

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
PLANNING COURT

CO/ /2021

B E T W E E N:

**THE QUEEN (on the application of
ASHCHURCH RURAL PARISH COUNCIL)**

Claimant

and

TEWKESBURY BOROUGH COUNCIL

Defendant

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Judicial Review

Claim form

For Court use only

Name of court

High Court of Justice
Planning Court

Reference number

Date

Day

Month

Year

If you do not have all the documents or information you need for your claim, you must not allow this to delay sending or taking the form to the Administrative Court Office within the correct time. Complete the form as fully as possible and provide what documents you have. The notes to section 9 will explain more about what you have to do in these circumstances.



Time limit for filing a claim

Where an application for judicial review relates to a decision made by the Secretary of State or local planning authority under the planning acts, the claim form must be filed **not later than six weeks** after the grounds to make the claim first arose.

Section 1 – Details of the claimant(s) and defendant(s)

1. Claimant(s) name and address(es)

First name(s)

Last name

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Phone number

Email (if you have one)

1.1 Claimant's or claimant's legal representative's address to which documents should be sent.

First name(s)

Last name

Note 1.1: Give full name(s) and address(es) to which all documents relating to the judicial review are to be sent.

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Phone number

Email

1.2 Claimant's Counsel's details

First name(s)

Last name

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Phone number

Email

1.3 1st Defendant's name

1.4 Defendant's or (where known) Defendant's legal representative's address to which documents should be sent.

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Phone number

Email

1.5 2nd Defendant's name

1.6 Defendant's or (where known) Defendant's legal representative's address to which documents should be sent.

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Phone number

Email

Section 2 – Contact details of other interested parties

2.1 1st Interest party

First name(s)

Last name

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Phone number

Email (if you have one)

2.2 2nd Interest party

First name(s)

Last name

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Phone number

Email

Section 3 – Details of the decision to be judicially reviewed

3.1 Give details of the decision you seek to have judicially reviewed.

Note 3.1: Use a separate sheet if you need more space for your answers, marking clearly which section the information refers to.

3.2 Date of decision

Day

Month

Year

3.3 Name and address of the court, tribunal, person or body who made the decision to be reviewed.

Name

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Section 4 – Permission to proceed with a claim for judicial review

This section must be completed. You must answer all the questions and give further details where required.

4.1 Are you making any other applications?

☐ Yes. Complete Section 8.

☐ No

Is the claimant in receipt of a Civil Legal Aid Certificate?

☐ Yes

☐ No

Does your claim, or any application for interim relief or expedition need to be decided urgently?

- ☐ Yes. Complete form **N463PC** and file this with your application.
- ☐ No

Have you complied with the pre-action protocol?

- ☐ Yes
- ☐ No. Give reasons for non-compliance in the box below.

Have you issued this claim in the region with which the claim is most closely connected?

- ☐ Yes. Give any additional reasons for wanting it to be dealt with in this region in the box below
- ☐ No. Give reasons in the box below

Does the claim include any issues arising from the Human Rights Act 1998?

- ☐ Yes. State the articles which you contend have been breached in the box below.
- ☐ No

Section 5 – Statement of facts relied on

Note 5: The facts on which you are basing your claim should be set out in this section of the form, or in a separate document attached to the form. It should contain a numbered list of the points that you intend to rely on at the hearing. Refer at each point to any documents you are filing in support of your claim.

Section 6 – Detailed statement of grounds

6.1 The detailed statement of grounds are:

- ☐ Set out below
- ☐ attached

Note 6.1: Use a separate sheet if you need more space for your answers, marking clearly which section the information refers to.

Section 7 – Aarhus Convention claim

7.1 I contend that this claim is an Aarhus Convention claim

- ☐ Yes. Indicate in the following box if you do not wish the costs limits under CPR 45.43 to apply.
- ☐ No

If you have indicated that the claim is an Aarhus claim set out the grounds below, including (if relevant) reasons why you want to vary the limit on costs recoverable from a party.

Note 7: The Aarhus Convention grants the public rights regarding access to information, public participation and access to justice, in government decision-making processes on matters concerning local, national and transboundary environment.

It focuses on interactions between public and public authorities. Please indicate whether you are seeking the costs protection in CPR 45.

Section 8 – Details of remedy (including any interim remedy) being sought

Note 8: Complete this section stating what remedy you are seeking:

(a) a mandatory order;
(b) a prohibiting order;
(c) a quashing order; or
(d) an injunction restraining a person from acting in any office in which he is not entitled to act.

A claim for damages may be included but only if you are seeking one of the orders set out above.

Section 9 – Other applications

9.1 I wish to make an application for:-

Note 9: You may wish to make additional applications to the Administrative Court in connection with your claim for Judicial Review. Any other applications may be made either in the claim form or in a separate application (form N244). This form can be obtained from any of the Administrative Court Offices listed overleaf or from our website at www.justice.gov.uk.


Statement of truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☐ **I believe** that the facts stated in this form are true. I confirm that all relevant facts have been disclosed in this application.

☐ **The claimant** believes that the facts stated in this form are true. **I am authorised** by the claimant to sign this statement.

Signature



☐ Claimant

☐ Litigation friend

☐ Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day

Month

Year

Full name

Name of claimant's legal representative's firm

If signing on behalf of firm or company give position or office held

Section 10 – Supporting documents

If you do not have a document that you intend to use to support your claim, identify it, give the date when you expect it to be available and give reasons why it is not currently available in the box below.

Please tick the papers you are filing with this claim form and any you will be filing later.

- ☐ Statement of grounds
 - ☐ Included ☐ attached
- ☐ Statement of the facts relied on
 - ☐ Included ☐ attached
- ☐ Application to extend the time limit for filing the claim form
 - ☐ Included ☐ attached
- ☐ Application for directions
 - ☐ Included ☐ attached
- ☐ Any written evidence in support of the claim or application to extend time
- ☐ Where the claim for judicial review relates to a decision of a court or tribunal, an approved copy of the reasons for reaching that decision
- ☐ Copies of any documents on which the claimant proposes to rely
- ☐ A copy of the legal aid or Civil Legal Aid Certificate (if legally represented)
- ☐ Copies of any relevant statutory material
- ☐ A list of essential documents for advance reading by the court (with page references to the passages relied upon)
- ☐ Where a claim relates to an Aarhus Convention claim, a schedule of the claimant's significant assets, liabilities and income.
 - ☐ Included ☐ attached
- ☐ a detailed statement of the grounds
 - ☐ Included ☐ attached

Note 10: Do not delay filing your claim for judicial review. If you have not been able to obtain any of the documents listed in this section within the time limits referred to on the previous page, complete the notice as best you can and ensure the claim is filed on time. Set out the reasons why you have not been able to obtain any of the information or documents and give the date when you expect them to be available.

Reasons why you have not supplied a document and date when you expect it to be available:-

Signature

Claimant or legal representative

The Court and venue

CPR part 54 – claims for Judicial Review are dealt with by the Administrative Court.

The general expectation is that proceedings will be administered and determined in the region with which the claim has closest connection; see Practice Direction 54C 2.5.

- Where the claim is proceeding in the Administrative Court in **London**, documents must be filed in the Administrative Court Office, Room C315, Royal Courts of Justice, Strand, London, WC2A 2LL.
- Where the claim is proceeding in the Administrative Court in **Birmingham**, documents must be filed in the Administrative Court Office, Birmingham Civil Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS.
- Where the claim is proceeding in the Administrative Court in **Wales**, documents must be filed in the Administrative Court Office, Cardiff Civil Justice Centre, 2 Park Street, Cardiff, CF10 1ET.
- Where the claim is proceeding in the Administrative Court in **Leeds**, documents must be filed in the Administrative Court Office, Leeds Combined Court Centre, 1 Oxford Row, Leeds, LS1 3BG.
- Where the claim is proceeding in the Administrative Court in **Manchester**, documents must be filed in the Administrative Court Office, Manchester Civil Justice Centre, 1 Bridge Street West, Manchester, M3 3FX.

IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
ADMINISTRATIVE COURT
PLANNING COURT

B E T W E E N:

THE QUEEN on the application of
ASHCHURCH RURAL PARISH COUNCIL

Claimant

- and -

TEWKESBURY BOROUGH COUNCIL

Defendant

STATEMENT OF FACTS AND GROUNDS

page references are in the format [CB/X/Y] where X is the page number and (where applicable) Y is the paragraph number

KEY DOCUMENTS:

- *Officers Report [CB/167-215] and Decision Notice [CB/229-237]*
- *The Masterplan (extracts) [CB/278-294]*
- *Environmental Impact Assessment Screening Report (in overview) [CB/53-132]*

I. INTRODUCTION AND SUMMARY

1. This is a challenge to the grant of planning permission ("**the Permission**") by Tewkesbury Borough Council ("**TBC**") dated 22 April 2021. The development which was granted permission was for the following [CB/229]:

"Development of a road bridge over the Bristol to Birmingham mainline railway north of Ashchurch, Tewkesbury. The proposal includes temporary haul roads for construction vehicles, site compounds, security fencing, surface water drainage channels and attenuation ponds. The development is referred to as Ashchurch Bridge over Rail (ABoR)."

The development will be referred to in this statement of facts and grounds as "**ABoR**".

2. The challenge is brought by Ashchurch Rural Parish Council. It has taken a keen interest in the ABoR and objected to permission. The basis of its objection is set out in the Officer Report

[CB/171-172]. The Pre-Action Protocol Letter dated 19 May 2021 was sent on behalf of Bredon Parish Council (“**BPC**”), however at the time the Claimant was in discussions with BPC about a potential claim. Following further discussions, BPC decided against bringing a claim and the Claimant has brought the claim with a fixed sum donation from BPC (as well as two other parish councils), as set out in the Claimant’s Statement of Financial Resources. The Claimant adopts the Pre-Action Protocol letter sent on behalf of BPC and adopts the grounds advanced therein.

3. The Claimant asserts that the Permission is unlawful because:
 - a. The TBC Planning Committee were instructed that any harms arising from the development which the ABoR enabled were irrelevant to the Permission. This was wrong as a matter of law, not least because the *benefits* were expressly taken into account. For example in relation to heritage, the wider development was expressly discounted in relation to harms, but taken account of when considering the ABoR’s benefits (Ground 1).
 - b. The Committee failed to consider whether, in relation to whether there would be a significant environmental impact from the ABoR, the development that would be enabled should be considered as part of one ‘project’ (Ground 2).
 - c. Individuals closely involved in the development and implementation of the Garden Town scheme, including the Chair and Deputy Chair of TBC’s Executive Committee, voted as members of the Planning Committee. This constituted a breach of TBC’s statutory duty to perform its EIA duties in an objective manner; and further, given the outcome of the permission application was so closely connected with the promotion of the Scheme in their other roles, a fair-minded observer would have concluded there was a real possibility of bias (Ground 3).

II. BACKGROUND

The Masterplan.

4. In March 2019, Tewkesbury and its surrounding area was awarded Garden Town status by the Ministry of Housing, Communities and Local Government for a potential development of up to 10,195 new homes, around 100 Ha of employment land and related infrastructure. This

was based on the Tewkesbury Area Draft Concept Masterplan Report (January 2018) (“**the Masterplan**”) [CB/278-294]. The wider development will be referred to as “**the Masterplan Scheme**”. TBC is the “lead authority” for the Garden Town.

5. The Masterplan is not a development plan document. The proposals for the Garden Town are not supported by any allocations or policies in the existing Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council Joint Core Strategy (adopted 2017).
6. The Masterplan sets out that Phase 1 comprises an area of land to the north of MOD Ashchurch which straddles the Bristol to Birmingham railway line, and which it is proposed to build out by 2031. It sets out that Phase 1 will include 3,180 new homes, 46 Ha of new employment land, a local centre with retail/services, a new primary school and a new Green Infrastructure corridor [CB/283].
7. However, it is further stated that, in respect of developing Phase 1, there “is not a transport solution yet”. It states “Additions to the existing road pattern necessary to enable phase 1 development are illustrated on the diagram below”. The Northern Access Road, of which the ABoR forms part, is drawn onto that diagram [CB/284]. As such, ABoR is “necessary” for Phase 1 to development to occur.
8. The Masterplan states the ABoR (as part of the Northern Access Road) is one of the short-term enabling interventions [CB/292]. It states that the “delivery of the northern development plots rely on the provision of a northern link over the main rail line, overcoming severance and completing the link between existing local roads.” The confirms the fact that Phase 1 relies upon the ABoR being built, and the fact it is being built is to *enable* Phase 1 to be developed.

The ABoR application.

9. On 22 September 2020, TBC sought planning permission *only* for the ABoR. It did not seek permission for any development arising from Phase 1 of the Masterplan nor for the roads which would eventually serve as a connection to the highway network.
10. As was made clear throughout the relevant reports, the proposal so far as the application was concerned, was for the ABoR to remain on its own with no links to a public highway and with no road surfacing provided. In this respect, it had been referred to in some of the objections

as “a bridge to nowhere”. The ABoR had no independent use other than to bring forward Phase 1 development. As set out below, the ABoR was anticipated to directly lead to the provision of 826 new homes.

Planning statement.

11. The planning statement [CB/133-138] devotes section 2 to describing “Scheme Background” [CB/135], which was the Masterplan Scheme. It also provided detailed consideration of “Need for the Scheme” [CB/136]. This evidences the integral nature of the ABoR to the Masterplan Scheme. This is made explicit in the description of the scheme which states it is to “support future development”, and also references it directly supporting development of 826 new houses [CB/137]:

“4.1. The ABoR Scheme is being provided to support future development referred to as the Tewkesbury Garden Town...

4.2. The current proposals identify that this North Ashchurch Development Area is anticipated to provide 826 new houses, but it is recognised that this development would not occur unless further crossings of the railway are provided. This assumption is part of the basis of the traffic modelling being undertaken for the Application Site and the North Ashchurch Development Area, the scope of which has been agreed with Tewkesbury Borough Council, Gloucestershire County Council and Highways England.

4.3. The ABoR scheme relates exclusively to the construction of the bridge structure and associated embankments over the railway. This will facilitate future development of the North Ashchurch Development Area, enabling the requisite crossing structure for a future road to be provided, recognising that the design and delivery of any such road will form part of the masterplanning exercise for the future housing development.”

12. However, as the planning statement made clear, permission was only being sought for the ABoR [CB/138]:

“4.8. This planning application seeks permission for the construction of the bridge structure and the necessary infrastructure, site compounds, haul routes to facilitate this construction, including required security measures such as fencing. The bridge deck will not receive a final running surface, neither will it be formally connected to the highway network on completion. The future development of the North Ashchurch Development Area, envisaged as part of the Tewkesbury

Garden Town development, will need to include within its planning application a proposal to construct and operate a road, which will utilise the bridge delivered by the ABoR scheme.”

Environmental Impact Assessment Report

13. TBC produced an Environmental Impact Assessment Report (“**EIAR**”) [CB/53-132] to consider whether the ABoR would be “likely to have significant effects on the environment”. The legal context for this report is set out below.

14. The Report began by noting the context of the bridge, and in particular that it will not be used until future development comes forward [CB/58/1.1]:

“The planning application for the Ashchurch Bridge over Rail scheme (hereafter referred to as the ‘ABoR’) is being sought only to construct the bridge structure and leave it in place until future development comes forward to make it operational. In this respect, the bridge is essentially enabling works for future development of sites proposed for new residential and community development within the Tewkesbury Area Draft Concept Masterplan January 2018. In this document, an area to the north of Ashchurch is highlighted as phase 1 of an area for future housing development. This area is referred to in this document as the ‘North Ashchurch Development Area’. In accordance with this approach, the bridge will not be connected to the public highway as part of the ABoR scheme and will not be provided with its final road surfacing. After construction, the bridge will remain fenced off from use until future development linked to the Tewkesbury Area Draft Concept Masterplan January 2018 (which currently has no formal planning status, but is being prepared for potential adoption into the relevant Local Development Plan) gains planning permission for a future highway through the north Ashchurch area. Consequently, the ‘operational’ stage for the purposes of the ABoR scheme is restricted to the physical presence of the bridge as a feature within the landscape – use as an operational highway will be a matter for a future planning application.”

15. Under ‘Scheme Description’, the EIAR notes that “the current proposals identify that this North Ashchurch Development Area is anticipated to provide 826 new houses” [CB/67/2.2].

16. Despite this, the EIAR then goes on to only consider the environmental impacts of the ABoR itself, and no wider development. For example, in respect of biodiversity, it states [CB/32/4.2.3]:

“The Scheme is to construct and leave in place the ABoR but does not include the future highway that will utilise the bridge as part of the future development of the area, nor the associated 826

houses expected to come forward as part of the proposals for the North Ashchurch Development Area. Therefore, at this stage of ABoR scheme development, there are no operational effects to assess in respect of biodiversity.

Further assessment will need to be undertaken as part of any future planning application for the development of the North Ashchurch Development Area, expected to deliver the road that will use the bridge; and 826 houses. This assessment work would determine ecological constraints and the appropriate mitigation and compensation once sufficient information about the North Ashchurch Development Area proposals becomes available. This will not form part of the assessment within the planning application for the ABoR scheme.”

17. Materially similar conclusions are set out in respect of air quality [CB/96/6.2.3], noise and vibration [CB/103/7.3.3], water and drainage [CB/115/9.3.3] and population and health [CB/121/12]. There is no reference to the wider scheme in respect of landscape [CB/90-93], historic environment [CB/111-112], materials and waste [CB/118-120], climate change [CB/121].

18. In the summary it states [CB/122/14]:

“There is no intention for the ABoR to be connected to the operational highway at this stage. The consideration of operational impacts and consequential environmental effects is based on the structure being present and visible in the landscape; however, not being available for human use and not requiring maintenance. The most pertinent environmental topics therefore include landscape and visual, and water environment, both of which identify the availability of design solutions to deliver inherent mitigation of adverse effects from impacts. No significant residual adverse operational effects are anticipated.”

19. The EIAR was adopted as a screening opinion by TBC [CB/155-166]. What is notable is that TBC accept without question that the ABoR is considered in isolation. It describes the development as “the construction of a railway bridge” [CB/156] with no further qualification. TBC simply relied upon the EIAR and did not turn its mind to whether parts of the Masterplan Scheme should also be considered, not least the 826 houses which were anticipated as a direct result of the ABoR.

20. In the PAP Response, TBC confirm that it concluded “the ABoR is a project to be considered in isolation” and “the potential effects of this future development could not be considered cumulatively with the ABoR” [CB/311/7].

Transport Assessment.

21. The Transport Assessment [CB/139-149] considered only the ABoR. As set out in the summary, it noted but discounted the resulting development of 826 residential dwellings:

“This TA has been produced to support the ABoR only. However, for information, it also considers the potential impacts of an associated link road that would connect Hardwick Bank Road with the B4079 via the ABoR and the development of 826 residential dwellings that could achieve access via the ABoR and associated link road. It is important to note, that the associated link road and 826 residential dwellings will be supported by separate future planning applications that will include further assessments.”

22. Assessment of the ABoR alone would obviously be of limited use given it was not going to connect with any highway. The real transport issues were in relation to the Phase 1 development which the ABoR would support. However these were high level and for information only. It should be noted that even this high-level modelling “show[ed] a reduction in network performance” [CB/149].

Heritage Impact Assessment

23. The Application Site comprises open fields north of Ashchurch, overlooked by Bredon Hill, and within the setting of the Cotswolds Area of Outstanding Natural Beauty (“**AONB**”) (the boundary of the AONB is approximately 1.6 miles from the Site). There is a Special Landscape area approximately 2 miles to the east. It is also within the setting of the Grade II Mill House at Northway and Grade II Northway Mill.
24. The Heritage Impact Assessment [CB/150-154] concludes that ABoR will have adverse impacts to the setting of the Grade II listed Northway Mill and Mill House [CB/152/7.1] as well as adverse impacts to the setting of four non-designated assets [CB/152-153/7.2-7.3]. The HIA however did not consider the Masterplan Scheme nor any operational impacts from the eventual road connections to ABoR or the housing development that it would enable.

The Officer Report.

25. The Decision was informed by the Officer Report [??]. It makes clear that Phase 1 of the Masterplan is dependent on the ABoR [CB/181]:

“[t]he delivery of the northern development plots relies on the provision of a northern link over the main rail line, overcoming severance and completing the link between existing local roads”.

26. Objections were received from local parish councils, including the Claimant [CB/171-2], which noted the potential harms which would arise from the road and housing development which ABoR would enable. In particular, the Claimant noted in its objection that the application “assumes that permission will subsequently be given to construct a link road and the 826 dwellings” assumes that those approvals will be forthcoming “irrespective of any reasons why they should not be” and further argued that “In isolation the project can only be considered a waste of public funds.”

27. The fact this the application would inevitably lead to further development in the Masterplan Scheme was a key issue. In dealing with that key issue, the Officer adopts an altogether inconsistent approach. On some matters he expressly excluded consideration of the Masterplan Scheme; on others he used the Masterplan Scheme to support the grant of permission. In essence he cherry picked when the Masterplan Scheme was a relevant consideration or not:

- a. In relation to **access and highways** issues, on which there was significant concern amongst the objectors, the Officer simply excluded those concerns [CB/183]:

“Significant concerns have been raised by the local community both in relation to traffic impacts during the construction period and those related to potential future development in the area, enabled by the proposed bridge. Whilst concerns in relation to the latter are understandable, as set out above, those matters are not material to this application, the assessment of which relates solely to the construction of the bridge structure and related haul roads/compounds etc.” (emphasis added)

- b. In respect of **heritage**, he began consideration by excluding any impacts of the wider scheme [CB/198]:

“It is acknowledged that the impact of the bridge is not likely to be in isolation. The bridge is part of the garden town initiative which would result in additional within the setting of the listed buildings. development on the land. However, at present, the application should be judged on its own merits.”

Having excluded the impacts from the harm, only two paragraphs later he relied upon the benefits of the wider scheme:

“It is the case that there would be public benefits arising from the proposal, which is the first phase of the Garden Communities programme which would deliver housing and associated infrastructure. It is also considered that there is a clear and convincing justification for the proposed bridge to facilitate the Garden Communities programme.

In this instance harm to the heritage assets is identified and considerable importance and weight should be afforded to this harm in the decision-making process. However, officers consider that the substantial public benefits arising from the proposal outlined above would outweigh the identified harms in this instance and that there is a clear and convincing justification for the proposal.”¹

- c. The Officer then relied upon the wider scheme in considering the **overall benefits** [CB/200]:

“Benefits

Whilst it is recognised of course that the TADCM is an evidence base document which carries very little weight in the decision making process the application proposals are a first stage Short Term Enabling Intervention within the Tewkesbury Area Draft Concept Masterplan 2018 (TDACM) and Garden Communities programme. There are significant benefits arising from this development in enabling the delivery the TDACM and Garden Communities programme and ensuring that necessary infrastructure is place to achieve well planned development. The application site itself spans across land parcels 14 and 15 which are identified to have an indicative capacity for 2055 homes within the TADCM which would make a significant contribution to housing land supply. The HIF Funding financial modelling obligation is for the delivery of 826 new houses.

There are substantial benefits with progressing the application proposals at the current time to ensure the delivery timescale of the TADCM is maintained seeking to achieve the aspirations and timelines of the TADCM in the context of achieving the JCS and JCS Review Strategic Objectives and to meet the HIF funding deadline. There are also benefits arising through job creation during the construction process which would provide economic benefits to the area and the UK economy. This lends weight in favour of the economic dimensions of sustainability as defined in the NPPF, although these benefits, in so far as they relate to the development proposed, are tempered as they would be short-term, for the extent of the construction period.”

¹ It should be noted that the identified harm to the heritage assets referred to in this passage related only to the construction of ABoR. As noted in the previous paragraph, the Officer advised that harms arising from the housing and associated infrastructure which ABoR would enable were not considered relevant.

28. In relation to the requirements of the EIA Regulations, and specifically whether parts of the Masterplan Scheme should be considered as being included to determine whether the ABoR was “EIA development”, no analysis was provided to the Planning Committee whatsoever. Nowhere was the prohibition on granting permission for EIA development without an EIA set out. As such, this matter was not before the Planning Committee.

The Decision.

29. The decision was taken by the Planning Committee on 16 March 2021.

30. As set out in the minutes, in relation to heritage, the Development Manager advised of the public benefits of the Masterplan Scheme which outweighed any heritage harm at [CB/222/64.3]:

“There would also be some medium to low level harm though less than substantial harm to listed buildings at Northway Mill and Mill House, however, it was considered that these harms were clearly outweighed by the public benefits of the proposal. In conclusion, the Development Manager advised that there were significant benefits arising from this development in enabling the delivery of the Masterplan and Garden Communities programme and ensuring that the necessary infrastructure was in place to achieve well planned development and that the delivery timescale of the Masterplan was maintained. There were also benefits arising through job creation during the construction process which would provide economic benefits to the area.”

31. However, the Councillors were then advised by the Development Manager that “future development and the impacts of it were not relevant currently and could not be considered as part of the application before the Committee today” [CB/224/64.6] (emphasis added). This was a clear and unambiguous instruction to Councillors that any harms arising from the Masterplan Scheme were not to be taken into account. This is wrong as a matter of law. Further, it conflicts with the Officer Report and his earlier statement on heritage. It is hard to see what benefits could possibly arise from ABoR, other than those which stem from the future development which it enables.

32. The Committee resolved by a vote of 10-7 in favour of granting planning permission, with one abstention [CB/227/64.12].

The Councillors who voted.

33. Those who voted included:

- a. Councillor Bird, who is the leader of the Council and Chairman of the Council's Executive Committee. He is also Tewkesbury Garden Town Lead [CB/262].
- b. Councillor Mason, who is Vice Chairman of the Council's executive committee.

34. According to the TBC website, the Executive Committee is responsible for matters including the following:

“· To formulate and develop, for adoption by Council, those policies and strategies which comprise the policy framework.

· To review and monitor the operation of the policy framework and to recommend to Council proposals for new initiatives and policy developments...

... · To prepare a forward plan on a quarterly basis comprising key decisions. The forward plan will be reviewed at each scheduled meeting of the Committee...”

35. It was the clear policy of the TBC to promote the Masterplan Scheme. It was TBC who applied for Garden Town status. It was therefore up to the Executive Committee to develop and monitor that policy.

36. Indeed, the Executive Committee is responsible for oversight of the development of the Garden Town.

37. At the meeting of 4 September 2019, the Executive Committee were updated as to the Garden Town proposals. This specifically included updates on the ABoR, and it was noted that the Council had already spent funds in relation to ABoR and therefore was financially committed [CB/239]:

“Also, within the Ashchurch bridge project, funds are being spent in advance of the agreement with Homes England being signed. Once the agreement is signed the Council will receive £466,000 to cover these costs. The Executive report dated 6 March 2019, allocated the Borough Growth Reserve of £417,900 from which this initial expenditure will be funded.”

38. At its meeting on 3 February 2021, it again received an update on the programme which included specific updates on the ABoR [CB/265/2.3].

39. It further approved a Governance Structure as follows [CB/266]:

“2.4.6 The proposed arrangements include:

The Council as the final decision point.

The Executive Committee to support the Council with delegated powers.

Member Reference Panel to act as a sounding board for the Garden Town’s workstreams, ensuring the needs and aspirations of the Borough’s communities are fully considered as the programme evolves and develops.

Oversight Board - aligned with the Member Reference Panel, it is proposed the Board will be chaired by the Leader of the Council, however, an independent Chair may be preferred and appointed once the Board is fully operational and in-place.

2.4.7 Membership of the Board is proposed to be overseen and managed by the Council and will include:

- Leader of the Council – Chair...”

40. As such, Councillor Bird also was Chair of the Oversight Board in relation to the TBC proposals.

41. The Local Government Association guidance ‘Probity in planning for councillors and officers’ (2019) states “Proposals for a council’s own development should be treated with the same transparency and impartiality as those of private developers” [CB/298]. A previous 2009 version stated [CB/296]:

“5.4 Proposals for a council’s own development should be treated with the same transparency and impartiality as those of private developers. A member whose cabinet/executive responsibility effectively makes them an advocate for the development in question almost represents the ‘internal applicant’. In such circumstances, the appropriate approach is likely to be that the member is able to argue for the development but should not vote on the relevant applications.”

42. Given the Executive Committee promotes TBC policy and was monitoring the implementation of the Masterplan Scheme, and Councillors Bird and Mason led that Committee, there was a clear conflict given the ABoR was specifically to enable the Masterplan Scheme. Further, Councillor Bird was the Tewkesbury Garden Town Lead. These roles impacted on their position

to determine the planning application. They did not declare any interest at the meeting in relation to them.

III. LEGAL FRAMEWORK

The scope of an environmental impact assessment.

43. Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“**the EIA Regulations**”) states [CB/327]:

“3. The relevant planning authority, the Secretary of State or an inspector must not grant planning permission or subsequent consent for EIA development unless an EIA has been carried out in respect of that development.”

44. “EIA development” is defined in regulation 2 as follows [CB/319]:

“EIA development” means development which is either—

(a) Schedule 1 development; or

(b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location...”

45. These provisions implement article 1(1) of the Environmental Impact Assessment Directive 2011/92/EU (“**the EIA Directive**”) [CB/316-317]. Under the EIA Directive, it is the effects of the “project” that must be assessed. The reference in the EIA Regulations 2017 to the assessment of the effects of the “proposed development” is intended to give effect to this requirement: R (Larkfleet) v South Kesteven District Council [2016] Env LR 4 at §14.

46. The ABoR was a Schedule 2 development (see Officer Report [CB/180/7.0]). Therefore, there was a requirement to conduct a screening assessment which complied with regulation 5. The screening assessment was to determine whether the development would have a “significant effect on the environment”. If it did have such an effect, the ABoR would constitute “EIA development” and therefore an EIA was required pursuant to regulation 3.

47. Where the effects of individual proposal (here the ABoR) have wider effects because it is part of a wider development scheme, those effects should be considered. This issue has been considered in R v Swale BC ex p RSPB [1991] 1 PLR 6 at §16:

"... the question whether the development is of a category described in either Schedule must be answered strictly in relation to the development applied for, not any development contemplated beyond that. But the further question arising in respect of a Schedule 2 development, the question of whether it 'would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location' should, in my judgment, be answered rather differently. The proposals should not then be considered in isolation if in reality it is properly to be regarded as an integral part of an inevitably more substantial development. This approach appears to me appropriate on the language of the Regulations, the existence of the smaller development of itself promoting the larger development and thereby likely to carry in its wake the environmental effects of the latter. In common sense, moreover, developers could otherwise defeat the object of the Regulations by piecemeal development proposals."

48. In Burridge v Breckland District Council [2013] EWCA Civ 228, the Court considered two interlinked planning permissions. One application was for a biomass renewable energy plant and the other was for a combined heat and power plant about 1.1km away. They were to be connected by an underground gas pipe to carry the fuel between the two sites. The Court held that this should have been treated as a single "project" for the purposes of EIA. Pill LJ set out:

"41. ...The two proposed developments were functionally interdependent and can only be regarded as an "integral part" of the same development. They cannot be treated otherwise than as a single project or development and were actually considered by the committee on the same day and on the basis of cross-referenced reports. The geographical separation of something over 1km does not, in my judgment, defeat that, particularly given the link provided by the pipeline...

..."46.... It was a single project and the applications comprised, in the language of reg.7(1)(b), the "development in question". It was necessary to take the applications into account together when deciding whether a screening opinion was necessary. The council cannot, in my judgment, rely on the expression "an" application, in reg.7, to avoid the screening obligation arising under the Directive and Regulations by dividing a project between more than one application, with one or both applications remaining below the Schedule 3 threshold. Albeit in two applications, it was a single project and a single development which crossed the Schedule 2 threshold."

49. In Larkfleet, the Court considered whether a link road and proposed urban extension development was a single project. Sales LJ rejected the assertion that just because two proposals are linked they are necessarily a single project, but also emphasised the need for authorities to ensure that projects are not 'sliced up':

“36. Mr Kingston QC, for the Appellant, sought to rely on these passages in support of his submission that SKDC was obliged to assess the proposal for the link road and the proposal for the residential site as a single project. However, in my view the argument is unsustainable. It is clear from the terms of the EIA Directive that just because two sets of proposed works may have a cumulative effect on the environment, this does not make them a single “project” for the purposes of the Directive: the Directive contemplates that they might constitute two potential “projects” but with cumulative effects which need to be assessed...

...37. It is true that the scrutiny of cumulative effects between two projects may involve less information than if the two sets of works are treated together as one project, and a planning authority should be astute to ensure that a developer has not sliced up what is in reality one project in order to try to make it easier to obtain planning permission for the first part of the project and thereby gain a foot in the door in relation to the remainder. But the EIA Directive and the jurisprudence of the Court of Justice recognise that it is legitimate for different development proposals to be brought forward at different times, even though they may have a degree of interaction, if they are different “projects”, and in my view that is what has happened here as regards the application for permission to build the link road and the later application to develop the residential site.”

50. The context of that, and the overall conclusion of the Court that there were separate projects hinged on the fact that the link road was independently required, which is therefore wholly different from the present case:

“46. ...The most important feature of this case is that there is a strong planning imperative for the construction of the link road as part of the Grantham by-pass which has nothing to do with the development of the residential site.”

51. The test in respect of whether wider development proposals should be considered was summarised by the Court in R (Wingfield) v Canterbury CC [2020] JPL 154:

“63. The question as to what constitutes the “project” for the purposes of the EIA Regulations is a matter of judgment for the competent authority, subject to a challenge on grounds of *Wednesbury* rationality or other public law error (*Bowen-West* at [39]–[41]; *Buckinghamshire CC* at [287]; *R. (on the application of Evans) v Secretary of State for Communities and Local Government* [2013] EWCA Civ 114 at [32]–[43]; [2013] J.P.L. 1027).

64. Relevant factors may include:

- Common ownership:

Where two sites are owned or promoted by the same person, this may indicate that they constitute a single project (*Larkfleet* at [60]).

- Simultaneous determinations:

Where two applications are considered and determined by the same committee on the same day and subject to reports which cross refer to one another, this may indicate that they constitute a single project (*Burridge* at [41] and [79]).

- Functional interdependence:

Where one part of a development could not function without another, this may indicate that they constitute a single project (*Burridge* at [32], [42] and [78]).

- Stand-alone projects:

Where a development is justified on its own merits and would be pursued independently of another development, this may indicate that it constitutes a single individual project that is not an integral part of a more substantial scheme (*Bowen-West* at [24]–[25]).”

52. All but one of these factors are clearly in favour of consideration of the ABoR and Phase 1 as a single project.

53. This approach is consistent with the approach of the CJEU in seeking to ensure that the splitting of what is in reality a single project into more than one planning application did not entail any reduction in the scrutiny afforded by the EIA Directive. It is also consistent with the goal of the Directive that “effects on the environment should be taken into account at the earliest possible stage in all the technical planning and decision-making processes.”

54. In *Commission v Spain* (C-227/01) [205] Env LR 384, the CJEU considered the situation where an EIA had not been carried out for the construction of a 13km section of a long-distance railway project. The section duplicated existing track. The CJEU rejected an argument that the project was not “lines for long-distance railway traffic” within the meaning of Point 7 of Annex I to the EIA Directive:

“53. If the argument of the Spanish Government were upheld, the effectiveness of Directive 85/337 could be seriously compromised, since the national authorities concerned would need only to split up a long-distance project into successive shorter sections in order to exclude from the requirements of the Directive both the project as a whole and the sections resulting from that division.

54. In the light of all those considerations, the project which is the subject of the Commission’s action, which concerns laying a supplementary 13.2-km-long railway track, a 7.64 km section of

which covers a new route in order to bypass the town of Benicasim, and which is part of a 251-km-long railway line, belongs in one of the categories listed in Annex I to Directive 85/337 which must in principle be made subject to a mandatory systematic assessment pursuant to Articles 4(1) and 5(1) of the Directive.”

55. In Ecologistas en Accion-CODA v Ayuntamiento de Madrid [2008] ECR I–6097, AG Kokott said at §51 of her Opinion:

“Lastly, the objective of the EIA Directive cannot be circumvented by the splitting of projects. Where several projects, taken together, may have significant effects on the environment within the meaning of Article 2(1), their environmental impact should be assessed as a whole. It is necessary to consider projects jointly in particular where they are connected, follow on from one another, or their environmental effects overlap.”

The CJEU agreed saying, at §48:

“the purpose of the amended directive cannot be circumvented by the splitting of projects and the failure to take into account the cumulative effect of several projects must not mean in practice that they all escape the obligation to carry out an assessment when, taken together, they are likely to have significant effects on the environment.”

56. Section 4 of the PPG at para.024 (ID: 4-024-20170728) provides the following guidance on cumulative effects [CB/299]:

"Each application (or request for a screening opinion) should be considered on its own merits. There are occasions, however, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development."

57. It is notable that none of this case law was cited in the Officer Report or anywhere else to the Planning Committee. It does not appear it has been considered.

Heritage

58. Where there is identified “less than substantial harm”, NPPF §196 sets out:

“196. 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.”

59. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

“(1) In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.”

60. Section 66 requires that “considerable importance and weight” is given to any harm, even if less than substantial: East Northamptonshire DC v SSCLG [2015] 1 WLR 45 §28-29.

Bias and objectivity.

61. It is well established that the test for apparent bias is whether the circumstances, as identified by the reviewing Court, would lead a fair-minded and informed observer to conclude that there was a real possibility that the decision-maker was biased (Porter v Magill [2001] UKHL 67).

62. For example, a fair-minded observer would have concluded there was a real possibility of bias where an Inspector hearing an appeal had been employed by the local authority and involved in formulating the transport policies which were in issue in the appeal (R (Ortona Ltd) v Secretary of State for Communities and Local Government [2009] EWCA Civ 863).

63. Further, pursuant to regulation 64 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

“64.— Objectivity and bias

(1) Where an authority or the Secretary of State has a duty under these Regulations, they must perform that duty in an objective manner and so as not to find themselves in a situation giving rise to a conflict of interest.

(2) Where an authority, or the Secretary of State, is bringing forward a proposal for development and that authority or the Secretary of State, as appropriate, will also be responsible for determining its own proposal, the relevant authority or the Secretary of State must make

appropriate administrative arrangements to ensure that there is a functional separation, when performing any duty under these Regulations, between the persons bringing forward a proposal for development and the persons responsible for determining that proposal.”

64. In London Historic Parks and Gardens Trust v SSHCLG [2020] EWHC 2580, the Court considered the transposition of Directive 2011/92 into regulation 64. The Court considered the following were required to fulfil the provision:

“(i) the functions of the competent authority under the EIA Directive be undertaken by an identified internal entity within the authority (including any officials assisting in those functions) with the necessary resources and acting impartially and objectively;

(ii) the prohibition of any person acting or assisting in the discharge of those functions from being involved in promoting or assisting in the promotion of the application for development consent and/or the development;

(iii) the prohibition of any discussion or communication about the Holocaust Memorial project or fund, or the called-in application for planning permission between, on the one hand, the Minister of State determining the application and any official assisting him in the discharge of the competent authority’s functions and, on the other, the Secretary of State or any official or other person assisting in the promotion of the project or the called-in planning application or any other member of the government; and

(iv) the prohibition of any person involved in promoting or assisting in the promotion of the application for development consent and/or the development from giving any instructions to, or putting any pressure upon, any person acting or assisting in the discharge of the functions of the competent authority, or from attempting to do so, in relation to those functions.”

The TBC Code of Conduct

65. In relation to the participation of Councillors Bird and Mason in the decision to grant planning permission, paragraph 10 of TBC’s Code of Conduct states [CB/275]:

“10. Other Interests

Where a matter, in which

...you have an interest as specified in Appendix B (other interests)...

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

(3) Do ensure that you disclose the interest to the meeting.

(4) Do leave the meeting and do not vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if...

...it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described above

and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.”

66. “Other interests” in Appendix B includes “Management or Control” and explains “Any body of which the Member is in a position of general control or management and to which he/she is appointed or nominated by the Council.”

IV. GROUNDS OF CHALLENGE

Ground 1: failure to consider the harm arising from the Masterplan Scheme / inconsistent approach in dealing with the Masterplan Scheme.

67. As set out above, the decision making has been wholly inconsistently in relation to whether the Masterplan Scheme could be taken into account. The Claimant notes:

- a. The premise of the application for the ABoR was on that it would “support future development referred to as the Tewkesbury Garden Town” (Planning Statement [CB/137/4.1]. This is also a matter of common sense, as the application on its own would only build a ‘bridge to nowhere’.
- b. The Officer Report was inconsistent as to whether the harms and benefits of the Masterplan Scheme were relevant. He dismissed concerns in relation to access and highways arising from development of further housing on the basis those were not under consideration [CB/183]. In relation to heritage he (bizarrely) refused to consider the Masterplan Scheme in relation to heritage harm but then took the benefits of the Masterplan Scheme when addressing the benefits which would outweigh any harm [CB/198]. These conclusions on benefits were adopted by the Committee [CB/222/64.4]. The Officer then took specific account of the housing and other benefits of the Masterplan Scheme in the overall planning balance [CB/200].

- c. At the Committee meeting the Officer reiterated the benefits of the Masterplan Scheme in relation to heritage, stating “less than substantial harm to listed buildings at Northway Mill and Mill House, however, it was considered that these harms were clearly outweighed by the public benefits of the proposal” [CB/222/64.3].
 - d. Despite specifically addressing the benefits of the Masterplan Scheme in his report, the Officer then categorically instructed the Planning Committee any future development was “not relevant currently and could not be considered as part of the application before the Committee today” [CB/224/64.6] (emphasis added). As such the Committee did not consider the Masterplan Scheme in relation to harms.
68. TBC has failed to take into account a material consideration in relation to access/highways and heritage harm, namely the Masterplan Scheme. This is not a matter of planning judgment, given the Officer specifically told the Committee it could not be considered. That is plainly wrong in law, it was at least capable of being a material consideration. Its potential significance meant it could have been a crucial consideration.
69. In the alternative, this haphazard and inconsistent consideration of the Masterplan Scheme was unlawful as it took into consideration the benefits of the Masterplan Scheme while failing to take into account the harms of the same Scheme; or, the grant of permission was overall irrational. In respect of heritage specifically, it constituted a breach of section 66 of the P(LBCA)A 1990.

Ground 2: failure to consider Phase 1 of the Masterplan Scheme in considering whether the ABoR constituted EIA development.

70. It is not contentious that the ABoR is an integral part of the Masterplan Scheme.
- a. The ABoR “is required” for the delivery of the northern development plots (Officer Report [CB/181]).
 - b. The bridge has no purpose except to enable development of Phase 1 as it is going to be fenced off until further development comes forward (EIAR [CB/58/1.1]).

- c. The consistent theme of objections related to the fact the ABoR was only a small part of the totality of the proposed development, and the decision making was not transparent.
71. It is plainly the case that the ABoR and (at least) the Phase 1 development is one project, applying Swale and Burridge. Out of the indicators in Wingfield, the ABoR and wider development together are (a) being promoted by the same person, (b) wholly interdependent, and (c) the ABoR has no use except for the further development and is therefore not a standalone project. This clearly differentiates the case from Larkfleet, where the central determining factor was that the link road was independently required and represents just the sort of “foot in the door” that the judgment in Larkfleet deprecates.
72. The EIAR expressly failed to consider any impacts other than those arising from the ABoR alone. The summary made clear the assessment was based on the ABoR “not being available for human use and not requiring maintenance” [CB/122/14]. The Council did not dispute this in the PAP Response, confirming the ABoR was “considered in isolation” [CB/311/7]. The Masterplan Scheme was not considered. As such there has not been a lawful consideration of whether the ABoR is “likely to have significant effects on the environment” pursuant to regulation 1(b) of the EIA Regulations.
73. What is notable in this case is that the question does not appear to have even been put to the Planning Committee. There is no evidence of the Committee having turned its mind to the question, except that (as set out above in Ground 1) the Officer seems to have told the Planning Committee it could not consider further impacts, without qualification.
74. The failure to consider the impacts is of significant practical effect. The Council has committed around £8.1 million (Decision Minutes [CB/221/64.3]) to construct a bridge to enable further development without a full screening of environmental impacts. By the time Phase 1 of the Masterplan Scheme comes forward, if environmental issues arise, it will be too late.
75. For these reasons the grant of the Permission was unlawful because TBC failed to consider whether the effects of the ABoR included Phase 1 of the Masterplan Scheme. It is not a matter of rationality, because the Planning Committee did not turn its mind to the question in the first place. However (and in the alternative), even if it did, any (implicit) conclusion it reached was contrary to the EIA Regulations and/or irrational.

