supply exists. This assessment, alongside consideration of the Shropshire housing delivery test position, is summarised within a Five Year Housing Land Supply Statement.

The latest published Five-Year Housing Land Supply Statement has a base date of 31st March 2024.

With regard to the housing delivery test, this Statement details that over the last 3 years for which data was available (2020/21-2022/23) delivery in Shropshire has exceeded the housing needed as calculated within the national housing delivery test (152% delivery).

With regard to housing land supply, the Statement details that the assessment concludes that "on the basis of the new 'standard methodology' for assessing local housing need, it is unable to demonstrate a five year housing land supply." Specifically it was concluded that a 4.73 years supply of deliverable housing land existed, based on local housing need calculated using Governments updated standard methodology.

Subsequent to the publication of this Statement, the Council re-evaluated the deliverability of sites within this housing land supply to inform a Planning Inquiry. Through this exercise the Council has concluded that **a 4.46 years supply of deliverable housing land existed at 31st March 2024.**

Therefore, on balance of considerations it is deemed that Shropshire Council is currently unable to demonstrate a five year housing land supply.

Footnotes 7 & 8 and Paragraph 11 d) of the NPPF detail the implications of not having a five year housing land supply for decision making in the context of this ‘presumption in favour of sustainable development’.

Footnote 8 of the NPPF indicates that where a Council cannot demonstrate a five year supply of deliverable housing sites, the planning policies ‘most important to the decision’ will be considered ‘out of date’.

Paragraph 11 d) of the NPPF states:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

Footnote 7 of the NPPF details areas and assets of particular importance when applying Paragraph 11 d) i) of the NPPF.

Importantly, Footnotes 7, 8 and Paragraph 11 d) of the NPPF do not change the legal principle, set out in Sections 70(2) and 79(4) of the Town and Country Planning Act (1990) (as amended) and section 38(6) of the Planning and Compulsory Purchase Act (2004) (as amended), that decisions on planning applications are governed by the adopted Local Plan read and applied as a whole, unless material considerations indicate otherwise.

Indeed, if this were the case the NPPF would be contrary to the referenced legislation and would be internally inconsistent given this legal principle is expressly stated in Paragraphs 2 and 48 of the NPPF.

Rather paragraph 11 d) of the NPPF invites the decision maker to apply less weight to policies in the adopted Development Plan, and more weight to the presumption in favour of sustainable development, as a significant material consideration, when reaching a decision. It is for this reason that it is commonly referred to as the ‘tilted’ balance.

This principle is relevant to those policies of the adopted Local Plan considered ‘out of date’ as a result of paragraph 11 d) of the NPPF. They still constitute part of the ‘starting point’ for decision making and as such are to be attributed weight within the decision making process.

Therefore, for the avoidance of doubt, whilst the ‘most important’ policies to the determination of this planning application are technically ‘out of date’ because of the current inability to demonstrate a five-year housing-land supply, this affects weight and not status.

The amount of weight to be attributed to the policies of the adopted Local Plan, including those considered 'out of date' as a result of paragraph 11 d) of the NPPF, is a matter for the decision maker.

This principle is confirmed within the High Court of Justice decision on the case of Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2020] EWHC 518.

Importantly, the presumption in favour of sustainable development and associated tilted balance maintain the general principle of good planning, in that development should be genuinely sustainable in order to be approved.

Indeed, paragraph 11 d) ii) of the NPPF, when inviting determination of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, and conclusions as to whether a proposal is genuinely sustainable directs 'particular regard' to key NPPF policies for

- a. Directing development to sustainable locations,
- b. Making effective use of land, and
- c. Securing well-designed places and providing affordable homes, individually or in combination.

Conclusions

Sections 70(2) and 79(4) of the Town and Country Planning Act (1990) (as amended) and section 38(6) of the Planning and Compulsory Purchase Act (2004) (as amended) specify that decisions on planning applications are governed by the adopted Local Plan read and applied as a whole, unless material considerations indicate otherwise. This is recognised within Paragraphs 2 and 48 of the NPPF.

The Core Strategy and SAMDev Plan (alongside any adopted formal Neighbourhood Plans) currently make up the adopted Local Plan in Shropshire.

The site subject to this outline planning application is outside the established development boundary for Albrighton and for policy purposes is located within the countryside. Furthermore, the site lies within the Green Belt. As a result it does not conform with the strategy for Albrighton in Core Strategy Policy CS3 and SAMDev Plan Policy S1.1.

Core Strategy Policy CS5 and SAMDev Plan Policies MD6 and MD7a, alongside the NPPF, set out criteria which limits new development, including residential development, within the countryside and the Green Belt.

