

Case assessment for 24/04176/FUL

Proposal	Residential development of 70 dwellings including access, open space, landscaping and associated works.
Applicant	Boningale Developments Ltd
Site Address	Land To The East Of Tilstock Road Tilstock Whitchurch Shropshire

CONSULTEES - Responses

- **SC Highways DC**

Reply Received : 6th June 2025

This response has been produced to be read as a formal highways position in relation to application 24/04176/FUL which is also at appeal under reference APP/L3245/W/25/3362414.

Prior to this no formal highway comments have been provided. Comments were made to the Planning Case officer, and these were summarised in an email to the inspectorate and applicant's agent on 11 April 2025. The summarised position is copied below:

'Regarding comments from the Highways Authority, while the LPA has not yet received a full response, the Highways Authority has provided some interim comments to assist the Inspectorate in outlining their likely position on the proposed development:

- *Concerns raised in regard to the level of information provided as part of the planning application in relation to vehicular access arrangements and the in-combination speed limit change which is not supported as contrary to good practice advice.*
- *There is an overall insufficient provision of sustainable modes of travel and lack of connectivity with the settlement and any facilities/services.*
- *The appeal site is in an unsustainable location, in transport terms, that will lead to a high reliance on private car use for retail, employment, health and secondary education.*
- *Concerns in regard to the overall design of the layout in regard to street hierarchy, parking and servicing provision.*

The LPA can confirm that the proposed development's access arrangements and sustainability (in transport terms) will form part of the reasons for refusal. However, as outlined above, this is unlikely to result in large amounts of highly technical data. Instead, the reasons listed above are objectively determined based on the appellant's own submission and the location of the appeal site. We will seek to provide the appeal and the Inspector with the full comments made by the Highways Authority at the earliest opportunity.'

This formal response will focus on the key areas already addressed and will not seek to add any new matters, recognising that formal comments have not been produced until now.

As such, comments are based on the current position of the application and for that reason any documents or drawings will be referenced so that they can be clearly drawn out as documents that may be viewed as part of the appeal process.

The application submissions and appeal submissions do not include copies of all documents and each section will be written in chronological order reflecting the elements that are being responded to.

Vehicular Access Point

24/04176/OUT

SH5037-10PD-001 REV D – 11 Feb 2025

Designers Response – 11 Feb 2025 (CD7.2)

Transport Statement

Highway Authority response

A speed survey was undertaken in the vicinity of the proposed access point where the existing speed limit change is sited.

The measured data fails to provide speeds at the end point of visibility splays and there can be little argument that speeds in the 30mph section will be lower and speeds in the national speed limit section will be higher.

At a proposed point of access measured speeds should be taken at the anticipated extent of the visibility envelope. For example, to the north where speeds beyond the village can legally be up to 60mph, then speeds should first be measured roughly 210m from the access point. To the south within the 30mph this should be 43m from the access point. Factors of highway geometry would add further influence on the need for further ATC points to understand accelerating and decelerating behaviour on the existing road where no access is currently present.

Taking the assessment work and drawing SH5037-10PD-001 Rev D there are a number of elements that can be agreed:

- The forward visibility travelling north through the bend to the car waiting to turn into the proposed access is acceptable at 59m.
- The overall geometry of the proposed junction radii is acceptable.

The following matters are not agreed

- The introduction of a sign to Diagram 516 has not been sufficiently investigated to find the use acceptable especially given that the highway is not changing in this location.
- The Road Safety Audit (RSA) CD7.2 has recommended a relocation of the speed limit. The RSA is not a design check or verification that a scheme meets design standards. It has not been adequately presented that the RSA recommendation has been achieved by applying the correct standards for setting a local speed limit.
- The extension of the speed limit to the point proposed has not been sufficiently investigated in the context of Setting Local Speed Limits (DfT March 2024). Existing speeds at the proposed speed limit change point could be as high as 60mph in both directions. With no other change or engineering basis instructing a 30mph speed limit on highway that is not designed any differently and otherwise currently operates at much higher speeds is wholly inappropriate.
- Any speed limit change of the type proposed could not guarantee behavioural change in speed and setting visibility based on the existing speed limit change over is a poor evidence base.
- There is nothing within the submissions to satisfy that northbound right-hand turns will not queue, and that the absence of a right-hand turn lane is appropriate. The overall decision would fall wholly under expertise and discretion.
- Given the presence of 'Slippery Road' signs to Diagram 557 on the southbound approach to Tilstock and that these signs are applied when the risk of skidding is greater than normal placing the proposed speed limit change on a bend on this section of road with insufficient forward visibility to the signing, could further increase the risk of sudden braking on a road that has already been identified with this issue. This matter was not addressed in the RSA as it did not form part of the access proposals at that time.
- In that regard the RSA relates to a version of access that is not under consideration.

Highways Appeal Statement

The highways appeal statement CD X.X in paragraphs 3.13-3.14 furthers the access points and visibility positions from the appellants perspective.

To be accepted this requires the reliance on a single data set for measured speeds.

What is agreed is that if measured speeds show that visibility can be achieved within existing speed limits there is no justification, or evidence that relocating the speed limit is necessary. The highway authority would add that there is also no evidence that it would be appropriate or safe.

If, to achieve a safe and suitable access it was absolutely necessary to reduce vehicle speeds and achieve this by design and also make a traffic order then it should be a requirement of the development. A contribution would impart that there is no necessity to the works. Other factors to consider are the existing system of street lighting, how this terminates in proximity to the existing speed limit change. How a rural national speed limit and street-lit 30mph are self-enforcing without the requirement to promote a traffic order. Nothing has been presented to enhance the existing rural section of highway with street lighting within the proposed 30mph and in that regard the night time operation of the new access is also a concern.

Active Travel – Connectivity

The highways appeal statement has provided a walking audit. The application walking strategy requires works to a public right of way (PROW) 0233/28/1. Alterations to the PROW are proposed in the form of surfacing, lighting by way of a planning contribution.

This would be the only safe and direct means of access for pedestrians to wider facilities. It should be for the applicant to deliver by agreement with works undertaken by the applicant, if the development is allowed.