Ground 3: lack of objectivity / apparent bias

76. Given the TBC Planning Committee was considering an application for planning permission made by TBC, it had a particular duty to ensure impartiality and transparency. It did not. Councillors Bird and Mason, who Leader and Deputy Leader of the Executive Committee argued for the grant of the application and voted in favour of it.
77. The Executive Committee's responsibility included the development of the Council's policies which included applying for the Garden Town status and promoting the policy. It had oversight of the Reference Panel which was driving the Masterplan Scheme forward. It had reported to it the funds already being spent in relation to the ABoR. In this light it was wholly inappropriate for the Leader and Deputy Leader of the Executive Committee to argue for the grant of the application. Unsurprisingly, they both voted to grant the application.
78. In addition, Councillor Bird is Tewkesbury Garden Town Lead. It is understood these roles are determined at an annual council meeting in May. The Claimant seeks clarification as to what this role requires of Councillor Bird.
79. The fact Councillor Bird and Councillor Mason spoke and voted on the application when they sat on the Executive Committee rendered the grant of the Permission unlawful for the following reasons. Subject to what TBC state about Councillor Bird's role as Tewkesbury Garden Town Lead, this potentially also renders the Permission unlawful for the same reasons.
80. **First**, TBC breached its duty pursuant to regulation 64 of the EIA Regulations. Contrary to the requirement to ensure "functional separation...between the persons bringing forward a proposal for development and the persons responsible for determining that proposal", two Councillors who were promoting the Masterplan Scheme voted for the application on the enabling proposal. In particular, contrary to the requirements set out in London Historic Parks, this constituted (a) a failure by TBC to act impartially and objectively, (b) persons discharging EIA functions also promoting the development, (c) clear communication between persons discharging EIA functions and persons promoting the project, (d) persons promoting the development putting pressure upon other persons discharging EIA functions.
81. **Second**, a fair-minded and informed observer would consider a real possibility of bias. It is specifically for this reason the LGA guidance suggests that a "member whose...executive

responsibility effectively makes them an advocate for the development in question” should not vote on the application. That clearly did not occur here.

82. It is relevant that neither declared their roles in this regard, which constitutes a breach of the TBC Code of Conduct. They both have a management position on the Executive Committee, who had an interest of the promotion of the Masterplan Scheme and therefore the ABoR. This constitutes an “Other Interest” pursuant to paragraph 10 of the Code of Conduct.

V. AARHUS COSTS CAP

83. As set out in section 7 of the Claim Form this claim falls within the scope of the Aarhus Convention relating to the “environment”. It is assumed this matter can be agreed, but for the avoidance of doubt, the Claimant notes the case law is clear that “environment” is to be given a broad a definition as possible, and that it would catch most, if not all, planning matters: Venn v Secretary of State for Communities and Local Government [2015] 1 WLR 2328 §10-11 (Sullivan LJ). This claim directly engages the EIA Regulations and EIA Directive.

84. In this light, the fixed costs regime applies and the Claimant seeks an order limiting its costs liability to £10,000 pursuant to CPR 45.43. A statement of financial resources accompanies this application.

VI. OVERALL

85. The Claimants submit the grant of Permission is unlawful as set out above.
86. The Court is asked to grant permission for judicial review and order a costs cap of £10,000.
87. At the substantive hearing the Claimant will ask the Court:
- a. To declare the Permission unlawful as above; and
 - b. To quash the Permission.
 - c. That the Defendant pays the Claimant’s costs.

LEON GLENISTER
LANDMARK CHAMBERS

**IN THE HIGH COURT OF JUSTICE
IN THE ADMINISTRATIVE COURT
PLANNING COURT**

CO/ /2021

BETWEEN:

**THE QUEEN on the application of
ASHCHURCH RURAL PARISH COUNCIL**

Claimant

and

TEWKESBURY BOROUGH COUNCIL

Defendant

STATEMENT OF FINANCIAL RESOURCES

I, Anthony John Davies of Ashchurch Rural Parish Council, residing at [REDACTED]

[REDACTED] do say as follows:

1. I am the Vice Chairman of the Claimant, Ashchurch Rural Parish Council (ARPC), and am duly authorised to make this statement; the purpose of which is to explain to the Court the resources available to the Claimant in bringing this claim and why the costs limits set out in CPR 45.41-43 for Aarhus Convention claims apply.
2. In this statement I refer to documents, a bundle of which is now produced and shown to me, marked "Exhibit AD1." References to these documents in this statement take the form [AD1/x] where "x" is the page number. I believe that the documents in Exhibit AD1 are true copies of the documents reproduced there.
3. Ashchurch Rural Parish lies to the east of Tewkesbury in Gloucestershire. In addition to the village of Ashchurch it includes six smaller hamlets: Aston Cross, Aston on Carrant, Fiddington, Natton, Pamington and Walton Cardiff. The population of the parish is approximately 1000 residents.

4. The ABoR is an essential part of the Garden Town concept plan to open up land to be developed for housing. It is funded by central government on the basis that at least 826 homes could be built on the land available. In reality, the land totals circa 122 hectares, enabling many more homes to be built, but there is no detail of this beyond an estimate of capacity of substantially more than this: circa 3000. The ABoR is partially within the parish of Ashchurch inasmuch that the railway line is the boundary between Northway Parish and Ashchurch Rural Parish. Thus, in effect, half of the bridge is within the parish of Ashchurch. ARPC objected to the planning application for a number of reasons, including:
 - i) the lack of consideration of traffic impacts from the proposed bridge on ARPC residents (and those within the neighbouring parish),
 - ii) inadequate consideration of flooding risks (The area is a known flood plain and local residents have already experienced severe flooding in the area e.g. during 2007 floods);
 - iii) the lack of proper consideration of the impacts on historical buildings and the landscape, including views from the Cotswolds Area of Outstanding Natural Beauty, approximately 1 mile away.
5. ARPC members were also concerned that planning committee members who are directly involved with the Garden Town project including the Leader of Tewkesbury Borough Council (Robert Bird), who is also the Lead member for the Garden Town team of which the ABoR is a part, did not recuse themselves from the meeting and not only voted but also took an active part within the discussion for the application, making an almost immediate proposal to approve prior to a full discussion and consideration of the arguments.

Financial Resources

6. The latest ARPC accounts, for the year ending 31 March 2020, are available in the Parish Council's publicly available Audit Report for 2019-2020. This document is attached at TD1/1-4. As can be seen from the Audit Report, the total amount of the precept received in the most recent financial year (FY) was £30,500. Other receipts (mostly comprised of a one-off refund of consultancy

fees) totalled £11.194, resulting in total income of £41,694. Total expenditure, including staff and other costs in the same year totalled £28,402.

7. Due to careful stewardship of ARPC's resources over the years, we have built up a small reserve totalling £55,718 in cash and short-term investments. [TD1/3] As of 22 March 2021, other fixed assets have a total value of £41,630, but these are not generally liquid, and include e.g. notice boards, bus shelters, bins, etc, as can be seen on our fixed assets register. [TD1/5] Whilst our 2020-21 accounts are as-yet unaudited, I understand that the value of our cash and short-term investments has risen to approximately £68,600.
8. ARPC was aware that other parish councils in the area also had concerns over the proposed ABoR and had objected. As ARPC could not afford the cost of these proceedings on its own, ARPC held discussions with three of these Parish Councils, who ultimately agreed to assist by contributing towards the costs of the claim.
9. In the first instance, contributions will be being sought from members of the public in order to meet the costs of the claim. We intend to launch a crowdfunding page, but have not yet been able to do so in the short time since the decision to grant planning permission. Further, Bredon Parish Council, Northway Parish Council, and Kemerton Parish Council have each formally authorised a contribution of £5,000 towards the costs of the claim.
10. Each of these three Parish Councils have agreed with ARPC to spend up to this level to cover one quarter of the costs of the claim which remain after public contributions have been used. Whilst ARPC will seek further contributions in order to defray the costs of the claim, ARPC has no guarantee of any further funding beyond the £15,000 in funds pledged by the other Parish Councils, as above.
11. Our solicitors have advised that the legal costs through a one-day substantive hearing are likely to be in the range of £30,000 - £35,000 plus VAT, to include solicitors and counsel fees and court fees, including contingencies such as a

permission hearing and dealing with significant evidence from opponents which could push costs to the higher end of this budget. Once opponents' costs are factored in, assuming a £10,000 costs cap, this still leaves the potential for total costs of the case to be approximately £45,000. This figure equates approximately to ARPC's total annual income.

12. After taking account of contributions from this other Parish Councils, the costs that could fall to ARPC are still £30,000. This figure represents almost half of the reserve fund that has been built up through careful management of ARPC's finances over many years.
13. In summary, while we have some funds available, we are unable to afford bringing these proceedings but for the Aarhus Convention costs protection limiting our costs to £10,000. I am advised this is the default figure provided for in the Civil Procedure Rules when an organisation such as a Parish Council is a claimant in an Aarhus claim.
14. The Parish Council must be able to limit its financial risk and without the benefit of a costs protection order we would not be able to pursue a judicial review claim in the High Court. I therefore ask that the Aarhus Convention costs limits apply in this case and that the Court order a non-variable PCO of £10,000 in aggregate to give ARPC certainty as to opponents' costs through the case, with a £35,000 reciprocal costs cap.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Full name Anthony John Davies

Signed

Date: 3 June 2021

IN THE HIGH COURT OF JUSTICE
IN THE ADMINISTRATIVE COURT
PLANNING COURT

CO/ /2021

BETWEEN:

THE QUEEN on the application of
ASHCHURCH RURAL PARISH COUNCIL

Claimant

and

TEWKESBURY BOROUGH COUNCIL

Defendant

EXHIBIT AD1

This is the exhibit marked "AD1" referred to in the statement of Anthony John Davies
of 3 June 2021.

Signed

Date: 3 June 2021

Ashchurch Rural Parish Council

Notice of conclusion of audit

Annual Governance & Accountability Return for the year ended 31 March 2020

Sections 20(2) and 25 of the Local Audit and Accountability Act 2014

Accounts and Audit Regulations 2015 (SI 2015/234)

Accounts and Audit (Coronavirus) (Amendment) Regulations 2020 (SI 2020/404)

	Notes
1. The audit of accounts for Ashchurch Rural Parish Council for the year ended 31 March 2020 has been completed and the accounts have been published.	This notice and Sections 1, 2 & 3 of the AGAR must be published by 30 November. This must include publication on the smaller authority's website. The smaller authority must decide how long to publish the Notice for; the AGAR and external auditor report must be publicly available for 5 years.
2. The Annual Governance & Accountability Return is available for inspection by any local government elector of the area of Ashchurch Rural Parish Council on application to:	
(a) <u>MRS P CLARKE ARPC PARISH CLERK.</u> <u>clerk@ashchurchruralpc.org.uk</u>	(a) Insert the name, position and address of the person to whom local government electors should apply to inspect the AGAR
(b) <u>BY PRIOR APPT DURING</u> <u>OFFICE HOURS</u> <u>FOR 14 DAYS FROM DATE OF THIS NOTICE</u>	(b) Insert the hours during which inspection rights may be exercised
3. Copies will be provided to any person on payment of £ <u>10</u> (c) for each copy of the Annual Governance & Accountability Return.	(c) Insert a reasonable sum for copying costs
Announcement made by: (d) <u>MRS P CLARKE PARISH CLERK</u>	(d) Insert the name and position of person placing the notice
Date of announcement: (e) <u>30/9/2020</u>	(e) Insert the date of placing of the notice

Section 1 – Annual Governance Statement 2019/20

We acknowledge as the members of:

ASHCHURCH RURAL PARISH COUNCIL

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2020, that:

	Agreed		
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		<i>prepared its accounting statements in accordance with the Accounts and Audit Regulations.</i>
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		<i>made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.</i>
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓		<i>has only done what it has the legal power to do and has complied with Proper Practices in doing so.</i>
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		<i>during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.</i>
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		<i>considered and documented the financial and other risks it faces and dealt with them properly.</i>
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		<i>arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.</i>
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		<i>responded to matters brought to its attention by internal and external audit.</i>
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓		<i>disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.</i>
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A
			✓

*Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets must be published with the Annual Governance Statement.

This Annual Governance Statement was approved at a meeting of the authority on:

18/05/2020

and recorded as minute reference:

13.05.20

Signed by the Chairman and Clerk of the meeting where approval was given:

Chairman

Clerk

Other information required by the Transparency Codes (not part of Annual Governance Statement)

Authority web address

www.ashchurchruralpc.org.uk

Section 2 – Accounting Statements 2019/20 for

ASHCHURCH RURAL PARISH COUNCIL

	Year ending		Notes and guidance
	31 March 2019 £	31 March 2020 £	
1. Balances brought forward	32,293	42,426	<i>Please round all figures to nearest £1. Do not leave any boxes blank and report £0 or Nil balances. All figures must agree to underlying financial records.</i> Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.
2. (+) Precept or Rates and Levies	23,544	30,500	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	10,007	11,194	Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.
4. (-) Staff costs	6,354	7,378	Total expenditure or payments made to and on behalf of all employees. Include gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.
5. (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).
6. (-) All other payments	17,064	21,024	Total expenditure or payments as recorded in the cash-book less staff costs (line 4) and loan interest/capital repayments (line 5).
7. (=) Balances carried forward	42,426	55,718	Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).
8. Total value of cash and short term investments	42,426	55,718	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.
9. Total fixed assets plus long term investments and assets	42,896	42,896	The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.
10. Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets.
		✓	N.B. The figures in the accounting statements above do not include any Trust transactions.

I certify that for the year ended 31 March 2020 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

P. F. Church

Date

18/5/20

I confirm that these Accounting Statements were approved by this authority on this date:

18/05/2020

as recorded in minute reference:

14/05/20

MINUTE REFERENCE

Signed by Chairman of the meeting where the Accounting Statements were approved

J. Hargreaves

Ashchurch Rural Parish Council

Notice of conclusion of audit

Annual Governance & Accountability Return for the year ended 31 March 2020

Sections 20(2) and 25 of the Local Audit and Accountability Act 2014

Accounts and Audit Regulations 2015 (SI 2015/234)

Accounts and Audit (Coronavirus) (Amendment) Regulations 2020 (SI 2020/404)

	Notes
<p>1. The audit of accounts for Ashchurch Rural Parish Council for the year ended 31 March 2020 has been completed and the accounts have been published.</p>	<p>This notice and Sections 1, 2 & 3 of the AGAR must be published by 30 November. This must include publication on the smaller authority's website. The smaller authority must decide how long to publish the Notice for; the AGAR and external auditor report must be publicly available for 5 years.</p>
<p>2. The Annual Governance & Accountability Return is available for inspection by any local government elector of the area of Ashchurch Rural Parish Council on application to:</p> <p>(a) <u>MRS P CLARKE ARPC PARISH CLERK</u> <u>clerk@ashchurchruralpc.org.uk</u></p> <p>(b) <u>BY PRIOR APPT DURING</u> <u>OFFICE HOURS</u> <u>FOR 14 DAYS FROM DATE OF THIS NOTICE</u></p>	<p>(a) Insert the name, position and address of the person to whom local government electors should apply to inspect the AGAR</p> <p>(b) Insert the hours during which inspection rights may be exercised</p>
<p>3. Copies will be provided to any person on payment of £ <u>10</u> (c) for each copy of the Annual Governance & Accountability Return.</p>	<p>(c) Insert a reasonable sum for copying costs</p>
<p>Announcement made by: (d) <u>MRS P CLARKE PARISH CLERK</u></p>	<p>(d) Insert the name and position of person placing the notice</p>
<p>Date of announcement: (e) <u>30/9/2020</u></p>	<p>(e) Insert the date of placing of the notice</p>

Ashchurch Rural Parish Council

Fixed Assets Register 22 MARCH 2021

5 x Notice Boards

4 x Bus Shelters -

- A46 – Opposite Alexander Way
- Layby opposite MOD
- A46 – Fitzhamon Park
- B4079 – Aston Cross opposite Queens Head Close

7 x Grit Bins

6x Dog Bins

- 2 Walton Cardiff
- Fiddington
- Fitzhamon Park
- Plus..

3x Litter Bins

- Alexander Way
- Claydon
- Fiddington

Total Street Furniture to include all litter bins purchased 2016/17, dog bins purchase 2015/16 and grit bins purchased 2018/19

Total Insured value)	£30,000
1x Laptop, printer, router	£579.95
1 Regalia Chain	£2155.63
1 x Defibrillator and Lockable Cabinet	£2020.00
2x Vas Signs (GCC)	£6875.00
Total ancillary items	£11,630.58
REVISED TOTAL FIXED ASSETS	£41,630.58

Ashchurch Bridge over Rail (ABoR)

Environmental Impact Assessment Screening Report

May 2020

Notice

This document and its contents have been prepared and are intended solely as information for and use in relation to the Environmental Impact Assessment Screening Report for the Ashchurch Bridge over Rail scheme.

SNC-Lavalin assumes no responsibility to any other party in respect of or arising out of or in connection with this document and/or its contents.

This document has 82 pages including the cover.

Document history

Revision	Purpose description	Originated	Checked	Reviewed	Authorised	Date
Rev 1.0	For Local Planning Authority	AC	TT	A. Morris	A. Miles	13/05/2020

Client signoff

Client	Gloucestershire County Council
Project	Ashchurch Bridge over Rail (ABoR) (ABoR)
Job number	5188915
Client signature / date	

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1. Introduction

1.1. Overview of the scheme

Gloucestershire County Council plans to submit a planning application in accordance with the Town and Country Planning Act 1990 in summer 2020 to seek permission to construct a railway bridge over the Bristol to Birmingham railway line north of the existing Ashchurch town. The new bridge is intended to assist future development of land to the north and east of the proposed Application Site and allow for the eventual closure of the existing signalled railway crossing on Grange Road. Further detail about the bridge structure, drainage and construction methodology is provided in Chapter 2, supported by figures contained in Appendix A.

The planning application for the Ashchurch Bridge over Rail scheme (hereafter referred to as the 'ABoR') is being sought only to construct the bridge structure and leave it in place until future development comes forward to make it operational. In this respect, the bridge is essentially enabling works for future development of sites proposed for new residential and community development within the Tewkesbury Area Draft Concept Masterplan January 2018¹. In this document, an area to the north of Ashchurch is highlighted as phase 1 of an area for future housing development. This area is referred to in this document as the 'North Ashchurch Development Area'. In accordance with this approach, the bridge will not be connected to the public highway as part of the ABoR scheme and will not be provided with its final road surfacing. After construction, the bridge will remain fenced off from use until future development linked to the Tewkesbury Area Draft Concept Masterplan January 2018 (which currently has no formal planning status, but is being prepared for potential adoption into the relevant Local Development Plan) gains planning permission for a future highway through the north Ashchurch area. Consequently, the 'operational' stage for the purposes of the ABoR scheme is restricted to the physical presence of the bridge as a feature within the landscape – use as an operational highway will be a matter for a future planning application.

The ABoR is being advanced prior to the formalisation of site allocations within planning documents in recognition of the considerable lead in time and constraints associated with working on railway assets. Design and construction on Network Rail assets are required to follow Network Rail's Governance for Railway Investment Projects (GRIP) process, and, due to the intricacies of these activities, are often seen as blockers to onward development. In particular, constructing bridges over Network Rail assets is complicated by the requirement for 'possessions' on the railway asset for parts of the construction, which involves undertaking certain works only in the in-frequent periods in which the railway is non-operational or in reduced operation.

1.2. Purpose of this report

This report has been prepared in support of a request to the Competent Authority to adopt a screening opinion to determine whether any of the potential environmental impacts of the ABoR at Ashchurch are likely to give rise to significant effects, and therefore require assessment as part of an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the "EIA Regulations").

This report reflects the requirements of the EIA Regulations and, in accordance with Regulation 5 of the EIA Regulations, this report contains:

- a plan sufficient to identify the land (see Figure 14-1 in appendix A);
- a description of the development (see Chapter 2), including in particular:
 - a description of the physical characteristics of the development and, where relevant, of demolition works;
 - a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
- a description of the aspects of the environment likely to be significantly affected by the development (Chapters 3-11);
- to the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from:
 - the expected residues and emissions and the production of waste, where relevant; and
 - the use of natural resources, in particular soil, land, water and biodiversity; and

¹ <https://www.jointcorestrategy.org/ashchurch-development-project>

- such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

In addition to setting out the potential effects and mitigation measures to be implemented as part of ABoR, this Environmental Impact Assessment (EIA) screening report also sets out the methodology for further assessments, should they be deemed necessary by the local planning authority.

1.3. Need for the Scheme

Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council have worked in partnership to prepare a Joint Core Strategy (JCS²), which was adopted in December 2017. The JCS is a co-ordinated strategic development plan that sets out how the area will develop between 2011 and 2031. In order to meet a housing shortfall of approximately 2,450 homes identified in Tewkesbury Borough, a project was initiated with support from Homes England to review the Ashchurch wider area. Subsequently, the Tewkesbury Area Draft Concept Masterplan was produced by Tewkesbury Borough Council in January 2018, as a first step in the process of reviewing development opportunities at the town of Ashchurch, as part of the JCS review, which is now underway.

In March 2019, Tewkesbury Borough Council was awarded Garden Town status for Tewkesbury at Ashchurch, which has brought forward plans for major residential and housing development along the A46 east of M5 Junction 9, identified in the Tewkesbury Area Draft Concept Masterplan, January 2018. As part of the preparation for Garden Town status, Tewkesbury Borough Council is actively pursuing with partners, opportunities to deliver the jobs, homes and communities that the area requires. The announcement of Garden Town status has brought forward plans to build up to 10,000 new homes and make available 120 hectares of employment land to be delivered in four phases up to 2041, in accordance with the strategic development policies of the adopted JCS.

Figure 1-1 below is an extract from the Tewkesbury Area Draft Concept Masterplan January 2018, with the orange areas showing the potential North Ashchurch Development Area, predominantly to the east of the Bristol to Birmingham railway line, which is orientated north-south. The wider potential new community area is served by the A46 to the south and is divided into two land areas by the railway line. The land generally comprises agricultural fields and disused former industrial areas. A number of new access roads are under consideration or proposed to facilitate the initial developments for Tewkesbury Garden Town.

The general position of the proposed ABoR has been added to Figure 1-1 for reference purposes, as indicated by the red circle annotation. The ABoR is deemed critical to the success of the overall development plan in the area to unlock parcels of land to the east of the railway through improving east-west access.

² <https://www.jointcorestrategy.org/examination>

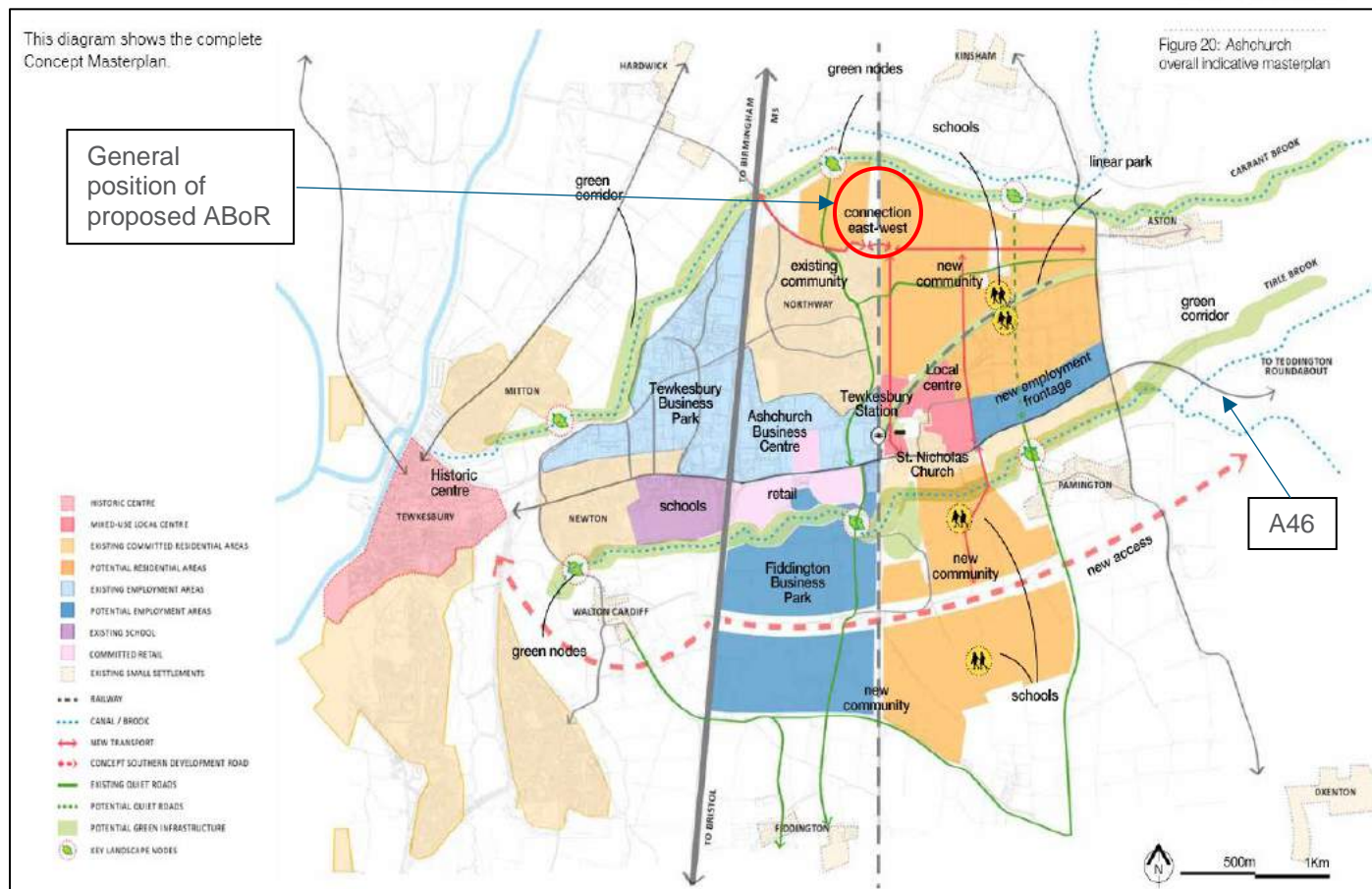


Figure 1-1 - Extract of Ashchurch overall indicative masterplan (Figure 20 of the Tewkesbury Area Draft Concept Masterplan January 2018)

Tewkesbury Borough Council has secured government funding under the Housing Infrastructure Fund (HIF) to build the new bridge over the railway line at Ashchurch (this ABoR scheme). The bridge will be constructed to ensure sufficient space for a new road, cycle path and walkway. This will represent a substantial improvement in access over the railway north of the A46 compared to existing provision, which comprises a level crossing at Grange Road, Northway; and an old footbridge just north of Ashchurch for Tewkesbury Station.

Following the successful HIF bid, Tewkesbury Borough Council requested Gloucestershire County Council, who in turn engaged Atkins, to undertake a Single Option Selection for the ABoR scheme.

1.4. Policy Context

1.4.1. Adopted and emerging development plans

The adopted development plan for Tewkesbury Borough comprises the minerals and waste policies set by Gloucestershire County Council³, the JCS and the saved policies of the Tewkesbury Borough Local Plan 2006 (as listed in Appendix 1 of the JCS).

Other policy documents supporting the development plan for Tewkesbury Borough include the Community Infrastructure Levy (CIL) Instalments Policy, October 2018; the Flood and Water Management Supplementary Planning Document (SPD), December 2018; the Tewkesbury Town Regeneration SPD, April 2019; and Statement of Community Involvement, May 2013.

In the fullness of time, more recent iterations of District Plans (comprising local site allocations, policies and Neighbourhood Plans) may also become part of the formal development plan, subject to their adoption. Accordingly, the Tewkesbury Borough Plan (2011-2031) is currently being prepared and has reached the pre-

³ Gloucestershire minerals and waste policies are set out in Gloucestershire Waste Core Strategy, adopted in November 2012; the saved policies of the Gloucestershire Minerals Local Plan (1997-2006), adopted in April 2003; the saved policies of the Gloucestershire Waste Local Plan (2002-2012), adopted in October 2004'

submission stage (further details are provided below). The JCS is also currently being reviewed by the three authorities, the latest stage being an Issues and Options consultation, which took place between November 2018 and January 2019.

The Tewkesbury Area Draft Concept Masterplan, January 2018 forms part of the evidence base for the JCS review and was consulted upon at the same time as the JCS Issues and Options document, between November 2018 and January 2019.

The pertinent elements of the planning policy documents of greatest relevance to ABoR are summarised in this section.

1.4.2. Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011- 2031 (Adopted December 2017)

The JCS sets out a shared spatial vision and objectives for the three local planning authorities: Cheltenham Borough Council, Gloucester City Council and Tewkesbury Borough Council, together with strategic policies for shaping new development types and locations up to 2031. Together, these policies help to provide a strategic planning framework for the JCS area, which guides future planning decisions and helps to achieve the overall vision for the area.

The need for new development is set out in Policy SP1, which outlines the amount of development required based on 'objectively assessed need' (OAN). During the plan period (2011 – 2031) 35,175 new homes and 192 hectares of B-class employment land, supporting 39,500 new jobs is estimated to be needed on the basis of demographic and economic projections across the JCS area.

Tewkesbury town and its wider area is identified in the adopted JCS as a key location for significant housing and economic growth. The adopted JCS identifies the provision of 9,899 new dwellings and around 40 hectares of B class employment land within the Tewkesbury area in the plan period.

To support this, the JCS Strategic Allocation site A5 designates 14 hectares lying to the south of Ashchurch and the A46 for the provision of employment land, a green infrastructure network of around five hectares and high-quality public transport facilities to serve the A5 site. However, the allocation has now effectively been superseded by the recent approval of a residential development for up to 850 homes, encompassing and extending the strategic site A5 (further detail is provided in section 1.3.4 below).

As outlined in section 1.3 above, the adopted JCS identifies a housing shortfall of 2,450 homes in Tewkesbury Borough, caused primarily by a delay in the release of the MoD Ashchurch site north of the A46, which was previously identified for redevelopment for housing purposes.

Given this shortfall, the Council is in the process of evaluating the development potential in the Ashchurch area, and it is intended that a strategic, comprehensive and plan-led approach will be adopted. This approach is to be informed by the Tewkesbury Area Draft Concept Masterplan, which was commissioned by Tewkesbury Borough Council and issued in draft in January 2018. This document is a first step in the process of reviewing future development opportunities at Ashchurch and has already started to inform the review of the JCS, with a view to contributing to the identification of strategic allocation sites for the Borough.

The policies with some relevance to the proposed ABoR scheme within the adopted JCS are as follows:

Policy Number	Policy
Policy SP1	The Need for New Development
Policy SP2	Distribution of New Development
Policy SD3	Sustainable Design and Construction
Policy SD4	Design Requirements
Policy INF1	Transport Network
Policy INF2	Flood Risk Management
Policy INF6	Infrastructure Delivery
Policy INF7	Developer Contributions
Policy SA1	Strategic Allocations Policy

Policy Number	Policy
Policy A5	Ashchurch

The adopted JCS Policies Map indicates that there are no specific spatial policy designations within the site of the proposed ABoR scheme.

1.4.3. Tewkesbury Borough Local Plan (Adopted March 2006)

Saved policies of the Tewkesbury Borough Local Plan 2006, relevant to the proposed ABoR scheme, include:

- TPT3 – Pedestrian Networks;
- TPT5 – Cycle Network Enhancement; and
- TPT13 – M5 Junction 9 to A46 Aston Cross.

In time, these will be replaced by policies in the emerging JCS or replacement Borough Plan.

The adopted Proposals Map indicates that there a no specific spatial policy designations within the site of the proposed ABoR scheme.

1.4.4. Tewkesbury Area Draft Concept Masterplan (January 2018)

In order to meet the housing shortfall in Tewkesbury Borough identified by the adopted JCS, the Tewkesbury Area Draft Concept Masterplan has been developed by Tewkesbury Borough Council and supported by Homes England, to review the housing development potential in Ashchurch (Figure 1-1).

The Tewkesbury Area Draft Concept Masterplan was designed to consolidate housing and employment land requirements in the adopted JCS for Tewkesbury and permitted development, strategic allocations and committed development sites, to better reflect a combination of planned and market-led development. Public consultation on the Tewkesbury Area Draft Concept Masterplan was carried out at the same time as the JCS Issues and Options document as part of the JCS review, between November 2018 and January 2019.

Subsequently, in March 2019, Tewkesbury Borough Council was awarded Garden Town status for Tewkesbury at Ashchurch, which has brought forward plans for major residential and employment development along the A46 east of M5 J9, as identified within the Tewkesbury Area Draft Concept Masterplan.

The masterplan identifies future development sites, split into four phases:

- Phase 1 (to 2031): 3,000 homes, 46 ha of employment land;
- Phase 2 (post 2031): 1,485+ homes and 28+ha additional employment land at MoD Ashchurch site;
- Phase 3 (post 2031): 1,185+ additional homes and 0 ha of additional employment land to the south of the A46 and is dependent on the transport scheme;
- Phase 4 (post 2031): 2,160+ homes and 46+ha of employment land to south of new link road.

Figure 1-2 below illustrates the indicative location and phasing of strategic development within Ashchurch.

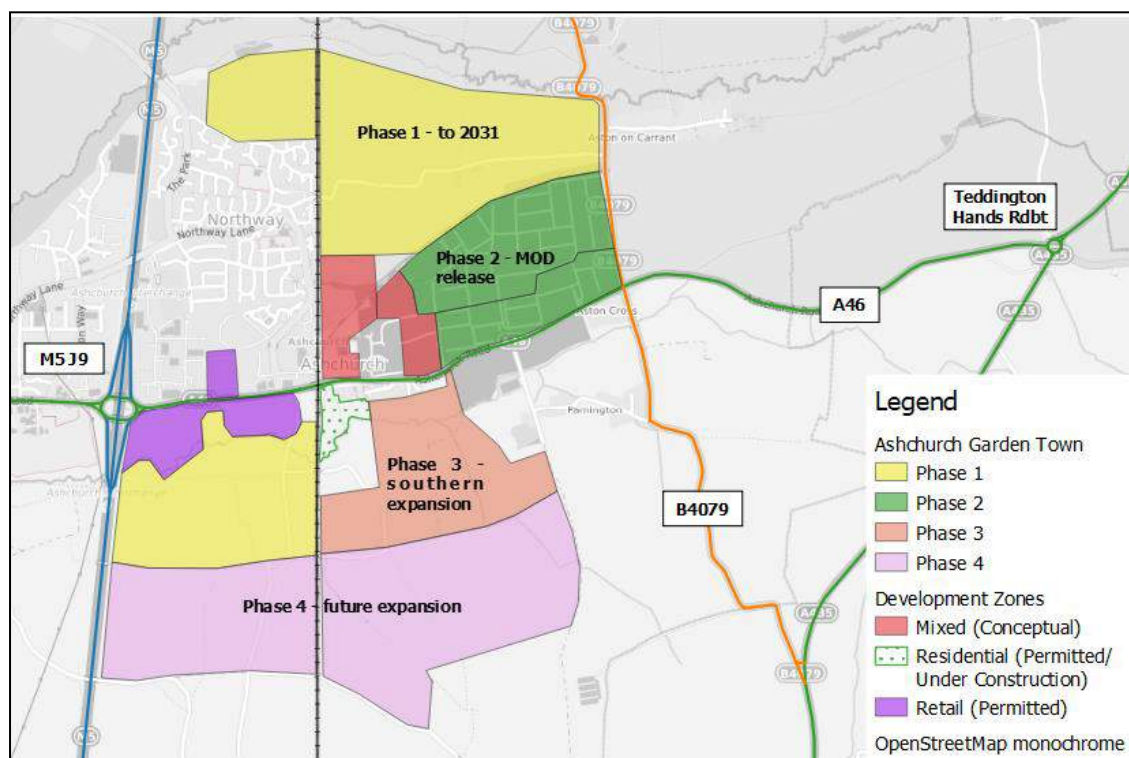


Figure 1-2 – Tewkesbury Area Draft Concept Masterplan January 2018, phasing of development

As well as considering housing potential, the masterplan also identifies the necessary infrastructure needed to support this development, including a new bridge over the railway, new schools including a secondary school, and the provision of a number of neighbourhood centres.

The Ashchurch area is of particular strategic importance in helping to meet Tewkesbury Borough Council's housing and employment requirements. In terms of location it holds an advantageous position next to M5 J9, giving it direct motorway access and making it particularly attractive as an area of employment growth. It is also positioned around the 'Ashchurch for Tewkesbury' railway station, providing significant opportunities for sustainable transport movements.

The site of the proposed ABoR scheme is located within Phase 1 of the Tewkesbury Area Draft Concept Masterplan (Figure 1-2). Phase 1 envisages the development of the areas north of the MOD base coloured yellow in Figure 1-2; the Homes and Communities Agency (HCA) land coloured red in Figure 1-2; and the Fiddington site coloured yellow in Figure 1-2, located south east of M5 J9. It is envisaged that Phase 1 will deliver:

- 3,180 new homes;
- 46 ha new employment land;
- Local centre with retail/services;
- New primary school;
- New transport corridor (east-west connection); and
- Northern Green Infrastructure corridor.

The concept masterplan explores a number of highway infrastructure scenarios to serve the Ashchurch development area. These include capacity improvements to M5 J9 and the A46, supported by a new A46 east-west link road, identified by the indicative red dashed line in Figures 1-1 and 1-3. This new transport corridor would provide an alternative route to distribute traffic movements more widely across the road network. The masterplan identifies that local road connections would be improved with a potential Northern Access Road to connect the Phase 1 land either side of the railway (the solid red arrows shown on Figures 1-1 and 1-3), via the proposed ABoR. Working in combination, these highway interventions are expected to be key considerations in facilitating the strategic housing and employment development sites within Ashchurch.

Figure 1.3 below demonstrates the land allocated for housing within Phase 1 of the concept masterplan. This has been annotated further to highlight the indicative locations of the bridge over rail crossing point, the Northern Access Road and the A46 east-west link road, including the existing A46.

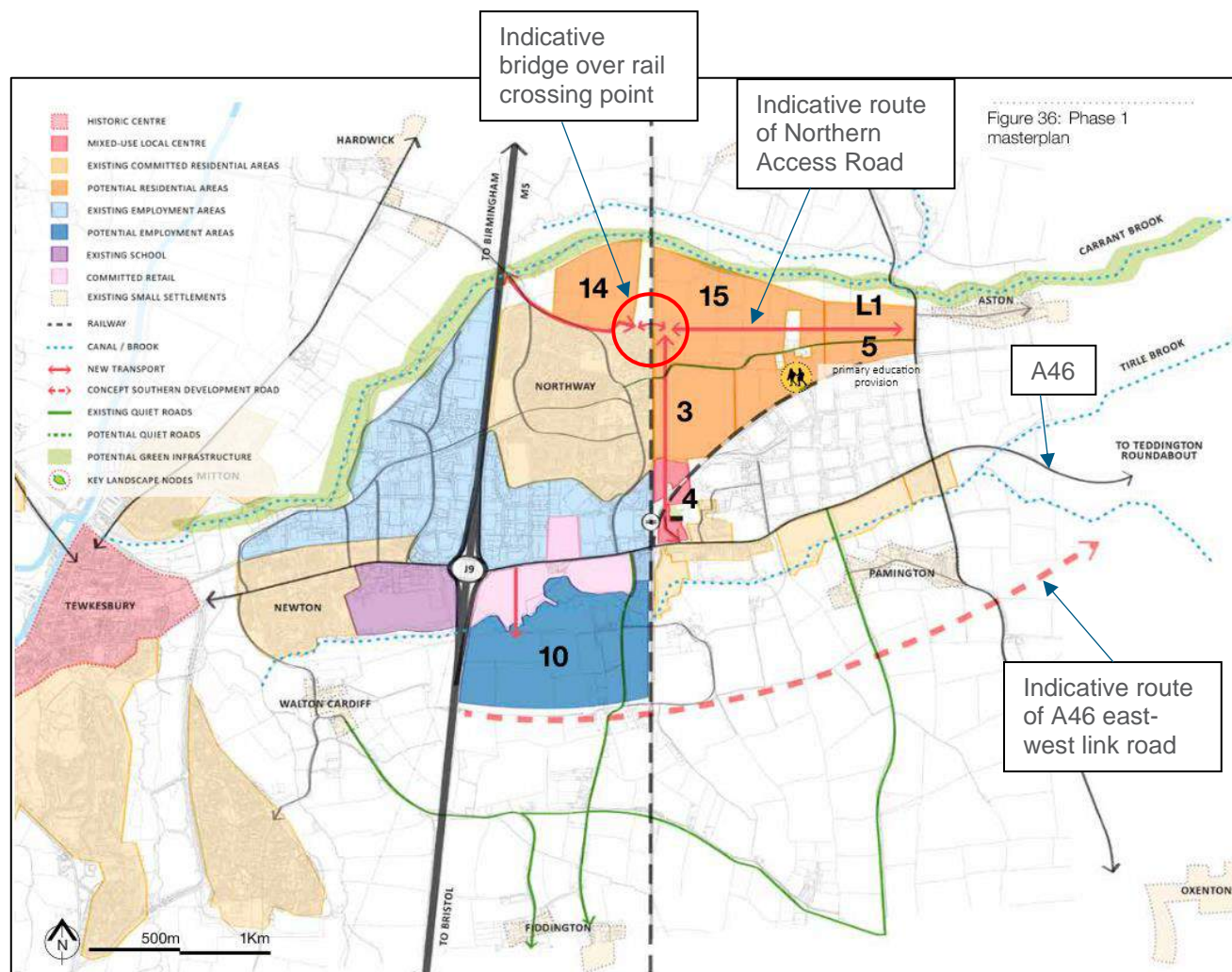


Figure 1-3 - Area of land identified within Phase 1 of the Tewkesbury Area Draft Concept Masterplan

The potential residential/community areas coloured in orange would be served by the ABoR and the eventual Northern Access Road, the indicative route of which is shown in Figure 1-3. As stated in section 1.3, the ABoR scheme is required in order to bring forward housing growth within Ashchurch.

The numbers on Figure 1-3 indicate approximate site areas for each of the land parcels comprising Phase 1, as follows:

Land Parcel No.	Location	Site Area (Ha)
3	MoD Hitchins (Aston Fields Lane)	21.5
4	MoD HCA land	6
5	Land east of MoD Hitchens	6.5
10	Fiddington	48
14	Land at Northway	22.5
15	Land north of Ashchurch depot	76
L1	Additional land near Aston	10

Site 10 (Fiddington), is shown as a potential strategic employment area on land east of M5 J9 and south of the A46. It was anticipated in the JCS that this development would provide a significant number of new jobs and opportunities for Ashchurch and the wider Tewkesbury area. However, the northern section of this site was the subject of a planning appeal that was allowed in January 2020 (appeal reference: APP/G1630/W/18/3210903). The site now has outline planning permission for a residential development (up to 850 dwellings), a primary school, local centre (comprising up to 2,000 m² gross internal floor area) (A1, A2, A3, A4, A5 and D1 uses) with no single A1 comparison unit exceeding 500 m² gross internal floor area, supporting infrastructure, utilities, ancillary facilities, open space, landscaping, play areas, recreational facilities (including changing facilities and parking), demolition of existing buildings, a new western access to the A46(T) and a new eastern access off Fiddington Lane (application ref: 17/00520/OUT).

1.4.5. Joint Core Strategy Review

The JCS authorities are now taking forward the review of the JCS, which is at an early stage of development. An Issues and Options consultation took place between 12 November 2018 to 11 January 2019.

The JCS Infrastructure Delivery Plan sets out the anticipated infrastructure requirements for the area up to 2031. This will be revised as part of the JCS review. The issues and options consultation addressed the infrastructure needs for the JCS area, including a specific consultation questions seeking views on what should be considered. As outlined above, the consultation included the Tewkesbury Area Draft Concept Masterplan, which forms an integral part of the JCS review, in terms of identifying strategic development areas for residential and employment growth, particularly to help meet the housing shortfall identified in Tewkesbury Borough.

1.4.6. Joint Core Strategy Review

The JCS authorities are now taking forward the review of the JCS, which is at an early stage of development. An Issues and Options consultation took place between 12 November 2018 to 11 January 2019.

The JCS Infrastructure Delivery Plan sets out the anticipated infrastructure requirements for the area up to 2031. This will be revised as part of the JCS review. The issues and options consultation addressed the infrastructure needs for the JCS area, including a specific consultation question seeking views on what should be considered.

1.4.7. Tewkesbury Borough Plan 2011-2031

A statutory consultation on the 'Preferred Options' Tewkesbury Borough Plan took place in October-November 2018, in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England Regulations) 2012. Consultation on the Pre-Submission Tewkesbury Borough Plan October 2019 (Regulation 19) took place in October-November 2019. This was the final stage of consultation before the plan is to be submitted to the Secretary of State for an independent examination.

The plan is emerging and the proposed policies carry limited weight at this stage. They provide an indication of the policy position that Tewkesbury Borough Council is seeking to apply when determining applications in the future. Draft policies of the Pre-Submission Plan relevant to the proposed ABoR scheme include:

- Policy NAT1 Biodiversity, Geodiversity and Important Natural Features;
- Policy NAT2 The Water Environment;
- Policy NAT3 – Green Infrastructure: Building with Nature;
- Policy TRAC1 – Pedestrian Accessibility;
- Policy TRAC2 – Cycle Network & Infrastructure; and
- Policy TRAC6 M5 Junction 9/A46 Corridor.

Policy TRAC6 states that: *"Tewkesbury Borough Council will support the design and implementation of highway infrastructure improvements along the A46 corridor to Junction 9 of the M5. Infrastructure schemes, including 'online' and 'offline' measures, along the A46 will be supported where they improve accessibility for all modes of transport and promote journey time reliability. The implementation of a package of highway capacity improvements will need to incorporate bus priority measures and active travel measures to improve travel choice and reduce journey time uncertainty along this corridor. New development along this corridor must not prejudice the delivery of objectives and infrastructure improvements, including major road schemes, identified through the JCS Transport Implementation Strategy or the Gloucestershire Local Transport Plan."*

The relevant Pre-Submission Plan Policies Maps indicate that there are no specific emerging spatial policy designations within the site of the proposed ABoR scheme.

1.4.8. Gloucestershire Local Transport Plan 2015-2031 (Adopted 2015)

The Gloucestershire Local Transport Plan (LTP) sets the long-term transport strategy for Gloucestershire up to 2031. It aims to influence how and when people choose to travel so that individual travel decisions do not cumulatively affect the desirability of Gloucestershire as a place to live, work and invest. Gloucestershire LTP has been updated to support delivery of the Strategic Economic Plan, the emerging Local Plans and, where possible, to maximise the opportunity for further levels of investment as they become available for transport within the county.