The proposed scheme does not fall within the list of exceptions to 'inappropriate development' detailed within paragraph 154 of the NPPF and as it is concluded within the Green Belt Assessment prepared by the Consultants LUC that the land subject to this application "...would not be considered to be grey belt owing to its strong contribution to Purpose A..." paragraph 155 of the NPPF is not applicable. Thus, the proposal would be considered to be inappropriate development which, by definition, is harmful to the Green Belt and should not be approved

except in very special circumstances. Paragraph 153 of the NPPF outlines the approach to consideration of this matter.

It is not considered that any very special circumstances have been identified that would justify departure from planning policy. The scale and type of development proposed is considered to represent inappropriate development, harmful to the Green Belt and contrary to national planning policy and adopted Local Plan Policy CS5 of the Core Strategy and Policy MD6 and MD7a of the SAMDev Plan.

As the proposal does not conform with Core Strategy Policies CS3 and CS5 and SAMDev Plan Policies MD6, MD7a and S1.1, it also does not conform with Core Strategy Policy CS1 and SAMDev Plan Policy MD1.

The Council's latest assessment of housing land supply is summarised within the Five-Year Housing Land Supply Statement (31st March 2024 base date).

In summary, the assessment concludes that "on the basis of the new 'standard methodology' for assessing local housing need, it is unable to demonstrate a five year housing land supply." The Council's latest position is that a **4.46 years supply of deliverable housing land existed at 31st March 2024.**

Footnotes 7 & 8 and Paragraph 11 d) of the NPPF detail the implications of not having a five year housing land supply for decision making in the context of this 'presumption in favour of sustainable development'. Importantly they do not change the legal principle, set out in Sections 70(2) and 79(4) of the Town and Country Planning Act (1990) (as amended) and section 38(6) of the Planning and Compulsory Purchase Act (2004) (as amended), that decisions on planning applications are governed by the adopted Development Plan read as a whole, unless material considerations indicate otherwise. Rather they invite the decision maker to apply less weight to policies in the adopted Development Plan, and more weight to the presumption in favour of sustainable development, as a significant material consideration, when reaching a decision. It is for this reason that it is commonly referred to as the 'tilted' balance.

The amount of weight to be attributed to the policies of the adopted Local Plan, including those considered 'out of date' as a result of paragraph 11 d) of the NPPF, is a matter for the decision maker.

SC Affordable Housing Update

Comment Date: 5th November 2025

From: Maria Howell

Sent: 05 November 2025 08:59

To: Lynn Parker

Subject: RE: Planning Application Ref: 24/02108/OUT - Proposed Residential Development, Patshull Road, Albrighton

SC Affordable Housing - The scale and type of development proposed is considered to represent inappropriate development, harmful to the Green Belt and contrary to national planning policy, adopted Local Plan Policies CS6 and MD6. No very special circumstances have been identified that would justify departure from planning policy. In the event that the proposal is supported it should be noted that Core Strategy Policy

CS11 requires market residential schemes to deliver affordable housing at the prevailing housing target rate at the time of Reserved Matters application to be transferred to a Registered Provider.

SC Ecology

Comment Date: 27th November 2025

From: Sophie Milburn

Sent: 27 November 2025 21:09

To: Lynn Parker

Subject: 24/02108/OUT

Hi Lynn,

Apologies this one is late.

Biodiversity Net Gain I have read the Biodiversity Net Gain Report (PJA, August 2025) and the most up-to date BNG metric.

The proposed on-site BNG will result in a loss of -7.32 (-6.47%) habitat units, a gain of 2.89 (3.57%) hedgerow units and a gain of 0.40 (13%) watercourse units. Off-site (within the blue-line boundary, as shown in figure 2-1 of the Biodiversity Net Gain Report), a gain of 21.27 (120.37%) habitat units and a gain of 7.33 (61.67%) hedgerow units will be provided. This will result in an overall gain of 13.95 (12.34%) habitat units, a gain of 10.22 (12.63%) hedgerow units and a gain of 0.40 (13%) watercourse units.

Because the BNG includes off-site gains (which will require registering on the national register) and the on-site gains are considered to be significant, a s106 will be required to secure the BNG for 30 years. The s106 will include a monitoring fee – using our monitoring fee calculator, I'd consider this to be a large site of high technical difficulty, therefore requiring a monitoring fee of £41,227.

Great Crested Newts

The Response letter from PJA (dated November 2025) states that an IACPC has been submitted to Natural England. Once this is signed and submitted to Shropshire Council, we can complete a Habs Regs '3 tests' matrix.

Bats

The Response letter from PJA states that activity surveys were undertaken in October 2025. SC Ecology will provide comments once these have been received.

Birds

The Response letter from PJA states that the breeding bird surveys will be completed between March and July 2026. SC Ecology will provide comments once these have been received.

Should any ground-nesting bird territories be present, mitigation/compensation land will be required. The Response letter states that there is further land within the control of the applicant should additional mitigation be required.