There is insufficient information relating the PROW, the available width, the introduction of an acceptable lighting solution and acceptance of the change in character to the PROW that would result from making this a direct means of access for pedestrians.

A S106 contribution that is unquantified and unqualified would carry extraordinary risk and burden on the council to deliver the direct means of access to this site for a fixed sum for works that may be undeliverable in principle and in cost terms.

This access matter should be placed directly on the applicant to agree and deliver at their own costs.

A number of decision notices relating to sites with alternative pedestrian access have been provided. The highway authority does not have a negative position on the provision of active travel direct access that differs from vehicle access points, in principle.

Therefore, we do not expect the principle to be matter for consideration as part of any appeal. The PROW route cannot cater for cyclists. Cyclists will have no option but to make use of the carriageway offer from the proposed vehicle access point. The lack of dedicated infrastructure for cyclists will not convey a genuine choice for users of all abilities.

The best rational argument would be a school child that could not ride to school via the PROW and would otherwise have to leave the site via Tilstock Road and ride on carriageway to the school entrance. There can be little argument that the genuine choice has been removed except for the accomplished and confident cyclist.

The element of genuine choice has already been partially addressed.

The village of Tilstock has limited facilities within the settlement boundary. The quality of infrastructure provision for walking and cycling is low and the development by design inhibits genuine choice for all modes.

Further to that point of genuine choice, the proposed PROW route for pedestrians takes walking away from some local destinations to the west. Whilst this is not necessarily unacceptable it demonstrates the application strategy only achieves what it intends to and does not seek to improve any other connectivity within the confines of the village.

The proposed improvements drawing with the Highways Appeal Statement CDX.X SH5037-11PD-001 offers a very small enhancement and it is not commensurate to a development of this scale adding further pressure to the infrastructure that is Tilstock village.

Sustainable Location

The local facilities have been considered within the Transport Assessment and are provided here as agreed:

Amenity / Facility	Tilstock Road Route	Pedestrian Access Connection Route
Nearest Bus Stops (Tilstock Lane)	475m	445m
Tilstock Bradbury Village Hall & Play Park	670m	400m
Tilstock Christ Church	530m	400m
Tilstock Primary C of E Primary School	680m	280m
Tilstock Bowling and Tennis Club	590m	330m
Horseshoes Public House	520m	610m

Table 1. Comparison of Approximate Walking Distances to Local Facilities

Once this limited number of facilities is taken the need for other journeys with purpose becomes reliant on private car use, if public transport is not taken up.

For the RTPI key facilities of work place, health centres, secondary education and retail including food shops there are no facilities locally and the over-riding outcome will be car reliance for all other lifestyle travel choice.

The lack of a convenience shop is notable and for almost all facilities travel to Whitchurch is required and the most likely mode of travel for all times of day, at a distance of roughly 4km will be the private car.

The location will require development to be car-reliant and no travel plan could successfully achieve walking and cycling modal shift due to the cut-off nature, lack of quality walking and cycling infrastructure provision and journey times, from Tilstock to key facilities.

Internal Layout

There is not a significant difference between the primary street and shared streets. They do lack any contextual relationship with the B5476 and the principle of a hierarchy of streets is not created from the B road. It would be expected that the internal streets would be 20mph, however there are level changes proposed and visibility across gardens which raise concerns as to the layout and whether it constitutes a high-quality design.

The shared streets are shown at a 15 mph design speed which is not an enforceable speed limit. Design must reflect speeds that can be appropriately set which is 20mph

The internal streets have very limited public utility, and the majority of new streets are proposed for adoption. The layout requires the refuse collection vehicle to travel across all the proposed adopted streets.

Parking is proposed in tandem for the majority of dwellings and no consideration of on-street parking which is likely to occur has been carried out.

Given the reliance of this proposal on safe and suitable access for pedestrians via the PROW the internal layout does not resonate that these movements are the focus of the layout and there is an over-reliance on the creation of new carriageway which dominates the internal movement strategy.

Conclusion

The Highway Authority position is that it recommends refusal for the following reasons:

- Insufficient information has been provided to satisfy that safe and suitable highways access for vehicles to the site can be achieved.
- The site is in an unsustainable location in relation to access to key facilities with a reliance on private car use, due to the limitations including frequency and times of day to public transport services and lack of wider walking and cycling connectivity.
- The impacts of the proposals in walking terms have not been acceptably demonstrated in terms of impacts on an existing Public Right of Way.(117a, 117c)
- The internal layout does not sufficient respond to the vehicle access, pedestrian access and street hierarchy to demonstrate priority first for sustainable modes (117a, 117c)

- **SC Landscape Consultant - Keith Hampshire**

Reply Received : 19th March 2025

Comments can be viewed in documents

- **SC Planning Policy**

Reply Received : 27th November 2024

Planning Policy

High Level Response

Planning Application reference: 24/04176/FUL

Proposal: Residential development of 70 dwellings including access, open space, landscaping and associated works.

Location: Land East of Tilstock Road, Whitchurch

Background

The proposals relate to the development of a 4.05ha site located on the north edge of the settlement of Tilstock. The application seeks full planning permission for 70 residential dwellings, to include the provision of 10 affordable dwellings, open space, landscaping and associated infrastructure, vehicle access is proposed off Tilstock Road (B5476).

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. There are currently no neighbourhood plans for this area.

Core Strategy policy CS1: Strategic Approach promotes growth and investment through new development to meet Shropshire's needs and create sustainable communities. The policy aims to secure a 'rural rebalance' to enable sustainable development in rural areas, development and investment will be located predominantly in community hubs and community clusters.

CS4: Community Hubs and Community Clusters supports the strategic approach set out in policy CS1. The policy allows development that helps 'rebalance rural communities by providing facilities, economic development or housing for local needs and is of a scale appropriate to the settlement.'

Market housing development is expected to provide a suitable mix of housing that caters for local needs, deliver community benefits in the form of contributions to affordable housing for local people and contributions to identified requirements for facilities, services and infrastructure.

All development in Community Hubs and Clusters is expected to be of a scale and design that is sympathetic to the character of the settlement and its environs, in accordance with policy CS6.

SAMDev Policy MD1: Scale and Distribution of Development – supports Core Strategy Policies CS1, CS2, CS3 and CS4, directing sustainable development towards Shrewsbury, the Markets Towns, Keys Centres and the Community Hubs and Community Cluster settlements.