The Gloucestershire LTP Overarching Strategy states that the countywide short-term capital delivery priorities for the period of (2015 to 2021) within Ashchurch are as follows;

- Access improvements for Ashchurch Road corridor, Tewkesbury; and
- Access improvements using disused railway bridge on Northway Land, Ashchurch.

The Gloucestershire LTP states that the longer-term priorities (2021 to 2031) for Ashchurch are as follows;

- A46 /A438 corridor including M5 junction 9, Tewkesbury; and
- Highway improvement Tewkesbury Northern Relief Road.

1.4.9. GFirst Local Economic Partnership, Strategic Economic Plan (2014, updated 2018)

The Ashchurch area is within the Gloucestershire First Local Enterprise Partnership (GFirstLEP) M5 Growth zone. The primary aim of the GFirstLEP is to drive sustainable economic growth whilst improving transport connections and unlocking new sites for employment and housing.

Having achieved funding for an initial five-year growth deal, the GFirstLEP will enable greater opportunities for enhanced economic growth along the M5 corridor. There is also further potential to investigate a connection with the Worcestershire LEP to link to opportunities in the north. The Tewkesbury area is therefore well placed to accommodate this growth and help to drive forward the sustainable development of the area, with the delivery of jobs and housing.

1.5. The Need for Environmental Impact Assessment

In order to determine whether the ABoR scheme is 'EIA development', regard must be given to the EIA Regulations.

EIA development falls into two Schedules of the EIA Regulations. EIA is mandatory for developments listed within Schedule 1. Schedule 2 developments require EIA if they would be "likely to have significant effects on the environment by virtue of factors such as its nature, size or location".

In deciding whether a Schedule 2 development is EIA development, Regulation 4(6) states:

"Where a local planning authority... has to decide under these Regulations whether Schedule 2 development is EIA development the authority ... shall take into account in making that decision such of the selection criteria set out in Schedule 3 as are relevant to the development."

In order to allow the Competent Authority to determine the need for EIA, this report provides a description of the site and proposed development, a review of the EIA screening criteria based on the EIA Regulations and a site location plan in Appendix A.

2. Scheme Information

2.1. Scheme Location

The proposed ABoR is located north of the existing town of Ashchurch within the North Ashchurch Development Area, approximately 1.2km north of Ashchurch for Tewkesbury Railway Station and 1.8km north-east of Junction 9 of the M5. The proposed bridge would cross the existing railway line at a point north of Ashchurch town and south of Carrant Brook. The existing land-use is agricultural; however, the land has been earmarked for housing development as part of the ongoing development of proposals for the Tewkesbury Garden Town (as identified in the Tewkesbury Area Draft Concept Masterplan, January 2018 (Figure 1-1)).

The proposed bridge location is in a rural area that is not readily accessible from the highway network, with no direct links from the local roads, which are listed below, to the M5 or national trunk road network:

- Grange Road is an unclassified metalled road that comprises part of the urban road network in the residential area of Northway, to the south-east of the site.
- Aston Fields Lane is a single lane metalled unclassified rural road that connects to the B4079 to the east of Northway.
- Various residential roads in Northway to the south-west of the site, which are accessed from the west by Hardwick Bank Road that forms part of the main local transport route and skirts the northern perimeter of Northway.

There will be two compounds for the construction works, situated on the east and west sides of the railway.

Figure 14-1 in Appendix A shows the proposed location of the bridge in the surrounding environment and the indicative red-line boundary for ABoR.

2.2. Scheme Description

The ABoR Scheme is being provided to support future development expected to be formally identified as part of the JCS review, referred to as the Tewkesbury Garden Town. This development anticipates the development of thousands of new houses in the vicinity of Ashchurch, putting pressure on the existing road network, which currently has limited railway crossing locations. The proposed bridge location is in the centre of an area earmarked in the Tewkesbury Area Draft Concept Masterplan January 2018 for future housing development to the north of the existing town of Ashchurch referred to in this document as the 'North Ashchurch Development Area'. The current proposals identify that this North Ashchurch Development Area is anticipated to provide 826 new houses, but it is recognised that this development would not occur unless further crossings of the railway are provided. This assumption is part of the basis of the traffic modelling being undertaken for the Application Site and the North Ashchurch Development Area, the scope of which has been agreed with Tewkesbury Borough Council, Gloucestershire County Council and Highways England.

The ABoR scheme relates exclusively to the construction of the bridge structure and associated embankments over the railway. This will facilitate future development of the North Ashchurch Development Area, enabling the requisite crossing structure for a future road to be provided, recognising that the design and delivery of any such road will form part of the masterplanning exercise for the future housing development. In practice, the future development of the North Ashchurch Development Area will be taken up by a developer, which will include the routing of a new highway through the development to incorporate the use of this bridge structure to maintain connectivity between aspects of this new development, as well as providing a further link for traffic heading north of Tewkesbury and Ashchurch to utilise, as appropriate.

Figures illustrating the location and proposed arrangement for the ABoR are provided in Appendix A and cross-referenced as appropriate in the following sub-sections.

2.2.1. The Structure

The design of the proposed ABoR comprises a concrete bridge deck integrated with concrete abutment pads that will be supported on reinforced soil earthworks. The approach embankment foundations are subject to detailed geotechnical design but may be either piles or shallow spread foundations. Figure 14-1 in Appendix A shows the site of the bridge and its associated embankments.

To maintain a suitable slope angle for the embankments at a 30mph speed limit, the embankments will stretch 220m on each side of the railway. The structure is 74m wide at its widest point incorporating the bridge deck and the associated embankments utilising embankment slopes of 1:25 or 1:3. The bridge deck has been

designed with a total highway width of 15.6m, comprising two 3.8m wide lanes for the highway and a 4m wide path for a shared use footway/cycleway on each side of the highway, to encourage active transport. This total width of 15.6m is held over the bridge structure and embankments. This is outlined in Figure 14.3, Appendix A.

The bridge design has accounted for future electrification of the railway line beneath. This potential for future electrification of the line has increased the height clearance requirements for the bridge structure, with the structure expected to be 6.1m above the existing railway at its lowest point (including bridge parapets). This is outlined in Figure 14.3 in Appendix A.

The composite pre-cast deck is formed using a box beam arrangement to maximise the opportunity for off-site manufacturing and therefore reduce the requirement for obtaining possessions for works on the railway. It is anticipated that piles up to 900mm diameter will be installed using a crawler mounted piling rig. The selected bridge and foundation arrangement may require piles; these will be at 8m horizontal offset from the closest running rail, approximately 2m outside Network Rail's fence. Exceeding the 3m offset from the closest running rail and other requirements of NR/L3/INI/CP0063. Cross sections of the proposed bridge structure can be found in Figure 14.3 in Appendix A.

The planning application to be prepared for the development will seek planning permission for the construction of the bridge structure and the necessary infrastructure, site compounds, haul routes to facilitate this construction, including any required security measures such as fencing. The bridge deck will not receive a final running surface, neither will it be formally connected to the highway network. The future development of the North Ashchurch Development Area, envisaged as part of the Tewkesbury Garden Town development, will need to include within its planning application, the proposal to construct and operate a road, which will utilise the bridge delivered by the ABoR scheme.

2.2.2. Drainage

Rainfall runoff from the interim highway surfacing will be directed towards the highway verges and discharge "over the edge" to ditches at the toe of the approach embankments. It is proposed that the surface water from the bridge and haul roads is discharged via drainage runs (ditch or pipe) and outfalls to Carrant Brook. There is potential for attenuation ponds to be provided as shown on the Site Layout Plan (Figure 14.1), but this will be subject to further hydraulic modelling work.

The rainfall runoff from the interim surface on the bridge deck will be directed to the kerbs and off the deck by the carriageway camber, where it will be collected by the highway drainage. Deck end drainage will be installed behind the cill beams to discharge any water seepages onto the bridge deck. Any water accumulation on the surfaces of the cill beams will be directed by crossfalls and channels into the deck end drainage. Water from the deck end and cill beam drainage will be small in volume and hence directed into the proposed drainage runs and outfalls to Carrant Brook.

2.3. Construction methodology

2.3.1. Construction Compounds and Haul Routes

The GRIP Stage 3 Options Selection Report identified that all material will need to be brought to the site via road, to the compounds situated on the east and west sides of the railway. The proposed location of the compounds and associated haul routes is set out in Figure 14-1 in Appendix A.

To enable construction, materials and equipment will need to be brought into the construction site by road. Indicative haul routes are shown on Figure 14-1 in Appendix A. Therefore, there will be heavy goods vehicle journeys made for the delivery of equipment, plant and materials, along with associated higher numbers of light vehicle movements by construction workers made during the construction period. Whilst these deliveries are required, these deliveries will be phased as such to be spread over time to minimise traffic impact, and to avoid exceedance of the screening criteria for assessment of traffic noise and air quality impacts specified in DMRB assessment guidance.

2.3.2. Construction Programme and Working Hours

The track access strategy produced as part of the GRIP 3 assessment has determined what construction works can be done adjacent to the railway line. This has identified three construction stages as set out in the tables below that identify the works that may be undertaken for both the piled and shallow foundation types. These stages identify the work proposed to be done before, during and after the track possession work.

Table 2-1 - Construction Stage 1

Stage 1 OFF TRACK – Pre track possession works.	Bridge Design 1A – Piled abutments	Bridge Design 2 – Bankseat abutments
These works are considered to be low risk construction operations and present negligible influence on the operational railway, however monitoring and design approvals from Network Rail will need to demonstrate that the operational railway is not affected by these works.	Construction of haul roads, security fencing and site compounds, including welfare facilities	
	Ground preparation for approach embankments, abutments, crane pad and assembly pad	
	Construction of approach embankments	
	Delivery and pre-assembly of bridge deck elements	
	Piling of abutments	Construction of reinforced soil abutments and access platforms
	Construction of concrete abutments	Delivery, Assembly and Construction of abutments pads

Table 2-2 - Construction Stage 2

Stage 2 Possession works (Rules of Route possessions)	Bridge Design 1A – Piled abutments	Bridge Design 2 – Bankseat abutments
Stage 2a – Works in possessions on weekday nights with Any Line Open (ALO) working. A safe working system will be introduced to separate trains and construction worker, using Any Line Open (ALO) working. Line blockages may also be used for these works.	Installation of track monitoring equipment and construction of barriers to create a position of safety for subsequent survey/monitoring.	
	Site clearance and operational railway protection works prior to the main construction works.	
	Erection and dismantling of temporary scaffolding.	
Stage 2b – Works in possessions on Saturday night through to Sunday morning. Full possession of both railway lines	Installation of the bridge deck beams and edge beams	
	Installation of edge protection, fall arrest system and/or man-safe systems	
	Installation of bridge parapets	
	Pouring of in-situ concrete onto deck	

Table 2-3 - Construction Stage 3

Stage 3 OFF TRACK – Post Possession works	Bridge Design 1A – Piled abutments	Bridge Design 2 – Bankseat abutments
Similar to Stage 1, these works are considered to be low risk construction operations and present negligible influence on the operational railway	Completion of earthworks to road level	
	Installation of drainage associated with the deck, deck ends and earthworks completed, draining away from railway	
	Completion of the deck, final pour of the cast in-situ concrete, installation of ducts for services and final laying of the road construction materials	
	Outstanding works at the deck ends and to the abutment pads	

The majority of construction activities will be undertaken under normal working hours (8AM-6PM Monday-Friday). However, due to the requirement for a closed railway to undertake certain specific activities, the construction will need to work with Network Rail about utilising track closures and obtaining 'possessions' of the railway. These specific activities that will utilise night works will take about 22 nights, but will not be in sequence, and are likely to be spread out over a matter of months on weekend nights.

2.3.3. Construction Traffic routing

To minimise disruption to local residents, private contractor vehicles and heavy construction traffic will be excluded from accessing the western compound via the central areas of Northway by being routed from Junction 1 of the M50, along the A38 in a southbound direction, onto the B4080 Tewkesbury Road leading north eastwards and then onto Hardwick Bank Road heading eastwards. The access to the haul route leading to the western compound will be via an existing field gate off Hardwick Bank Road, located just east of the M5 underpass.

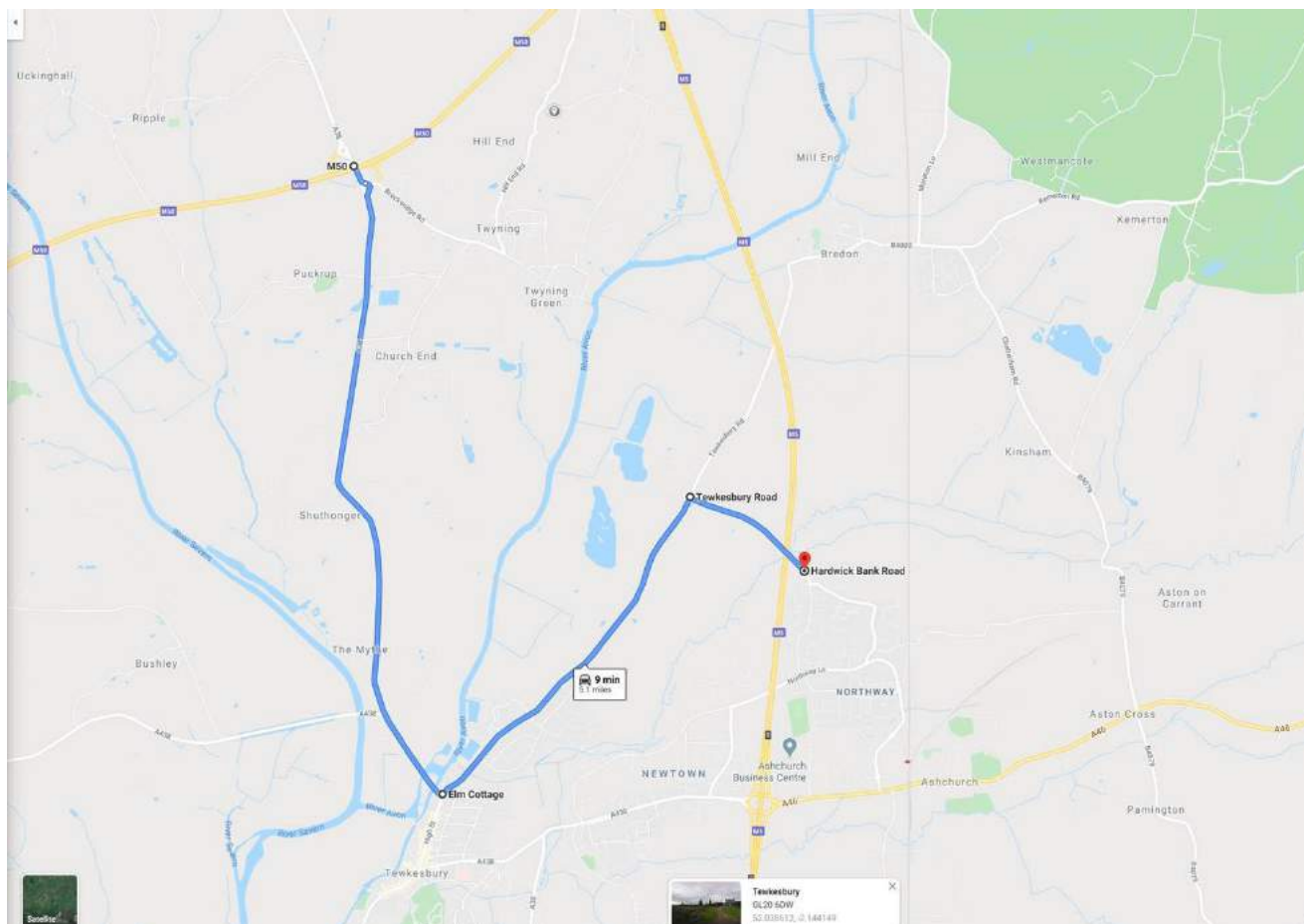


Figure 2-1 - Google Maps Route Finder (extract) showing proposed western access route from M50 Junction 1 to site

Construction traffic will also be routed from Junction 9 on the M5 along the A46 eastbound to the B4079, to enter the compound on the eastern side via Aston Fields Lane, as shown in Figure 2-2 below.

There will be a requirement to transport Abnormal Indivisible Loads (AILs) to the site, comprising the 28m long concrete beams for the bridge structure and the crane required to lift the bridge platform into place. These will be delivered to the western compound and require escorting on the public highway for safety purposes. The movements are likely to take place at night to reduce traffic disruption during the day. The field access off Hardwick Bank Road into the western haul route leading to the site will need to be widened to accommodate the AILs, which will necessitate the removal of some existing hedgerow vegetation. The temporary removal of road signs will also be required to ensure there is sufficient width for the AILs to pass, with the signs replaced once the deliveries have been completed.

At the anticipated operating radius, circa 25m standard cranes should provide safe working lift capacities in accordance with Network Rail standards between 40t and 50t. It is therefore possible to install any of the above beams with a 500t crane, such as a Liebherr LTM 1800. The number of crane lifts ranges between twelve and sixteen, with each lift taking a minimum of three hours to complete. The works for the deck beam and the in-situ concrete deck would be undertaken within the confines of the bridge “skeleton”. The bridge platform and the crane will be brought to the western compound and lifted into position from the western side of the site. This will reduce the requirement for heavy machinery to access the site via the route outlined in Figure 2-2.

The deck installation works, namely to lift the deck beams, parapet upstand and parapets, are dictated by the track access strategy that relies on the 8hr weekend possession for the lifting in of the deck beams and parapets. Due to the short working periods, it is expected that several weekend possessions will be required and the beam and parapet dimensions have been selected to maximise efficient use of these track possession opportunities.

2.4. Cumulative Projects

As noted above, the ABoR scheme itself constitutes just the construction of the rail bridge, with the bridge being left unpaved and secure from use until further development comes forward to construct the homes and a road through the North Ashchurch Development Area. With this in mind, the current location of the future road through the area is unknown, except for the point at which it will cross the railway. Notwithstanding this, traffic modelling for the ABoR scheme has considered a potential alignment for the future road to run its traffic modelling scenarios. This indicative route for the purposes of modelling is shown in Figure 2-3.

When considering the need for assessment of cumulative noise and air quality effects from traffic in this report, Figure 2-3 has been used as the probable alignment for the scheme, in the absence of further information to the contrary.

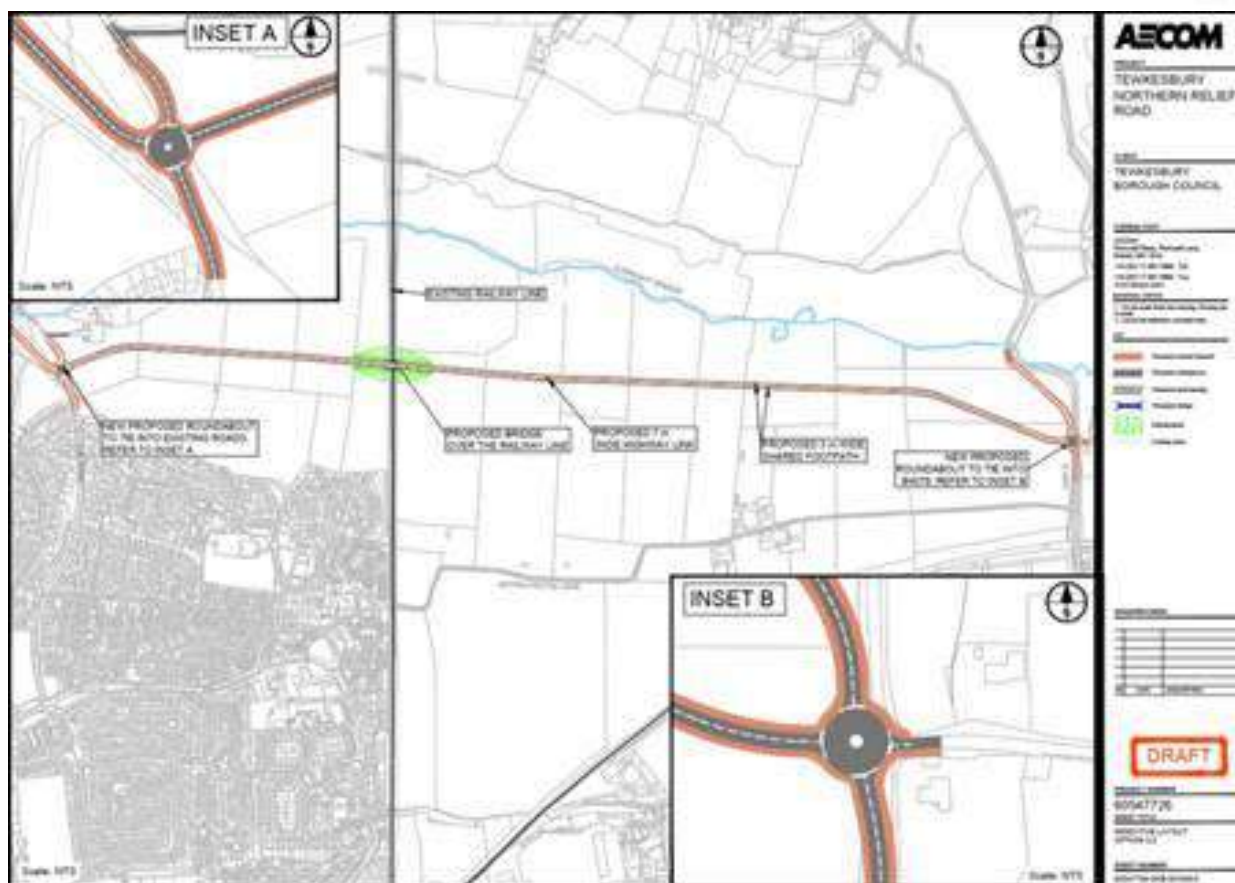


Figure 2-3 - Indicative route used for traffic modelling

2.5. Consideration of Alternatives

This section describes the evolution of the Proposed Scheme, and alternative options considered during development of the preferred alignment.

2.5.1. Previous Optioneering Work and Chosen Options for Selection

Certain key elements for the proposed bridge were previously specified by Tewkesbury Borough Council in a draft document prepared for Network Rail. These were reviewed in early June 2019, and amended as below:

- '7m wide vehicular carriageway;
- 3m wide shared pedestrian access on each side of the carriageway;
- Location to the north of the current railway station, beyond 'Northway' Level Crossing;
- The remit is for a standard design with no innovative features, unless a stakeholder has budget to propose improvements; and
- Proposed bridge to allow for future Network Rail electrification of the railway (assuming the closure of the Northway Level Crossing, which would increase height if open).'

AECOM has previously prepared initial concept designs and undertaken an initial consideration of the proposed new road network. These options have taken cognisance of the railway by considering the provision of a bridge, tunnel (rejected previously as non-preferred) or upgrade of the existing level crossing (rejected both in the AECOM report and by Network Rail as not acceptable). This conceptual design has been sufficiently developed to enable the securing of funding, and to initiate early discussions with Network Rail.

AECOM reviewed 12 options (six main options, majority with sub-options), as per Figure 2-4.

Table 21: Comparison of Option Scores

APRAISAL CRITERIA	OPTION 1.1	OPTION 1.2	OPTION 1.3	OPTION 2.1	OPTION 2.2	OPTION 2.3	OPTION 3.1	OPTION 3.2	OPTION 4	OPTION 5	OPTION 6.1	OPTION 6.2
Strategic	5	5	5	5	5	5	5	5	4	3	2	2
Economic	21	21	21	21	21	21	21	21	9	6	15	14
Managerial	13	13	13	11	11	11	13	13	11	6	8	8
Financial	12	12	12	11	11	11	12	12	13	9	7	7
Commercial	5	5	5	4	4	4	5	5	3	1	2	2
Housing	5	5	5	5	5	5	5	5	3	1	2	5
Deliverability	10	12	10	8	8	6	9	11	7	7	6	6
Environmental	10	10	10	6	6	6	8	8	10	14	6	6
Long term railway aspirations	4	4	4	1	1	1	3	3	3	5	1	1
SCORE	85	87	85	72	72	70	81	83	63	52	49	51

Figure 2-4 - Extract of AECOM Technical Note 'Tewkesbury NNR - Concept Design Sifting' showing overall option scoring

AECOM selected their preferred option as Option 1.1, although Option 1.2 scored highest and Option 3.2 was favoured by Stakeholders. These three options were therefore taken forward for further options assessment to select the single preferred option.

An indicative drawing showing the locations of all these options is provided in Figure 14-2 of Appendix A:

- Location 1 (Option 1.1) – Bridge nearest the current edge of the town of Ashchurch
- Location 2 (Option 3.2) – Bridge through the centre of the new development
- Location 3 (Option 2.1) – Bridge nearest the Carrant Brook.

2.5.1.1. Location 1

This was the most southerly location and positions the bridge and the new highway closest to the northern boundary of Ashchurch.

This route resulted in the segregation of some small parcels of land which would make these area unsuitable for residential development. However, it would open up a large patch of land between the existing Hardwick Bank Road and Carrant Brook. This was found to create an uneven split of land on the western side of the railway may limit the development potential– although this area could have been used to provide a potential open green space or buffer between the new highway and the existing Ashchurch residential areas.

This route additionally presents more opportunities to provide a road link between the existing Hardwick Bank Road and the new highway, creating additional traffic paths for this area of Ashchurch. Traffic modelling was then undertaken to identify if these new traffic paths will attract significant vehicle movements from the current roadways in the adjacent areas of Ashchurch, and whether the additional connectivity is of overall benefit to traffic flows in the area.

With respect to the development land on the eastern side of the railway line, at Location 1 the bridge is almost central and presents several options for the alignment of the new highway. Currently the arrangement presented in Figure 14.2, shows the eastern section of the new highway with a junction connection to the existing Aston Fields Lane, which would need to be improved to a new connection with the B4079 to the east.

Aston Fields Lane currently leads to Northway Level Crossing, which is an automatic half barrier-controlled railway crossing leading onto Grange Road, Northway in Ashchurch. There is a risk that the proposed highway arrangement could give rise to additional vehicle and pedestrian traffic from any new residences using the Northway Level Crossing rather than the new road over rail bridge, thus adversely affecting the safety of the existing railway. Therefore, in this scenario it is noted that Northway Level Crossing will need to be closed or the new road layout adjusted such that the volume of traffic using the crossing is restricted to less than or equal to current levels.

In this southerly Location 1, the railway line is situated on an embankment circa 1.5m in height above local ground level. To achieve the required railway clearances at this location the height of the bridge above local ground level and the length of the approach embankments will therefore be minimised. The draft information provided for the ground conditions and groundwater regime at this location indicates that they are most favourable for the design of the foundations, and it is additionally the furthest from the Carrant Brook and potential flooding risks.

2.5.1.2. Location 2

Under this proposed bridge position, the new highway is midway between the northern boundary of Ashchurch and Carrant Brook. The new highway alignment is relatively straight on an east-west orientation. The new road connects directly to the existing main highways to the far west and east of the site, with no connections shown to Hardwick Bank Road or Aston Fields Lane.

Traffic modelling was undertaken to inform the options assessment, but it was initially considered that the separation of the bridge and new highway from the existing road network in Ashchurch would create generally a lesser impact on the traffic paths for the adjacent areas within Ashchurch.

This central location for the bridge as shown indicatively in Figure 14.2, also enables the new highway to the east of the railway to be constructed on several potential alignments. It is believed that there is an opportunity to consider a slightly more southerly route on the eastern side to optimise the North Ashchurch Development Area into more evenly distributed parcels of land.

Although the road associated with Location 2 at present shows no connection to Aston Field Lane, any new housing developments and the associated road layouts in this area will need to consider the closure of the Northway Level Crossing or careful design measures to ensure that the future volume of traffic using the crossing is restricted to no more than current levels.

Location 2 is approximately 100m north of Location 1 and the topography is very similar. The railway line is situated on an embankment between 1.5m and 2.0m in height above local ground level. Achieving the necessary clearances above the railway at this location will result in a road level slightly higher than the local ground level at Location 1, and therefore the lengths of the approach embankments will be slightly greater than at Location 1.

2.5.1.3. Location 3

This is the most northerly location for the new highway, as shown in Figure 14-2. The new highway connects directly to the existing highway network to the far west and east of the site, with the new road following the route of the Carrant Brook watercourse.

This northerly location and highway alignment nullifies any development potential north of the road alignment, but does provide complete flexibility for the North Ashchurch Development Area to the south of the road. The potential consequence of this route is that any new housing developments and the associated road layouts in this area will need careful design to ensure that traffic is not attracted to Aston Field Lane in the south and thus onto Northway Level Crossing.

At Location 3, the railway line is situated on an embankment that is increasing in height to cross the Carrant Brook via a railway bridge to the north of the site. The height of the railway embankment will significantly increase the height required of the road over rail bridge above local ground level to maintain railway clearances, thus extending significantly the length of the approach embankments.

2.5.2. Environmental Options Appraisal

A high-level assessment of alternative schemes was undertaken as part of the Single Option Selection process. This included an environmental options appraisal that detailed a high-level desk-based assessment to gauge the environmental sensitivity of the immediate footprint of the different options for the ABoR scheme, including a broad 2km study area around the three bridge option locations shown indicatively in the previous AECOM study (Figure 14-2). This was to allow for the identification of any potential major adverse effects on the environment in respect of the different options.

The assessment found that from an environmental perspective, Location 3 (Option 2.1) which is in close proximity to Carrant Brook, would have the greatest environmental effects due to potential effects upon the main river and its location within the floodplain, which would lead to detrimental effects of the scheme on local flooding and/or large potential increases on scheme cost.

Additionally, Location 2 (Option 3.2) maintained concerns about potentially affecting areas of allocated land for new communities that the bridge is being designed to serve, as well as proximity to scheduled and non-designated Heritage assets. This will require further investigation and assessment.

Location 1 (Option 1.1) also had the potential to cause adverse effects upon Heritage assets, whilst also having greater potential noise impact concerns during construction and operation given the proximity to the existing built up area and sensitive human receptors. However, these effects could be successfully mitigated through best practice design measures.

When comparing the three bridge options, it was clear that Location 3 was the least favourable option from an environmental perspective. Compared to Location 2, Location 1 is located closer to human sensitive receptors, which could incur adverse air quality and noise effects during construction. Therefore, Location 2 represented the least constrained option in terms of potential environmental effects, subject to suitable assessment and mitigation measures.

2.5.3. Single Option Selection works

After securing funding for the ABoR scheme, Tewkesbury Borough Council requested Gloucestershire County Council, who in turn engaged Atkins, to undertake the appropriate Single Option Selection works for the ABoR. The single option development study considered the options for the location and design for the proposed bridge and ultimately determined the most suitable access to the ABoR scheme to the north of Ashchurch.

The aim of this Feasibility Study was to take the concept layouts produced by AECOM through the Single Option Selection stage in order to obtain GRIP Stage 3 acceptance by Network Rail for the proposed ABoR. The GRIP Stage 3 study therefore included:

- The review of the proposed civil, highway and geotechnical design options for positioning the ABoR and associated approach embankments, taking due consideration of all railway infrastructure constraints or impediments.
- Obtaining the adjacent topographical profiles using LiDAR data from UK government website.
- Ground Investigation and Ecological surveys to ensure the constraints and engineering issues associated with the Road over Rail bridge location are considered in the bridge option selection.
- Coordination with the early Traffic Modelling and Reviews of the new routes and connections to the surrounding local network.

During the development of this study, initial discussions with the masterplanners for the Tewkesbury Garden Town were held. This led to a refinement of the development model for the area and another location option, Location 4, was therefore identified for the bridge. Location 4 is situated between Location 1 and Location 2 in order to maximise the retention of the existing hedgerows in the area. This is shown in figure 14-2.

2.5.3.1. Location 4

During this GRIP Stage 3 investigation initial discussions with the Master Planners for the Tewkesbury Garden Town were held to discuss potential bridge locations. The masterplanners are focussing requirements on the retention of existing hedgerows wherever practicable, which will additionally facilitate the segmentation of the land for development – see Figure 2-5. In order to maximise land availability for different land usage requirements, this may require the bridge to be skewed slightly to the railway track.

Location 4 is a variation of Location 2, with equivalent physical constraints. It is closer to the existing railway signal, but sighting to the signal can still be maintained with the proposed physical bridge dimensions.



Figure 2-5 - Location 4 - bridge location to maximise retention of hedgerows

Following the Single Option Selection works assessments, it was recommended that the preferred position of the bridge is Location 4. The location of the bridge has been recommended based on the constraints of the environment, topography and local geography, as well as the operational requirements for the railway.

3. Screening Process

3.1. Introduction

The EIA Regulations require that before consent is granted for certain types of development, an EIA must be undertaken. The EIA Regulations set out the types of development for which EIA is mandatory in Schedule 1 and other developments (defined in Schedule 2) which may require an EIA if they exceed specified thresholds and have the potential to give rise to significant environmental effects.

The following should be considered in determining whether ABoR constitutes EIA development:

- If the proposed development is of a type listed in Schedule 1;
- If not, whether:
 - it is listed in Schedule 2; and
 - any part of it is located within a sensitive area; or
 - it meets any of the relevant thresholds and criteria set out in Schedule 2; and / or
 - it would be likely to have significant effects on the environment.

These points are explored further in this section with reference to the EIA Regulations.

3.2. Screening Process

3.2.1. Schedule 1 Projects

EIA is mandatory for projects listed in Schedule 1 of the EIA Regulations. Schedule 1 developments are large scale projects for which significant effects would be expected and comprise developments such as new airports and power stations.

The proposed development is not of a type listed in Schedule 1 and is reviewed in the following section to determine whether it is Schedule 2.

3.2.2. Schedule 2 Projects

The EIA Regulations define “Schedule 2 development” as development, other than exempt development, of a description mentioned in column 1 of the table in Schedule 2 where—

- “a. any part of that development is to be carried out in a sensitive area; or
- b. any applicable threshold or criterion in the corresponding part of column 2 of that table is respectively exceeded or met in relation to that development;”

Sensitive Areas considered in the EIA Regulations include:

- Sites of Special Scientific Interest (SSSI) and European Sites;
- National Parks, the Broads, and Areas of Outstanding Natural Beauty (AONB); and
- World Heritage Sites and Scheduled Monuments.

The current total site area of the ABoR scheme, including haul roads and compounds, is approximately 9.2 hectares.

In certain cases, local designations which are not included in the definition of sensitive areas, but which are nonetheless environmentally sensitive, may also be relevant in determining whether an assessment is required. Furthermore, in considering the sensitivity of a particular location, regard should also be had to whether any national or internationally agreed environmental standards are already being approached or exceeded.

The Local Planning Authority (LPA) must consider the selection criteria set out in Schedule 3 of the EIA Regulations as specified in the following section.

3.2.3. Selection Criteria for Screening Schedule 2 Development

Schedule 3 of the EIA Regulations sets out the criteria that should be considered in determining whether a Schedule 2 development is likely to have significant effects based on the criteria in Schedule 3. These include the characteristics of the development and of potential impacts, and the environmental sensitivity of the site.

If the Scheme is considered to have potentially significant effects an Environmental Statement is usually required. These factors should be taken into account as part of the screening process and are set out below:

3.2.3.1. Characteristics

- the size and design of the whole development;
- cumulation with other existing development and/or approved development;
- the use of natural resources, in particular land, soil, water and biodiversity;
- the production of waste;
- pollution and nuisances;
- the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge; and
- the risks to human health

3.2.3.2. Location

- the existing and approved land use;
- the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground; and
- the absorption capacity of the natural environment, paying particular attention to the following areas:
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) European sites and other areas classified or protected under national legislation;
 - (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
 - (vii) densely populated areas;
 - (viii) landscapes and sites of historical, cultural or archaeological significance.

3.2.3.3. Potential Impact

- the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- the nature of the impact;
- the transboundary nature of the impact;
- the intensity and complexity of the impact;
- the probability of the impact;
- the expected onset, duration, frequency and reversibility of the impact;
- the cumulation of the impact with the impact of other existing and/or approved development;
- the possibility of effectively reducing the impact

3.3. Environmental Topics Considered

The following sections set out a review of the above criteria and requirements and specifically addresses the ABoR scheme for the following topics:

- Biodiversity;
- Landscape;
- Air Quality;
- Noise and Vibration;
- Historic Environment;
- Water Environment;
- Materials and Waste;

- Climate Change Effects and Vulnerability;
- Population and Human Health;
- Traffic and Transport; and
- Cumulative Effects.

4. Biodiversity

4.1. Existing Environment

Information provided in this document is based on the following sources:

- A Preliminary Ecological Appraisal (PEA) survey of the ABoR Scheme, undertaken on 15th October 2019.
- A further survey conducted on 16th January 2020 when new, more extensive Scheme details were available. An updated version of the PEA was completed in February 2020⁴. This included updated desk study information that was collected in January 2020 with records provided by Gloucestershire Centre for Environmental Record (GCER) and Worcestershire Biological Records Centre (WBRC).

4.1.1. Statutory and non-Statutory Designated Sites

There are no statutory designated sites for nature conservation within the Application Site or within 2 km of it. No Special Areas of Conservation designated primarily for bats are within 30 km of the Application Site boundary.

Upham Meadow and Summer Leasow SSSI is located 2.3 km north west of the Application Site and is designated for wintering waders and wildfowl which can forage over significant distances. Approximately 6.8 ha of semi-improved grassland habitat potentially suitable for these foraging species will be removed as a direct result of the Scheme.

Broadleaved deciduous woodland (National Forest Inventory) exists within 50 m of the Application Site. The closest woodland is located 50 m west of the western end of the Application Site. There are also areas of traditional orchards within the study area, the closest being 70 m west of the western end of the Application Site. These traditional orchards are not predicted to be affected by the ABoR Scheme works and are not considered further.

The Carrant Brook (within the Carrant Brook Local Wildlife Site) flows east-west 250 m to the north of the Application Site.

No ancient woodlands were present within 50 m of the Application Site. One veteran tree was found 700 m north-east of the eastern end of the Application Site during the desk study.

The 2020 GCER and WBRC data search identified no non-statutory designated sites within 1 km of the Application Site.

4.1.2. Habitats

The Application Site consists mainly of grazed, semi improved grassland fields that have traditional ridge and furrow structure. The fields were mostly waterlogged at the time of the survey and separated by intact hedges comprising native species. Scattered mature and semi mature trees are situated across the boundaries of the Network Rail fence lined with tall and short ruderal habitats. The Application Site is bounded by grazed grassland, hedgerows and small areas of woodland. The Carrant Brook (within the Carrant Brook Local Wildlife Site) flows from east to west 250 m north of the Application Site. There are five ponds within 500 m of the Application Site.

4.1.3. Protected Species

4.1.3.1. Bats

The 2020 desk study provided 113 records of bats within 2 km of the Site including common pipistrelle, soprano pipistrelle, brown long-eared, lesser horseshoe, noctule, whiskered, Natterer's, Daubenton's and other unidentified bats. The closest record was recorded 400 m south-west of the south-western end of the Scheme; this was a suspected roost of common pipistrelle. Three records of bat detector data of common pipistrelles and a bat detector data record of a noctule were all located 540 m south west of southern end of the Site.

The field surveys carried out on 22nd October 2019 and 16th January 2020 identified suitable roost potential within several trees on Site and surrounding the survey area at TN1, TN15, TN16, TN17, TN18, TN21, TN22, TN25, TN26. These trees included mature and semi mature oaks, and willow trees. Hedgerows are also present, which offer suitable commuting and foraging habitats for bats.

⁴ Ashchurch Road over Rail Bridge, Preliminary Ecological Appraisal Report, February 2020, Atkins

4.1.3.2. Hazel dormice

The 2020 desk study provided no records of hazel dormouse within 2 km of the Site.

The field survey carried out on 22nd October 2019 and 16th January 2020 identified hedgerow habitat that was considered suitable for hazel dormouse; no evidence of dormice was found during the survey. Both surveys were conducted in the winter months when some plant species suitable for dormouse within the hedgerows may not have been present/identifiable. However, the hedgerows had suitable structure, suitable woody-species composition and connectivity with nearby woodland areas located to the west of the northern end of the Scheme.

4.1.3.3. Otter

The 2020 desk study provided 14 records of otter within 2 km of the Site, the closest being 620 m north-east of the eastern end of the Scheme.

The field survey carried out on 22nd October 2019 identified the Carrant Brook as having suitability for commuting and foraging for otters. No evidence of otters was found during the survey.

4.1.3.4. Water vole

The 2020 desk study provided no records of water voles within 2 km of the Site.

The field survey carried out on 22nd October 2019 identified the Carrant Brook as having potential for commuting/foraging water vole, but no evidence of water vole was identified.

4.1.3.5. Badger

The 2020 desk study provided six records of badger within 2 km of the Site, of which three were road casualties, one was a latrine, and two were setts located 1.6 km north-east of the Site.

No setts or other evidence of badgers were recorded within the Site during field surveys, and the site was very waterlogged, suggesting that it would not be suitable for sett construction. Badgers could use the area for foraging.

4.1.3.6. Birds

The 2020 desk study provided 217 records of birds within 2 km of the Site. Of these 217, 78 records were classified as having Schedule 1⁵ conservation status including osprey, Cetti's warbler, marsh warbler, hen harrier, hobby, whimbrel, fieldfare, black tailed godwit, kingfisher, curlew, and merlin. The further 139 records were UKBAP Red⁶ list species records including lesser redpoll, skylark, greater white-fronted goose, tree pipit, ringed plover, cuckoo, yellow hammer, linnet, common scoter, yellow wagtail, spotted flycatcher, tree sparrow, starling, grasshopper warbler, barn owl, grey partridge, song thrush, lapwing and reed bunting.

Field surveys carried out on 22nd October 2019 and 16th January 2020 identified suitable nesting bird habitat within the Site area within trees, hedgerows and scrub. Skylarks were heard calling in neighbouring fields.

The Site has grassland habitats of low value for birds as it is adjacent to a residential estate and is frequently visited by dog walkers. However, the habitat is suitable for and within the foraging range of overwintering, breeding waders and wildfowl associated with Upham Meadow and Summer Leasow SSSI, 2.3 km north-west of the Site. Suitable grazing/nesting priority habitat for birds associated with this SSSI conservation designation status is coastal and floodplain grazing marsh, of which the closest area of habitat is 1.3 km west of the western end of the Scheme.

A barn owl was flushed from a possible roost/nest site within a willow tree (TN4) on the banks of the Carrant Brook during the October survey.

4.1.3.7. Reptiles

The 2020 desk study provided 41 records of reptile within 2 km of the Site, including 32 records of grass snakes and nine records of slow worms. The closest record was found 60 m west of the Scheme.

The field surveys carried out on 22nd October 2019 and January 2020 identified suitable habitat for reptiles in areas of scrub habitat along the rail line ballast, hedgerows and short/tall ruderal areas.

⁵ birds listed on Schedule 1 of the *Wildlife and Countryside Act 1981 (as amended)* and subject to special protection

⁶ British Trust of Ornithology, Birds of Concern Red List- https://www.bto.org/sites/default/files/shared_documents/publications/birds-conservation-concern/birds-of-conservation-concern-4-leaflet.pdf

4.1.3.8. Amphibians

The 2020 desk study provided 21 records of great crested newts (GCN) within 2 km of the Site. A current European protected species licence for GCN exists within 2 km of the Scheme (12/10/2016-31/12/21). A previous survey of a Site just south of this Site (undertaken and reported on by Atkins in a report submitted in 2016⁷) identified a small population of GCN in a pond during surveys conducted in 2015.

During the survey on this Site undertaken in January 2020, pond TN24 (see Site Phase 1 plan in Appendix B), which is located 165 m south of the Scheme, was identified as the pond that supported a small population of GCN during the surveys conducted in 2015 mentioned above. Four other ponds (TN10, TN13, TN20 & TN23) assessed as providing suitable habitat for GCN were found within 500 m of the Application Site and within close proximity to the pond with the known population (TN24).

The field surveys identified suitable foraging/hibernating habitat including scrub/short ruderal and ballast habitat along either side of the rail route, hedgerows and dense areas of scrub at TN11, TN14 and TN18.

WBRC provided 29 records of palmate newts, smooth newts, common toads and common frogs within 2 km of the Site. It is considered likely that these amphibians will be present on Site as suitable habitat for amphibians is found throughout the Site.

4.1.3.9. Priority Invertebrates

No records of priority invertebrates were provided by local record centres.

4.1.4. Notable species

4.1.4.1. Hedgehogs

The 2020 desk study provided 32 records of hedgehog within 2 km of the Site, the closest of which was located 1.4 km north-east.

4.1.4.2. Bee Orchids

The 2020 desk study provided five records of bee orchids within 2 km of the Site, the closest of which was located 1.1 km east of the eastern end of the Scheme. The field surveys carried out on 22nd October 2019 and 16th January identified the grassland habitat within the Site as being unsuitable for the bee orchid as they tend to be found in dry, chalk and limestone grasslands.

4.1.5. Invasive Non-native Species

The 2020 desk study provided one record of invasive species within 2 km of the Site. This included Himalayan balsam. No invasive non-native plant species were found during the field surveys on 22nd October 2019 and 16th January 2020. However, as surveys were undertaken in winter months their presence cannot be ruled out.

4.1.6. Non-native species

Two records of non-native species were recorded within 2 km of the Site, these were Chinese muntjac and Canada goose. No evidence of either species was recorded during the surveys.