Conditioning survey work

Baseline survey data is required to support a planning application. We will only condition initial survey work under exceptional circumstances.

Up-to-date surveys are often conditioned for developments that will take place over a number of years (e.g. phased), or where there are delays in the commencement of development.

Other species

I am happy with the remaining surveys that have been submitted.

I can provide a list of predicted conditions if the planning officer would find this helpful.

Sophie Milburn

Planning Ecologist

Ecology Team

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Integrated Care Board

Comments Date: 8th December 2025

From: FRANCIS, Darren

Sent: 08 December 2025 11:21

To: Lynn Parker

Subject: RE: Planning Application Ref: 24/02108/OUT - Proposed Residential Development, Patshull Road, Albrighton

Hi Lynn

This is a significant development and will greatly impact the GP surgery in the town which is already over capacity in terms of available space and there are discussions ongoing for an extension to the current premises to accommodate this need for additional space. This development has not been factored into the current discussions and so will necessitate revisiting the current proposals with a view to increasing the size of the planned extension.

Using our standard calculator against the proposed housing numbers (800x) and care home beds (80x) gives a figure for a healthcare contribution from this development of £ 717,256 for the housing element and an additional £ 59,771 for the care home element – so £777,027 in total.

Darren Francis

Primary Care Lead - Estates

NHS Shropshire, Telford and Wrekin ICB

Shropshire Council

Five Year Housing Land Supply Position Update



1. Context

- 1.1. On the 9th December, the Inspector that heard the appeal regarding a proposal for 70 dwellings on land to the east of Tilstock Road, Tilstock (Appeal Ref: APP/L3245/W/25/3362414) issued his decision, allowing the appeal.
- 1.2. In reaching his decision, the Inspector of the Tilstock appeal undertook consideration of Shropshire's Five Year Housing Land Supply at 31st March 2024.
- 1.3. To inform this consideration, the Council re-evaluated the deliverability of existing sites in the Five Year Housing Land Supply, identifying deductions considered necessary given latest information regarding deliverability since publication - recognising the dynamic nature of housing land supply. For the avoidance of doubt, case law has established that this exercise does not provide the opportunity to introduce additional sites.
- 1.4. This exercise resulted in the Council concluding a 4.46 year housing land supply existed in Shropshire at 31st March 2024.
- 1.5. In summary, whilst the Inspector of the Tilstock appeal did not disagree with the Council's updated position regarding the deliverability of the majority of sites, there were a number - primarily consisting of proposed allocations within the now withdrawn Local Plan, which he considered lacked sufficient certainty to be considered deliverable over the relevant five year period.
- 1.6. The Inspector of the Tilstock appeal also concluded that it was appropriate to update the Local Housing Need figure against which the housing land supply was measured at the point of his decision.
- 1.7. In combination, these conclusions result in a reduction of the housing land supply considered deliverable over the relevant five year period (by 1,235 dwellings compared to the Council's updated position) and an increase to the amount of housing land supply required (by 162 dwellings).
- 1.8. This culminated in the Inspector of the Tilstock appeal concluding that a **3.81 year housing land supply** existed in Shropshire at 31st March 2024.

2. Housing Land Supply Position Update – 31st March 2024

- 2.1. Having given consideration to the conclusions of the Inspector of the Tilstock appeal, it is considered that in applying a precautionary approach it is sensible to proceed on the basis that at 31st March 2024 a **3.81 year housing land supply** existed in Shropshire.
- 2.2. This reduction to the Council housing land supply, at 31st March 2024, should be considered within the planning balance when reaching decisions on a planning application.

3. Updating the Housing Land Supply – 31st March 2025

- 3.1. Whilst the Council considers a precautionary approach is appropriate to the housing land supply position at 31st March 2024, it retains concerns with the Inspector of the Tilstock appeals approach to the evidential threshold required to demonstrate deliverability.
- 3.2. Furthermore, the conclusions of the Inspector of the Tilstock appeal are a 'moment in time' whilst housing land supply is dynamic, with further information on site deliverability regularly arising.
- 3.3. Additional information of particular relevance, given the Inspector of the Tilstock appeals conclusions regarding proposed allocations within the now withdrawn Local Plan, is the Council's approach to the determination of planning applications on such sites.
- 3.4. For these reasons, in undertaking the next assessment of the Five Year Housing Land Supply (31st March 2025 base date), the Council will re-evaluate the deliverability of all sites. In undertaking this assessment, the Council will continue to apply Government's definition of deliverability as defined within Annex 2: Glossary of the NPPF, supported by NPPG (ID68).

4. Five Year Housing Land Supply - 31st March 2025

- 4.1. Shropshire Council is currently undertaking the next Five Year Housing Land Supply Assessment (31st March 2025 base date). It is intended that this assessment will be published in quarter 1 of 2026.