Tilstock is identified as part of a community cluster alongside Ash Magna/Ash Parva, Prees Heath, Ightfield and Calverhall (Schedule MD1.1)

Settlement Policy S18.2(ii): Whitchurch Rural & Ightfield and Calverhall Community Cluster, sets out the development objectives for this Community Cluster which includes Tilstock alongside Ash Magna/Ash Parva, Prees Heath, Ightfield and Calverhall. Together this community cluster is expected to deliver a housing growth of about 100 dwellings between 2011-2026. Tilstock is expected to provide around 50 dwellings, delivered through the development of allocated sites (TIL001, TIL002 and TIL008), together with development of infilling, groups of houses and conversions on suitable sites within the development boundaries identified on the Policies Map.

The site subject to this planning application is located outside of the development boundary as identified on Policy Map S18 (Insert 3) and as such for the purposes of planning policy is within the 'countryside'. Core Strategy policy CS5 and SAMDev Plan policy MD7a apply and alongside the NPPF seek to limit new residential development. In order to accord with these policies new market housing is expected to be strictly controlled.

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.

The published Five Year Housing Land Supply Statement (March, 2024) identifies that as at the 31st March 2023, for the Community Cluster, 108 completions (since 2011/2012) and a further 60 sites are with planning permission or Prior approval (as at 31st March 2023). 5 allocations remain without planning permission (as at 31st March 2023).

Of the three allocated sites for Tilstock, TIL001 and TIL008 has been completed. TIL002 remains allocated, outline and reserved matters planning permission was granted for 9 dwellings and the development is ongoing.

The figures within the Five Year Housing Land Supply Statement (2024) do not consider any planning permissions or completions since the 31st March 2023.

Given the progress with the allocated sites for Tilstock and number of completions and commitments identified there is considered to be a sufficient supply of housing for the community cluster, with the adopted residential guideline for Community clusters being achieved. As such it is not considered that SAMDev Plan Policy MD3(3) is applicable in the context of this preapplication site.

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.

Planning Statement - Housing Need

It is noted that within the accompanying Planning Statement (October 2024), a review of the Council's Five Year Housing Land Supply has been undertaken to support the application. Shropshire Council disagrees with the conclusions reached within this review and maintains that it has a robust Five Year Housing Land Supply. Specifically, the Council maintains that a 5.91 years supply of deliverable housing land exists against the housing requirement within the adopted Development Plan and 7.63 years supply of deliverable housing land against local housing need calculated using Governments standard methodology (2023 base date).

As the review undertaken by the applicant does not detail the sites which they dispute, the Council is not able to specifically address their concerns. However, the Council would note the following with regard to the 'themes' identified.

Dwellings on sites with Planning Permission – lapses / imminent lapses

As the applicant has stated, the definition of deliverable dwellings is provided within Annex 2: Glossary of the National Planning Policy Framework (NPPF). This includes "sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires..."

-With regard to potential 'imminent' lapses, the applicants position is clearly contradictory to this definition - such sites should be considered deliverable and as such suitable for inclusion within the Five Year Housing Land Supply 'until permission expires'. Furthermore, the Council would emphasise that it is pure speculation to suggest that such consents will lapse in the future, as it is not unusual for developers to wait until towards the end of a permission to bring forward a development. For the avoidance of doubt, Shropshire experiences a low lapse-rate with regard to planning permissions for residential development.

-With regard to planning permissions that have lapsed, the Council annually reviews all Planning Permissions and removes the limited number that lapse from its housing land supply, as such the Council disagrees that the Five Year Housing Land Supply includes lapsed permissions.

Dwellings on sites with Planning Permission – build out rates

The Council considers its approach to and assumptions regarding build out rates are appropriate and robust. This approach is clearly documented within Chapter 5 of the Five Year Housing Land Supply statement. In summary, the Council had identified 'standard' build rates for development across Shropshire (informed by engagement with the development industry). Where possible, these assumptions are refined through discussions with the site promoter.

Past delivery rates in Shropshire demonstrate the robustness of the Council's assumptions in the Five Year housing Land Supply.

For instance, with the exception of Specialist Housing (where the entirety of the development is completed in a single year), the highest annual delivery rate identified by the Council is 90 dwellings (19/05564/REM - Land Between Preston Street & London Road, Shrewsbury). This is the second phase of a development, where the first phase (same developers) has been consistently achieving equivalent rates (89 completions in 2020/21; 124 completions in 2021/22; and 87 completions in 2022/23).

Furthermore, there are numerous other sites in Shropshire where significant delivery rates have been achieved, and as such endorse the assumptions on similar sites. This includes the SAMDev Plan Allocation South of Mytton Oak Road where rates of up to 98dpa were achieved; the SAMDev Plan Allocation at Shrewsbury South SUE where rates well in excess of 100dpa were achieved; and several sites in Shifnal (including at Haughton Road and Coppice Green Lane) where rates of over 50dpa were achieved.

Dwellings on sites with Planning Permission – lead in times

The Council considers its approach to and assumptions regarding lead-in times are appropriate and robust. This approach is clearly documented within Chapter 5 of the Five Year Housing Land Supply statement. In summary, the Council had identified 'standard' lead-in times for development across Shropshire, based on past development proposals (numerous examples provided within Chapter 5 of the Five Year Housing Land Supply statement). Where possible, these assumptions are refined through discussions with the site promoter.

Dwellings on sites with a 'Resolution to Grant' Planning Permission – lack of evidence of deliverability

The Council includes only 'selected' sites where a 'resolution to grant' Planning Permission was reached before the base date for the Five Year Housing Land Supply statement, where it considers there is clear evidence they will be delivered within the five year period. The Council would note that at time of publication of the Five Year Housing Land Supply Statement, all of these sites benefited from Planning Permission and none constituted major development.

Dwellings on allocated sites are estimated to be completed within 5-years – lack of evidence of deliverability

Consistent with this definition of deliverable provided within Annex 2: Glossary of the NPPF, Shropshire Council has taken a cautious approach to the inclusion of dwellings on allocations within the first five years of the housing land supply. Specifically, only dwellings considered to be available now, offer a suitable location for development now, and achievable with a realistic prospect that housing will be delivered on the site within five years are included.