4.1.6.1. White clawed crayfish

The 2020 desk study provided no records of white clawed crayfish within 2 km of the Site.

The field survey carried out on 22nd October 2019 and 16th January identified the Carrant Brook as having negligible suitability for white clawed crayfish.

4.2. Potential Significant Effects

4.2.1. Construction

The ABoR scheme will involve the construction of a new bridge over the Birtol to Birmingham railway line and the creation of embankments to eventually support new roads to the bridge structure. There will be some loss and disturbance of existing roadside habitats, approximately 6.8 ha of semi improved grassland areas,

⁷ MoD Ashchurch Great crested newt eDNA survey, on behalf of VSM (Ashchurch) Ltd January 2016. Atkins report

approximately 335 m of hedgerows and the severance of six sections of hedgerow for the 6 m wide haul roads across the Application Site. A number of trees will also be removed for the haul road.

The ABoR scheme is to construct and leave in place the ABoR but does not include the future highway that will utilise the bridge as part of the future development of the North Ashchurch Development Area, nor the associated 826 houses expected to come forward as part of this future development. As the proposals for the North Ashchurch Development Area are not currently defined in terms of final mix of uses and layout, it is not possible to assess the cumulative impact on biodiversity. Additionally, the future development is neither in an adopted local plan, nor is it currently the subject of a planning application, therefore it is not possible to assess the likely cumulative impacts as part of this planning application for the ABoR scheme.

4.2.1.1. Plants and Habitats

Habitats present within the Site (scrub, grazed semi-improved grassland, tall ruderal habitat) were classified as having limited inherent ecological value. Hedgerows to be removed/disturbed within the Site area have the potential to affect certain protected species including nesting birds, dormice, reptiles, amphibians and bats.

4.2.1.2. Great Crested Newts

In the absence of comprehensive survey information and given the existence of desk study records in the vicinity, it is necessary to conclude that GCN are present in all suitable ponds within 500 m of the Scheme. GCN could therefore be present within terrestrial habitat on the Scheme. No direct loss of ponds is proposed, and impacts would be restricted to loss of or damage to terrestrial habitat.

4.2.1.3. Bats

Loss of and disturbance to trees and hedgerows within the Site could have effects on roosting, foraging and commuting bats.

4.2.1.4. Barn Owl

During construction works there is potential for disturbance to barn owls occupying a potential roost/nest within a willow tree on the south bank of the Carrant Brook, which is 250 m north of the Site boundary. The loss of approximately 6.8 ha of grassland may also reduce foraging opportunities for barn owls, but the area of loss is unlikely to be significant.

4.2.1.5. Dormouse

During the works, approximately 335 m of hedgerow will be removed for site compound installation and there will be six access points made through hedgerows that will be 6 m wide. These hedgerows have potential for dormouse nesting suitability and provide connectivity to nearby parcels of woodland. Therefore, a disturbance of this scale could cause significant impacts on dormouse populations, if present on Site.

4.2.1.6. Other species

Other potential impacts on protected and notable species can be summarised as follows:

- loss or damage of habitat used by common amphibians and reptiles;
- possible impacts on areas used by foraging badgers;
- loss/disturbance of foraging habitat for breeding birds;
- the Scheme proposals do not include any direct impacts on Carrant Brook (which could be suitable for water vole and otter). However, some indirect impacts such as disturbance or water runoff are possible.

4.2.2. Operation

The Scheme is to construct and leave in place the ABoR but does not include the future highway that will utilise the bridge as part of the future development of the area, nor the associated 826 houses expected to come forward as part of the proposals for the North Ashchurch Development Area. Therefore, at this stage of ABoR scheme development, there are no operational effects to assess in respect of biodiversity.

Further assessment will need to be undertaken as part of any future planning application for the development of the North Ashchurch Development Area, expected to deliver the road that will use the bridge; and 826 houses. This assessment work would determine ecological constraints and the appropriate mitigation and compensation once sufficient information about the North Ashchurch Development Area proposals becomes available. This will not form part of the assessment within the planning application for the ABoR scheme.

4.2.3. Cumulative

The Scheme is to construct and leave in place the ABoR but does not include the future highway that will utilise the bridge as part of the future development of the area, nor the associated 826 houses expected to come forward as part of the proposals for the North Ashchurch Development Area. Therefore, at this stage of ABoR scheme development, there are no operational effects to assess in respect of biodiversity.

Further assessment will need to be undertaken as part of any future planning application for the development of the North Ashchurch Development Area, expected to deliver the road that will use the bridge; and 826 houses. This assessment work would determine ecological constraints and the appropriate mitigation and compensation once sufficient information about the North Ashchurch Development Area proposals becomes available. This will not form part of the assessment within the planning application for the ABoR scheme.

4.3. Mitigation

The Scheme design will need to include adequate mitigation for bat roosts (if present) and foraging and commuting habitats. Where possible, trees with value for bat roosting will be retained and protected in line with guidelines provided in BS 5837 Trees in relation to Construction⁸. Where this is not possible, they will be subject to further inspection in line with Bat Conservation Trust guidance.

Impacts on other protected and notable species will need to be adequately considered and adverse effects will need to be mitigated as the Scheme develops. This will also need to take into account timing of works including site clearance and vegetation removal activities, precautionary methods of working and, where appropriate, pre-works checks.

Removal of and disturbance of hedgerows should not be undertaken within the nesting birds' season (February-October). If that is not possible, an ecologist should check trees and scrub areas for nests no more than 24 hours ahead of Scheme works starting.

The Scheme proposes that the hedgerows are reinstated suitably at a later date to mitigate this loss; however, it must be noted that the eventual development in the North Ashchurch Development Area is expected to require their removal, which will still sever the original pathway of the hedgerows; and this will be a consideration within the design of mitigation for the ABoR Scheme. The landscape design will include native whips/shrubs along the boundary of the rail corridor and additional hedgerow planting within and adjacent to the Site to compensate for the habitats lost.

Precautionary Methods of Working specific for nesting birds, reptiles, amphibians, dormouse and common species of reptile may be required for the duration of the works and will be recorded in the Outline Environmental Management Plan (OEMP). This list could change depending on outcomes of recommended further surveys.

Night-time working is to be kept to a minimum, with light directed away from any surrounding vegetation/trees/hedgerows. Lighting is currently anticipated to be required for approximately 8-10 nights to lift the bridge deck into place. Lighting guidelines for construction are available within Bat Conservation Trust lighting guidelines⁹ and may need to be followed to prevent effects on bats.

It is recommended that all works adhere to the Pollution Prevention Guidelines (PPGs)¹⁰ and the Construction Industry Research and Information Association (CIRIA) C715 Environmental good practice on site handbook¹¹.

Whilst no invasive species were identified in, or adjacent to, the river during the site visit, they should be considered a potential risk. Invasive species are highly competitive and typically have effective dispersal methods. Because they are so effective at dispersion, biosecurity measures are required as best practice to avoid potential spread of invasive species¹². All site workers will be given a toolbox talk on invasive species that could be encountered. If an invasive species is identified on site, an appropriately qualified ecologist will be consulted to determine a management procedure. A working method statement would include best practice for

⁸ British Standards Institute (2012) BS5837:2012 – Trees in relation to design, demolition and construction. Recommendations.

⁹ Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice guidelines (3rd edn). The Bat Conservation Trust, London.

¹⁰ Pollution Prevention Guidelines (PPGs) are out of date and a review process is currently underway to replace them with Guidance for Pollution Prevention (GPPs). These documents are available at <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>. GPPs provide environmental good practice guidance for the whole UK, and environmental regulatory guidance directly to Northern Ireland, Scotland and Wales only. For businesses in England, regulatory guidance is available from GOV.UK instead.

¹¹ Environmental Good Practice on Site Guide, CIRIA, Jan 2015, Edition 4.

¹² Treatment and disposal of invasive non-native plants guidelines- <https://www.gov.uk/government/publications/treatment-and-disposal-of-invasive-non-native-plants-rps-178>

managing the risks of invasive species e.g. check-clean-dry procedures for plant, equipment and PPE when entering and exiting the site.

4.4. Scope of Assessment

Assessment would be undertaken according to the methods outlined in section 4.5 below.

Irrespective of whether the Scheme requires assessment under the EIA Regulations, a full Ecological Impact Assessment (EclA) will be undertaken to account for all the ecological receptors identified in this document. If ecology is scoped into any EIA, this will be reported within the Environmental Statement. If ecology is not scoped in, it will be reported either in a separate EclA document or in an Environmental Appraisal Report as defined in the Highways Regulations and Design Manual for Roads and Bridges.

4.5. Method of Assessment

4.5.1. Establishing the baseline

Further surveys to establish the baseline are required in order to fully assess the impacts of the Scheme as follows. All surveys would be undertaken according to current good practice guidance.

The following surveys will be required:

- Bat roost survey on trees that will be removed/maintained/be affected by light or noise disturbance
- Bat activity surveys to identify any impacts on foraging or roosting bats
- Two site visits to assess the use of the site by breeding birds, particularly species associated with the nearby SSSI
- Barn owl roost inspection survey
- Dormouse surveys using nest tubes
- HSI, eDNA, presence/absence surveys for GCN in the five ponds known to be located within 500 m of Site, and any other ponds that become evident within 500 m

The following surveys may also be required depending on the design development:

- GCN population surveys

4.5.1.1. Bat roost surveys

Surveys have identified presence of habitat suitable for bat roosting within a number of trees on Site; these will need further assessment to ascertain roost presence.

4.5.1.2. Bat activity surveys

Hedgerows that are due to be removed/disturbed could provide commuting/foraging habitat for bats on Site. Further surveys to determine bat potential within these habitats are required.

4.5.1.3. Barn owl roost inspection survey

A mature willow has a potential barn owl roost/nest on Site. This will require examination by a barn owl licenced ecologist to assess barn owl potential on Site. Surveys will also be undertaken to identify any other features for roosting and foraging barn owl.

4.5.1.4. Breeding bird surveys

Breeding bird surveys to determine the use of the Site and adjacent areas by breeding and wintering birds associated with Schedule 1¹³ and UKBAP Red¹⁴ list species are recommended. An indication of species assemblage at the Site is required, rather than a full species list or population estimates. Surveys are recommended to be carried out late April and late May. This reduced survey method of two survey visits is considered suitable¹⁵. This suggested survey method is recommended because the Scheme is recognised as having relatively low potential impacts on habitats suitable for breeding birds on Site. There is also suitable

¹³ birds listed on Schedule 1 of the *Wildlife and Countryside Act 1981 (as amended)* and subject to special protection

¹⁴ British Trust of Ornithology, Birds of Concern Red List- https://www.bto.org/sites/default/files/shared_documents/publications/birds-conservation-concern/birds-of-conservation-concern-4-leaflet.pdf

¹⁵ Bird Survey Guidance Document, December 2015, Atkins.

habitat located outside of the Site area for use by these birds. The Site has habitats of low value for birds (the Site is adjacent to residential estate and is frequented frequently by dog walkers).

4.5.1.5. Dormouse surveys

The sections of hedgerows to be removed and/or cut through have potential for nesting dormouse and provide connectivity to nearby parcels of woodland. No records of dormouse have been reported within 2 km of the Site. However, as the habitat is suitable, further surveys are required to determine dormouse potential within these habitats.

4.5.1.6. GCN surveys

Records and documented evidence of GCN presence has been indicated in a pond on Site. The pond and surrounding ponds within 500 m of the Site are connected via hedgerow and grassland. Terrestrial habitat offers foraging and hibernating habitat for GCN on Site. No ponds are proposed to be directly lost as a result of the Scheme, however there is every potential for GCN populations and their suitable habitats to be affected by the works where they are in very close proximity to the Site. Further assessment will identify GCN presence and population on and immediately surrounding the Site.

4.5.2. Assessment criteria

4.5.2.1. Valuation of ecological features

Ecological features would be assessed following the geographical framework provided in *IAN 130/10 Ecology and Nature Conservation: Criteria for Impact Assessment*¹⁶, as presented in Table 4-1 - Geographic framework for the evaluation of ecological features Table 4-1 below. The evaluation would be based on the information gathered from the desk study and field surveys, using a combination of professional judgement and accepted criteria (e.g. diversity, rarity and naturalness).

Table 4-1 - Geographic framework for the evaluation of ecological features

Value	Criteria
International or European Value	<p>Natura 2000 sites including: Sites of Community Importance (SCIs); Special Protection Areas (SPAs); potential SPAs (pSPAs); Special Areas of Conservation (SACs); candidate or possible SACs (cSACs or pSACs); and Wetlands of International Importance (Ramsar sites).</p> <p>Biogenetic Reserves, World Heritage Sites and Biosphere Reserves.</p> <p>Areas which meet the published selection criteria for those sites listed above but are not themselves designated as such.</p> <p>Resident, or regularly occurring, populations of species which may be considered at International or European level where:</p> <ul style="list-style-type: none"> • The loss of these populations would adversely affect the conservation status or distribution of the species at this geographic scale; or • The population forms a critical part of a wider population at this scale; or <p>The species is at a critical phase¹⁷ of its life cycle at this scale.</p>
UK or National Value	<p>Designated sites including: Sites of Special Scientific Interest (SSSIs); Marine Protected Areas (MPAs) including Marine Conservation Zones (MCZs); and National Nature Reserves (NNRs).</p> <p>Areas which meet the published selection criteria e.g. JNCC (1998) for those sites listed above but which are not themselves designated as such¹⁸.</p> <p>Areas of key/priority habitats identified in the UK Biodiversity Action Plan (BAP); including those published in accordance with Section 41 of the</p>

¹⁶ Highways England (Highways Agency) <http://www.standardsforhighways.co.uk/ha/standards/ians/pdfs/ian130.pdf>

¹⁷ Seasonal activity or behaviour upon which survival or reproduction depends.

¹⁸ Valuation to be made in consultation with SEB (Statutory Environmental Body – in this case Natural England).

	<p>Natural Environment and Rural Communities Act (2006) and those considered to be of principal importance for the conservation of biodiversity¹⁹.</p> <p>Areas of Ancient Woodland e.g. woodland listed within the Ancient Woodland Inventory²⁰.</p> <p>Resident, or regularly occurring, populations of species which may be considered at International, European, UK or National level²¹ where:</p> <ul style="list-style-type: none"> • The loss of these populations would adversely affect the conservation status or distribution of the species at this scale; or • The population forms a critical part²² of a wider population at this scale; or <p>The species is at a critical phase²³ of its life-cycle at this scale.</p>
Regional Value	<p>Areas of key/priority habitats identified in the Regional BAP (where available); areas of key/priority habitat identified as being of Regional value in the appropriate Natural Area Profile (or equivalent); areas that have been identified by regional plans or strategies as areas for restoration or re-creation of priority habitats (for example South-west Nature Map); and areas of key/priority habitat listed within the Highways Agency's BAP.</p> <p>Resident, or regularly occurring, populations of species which may be considered at an International, European, UK or National level^{24,25} and key/priority species listed within the HABAP where:</p> <ul style="list-style-type: none"> • The loss of these populations would adversely affect the conservation status or distribution of the species at this scale; or • The population forms a critical part²⁶ of a wider population; or <p>The species is at a critical phase²⁷ of its life cycle.</p>
County or Unitary Authority Area Value	<p>Designated sites including: Site of Nature Conservation Importance (SNCIs); County Wildlife Sites (CWSs); and Local Nature Reserves (LNRs) designated in the county or unitary authority area</p>

¹⁹ Valuation to be made in consultation with SEB as such listings do not in themselves indicate intrinsic value, but instead indicate a conservation priority.

²⁰ Valuation to be made in consultation with SEB, and with use of professional judgement as listing does not in itself indicate intrinsic nature conservation value.

²¹ Valuation to be made in consultation with NATURAL ENGLAND as such listings do not in themselves indicate intrinsic value. Such species include those listed within Council Directive 79/409/EEC on the conservation of wild birds or animal/plant species listed within Council Directive 92/43/EEC. Species which may be considered at the UK or National level means: birds, other animals and plants which receive legal protection on the basis of their conservation interest (those listed in the Wildlife and Countryside Act 1981 (as amended), SCH 1, 5 and 8); species listed for their principle importance for biodiversity (in accordance with the Natural Environment and Rural Communities Act 2006 Section 41 [England]; and priority species listed within the UKBAP or species listed within Red Data Books.

²² Valuation to be made in consultation with NATURAL ENGLAND. Such populations include sub-populations that are essential to the maintenance of metapopulation dynamics e.g. critical emigration/immigration links between otherwise discrete populations.

²³ A seasonal activity or behaviour upon which survival or reproduction depends.

²⁴ Valuation to be made in consultation with NATURAL ENGLAND. Such species include those listed within Council Directive 79/409/EEC on the conservation of wild birds or animal/plant species listed within Council Directive 92/43/EEC.

²⁵ Valuation to be made in consultation with NATURAL ENGLAND as such listings do not in themselves indicate intrinsic value. Such species include those listed within Council Directive 79/409/EEC on the conservation of wild birds or animal/plant species listed within Council Directive 92/43/EEC. Species which may be considered at the UK or National level means: birds, other animals and plants which receive legal protection on the basis of their conservation interest (those listed in the Wildlife and Countryside Act 1981 (as amended), SCH 1, 5 and 8); species listed for their principle importance for biodiversity (in accordance with the Natural Environment and Rural Communities Act 2006 Section 41 [England]; and priority species listed within the UKBAP or species listed within Red Data Books.

²⁶ Valuation to be made in consultation with NATURAL ENGLAND. Such populations include sub-populations that are essential to the maintenance of metapopulation dynamics e.g. critical emigration/immigration links between otherwise discrete populations.

²⁷ A seasonal activity or behaviour upon which survival or reproduction depends.

4.5.3. Characterisation of Impacts

The assessment would follow guidance from CIEEM28 and IAN 130/10, which supplements the earlier DMRB Volume 11, Section 3, Part 4 'Ecology and Nature Conservation'.

The significance of effects on ecological features identified would be categorised where appropriate according to IAN 130/10 and considers both on-site impacts and those that may occur to adjacent and more distant ecological features, including:

- Direct loss of habitats (including temporary loss);
- Fragmentation or isolation of habitats;
- Changes to the local hydrology, water quality and/or air quality;
- Direct mortality or injury to wildlife through construction activities; and
- Disturbance to species from noise, light or other visual stimuli.

4.5.4. Significance of effects

IAN 130/10 allows characterisation of impacts and determination of effects which are significant following CIEEM guidance, with the significance of effects categorised on a scale from 'slight' to 'very large' (see Table 4-2, below). Professional judgement will be used in interpreting this table. Where there is no significant effect predicted, the impact is categorised as 'neutral'.

Table 4-2 - Characterisation of biodiversity effects

Significance Category	Typical Descriptors of Effect
Very large	An effect on one or more feature(s) of International, European, UK or National Value. NOTE: only adverse effects are normally assigned this level of significance. They should be considered to represent key factors in the decision-making process.
Large	An effect on one or more feature(s) of regional value. NOTE: these effects are considered to be very important considerations and are likely to be material in the decision-making process.
Moderate	An effect on one or more feature(s) of county value. NOTE: These effects may be important but are not likely to be key decision-making factors.
Slight	An effect on one or more feature(s) of local value. NOTE: These effects are unlikely to be critical in the decision-making process but are important in enhancing the subsequent design of the scheme.
Neutral	No significant effects on important nature conservation features. NOTE: Absence of effects, or those that are beneath levels of perception.

For Upham Meadow and Summer Leasow SSSI, effects will be considered significant if the potential impacts of the Scheme are likely to undermine the protected bird specific conservation status and objectives of its designation. Functions and processes acting outside the formal boundary of a designated site are being considered.

For habitats, which may constitute either whole or in part an ecosystem, effects will be considered significant if the potential impacts of the Scheme are likely to result in a change to the ecosystem's structure and function. Consideration will be given as to whether:

²⁸ CIEEM (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester.

- Any processes or key characteristics of the ecosystem would be removed or changed;
- There would be an effect on the nature, extent, structure and function of component habitats of the ecosystem; and
- There would be an effect on the population size and viability of component species within an ecosystem.

Some ecosystems can tolerate a degree of minor change, such as localised or temporary disturbance or changes in physical conditions, without such changes harming their function or value. Ecological effects will be considered in the light of any information available about the resilience of ecosystems to accommodate change.

Conservation status will be used to determine whether the effects of the Scheme on priority habitats or species are likely to be significant. The conservation status of priority habitats and species within a defined geographical area is described as follows:

- For habitats, conservation status is determined by the sum of the influences acting on the habitat that may affect its extent, structure and functions as well as its distribution and its typical species within a given geographical area; and
- For species, conservation status is determined by the sum of influences acting on the species concerned that may affect its abundance and distribution within a given geographical area.

In assessing the potential effects on conservation status, the known or likely background trends and variations in status will be considered. The level of ecological resilience or likely level of ecological conditions, which would allow the population of a species or area of habitat to continue to exist at a given level or continue to increase along an existing trend or reduce along a decreasing trend, will be an estimated where appropriate to do so. The impact assessment will take account of cumulative effects.

The proposed mitigation measures described will be considered in the assessment of the residual significance of effects. These mitigation measures include those required to achieve the minimum standard of established good practice together with additional measures to further reduce any negative effects of the Scheme.

The mitigation measures will include those required to avoid the risk of committing legal offences regarding legally protected species.

In addition to measures required to ameliorate negative effects to valued ecological features, biodiversity enhancement measures will be identified to be incorporated into the design of the Scheme.

4.6. Summary

Ecological assessment to date has been based on a PEA report²⁹ issued February 2020 (see Appendix B) containing desk study and survey data. Surveys have initially identified habitats of modest ecological value within the Application Site, however further surveys are necessary to identify whether there is the potential to have impacts on a range of protected species.

These are:

- Bat roost survey on trees that will be removed/maintained/be impacted by light or noise disturbance.
- Bat activity surveys to identify any impacts on foraging or roosting bats.
- Two site visits to assess the use of the site by breeding birds, particularly species associated with the nearby SSSI.
- Barn owl roost inspection survey.
- Dormouse survey using nest tubes.
- HSI, eDNA, presence/absence surveys for GCN on the five ponds located within 500 m of Site, and any others discovered during the further desk studies and walkover surveys.

The following surveys may also be required, depending on the design development:

- GCN population surveys

An Ecological Impact Assessment will be submitted as a 'stand-alone' deliverable as part of the planning application. This will report all potential impacts on ecological receptors in the Application Site and relevant surrounding environment, once the further surveys outlined above have been undertaken, providing an accurate representation of the potential effects and identification of proposals to ensure that suitable mitigation is put in place as part of the ABoR scheme.

²⁹ Ashchurch Road Over Rail Bridge Preliminary Ecological Appraisal, January 2020, Atkins on behalf of Gloucester County Council

5. Landscape

5.1. Existing Environment

For the purposes of this Report, this chapter on Landscape refers to the character of the surrounding rural and urban landscapes and the visual amenity provided within these landscapes.

The key areas, features and receptors of landscape and visual amenity value identified within the study area (1km from scheme extents – see section 5.4) are summarised below.

As noted above, the Scheme is not within an area designated as an AONB and there are no Registered Parks and Gardens within the study area. There are Listed Buildings, but these are addressed separately in the Cultural Heritage chapter.

The Site sits on the Bristol to Birmingham railway in open fields just north of Ashchurch/Northway, where the railway is largely at grade or shallow embankment, which rises in height northwards where the railway crosses over the Carrant Brook.

As defined by the Gloucestershire Landscape Character Assessment (LDA 2006), most of the Scheme lies within a Settled Unwooded Vale landscape character. This area is contained in the north by the Carrant Brook, by the M5 in the west and is dissected by the railway corridor.

To the north, east and the site itself, the landscape is highly rural and is characterised by open landscape, of large irregular agricultural fields, and wide grassland land bordering the Carrant Brook. Field boundaries are defined by hedgerows with individual trees, whilst groups of trees are associated with the watercourses and the grounds of Northway Mill. The village of Kinsham sits approximately 800m to the north-east whilst Bredon is just under 2km away to the north.

To the south is the residential area of Northway, 200m away at its closest point, with the Ashchurch MoD site and the Ashchurch business parks are over 1km away, bordered by the A46 beyond which are open agricultural fields. The M5 motorway runs north/south 800m to the west, screened by dense verge-side vegetation.

There are local Public Rights of Way that cross the study area, one of which runs adjacent to the railway and proposed site.

5.2. Potential Significant Effects

The proposed scheme would have an effect on the landscape character and visual amenity of the area through various impacts including the removal of hedgerow vegetation, introduction of temporary haul roads and the introduction of the bridge itself. However, provided that inherent mitigation measures are followed it is not expected that there would be any significant adverse effects upon the landscape character or visual amenity either during construction or operation.

Adverse effects are expected during construction but due to the anticipated temporary nature they are not expected to be significant. Over the longer term the impact of the presence of the proposed bridge itself is anticipated to be slight adverse or negligible and therefore also not significant.

5.3. Inherent Mitigation

It is expected that both the detailed location of the bridge and the temporary haul roads would be confirmed in association with the landscape architect to avoid unnecessary impacts on hedgerows and trees.

Similarly, the design of the bridge, in terms of finishes and height of parapet would also be discussed to ensure the bridge does not “stand out” in views towards and integrates well into the landscape. This would also be required for any “security fencing” to prevent access onto the bridge whilst the scheme waits for the future highway and associated housing to be permitted and developed.

Furthermore, on completion of the bridge and removal of haul roads, any vegetation removed would be replaced and, where feasible, enhanced.

5.4. Scope of Assessment

The following sections describe the Landscape and Visual Impact Assessment (LVIA) methodology based on the Landscape Institute’s and Institute of Environmental Management and Assessment’s Guidelines for

Landscape and Visual Impact Assessment (GVLIA) 3rd Edition, the principles of which have been considered for this section of the Screening Report and which would be followed in a full LVIA, if required.

Due to the nature of the scheme, a preliminary study area of 1km from the site boundary is considered adequate to account for the likely landscape and visual effects of the proposed scheme.

Although over 2km away and a significant effect is not expected, it is also recommended that the study area is extended to allow for consideration of views from the Cotswolds AONB and its setting to confirm no significant effects on this highly valuable landscape.

However, as noted above, due to the nature of the Scheme and inherent mitigation measures, it is not anticipated that there would be significant effects on landscape character or visual amenity and therefore it is considered that Landscape and Visual Amenity can be scoped out of an EIA for this Scheme.

Further desk-based analysis and on-site observations of landform and vegetation cover during the full assessment process, together with consultation with the local planning authority and stakeholders, would confirm and refine the visual envelope for the scheme.

The assessment would focus upon the landscape character as defined by the regional published Landscape Character Assessments, as well as local site-specific character defined as part of the LVIA.

Visual receptors would include the residential areas of Northway and Kinsham plus individual properties within the study area; the public rights of way (PROW) that cross the study area; the railway and local roads; and selected viewpoint(s) from the Cotswold AONB, mostly likely from Bredon Hill.

5.5. Method of Assessment

5.5.1. Establishing the baseline

In order to establish the potential impacts and effects, the existing baseline conditions of the landscape character and potential visual receptors would first be confirmed and rated for their sensitivity to the proposed development. A detailed desk-top study would be undertaken utilising resources such as the Defra website magic.defra.gov.uk and relevant local planning authority documents.

A site visit would be undertaken to confirm assumptions made during the desktop research and identify any additional elements/receptors.

The baseline conditions would be assessed for their sensitivity to the proposed development. In accordance with the GLVIA, the sensitivity of landscape and visual receptors would be judged by considering the value of the landscape or visual receptor and their susceptibility to change arising from the proposed development.

A general indication of relative sensitivity for landscape and visual receptors is indicated on a three-point scale in Table 5.1 below. This would be used as a guide in the assessment, with alternative ratings given and justified if deemed appropriate.

Table 5.1 Sensitivity Rating

Sensitivity Rating		
Rating	Landscape Sensitivity	Receptor Sensitivity
<i>High</i>	Key characteristics of the landscape are fragile and very sensitive to change. The landscape highly valued and contains nationally designated features.	Dwellings and Communities National Leisure Routes Notable views Heritage assets of national significance
<i>Medium</i>	Some key characteristics of the landscape are vulnerable to change, but in general the landscape can absorb the effects of the development, without a significant change in character. The landscape is well valued and contained locally designated features	Local public footpaths and bridleways Unregistered parks and gardens
<i>Low</i>	The key characteristics of the landscape are generally robust, and the landscape may be able to accommodate the development without a significant change in character. The landscape has some local value but few/no designated features.	Roads Business parks (workers at) Industrial areas (workers at)

5.5.2. Assessment criteria

The potential impact (change) due to the proposed Scheme upon the baseline aspects would then be assessed considering both the construction and operation of the scheme. Impacts may be direct (physically affecting the landscape or the visual amenity for receptors) or indirect (affecting the landscape in visual terms only). In line with the GLVIA the scale, geographic extent, duration and reversibility of any impact, together with any mitigation proposals, will be taken into account in establishing the magnitude of impact.

The magnitude of impact would be assessed using the guideline definitions in Table 5.2 below.

Table 5.2 Magnitude of Impact Rating

Magnitude of Impact Rating		
Rating	Landscape Impacts	Receptor Impacts
<i>High</i>	Total loss or major alteration to key characteristics of the character and/or setting of the character area. Introduction of elements that substantially alter the character or tranquillity of the area.	Total loss or alteration to key aspects of view. Addition of new features that are highly visible, incongruous or in close proximity.
<i>Medium</i>	Partial loss or alteration to key characteristics of the character and/or setting of the character area. Introduction of elements that noticeably alter the character or tranquillity of the area.	Partial loss or alteration to key aspects of view. Addition of new features that are highly visible, though in keeping with the existing view, or viewed in middle ground /partially screened/viewed obliquely.
<i>Low</i>	Minor loss or alteration to characteristics of the character and/or setting of the character area. Introduction of elements that discernibly alter the character or tranquillity of the area.	Minor loss or alteration to key aspects of view. Addition of new features that are visible, though in keeping with the existing view. Changes to background of view or largely filtered/screened or viewed obliquely.
<i>Negligible</i>	Very minor loss or alteration to characteristics of the character and/or setting of the character area. Introduction of elements that make no perceptible change to the character or tranquillity of the area.	Very minor loss or alteration to key aspects of view. Addition of new features that are inconspicuous and in keeping with the existing view. Changes to background of view or seen as inconspicuous element in wide panorama. Almost entirely filtered/screened.

The impact of the proposed scheme will then be judged against the sensitivity of landscape and visual receptors to establish the potential effects on these.

The significance of effect on the landscape is defined as the extent of physical changes and subsequent impacts on the landscape and the perception of how the landscape areas/types/sub-types would be affected or whether new ones are established. The significance of the visual effect is defined as the extent of change to the existing view. Such changes may be beneficial (i.e. improve or enhance the character or view) or adverse (i.e. detract from or deteriorate the character or view).

The significance of landscape and visual effects relies upon professional judgement, however in accordance with general best practice, the matrix in Table 5.3 and the generic criteria for effect rating in Table 5.4 below, would be used as a guide but, where deemed appropriate, alternative judgements will be made with clear justification provided.

Table 5.3 Effect matrix

Magnitude	Sensitivity		
	<i>High</i>	<i>Medium</i>	<i>Low</i>
<i>High</i>	<i>Major</i>	<i>Major/Moderate</i>	<i>Moderate/Minor</i>
<i>Medium</i>	<i>Major/Moderate</i>	<i>Moderate</i>	<i>Moderate/Minor</i>

<i>Low</i>	<i>Moderate/Minor</i>	<i>Minor</i>	<i>Minor/Negligible</i>
<i>Negligible</i>	<i>Minor/Negligible</i>	<i>Minor/Negligible</i>	<i>Negligible</i>

In general terms, *Major* effects are usually considered to be significant, *Moderate* effects may be considered significant, but *Minor* and *Negligible* effects are usually not considered significant.

5.6. Summary

The Application Site is not located within a designated landscape area – the Cotswolds AONB is just over 2km to the north/east. To the north, east and within the Application Site itself, the landscape is highly rural and is characterised by open landscape, of large irregular agricultural fields, and wide grassland land bordering the Carrant Brook. Field boundaries are defined by hedgerows with individual trees, whilst groups of trees are associated with the watercourses and the grounds of Northway Mill.

It is expected that both the detailed location of the bridge and the temporary haul roads would be confirmed in association with the landscape architect to avoid unnecessary impact on hedgerows and trees, and where removed, they would be replaced upon completion of the ABoR scheme.

Adverse impacts are expected during construction but due to their scale and anticipated temporary nature they are not expected to result in significant effects. Over the longer term, the impact of the presence of the proposed bridge itself is anticipated to result in slight adverse or negligible effects and therefore also not be significant. Although there may be views from the AONB, these would be well over 2km away and are also unlikely to be significant.

Due to the nature of the Scheme and inherent mitigation measures, it is not anticipated that there would be significant effects on landscape character or visual amenity and therefore it is considered that Landscape and Visual Amenity can be scoped out of an EIA for this Scheme. However, to ensure the bridge is in-keeping with local landscape character, an LVIA will be submitted as part of the planning application for the ABoR scheme.

6. Air Quality

This section considers the potential effects on air quality which could arise as a result of the ABoR scheme during both construction and operation.

This section identifies and presents existing air quality conditions in the area of the ABoR scheme, identifies the potential effects on air quality associated with the ABoR scheme on human health and ecosystems both during construction and operation, and discusses mitigation measures that may be applied to mitigate any potentially significant adverse effects.

This section comprises:

- Identification of baseline air quality conditions and UK Air Quality legislation;
- Identification of potential air quality effects;
- A description of inherent mitigation; and
- A description of the scope and methodology of the air quality assessment.

6.1. Existing Environment

6.1.1. Air Pollutants

In most urban areas in the UK, the main local source of air pollutants is road traffic. Emissions from vehicle exhausts contain a complex mixture of pollutants including oxides of nitrogen (a mixture of nitrogen dioxide and nitric oxide – dominated by the latter), particulate matter (PM), carbon monoxide, and hydrocarbons (including benzene and 1,3- butadiene). The quantities of each pollutant emitted depend upon the vehicle type, quantity and type of fuel used, engine size, speed of the vehicle and abatement equipment fitted. In recent years, the local air pollutants of greatest concern have been nitrogen dioxide (NO₂ and fine particulate matter (PM₁₀ and PM_{2.5}).

6.1.2. UK Air Quality Legislation

There are two types of air quality regulations that apply in England:

- Regulations implementing mandatory European Union Directive limit values: The Air Quality Standards Regulations 2010 (Statutory Instrument (SI) 2010 No. 1001)³⁰; and
- Regulations implementing national air quality objectives: Air Quality (England) Regulations 2000 (SI 2000 No. 928) and Air Quality (England) (Amendment) Regulations 2002 (SI 2002 No. 3043)^{31,32}.

Table 6-1 - Relevant air quality criteria

Pollutant	Objective
NO ₂	Hourly mean concentration should not exceed 200 µg/m ³ more than 18 times a year Annual mean concentration should not exceed 40 µg/m ³
PM ₁₀	24-hour mean concentration should not exceed 50 µg/m ³ more than 35 times a year Annual mean concentration should not exceed 40 µg/m ³
PM _{2.5}	UK (Except Scotland) annual mean concentration should not exceed 25 µg/m ³ [†] Exposure reduction [^] (UK urban areas): target of 15% reduction in concentrations at urban background between 2010 and 2020 [*]

[†] UK Air Quality Standards (AQS) objective is 25 µg/m³ to be met by 2020. EU limit value is 25 µg/m³ to be met by 2015, with a requirement in urban areas to bring exposure down to below 20 µg/m³ by 2020.

[^] EU limit value exposure reduction target of 20% reduction between 2010 and 2020.

^{*} 25 µg/m³ is a cap to be seen in conjunction with 15% reduction.

³⁰ The Air Quality Standards Regulations 2010: <http://www.legislation.gov.uk/ukxi/2010/1001/contents/made>

³¹ The Air Quality (England) Regulations 2000: <http://www.legislation.gov.uk/ukxi/2000/928/contents/made>

³² The Air Quality (England) (Amendment) Regulations 2002: <http://www.legislation.gov.uk/ukxi/2002/3043/contents/made>

6.1.3. Study Area

The ABoR scheme is located within the administrative boundary of Tewkesbury Borough Council. For the purposes of this report air quality has been examined within an area extending 1 km from the ABoR scheme.

The majority of sensitive receptors within 1 km of the proposed development are located within the residential areas of Northway to the southwest of the ABoR scheme, some of which are within 350 m.

There are no statutory ecological designations (Ramsar, Special Protection Areas, Special Areas of Conservation, or Sites of Special Scientific Interest) within 1 km of the ABoR scheme. The nearest statutory ecological site is Upham Meadow and Summer Leasow SSSI, approximately 2.5 km to the northwest of the ABoR scheme.

The nearest non-statutory ecological designation (National Nature Reserve, Local Nature Reserve) is Bredon Hill National Nature Reserve, approximately 1.5 km to the northeast of the ABoR scheme. There are no ancient woodland sites within 1 km of the ABoR scheme.

6.1.4. Air Quality Management Areas

The ABoR scheme is located within the local authority area of Tewkesbury Borough Council. The local authority has declared parts of Tewkesbury town centre, including parts of High Street, Barton Street Church Street and the Eastern Relief Road as an Air Quality Management Area (AQMA) for exceedances of the annual mean air quality objective for NO₂³³. The Application Site is located approximately 3 km to the southwest of the Tewkesbury Town Centre AQMA.

6.1.5. Air Quality Monitoring

Air quality monitoring is undertaken by national and local authorities and is a key component of local air quality management. Measurements of pollutant concentrations can be made by analytical instruments that measure continuously, and passive sampling devices such as diffusion tubes which give longer period results (typically monthly, to calculate an annual mean concentration).

6.1.5.1. Continuous Monitoring Data

No Continuous Monitoring Sites (CMS) are operated by Tewkesbury Borough Council and nor are there any CMS operated by DEFRA's Automatic Urban and Rural Network (AURN) within the local authority area.

6.1.5.2. Passive Monitoring Data

Tewkesbury Borough Council undertook non-automatic (passive) monitoring of nitrogen dioxide (NO₂) at 18 locations during 2018. The nearest diffusion tube monitoring location to the Application Site is a roadside NO₂ diffusion tube (53N) on Ashchurch Road³⁴, approximately 1.5 km to the southeast of the ABoR scheme. Measured concentrations at this site are provided in Table 6-2. Between 2014 and 2018, the latest year for which ratified measurements are available, concentrations were well below the national air quality objective for nitrogen dioxide annual mean, at just over half of the objective value of 40 µg/m³.

Table 6-2 - NO₂ Diffusion tube monitoring results (µg/m³) within 2 km of the ABoR scheme

Site ID	Site Name	Site Type	X	Y	2014	2015	2016	2017*	2018*
53N	Ashchurch Road	Roadside	393281	233305	24.4	21.7	24.4	22.5	22.8

*NO₂ Monitoring Data has been provided by TBC in an email on 9th July 2019 based on an earlier request.

6.1.6. DEFRA Background Mapping

Estimates of background pollutant concentrations in the UK are available on the DEFRA UK-Air website³⁵. The background estimates, which are a combination of measured and modelled data, are available for each 1-kilometre grid square throughout the UK for the years 2017 to 2030. The estimated annual average background concentrations for the grid square area covering the ABoR scheme for 2017 are presented in Table 6-3 for the pollutants NO₂, PM₁₀ and PM_{2.5}. Background concentrations of these pollutants are shown to be well below relevant AQS objectives in 2017.

³³ https://uk-air.defra.gov.uk/aqma/local-authorities?la_id=279. [Assessed January 2020]

³⁴ Tewkesbury Borough Council, 2017, 2017 Air Quality Annual Status Report

³⁵ <https://laqm.defra.gov.uk/review-and-assessment/tools/background-maps.html>

Table 6-3 – DEFRA mapped background concentrations, 2017 ($\mu\text{g}/\text{m}^3$)

Grid Square (x,y)	2017 Background Concentration ($\mu\text{g}/\text{m}^3$)		
	NO ₂	PM ₁₀	PM _{2.5}
392500, 234500	12.9	13.4	9.0

6.1.7. Compliance with EU Limit Values

DEFRA's Pollution Climate Mapping (PCM) model³⁶ provides estimates of roadside concentrations of pollutants, including annual mean NO₂ and PM₁₀, which are used in annual reporting regarding compliance with EU Limit Values.

There are no PCM modelled links in the latest update of the PCM modelling (2017 reference year) within 1 km of the Application Site. The closest PCM modelled link is located on the A38, approximately 3 km southwest of the ABoR scheme. The A38 is not modelled to be in exceedance of the EU annual mean Limit Value with a roadside NO₂ concentration of 19.0 $\mu\text{g}/\text{m}^3$ in 2017.

6.1.8. Summary of Existing Conditions

The ABoR scheme is not within an AQMA and the air quality in the vicinity of the scheme can be shown to be well below any AQS objectives based on DEFRA background concentration maps.

Measured annual mean NO₂ concentrations at the nearest monitoring site to the ABoR scheme were below the NO₂ annual mean objective in 2018, the most recent year for which ratified data are available.

There are no PCM modelled road links within 1 km of the ABoR scheme and the closest PCM modelled link, on the A38, is not in exceedance of the EU annual mean Limit Value in 2017.

6.2. Potential Effects

The ABoR scheme has the potential to affect local air quality, both during the construction phase in the absence of mitigation and cumulatively when considered in conjunction with trip generation incorporated into traffic modelling to encompass the future new highway that will use the bridge; and associated 826 houses anticipated to come forward in the North Ashchurch Development Area.

6.2.1. Construction Effects

During construction, the ABoR scheme has the potential to cause adverse effects on nearby sensitive receptors by the following means;

- emissions of dust and particulate matter from construction activities including (but not limited to) earthworks, construction, and trackout activities;
- emissions associated with additional vehicle movements to and from the construction site, including material deliveries, and the operation of the plant and machinery on the site during construction; and
- emissions from vehicles associated with traffic diversions or traffic management measures during the construction phase.

6.2.2. Operational Effects

The Scheme is to construct and leave in place the ABoR but does not include the future highway that will utilise the bridge as part of the future development of the area, nor the associated 826 houses expected to come forward as part of the proposals for the North Ashchurch Development Area. Therefore, at this stage of ABoR scheme development, there are no operational effects to assess in respect of air quality.

6.2.3. Cumulative effects

The ABoR scheme does not include connecting the bridge to the local road network. However, in the future it will be used by traffic arising from other development that will be dependent on the completion of the ABoR. At present no traffic data is available for this connection to the highway network, so it is not possible to assess the potential for cumulative effects.

³⁶ DEFRA (2017) 2019 NO₂ projections data (2017 reference year). <https://uk-air.DEFRA.gov.uk/library/no2ten/2019-no2-projections-from-2017-data>

The planning application for the new highway and future housing in the North Ashchurch Development Area will be required to include an assessment of the air quality impacts of these developments based on local traffic flows. However, this development is neither in an adopted local plan, nor is it the subject of a live planning application. Consequently, under the EIA Regulations there is no requirement that the cumulative impact of the ABoR scheme is assessed in the context of potential development in the North Ashchurch Development Area as part of the planning application for the ABoR Scheme.

Further assessment will need to be undertaken as part of any future planning application for the development of the North Ashchurch Development Area, expected to deliver the road that will use the bridge; and 826 houses. This assessment work would determine the air quality effects and the appropriate mitigation and compensation once sufficient information about the North Ashchurch Development Area proposals becomes available. This will not form part of the assessment within the planning application for the ABoR scheme.

6.3. Inherent Mitigation

6.3.1. Construction Effects

Any effect on air quality during construction will be of a temporary nature. Emissions of dust and particulate matter are unlikely to have a significant adverse effect on nearby receptors, provided appropriate mitigation measures such as those detailed in IAQM Construction Dust Guidance³⁷ are implemented through a Construction Environmental Management Plan.

6.3.2. Operational Effects

There is no requirement for inherent mitigation for air quality within the operational phase of the ABoR scheme.

6.4. Scope of Assessment

6.4.1. Assessment Scope

The scope of the air quality assessment as part of the ABoR planning application will include the following:

- A review of local air pollutants (NO₂, PM₁₀ and PM_{2.5}) and the regulatory and policy context;
- A summary of baseline conditions and measured ambient concentrations in the study area and a comparison with the relevant air quality criteria;
- A qualitative assessment of the potential effects on air quality during construction arising from dust emissions;
- An assessment of the potential air quality effects during the construction phase associated with changes in traffic flows on the local road network during the construction phase of the ABoR scheme will be qualitative for the reason set out in section 6.5.2.2 below
- Recommendations for mitigation of potentially significant effects, if appropriate; and
- Conclusions.

The future development of the road and the associated housing will come forward with its own planning application in the future. This planning application will be required to demonstrate how this highway effects flows in the local environment and the potential noise effects of the operation of the highway compared to the baseline environment.

As the ABoR application is not for the operation of the highway, and the proposed future development is neither in the local development plan or has an existing planning application, no assessment is proposed. However, if it is the opinion of the Competent Authority that an assessment of the cumulative development is required, the scope is set out in section 6.5.4 below which will utilise assumed traffic flows created for the purposes of the Transport Assessment accompanying the planning application.

³⁷ Institute of Air Quality Management (IAQM) (2014). Guidance on the assessment of dust from demolition and construction. <http://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>

6.5. Method of Assessment

6.5.1. Existing Conditions

The air quality conditions provided in this report will be reviewed and supplemented with any additional air quality data available at the time of assessment. Once the study area has been defined, sensitive receptors will be identified.