This assessment of deliverability, which the Council considers constitutes clear evidence, is documented within Appendix E of the Five Year Housing Land Supply statement.

The Council would note that 1,274 dwellings on allocations are included within the Five Year Housing Land Supply (1,415 before application of a cautious 10% non-delivery rates). Since the base date for the Five Year Housing Land Supply statement, Planning Permission has been granted for 956 dwellings; Planning Permission has been granted for enabling works (spine road) to facilitate a further 108 of these dwellings; and Planning Applications are pending consideration for 147 of these dwellings. This demonstrates the robustness of the Council's assumptions.

The Council would also note that the applicant for one of the sites presumably disputed, is the applicant itself.

Dwellings on SLAA site – lack of evidence of deliverability

Paragraph 72 of the 2021 NPPF addresses windfall allowances in housing land supply, stating such an allowance is appropriate where “compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”

SLAA sites are windfall sites for 5 or more dwellings identified through the strategic housing land availability assessment. Only those sites considered to be available now, offer a suitable location for development now, and achievable with a realistic prospect that housing will be delivered on the site within five years are included.

This assessment of deliverability, which the Council considers constitutes clear evidence, is documented within Appendix G of the Five Year Housing Land Supply statement.

Dwellings on emerging affordable housing sites deliverable within 5-years – lack of evidence of deliverability

Shropshire has a strong track record of affordable exception development, facilitated by the Council's Housing Enablement function. Indeed, in 2023/24 Shropshire was the second highest performing LA, in terms of dwelling completions on affordable exception sites.

As detailed in Chapter 5 of the Five Year Housing Land Supply, emerging affordable housing sites are identified through proactive engagement with RSL's and only included within the five year housing land supply where they are considered deliverable. Given the Council's track-record, strong source of evidence on specific sites and policy framework which facilitates appropriate exception site development, the Council considers there is clear and compelling evidence that these sites are appropriate for inclusion with the Five Year Housing Land Supply.

Dwellings on windfall sites – minor adjustment

Paragraph 72 of the 2021 NPPF addresses windfall allowances in housing land supply, stating such an allowance is appropriate where “compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”

It is noted that the applicant supports the principle of a small site windfall allowance being included within the Five Year Housing Land Supply.

The Council clearly detail the factors considered when determining if a small site windfall allowance is appropriate, consistent with paragraph 72 of the NPPF. This assessment is clearly detailed within Chapter 5 of the Five Year Housing Land Supply statement and the Council considers justifies its allowance. In particular the Council would note that:

- The SLAA concluded it was appropriate to include a windfall allowance in the housing land supply.

-Over the last five years (2018/19-2022/23), 4,683 dwellings (net) were completed on windfall sites (1,669 dwellings on sites of less than 5 dwellings and 3,014 dwellings on sites of 5 or more dwellings). This equates to 973dpa (334dpa on sites of less than 5 dwellings and 603dpas on sites of 5 or more dwellings).

-The policies in the adopted Development Plan demonstrably have and will continue to facilitate appropriate windfall development.

The Council considers this demonstrates that it has already taken a cautious approach to its small site windfall allowance and as such there is no justification for a further reduction. The Council would also note that the applicants suggested deduction is inconsistent with their position within submissions on the draft Shropshire Local Plan, which endorses the Council's small site windfall allowance.

More generally, the Council would note that it applies a specific 10% non-delivery allowance to all components of the Five Year Housing Land Supply (excluding the small sites windfall allowance) to allow for 'slippage' in the delivery of these sites. This demonstrates the cautious approach utilised by the Council within its assessment.

Other relevant adopted Local Plan policies

The adopted Local Plan is intended to be read and applied as a whole. In addition to the above the following adopted plan policies are also of relevance and any development proposals will need to have regard to these policies:

Core Strategy Policies:

CS6 – Sustainable Design and Development Principles;

CS8 – Facilities, Services and Infrastructure Provision;

CS9 – Infrastructure Contributions;

CS11 – Type and Affordability of Housing;

CS17 – Environmental Networks;

CS18 – Sustainable Water Management;

SAMDev Plan Policies:

MD2 – Sustainable Design;

MD8 – Infrastructure Provision;

MD12 – Natural Environment;

Local Plan Review

Shropshire Council have an emerging Draft Local Plan (2016-2038) which has been through several stages of consultation and submitted to the Planning Inspectorate for examination on 3rd September 2021. The first phase of public hearing sessions took place in July 2022, January 2023 and May 2023. The second stage hearings began in October 2024, however the Inspectors issued a holding letter (29th October 2024) which cancelled the remaining set of second stage hearing sessions due to 'significant concerns about the soundness of the Plan in respect of a number of areas to the Council'. The Council is currently awaiting a detailed letter from the Planning Inspectorate which will set out what the concerns are. Given the relatively advanced stage of the Local Plan Review some limited weight could be applied to relevant Draft Local Plan policies as a material consideration in the planning application decision-making process. It is acknowledged that the limited weight is

reduced in light of the recent instruction from the Planning Inspector's instructions to pause the Local Plan Review process.

Ultimately, the draft Shropshire Local Plan will only carry full weight upon its adoption. Additionally, like the Adopted Plan, the Draft Plan is intended to be read and used as a whole and all relevant policy requirements would need to be taken into account where it is proposed that any weight is given to the emerging Plan.

Local Plan Review Policy Considerations

Tilstock is proposed to remain part of a Community Cluster Settlement within the draft Shropshire Local Plan (draft policy SP2 Strategic Approach and draft settlement policy S18.3)

The draft Shropshire Local Plan is intended to be read and applied as a whole. Therefore, when applying very limited weight there is also a need to consider the conformity of the proposals with the wider policies of the draft Shropshire Local Plan. In this case draft policies which introduce additional policy considerations would include:

- The settlement guidelines in draft Policy S18.3
- Draft Policy SP3: Climate Change
- Draft Policy SP5: High Quality Design
- Draft Policy SP9: Managing Development in Community Clusters
- Draft Policy DP1: Residential Mix
- Draft Policy DP3: Affordable Housing Provision
- Draft Policy DP11: Minimising Carbon Emissions
- Draft Policy DP12: The Natural Environment
- Draft Policy DP14: Green Infrastructure
- Draft Policy DP15 Open Space and Recreation
- Draft Policy DP16: Landscaping of New Development
- Draft Policy DP18: Pollution and Public Amenity
- Draft Policy DP20: Water Efficiency
- Draft Policy DP21: Flood Risk
- Draft Policy DP22: Sustainable Drainage Systems
- Draft Policy DP27: Broadband and Mobile Communication Infrastructure

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 policies only have 'limited weight' as discussed above.

Tilstock is part of a community cluster and is considered an appropriate location to achieve sustainable development. The site subject to this application is outside the currently adopted development boundary for Tilstock and as such for policy purposes, located within the 'countryside'. Adopted local plan policies (including Core Strategy Policy CS5 and SAMDev Plan policy MD7a) and the NPPF set out criteria which limit new residential development in the countryside. The scheme is considered contrary to the adopted development plan policy and no material considerations have been identified which may weigh sufficiently in favour of the proposal to justify departure to the adopted development plan.

There remains a need to consider the details of proposals from a development management perspective and have regard to the wider policies and technical advice from relevant service areas.

- **SUDS**

Reply Received : 3rd December 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 FRA states that infiltration to ground is not feasible for this site and Shropshire Council do not ordinarily accept pumped surface water solutions. The proposals to discharge surface water to a public surface water sewer are therefore acceptable in principle but require consent for both connection and discharge rate, from Severn Trent.

The following items require attention:

1. Mains surface water connection agreement.

The information held in Appendix 6 of the FRA does not indicate acceptance of the proposed surface water discharge rate or a connection agreement, by Severn Trent.

The applicant must submit evidence to show that Severn Trent are willing to accept the surface water into the mains sewer and at the proposed discharge rate.

2. Determination of groundwater at location of proposed attenuation pond and swales

The drainage strategy utilises an attenuation pond in the southeast corner of the site, the depth of which is indicated to be around 1.6 to 1.9m deep. The Phase 2 site investigation, reports groundwater at between 0.3m and 1.2m below ground level, across the site.

Groundwater must not be allowed to interact with any proposed attenuation ponds or swales, which may cause loss of storage volume.

The level of groundwater must be determined in the location of the proposed attenuation pond and at representative locations along the routes of the swales. Results including a location plan of test locations must be submitted for approval.

3. Attenuation basin

The volume of the pre-treatment pond should be stated and reconciled with the existing pond. The proposed attenuation pond volume and pretreatment pond must accurately represent the existing situation and provide sufficient storage within the drainage network for the 1% Annual Exceedance Probability rainfall event + 40% for climate change.

4. Network simulation results

Network simulation results should be submitted for approval. Allowances for urban creep should be made within impermeable areas ' see informative.

4. Maintenance access

An access arrangement should be shown from the street to the pond, to allow for access of maintenance vehicles and equipment.

5. Swales

A typical cross section for the swales should be defined and submitted, e.g. on the retention basin cross section drawing, such that, alongside layout plans, storage volumes can be determined.

Informative:

a) Network simulation results

The attenuation drainage system should be designed so that the 1% Annual Exceedance Probability rainfall event + 40% for climate change will not cause flooding of any property either within the proposed development or contribute to flooding outside of the development.

The total site area used to estimate the existing Greenfield runoff rate should equal the impermeable area within the proposed development, it should not include any area of soft landscaping or other permeable area.

b) Urban Creep

Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

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

Less than 25 == 10%

30 == 8%

35 == 6%

45 == 4%

More than 50 == 2%

Flats & apartments == 0%

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

Curtilage' means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

A drained area plan clearly showing the addition of urban creep must be submitted for approval.

- **SC Ecologist**

Reply Received : 7th November 2024

BIODIVERSITY NET GAIN

Please submit the Condition Assessments.

The BNG metric only includes the baseline habitats.

Post-development interventions need to be provided to show how 10% net gain is going to be achieved.

Should 10% net gain not be possible on the site, justification as to why this is the case, details of how 10% will be achieved (e.g. off-site or buying units) and how this meets the BNG hierarchy need to be provided.

SKYLARKS

The Preliminary Ecological Appraisal (Cass Design Consultants, October 2024) identified skylark 'on or immediately adjacent to the Site' during the survey. Further survey work should be carried out to ascertain whether skylarks are breeding on the site, and therefore whether any mitigation or compensation measures will be required.

GREAT CRESTED NEWTS

The Preliminary Ecological Appraisal states that 'Further assessment of these ponds was undertaken in the form of eDNA sampling, the results of which are presented in a separate report.'

Please submit this report.

The Preliminary Ecological Appraisal goes on to say that 'The project will be registered on the Natural England led District Level Licence (DLL) Scheme'.

Please see the government website for information on how to join the DLL scheme:

<https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes-for-developers/developers-how-to-join-the-great-crested-newt-district-level-licensing-scheme>

The website states: 'You must include a copy of the countersigned agreement [the Impact Assessment and Conservation Payment Certificate] with your application for planning permission to show you've agreed to join the scheme.'

A countersigned IACPC needs to be submitted in support of the planning application. Without this, the LPA cannot consider the favourable conservation status test under the Habitats Regulations 3 derogation tests.

HABITATS REGULATIONS ASSESSMENT - RECREATIONAL IMPACTS ON INTERNATIONAL SITES

This application must be considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Recreational pressure on Cole Mere (part of the

Midlands Meres and Mosses Phase 2 Ramsar) has been identified as having an adverse impact on this designated site.

The application site lies approximately 11.3km from Cole Mere.

Both the Cole Mere Visitor Survey Report (EPR, May 2018) and the Cole Mere Management Plan 2020-2025 (Shropshire Council) identify that recreational pressure is influencing the integrity of Cole Mere and impacting upon the aim to bring it into favourable condition.

Face to face visitor questionnaire surveys using a standard methodology were carried out at Cole Mere in August and September 2017. The results suggest that baseline recreational pressure is around 8.75 people per hour (averaged over the year) and 37,000 people per year. The study proposed an indicative catchment area of 11.7km (75% of visits) from Cole Mere, within which developments involving a net increase in housing may contribute to an increase in recreation pressure at the site.