6.5.2. Assessment of construction phase

6.5.2.1. Construction Dust

The IAQM Construction Dust Guidance provides a framework for a risk-based approach to the assessment of dust emissions from demolition and construction. The assessment of dust emissions during construction of the ABoR scheme is considered in the context of the overall scale and nature of the development under consideration and the potential sensitivity of neighbouring land uses. The quantity and distribution of dust emissions varies according to type, duration and location of activity, weather conditions and the effectiveness of suppression (mitigation) measures. Good practice control measures that are “highly recommended” or “desirable” for dust control for the various dust risk categories are recommended.

Assessment of the potential impact of the construction phase of the ABoR scheme on air quality with regards dust and PM₁₀ emissions has been carried out with reference to the four-step process described in the IAQM Dust Guidance. These steps are summarised below:

- Step 1 (screening) – Identification of the number of human receptors within 350 metres of the boundary of the Site and/or within 50 metres of the route(s) used by construction vehicles on the public highway up to 50 metres from the Site entrance. Ecological receptors should also be identified within 50 metres of either the boundary of the Site and/or of the route(s) used by construction vehicles on the public highway up to 50 metres from the Site entrance. No further assessment is required if there are no receptors.
- ‘Human’ receptors include residential dwellings and other premises that may have a particular sensitivity to dust deposition or to the health effects of PM₁₀ e.g. vehicle showrooms, museums, long-term car parks, hospitals, schools and residential care homes. ‘Ecological’ receptors include sites with statutory designations e.g. Ramsar sites, Special Protection Areas (SPA), Special Areas of Conservation (SAC) and SSSI, as well as non-statutory sites such as local wildlife sites and/or locations with very specific ecological sensitivities e.g. horticultural operations.
- Step 2 – Assessment of the risk of dust effects by considering the area around the Site in the context of potential dust impacts and distances to nearby receptors in relation to proposed activities in terms of demolition, earthworks, construction, and trackout. Trackout can be defined as the deposition of dust and dirt from a construction site onto a public road network where it may then be re-suspended in the air by vehicles using the road network.
- Dust emission magnitude classes of ‘large’, ‘medium’ and ‘small’ are used to define the level of risk arising from each activity depending on the nature and scale of operation.
- The sensitivity of the area is defined as ‘high’, ‘medium’ or ‘low’ for dust soiling effects, human health impacts, and ecological impacts separately, considering the sensitivity of receptors, distance and number of receptors from dust generating activities, and other site-specific factors (defined in the IAQM Dust Guidance). In addition, for the effect on human health, background PM₁₀ concentrations are considered. The definitions are provided in Tables 2, 3 and 4 of the IAQM Dust Guidance.
- Step 3 – Site specific mitigation in terms of the identified risks is identified.
- Step 4 – Assessment of the significance of the residual dust risk, after the application of the site specific mitigation.

Tables 6 to 9 of the IAQM Dust Guidance are used to define the risk of impact based on the dust emission magnitude and sensitivity of area. These are reproduced in Table 6-4 to Table 6-6 below.

Table 6-4 – Air Quality: Risk of Dust Impacts - Demolition

Sensitivity of Area	Dust Emission Magnitude		
	Large	Medium	Small
High	High Risk	Medium Risk	Medium Risk
Medium	High Risk	Medium Risk	Low Risk
Low	Medium Risk	Low Risk	Negligible

Table 6-5 – Air Quality: Risk of Dust Impacts – Earthworks and Construction

Sensitivity of Area	Dust Emission Magnitude		
	Large	Medium	Small
High	High Risk	Medium Risk	Low Risk
Medium	Medium Risk	Medium Risk	Low Risk
Low	Low Risk	Low Risk	Negligible

Table 6-6 – Air Quality: Risk of Dust Impacts – Trackout

Sensitivity of Area	Dust Emission Magnitude		
	Large	Medium	Small
High	High Risk	Medium Risk	Low Risk
Medium	Medium Risk	Low Risk	Negligible
Low	Low Risk	Low Risk	Negligible

6.5.2.2. Construction Traffic Emissions

The EPUK/IAQM's 'Land-use Planning and Development Control: Planning for Air Quality' (2017)³⁸ advises that an air quality assessment would be required where a development causes a change in Heavy Duty Vehicle (HDV)³⁹ flows on local roads of more than 100 per day outside of an AQMA. The construction period for the ABoR scheme is expected to last less than one year and although any effect on air quality from construction traffic is likely to be temporary, should construction flows exceed 100 vehicles per day for extended periods during the construction works on sensitive routes, a quantitative air quality assessment should be undertaken. Given the expected length of the construction period and the small size of the development, it is unlikely that the threshold for assessment would be exceeded.

6.5.3. Assessment of operation phase

An air quality assessment of the bridge alone during operation is not required.

6.5.4. Assessment of cumulative scenario

As outlined above, the assessment of effects from future developments is the responsibility of the planning applications coming forward at the time, and should not be material to the planning permission for the ABoR scheme. However, should an air quality assessment of the cumulative traffic effects of future developments that may use the ABoR be requested by the determining authority, it will follow the methodology outlined below.

The effect on local air quality from changes in road traffic flows as a result of other committed development which will use the bridge will be assessed with reference to published guidance and using air quality assessment tools from Defra's Technical Guidance LAQM.TG(16) and assessment criteria in the EPUK/IAQM Guidance³⁸.

³⁸ Environmental Protection UK and Institute of Air Quality Management (2017), 'Land-Use Planning & Development Control: Planning for Air Quality', <http://iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

³⁹ HDV comprises goods vehicles and buses >3.5 tonnes gross vehicle weight

The need for a cumulative assessment of operational impacts associated with the North Ashchurch Development Area development will be determined based on the screening criteria given in the EPUK/IAQM Guidance. The relevant traffic change criteria are:

- a change of light duty vehicles (LDV) of more than 500 Annual Average Daily Traffic (AADT; or more than 100 AADT within or adjacent to an AQMA); or
- a change of heavy duty vehicles (HDV) of more than 100 AADT (or more than 25 AADT within or adjacent to an AQMA).

Road links that exceed the criteria for assessment given in the EPUK/IAQM Guidance will be assessed (if the assessment is requested by Tewkesbury Borough Council). An assessment of changes in air pollutant concentrations using the detailed dispersion modelling software ADMS-Roads (version 4.1) will be conducted. The model uses information on traffic flows, speeds and fleet composition, vehicle emission rates, road alignment and width, and local meteorological data to estimate NO_x, PM₁₀ and PM_{2.5} concentrations at identified receptor locations. This model will be verified using local air quality monitoring data in accordance with DEFRA's technical guidance for local authorities (LAQM.TG(16)).

6.5.5. Assessment of Significance

A matrix for describing the impact of a change in concentration at individual receptors is set out in the EPUK/IAQM Planning Guidance, reproduced in Table 6-77. These descriptors are used in the assessment of changes to annual mean concentrations of NO₂, PM₁₀ and PM_{2.5} with the proposed development, and range from negligible to slight, moderate or substantial.

The impact description depends upon:

- the larger value of the total concentration without the proposed development or with the proposed development, as a percentage of the relevant Air Quality Assessment Level (AQAL i.e. AQS objective); and
- the change in concentration, classified according to the percentage change relative to the AQAL of interest. The percentage change is then rounded up or down to the nearest whole number before application of the impact descriptor.

Table 6-7 – IAQM Air Quality Impact Descriptors for Individual Receptors

Long Term Average Concentration at Receptor	Percentage Change in Concentration Relative to AQAL			
	1	2 – 5	6 – 10	>10
75% or less of AQAL	Negligible	Negligible	Slight	Moderate
76 – 94% of AQAL	Negligible	Slight	Moderate	Moderate
95 – 102% of AQAL	Slight	Moderate	Moderate	Substantial
103 – 109% of AQAL	Moderate	Moderate	Substantial	Substantial
110% or more of AQAL	Moderate	Substantial	Substantial	Substantial

The overall determination of significance of effect requires the professional judgement of a suitably qualified air quality professional. This judgement must take into account such factors as:

- the existing and future air quality in the absence of the scheme or development;
- the extent of current and future population exposure to the impacts (i.e. extrapolating the findings from the individual modelled receptors); and
- the influence and validity of any assumptions adopted when modelling the impacts.

6.6. Summary

The ABoR scheme is not within an AQMA and the air quality in the vicinity of the ABoR scheme can be shown to be below any AQS objectives based on DEFRA background concentration maps and Tewkesbury Borough Council monitoring data.

The ABoR scheme has the potential to affect air quality during the construction phase in the absence of mitigation, and consequently a construction dust assessment is screened in. Based on the expected length of the construction period (one year) it would seem unlikely that the threshold for a construction traffic emission

assessment would be exceeded and so a quantitative construction traffic emissions assessment is screened out.

In respect to the operational air quality effects, the ABoR will not be connected to the local road network once completed, consequently an operational phase air quality assessment is screened out.

Whilst there may be potential air quality effects with the cumulative development of the future highway and associated housing in the area, it is not proposed that this is assessed as part of the planning application as this will be assessed as part of the future developments own planning applications. Additionally, as there is no confirmation of the development in that it is not in an adopted local plan or subject to an existing planning application, it is not proposed to be assessed.

Whilst further assessments with regards to construction air quality effects are screened in to further assessment, that is in the absence of mitigation which would likely mitigate these potential adverse effects. Because of this, air quality effects are not seen as suitable reasoning to determine that an EIA is required. In light of this, the further assessments outlined above will be presented in a stand-alone Air Quality Assessment Report.

7. Noise and Vibration

7.1. Existing Environment

This section considers the potential effects on noise and vibration which could arise as a result of the ABoR scheme during both construction and operation.

This section identifies and presents existing noise conditions in the area of the ABoR scheme, identifies the potential effects on noise and vibration associated with the ABoR scheme in terms of human health and amenity both during construction and operation, and discusses mitigation measures that may be applied to mitigate any potentially significant adverse effects.

This section comprises:

- identification of baseline noise conditions;
- identification of potential noise and vibration effects;
- a description of inherent mitigation; and
- a description of the scope and methodology of the noise and vibration assessment.

7.2. Existing Environment

Whilst the existing environment in the vicinity of the proposed new railway bridge is predominantly rural in nature, the area is affected by noise from the following transportation sources:

- the M5 motorway between Junction 8 and Junction 9, located at distance of approximately 800m to the west of the ABoR scheme site; and
- the Bristol to Birmingham main line (over which the proposed new railway bridge is to be built), carrying passenger and freight traffic during both daytime and night-time periods.

National noise mapping (Round 3) undertaken to meet the requirements of the Environmental Noise Directive (Directive 2002/49/EC) and the Environmental Noise (England) Regulations 2006 (as amended), indicates that:

- existing noise levels associated with road traffic at the location of the proposed new railway bridge are in the order of 50-55dB L_{Aeq} during both daytime and night-time periods; and
- existing noise levels associated with rail traffic within approximately 25m of the proposed new railway bridge can exceed 70dB L_{Aeq} during both daytime and night-time periods. However, noise levels fall to around 55 dB L_{Aeq} at a distance of approximately 200m from the railway lines.

The existing road and rail traffic noise levels at any given receptor in the north of Ashchurch will depend on its proximity to each of these noise sources (e.g. residential receptors in Northway, to the west will be subject to greater levels of road traffic noise, but lower levels of railway noise).

There are no Noise Important Areas (NIAs) in the study area for this scheme.

7.3. Potential Effects

The ABoR scheme has the potential to affect local noise and vibration, both during the construction phase in the absence of mitigation and cumulatively when considered in conjunction with trip generation incorporated into traffic modelling to encompass the future new highway that will use the bridge; and associated 826 houses anticipated to come forward in the North Ashchurch Development Area.

7.3.1. Construction Effects

During construction, the ABoR scheme has the potential to cause adverse effects on nearby sensitive receptors by the following means;

- emissions of noise and vibration from construction activities including (but not limited to) earthworks, construction, and trackout activities; and/or
- emissions of noise associated with additional vehicle movements to and from the construction site, including material deliveries.

7.3.2. Operational Effects

The Scheme is to construct and leave in place the ABoR but does not include the future highway that will utilise the bridge as part of the future development of the area, nor the associated 826 houses expected to come forward as part of the proposals for the North Ashchurch Development Area. Therefore, at this stage of ABoR scheme development, there are no operational effects to assess in respect of noise and vibration.

7.3.3. Cumulative effects

The ABoR scheme does not include connecting the bridge to the local road network, however it will be used by traffic arising from other committed development that will be dependent on the completion of the ABoR. At present no traffic data is available for these other developments, so it is not possible to estimate the potential for cumulative effects.

The planning application for the new highway and future housing in the North Ashchurch Development Area will be required to include an assessment of the noise and vibration impacts of these developments based on local traffic flows. However, this development is neither in an adopted local plan, nor is it the subject of a live planning application. Consequently, under the EIA Regulations there is no requirement that the cumulative impact of the ABoR scheme is assessed in the context of potential development in the North Ashchurch Development Area as part of the planning application for the ABoR Scheme.

Further assessment will need to be undertaken as part of any future planning application for the development of the North Ashchurch Development Area, expected to deliver the road that will use the bridge; and 826 houses. This assessment work would determine the noise and vibration effects and the appropriate mitigation and compensation once sufficient information about the North Ashchurch Development Area proposals becomes available. This will not form part of the assessment within the planning application for the ABoR scheme.

7.4. Inherent Mitigation

7.4.1. Construction Effects

Any effects on noise and vibration during construction will be of a temporary nature. However, in order to ensure that emissions of noise and vibration due to construction operations are unlikely to have a significant adverse effect on nearby receptors, it is proposed that a Section 61 application under the Control of Pollution Act 1974 be prepared. The Section 61 application would be supported with a quantitative assessment of potential noise and vibration emissions, with measures to reduce and minimise through application of appropriate mitigation measures, such as those recommended in BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Part 1: Noise', and BS 5228-2:2009+A1: 'Code of practice for noise and vibration control on construction and open sites. Part 2: Vibration'. Examples include

- All night-time works should be avoided as far as reasonably practicable (i.e. with exception of works requiring possession of the railway line at night).
- All vehicles and plant fitted with effective exhaust silencers which should be maintained in good and efficient working order.
- All compressors and generators should be 'sound reduced' models fitted with properly lined and sealed acoustic covers which should be kept closed whenever the machines are in use.
- All ancillary pneumatic percussive tools should be fitted with mufflers or suppressors as recommended by the manufacturers which should be kept in a good state of repair.
- Machines in intermittent use should be turned off when not in use or where this is impracticable, throttled down to a minimum.
- The site compounds and static machines should be sited as far as is practicable from noise sensitive buildings.
- Where practicable, plant with directional noise characteristics should be orientated to minimise noise at nearby properties.
- Plant should be certified to meet the current EU legislation and should not be louder than the noise levels provided in Annex C and D of BS 5228 Part 1.
- Where appropriate, temporary noise barriers or other noise containment measures should be installed to minimise construction noise levels.
- The loading or unloading of vehicles and the movement of equipment or materials should be undertaken in a manner that minimises noise generation.

- Cleaning of concrete mixers should not be undertaken by hammering the drums.
- When handling materials, care shown not to drop materials from excessive heights.
- Speed restrictions should be implemented for all worksites and haul routes for safety, but also to control noise emissions.

Such measures could be implemented through a Construction Environmental Management Plan (CEMP).

7.4.2. Operational Effects

There is no requirement for inherent mitigation for noise and vibration within the operational phase of the ABoR scheme.

7.5. Scope of Assessment

The scope of the noise and vibration assessment will include the following:

- a review of local, existing noise conditions, and the regulatory and policy context;
- a summary of baseline conditions as determined by desk-study;
- a qualitative assessment of the potential effects on noise and vibration during construction arising from activities on site;
- an assessment of the potential noise effects during the construction phase associated with changes in traffic flows on the local road network during the construction phase of the ABoR scheme, which could be qualitative or quantitative depending on whether the criteria for assessment are met;
- recommendations for mitigation of potentially significant effects, if appropriate; and
- conclusions.

The future development of the road and the associated housing will come forward with its own planning application in the future. This planning application will be required to demonstrate how this highway affects flows in the local environment and the potential noise and vibration effects of the operation of the highway compared to the baseline environment.

As outlined above, the assessment of effects from future developments is the responsibility of the planning applications coming forward at the time, and should not be material to the planning permission for the ABoR scheme. However, should a noise and vibration assessment of the cumulative traffic effects of future developments that may use the ABoR be requested by the determining authority, it will follow the methodology outlined below. This will use assumed traffic flows created for the purposes of the Transport Assessment accompanying the planning application.

7.6. Method of Assessment

Current noise policy in England is based on the Noise Policy Statement for England (NPSE)⁴⁰, which through the effective management and control of environmental noise within the context of Government policy on sustainable development, aims to:

- Avoid significant adverse impacts on health and quality of life.
- Mitigate and minimise other adverse impacts on health and quality of life.
- Contribute to improvements to health and quality of life, where possible.

These aims reflect those contained in the National Planning Policy Framework (NPPF)⁴¹ and Planning Practice Guidance concerning noise⁴².

The Explanatory Note to the NPSE assists in the definition of significant adverse and adverse with the following concepts:

- NOEL - no observed effect level. This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

⁴⁰ Department for Environment and Rural Affairs (2010). Noise Policy Statement for England. London: Defra

⁴¹ Ministry of Housing, Communities and Local Government (2019). National Planning Policy Framework. London: MHCLG

⁴² Ministry of Housing, Communities and Local Government (2019). Planning Practice Guidance: Noise. Available at: <https://www.gov.uk/guidance/noise--2>

- LOAEL - lowest observed adverse effect level. This is the level above which adverse effects on health and quality of life can be detected.
- SOAEL - significant observed adverse effect level. This is the level above which significant adverse effects on health and quality of life occur.

Government policy and guidance do not state values for the NOEL, LOAEL and SOAEL; rather, the policy considers that the relevant values should be different for different noise sources, for different receptors and at different times. This means that the relevant noise levels at which effects arise should be defined on a strategic or scheme basis taking into account the specific features of that area, source or scheme. The concepts of NOEL, LOAEL and SOAEL apply to the assessment of noise and vibration in the construction and operational phases of the Scheme.

The latest revision to The Design Manual for Roads and Bridges Volume 11, Section 3, Part 7 (LA111 Noise and Vibration)⁴³, referred to hereafter as DMRB 11:3:7, contains comprehensive guidance on assessing the potential effects of noise and vibration emitted during the construction and/or operational phases of a road scheme. Accordingly, the following sections of this report outline the approach that will be taken to the definition of study areas and the approach to determining potential significance.

If a cumulative assessment is requested by the Competent Authority, it will follow the assessment methodology outlined in section 7.6.1.3 and section 7.6.2.3 accordingly.

7.6.1. Study Area

7.6.1.1. Construction Noise

The study area for construction noise assessment will be defined as the area within 300 m of the construction footprint of the Scheme, including both the bridge site itself and construction compounds/temporary haul routes. This is enough to encompass all potentially affected, noise sensitive receptors in the north of Ashchurch.

7.6.1.2. Construction Vibration

The study area for the construction vibration assessment will be defined as the area within 100 m of the construction footprint of the Scheme, including both the bridge site itself and construction compounds/temporary access routes. This is enough to encompass all potentially affected, vibration sensitive receptors in the north of Ashchurch.

7.6.1.3. Operational Noise (Cumulative)

The study area for the operational noise assessment will be defined as follows:

- 1) the area within 600m of new road links or road links physically changed or bypassed by the scheme;
- 2) the area within 50m of other road links with potential to experience a short-term Basic Noise Level (BNL) change of more than 1.0 dB(A) as a result of the scheme.

7.6.2. Determining Significance

7.6.2.1. Construction Noise

The LOAEL and SOAEL for construction noise will be established in accordance with Table 7-1.

Table 7-1 – Construction noise LOAELs and SOAELs for all receptors

Time period	LOAEL	SOAEL
Day (0700-1900 weekday and 0700-1200 Saturdays)	Baseline noise levels $L_{Aeq, T}$	Threshold level determined as per BS 5228-1:2009+A1:2014 Section E3.2 and Table E.1.
Night (2300-0700)	Baseline noise levels $L_{Aeq, T}$	Threshold level determined as per BS 5228-1:2009+A1:2014 Section E3.2 and Table E.1.

⁴³ The Highways Agency, Transport Scotland, Welsh Government and The Department for Infrastructure (2011). Design Manual for Roads and Bridges, Volume 11, Section 3, Part 7: LA111 Noise and Vibration. London: TSO

Evening and weekends
(time periods not
covered above)

Baseline noise levels
 $L_{Aeq, T}$

Threshold level determined as per
BS 5228-1:2009+A1:2014 Section E3.2 and
Table E.1.

BS 5228-1:2009+A1:2014 Section E3.2 and Table E.1 outline the 'ABC Method' for establishing thresholds determining the potential for significant effects at dwellings, due to construction noise. The methodology is reproduced in Table 7-2.

Table 7-2 – Example threshold of potential significant effect at dwellings

Assessment Category and Threshold Value Period	Threshold Value ($L_{Aeq, T}$ dB)		
	Category A	Category B	Category C
Night-time (23:00 – 07:00)	45	50	55
Weekday evenings (19:00 – 23:00) and weekends (Saturdays 13:00 – 23:00, Sundays 07:00 – 23:00)	55	60	65
Weekday daytime (07:00 – 19:00) and Saturdays (07:00 – 13:00)	65	70	75

NOTE 1 - A potential significant effect is indicated if the $L_{Aeq, T}$ noise level arising from the site exceeds the threshold level for the category appropriate to the ambient noise level.

NOTE 2 - If the ambient noise level exceeds the Category C threshold values given in the table (i.e. the ambient noise level is higher than the above values), then a potential significant effect is indicated if the total $L_{Aeq, T}$ noise level for the period increases by more than 3 dB due to site noise.

NOTE 3 - Applied to residential receptors only.

Category A: threshold values to use when ambient noise levels (when rounded to the nearest 5 dB) are less than these values.

Category B: threshold values to use when ambient noise levels (when rounded to the nearest 5 dB) are the same as Category A values.

Category C: threshold values to use when ambient noise levels (when rounded to the nearest 5 dB) are higher than Category A values. If the ambient noise level exceeds the Category C threshold values given in the table (i.e. the ambient noise level is higher than the above values), then a potential significant effect is indicated if the total $L_{Aeq, T}$ noise level for the period increases by more than 3 dB due to site noise.

Construction noise levels will be estimated at selected locations representative of all noise sensitive receptors in the study area, or at varying distances from each activity, to represent all receptors in the study area.

The magnitude of impact of predicted construction noise levels will be determined in accordance with Table 7-3.

Table 7-3 - Magnitude of impact and construction noise descriptions

Magnitude of impact	Construction noise level
Major	Above or equal to SOAEL +5dB
Moderate	Above or equal to SOEAL and below SOAEL +5dB
Minor	Above or equal to LOAEL and below SOAEL
Negligible	Below LOAEL

Construction noise will be deemed significant where it is determined that a major or moderate magnitude of impact will occur for a duration exceeding:

- 1) 10 or more days or nights in any 15 consecutive days or nights;
- 2) A total number of days exceeding 40 in any 6 consecutive months.

7.6.2.2. Construction Vibration

The LOAEL and SOEAL for construction vibration will be established in accordance with Table 7-4.

Table 7-4 – Construction vibration LOAELs and SOAELs for all receptors

Time period	LOAEL	SOAEL
All time periods	0.3 mm/s PPV	1.0 mm/s PPV

All construction vibration levels will be determined in accordance with the methodology presented in BS 5228-2:2009+A1:2014 for all activities with the potential to adversely affect vibration sensitive receptors.

The magnitude of impact of predicted construction will be determined in accordance with Table 7-3.

Table 7-5 - Magnitude of impact and construction noise descriptions

Magnitude of impact	Construction noise level
Major	Above or equal to 10 mm/s PPV
Moderate	Above or equal to SOAEL and below 10 mm/s PPV
Minor	Above or equal to LOAEL and below SOAEL
Negligible	Below LOAEL

Construction noise will be deemed significant where it is determined that a major or moderate magnitude of impact will occur for a duration exceeding:

- 10 or more days or nights in any 15 consecutive days or nights;
- A total number of days exceeding 40 in any 6 consecutive months.

7.6.2.3. Operational Noise (Cumulative)

The LOAEL and SOEAL for operational noise will be established in accordance with Table 7-4.

Table 7-6 – Operational noise LOAELs and SOAELs for all receptors

Time period	LOAEL	SOAEL
Day (06:00 – 24:00)	55 dB $L_{A10, 18hr}$ façade	68 dB $L_{A10, 18hr}$ façade
Night (00:00 – 06:00)	40 dB $L_{night, outside}$ (free-field)	55 dB $L_{night, outside}$ (free-field)

The noise change due to the associated road scheme will be determined at noise sensitive receptors within the study area during periods for the daytime and night-time periods, for:

- 1) Long term: Do Minimum Future Year (DMFY) against the Do Something Future Year (DSFY);
- 2) Non-project noise change: DMFY against the DMOY.

An assessment of opening year flows would usually be undertaken for traffic noise assessments. However, the bridge will not be connected to the highway network upon the completion of the structure and therefore an opening year scenario is not appropriate. The opening year for the highway and housing in the area is also not known at present, as it is neither in the local development plan or holding an existing planning application. From a noise perspective at this point. An assessment of non-project noise will be undertaken. However, since the bridge construction does not connect to the public highway, all project noise from the highway is in this regard is considered 'non-project noise'.

All road traffic noise calculations will be completed in accordance with the 'Calculation of Road Traffic Noise' (CRTN) 1988, with modifications as required by DMRB 11:3:7.

Where the noise sensitive receptor is a building, the façade used to calculate noise change will be chosen as follows:

- 1) the façade with the greatest magnitude of noise change; or
- 2) where the greatest magnitude of noise change is equal on more than one façade, the façade experiencing the greatest magnitude of noise change and highest Do Something noise level.

The magnitude of change will be defined in accordance with Table 7-7 for the short term and Table 7-8 for the long term:

Table 7-7 - Magnitude of change – short term

Short term magnitude	Short term noise change (dB $L_{A10, 18hr}$ or L_{night})
Major	Greater than or equal to 5.0
Moderate	3.0 to 4.9
Minor	1.0 to 2.9
Negligible	Less than 1.0

Table 7-8 - Magnitude of change – long term

Long term magnitude	Long term noise change (dB $L_{A10, 18hr}$ or L_{night})
Major	Greater than or equal to 10.0
Moderate	5.0 to 9.9
Minor	3.0 to 4.9
Negligible	Less than 3.0

An initial assessment of operational noise significance will be undertaken using Table 7-9.

Table 7-9 – Initial assessment of operational noise significance

Significance	Short term magnitude of change
Significant	Major
Significant	Moderate
Not significant	Minor
Not significant	Negligible

Where the magnitude of change in the short term is negligible at noise sensitive receptors, it has been concluded that the noise change will not cause changes in behaviour or response to noise, and as such will not give rise to a significant effect.

For noise sensitive receptors where the magnitude of change in the short term is minor, moderate or major at noise sensitive buildings, Table 7-10 will be used, together with the output of Table 7-9 to determine final significance.

Table 7-10 – Determining final operational significance on noise sensitive buildings

Local circumstance	Influence on significance judgement
Noise level change (is the magnitude of change close to the minor/moderate boundary?)	1) Noise level changes within 1 dB of the top of the 'minor' range can indicate that it is more appropriate to determine a likely significant effect. Noise level changes within 1 dB of the bottom of a 'moderate' range can indicate that it is more appropriate to consider a change is not a likely significant effect.
Differing magnitude of impact in the long term and/or future year to magnitude of impact in the short term	1) Where a greater impact in the long term and /or future year is predicted, it can be more appropriate to consider that a smaller change is a likely significant effect. A lower impact in the long term and/or future year over the short term can indicate that it is more appropriate to consider that a larger change is not significant.

	2) A similar change in the long term and non-project noise change can indicate that the change is not due to the project and not an indication of the likely significant effect.
Absolute noise level with reference to LOAEL and SOAEL (by design this includes sensitivity of receptor)	<p>1) A noise change where all Do Something absolute noise levels are below SOAEL requires no modification of the initial assessment.</p> <p>2) Where any Do Something absolute noise levels are above the SOAEL, a noise change in the short term of 1.0 dB or more results in a likely significant effect.</p>
Location of noise sensitive parts of a receptor	<p>1) If the sensitive parts of a receptor are protected from the noise source, it can be appropriate to conclude a moderate or major magnitude change in the short term and/or long term is not a likely significant effect.</p> <p>2) An example of this would be where no windows of sensitive rooms face the road, and outdoor spaces are protected from the road by buildings.</p> <p>3) Conversely, if the sensitive parts of the receptor are exposed to the noise source, it can be more appropriate to conclude a minor change in the short term and/or long term is a likely significant effect.</p> <p>4) An example of this would be when a house has many windows of sensitive rooms and outdoor spaces facing the road.</p> <p>5) It will only be necessary to look in detail at individual receptors in terms of this circumstance where the decision on whether the noise change gives rise to a significant environmental effect is marginal.</p>
Acoustic context	1) If a project changes the acoustic character of an area, it can be appropriate to conclude a minor magnitude of change in the short term and/or long term is a likely significant effect.
Likely perception of change by residents	<p>1) If the project results in obvious changes to the landscape or setting of a receptor, it is likely that noise level changes will be more acutely perceived by the noise sensitive receptors. In these cases it can be appropriate to conclude that a minor change in the short term and/or long term is a likely significant effect.</p> <p>2) Conversely, if the project results in no obvious changes for the landscape, particularly if the road is not visible from the receptor, it can be appropriate to conclude that a moderate change in the short term and/or long term is not a likely significant effect.</p>

7.7. Summary

The ABoR scheme has the potential to generate noise and vibration impacts during the construction phase, and consequently a qualitative construction noise and vibration assessment is required as part of the planning application. The assessment will assume that all potentially significant adverse effects will be reduced such that they do not result in significant adverse residual effects by separate preparation of a Section 61 application and accompanying OEMP.

The Scheme is to construct and leave in place the ABoR but does not include the future highway that will utilise the bridge as part of the future development of the area, nor the associated 826 houses expected to come

forward as part of the proposals for the North Ashchurch Development Area. Therefore, at this stage of ABoR scheme development, there are no operational effects to assess in respect of noise and vibration.

Whilst potential noise effects with the cumulative development of the future highway and associated housing in the area has not been ruled out because of a lack of available traffic data, it is not proposed that this is assessed as part of the planning application for the ABoR. The ABoR does not involve connection to the public highway or use as a road, with this aspect being subject to a further planning application in the future. As such, the assessment of noise effects will be undertaken by these developments when they come forward to their own planning submissions. Therefore, the requirement for a cumulative traffic noise assessment is screened out.

Whilst these further assessments are required to provide clarity of the potential effects of the scheme, it is not expected that the scheme will give rise to significant effects. With this in mind, these further assessments would be completed as stand-alone assessments outside of a statutory EIA process.

8. Historic Environment

8.1. Existing Environment

For the purposes of EIA screening, a study area has been defined as the area of the land-take required for the proposed bridge, plus a 500m buffer zone around the land-take, in order to account for visual impacts to the settings of heritage assets as well as to characterise the archaeological landscape. A preliminary review of known heritage assets identified several cropmarks recorded within 500m of the proposed bridge location. These cropmarks form part of a larger complex of late prehistoric to medieval period cropmarks identified through aerial photography as part of the National Mapping Programme (NMP) for the Carrant Brook area.

While not within the defined study area, two scheduled monuments are located in the near vicinity north of Carrant Brook: an area of enclosures and ring ditches west of Crashmore Lane (1005314) and a settlement site north-east of Kinsham (1005314). The cropmarks identified by the NMP survey may form part of a larger preserved prehistoric landscape and may contain remains of Schedulable quality, as the NMP report identified the character of the Carrant Valley as one that supports a “nationally important later prehistoric and Roman lowland site at Beckford, Worcestershire”⁴⁴. This refers to the area of Bredon Hill, which is the site of eight separate Scheduled Monuments and many more non-designated archaeological remains.

There are no designated heritage assets within the 500m buffer zone, the nearest being the settlement site north-east of Kinsham (1005314), c. 1.2km north-east of the proposed bridge.

8.2. Potential Significant Effects

Due to the lack of development in the study area, few archaeological investigations have taken place other than the NMP survey of aerial photography. While aerial photography can be an effective aid in identifying areas of archaeological potential, it is not a comprehensive survey methodology. As the NMP survey reported, the study area lies within a larger prehistoric to Roman landscape that includes a number of nationally significant monuments, with cropmark evidence suggesting the presence of more, as-yet unknown archaeological remains in the area. Without further survey and evaluation, the potential significant effects cannot be identified. There is a risk of as-yet unknown archaeological remains being present within the study area and site. Some of these remains may be of national significance, contributing to the understanding of the late prehistoric and Roman settlement of the area. If such remains are encountered, removal of the remains in part or whole would constitute a significant adverse effect.

8.3. Inherent Mitigation

Without a further understanding of the potential effects of the proposed bridge, no inherent mitigation can be identified. It is recommended that works should be designed to avoid buried archaeological remains of national significance wherever possible. A programme of archaeological works would be required on the Application Site to further identify, evaluate and record important archaeological remains in advance of construction activities to minimise the overall effect on the historic landscape. Geophysical survey and evaluation trenching would aid in identifying areas of high value where preservation *in situ* may be recommended.

8.4. Scope of Assessment

The scope of the screening assessment herein is to determine the potential for impacts to the historic environment and consider whether any of the impacts are likely to give rise to significant effects sufficient to warrant the need for an EIA. The determination of this will be made in conjunction with the assessments of other topics, pursuant to the goals of the EIA screening process, outlined above in Section 3. The identification of potential significant impacts on un-known archaeological remains is not generally a determining factor in screening for EIA.

To understand the potential for unknown archaeological assets to be affected by the scheme, a desk based assessment of the Application Site will be completed to inform archaeological understanding of the site and will be submitted as part of the planning application.

The ABoR scheme is to construct and leave in place the ABoR but does not include the future highway that will utilise the bridge as part of the future development of the North Ashchurch Development Area, nor the associated 826 houses expected to come forward as part of this future development. As the proposals for the

⁴⁴ Bishop, S. 2009. The Carrant Valley Landscape NMP: National Mapping Programme Report. English Heritage, Swindon.

North Ashchurch Development Area are not currently defined in terms of final mix of uses and layout, it is not possible to assess the cumulative impact on Cultural Heritage and Archaeology. Additionally, the future development is neither in an adopted local plan, nor is it currently the subject of a planning application, therefore it is not possible to assess the likely cumulative impacts as part of this planning application for the ABoR scheme.

8.5. Method of Assessment

The EIA regulations, as noted in Section 3 above, considers EIA applicable in environmentally “sensitive areas”. In the case of the historic environment, “sensitive areas” are defined as World Heritage Sites and Scheduled Monuments. The proposed bridge is not located within the boundaries of either a World Heritage Site or any Scheduled Monuments. Local designations are also considered. The proposed bridge is not located within any designated area of local importance for the historic environment (such as an archaeological priority area or Conservation Area).

8.6. Summary

There are no “sensitive areas” as defined by the EIA regulations within the study area or site. The Carrant Valley Landscape has been identified as having the potential for late prehistoric and Roman archaeological remains and should be treated accordingly.

A desk-based assessment of the study area is recommended, as well as pre-planning geophysical survey and evaluation trenching. However, this can be undertaken as part of the planning application process and would not require an EIA. As such, it is not considered that the impacts to the historic environment would give rise to effects that would warrant the need for an EIA.

9. Water Environment

9.1. Introduction

The spatial scope of the screening assessment includes features of the water environment within 1km of Scheme, following best practice guidance provided by DMRB Volume 11, Section 3, Part 10 LA 113 - Road Drainage and the Water Environment (formerly HD 45/09). This is felt appropriate in the context of surface water quality as research indicates that beyond 1km, the runoff associated with soluble pollutants will be sufficiently diluted, thereby reducing any potential impact⁴⁵. This study area is also suitable for assessing the potential impacts associated with flooding and the Water Framework Directive (WFD).

This chapter is also supported by the WFD screening compliance assessment presented in Appendix B.

9.2. Existing Environment

This section sets out the baseline conditions of the water environment. At this stage, a high-level desk-based assessment has been undertaken using publicly available spatial data under the Open Government Licence and from open sources⁴⁶ including the Environment Agency⁴⁷ and the Environment Agency Flood Map for Planning and Risk of Flooding from Surface Water (RoFSW) map.

The baseline conditions of the water environment have been based on publicly and readily available data. Baseline conditions within the study area are as follows.

9.2.1. Surface water

Within the 1km study area, there is one watercourse that is a reported reach under the WFD, known as Carrant Brook (WFD ID GB109054039851), located approximately 270m north of the proposed Scheme. The overall waterbody classification status is moderate with the aspiration of good status by 2027.

Carrant Brook is not associated with any protected area designations and is not a navigable waterway and there are no navigable waterways within the study area. One other watercourse, designated as a Main River, is a tributary of Carrant Brook and is within the study area, located approximately 250m north of the proposed scheme. This is an existing crossing and joins Carrant Brook approximately 1.1km downstream of the crossing point.

There are no WFD designated lakes within 1km of the proposed works. These are therefore screened out and will not be considered further. At the time of reporting no data are available for surface water abstractions or discharges within the study area.

9.2.2. Groundwater

The study area is underlain by Secondary A Superficial Aquifers and Secondary (undifferentiated) bedrock aquifers. There are no Source Protection Zone (SPZs) within the study area. These are therefore screened out and will not be considered further.

The site is underlain by the Warwickshire Avon - Secondary Mudrocks (GB40902G990900) WFD Groundwater body. The current overall status is good. At the time of reporting no data were available for the projected status and, therefore, the assumption is to maintain good status. At the time of reporting no data are available for groundwater abstractions or discharges within the study area.

9.2.3. Flood risk

9.2.3.1. Fluvial flood risk

The Scheme is located in a greenfield area between the Ashchurch town to the south and the Carrant Brook watercourse to the north. The Carrant Brook flows in an east-west direction and is approximately 270 m north of the Scheme. Ordnance Survey mapping shows no other watercourses or water features within the Application Site. The Scheme lies almost entirely within Environment Agency's Flood Zone 1, defined as area

⁴⁵ Design Manual for Roads and Bridges. Volume 11 Section 3. Part 10. LA 113. Road Drainage and the Water Environment. August 2019.

⁴⁶ <https://magic.defra.gov.uk/MagicMap.aspx>

⁴⁷ <https://environment.data.gov.uk/catchment-planning/>

with less than a 0.1% annual exceedance probability of flooding (1 in 1,000-year return period) from the Carrant Brook.

9.2.3.2. Surface water flood risk

According to the Environment Agency's RoFSW, the Scheme is located in an area with limited risk of surface water flooding for the 0.1% annual exceedance probability event (1 in 1,000-year return period).

9.2.3.3. Groundwater flood risk

At the time of reporting, details on groundwater flooding are unknown.

9.2.3.4. Tidal flood risk

The site is beyond the tidal limit of the River Severn, and therefore the tidal flooding risk can be considered negligible.

9.2.3.5. Other sources of flood risk

As a greenfield site, it is assumed that there is limited risk of flooding from sewers. Environment Agency long term risk map shows that the Scheme is not at flood risk from reservoirs. In addition, there are no canals in the study area, thus flood risk from other sources is considered low.

9.2.4. Designated sites

The presence of statutory designated sites (SSSI, SAC, SPA, RAMSAR) has not been identified within the study area.

9.3. Potential Significant Effects

9.3.1. Construction

The potential impacts that could result in temporary effects during the construction phase for all options include, but are not limited to the following:

- Risks to surface water, in particular Carrant Brook and the tributary, are possible, due to the proposed discharges to these surface watercourses via drainage ditches or pipes. The highway drainage proposal will be subject to a water quality assessment using the Highways England Water Risk Assessment (HEWRAT) Tool and CIRIA methodology as appropriate. Treatment will be provided in the form of swales/ditches and ponds as necessary to satisfy the results of the water quality assessment.
- Risks to the groundwater environment (principally associated with piling) and potential contamination risk to the underlying Secondary Aquifer and subsequent effects on existing abstractions. Both level of groundwater and the quality of groundwater for supply and reliant surface water sites could be affected. This risk is based on the assumed risk of deep piling and excavations, and therefore the assessment and associated risks may need to be updated when precise construction details/methods are confirmed. The final piling requirements are yet to be confirmed following ground investigations.
- Accidental leaks of hazardous materials, particularly concrete and cement products, which can arise in uncontrolled wash-down water and surface water runoff, have the potential to affect groundwater resources.
- The release of hydrocarbons and oils due to a large number of vehicles accessing the site, leakage from oil/fuel storage tanks and accidental spillages could affect the quality of groundwater resources.
- The western reach of the haul road lies in Flood Zone 2. This part of the scheme may be affected by flooding during construction. Construction in this area could increase flood risk upstream and/or downstream of the site.
- There is a potential increase in flood risk that may arise from blockage of overland flow routes within the floodplain, if the haul roads were raised on embankment and failed to include mitigation features.

9.3.2. Operation

As noted in section 2.2, the scheme will not result immediately in an operational highway. It is assumed that the future development of the highway and accompanying masterplan for 826 homes will incorporate the necessary permanent drainage requirements for the railway bridge. The potential risks from this scenario are outlined in the cumulative heading below.

With regards to the potential effects of the bridge in its 'as-built' state prior to paving being added and used as a highway, the impacts with the potential to result in effects on the water environment are listed below.

- Surface water quality impacts: new areas of hard standing that could increase runoff and affect the surface water quality in receiving surface water receptors (i.e. Carrant Brook). As stated above, the highway drainage proposal will be subject to a water quality assessment using the HEWRAT Tool and CIRIA methodology as appropriate. Treatment will be provided in the form of swales/ditches and ponds as necessary to satisfy the results of the water quality assessment. The risk of impacts on surface water quality is considered low on the following grounds:
 - the small area of hard standing associated with the bridge structure and thus minimal contributing area of pollution inputs; and
 - as the bridge will not be operational to traffic, negligible source pollution generated.
- Groundwater quality impacts owing to the discharge via drainage ditches/pipes as an interim solution until the surface water drainage is connected. As for surface water quality impacts, the risk is considered low.
- All the permanent features of the Scheme lie on Flood Zone 1, and thus are considered to have limited or no risk of fluvial flooding. However, it should be noted that with the revised climate change allowances, it is likely that the extent of Flood Zone 2 and 3 will increase, and thus the Scheme can be considered at higher risk of fluvial flooding over the lifetime of the development.
- As a result of the new impermeable area created from the Scheme, the volume and rate of water runoff could be increased compared with the natural greenfield rates. Without an appropriate drainage strategy, there is a potential risk of increasing surface water flooding around the Scheme and elsewhere. However, there is limited risk of surface water flooding as the Scheme footprint is located in an area limited to the risk of surface water flooding for the 0.1% annual exceedance probability event (1 in 1,000-year return period).
- No direct morphological changes to Carrant Brook are expected as the bridge will not directly cross or cause any physical impacts of the existing crossing.

9.3.3. Cumulative

Potential operational impacts that may arise when the Scheme is considered in the context of its future purpose with the future highway and associated 826 houses anticipated within the North Ashchurch Development Area include, but are not limited to:

- Surface water quality impacts arising from: pollutants (e.g. oils from fuel combustion/accidental spillages and salts or herbicides from road maintenance); and new areas of hard standing that could increase road runoff and affect the water quality in the receiving surface water receptor (Carrant Brook), if left unmitigated. It is proposed that the surface water from the bridge and approach embankments will be discharged via drainage runs (ditch or pipe) and outfalls to Carrant Brook. There is potential for attenuation ponds to be provided as shown on the Site Layout Plan (Figure 14.1), but this will be subject to further hydraulic modelling work.
- Groundwater quality impacts owing to the discharge via ditches as an interim solution until the surface water drainage is connected. In this case, similar impacts to those for surface water would apply.
- As a result of the new impermeable area created from the future development in the area, the volume and rate of water runoff could be increased compared with the natural greenfield rates. Without an appropriate drainage strategy, there is a potential risk of increasing surface water and fluvial flooding around the Scheme and elsewhere.
- The future development will be required to submit a Flood Risk Assessment and associated Drainage Strategy as part of their planning application in the future to ensure the potential effects noted above are mitigated.

The ABoR scheme is to construct and leave in place the ABoR but does not include the future highway that will utilise the bridge as part of the future development of the North Ashchurch Development Area, nor the associated 826 houses expected to come forward as part of this future development. As the proposals for the North Ashchurch Development Area are not currently defined in terms of final mix of uses and layout, it is not possible to assess the cumulative impact on the Water Environment. Additionally, the future development is neither in an adopted local plan, nor is it currently the subject of a planning application, therefore it is not possible to assess the likely cumulative impacts as part of this planning application for the ABoR scheme.

9.4. Inherent Mitigation

9.4.1. Construction

The risk of pollution during construction can be reduced by the adoption of good working practices. Although now withdrawn by the Environment Agency, their Pollution Prevention Guidelines⁴⁸ still detail good practice advice for undertaking works that may have the potential to result in water pollution. In general terms, by following these guidelines, impacts to the water environment resulting in significant adverse effects should be avoided.

Mitigation measures need to be included during the temporary construction phase (haul roads and site compounds construction) as well as for the embankment and bridge works. Haul roads within Flood Zone 2 should ensure that water keeps flowing within floodplain without obstacles; therefore, the road should be constructed at existing ground level or be provided with drains to allow water to flow across each side of it.

Where deep foundations extending below the groundwater table are intended to be part of the Scheme, these should be designed in accordance with industry standards - taking into account the site-specific water level and flow monitoring data obtained from intrusive ground investigation for the Scheme.

A piling risk assessment will be carried out to ensure the selected piling method does not introduce contamination pathways into the aquifer. Piling design should include mitigation in the form of substantial clear spacing between piles and appropriate piling installation methods. Where sheet piling is replacing existing retaining walls, the design should not exceed the extent and depth of any existing retaining walls.

Areas that may generate contaminated water, such as oil storage areas, would need to be bunded and have water discharged to self-contained units with treatment facilities. There would be no discharge to groundwater.

9.4.2. Operation

In relation to protecting surface water quality, proposed mitigation measures would be in addition to the embedded mitigation within the project's design, such as sustainable drainage systems (SuDs) pollution control measures and measures within the OEMP to control and prevent polluted run-off.

SuDs features are not likely to be applied to this Scheme until a permanent drainage design is developed as part of the wider scheme. At that stage, SuDs solutions, particularly in relation to those that attenuate runoff volumes, would mitigate an increase in surface water flood risk or fluvial flood risk associated with more water entering a watercourse. These measures could also be upsized or enhanced to provide water quality and surface water flood risk betterment.

With adherence to The National Planning Policy Framework (NPPF), and the relevant mitigation required, the Scheme would be compatible with the flood risk category.

The intended drainage strategy should ensure that flood risk will not be made worse as result of the Scheme.

In relation to protecting groundwater, drainage ditches or pipes are the proposed method of drainage for the scheme in the short term. Water quality treatment will be provided in the form of swales/ditches and ponds as necessary to satisfy the results of the water quality assessment.

9.5. Scope of Assessment

Based on the level of data at the time of reporting, and the sensitivity of the receptors identified within the study area, it is considered certain water topics, as identified with ticks in Table 9-1, should be assessed as part of the planning application.

Table 9-1 - Water topics scoped into further assessment

Water topic	Justification
Surface water	✓ Assumed interim drainage is via drainage ditches and outfalls to Carrant Brook. The impact of this drainage should be assessed to determine the impact on surface water.

⁴⁸ Pollution Prevention Guidelines (PPGs) with particular reference to PPG1 (general guide to the prevention of water pollution), PPG3 (use and design of oil separators in surface water drainage systems), PPG5 (works near or liable to affect watercourses) and PPG6 (working at construction and demolition sites). The PPGs contain a mix of regulatory requirements and good practice advice. They have been withdrawn by the Environment Agency but are still considered good practice advice to avoid pollution of watercourses. All of the PPGs are available from <http://webarchive.nationalarchives.gov.uk/20140328084622/http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Lakes and other surface water features	* - No receptors identified within the study area, no pathway of impact
Groundwater	<p>✓ - The impact of any deep foundations and piling necessary to support structures within the scheme should be assessed at the next stage.</p> <p>✓ - In the short term, it is proposed that the bridge drainage is discharged into drainage ditches located at the end of each approach embankment. The impact of this drainage should be assessed to determine the impact on groundwater.</p>
Abstractions and discharges	* - Although no data is available at the time of reporting, given the low risk to surface water no significant effects to surface water abstractions and discharges are anticipated. For groundwater, subject to the correct implementation of mitigation measures, no significant effects are anticipated.
Flood Risk	✓ - As a result of the new impermeable area created from the Scheme, the volume and rate of water runoff could be increased compared with the natural greenfield rates. Without an appropriate drainage strategy, there is a potential risk of increasing surface water flooding in the short-term around the Scheme and elsewhere.
WFD compliance	* - A WFD screening assessment has been undertaken which has confirmed the proposed Scheme is WFD compliant and as such, a detailed WFD assessment is not required (Appendix B)
Water-dependent designated sites	* - No receptors identified within the study area, no pathway of impact
Cumulative interactions	* - There may be interaction between different the water environment and ecology and between the water environment and geology. However, no significant effects due to interactions are anticipated, the size and scale of the scheme and the low sensitivity of the water environment identified.

9.6. Method of Assessment

The method of assessment for each part of the water environment is shown in Table 9-2. The method of assessing the importance, magnitude and significance of effects is stated within tables in LA 113 and has not been reproduced in this section.

These assessments will provide further confidence in the potential impacts in relation to the water environment and determine specific measures for mitigation.

Table 9-2 - Method of Assessment

Water topic	Method
Surface water	Simple assessment as outlined in LA 113
Groundwater	Simple assessment as outlined in LA 113
Flood Risk	Level 1 FRA as outlined in LA 113

9.7. Summary

The scope and methodology of the next stage of assessment proposed is a simple assessment of the potential effects to confirm that they are not significant. This would centre on potential effects on groundwater from piling activities and a level 1 FRA as the impermeable area exceeds the 1 hectare threshold.

The WFD compliance assessment has concluded at the time of reporting that the Scheme is compliant with the WFD and therefore WFD is screened out. Should the boundary to the works change, this would need to be re-examined.

In totality, whilst some further minor assessments are required, the potential effects of the scheme on the water environment are not significant enough to trigger the requirement for an EIA.

10. Materials and Waste

This chapter considers the potential environmental effects associated with consumption of material assets and generation of wastes from construction and operation of the ABoR Scheme.

The following definitions of material assets and waste are used:

- Material assets consist of primary, recycled, secondary and renewables sources of materials required for constructing or operating the Scheme.
- Waste is any substance or object the holder discards or intends or is required to discard.

10.1. Existing Environment

To consider the effects of materials and wastes the following study areas are defined:

- First study area – the area within which material assets are consumed (used or deployed) and waste generated (including temporary compounds, haul roads and storage areas etc.).
- Second study area – the area where there are feasible sources and availability of material assets and suitable waste management infrastructure to accept the anticipated wastes.

For the ABoR Scheme, the first study area is the construction footprint of the Scheme. This is considered to include the temporary compounds and haul roads on the east and west side of the railway and the bridge and embankments.

The second study area is considered to be the county of Gloucestershire. Gloucestershire County Council is responsible for mineral and waste planning in this area. GCC has published an emerging Minerals Local Plan 2018-2032⁴⁹ and a Waste Core Strategy 2012-2027⁵⁰ containing mineral and waste policies relevant to the Scheme.

Environmental effects outside the two study areas are not considered to be within the scope of this report.

10.2. Potential Significant Effects

The potential for significant effects of the Scheme relating to the materials and waste during construction and operation have been considered below.

The receptors in the second study area that have the potential to be affected by the Scheme are:

- The market for construction materials – the availability of key construction materials;
- The waste arisings baseline – the amount of waste generated;
- The waste infrastructure capacity – the ability of waste facilities to accept and process wastes; and
- Mineral sites and peat resources – the resources that may be sterilised by a new development.

10.2.1. Construction effects

Construction of the ABoR Scheme will require the consumption of construction materials and generation of certain construction wastes. Initial estimates of construction materials are presented in Table 10-1. Additional key construction materials that will be required include asphalt and steel, however estimates for these are not available at this stage.

Table 10-1 - Estimated quantities of material assets required for construction

Material asset	Estimated quantity required for construction (m3)
Fill (aggregate)	3,230
Concrete (pre-cast and ready-mixed)	1,700

⁴⁹ Minerals Local Plan for Gloucestershire 2018-2032. Publication (Pre-submission) Plan May 2018. Accessed at <https://www.gloucestershire.gov.uk/media/2085527/mlp-for-glos-publication-plan.pdf> on 28/01/2020.

⁵⁰ Gloucestershire Waste Core Strategy. November 2012. Accessed at https://www.gloucestershire.gov.uk/media/14056/adopted_wcs_211112-53886.pdf on 28/01/2020

In the second study area, the 10-year sales average for aggregate (including sand and gravel and crushed rock) is 2.2 million tonnes per annum⁵¹. Therefore, construction of the Scheme represents <1% of the available aggregate in Gloucestershire.

The sales of pre-cast and ready-mixed concrete are not available at a local level. However, sales of ready-mixed concrete in the southwest region were 1.2 million cubic metres in 2016⁵². Therefore, construction of the Scheme represents <1% of the available ready-mixed concrete in the southwest.

The Proposed Scheme is within a Mineral Consultation Area (MCA)⁵³ and therefore the Mineral Planning Authority (MPA), Gloucestershire County Council, should be consulted as part of the planning process. Based on publicly available information⁵⁴, no peat resources were identified in the area of the Proposed Scheme.

The Proposed Scheme is not expected to require any significant demolition or excavation activities and therefore wastes are likely to consist of small quantities of excess construction materials, vegetation and packaging. In addition, no significant sources of hazardous waste have been identified at this stage. The waste management infrastructure within Gloucestershire is considered to be capable of accepting these wastes.

10.2.2. Operation effects

Operation of the Proposed Scheme will eventually require maintenance of the road, bridge and embankments however this would be brought forward as part of the highway design in the future. Based on the proposed design and its limited extent, operation is not anticipated to consume significant quantities of materials assets or generate significant quantities of waste.

10.3. Inherent Mitigation

The following design, mitigation and enhancement measures have been identified for the Proposed Scheme.

10.3.1. Material assets

- Design of the Proposed Scheme has and should continue to consider the sustainable use of construction materials and the principles of 'designing out waste'.
- The reuse of excavation and other materials should be maximised, where possible.
- Construction of the Proposed Scheme should utilise secondary and recycled aggregate in preference to primary aggregate where these meet the Scheme's requirements and considering factors including their source, specification, production and transport.
- Ordering of construction materials for the Scheme and the correct storage of materials will minimise wastage.
- A Construction Environmental Management Plan will be developed for the Proposed Scheme prior to construction. This will include best practice and specific mitigation measures for materials.

10.3.2. Waste

- Application of the following waste hierarchy, as outlined in the Waste Framework Directive⁵⁵, in descending order of preference:
 - Prevention (no waste produced);
 - Preparing for reuse;
 - Recycling;
 - Other recovery (including energy recovery); and
 - Disposal.
- Construction, Demolition and Excavation (CD&E) wastes will be segregated as they arise to enable efficient recovery.

⁵¹ The Sixth Local Aggregate Assessment for Gloucestershire. November 2017. Accessed at <https://www.gloucestershire.gov.uk/media/18811/publication-draft-6th-laa-2016-update.pdf> on 28/01/2020.

⁵² Profile of the UK Mineral Products Industry. 2018 Edition. Mineral Products Association. Accessed at <https://mineralproducts.org/documents/Facts-at-a-Glance-2018.pdf> on 28/01/2020.

⁵³ Gloucestershire County Council Policies Map. Accessed at <https://maps.gloucestershire.gov.uk/MapThatPublic/Default.aspx> on 28/02/2020.

⁵⁴ British Geological Survey map. Accessed at <http://mapapps.bgs.ac.uk/geologyofbritain/home.html> on 28/01/2020.

⁵⁵ European Union Directive 2008/98/EC on waste (Waste Framework Directive). 2008.

- The proximity principle will be applied for waste recovery and disposal required for the Proposed Scheme.
- At least 85% (by weight) of non-hazardous construction and demolition waste will be recovered.
- All waste arising from the Proposed Scheme will be managed in accordance with Duty of Care legislation.
- A Construction Environmental Management Plan including a Site Waste Management Plan will be developed for the Scheme prior to construction. This will include best practice and mitigation measures for waste.

10.4. Scope of Assessment

Based on the design, estimated construction material quantities and mitigation measures presented in this chapter and report it is unlikely that the Proposed Scheme will result in a significant environmental effect with regard to material assets and waste during construction or operation. Therefore, it is proposed materials and waste are scoped out of further assessment and details of the method of assessment and baselines have not been provided.

10.5. Summary

The extent and nature of the Proposed Scheme and preliminary estimates for construction materials and limited wastes likely to be generated during construction indicate the effect on material and waste receptors will be relatively low and unlikely to be significant. A review of mineral sites and peat resources did not indicate that the Scheme would affect these resources.

It should be noted that the Proposed Scheme is within a Minerals Consultation Area and therefore the Mineral Planning Authority should be consulted during the planning process.

The likelihood of significant effects from the Proposed Scheme on materials and waste is summarised in Table 10-2.

Table 10-2 – Potential significant effects relating to materials and waste.

	Construction phase (including demolition & excavation)	Operation phase
Construction material consumption and use	✖	✖
Waste generation	✖	✖

Key: ✓ = potential significant effect is likely; ✖ = potential significant effect is unlikely.

In summary, the environmental effect of construction and operation of the Proposed Scheme is unlikely to be significant. Therefore, it is proposed that materials and waste are scoped out of further assessment.

11. Climate Change Effects and Vulnerability

Greenhouse gas emissions will be produced during construction through production of materials, their transportation to site and construction activities. During operation greenhouse gasses will arise from vehicle emissions. Due to the small size of the scheme, the emissions of greenhouse gases into the atmosphere caused by the scheme will not have the potential to affect the earth's climate during its construction and throughout its operational life. Mitigation measures include exploring low carbon technologies and materials through the design of the scheme, minimising resource consumption and re-using existing assets.

The Scheme has the potential to be vulnerable to climate change in the future if climate change resilience is not suitably included within the design. Construction of the Scheme is not predicted to be vulnerable to climate change as construction is not sufficiently far into the future to experience a different climate. No significant effects are predicted regarding the vulnerability of the Scheme to climate change during operation taking into account mitigation measures such as asset inspection/monitoring and measures inherent in the design such as climate change factors built into the drainage design.

Overall no significant effects are anticipated with regards to climate effects or climate vulnerability to trigger the requirement for an EIA. Carbon reduction will continue to be integrated into the design where possible, to minimise the embedded carbon during construction, however no further deliverables in relation to carbon reporting are anticipated to be delivered as part of the planning application.

12. Population and Health

The Population and Human Health assessment ascertains the likely significant positive and negative effects arising from the construction and operation of the proposed development, and opportunities for improving health and reducing inequalities considering the effects of the proposed development on private dwellings, community land and facilities, local businesses, rural enterprises, development land, non-motorised users (NMU), vehicles travellers, and human health.

Due to the nature of the Scheme being purely construction focused and inherent mitigation measures to mitigate effects, no significant adverse effects on human health are predicted during construction of the Scheme. Air quality and noise effects on population and health during construction will be mitigated by measures outlined in the Section 61 application for the works, and the methods outlined by the dust risk assessment to be completed by the scheme.

When, further development has come forward for the North Ashchurch Development Area and the bridge is opened, it will provide greater access to services and allow greater connectivity to the PRow network over the railway. Impacts on population and health from this future development will not be covered in the planning application for the ABoR scheme, with this information to be provided as the further developments for the North Ashchurch Development Area come forward.

13. Traffic and Transport

A transport assessment scoping document has been completed for the scheme. This document has been discussed and agreed by Gloucestershire County Council in its role as the Local Highways Authority in conjunction with Highways England.

Whilst, as stated in this report, the scheme itself does not generate additional traffic in operation, transport assessment will be completed to demonstrate the effects on the local highway network from the scheme when considered cumulatively with the future development of the site and other significant local projects. This Transport Assessment will be submitted as part of the planning application.

14. Summary and Conclusions

In summary, the ABoR scheme does have potential impacts upon various receptors located within the vicinity of the Application Site that could, if left un-mitigated, result in significant adverse effects. However, this report notes that these effects are generally temporary in nature, arising and lasting for the duration of the construction period only (anticipated to be about 8 months). Furthermore, all topics have concluded that, based on the current understanding of the ABoR scheme, construction method and baseline environment, the application of suitable standard mitigation measures within a combination of the Scheme design and OEMP would be sufficient to ensure that no significant residual adverse construction effects are anticipated.

There is no intention for the ABoR to be connected to the operational highway at this stage. The consideration of operational impacts and consequential environmental effects is based on the structure being present and visible in the landscape; however, not being available for human use and not requiring maintenance. The most pertinent environmental topics therefore include landscape and visual, and water environment, both of which identify the availability of design solutions to deliver inherent mitigation of adverse effects from impacts. No significant residual adverse operational effects are anticipated.

It is noted that the ABoR is essentially advance works for anticipated future growth to the north of Ashchurch, providing a crossing point over the railway line that could, in the future, be connected into the highway network to provide additional network capacity. However, the planning policy context for the growth of this part of Tewkesbury is not yet fixed within adopted policy documents; and no planning applications have been submitted to date in respect of sites directly to the north or east of the proposed ABoR site (specifically the North Ashchurch Development Area). Consequently, the preparation of a robust assessment of cumulative effects of the ABoR in light of a future baseline scenario incorporating growth in the North Ashchurch Development Area is not possible and any attempt to prepare such a document would arguably be premature – the developments would fall outwith the usual definition of reasonably foreseeable future projects on the basis of their lack of formal planning status.

14.1. Conclusions

The ABoR Scheme is considered a Schedule 2 development in accordance with the definitions within the EIA Regulations.

The EIA screening assessment documented in chapters 4-13 above finds that the ABoR scheme is unlikely to cause significant adverse residual effects on the environment (i.e. when considered in conjunction with proposed mitigation). With this in mind, and considering the criteria set out in Schedule 3 of the EIA Regulations, no formal EIA for the ABoR scheme is considered necessary.

Whilst the context of the ABoR Scheme as advance works for potential future growth within Ashchurch, the specific sites that the bridge would connect to (termed the North Ashchurch Development Area for the purposes of this report) do not currently have formal planning status. The potential for cumulative impacts between the ABoR scheme and any future development that may reasonably come forward as a consequence of it cannot therefore be robustly assessed at this time. The potential for significant cumulative effects to arise cannot therefore be considered as logical reasoning to conclude that the ABoR is EIA development.

For the reasons above, further assessments proposed with regards to impact assessment are somewhat limited. Whilst a traffic model is being created for the scheme, it is not yet possible to quantify the effects on Air Quality and Noise on future residents who will be living alongside the road as new receptors. Whilst it is possible to quantify the potential air quality and noise effects on existing residents within the locality, this in itself would have a large assumption about the future route of the highway through the North Ashchurch Development Area which could change (with the bridge location fixed) up to the point of any future planning application being granted for the new highway and associated housing development. Because of this, and the fact that there are no committed developments and/or adopted local plan to assess against, it is not proposed that any cumulative inter-project environmental assessments are undertaken at this time.

In conclusion, it is felt that there is no need to submit an Environmental Statement as part of the planning application for the ABoR since the development does not meet the screening criteria set out in Schedule 3 of the EIA Regulations. However, as part of the planning application, it is proposed that some further information will be provided about environmental issues to confirm the environmental impacts of the ABoR scheme. These are listed below:

- Ecological Impact Assessment incorporating findings of further surveys to be undertaken
- Landscape and Visual Impact Assessment

- Air Quality Assessment Report
- Cultural Heritage Desk-based Assessment
- Level 1 Flood Risk Assessment

The scope of each of these assessments is discussed further in the individual chapters 4-13. Any environmental management procedures and mitigation put forward as part of this screening assessment, and these further assessments outlined above will also be detailed in the planning application in the OEMP.

Appendix A. Figures

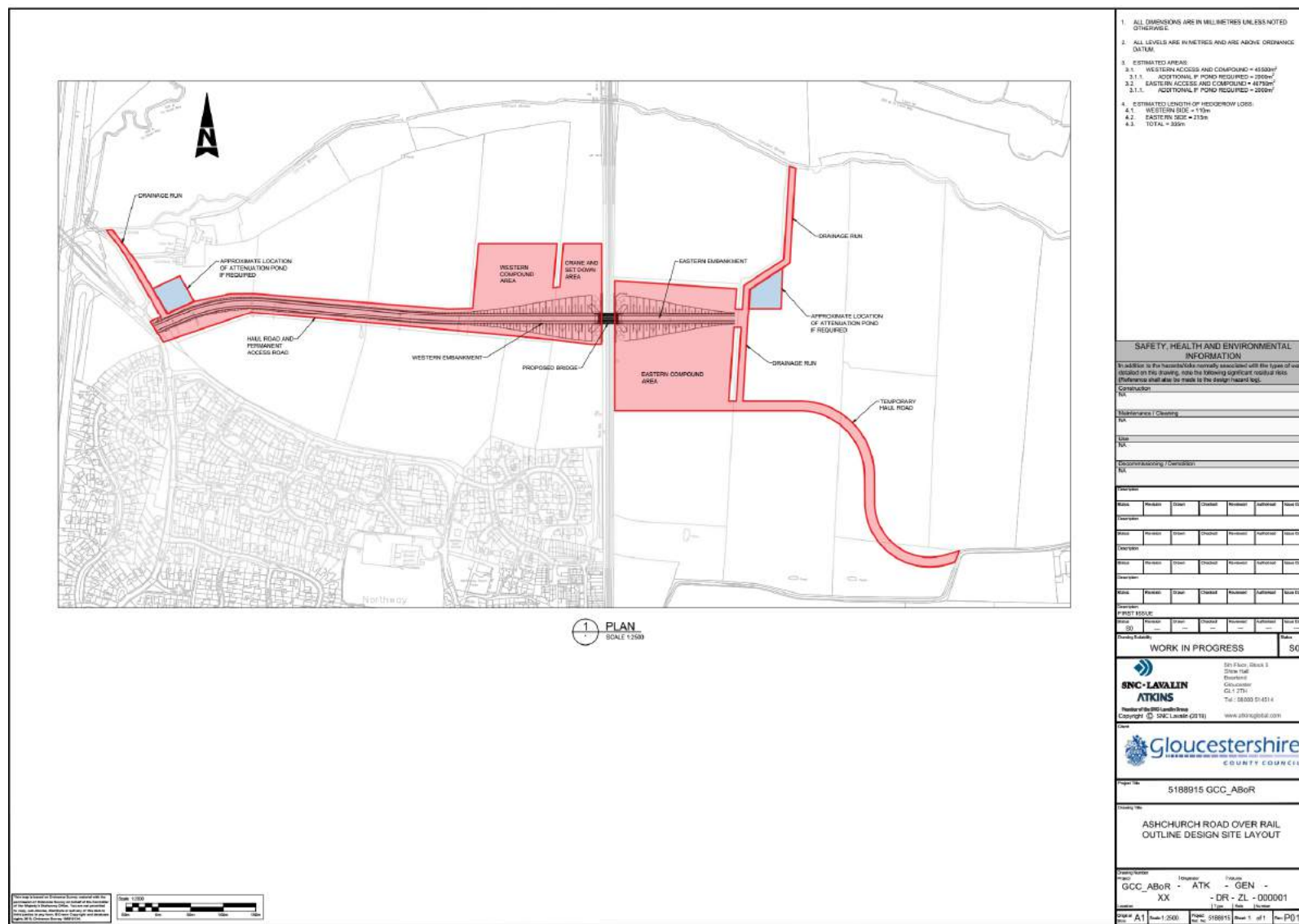


Figure 14-1 - ABoR indicative application site layout and boundary

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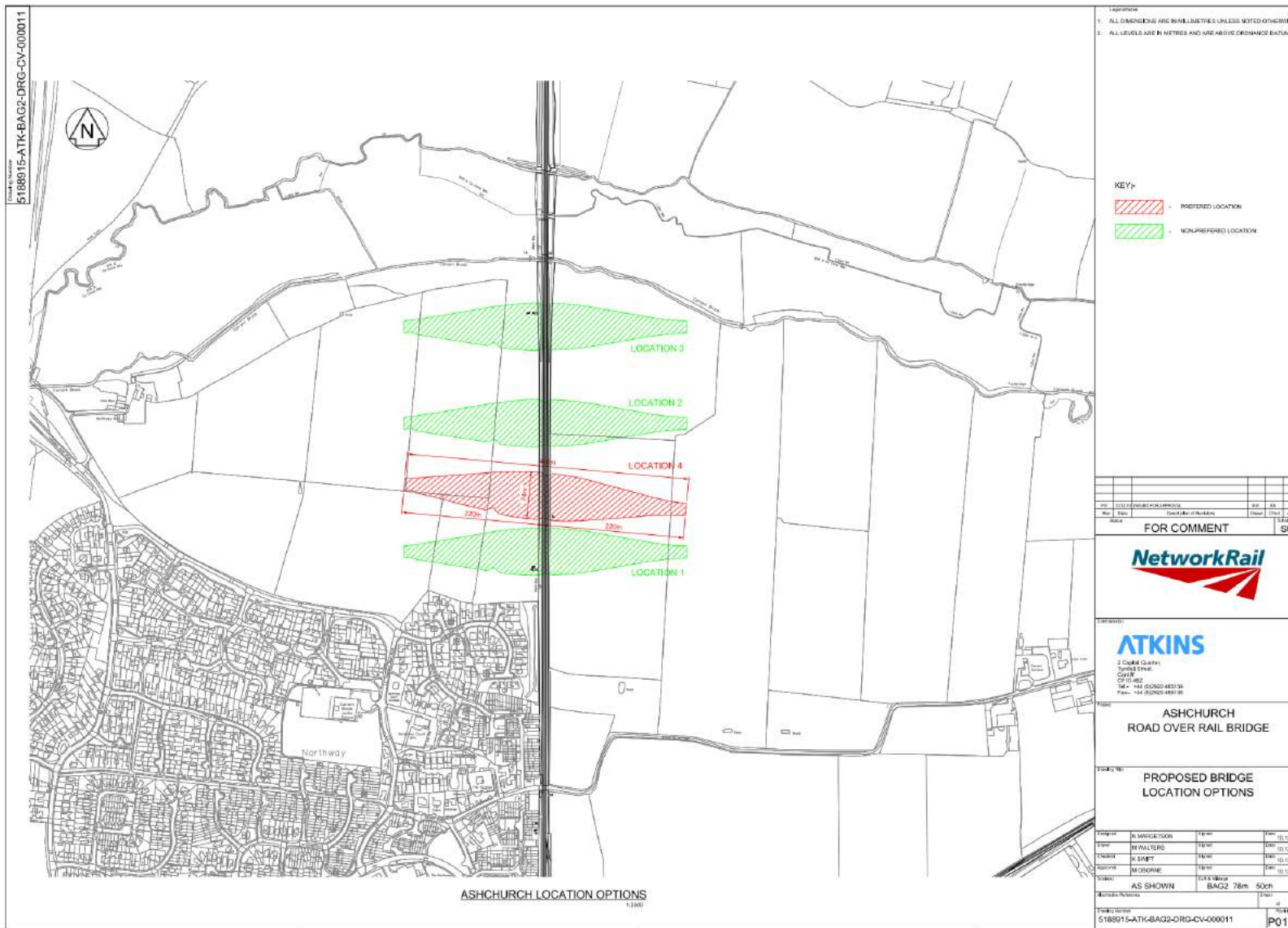


Figure 14-2 - Proposed ABoR bridge location options

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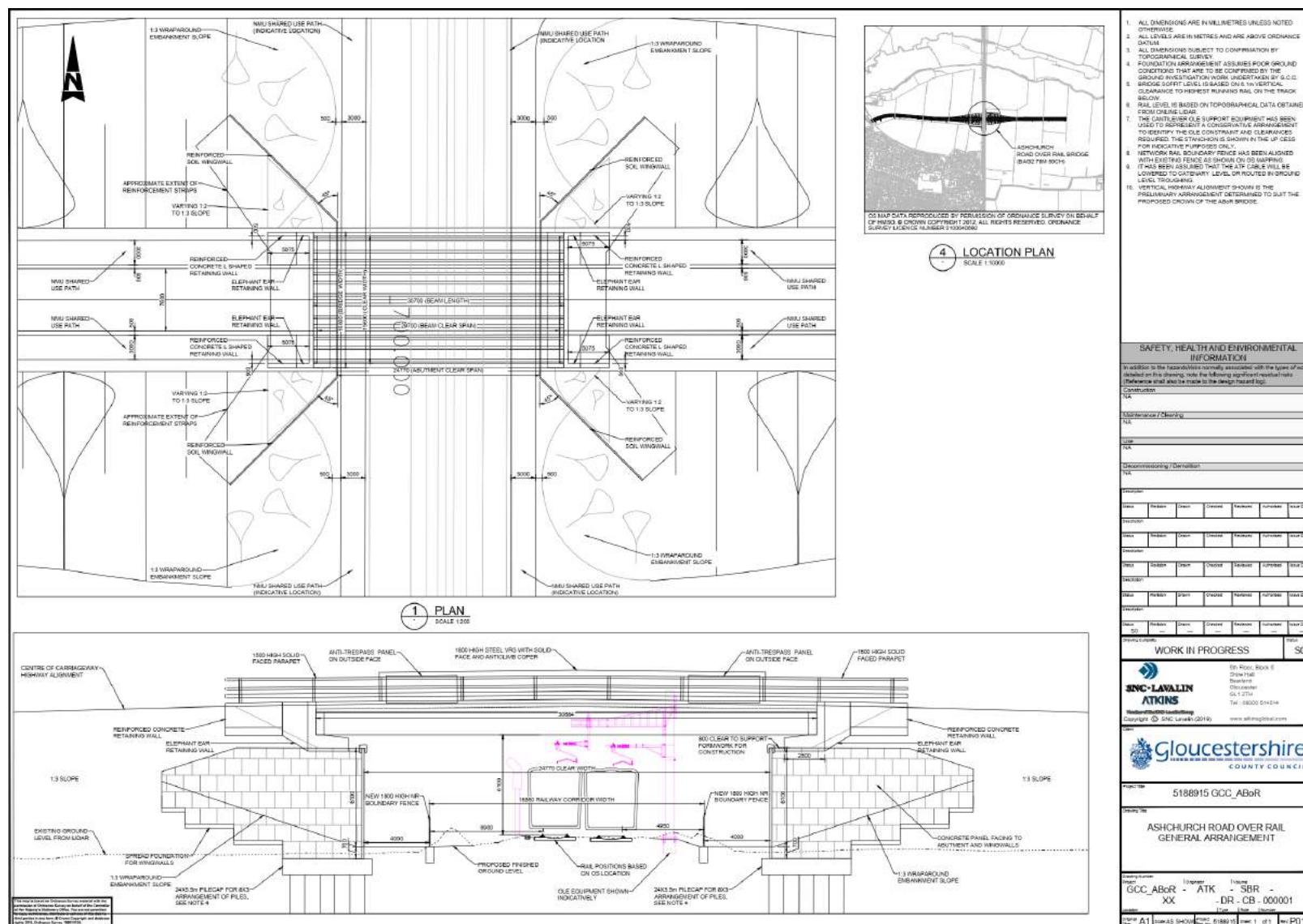


Figure 14-3 – Proposed General Arrangement

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Appendix B. Preliminary Ecological Appraisal Report

See separate report

Appendix C. Water Framework Directive Screening Compliance Assessment

Legislative background

The WFD (2000) requires all natural water bodies to achieve both Good Chemical Status (GCS) and Good Ecological Status (GES). The River Basin Management Plans (RBMP) outline the actions required to enable natural water bodies to achieve GES. Artificial and Heavily Modified Water Bodies (A/HMWB) may be prevented from reaching GES due to the modifications necessary to maintain their function. They are, however, required to achieve Good Ecological Potential (GEP), through the implementation of a series of mitigation measures outlined in the RBMP.

New activities and schemes that affect the water environment may adversely impact biological, hydromorphological, physico-chemical and/or chemical quality elements (WFD quality elements), leading to a deterioration in water body status. They may also render proposed improvement measures ineffective, leading to the water body failing to meet its WFD objectives for GES/GEP. Under the WFD, activities and schemes must not cause deterioration in water body status or prevent a water body from meeting GES/GEP by invalidating improvement measures.

The overall ecological status of a water body is primarily based on consideration of its biological quality elements and determined by the lowest scoring of these elements. These biological elements are, however, supported by the physico-chemical and hydromorphological quality elements. Assessment of hydromorphological quality is not explicitly required for a water body to achieve GES. However, to achieve the overall WFD aim of higher than GES, hydromorphological quality must be considered within the classification assessment.

In addition, to achieve the overall WFD aim of GES, a water body must pass a separate chemical status assessment, relating to pass/fail checks on the concentrations of various identified priority/dangerous substances.

WFD water body screening

The ABoR scheme involves the construction of a new bridge over the railway line at Ashchurch. The Environment Agency's Catchment Data Explorer (Environment Agency, 2020) has been used to identify WFD water bodies in the vicinity of the scheme. The works are located in the west of the catchment along the southern edge of the Carrant Brook (source to conf R Avon) water body (water body reference GB109054039851). The surface water body will be impacted by the scheme on the basis that drainage ditches/pipes will be connecting the works with the water body. There is potential for attenuation ponds to be provided as shown on the Site Layout Plan (Figure 14.1), but this will be subject to further hydraulic modelling work. However, surface water runoff will be relatively low due to the small area of hard surfacing associated with the bridge structure and the watercourse is located around 250m away from the works, with adverse impacts considered to be unlikely. (The highway drainage proposal will be subject to a water quality assessment using the HEWRAT Tool and CIRIA methodology as appropriate.) There are no lake water bodies within the vicinity of the scheme.

The scheme is located within the Warwickshire Avon – Secondary Mudrocks groundwater body (Environment Agency, 2020). The geology underlying the scheme is not a principal aquifer but may be used at a local scale for supporting water supplies and/or base flow in local rivers (Magic Map, 2020). As a result, assuming piling will extend below the water table, foundations may form a barrier to groundwater flow, potentially reducing groundwater contributions to adjacent watercourses and any groundwater abstractions in the water body. In addition, assuming piling will extend below the water table, deep foundations may create rapid vertical flow pathways into the groundwater body for potentially contaminated runoff. Assuming piling design & construction is to industry standards, this risk to the groundwater body should be mitigated.

Impacts to the surface water body can be screened out from any further assessment as the scheme will not impact the watercourse. However, should the scheme boundary change this would need to be reassessed. The impacts to the groundwater body should be screened in and assessed again when more details of the scheme are known.

Temporary impacts – pollution prevention

To prevent temporary pollution of water bodies in the vicinity of the scheme, it is recommended that best practice is adopted on the pollution prevention methods during the scheme's construction. Guidance can be found on

NetRegs website (NetRegs, no date) and on an archived page of the Environment Agency's website (Environment Agency, 2014). The Environment Agency are currently reviewing their pollution prevention guidelines (PPGs) and as a result have not updated all the guidance documents. In the absence of new guidelines, the previous PPG6 should be followed. An updated version of the PPG5, has been created by Natural Resources Wales, Northern Ireland Environment Agency and Scottish Environment Protection Agency (2017) called GPP5. This is readily available and should be consulted to provide advice on works and maintenance in or near water.

References

Environment Agency (2014). Pollution Prevention Advice and Guidance (PPG). Available at: <http://webarchive.nationalarchives.gov.uk/20140328084622/http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx> [last accessed: 12/03/2019]

Environment Agency (2020). Catchment Data Explorer. Available at: <http://environment.data.gov.uk/catchment-planning/> [last accessed: 12/03/2019]

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Natural Resources Wales, Northern Ireland Environment Agency and Scottish Environment Protection Agency (2017). GPP5: works and maintenance in or near water. [pdf] Available at: <http://www.netregs.org.uk/media/1303/gpp-5-works-and-maintenance-in-or-near-water.pdf> [last accessed: 12/03/2019]

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Ashchurch Bridge over Rail (ABoR)

Planning, Design and Access Statement

Gloucestershire County Council

September 2020

1. Introduction

The Application

- 1.1. On behalf of Gloucestershire County Council (GCC) ('the Applicant'), Atkins Ltd is seeking full planning permission to construct a road bridge over the Bristol to Birmingham railway line north of Ashchurch, to the east of Tewkesbury, Gloucestershire. The new bridge is intended to assist future development of land to the north and east of the proposed Application Site and allow for the eventual closure of the existing signalled railway crossing on Grange Road. Permission for the Ashchurch Bridge over Rail scheme (hereafter referred to as the 'ABoR') is being sought only to construct the bridge structure, which will remain in place and become operational when the future development comes forward.
- 1.2. The Proposed Scheme comprises the following elements:
- construction of a bridge over the railway line, comprising a concrete bridge deck integrated with concrete abutments, supported on reinforced earthworks;
 - 1.8m close mesh security fencing;
 - temporary western haul road to connect the proposed bridge with Hardwick Bank Road;
 - temporary eastern haul road to connect the proposed bridge with Aston Fields Lane;
 - two construction site compounds either side of the proposed bridge;
 - two attenuation ponds, one either side of the railway line; and
 - surface water drainage channels either side of the railway line to outfall into Carrant Brook.
- 1.3. The application is made by GCC under the Town and Country Planning Act 1990, for determination by Tewkesbury Borough Council (TBC). The application consists of the following drawings:

Drawing Title	Reference Number	Scale
Site Location Plan	GCC_ABoR-ATK-LLO-XX-DR-ZL-000010	1:2500
Existing Site Layout - Sheet 1 of 2	GCC_ABoR-ATK-LLO-XX-DR-ZL-000011	1:1250
Existing Site Layout - Sheet 2 of 2	GCC_ABoR-ATK-LLO-XX-DR-ZL-000012	1:1250
Proposed Site Plan	GCC_ABoR-ATK-LLO-XX-DR-ZL-000013	1:2500
Proposed Site Layout - Sheet 1 of 2	GCC_ABoR-ATK-LLO-XX-DR-ZL-000014	1:1250
Proposed Site Layout - Sheet 2 of 2	GCC_ABoR-ATK-LLO-XX-DR-ZL-000015	1:1250
General Arrangement and Sections – Sheet 1 of 3	GCC_ABoR-ATK-LLO-XX-DR-ZL-000016	
General Arrangement and Sections – Sheet 2 of 3	GCC_ABoR-ATK-LLO-XX-DR-ZL-000017	
General Arrangement and Sections – Sheet 3 of 3	GCC_ABoR-ATK-LLO-XX-DR-ZL-000018	1:100
Plan and Profile	GCC_ABoR-ATK-LLO-XX-DR-ZL-000020	1:1000 (Vertical Scale: 1:200)
Site Clearance Sheet 1 of 2	GCC_ABoR-ATK-LLO-XX-DR-ZL-000021	1:1000
Site Clearance Sheet 2 of 2	GCC_ABoR-ATK-LLO-XX-DR-ZL-000022	1:1000
Drainage Outline Design	GCC_ABoR-ATK-GEN-XX-DR-CD-000001	1:1000

Table 1-1 - List of Planning Drawings

Environmental Impact Assessment (EIA) Screening

- 1.4. In order to determine whether the ABoR scheme is 'EIA development', regard must be given to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the "EIA Regulations"). EIA development falls into two Schedules of the EIA Regulations. EIA is mandatory for developments listed within Schedule 1. Schedule 2 developments require EIA if they would be "likely to have significant effects on the environment by virtue of factors such as its nature, size or location".
- 1.5. Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the proposal constitutes Schedule 2 development under Column 2 (10b) of the EIA Regulations, when considered against the site size threshold (over 0.5 Ha). The Proposed Scheme area does not lie within a 'sensitive area' as defined by Regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The current total site area of the ABoR scheme, including haul roads and compounds, is approximately 18 hectares. As a result of this, a screening request was submitted to TBC on the 14th May 2020 to determine as to whether an Environmental Impact Assessment is required. The Screening Report (reference: 20/00004/SCR) provided a description of the site and proposed development, and a review of the development against the EIA screening criteria based on the EIA Regulations. TBC confirmed in their response in June 2020 (see Appendix B) that the construction of the proposed bridge was not EIA development. TBC included in their response, that the ABoR due to its size, nature of the development and the potential effects on the environment did not require an Environmental Statement.

Structure of this statement

- 1.6. This combined Planning, Design and Access Statement provides details of the Proposed Scheme, a summary of the potential environmental impacts of the development, proposed mitigation measures and an appraisal of how the development accords with national and local planning policy. This Statement should be read in conjunction with the environmental technical reports, which are submitted to accompany this planning application.
 - Section 2: Scheme Background – introduction and principle need for the scheme;
 - Section 3: Description of the Scheme – description of the proposed scheme;
 - Section 4: Site and Context – describes the wider background to the site and context;
 - Section 5: Planning History - provides the relevant planning history of the site and surrounding area;
 - Section 6: Planning Policy - summarises the planning policy context;
 - Section 7: Development Appraisal - assesses the proposed development in accordance with relevant planning policy; and
 - Section 8: Summary and Conclusions - concludes on the acceptability of the proposed development.

2. Scheme Background

Tewkesbury Area Draft Concept Masterplan January 2018

- 2.1. The Tewkesbury Area Draft Concept Masterplan January 2018 (also referred to as the Ashchurch Masterplan) was developed by TBC and supported by Homes England which provides potential housing sites in Ashchurch to help meet the housing need in Tewkesbury Borough. In this document, an area to the north of Ashchurch is highlighted as phase 1 of an area for future housing development. This area is referred to in this Statement as the 'North Ashchurch Development Area'.
- 2.2. In accordance with this approach, the bridge will not be connected to the public highway as part of the ABoR scheme and will not be provided with its final road surfacing. After construction, the bridge will remain fenced off from use until future development linked to the Tewkesbury Area Draft Concept Masterplan January 2018 (which currently has no formal planning status, but is being prepared for potential adoption into the relevant Local Development Plan) gains planning permission for a future highway through the north Ashchurch area. Consequently, the 'operational' stage for the purposes of the ABoR scheme is restricted to the physical presence of the bridge as a feature within the landscape – use as an operational highway will be a matter for a future planning application.

- 2.3. The ABoR is being advanced prior to the formalisation of site allocations within planning policy documents in recognition of the considerable lead in time and constraints associated with working on railway assets. Design and construction on Network Rail assets are required to follow Network Rail's Governance for Railway Investment Projects (GRIP) process, and, due to the intricacies of these activities, are often seen as blockers to onward development. In particular, constructing bridges over Network Rail assets is complicated by the requirement for 'possessions' on the railway asset for parts of the construction, which involves undertaking certain works only in the infrequent periods in which the railway is non-operational or in reduced operation.

Need for the Scheme

- 2.4. Gloucester City Council, Cheltenham Borough Council and TBC have worked in partnership to prepare a Joint Core Strategy (JCS), which was adopted in December 2017. The JCS is a coordinated strategic development plan that sets out how the area will develop between 2011 and 2031. In order to meet a housing shortfall of approximately 2,450 homes identified in Tewkesbury Borough, a project was initiated with support from Homes England to review the Ashchurch wider area. Subsequently, the Tewkesbury Area Draft Concept Masterplan was produced by TBC in January 2018, as a first step in the process of reviewing development opportunities at the town of Ashchurch, as part of the JCS review, which is now underway.
- 2.5. In March 2019, TBC was awarded Garden Town status for Tewkesbury at Ashchurch, which has brought forward plans for major residential and housing development along the A46 east of M5 Junction 9, identified in the Tewkesbury Area Draft Concept Masterplan, January 2018. As part of the preparation for Garden Town status, TBC is actively pursuing with partners, opportunities to deliver the jobs, homes and communities that the area requires. The announcement of Garden Town status has brought forward plans to build up to 10,000 new homes and make available 120 hectares of employment land to be delivered in four phases up to 2041, in accordance with the strategic development policies of the adopted JCS.
- 2.6. Figure 2-1 is an extract from the Tewkesbury Area Draft Concept Masterplan January 2018, with the orange areas showing the potential North Ashchurch Development Area, predominantly to the east of the Bristol to Birmingham railway line, which is orientated north-south. The wider potential new community area is served by the A46 to the south and is divided into two land areas by the railway line. The land generally comprises agricultural fields and disused former industrial areas. A number of new access roads are under consideration or proposed to facilitate the initial developments for Tewkesbury Garden Town. The general position of the proposed ABoR has been added to Figure 2-1 for reference purposes, as indicated by the red circle annotation. The ABoR is deemed critical to the success of the overall development plan in the area to unlock parcels of land to the east of the railway through improving east-west access.
- 2.7. TBC has secured government funding under the Housing Infrastructure Fund (HIF) to build the new bridge over the railway line at Ashchurch (this ABoR scheme). The bridge will be constructed to ensure sufficient space for a new road, cycle path and walkway. This will represent a substantial improvement in access over the railway north of the A46 compared to existing provision, which comprises a level crossing at Grange Road, Northway; and an old footbridge just north of Ashchurch for Tewkesbury Station. Following the successful HIF bid, TBC requested Gloucestershire County Council, who in turn engaged Atkins, to undertake a Single Option Selection for the ABoR scheme.

4. Description of the Proposed Scheme

Scheme Description

- 4.1. The ABoR Scheme is being provided to support future development referred to as the Tewkesbury Garden Town. This development anticipates the development of thousands of new houses in the vicinity of Ashchurch, putting pressure on the existing road network, which currently has limited railway crossing locations.
- 4.2. The current proposals identify that this North Ashchurch Development Area is anticipated to provide 826 new houses, but it is recognised that this development would not occur unless further crossings of the railway are provided. This assumption is part of the basis of the traffic modelling being undertaken for the Application Site and the North Ashchurch Development Area, the scope of which has been agreed with Tewkesbury Borough Council, Gloucestershire County Council and Highways England.
- 4.3. The ABoR scheme relates exclusively to the construction of the bridge structure and associated embankments over the railway. This will facilitate future development of the North Ashchurch Development Area, enabling the requisite crossing structure for a future road to be provided, recognising that the design and delivery of any such road will form part of the masterplanning exercise for the future housing development. In practice, the future development of the North Ashchurch Development Area will be taken up by a developer, which will include the routing of a new highway through the development to incorporate the use of this bridge structure to maintain connectivity between aspects of this new development, as well as providing a further link for traffic heading north of Tewkesbury and Ashchurch to utilise, as appropriate. Figures illustrating the location and proposed arrangement for the ABoR are provided in Appendix A and cross-referenced as appropriate in the following sub-sections.