The main reasons for visitors choosing Cole Mere included the natural look and feel of the site, proximity to home, and being able to let the dog off the lead. The vast majority of visitors completed the circular walk around the lake, a walk of 2.5 km and several commented that it was a well-maintained path and an easy walk. The majority of visitors had dogs with them (56.9%) and the majority of dogs were allowed off leads (82.2%), while almost half (48.3%) entered the water.

The report concluded that, in light of the high baseline visitation levels at Cole Mere, any increase in recreational pressure arising from new housing within the 11.7km catchment is likely to give rise to significant adverse effects upon the structure, function and integrity of the site, and that impact avoidance measures are required.

In order to mitigate such impacts, Mr Shaun Burkey, Countryside and Heritage Sites Manager (North), identified a suite of visitor improvement measures that could be implemented at the site, to mitigate recreational impacts, and which the proposed development could contribute to, including improved visitor signage, car park improvements and protection of the rare least water lily.

A contribution of £50 per bedroom towards the management of Cole Mere will therefore be required, to mitigate for impacts to this designated site, to support the aims and objectives for the reserve set out in the Cole Mere Management Plan 2020-2025 and is commensurate with contributions secured for other housing schemes within the catchment of Cole Mere.

An Appropriate Assessment will need to be compiled for Brown Moss once agreement of the financial contribution has been confirmed by the applicant.

The financial contribution to ongoing visitor management mitigation measures may need to be secured in a section 106 agreement.

HABITATS REGULATIONS ASSESSMENT - RECREATIONAL IMPACTS ON INTERNATIONAL SITES

This application must be considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Recreational pressure on Brown Moss (part of the Midlands Meres and Mosses Phase 1 Ramsar) has been identified as having an adverse impact on this designated site.

The application site lies approximately 2km from Brown Moss.

Brown Moss lies within the catchment where any increase in houses would likely give rise to effects on Brown Moss as a result of increased recreation if not mitigated. Face to face visitor questionnaire surveys using a standard methodology were carried out at Brown Moss in August and September 2017. The results suggest that baseline recreational pressure is around 3 people per hour (averaged

over the year) and 16,060 people per year. The study proposed an indicative catchment area of 3.4km (75% of visits) from Brown Moss, within which developments involving a net increase in housing may contribute to an increase in recreation pressure at the site.

The report concluded that in light of the sensitivity of the site, any increase in visitor pressure (even if small) is likely to act in combination with other pressures upon the site's structure and function causing a significant effect on the site's integrity.

In order to mitigate such impacts, Mr Shaun Burkey, Countryside and Heritage Sites Manager (North), identified a suite of visitor improvement measures that could be implemented at the site to mitigate recreational impacts and which the proposed development could contribute to, including improved visitor signage and increased infrastructure maintenance.

A contribution of £50 per bedroom towards these mitigation measures is therefore considered appropriate to assist in the delivery of the identified mitigation measures and is commensurate with contributions secured for other housing schemes within the catchment of a similarly affected international site (Cole Mere Ramsar). The contribution would assist in implementing visitor management measures to mitigate increased recreational pressure arising from the development over the long term.

An Appropriate Assessment will need to be compiled for Brown Moss once agreement of the financial contribution has been confirmed by the applicant.

The financial contribution to ongoing visitor management mitigation measures may need to be secured in a section 106 agreement.

- **SC Ecologist**

Reply Received : 21st January 2025

I am happy with the submitted GCN IACPC and will complete a 3 tests matrix once the additional information has been submitted.

However, the other previously requested information has not yet been submitted:

BIODIVERSITY NET GAIN

Please submit the Condition Assessments.

The BNG metric only includes the baseline habitats.

Post-development interventions need to be provided to show how 10% net gain is going to be achieved.

Should 10% net gain not be possible on the site, justification as to why this is the case, details of how 10% will be achieved (e.g. off-site or buying units) and how this meets the BNG hierarchy need to be provided.

SKYLARKS

The Preliminary Ecological Appraisal (Cass Design Consultants, October 2024) identified skylark on or immediately adjacent to the Site during the survey. Further survey work should be carried out to ascertain whether skylarks are breeding on the site, and therefore whether any mitigation or compensation measures will be required.

HABITATS REGULATIONS ASSESSMENT - RECREATIONAL IMPACTS ON COLE MERE

This application must be considered under the Habitats Regulations Assessment process in order

to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Recreational pressure on Cole Mere (part of the Midlands Meres and Mosses Phase 2 Ramsar) has been identified as having an adverse impact on this designated site.

The application site lies approximately 11.3km from Cole Mere.

Both the Cole Mere Visitor Survey Report (EPR, May 2018) and the Cole Mere Management Plan 2020-2025 (Shropshire Council) identify that recreational pressure is influencing the integrity of Cole Mere and impacting upon the aim to bring it into favourable condition.

Face to face visitor questionnaire surveys using a standard methodology were carried out at Cole Mere in August and September 2017. The results suggest that baseline recreational pressure is around 8.75 people per hour (averaged over the year) and 37,000 people per year. The study proposed an indicative catchment area of 11.7km (75% of visits) from Cole Mere, within which developments involving a net increase in housing may contribute to an increase in recreation pressure at the site.

The main reasons for visitors choosing Cole Mere included the natural look and feel of the site, proximity to home, and being able to let the dog off the lead. The vast majority of visitors completed the circular walk around the lake, a walk of 2.5 km and several commented that it was a well-maintained path and an easy walk. The majority of visitors had dogs with them (56.9%) and the majority of dogs were allowed off leads (82.2%), while almost half (48.3%) entered the water.

The report concluded that, in light of the high baseline visitation levels at Cole Mere, any increase in recreational pressure arising from new housing within the 11.7km catchment is likely to give rise to significant adverse effects upon the structure, function and integrity of the site, and that impact avoidance measures are required.

In order to mitigate such impacts, Mr Shaun Burkey, Countryside and Heritage Sites Manager (North), identified a suite of visitor improvement measures that could be implemented at the site, to mitigate recreational impacts, and which the proposed development could contribute to, including improved visitor signage, car park improvements and protection of the rare least water lily.