Development Description

Bridge structure and embankments

- 4.4. The design of the proposed ABoR comprises a concrete bridge deck integrated with concrete abutment pads that will be supported on reinforced earthworks. The approach embankment foundations are subject to detailed geotechnical design but may be either piles or shallow spread foundations. Drawing Ref: GCC_ABoR-ATK-LLO-XX-DR-ZL-000016 in Appendix A shows the site of the bridge and its associated embankments.
- 4.5. To maintain a suitable slope angle for the embankments at a 30mph speed limit, the embankments will stretch 220m on each side of the railway. The structure is 74m wide at its widest point incorporating the bridge deck and the associated embankments utilising embankment slopes of 1:25 or 1:3. The bridge deck has been designed with a total highway width of 15.6m, comprising two 3.8m wide lanes for the highway and a 4m wide path for a shared use footway/cycleway on each side of the highway, to encourage active transport. This total width of 15.6m is held over the bridge structure and embankments. This is outlined in Drawing Ref: GCC_ABoR-ATK-LLO-XX-DR-ZL-000018, Appendix A.
- 4.6. The bridge design has accounted for future electrification of the railway line beneath. This potential for future electrification of the line has increased the height clearance requirements for the bridge structure, with the structure expected to be 6.1m above the existing railway at its lowest point (including bridge parapets). This is outlined in Drawing Ref: GCC_ABoR-ATK-LLO-XX-DR-ZL-000018 in Appendix A.
- 4.7. The composite pre-cast deck is formed using a box beam arrangement to maximise the opportunity for off-site manufacturing and therefore reduce the requirement for obtaining possessions for works on the railway. It is anticipated that piles up to 900mm diameter will be installed using a crawler mounted piling rig. The selected bridge and foundation arrangement may require piles; these will be at 8m horizontal offset from the closest running rail, approximately 2m outside Network Rail's fence, exceeding the 3m offset from the closest running rail and other requirements of NR/L3/INI/CP0063. Cross sections of the proposed bridge structure can be found in Drawing Ref: GCC_ABoR-ATK-LLO-XX-DR-ZL-000017 in Appendix A.

- 4.8. This planning application seeks permission for the construction of the bridge structure and the necessary infrastructure, site compounds, haul routes to facilitate this construction, including required security measures such as fencing. The bridge deck will not receive a final running surface, neither will it be formally connected to the highway network on completion. The future development of the North Ashchurch Development Area, envisaged as part of the Tewkesbury Garden Town development, will need to include within its planning application a proposal to construct and operate a road, which will utilise the bridge delivered by the ABoR scheme.

Construction compounds and haul roads

- 4.9. To enable construction, materials and equipment will need to be brought into the construction site by road. There will be two compounds for the construction works, situated on the east and west sides of the railway, Drawing Ref: GCC_ABoR-ATK-LLO-XX-DR-ZL-000013 in Appendix A shows the proposed location of the bridge in the surrounding environment and the red-line boundary for ABoR. The main temporary compound is to be located on the eastern side of the rail line, with a secondary temporary compound located on the western side. Two new temporary haul roads are proposed to from safe and convenient site access/egress for construction vehicles to both the eastern and western compounds.

Construction traffic routing

- 4.10. To minimise disruption to local residents, private contractor vehicles and heavy construction traffic will be excluded from accessing the western compound via the central areas of Northway by being routed from Junction 1 of the M50, along the A38 in a southbound direction, onto the B4080 Tewkesbury Road leading north eastwards and then onto Hardwick Bank Road heading eastwards.
- 4.11. The access to the haul route leading to the western compound will be via an existing field gate off Hardwick Bank Road, located just east of the M5 underpass. Vehicles accessing the eastern compound will be routed from Junction 9 of the M5 along the A46 eastbound to the B4079, to enter the site via Aston Fields Lane.

5. Environmental Context

- 5.1. The ABoR project area does not lie within a 'sensitive area' as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Much of the ABoR area lies on agricultural land with the residential area of (Northway) to the south-east of the proposed development.
- 5.2. A Review of the Statutory and Non-Statutory designated sites within the locality was undertaken using the Multi Agency Geographic Information for the Countryside (MAGIC) database operated by Natural England. The review indicated that there are no European Designated Sites (Ramsar, Special Areas of Conservation or Special Protection Areas) within 2km of the site.
- 5.3. The site is not located to a statutory designation other than one listed building which lies within 500m of the proposed redline boundary - Northway Court Grade II Listed Building (located approximately 420m south-west of the proposed Scheme).
- 5.4. Upham Meadow and Summer Leasow SSSI is located 2.3km north west of the proposed scheme and is designated for wintering waders and wildfowl which can forage over significant distances. The Carrant Brook (within the Carrant Brook Local Wildlife Site) flows east-west 250m to the north of the proposed development scheme.
- 5.5. No ancient woodlands were present within 50m of the proposed development scheme. One veteran tree was found 700 m north-east of the eastern end of the proposed development scheme
- 5.6. The application Site is not located within a designated landscape area - the Cotswold AONB lies over 2km to the north/east. To the north, east and within the Application Site itself, the landscape is rural in character and is characterised by open landscape, of large irregular agricultural fields, and wide grassland bordering the Carrant Brook. Field boundaries area defined by hedgerows with individual trees, with groups of trees associated with the watercourses and the grounds of Northway Mill.
- 5.7. An Environmental Constraints Plan is provided in Appendix C of this report, which shows the environmental designations within and adjacent to the Proposed Scheme.

Ashchurch Bridge over Rail (ABoR), Tewkesbury

Transport Assessment

Gloucestershire County Council

11 September 2020

1. Introduction

1.1. Overview and Background

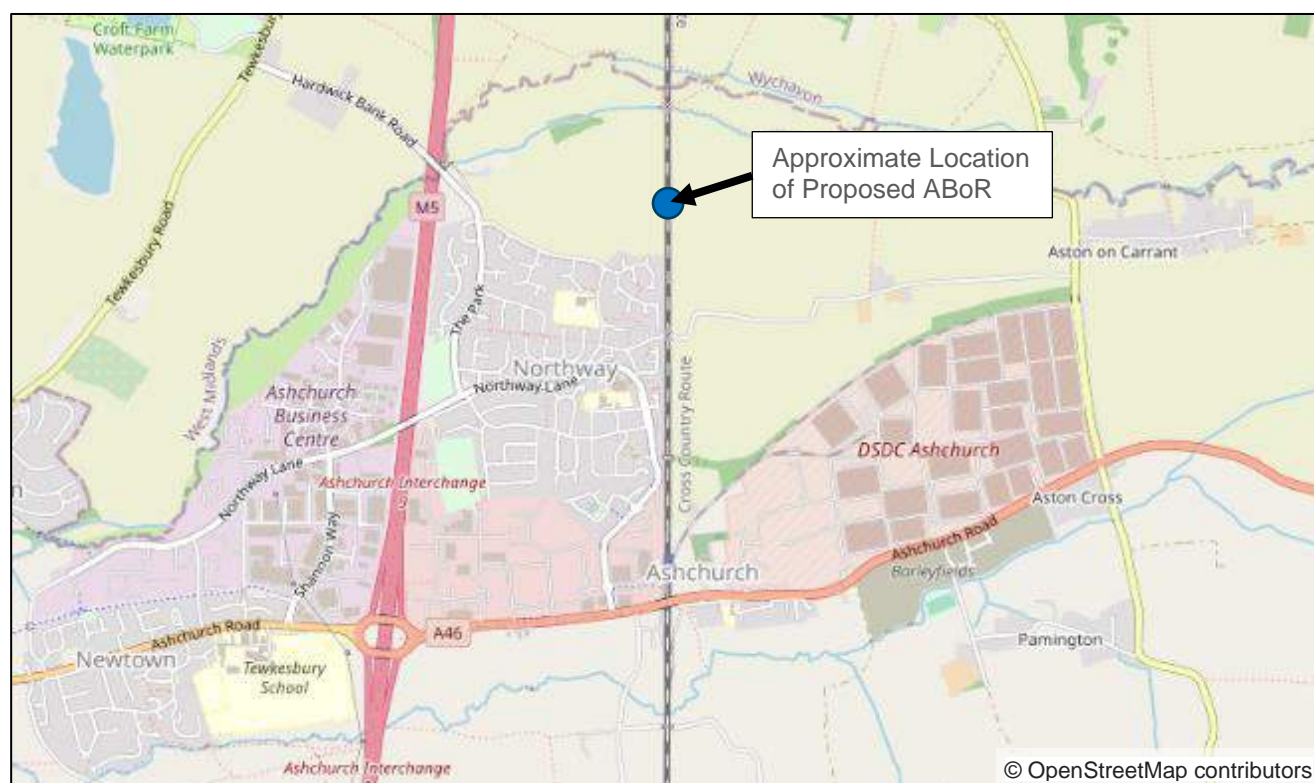
Atkins Limited (Atkins) have been commissioned by Gloucestershire County Council (GCC) to produce a Transport Assessment (TA) to support a planning application for the proposed Ashchurch Bridge over Rail (ABoR), near Tewkesbury, Gloucestershire.

The ABoR will be located approximately 150m north of the residential area of Northway and will cross the Bristol-Birmingham mainline. The scheme will provide a 7.3m wide vehicular carriageway with Shared Use Paths (SUPs) on either side 4m in width that account for the bridge parapet and so provide a usable width of 3m. The proposed bridge scheme is being funded through the Housing Infrastructure Fund (HIF) as it is considered key to unlocking land for residential development. At present, the only link between the eastern and western sides of the railway to the north of the A46 is via a level crossing on Grange Road.

This TA has been produced to support the ABoR only. However, for information, it will also consider the potential impacts of an associated link road that would connect Hardwick Bank Road with the B4079 via the ABoR and the development of 826 residential dwellings that could achieve access via the ABoR and associated link road. It is important to note, that the associated link road and 826 residential dwellings will be supported by separate future planning applications that will include further assessments.

The location of the proposed ABoR can be seen in **Figure 1-1** below.

Figure 1-1 – Location of the Proposed ABoR



This TA has been prepared with reference to the Planning Practice Guidance documents 'Travel Plans, Transport Assessments and Statements in decision-taking' and 'Transport Evidence Bases in Plan Making and Decision Taking'.

1.2. Scoping

The TA has been prepared following initial scoping discussions held with GCC and Highways England. A scoping note was submitted to GCC and Highways England following which there were several scoping discussion e-mails. The scoping note and the subsequent e-mails are provided in **Appendix A**.

A summary of the key scoping subjects is as follows:

- The TA will support a planning application for the ABoR only and not the link road or dependent residential development. Modelling assessments of the impacts associated with the link road and the dependent residential development will be provided for information only as part of the TA;
- The TA will make a recommendation regarding the junction arrangement at either end of the link road;
- The TA will use standalone junction modelling and Paramics micro-simulation modelling to assess the junctions at either end of the link road. The operational assessment of all other junctions will be undertaken as part of the Paramics micro-simulation modelling only;
- The assessment will consider the weekday AM and PM peak hours. A combination of the Gloucestershire Countywide Traffic Model (GCTM) and the A46 Paramics model will be used in the assessment;
- The assessment will consider the 2022 Opening Year and 2031 Future Year scenarios. The opening year for of the residential development is not currently known, however it is reasonable to assume that it will not open in 2022. Nonetheless an assessment of the impacts associated with the residential development in 2022 has been undertaken in line with Highways England's requirements for an assessment of full impacts at Opening Year. It is considered that the application of 2022 and 2031 assessments should give a reasonable understanding of the dependent development impacts, which will be provided for information only.
- The TA will assess both 2022 and 2031 'Base', 'with link road' and 'with link road and dependent residential development'. Sensitivity tests will be undertaken for the 'with link road' and 'with link road and dependent residential development' scenarios with the Grange Road Level crossing closed (noting that the closure of the crossing would ~~be a matter for Network Rail and would not form part of this application, nor would it be expected to form part of future planning applications associated with the link road or dependent housing development~~).
- The residential trip rates and trip generation that were set out in the scoping note, which are consistent with the GCTM strategic model, have been agreed for the dependent residential development modelling included within this assessment for information purposes only. However, it is understood the trip rates will need to be revisited when a subsequent planning application comes forward for the residential development.
- The speed and geometric features of the link road will be set out as far as possible in this TA, noting that the link road will not be intended as a through route and it is expected that the maximum speed will be 30mph. However, the link road is not part of this assessment and the full design will therefore be considered in more detail as part of its own assessment report.

1.3. Report Structure

The TA report is structured in three parts. Part one provides the main report and covers the elements of the TA that are directly related to the proposed ABoR scheme, which is the subject of the planning application. The second part of the TA considers other elements of the report that have been considered for information only at this stage; they are not directly related to the planning application but relate to future developments that could be enabled by the ABoR. The final part three provides the summary and conclusions.

The 'Main Report' part of the TA covers the following:

- Chapter 2 – Policy Review
- Chapter 3 – Existing Transport Conditions
- Chapter 4 – Development Proposals
- Chapter 5 – Construction Impacts

The 'For Information' part of the TA covers the following:

- Chapter 6 – Traffic Modelling
- Chapter 7 – Link Road Junctions
- Chapter 8 – Grange Road Level Crossing
- Chapter 9 – Future Travel Plan

The final part of the report provides the following:

- Chapter 10 – Summary and Conclusion

6. Traffic Modelling Methodology

6.1. Introduction

This Chapter summarises the traffic modelling that has been undertaken for information only as part of the TA. It considers the impacts on the surrounding highway network of a link road across the ABoR and the dependent residential development of 826 dwellings to the east of the railway line. As noted, whilst the ABoR could enable the link road and residential development to proceed, neither of these aspects form part of the current planning application which does not include a permanent connection to the highway network. Consequently, at this stage the traffic modelling is undertaken 'for information'.

6.2. Modelling Methodology

This section provides a summary of the modelling methodology, with full details provided in a Technical Note contained in **Appendix C**. The traffic modelling has been undertaken using models that were developed prior to the Covid-19 pandemic and therefore does not account for any associated change in travel behaviour.

6.2.1. Traffic Models

The following traffic models have been used in the assessment:

- The Gloucestershire Countywide Traffic Model (GCTM) – which is a strategic model and has been used to assign traffic to the highway network; and
- A46 Tewkesbury PARAMICS model – which is a micro-simulation model and has been used to assess the operational performance of the local highway network using outputs from the GCTM.

6.2.2. Assessment Periods & Scenarios

The assessment considers the following periods, based on the available modelled hours:

- AM Peak – 07:00-10:00 (with a 08:00-09:00 peak hour); and
- PM Peak – 16:00-19:00 (with a 17:00-18:00 peak hour).

The assessment considers the following scenarios for the 2022 (ABoR) Opening Year and 2031 Future Year:

- Do-Minimum (DM) – Base (no link road or residential development) includes committed developments;
- Do-Something 1 (DS1) – Base plus link road; and
- Do-Something 2 (DS2) – Base plus link road and residential development of 826 dwellings.

6.2.3. Committed Developments

Background traffic growth is based on data contained in the GCTM, which includes committed developments that have been agreed with GCC highways and Highways England as part of the model development and update. They include the following local developments:

- 2022 (ABoR) Opening Year:
 - RHL Garden Centre development
 - RHL Garden Centre highway mitigation (off-site highway improvements)
- 2031 Future Year (in addition to those contained in the 2022 model):
 - Fiddington housing development
 - Fiddington highway mitigation (off-site highway improvements)

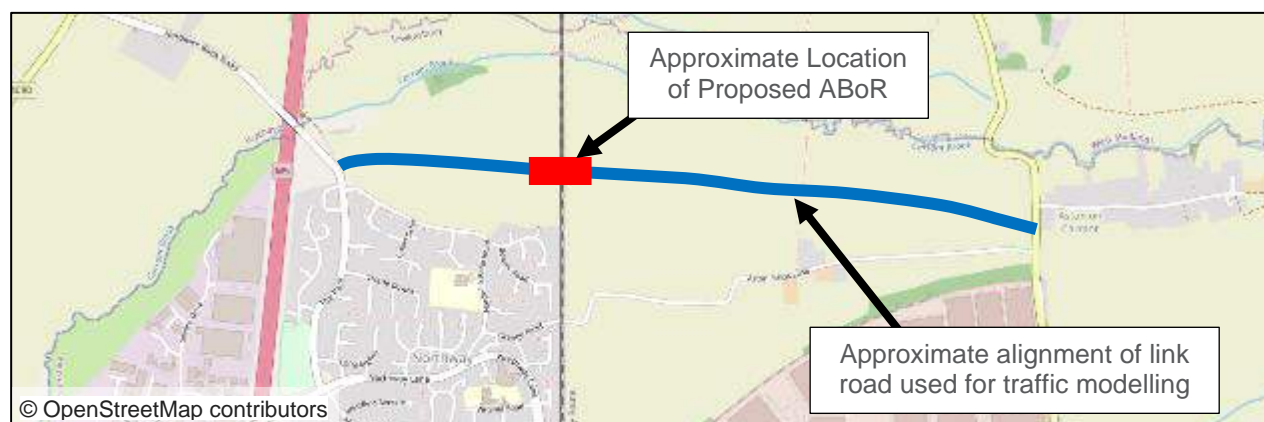
The highway mitigation designs that form part of the above schemes are provided in **Appendix D**.

6.2.4. Link Road

The link road has been modelled as 30mph route with a relatively straight east-west alignment between Hardwick Bank Road in the west and the B4079 in the east, as illustrated in **Figure 6-1**. This broadly accords with the

assumed route considered as part of the early stage work undertaken as part of the HIF funding bid for the ABoR. It is a high-level indicative alignment that has been used for the purposes of modelling traffic impacts at an early stage; it is likely that the alignment will alter as the link road is developed in more detail in the future.

Figure 6-1 – Link Road Alignment as Modelled



6.2.5. Residential Development

The residential development has been modelled with a total quantum of 826 dwellings. It will be located to the east of the railway line and for the purposes of early stage traffic modelling it has been assumed that the development will connect to the link road midway between the ABoR and the B4079.

6.2.5.1. Vehicular Trip Generation

The trip rates for the residential development that have been used in this TA are set out in **Table 6-1**, along with the resultant trip generation for 826 dwellings. The trip rates accord with the residential trip rates that have been used as standard in the GCTM.

Table 6-1 – Residential Hourly Trip Rates & Trip Generation for 826 Dwellings (All Veh)

Period	Hourly rate per dwelling		Hourly vehicular trips	
	Arr	Dep	Arr	Dep
AM Peak Period (0700-1000)	0.111	0.267	92	221
AM Peak Hour (0800-0900)	0.128	0.362	106	299
PM Peak Period (1600-1900)	0.284	0.154	235	127
PM Peak Hour (1700-1800)	0.323	0.149	267	123

The trip rates are provided for the AM and PM peak periods (0700-1000 and 1600-1900 respectively), as well as the AM and PM peak hours (0800-0900 and 1700-1800 respectively). The modelling makes use of the GCTM strategic model, which is an average hour model covering the peak periods and for which the peak period trip rates have been applied. The Paramics model includes the peak hour as well as the shoulder peaks. The trip profile based on the peak hour trip rates has been applied in the Paramics model. The Paramics model therefore includes both the peak hour and the peak shoulders.

The trip rates set out in Table 6-1 do not include a reduction for internalisation. The development of a residential site with 826 dwellings would be expected to include a proportion of internal trips. For instance, the site could include schools, shops or employment land.

6.2.5.2. Vehicular Trip Distribution

The distribution of development traffic (i.e. the origin and destination of vehicular trips) has been estimated based on donor residential zones that are contained in the GCTM model. The donor zones include residential areas that are located close to the ABoR in Northway and encompasses residential areas in Tewkesbury. This ensures that a representative distribution has been used. Further details on the method that has been used to calculate the distribution of development traffic is contained in Appendix C, including the location of the donor zones.

Figure 6-3 – Difference Plot: 2031 AM DS2 vs DM

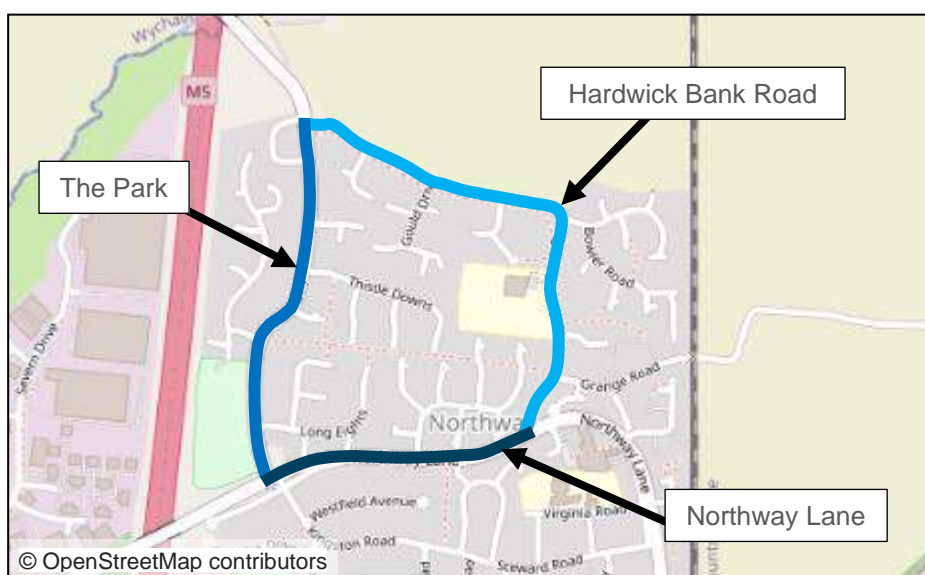


The plots show that the proposed link road crossing the ABoR would provide an alternative east-west route on the local highway network. Consequently, there would likely be a re-distribution of traffic away from the existing east-west routes (particularly Grange Road / Aston Fields and Bredon to the north, but also the A46 eastbound). The residential development would add some additional traffic demand onto the network.

The predicted change in traffic flows following the addition of the link road and residential development shows decreases in traffic eastbound on the A46, in either direction on Grange Road / Aston Fields, on the eastern part of Northway Lane and Shannon Lane. It also shows that increases are predicted on the B4079, Hardwick Bank Road / The Park and Tewkesbury Road. At Aston Cross some traffic is predicted to divert from the A46 east of the junction onto the B4079 to the south.

The overall change in total traffic flow, in both directions, predicted in the northern part of Northway has been calculated. This encompasses The Park and sections of Hardwick Bank Road and Northway Lane as illustrated in **Figure 6-4**.

Figure 6-4 – Roads in Northern Part of Northway



The forecast change in flows as a result of the link road (DS1) and link road plus residential development (DS2) calculated for the 2031 assessment year is as follows:

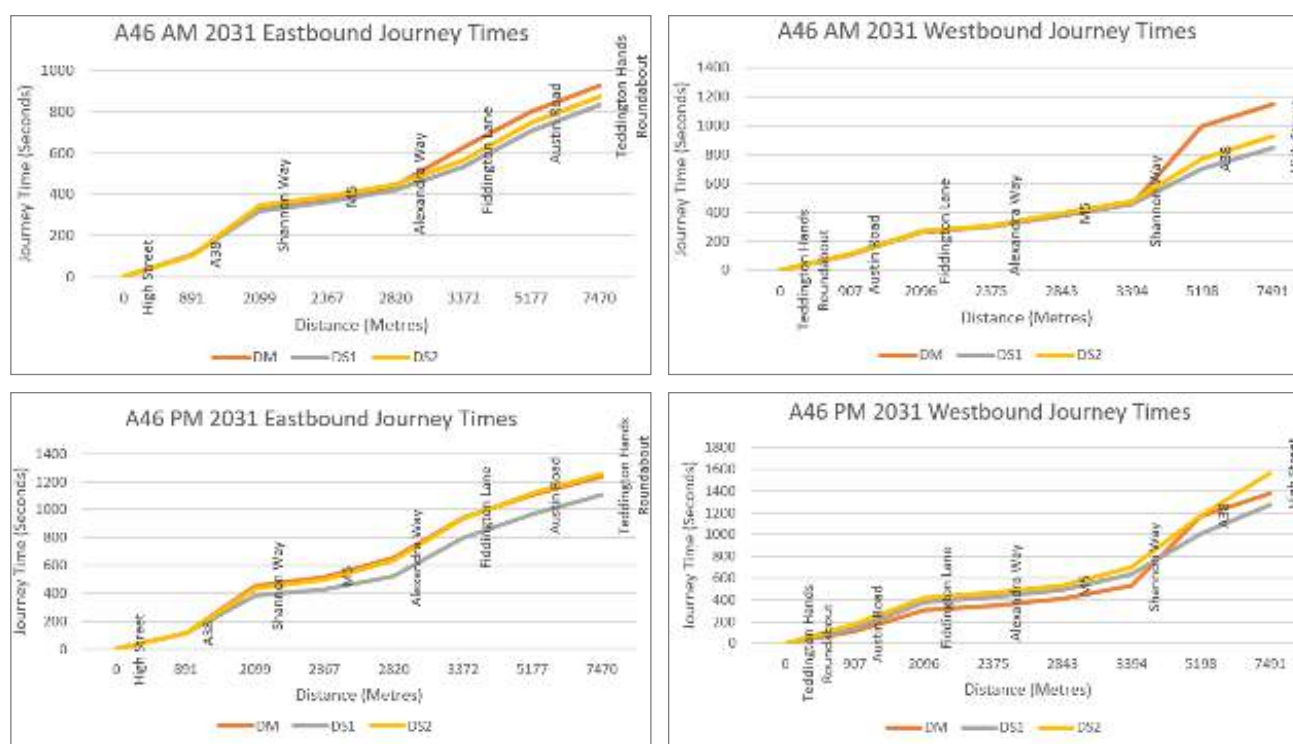
- AM DS1 vs DM: 60 fewer vehicles
- PM DS1 vs DM: 107 fewer vehicles
- AM DS2 vs DM: 74 additional vehicles
- PM DS2 vs DM: 6 fewer vehicles

In general, the Paramics modelling predicts increases in traffic on The Park, whilst decreases in traffic are predicted on Hardwick Bank Road and Northway Lane.

6.3.2. Journey Times

Journey time information has been calculated for all scenarios in the AM and PM peak hours on the A46 in both directions between the High Street in the west and Teddington Hands Roundabout in the east. The charts provided in **Figure 6-5** present the cumulative journey times for traffic travelling east and westbound on the A46 as reported by the Paramics model runs for the 2031 AM and PM peaks.

Figure 6-5 – A46 Cumulative Journey Times (2031 AM & PM)



The journey time results show that during the AM peak it is predicted that the Do-Minimum (i.e. no development) scenario would have the highest cumulative journey times both east and westbound on the A46. In the PM peak the eastbound journey times are broadly comparable between DM and DS2. In the westbound direction the DS2 scenario exhibits the highest journey time during the PM peak. As anticipated in all periods and directions the DS1 scenario exhibits the shortest overall journey times on the A46.

6.3.3. Queueing Information

The predicted change in queue at selected junctions on the A46 has been calculated using the Paramics model outputs. This includes a comparison of the change in queue levels predicted between the DS1 and DS2 scenarios and the DM scenario. The Paramics model provides results for the average queue length and the maximum queue length during the modelled period. The junctions are illustrated in **Figure 6-6**.

Figure 6-6 – Location of Selected Junctions on A46



Table 6-2 provides a summary of the overall change in queue that is predicted at each of the selected junctions (i.e. the change in queue on each of the approach arms added together) in the 2031 assessment year. The output from Paramics is provided in metres, for ease of reference the summary below is provided in vehicles (assuming a 6m vehicle length).

Table 6-2 – Total Change in queuing at selected junctions in 2031 (in vehicles)

Junctions	AM (0800-0900)				PM (1700-1800)			
	DS1		DS2		DS1		DS2	
	Avg	Max	Avg	Max	Avg	Max	Avg	Max
M5 Jct 9	3	0	9	0	-19	-4	-1	25
Aston Cross	-1	-11	8	13	5	30	37	97
Northway Lane / A46	-21	-24	-17	-19	-9	1	0	3

The change in queue results indicate that the DS2 scenario might be expected to have a discernible impact on the performance of the Aston Cross junction. Further modelling will be undertaken in support of future planning applications associated with the link road and the dependent residential development. As part of this future modelling work, improvements at off-site junctions such as Aston Cross may be brought forward that would improve the overall network performance of the do-something scenarios.

6.4. Traffic Modelling Summary

Traffic modelling has been undertaken that considers the impacts on the surrounding highway network of a link road across the ABoR and the dependent residential development of 826 dwellings to the east of the railway line. Whilst the ABoR could enable the link road and residential development to proceed, neither of these aspects form part of the current planning application which does not include a permanent connection to the highway network. Consequently, at this stage the traffic modelling is undertaken ‘for information’.

The modelling has made use of the strategic Gloucestershire Countywide Traffic Model (GCTM) and the A46 Paramics model. The modelling accounts for committed developments, including the Fiddington housing scheme. The GCTM has been used to assign traffic to the network and the A46 Paramics model to assess operational performance. The vehicular trip generation associated with the residential development has been estimated using standard residential trip rates from the GCTM model, whilst the distribution of vehicular trips has been estimated based on representative residential zones contained in the GCTM located in Ashchurch and Tewkesbury.

The traffic modelling has been undertaken using models that were developed prior to the Covid-19 pandemic and therefore does not account for any associated change in travel behaviour.

The assessment considers the following scenarios for the 2022 (ABoR) Opening Year and 2031 Future Year:

- Do-Minimum (DM) – Base (no link road or residential development) includes committed developments;
- Do-Something 1 (DS1) – Base plus link road; and
- Do-Something 2 (DS2) – Base plus link road and residential development of 826 dwellings.

It is noted that the highway network, including the A46, the M5 Junction 9 and the A438, are subject to existing capacity constraints and congestion issues are forecast in all scenarios considered.

The Paramics modelling (based on the 2031 Future Year) indicates that:

- The link road would provide an alternative east-west connection in the area that would likely result in a re-distribution of traffic from the other east-west routes including Grange Road / Aston Fields and the route via Bredon to the north, plus the A46.
- The residential development would add more traffic to the network. The predicted change in traffic in the Northway residential area in the 2031 DS2 scenario would be 74 additional vehicles in the AM peak hour and 6 fewer vehicles in the PM peak hour. This change is generally made up of increases in traffic on The Park, with decreases predicted on Hardwick Bank Road and Northway Lane
- Journey times have been calculated on the A46/A483 in both directions between the High Street in the west and Teddington Hands Roundabout in the east. They indicate that the DS1 (with link road) scenario would result in the shortest journey times on the route, whilst the DM (base) and DS2 (with link road and residential development) scenarios exhibit broadly comparable journey times across the time periods.
- A comparison of queue lengths indicates that the DS2 scenarios may have an impact on the performance of the Aston Cross junction. As part of future modelling work, for instance associated with the link road and / or residential development applications, improvements at off-site junctions such as Aston Cross may need to be considered to improve the overall network performance of the Do-Something scenarios.

In general, the modelling results indicate that the introduction of the link road (DS1) would be expected to improve the performance of the local highway network, providing an alternative east-west route. The addition the residential development would add traffic to the network and consequently the DS2 results show a reduction in network performance compared to DS1. Nonetheless, in the AM peak hour DS2 performs reasonably well in comparison to the DM scenario. In the PM peak there is some reduction in network performance, particularly at Aston Cross. However, any future modelling work that incorporated improvements at off-site junctions, such as Aston Cross, might be expected to result in an improvement in network performance in the PM peak.

Ashchurch Bridge Over Rail

Heritage Assessment

Gloucestershire County Council

11 September 2020

Executive Summary

Gloucestershire County Council have commissioned Atkins Ltd (Atkins), a member of the SNC Lavalin Group, to produce a heritage assessment for the purposes of informing a planning application to seek permission to construct a road bridge over the Bristol to Birmingham railway line, north of the existing Ashchurch town. The new bridge is intended to assist future development of land to the east and west of the proposed Application Site, and allow for the eventual closure of the existing signalled railway crossing on Grange Road. The Scheme itself constitutes just the construction of the bridge, which will be left unpaved and secure from use until future development comes forward associated with the proposed Tewkesbury Garden Town.

There are no designated heritage assets within the Site. There are no World Heritage Sites, Scheduled Monuments, Registered Park and Gardens, Registered Battlefields or Conservation Areas within the Study Area. There are 25 listed buildings within the Study Area. These comprise:

- 1no. Grade II* Listed Buildings
- 24no. Grade II Listed Buildings

The closest listed buildings are 90m north of the Site, Grade II Mill House at Northway (NHLE: 1091354) and Grade II Northway Mill (NHLE: 1091354).

Archaeological survival is expected to be high, as the Site has been agricultural land from the medieval period through to the present day. Presence of prehistoric and Romano-British archaeological remains is very likely, due to the potential revealed on the gravel terraces. The area on the northern side of the Carrant Brook contains some of the most dense concentrations of archaeological sites in the county. The southern side being more clay than gravels has unknown potential, but is likely to be similar to the northern side. These remains include settlement evidence, but may take the form of artefactual scatters of high significance, that will not be identifiable through geophysical survey. Presence of Saxon and medieval remains are also likely.

The Local Authority's archaeological advisor will require further site-specific work. A programme of geophysical surveys should be conducted along the length of the Site. These surveys should aim to identify potential archaeological features followed by trial trenching should the geophysical survey results demonstrate archaeological interest on the site.

The geophysical survey is intended to determine the presence/absence of archaeological remains within the development site. The subsequent trial trenching will demonstrate the extent and significance of any identified archaeological remains and inform discussions over the extent of any subsequent works that might be necessary.

There will be impacts to Grade II Northway Mill (NHLE 1091354) and Mill House (1153087), in terms of setting and views from these listed buildings. The bridge needs to be in keeping with the scale, height, massing and alignment of the historic buildings in the vicinity with particular attention paid to the immediate setting of the heritage asset.

7. Potential Impacts

This section details the potential for heritage assets and the effect that the proposed development would have on them. The development has the potential to have adverse impacts on the historic environment that, in the absence of mitigation, could result in significant adverse effects.

These include direct physical impacts to known archaeological remains and indirect impacts to listed buildings as a result of changes to their settings. The value of most known remains within the Scheme is not currently understood, due to the lack of previous fieldwork, but some have the potential to be of medium to high value. Further fieldwork is required in order to establish the nature character and value of some the resource.

The proposed development has the potential for also directly affecting as-yet unknown archaeological remains. These are assessed at likely relating to local and regional research goals and would be considered to be of low to medium value, although their value is not currently understood. Further fieldwork is required in order to establish the nature character and value of some the resource.

The proposed development has the present potential to cause middle to high impacts to cultural heritage, which equates to the level of “substantial harm” under the NPPF. These impacts can be offset and ameliorated, but not mitigated, provided a suitable programme of mitigation, evaluation, and recording is undertaken.

Consequently, significant adverse residual effects on the cultural heritage resource are anticipated based on the current proposed development.

7.1. Impacts on Designated Assets

The Scheme is thought to impact Grade II Northway Mill (NHLE 1091354) and Mill House (1153087), through changes to aspects of setting that contribute to their significance.

The construction phase of the Scheme will entail a further loss of land possibly once associated with the medieval and post medieval settlement remains of which the mill and house are a part, and potentially the loss of remains associated with them.

The operational phase will also introduce changes to setting. The designs for the bridge place its height at approximately 8m. The height and design of the new bridge will introduce a further urban element into the landscape. This will entail a change in movement in the landscape and a change to the overall setting of the built heritage assets.

It has been determined the proposed development will cause a minor adverse impact resulting in slight significance of effect to the setting of the heritage assets.

7.2. Impacts on Non-designated Assets

It is highly likely that the Scheme will impact upon any remains preserved within the terrace fan gravels (WSM30478). This is particularly applicable to the attenuation ponds, western compound and western haul road. Although geophysical survey will assist in identifying areas of potential settlement, it will not identify areas of Palaeolithic flint scatters, which would be of high significance.

It is likely that the haul road would directly impact the Rectangular Earthworks that showed up as cropmarks on wartime aerial surveys (HER 6345). The haul road cuts through the monument to the southeast, resulting in a moderate Adverse effect. As the character and value of this monument is unknown, it is difficult to predict the significance of effect and further investigation, such as geophysical survey, will be required in order to further understand this.

The Medieval moated site (HER 5480) 50m north of the Site will experience changes to its setting and it is predicted to have a minor adverse impact, resulting in slight significance of Effect

The irreversible loss of the Ridge and furrow earthworks can only be offset by survey and recording. This has already, to a great extent, been carried out during the Carrant Valley Landscape National Mapping Programme, where cropmarks and earthworks as visible on aerial photography were digitised by Historic England and then interpreted²⁹. Further offsetting may be required, as agreed upon in consultation with Statutory Consultees (Gloucestershire Council), in order to relate them to their context in relation to the nearby archaeological settlement sites referred to in the baseline.

²⁹ Bishop, S. and Sc, M., 2009. *The Carrant Valley Landscape NMP*. English Heritage.

The total loss of the ridge and furrow earthworks within the red line area of the Scheme could be said to be a slight to moderate adverse effect. The residual effect on both known and hitherto unknown remains associated with any settlements could be said to be a moderate adverse impact resulting in a moderate significance of effect

7.3. Impacts on Historic Landscape

During the construction period there will be impacts to the historic landscape as there will be a physical change to an area which is primarily rural. The introduction of construction vehicles, proposed development compounds and the works themselves will visibly change a small part of a large stretch of enclosed historic fieldscapes landscape, and physically change it by the breaking of ground. The land take associated with the Scheme will also result in a change in the legibility of the historic landscape. The impact will be slight adverse.

During the operational period there will be a permanent change to the landscape as the bridge will introduce a modern transportation route into a rural historic landscape. During the operation period the historic landscape's setting will be directly impacted through an increase in noise, air pollution and lighting. This change must be seen in the context of the modern settlement to the south and the large motorway to the west. It is also a small part of a large historic landscape character type which will broadly remain unchanged. The operation of the Proposed Scheme is, therefore, predicted to have a minor adverse impact resulting in slight significance of effect.

7.4. Impacts on Unknown Archaeological Remains

During the construction period, any intrusive ground works will impact on any unknown archaeological remains.

The area on the northern side of the Carrant Brook contains some of the most dense concentrations of archaeological sites in the county. The southern side being more clay than gravels has unknown potential, but is likely to be similar to the northern side. The construction of a bridge could involve the construction of piers that would penetrate far into the alluvial deposits and gravel terraces of the floodplain, possibly disturbing archaeological material.

Groundworks such as ground level reduction, top soil scraping, planting, vegetation removal, haul road construction, the laying down of surfaces, land drainage, and flood compensation measures will all have similar potential to disturb or remove remains. These impacts will cause the destruction or (at minimum) damage to this resource and, therefore, will be a moderate adverse impact resulting in moderate significance of effect (see Table 2 and Table 3 Significance of EffectTable 3).

During the operational period, below ground heritage assets are not anticipated to be impacted as below-ground works will have been completed. Any further works which would break ground would need to be subjected to further assessment. There is thought to be no predicted physical impact during the operational period.

Table 8 Potential Direct Impacts upon Unknown Archaeological Remains

Period	Features	Value	Impact
Prehistoric	Significant scatters or Palaeolithic to Mesolithic material. Enclosures, field systems, pits, ditches	Medium to High	Would remove any remains located within the footprint
Romano-British	Settlement remains	Medium	Would remove any remains located within the footprint
Medieval	Settlement remains or agricultural remains	Low to Medium	Would remove any remains located within the footprint
Post-medieval	Remains related to orchards and agricultural activity	Low	Would remove any remains located within the footprint

Deputy Chief Executive's Unit

Robert Weaver
Deputy Chief Executive



Our Contact: Mr Adam White
Direct Dial: 01684 272061
Email: adam.white@tewkesbury.gov.uk

22.06.2020

C/O Atkins Ltd (FAO Laura Cowie)
Atkins
The Hub
500 Park Avenue
Aztec West
Bristol
BS32 4RZ

Dear Sir/Madam

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 5: Request for a Screening Opinion

PROPOSAL EIA Screening Opinion request for the construction of a railway bridge
LOCATION Land On Grange Road, Northway, Tewkesbury, Gloucestershire

I refer to your correspondence dated 14.05.2020 requesting an EIA screening opinion in respect of the above development.

This is the adopted screening opinion of the Local Planning Authority in respect of the proposed development identified above.

The reason for this decision (statement as required under Reg. 5(5) of the EIA Regulations 2017) is that the development proposals have been assessed in relation to the selection criteria for screening Schedule 2 development as set out in Schedule 3 of the EIA Regulations 2017. I can confirm that, based on the information submitted the Local Planning Authority is of the opinion that the submission of an Environmental Statement in connection with this development at this time is **not required**.

The Local Planning Authority has taken into account the size and nature of the proposed development, the location of the potential development site and the likely impact of the proposal on the character and appearance of the area, the potential increase in traffic, the potential effects on biodiversity, heritage assets, trees, hydrology (including flood risk), land contamination, noise and air quality, and the potential socio economic implications of the development including cumulative impacts on the local area. Further details and reasons for this decision are set out in the attached report.

I can confirm that in accordance with the regulations, a copy of this decision has been placed on the appropriate register.

Yours faithfully

Technical Planning Manager

ENC EIA Matrix



TEWKESBURY BOROUGH COUNCIL
The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
Screening Matrix

1. Case Details	
a.	LPA Case Reference: 20/00004/SCR
b.	Site Address: Land On Grange Road Northway Tewkesbury Gloucestershire
c.	Description of Development: EIA Screening Opinion request for the construction of a railway bridge
d.	Key constraints: Protected trees Designated heritage assets
2. EIA Details	
Is the project Schedule 1 development according to Schedule 1 of the EIA Regulations?	No
If YES, which description of development (THEN GO TO Q4)	
Is the project Schedule 2 development under EIA Regulations?	Yes
If YES, under which description of development in Column 1 and Column 2?	10(b)
Is the development within, partly within, or near a 'sensitive area' as defined by Regulation 2 of the EIA Regulations?	No
If YES, which area?	N/A
Are the applicable thresholds/criteria in Column 2 exceeded/met?	N/A
If YES, which applicable threshold/criteria?	N/A
3. LPA/SOS Screening	
Has the LPA or SoS issued a Screening Opinion (SO) or Screening Direction (SD)? (In the case of Enforcement appeals, has a Regulation 37 notice been issued)?	No
If YES, is a copy of the SO / SD on the file?	N/A
If YES, is the SO / SD positive?	N/A
4. Environmental Statement	
Has the appellant supplied an ES for the current or previous (if reserved matters or conditions) application?	N/A

SCREENING

Questions to be considered	(Part 2a) / (Part 2b) – Answer to the question & explanation of reasons (Yes/No or Not Known or N/A)		(Part 3a) / (Part 3b) (<u>only if Yes in part 2a</u>) – Is a significant effect likely? (Yes/No or Not Known or N/A)	
	Briefly explain answer to Part 2a and, if applicable and/or known, include name of feature and proximity to site (If answer in Part 2a / 2b is ‘No’, the answer to Part 3a/3b is N/A)		Is a significant effect likely, having regard particularly to the magnitude and spatial extent (including population size affected), nature, intensity and complexity, probability, expected onset, duration, frequency and reversibility of the impact and the possibility to effectively reduce the impact? If the finding of no significant effect is reliant on specific features or measures of the project envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment these should be identified in bold.	
1. NATURAL RESOURCES				
1.1 Will construction, operation or decommissioning of the project involve actions which will cause physical changes in the topography of the area?	No	Other than localised ground works required to construct the bridge, there would be no physical changes to the topography of the area.	N/A	
1.2 Will construction or operation of the project use natural resources above or below ground such as land, soil, water, materials/minerals or energy which are non- renewable or in short supply?	No	Whilst resources would be used in the construction phase, none are considered to be in short supply.	N/A	
1.3 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, eg forestry, agriculture, water/coastal, fisheries, minerals?	No		N/A	

Questions to be considered	(Part 2a) / (Part 2b) – Answer to the question & explanation of reasons (Yes/No or Not Known or N/A)		(Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a significant effect likely? (Yes/No or Not Known or N/A)	
2. WASTE				
2.1 Will the project produce solid wastes during construction or operation or decommissioning?	Yes	Waste would arise largely during the decommissioning stage.	No	The majority of the waste could be recycled at the decommissioning state.
3. POLLUTION AND NUISANCES				
3.1 Will the Project release pollutants or any hazardous, toxic or noxious substances to air?	No	The bridge would only become operational when the road is provided at a later date.	N/A	
3.2 Will the Project cause noise and vibration or release of light, heat, energy or electro-magnetic radiation?	Yes	Potential noise and vibration may arise during the construction phase.	No	The site is somewhat isolated from residential properties and the construction phase would be limited. The operational effects would be assessed at a later stage when the highway is provided.
3.3 Will the Project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	There may be potential effects during the construction phase due to accidental leaks of hazardous materials and/or petrol/oil from vehicles and fuel storage containers. There may be dust arising from the construction phase.	No	The potential impact is not considered to be significant in the context of the Regulations.
3.4 Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	No		N/A	
4. POPULATION AND HUMAN HEALTH				
4.1 Will there be any risk of major accidents	No		N/A	

(including those caused by climate change, in accordance with scientific knowledge) during construction, operation or decommissioning?				
4.2 Will the project present a risk to the population (having regard to population density) and their human health during construction, operation or decommissioning? (For example due to water contamination or air pollution)	No		N/A	

Questions to be considered	(Part 2a) / (Part 2b) – Answer to the question & explanation of reasons (Yes/No or Not Known or N/A)		(Part 3a) / (Part 3b) (<u>only if Yes in part 2a</u>) – Is a significant effect likely? (Yes/No or Not Known or N/A)	
5. WATER RESOURCES				
5.1 Are there any water resources including surface waters, eg rivers, lakes/ponds, coastal or underground waters on or around the location which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	The Carrant Brook is located approximately 270m north of the proposed development.	No	There may be potential effects during the construction phase due to accidental leaks of hazardous materials and/or petrol/oil from vehicles and fuel storage containers. There may be a potential increase in flood risk due to the blockage of overland flow routes within the floodplain due to the haul roads if migration isn't provided. However, these potential effects are considered to be temporary in nature and not significant. Drainage arrangements for the bridge would only be required when the highway is provided, which would be dealt with at a later stage.
6. BIODIVERSITY (SPECIES AND HABITATS)				
6.1 Are there any protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around the location and which could be affected by the project? (Eg wetlands, watercourses or other water-bodies, the coastal zone, mountains, forests or woodlands, undesignated nature reserves or parks. (Where designated indicate level of designation	Yes	There are no statutory designated sites present within 2km of the site. However, Upham Meadow and Summer Leasow SSSI is 2.3 km north west of the site and is designated specifically for overwintering waders and wildfowl. There is suitable grazing/nesting habitat for birds from this SSSI in areas of priority habitat including coastal and floodplain grazing marsh 1.3 km west of the west end of the site. Removal of suitable grassland habitat within the site	No	Given the scale of the proposal, any impacts would be localised.