A contribution of £50 per bedroom towards the management of Cole Mere will therefore be required, to mitigate for impacts to this designated site, to support the aims and objectives for the reserve set out in the Cole Mere Management Plan 2020-2025 and is commensurate with contributions secured for other housing schemes within the catchment of Cole Mere.

An Appropriate Assessment will need to be compiled for Brown Moss once agreement of the financial contribution has been confirmed by the applicant.

The financial contribution to ongoing visitor management mitigation measures may need to be secured in a section 106 agreement.

HABITATS REGULATIONS ASSESSMENT - RECREATIONAL IMPACTS ON BROWN MOSS

This application must be considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). Recreational pressure on Brown Moss (part of the Midlands Meres and Mosses Phase 1 Ramsar) has been identified as having an adverse impact on this designated site.

The application site lies approximately 2km from Brown Moss.

Brown Moss lies within the catchment where any increase in houses would likely give rise to effects on Brown Moss as a result of increased recreation if not mitigated. Face to face visitor questionnaire surveys using a standard methodology were carried out at Brown Moss in August

and September 2017. The results suggest that baseline recreational pressure is around 3 people per hour (averaged over the year) and 16,060 people per year. The study proposed an indicative catchment area of 3.4km (75% of visits) from Brown Moss, within which developments involving a net increase in housing may contribute to an increase in recreation pressure at the site.

The report concluded that in light of the sensitivity of the site, any increase in visitor pressure (even if small) is likely to act in combination with other pressures upon the sites structure and function causing a significant effect on the sites integrity.

In order to mitigate such impacts, Mr Shaun Burkey, Countryside and Heritage Sites Manager (North), identified a suite of visitor improvement measures that could be implemented at the site to mitigate recreational impacts and which the proposed development could contribute to, including improved visitor signage and increased infrastructure maintenance.

A contribution of £50 per bedroom towards these mitigation measures is therefore considered appropriate to assist in the delivery of the identified mitigation measures and is commensurate with contributions secured for other housing schemes within the catchment of a similarly affected international site (Cole Mere Ramsar). The contribution would assist in implementing visitor management measures to mitigate increased recreational pressure arising from the development over the long term.

An Appropriate Assessment will need to be compiled for Brown Moss once agreement of the financial contribution has been confirmed by the applicant.

The financial contribution to ongoing visitor management mitigation measures may need to be secured in a section 106 agreement.

- **SC Ecologist**

Reply Received : 16th February 2025

BIODIVERSITY NET GAIN

Before SC Ecology can provide comments on the BNG, please submit the completed metric and Condition Assessments.

SKYLARKS

Please submit the previously requested skylark survey.

HABITATS REGULATIONS ASSESSMENT -FINANCIAL CONTRIBUTIONS

Please submit the previously requested information in relation to Brown Moss and Cole Mere, e.g. confirmation of the number of bedrooms and agreement of the financial contributions.

- **SC Trees**

Reply Received : 26th November 2024

PLANNING REFERENCE 24/04176/FUL

DEVELOPMENT PROPOSED: Residential development of 70 dwellings including access, open space, landscaping and associated works.

LOCATION: Land To The East Of Tilstock Road, Tilstock, Whitchurch, Shropshire, .

Dwg. No: Site Visit: no

Tree Locations Verified: Constraints: no

Notes:

I have reviewed submitted documents and drawings and on behalf of Shropshire Council Tree Team I wish to comment on arboricultural aspects related to the proposed development. Comments are made regarding the submitted layout and the proposed landscaping scheme.

1. Layout:

The Site Layout Plan (P24-1425_DE_002_C_02) is considered generally acceptable from an arboricultural perspective. There is, however, one point at the north-east corner of the site where a conflict is perceived between the housing layout as proposed and existing boundary trees to be retained. The rear gardens of plots 67, 68 and 69 are seen to be overhung to a considerable degree (about half of each garden) by the canopies of two mature oak trees located within the hedgerow boundary to the site. These trees are identified in the Arboricultural Assessment (fpcr, October 2024) as T2 and T3. These trees are currently recorded as being 16m in height and having radial crown spreads of 8m (T2) and 9m (T3). Although classed as 'mature', both these trees have the potential to increase significantly in size, by up to some 10m in height and some 4-5m in radial branch spread.

The trees are located to the north of the dwellings, so shading of the properties is not considered to present undue problem. However, the degree of canopy overhang is considered to be excessive, and likely to restrict reasonable use and enjoyment of the gardens. In addition, the proximity of these large trees is likely to have an overbearing presence as a 'green wall' from the main rooms windows facing them and, being mature trees which naturally carry a certain amount of dead wood, cause concerns for future occupants as to tree safety. These issues are likely to lead to pressure for heavy pruning or possibly even removal of the trees. This could not be considered a successful juxtaposition between trees and new housing and thus does not constitute a sustainable development. It is contrary to the NPPF and local development framework policies on sustainable development and design and protection of the natural environment (CS6, MD2 and MD12).

It is therefore recommended that the layout of the development be reviewed and amended with respect to plots 67, 68 and 69, so as to create a more successful and sustainable juxtaposition between trees T2 and T3 and the dwellings and their gardens on these plots.

2. Landscaping:

The landscaping scheme as shown on the Landscape Masterplan (P24-1425_EN_06A) is generally supported. However, there are a few points of detail on the Detailed POS Hard and Soft Landscape Proposals and the On-Plot Landscape Proposal drawings (P24-1425_EN_07A and P24-1458_EN_010 respectively) that we would raise as follows:

1. It is recommended that the tree planting pit specification be amended to include the use of a proprietary root deflecting barrier wherever trees are to be planted close to vulnerable hard surfaces such as parking bays, patios, garden walls, foot paths or other hard surfaces on shallow foundations. This is to prevent future root growth causing damage to the adjacent hard surface. We would suggest installing a suitable root barrier to a depth of 15 - 20cm or so below the bottom of the sub-base or foundation to be protected, along the edge of the vulnerable surface where it lies within say 2.5 - 3m of a newly planted tree. It is also recommended that the specific locations where the root barrier is to be installed be shown on a suitable approved plan.

2. It is proposed to plant two nos of the evergreen tree *Ligustrum japonicum* in front of the houses on plots 67 and between plots 68 and 69. As described above, the rear garden space of these properties is effectively largely 'sterilised' by the canopies of the overhanging mature oak trees on these plots. Further planting of evergreen trees close to the front of these relatively small plots could add to the sense of enclosure created by the trees.

It is recommended that the two *L.japonicum* be removed from in front of these plots, perhaps replacing them with a suitable species of smaller specimen shrub.

Officer: County Arboriculturalist

Dated: 22nd November 2024

- **SC Learning & Skills**

Reply Received : 11th November 2024

Shropshire Council Learning and Skills reports that current forecasts indicate the need for additional school place capacity for both primary and secondary level. This development along with future housing in the area is highly likely to create a requirement for additional school places to support the educational needs of children in the area. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places or facilities considered necessary to meet pupil requirements in the area. Due to the scale of development and the number of pupils it will generate it is recommended that contributions for both primary and secondary education provision are secured via a CiL agreement. It is projected (using latest DFE yield data) that 70 houses will result in:

6 new EARLY YEARS places (DFE Yield 0.07)

23 new PRIMARY places (DFE Yield 0.27)

9 new SECONDARY places (DFE Yield 0.14)

4 new POST 16 places (DFE Yield 0.05)

and 1 child who will require an EHCP (Educational Health Care Plan) (DFE Yield 0.01)

Link to yield data: <https://department-for-education.shinyapps.io/pupil-yields-dashboard/>

Link to latest cost benchmarking data: <https://documents.hants.gov.uk/property-services/NationalSchoolDeliveryBenchmarkingreport.pdf>

- **SC Affordable Houses**

Reply Received : 8th November 2024

A scheme of 70 new homes would need to provide 10 affordable homes on site and a financial contribution. A proforma needs to be submitted so the contribution can be calculated and agreed. The affordable homes on site should be made up of 7 affordable rent and 3 shared ownership. There is a small amount of affordable need in Whitchurch rural but mainly for Prees Heath and this is predominantly for 1 bedroomed homes. We do therefore welcome the 1 bed bungalows. (although in a different settlement) The only terraces on the site are the other affordable dwellings and would therefore question if the affordables were indistinguishable from the open market homes. Could the applicant confirm the floor areas for all of the affordable properties and whether the site is to be competed in phases and I will comment further then.

- **SC Archaeology (Historic Environment)**

Reply Received : 14th November 2024

Background to Recommendation:

These updated comments follow those for PREAPP/24/00151. It is noted that the site boundary for the present application is amended and slightly larger than that for the preapplication enquiry.

The proposed development site is north of Tilstock. At present there are no records of any features with archaeological interest on the Shropshire Historic Environment Record (HER) on the proposed development site itself. However, it is located near known heritage assets to the south, including the Grade II Listed Building of Christ Church (NHLE 1177184) approximately 100m away. Artefacts dating from the early medieval to post medieval periods have been recorded nearby through the Portable Antiquities Scheme, the nearest being less than 50m from the proposed development site.

Historic mapping indicates a pond, footpath and former field boundary were located in the proposed development site in the 19th century. Mapping and aerial photography indicates limited development of the site, suggesting the possibility that currently unrecorded archaeological features and deposits are present on the preapplication site.

It is noted that a Heritage Assessment by Pegasus Group has been prepared in support of the proposed development. Officers concur with the assessment that there is low potential for archaeological remains dating from the prehistoric to post medieval periods, and that these remains may be of up to regional significance. Officers also agree that the paucity of recorded activity may reflect an absence of previous archaeological investigation.

RECOMMENDATION:

With regard to the requirements set out in Local Plan Policy MD13 and Paragraph 200 of the NPPF (December 2023), it is advised that the Heritage Assessment is sufficient in determining the application.

In relation to Local Plan Policy MD13 and Paragraph 211 of the NPPF (December 2023), it is advised that a phased programme of archaeological work is made a condition of any planning permission. This should comprise an initial field evaluation, consisting of a geophysical survey and a targeted trial trenching exercise of the overall site area, followed by further mitigation as appropriate. An appropriate condition would be: -

Suggested Conditions: JJ36

(a) No development approved by this permission shall commence until a written scheme of investigation for a programme of archaeological work has been submitted to and approved by the local Planning Authority in writing. The submitted details shall include post-fieldwork reporting and appropriate publication.

(b) The approved programme of archaeological work set out in the written scheme of investigation shall be implemented in full and a report provided to the local planning authority prior to first use or occupancy of the development. The report shall include post fieldwork assessments and analyses that have been completed in accordance with the approved written scheme of investigation. This shall include evidence that the publication and dissemination of the results and archive deposition has been secured.

Reason: The site is known to hold archaeological interest.

- **SC Regulatory Services**

Reply Received : 19th November 2024

Environmental Protection has identified the site and surrounding areas as potentially contaminated land, due to unknown filled ground at the centre of the site, under the Council's Environmental Protection Act 1990 Part 2A responsibilities.

It is noted a Phase I Desk Study has been submitted with the application - which recommended further site investigation. A Preliminary Review of Ground Conditions, Geotechnical & Geo-Environmental Conclusions has also been submitted.

For Environmental Protection to comment further, a full Phase 2 Site Investigation report will need to be uploaded with this application. When this is submitted, Environmental Protection can be again consulted and formal comments regarding any potential conditions can be posted.

- **SC Regulatory Services**

Reply Received : 9th December 2024

Environmental Protection acknowledges the Phase II Site Investigation report submitted on behalf of application 24/04176/FUL by Eastwood Consulting Engineers, dated 28th November 2024.

Gas monitoring has not yet been fully completed at the site (3 rounds have been completed, out of the minimum required 6 rounds ' see Table 5.5 of CIRIA C659 - Assessing Risks) and a spike in CH₄ has been recorded that needs further monitoring, in addition to an elevated level of CO₂ at 5.4%. As per British Standard 8485:2015+A1:2019, these levels could merit consideration for CS2 classification.

Therefore, Environmental Protection cannot currently accept the site is classified as CS1 and further monitoring to meet the minimum requirements is necessary.