(international, national, regional or local))).		<p>area and the search area has therefore the potential to impact the nesting/foraging behavior of these birds.</p> <p>Priority habitats including lowland meadows, species rich grassland pastures, deciduous woodland, and traditional orchards exist within 500 m of the Site.</p>		
6.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, eg for breeding, nesting, foraging, resting, over-wintering or migration, be affected by the project?	Yes	<p>Records of great crested newts (GCN) have been found within 500 m of the site, including a small population in a pond that is within the proximity of the site. Four further ponds, potentially-suitable for GCN, have been found within 500 m of the site that have some degree of connectivity with this pond, through suitable terrestrial habitat.</p> <p>Several mature and semi-mature oak trees, willow trees and hawthorn trees have potential to support bat roosts within site area. A potential barn owl roost/nest was also found in a willow tree next to Carrant Brook, north of the site.</p> <p>Trees, scrub and native species-poor hedgerows on Site that are likely to be affected by the Scheme offer potential for nesting birds, dormouse, common species of reptiles, and commuting/foraging bats.</p>	No	Given the scale of the proposal, any impacts would be localised.

Questions to be considered	(Part 2a) / (Part 2b) – Answer to the question & explanation of reasons (Yes/No or Not Known or N/A)		(Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a significant effect likely? (Yes/No or Not Known or N/A)	
7. LANDSCAPE AND VISUAL				
7.1 Are there any areas or features on or around the location which are protected for their landscape and scenic value, and/or any non-designated / non-classified areas or features of high landscape or scenic value on or around the location which could be affected by the project? (See question 8.1 for consideration of impacts on heritage designations and receptors, including on views to, within and from designated areas). Where designated indicate level of designation (international, national, regional or local).	Yes	The Cotswold AONB is located approximately 2km away from the site.	No	Given the scale of the development, the character of the site and the immediate area and the distances involved, any landscape impacts are not considered to be significant. Any adverse impacts during the construction phase would also be temporary in nature.
7.2 Is the project in a location where it is likely to be highly visible to many people? (If so, from where, what direction, and what distance?)	Yes	Visual receptors would include the residential areas of Northway and Kinsham plus individual properties within the study area; the public rights of way (PROW) that cross the study area; the railway and local roads; and selected viewpoint(s) from the Cotswold AONB, mostly likely from Bredon Hill.	No	Given the scale of the development, its relatively isolated location, and the distances to potential receptors, any visual impacts are not considered to be significant. Any adverse impacts during the construction phase would also be temporary in nature.
8. CULTURAL HERITAGE/ARCHAEOLOGY				
8.1 Are there any areas or features which are protected for their cultural heritage or archaeological value, or any non-designated / classified areas and/or features of cultural heritage or archaeological importance on or around the location which could be affected by	Yes	Numerous listed buildings in the wider vicinity. There is a high potential to impact on Northway Mill (Grade II) and Mill House at Northway Mill (Grade II). Limited archaeological investigations	No	Further archaeological work is required but given the scale of the development proposed, it is considered that the effects would be unlikely to be significant in the context of the Regulations.

the project (including potential impacts on setting, and views to, form and within)? Where designated indicate level of designation (international, national, regional or local).		have taken place and the wider locality is known to contain extensive archaeological remains relating to settlement and activity of the prehistoric, Roman and medieval periods.		
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Questions to be considered	(Part 2a) / (Part 2b) – Answer to the question & explanation of reasons (Yes/No or Not Known or N/A)		(Part 3a) / (Part 3b) (<u>only if Yes in part 2a</u>) – Is a significant effect likely? (Yes/No or Not Known or N/A)	
9. TRANSPORT AND ACCESS				
9.1 Are there any routes on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?	Yes	There are Public Rights of Way in the vicinity that could be affected by the proposal.	No	Any footpaths affected could be temporarily closed and/or diverted.
9.2 Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No		N/A	
10. LAND USE				
10.1 Are there existing land uses or community facilities on or around the location which could be affected by the project? e.g. housing, densely populated areas, industry / commerce, farm/agricultural holdings, forestry, tourism, mining, quarrying, facilities relating to health, education, places of worship, leisure / sports / recreation.	Yes	The proposal would result in the loss of agricultural land.	No	The loss of land would not be significant given the scale of the proposals.
10.2 Are there any plans for future land uses on or around the location which could be affected by the project?	Yes	The proposal is to facilitate a proposed new settlement.	No	The proposal is to facilitate the proposed new settlement.
11. LAND STABILITY AND CLIMATE				
11.1 Is the location susceptible to earthquakes, subsidence, landslides, erosion, or extreme / adverse climatic conditions, e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?	No		N/A	

Questions to be considered	(Part 2a) / (Part 2b) – Answer to the question & explanation of reasons (Yes/No or Not Known or N/A)		(Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a significant effect likely? (Yes/No or Not Known or N/A)	
12. CUMULATIVE EFFECTS				
12.1 Could this project together with existing and/or approved development result in cumulation of impacts together during the construction/operation phase?	No	Whilst the bridge is to facilitate a new settlement, no planning application has been submitted for that new settlement and it is not subject to any Local Plan allocation.	N/A	
13. TRANSBOUNDARY EFFECTS				
13.1 Is the project likely to lead to transboundary effects? (The Regulations require consideration of the transboundary nature of the impact. Due to the England's geographical location the vast majority of TCPA cases are unlikely to result in transboundary impacts).	No		N/A	

5. CONCLUSIONS – ACCORDING TO EIA REGULATIONS SCHEDULE 3

Whilst potential impacts have been identified, the effects would be generally temporary in nature, arising and lasting for the duration of the construction period. Furthermore, the operational impacts are based on the structure being provided but not connected to the highway network at this stage. It is therefore considered that the scheme would be unlikely to cause significant adverse residual impacts on the environment in the context of the Regulations.

6. SCREENING DECISION

If a SO / SD has been provided do you agree with it?	N/A
Is it necessary to issue a SD?	No
Is an ES required?	No

7. ASSESSMENT (EIA REGS SCHEDULE 2 DEVELOPMENT)	OUTCOME	
Is likely to have significant effects on the environment	ES required	
Not likely to have significant effects on the environment	ES not required	X
More information is required to inform direction	Request further info	

OFFICER	Mr Adam White Senior Planning Officer
DATE	22.06.2020

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	16 March 2021
Site Location:	Land To The North East Of Hardwick Bank Road Northway Tewkesbury Gloucestershire
Application No:	20/00896/FUL
Ward:	Isbourne
Parish:	Ashchurch Rural
Proposal:	Development of a road bridge over the Bristol to Birmingham mainline railway North of Ashchurch, Tewkesbury (Ashchurch Bridge over Rail - ABoR), including temporary haul roads for construction vehicles, site compounds, security fencing, surface water drainage channels and attenuation ponds.
Report by:	Paul Instone
Appendices:	Proposed Site Plan Proposed Site Layout Sheet 1 of 2 Proposed Site Layout Sheet 2 of 2 General Arrangement and Sections Sheet 1 of 3 Longitudinal Section Extract TADCM Phase 1 Plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

Site Description

The application site extends to approximately 18 hectares and is located to the north and east of Northway and includes an area extending over the Birmingham to Bristol railway line approximately 1.2km north of Ashchurch railway station.

Besides the section of the application site which encompasses the railway line and ballast, the remainder of the application site is agricultural land consisting mainly of arable semi-improved grassland, hedgerows, and scattered semi-mature and mature trees. Ashchurch 14 PRoW is located within the site and runs north-south on the western side of the railway line, including within part of the site where the Ashchurch Bridge over Rail (ABoR) is proposed.

The site extends to the west to Hardwick Bank Road, 650 metres west of the proposed ABoR, where the western end of a future link road is expected to connect with the highway network and to the east the site adjoins Aston Fields Lane.

To the north of the application site lies the Carrant Brook and a footbridge over the Brook beyond which are agricultural fields, to the north east beyond agricultural fields is the settlement of Kinsham and the closest dwellings are located approximately 430 metres from the application site and 700 metres from the proposed ABoR, to the east of the application site is agricultural land and a cluster of agricultural buildings/dwelling of which the nearest dwelling is Carrant Gardens located approximately 200 metres from the application site and 750 metres from the proposed ABoR. To the south east beyond agricultural fields is the Ministry of Defence Site in Ashchurch which is located approximately 250 metres from the application site and 850 metres from the proposed ABoR. To the south and west of the site is the settlement of Northway and the closest dwellings are approximately 30 metres from the application site beyond the railway line and the proposed ABoR is located approximately 230 metres to the north of the nearest dwelling in Northway. The nearest dwellings to the west are located approximately 20 metres from the site access on Hardwick Bank Road.

The application site is predominantly located in Flood Zone 1 including the site of the ABoR, although small sections of the site adjacent to Carrant Brook to the north are located in Flood Zones 2 and 3, and the site entrance to the west at Hardwick Bank Road is located in Flood Zone 2. The site is not subject to any landscape designations.

The application site is located within an area identified for housing development within the Tewkesbury Area Draft Concept Masterplan 2018. (TADCM)

Current Application

The current application is submitted in full and comprises the following elements:

- Construction of a bridge over the railway line, comprising a concrete bridge deck integrated with concrete abutments supported on reinforced earthworks;
- 1.8m close mesh security fencing;
- Temporary western haul road to connect the proposed bridge with Hardwick Bank Road;
- Temporary eastern haul road to connect the proposed bridge with Aston Fields Lane;
- Two construction site compounds either side of the proposed bridge;
- Two attenuation ponds, one either side of the railway line;
- Surface water drainage channels either side of the railway line to outfall into Carrant Brook; and
- Bridge Structure and Embankments (ABoR).

The proposed ABoR would be located approximately 400 metres to the south of Carrant Brook. The design of the ABoR comprises a concrete bridge deck integrated with concrete abutment pads that would be supported on reinforced earthworks. The approach embankment foundations would be subject to detailed geotechnical design but would be either piles or shallow spread foundations.

To maintain a suitable slope angle for the embankments at a 30mph speed limit, the embankments would extend 179.8 metres to the east and 200.9 metres to the west on each side of the railway. The proposed structure is 74 metres wide at its widest point (north-south axis) incorporating the bridge deck and the associated embankments utilising embankment slopes of between 1:25 to 1:3.

The bridge deck has been designed with a total highway width of 15.6 metres, comprising two 3.8 metres wide lanes for the highway and a 4-metre-wide path for a shared use footway/cycleway on each side of the highway, to encourage active transport. This total width of 15.6 metres is maintained over the bridge structure and embankments. The bridge itself would be enclosed adjacent to the footway/cycleway by 1.5 metre and 1.8 metre parapet metal fencing.

The bridge design has accounted for future electrification of the railway line beneath. This potential for future electrification of the line has increased the height clearance requirements for the bridge structure, with the structure being 6.1 metres above the existing railway at its lowest point. The overall height of the bridge from Finish Ground Level (below the railway line) to the top of the parapet fencing would be 10.83 metres and the height of the embankments (at the start of the parapets) would be approximately 9 metres. The bridge would span 30.68 metres across the railway.

The bridge deck would not receive a final running surface, nor would it be formally connected to the highway network on completion. The installed road surface on the bridge would be installed to finished ground level on the embankments either side of the railway line.

Security Fencing around Bridge

Further to the completion of construction of the ABoR the bridge and embankment would be secured by protective security fencing until such time as the bridge comes into use.

Temporary Haul Roads and Construction Compounds

To enable construction, material and equipment would need to be brought into the construction site by road. There would be two temporary compounds for the construction works, situated on the east and west sides extending to 6.2 ha and 4ha respectively. The main temporary compound is proposed to be located on the eastern side of the rail line, with a secondary temporary compound located on the western side.

The compound to the west would contain a 1.2 ha area for topsoil storage at 2 metres high, as well as a temporary site access road with a compacted hard surface, equipment and material compounds, car parking and staff welfare facilities. The compound to the east would contain a 1.4ha area for topsoil storage at 2 metres high as well as material and large equipment compounds and car parking. The west and east compounds would be enclosed by security fencing during the construction period of the development.

Ashchurch 14 PRow runs through the western compound on a north south axis and it is proposed to divert the PRow to the west of the compound. The proposal requires the diversion of a public right of way during the construction phase and permanently once constructed. The applicant has been advised that a diversion must be progressed through separate legislative provisions and the granting of planning permission does not give authority to divert or stop up a footpath or bridleway. It is recommended that an informative is included on the planning permission advising the applicant that a PRow diversion application is required.

Two new temporary haul roads are proposed to allow site access/egress for construction vehicles to both the eastern and western compounds which would connect to Aston Fields Lane and Hardwick Bank Road respectively. The temporary haul roads would be constructed of a lime stabilisation surfacing material, which would break down naturally when it is combined with the soil of the existing ground surface. The construction of the access roads would require the removal of sections of hedgerows as well as existing trees.

Following the completion of the construction process, the removal of the haul roads and site compounds and reinstatement of the land will be the responsibility of the appointed contractor. Officers recommend that a planning condition is imposed on the planning permission to the agree the methodology of site re-instatement.

Attenuation Ponds and Surface Water Drainage

To the north of the proposed ABoR the application proposes the construction of two attenuation ponds either side of the railway. The attenuation ponds form part of a drainage strategy that involves collection systems on the bridge in the form of deck drainage and a kerb and gully arrangement, connected to carrier drains which convey flows to outfalls to the Carrant Brook to the north of the site. Flow control chambers downstream of the attenuation basins would be designed to limit flows to calculated greenfield runoff rates (QBAR) up to the 1 in 100 year return period, with an allowance for climate change, and the basins are sized to store the volumes produced by these events.

- 1.20 The site haul roads are proposed with “over-the-edge” drainage which is where the carriageway surface water is allowed to drain over the edge and directly to the adjacent ground and existing ditches, as the haul roads would be removed and the land reinstated once construction of the bridge is complete.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
20/00004/SCR	EIA Screening Opinion request for the construction of a railway bridge	EA not Required	22/06/20

3.0 RELEVANT POLICY

The following planning guidance and policies are relevant to the consideration of this application:

National guidance

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

Policies: SP1, SP2, SD3, SD4, SD6, SD8, SD9, SD14, INF1, INF2, INF3, A5, REV1.

Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

Policies: TPT3, TPT5, TPT13.

Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019) Emerging TBP

Policies: HER2, NAT1, NAT2, NAT3, ENV2, HEA1, TRAC1, TRAC2, TRAC3, TRAC5, TRAC6.

Ashchurch Rural Neighbourhood Development Plan

Ashchurch Rural Parish Council applied to designate a neighbourhood area for the preparation of a neighbourhood development plan, which was validated on 16 September 2013. Consultation on the proposed neighbourhood area was undertaken, ending on 25 October 2013. Ashchurch Rural have undertaken their draft plan (Regulation 14) consultation which closed at the beginning of 2018. They have completed the review of the comments received to the plan and have worked closely with Tewkesbury Borough Council to move the plan towards submission. As the Plan is at such an early stage of production it cannot be afforded any weight.

Flood and Water Management Supplementary Planning Document (March 2018).

Gloucestershire Local Transport Plan 2015-2031 (2015).

Garden Communities, Ministry of Housing, Communities and Local Government, August 2018.

Cotswolds AONB Management Plan 2018-2023 (20th September 2018).

Tewkesbury Area Draft Concept Masterplan 2018 (TADCM).

Planning (Listed Buildings and Conservation Areas) Act 1990.

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life).

The First Protocol, Article 1 (Protection of Property).

4.0 CONSULTATIONS

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>

Ashchurch Rural Parish Council – Object

- The application is to build a bridge in the middle of open farmland. This farmland has no legal status other than for agricultural use and there is no change of use application. The application refers to a potential roadway and potential housing development yet there is no application for either of these options at this time and thus they cannot be considered.
- Question the use of public funds to build what is in effect a 11m high concrete monolith in the middle of a field that harms the landscape. It assumes that permission will subsequently be given to construct a link road and the 826 dwellings.
- Note that there is no agreement with landowners where the dwellings and link road would be.
- Plans for the link road design and the associated housing should have been completed so that the overall planning application embracing the bridge, link road and housing could be fully considered.

- Concerned about the ability of the local road network, in particular Aston Fields Lane, to cope with construction traffic, particularly as the Lane surface is heavily damaged and requires repair. Additional heavy construction traffic would cause further damage to the surface and the substructure of the Lane.
- It is proposed within the TA that there will be c8250 vehicle movements to/from the site i.e. 16500 vehicle movements at the approx. rate of 330/week or 5.5/hour over a 12 hour day yet the same chart shows operating times of 08.00 to 18.00 i.e. a 10 hour/day.
- The TA refers to the effects of the traffic generated by the 826 new dwellings but it is incomplete. There is no masterplan to refer to, only possible road or junction design and there has been no ability to consider the impacts of any additional infrastructure that will be necessary to support the new dwellings e.g. schools, retail outlet, community centre, allotments etc.
- The proposal is within an area that has been described within the Landscape & Visual Appraisal as being "Soft gently undulating to flat landscape but with intermittent locally elevated areas". It can only do substantial harm to the landscape, but this is not acknowledged within the report.
- There is no assessment of the impacts on the AONB and views from Bredon Hill in particular.
- Key findings from the questionnaire show that in response to the 4 questions relative to the bridge itself that in each question the public who responded stated that the bridge: a. Location did not make sense - 75%, b. It will not enable new communities to come together - 73%, c. Will not enable old & new communities to walk and cycle more - 70%, d. Does not represent good use of public money - 82%.
- There are no details within the application that addresses the above concerns/responses to the basic questions asked).
- Overall, this application assumes that any future applications for the remaining development will be approved irrespective of any reasons why they should not be so. In isolation the project can only be considered a waste of public funds and thus should be resubmitted with the missing applications for a link road and housing.

Bredon Parish Council - Object

- There is a danger the housing will not be delivered and the project will end up being a 'bridge to nowhere if improvements to the Strategic Road Network, particularly the A46 are not delivered.'
- The Parish Council understands that no funding has been secured for the road links. Furthermore, landowner agreements are not in place for any road connections to the proposed bridge.
- The bridge does not add capacity to the road network where it is actually needed. It mainly facilitates east-west movements for which there will be little future need.
- Increased congestion on local roads would lead to a reduction in road safety.
- Question the value for money in the use of public funds.

- If the project ends up as a 'bridge to nowhere', public anger at the misuse of desperately needed funds at this time should not be underestimated.
- The proposed bridge is located approximately 1.6 miles from the boundary of the Cotswolds AONB and clearly falls within its setting. The site is overlooked by Bredon Hill, a well-known beauty spot and visitor destination within the AONB. The bridge, embankments and housing development would have significant adverse visual effects on receptors within the AONB. The scheme would cause significant harm to the special qualities of the AONB.
- The proposal and associated development would result in unacceptable harms to landscape and ecology. In particular, the bridge and link road would lead to the loss of habitat for the vale's rapidly declining population of wading birds, including curlew, redshank and lapwing.

Northway Parish Council – Object

- There is a lack of information provided to make an informed decision, including details on traffic flow and road structure.
- The proposal would increase risk of flooding, which could impact both Northway and Tewkesbury.
- Part of the scheme attention should be given to the road leading down to the old Mill and also Joan's Field. The temporary road access would significantly increase the danger to pedestrians visiting both locations, as such, a footpath should be included on the Joan's Field side of the road (from Sallis Close to Joan's Field) to allow residents a safe access.
- Environmental and pollution concerns.

Tewkesbury Town Council – Object

- Understand the need to provide substantial additional land for housing, which cannot realistically be delivered without a significant improvement in highway infrastructure, but there are grave concerns that these proposals for a bridge, in isolation, without the means to provide access is most unhelpful and will only cause alarm amongst the local population.
- Major remodelling of the built environment between the parishes of Northway and Bredon, needs to be considered as a whole, rather than as a series of individual elements without the context in which they will sit.
- It is unrealistic to ask local residents to judge whether or not the proposals for this bridge are acceptable if they are unable to understand the wider context of it.
- Concerns regarding the impact that this bridge proposal will have on its own parish during the construction period.
- The site is within the catchment of the Carrant Brook, which flows into our parish; there should be no development upstream that causes water to move more quickly towards our parish which would exacerbate flooding.
- We disagree with the view that the area around the proposed bridge site itself does not present a problem with regard to flooding. We understand that the ground around there

quickly becomes waterlogged and that water will be displaced when the bridge and its accompanying road infrastructure are built and during construction.

- The Parish support the opinions expressed by the Council's Ecology consultant.

Kemerton Parish Council – Object

- There isn't proper justification for the construction of the bridge and there is considerable uncertainty about future residential development.
- In light of the uncertainty the bridge is an improper use of scarce public funds.
- The bridge will not alleviate current congestion issues and will make matters worse.
- The Concept Masterplan states that to minimise the impacts of infrastructure a comprehensive approach is required predicated on sustainable transport. The proposal does not meet these requirements.
- The bridge would impact on views from the AONB.
- The bridge would increase rat-running through the Bredon Hill villages.
- The bridge is stated to cost £8.1m, but there is no indication of the cost of associated infrastructure and the road and how this would be funded.

Ashton under Hill Parish Council – Object

- Concerned the application is not transparent and fails to disclose much larger housing plan.
- The proposal will negatively impact on communities and the environment.
- Serious road safety concerns and flooding concerns.
- Serious concerns of impact on Carrant Brook wildlife corridor within this valley and beyond.
- Concerns about impact on Bredon Hill.
- The application is premature and there are concerns regarding governance and local democracy.

Elmley Castle, Bricklehampton and Netherton Parish Council – Object

- There isn't a fully measured plan on the purpose of the bridge and the following developments i.e. the Garden Town. There isn't a fully disclosed and evaluated study.
- The proposal would have a significantly detrimental impact on Bredon Hill and the AONB.
- Increased traffic volumes will lead to congestion and pollution.
- The application is flawed on lack of fundamental development planning.

Wychavon District Council - No objection assuming it accords with all the relevant policies within the Development Plan and NPPF.

Highways England – No objection subject to conditions.

County Highway Authority – No objection subject to conditions.

Network Rail – No objection subject to conditions and other measures being carried out (as detailed in the informatives).

Environment Agency – No objection, however raise some concerns about the extent of information provided and the suitability of the drainage proposals in the context of national and local guidance.

Lead Local Flood Authority – No objection subject to conditions.

Severn Trent – No objection subject to conditions.

Natural England – No objection subject to conditions following the submission of additional information.

Ecology Advisor – No objection subject to conditions.

Environmental Health (Air Quality) – No objection. Environmental Health agree with the methodology and conclusions of the Construction Phase Air Quality Assessment Report and have no adverse comments with respect to air quality at this time, if there is a significant increase to above the assessment criteria of HGV trips either inside or outside the Tewkesbury AQMA a detailed air quality impact assessment should be submitted for approval.

Environmental Health (Noise, Vibration and External Lighting) - No objection subject to a condition for a detailed Construction Environmental Management.

Ministry of Defence – No safeguarding objections.

Historic England – Do not wish to offer any comments.

Conservation Officer – The construction of the bridge, by virtue of its scale design and proximity would cause less than substantial harm to the setting of the cluster of heritage assets located to the North West of the bridge including two Grade II Listed buildings (Northway Mill and Mill House). The visual impact of the bridge in isolation would have a medium to low harmful impact on the setting of designated heritage assets of high significance. At this stage the proposal would not comply with relevant heritage policies. It may transpire that this level of harm is outweighed by public benefit. It is also accepted that this perceived harm could be mitigated through a programme of visual screening.

County Archaeologist – No objection subject to conditions.

Gloucestershire Minerals and Waste – No objection – The Outline Site Waste Management Plan makes a contribution to demonstrating how the proposal will meet the principles of waste minimisation. Taking into account the Outline Environmental Management Plan and the commitments made within it to waste management practice, it is reasonable for the case officer to deem the issue of waste minimisation to be satisfactorily resolved.

Tree Officer – No Objection subject to conditions.

Nature Space – No objection subject to conditions.

Bredon Hill Conservation Group – Object due to harm to the Cotswolds AONB, lack of sequencing, negative impacts on the highway network and poor use of public funds.

Pamington Residents Association – Object

- The application should have been presented comprehensively with a clear idea of context and there is a lack of information.
- Future development plans may be halted or modified and the proposal would become a white elephant and waste of public money.
- The Statement of Community Involvement does not reflect responses from the community.
- Routes to and from the construction site are unsuitable for construction vehicles.
- The traffic modelling is suspect and the proposal will disrupt the road network.

Kemerton Conservation Trust – Object

- If the bridge is to be shielded by substantial planting to protect views from Bredon Hill, which is considered necessary, there would be insufficient space to deliver a sufficient number of houses.
- Detrimental impact on views from PROWs in the AONB.
- The inevitable roads links will impact on linkages of wildlife sites.
- Lighting from fixed standards will impact on bats and moths using wildlife corridors.

5.0 PUBLICITY AND REPRESENTATIONS

The application has been publicised through the posting of a site notice for a period of 21 days and the publication of a press notice.

227 Objections have been received (summarised)

- The housing is not part of an adopted plan and the housing may not go ahead leaving just the bridge which would harm the landscape.
- The bridge is part of the Garden Town Concept that hasn't been approved yet.
 - The Draft Concept Masterplan should have no weight in the decision-making process.
 - Negative impact on property values.

- The construction and use of the bridge will impact on residential amenity through noise and pollution at day and night and loss of privacy.
 - Pilings would harm the brook, cause vibration and property damage.
 - Primary school children in the Carrant Brook Primary School would be impacted by noise, dust and construction traffic.
- HGV's during the construction phase will cause congestion, air pollution and noise.
 - The proposal would harm the character of the local area and its rural setting the atmosphere and character of the AONB, in particular Bredon Hill.
 - A tunnel would be less intrusive.
 - Loss of open green recreational space which is well used by local people.
 - Harm to wildlife, mature trees, plants and hedgerows including wildlife in Carrant Brook. The proposal would result in loss of habitat.
 - The entrance for construction traffic is opposite a nature reserve and will impact on wildlife.
 - The bridge will become a catalyst for inappropriate development leading to uncontrolled development which can't be effectively controlled, particularly due to the lack of 5 year housing supply.
 - The strategy should focus on the traffic problems and air pollution on the A46.
 - The junction at Joans Field is already dangerous for pedestrians and the new junction would exacerbate the issue, it is located on a dangerous busy corner with limited visibility and would be dangerous.
 - The access roads for HGVs for construction is limited to 3 tonnes, have limited passing places, are used by pedestrians and is a National Cycle Route. The use of these roads by construction traffic would be unacceptable.

- The strategy should be focussing on greener travel and reducing car use such as bus lanes and cycle routes.
- There is already too much traffic in the area and the bridge and houses would worsen the situation.
- The application site is known to flood.
- The bridge and the dwellings would increase risk of flooding and the mitigation measures should be considered comprehensively.
- The bridge cannot be considered essential infrastructure and the Level 1 Flood Risk Assessment is inadmissible.
- The application site would result in loss of agricultural land.
- Access to the site should be provided through MoD land which is readily accessible to the A46 and the bridge is unnecessary.
- The JCS Concept Masterplan Report states that the bridge will not even support the extra traffic generated by 900 homes.
- The proposal brings no benefit to local residents and only benefit to developers.
- The construction traffic and its effects will impact on local business.
- The applicant and decision maker are the same. The determination process is not impartial.
- The application is a waste and poor use of public funds.
- The money would be better spent on improving the A46.
- The bridge in isolation will become a magnet for antisocial behaviour such as skateboarding and graffiti.
- The Council has made a carbon neutrality declaration and the bridge is a contravention of this declaration and

there is no indication that this has been considered for the bridge or the housing.

- The proposal would result in loss/diversion of the PRoW. The PRoW is well used and the application for diversion may not be achieved.
- The land lying to the north of Aston Fields Lane has been identified by Kemerton Conservation Trust as being of landscape and ecological importance.
- This bridge will do nothing to relieve the congestion between Aston Cross and Junction 9 of the M5 and any available funds should be spent on providing a relief road to the south of the existing A46 if development at Ashchurch is to continue.
- As well as the ecological and landscape interest of the lower Carrant valley there is considerable archaeological interest.

1 General Comment has been received:

- The bridge proposes 2 no. 3 metre wide shared use paths. The bridge is a new facility and should provide full segregation of pedestrians and cyclists.

6.0 POLICY CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans. As the Ashchurch Rural Neighbourhood Development Plan is at such an early stage of production it cannot be afforded any weight in the decision-making process.

The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

The Tewkesbury Area Draft Concept Masterplan 2018 (TADCM), is not a development plan document. It is part of the evidence base to support work on the review of the JCS and provide a spatial growth strategy for the area that will contribute towards meeting both the

housing shortfall for the Borough up to 2031 as well as the longer term growth needs beyond. As a planning document it carries very little weight in advance of any potential development plan process commitment weight although it does form part of the plan-led approach.

The relevant policies are set out in the appropriate sections of this report.

7.0 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (EIA) REGULATIONS 2017

Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the proposal constitutes Schedule 2 development under Column 2 (10b) of the EIA Regulations, as the size of the application site exceeds 5 hectares. The applicant requested an EIA screening opinion in respect of the development on 14 May 2020 to determine whether an EIA was required as part of the application. On the 22 June 2020, the Local Planning Authority issued an adopted screening opinion in respect of the proposed development which was that the submission of an Environmental Statement in connection with this development was not required.

8.0 ANALYSIS

The main issues to be considered are the principle of the proposed development and phasing, design and visual impact including landscape impact and impact on AONB, highway matters, flood risk, impact on amenity, impact on ecology and trees, and impact on heritage assets.

Principle of Development and Phasing

Spatial Strategy, Need for New Development and JCS Review

Policy SP1 of the JCS sets out the spatial strategy for the JCS area to provide 35,175 new homes and 192 hectares of B class employment land to support 39,500 new jobs by 2031. The policy states that this is to be delivered by development within existing urban areas through District plans, existing commitments, urban extensions to Cheltenham and Gloucester, and the provision of Strategic Allocations at Ashchurch.

To support this spatial strategy, the JCS identifies Strategic Allocations, including Strategic Allocation Site A5, which designates 14 hectares lying to the south of Ashchurch and the A46 for the provision of employment land, a green infrastructure network of around five hectares and high quality public transport facilities to and within the site. However, the uncertainty in the release of land at previous Strategic Allocation A8, the MoD Ashchurch site, resulted in its removal from the JCS, causing a shortfall of approximately 2,450 dwellings in the Tewkesbury housing supply and 20 Ha of employment land over the plan period.

Policy REV1 of the JCS requires a partial review of the housing supply for Gloucester and Tewkesbury, however, due to the plan making requirements set out in the revised National Planning Policy Framework (2019), there has been a need to expand the scope of the partial review to provide a comprehensive review of the plan.

The JCS authorities undertook an Issues and Options consultation between November 2018 and January 2019 and are now working towards a Regulation 18 Consultation which is planned for Summer 2021.

The published timetable for the JCS Review to adoption is as follows:

- Issues & Options Consultation – Winter 2018/19
- Preferred Options Consultation – Summer 2021
- Pre-Submission Consultation – Winter 2022
- Submission to the Secretary of State – Spring 2023

Tewkesbury Area Draft Concept Masterplan January 2018 (TADCM)

The TADCM was developed by Tewkesbury Borough Council and supported by Homes England to inform the JCS Review and provides a spatial growth strategy for the area that will contribute towards meeting both the housing shortfall for the Borough up to 2031 as well as the longer term growth needs beyond. In total the masterplan identifies a development capacity in the area of around 8,000 homes and 120 hectares of employment land.

The TADCM is not a development plan document; it is part of the evidence base to support work on the review of the JCS providing a spatial growth strategy for the area that will contribute towards meeting both the housing shortfall for the Borough up to 2031 as well as the longer term growth needs beyond. As a planning document it carries very little weight although it does form part of the plan-led approach.

In the document, an area to the north of Ashchurch, which includes the application site, is highlighted as Phase 1 to be delivered by 2031 according with the timeline of the JCS requirement to deliver the shortfall of jobs and homes identified. It is envisaged that Phase 1 would deliver 3,180 new homes, 46 ha new employment land, local centre with retail/services, new primary school, new transport corridor (east-west connection) and northern green infrastructure corridor. Extracts of the TADCM are appended and will be included in the Committee Presentation.

The application site itself spans across land parcels 14 and 15 which are identified to have an indicative capacity for 2055 homes within the TADCM.

The TADCM includes a Transport Strategy which considers how the masterplan development ambitions may be realised in movement terms considering the road network, rail, bus, walking and cycling infrastructure. In terms of the road network, the Transport Strategy explores a number of highway infrastructure scenarios to serve Phase 1 and the wider Masterplan area. These include capacity improvements to M5 J9 and the A46, a Northern Access Road link between Hardwick Bank Road and Aston Fields Lane with closure of the level crossing to the south, and a southern development road to the south of the A46 providing capacity for long term development aspirations.

The TADCM identifies that there is no transport solution yet for the quantum of development in Phase 1 and that there is a gap in the current masterplan. However, the TADCM identifies that a northern link (Northern Access Road Link) is needed, crossing over mainline rail, joining up existing roads. The Masterplan also identifies that there would need to be additions to the existing road pattern and further consideration needs to be given to bringing forward the Southern Development Road.

To deliver the Masterplan, the Transport Strategy identifies Short-Term, Medium-Term and Long-Term Enabling Interventions. The Northern Access Road is identified as a Short Term Enabling Intervention which is required for the delivery of the northern development plots which rely on the provision of a northern link over the rail line, overcoming severance and

completing the link between existing local roads. The Intervention Schedule identifies that the Northern Access Road Link alongside closure of the level crossing is required to be deliver between 0-10 years from the publication date of the TADCM (therefore by 2028).

Emerging TBP

Paragraph 2.11 of the Emerging TBP states that the Borough Council commissioned a consultant team to undertake masterplanning work for the Ashchurch area to inform the immediate review and identify sites for further housing and employment growth. The area has also been awarded Garden Town status by the Government and will help to unlock and deliver growth in this location. As this work is ongoing the Tewkesbury Borough Plan does not identify any allocations in the Ashchurch area so as to not prejudice the outcome of this masterplanning and Garden Town work.

Phasing of Application

In March 2019, Tewkesbury Borough Council was awarded Garden Town status for Tewkesbury at Ashchurch. The Garden Communities Prospectus prepared by the Ministry of Housing, Communities and Local Government (MHCLG) recognises that delivery of a new garden community is a complex, long-term project, which will deliver homes over a number of decades. The Prospectus states that the MHCLG will prioritise proposals that offer a strong prospect of early delivery and a significant acceleration of housing delivery.

The MHCLG awarded Tewkesbury Borough Council £8.1m of funding through the Housing Infrastructure Fund (HIF) to deliver a bridge (part of the Northern Access Link Road) that would unlock parcels of land to the east of the railway line. The HIF Funding financial modelling obligation is for the delivery of 826 new houses, albeit the TADCM identifies the delivery of more houses.

The applicant advises that the planning application for the ABoR is submitted in advance of other associated infrastructure or land use developments due to a spending deadline associated with HIF Funding. It is necessary for the HIF Funding to be spent by the end of 2022 and the submission documents indicate that the construction period would be circa 12 months.

The applicant also advises that the ABoR is being advanced prior to the formalisation of site allocations within planning policy documents in recognition of the considerable lead in time and constraints associated with working on railway assets. Design and construction on Network Rail assets are required to follow Network Rail's Governance for Railway Investment Projects process, and, due to the intricacies of these activities, are often seen as delaying factors to onward development. In particular, constructing bridges over Network Rail assets is complicated by the requirement to undertake certain works only in the infrequent periods in which the railway is non-operational or in reduced operation.

The application is therefore being progressed at the current time to deliver the Short-Term Enabling Intervention timescales of the TDACM and to meet the HIF funding deadline.

Paragraph 72 of the NPPF states the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.

Infrastructure can be the key to unlocking land for development to enable comprehensive well-planning development solutions. In the case of the current application, the construction of the bridge is identified as a Short Term Enabling Intervention to deliver the First Phase of the TADCM by 2031, to ensure the proposed development is facilitated and supported by the necessary infrastructure and facilities and to accord with the requirements to the HIP Funding.

Nevertheless, it is the case the HIF Funding, the inclusion of the wider application site in the garden communities programme and the identification of the wider area for development in the TADCM does not prejudice or presuppose the planning system, including the plan-led approach.

Therefore the principle of progressing with the ABoR application at the current time, is a matter of planning balance. There are substantial benefits of seeking to achieve the aspirations and timelines of the TADCM in the context of achieving the JCS and JCS Review Strategic Objectives, and ensuring that necessary infrastructure is place to achieve well planned development. This weighs in favour of the principle of progressing the application at the current time. However, weighing against the principle of progressing with the application at the current time, is that the TADCM is an evidence base document which carries very little weight in the decision-making process.

Access and Highway Issues

Paragraph 109 of the NPPF requires that safe and suitable access be achieved but states that development should only be refused on transport grounds where the cumulative impact is severe. This advice is echoed in Policy INF1 of the JCS.

The current planning application comprises a road bridge over the Bristol to Birmingham mainline railway with associated temporary haul roads for construction vehicles and site compounds

At this time, the current application includes for temporary haul roads for construction vehicles only. An ABoR construction compound would be positioned both east and west of the railway line, with the eastern compound accessed from the B4079, close to Aston Fields Lane. The western compound would take access from Hardwick Bank Road.

Significant concerns have been raised by the local community both in relation to traffic impacts during the construction period and those related to potential future development in the area, enabled by the proposed bridge. Whilst concerns in relation to the latter are understandable, as set out above, those matters are not material to this application, the assessment of which relates solely to the construction of the bridge structure and related haul roads/compounds etc.

Bridge Design

The bridge would provide a 7.3 metres wide vehicular carriageway that would be subject to a maximum speed limit of 30mph, with 3 metre wide Shared Use Paths (SUPs) on either side of the carriageway to account for the bridge parapet and to provide walk / cycle routes. It has also been designed so it could accommodate a 3 metre wide SUP beneath the carriageway.

No formal connections to the local highway network are proposed as part of the planning application submission.

Traffic Impacts

Construction Overview

The traffic impacts of the proposals are solely related to the bridge's construction. The Transport Assessment states that there would be a 12 month construction period.

It is anticipated that the working hours at the site would primarily be 0800-1800 on weekdays. During some periods towards the peak of the project, such as when the beams are transported over the railway line during hours when there is no rail service, night time working is envisaged.

Construction Compounds & Traffic Assignment

Construction vehicles would largely congregate in two main temporary compounds located on the eastern side of the railway line, with a secondary temporary compound located on the western side. Two new temporary haul roads are proposed to form safe and convenient site access / egress for construction vehicles to these sites.

East Compound Construction Routes

Vehicles accessing the eastern compound would be routed from M5 J9 along the A46 eastbound to the B4079, to enter the site via Aston Fields Lane. The reverse of this route would apply for vehicle departures.

In accessing this compound, vehicles would depart M5 J9 via the northbound or southbound off-slip and travel along the A46. The M5 J9 northbound off-slip is of particular concern to Highways England, as this approach currently experiences significant congestion.

In terms of construction vehicle routing, Highways England have recommended that as part of the Construction Traffic Environmental Management Plan measures are taken to encourage light and heavy goods vehicles to occur outside weekday peak hours to avoid sensitive sections of the Strategic Road Network including the M5 J9 northbound slip.

West Compound Routes

Vehicles accessing the western compound would be routed from M50 J1, then along the A38 in a southbound direction (and visa versa) before heading north-east along Bredon Road / Tewkesbury Road, and finally accessing the west of the site via Hardwick Bank Road. Travel along the A46 is also not required between M50 J1 and the west compound.

Construction Vehicles

The Transport Assessment states that in addition to standard cars and vans for site works, there would be numerous 'tipper truck' deliveries of earth to the site for use as embankments. There would also be numerous loads for prefabricated units and for the abutments, along with some concrete wagons for any in-situ concrete works. A number of abnormal loads are expected for the beam deliveries and for the installation / removal of the crane. These abnormal loads are expected to be located at the west compound (via M50 J1).

The Transport Assessment anticipates 8,250 HGV and 250 additional light vehicles would travel to the site during the 12-month construction period. The Assessment advises that on average, the construction of the ABoR is expected to generate 66 two-way HGV movements per weekday, which equates to less than six movements per hour.

Based on the known construction activities planned, it is estimated that 55% of traffic would arrive and depart via the western route to the site and 45% would arrive and depart via the eastern route.

For the busiest western route, this equates to approximately 36 daily HGV movements and approximately 3 per hour. The eastern route would expect 30 daily light vehicle movements and approximately 2.5 per hour. Construction of the ABoR is expected to generate just two light vehicle movements per weekday. There would be an average of approximately 50 construction staff a day at the site split equally between the compound areas on either side of the bridge.

Site Access Arrangements

Highways England and the Highways Authority recommend that conditions are imposed to control future site access arrangements, including the submission of a Construction Traffic (Environmental) Management Plan (CTMP) to be provided which would include a pre-commencement survey of the local highway network. The Transport Assessment indicates that passing bays would be provided along Aston Fields Lane and temporary traffic management on Hardwick Bank Road, full details of which would need to be submitted for approval. Temporary traffic management will also require separate approval from Gloucestershire and Worcestershire County Councils.

Whilst the applicant advises that abnormal loads are proposed to access the field from the west, the Highways Authority advise some junctions are constrained and tracking details would be needed to demonstrate that they can access the site. This can be addressed in the CTMP and if access cannot be achieved an alternative access route would be required.

The County Highways Authority have also advised that details of the site accesses onto Hardwick Bank Road and Aston Fields Lane, as well as passing bays on Aston Fields Lane can be secured by condition.

Grange Road Level Crossing

Although it does not form part of the planning application, the construction of the proposed ABoR and the subsequent provision of a link road would allow the closure of the Grange Road Level Crossing by providing an alternative higher quality east-west transport connection in the northern part of Ashchurch. This is supported by Network Rail and would result in a significant reduction in traffic volumes on the route.

Indicative Traffic Modelling

The applicant's Transport Assessment includes junction modelling for information only considering future connections between a link road and both Hardwick Bank Road and B4079 in a scenario whereby as a first phase 826 dwellings are delivered to the east of the railway line. The modelling demonstrates that either a roundabout or a signal-controlled junction would offer a suitable connection between the link road and the surrounding highways network. However, the link road, its connection to the existing highway network

and associated residential proposals, would be the subject of separate future planning applications, that will each be supported by their own Transport Assessment.

The highways authorities advise that their consideration of the current proposals does not provide any pre-determined view on the acceptability of a future proposed link road, the bridge's connection to the existing highway network and associated development proposals. The impacts of these proposals would be considered separately in the future.

Conclusions on Highways Matters

Highways England and the County Highways Authority have been consulted on the application. The statutory consultees advise there would be some HGV impacts arising, however the level of trip impacts associated with the bridge construction only are relatively minimal and at a level that is acceptable subject to a suitable CTMP being in place to minimise and manage traffic impacts where possible.

In terms of traffic volume, the construction traffic would place some additional trips through the junctions, but these impacts are time limited to a 12 month period and are sufficiently dispersed over two Strategic Road Network junctions i.e. M5 J9 and M50 J1, so as to reduce impacts on a single location.

With construction traffic and routing still subject to refinement when a construction contractor is appointed and given the potential for some abnormal load vehicles, as set out above, it would be a requirement that a CTMP be provided, should planning permission be granted. This would need to include suitable measures that minimise vehicle trips travelling on the sensitive locations. Details would also need to be agreed of passing bays and site access, as well as measures to ensure vehicle trips occur outside typical weekday peak hours and that measures to prevent debris from the two compounds being deposited onto the highway network are adopted.

The Comments of the local community are noted, however, having regard to all of the above it is considered that the specific proposal would not have a 'severe' impact on the safety or satisfactory operation of the highway network, and subject to conditions would accord with the NPPF and policy INF1 of the JCS.

Landscape and Visual Impact including Impact on AONB

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan. Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty of Areas of Outstanding Natural Beauty which amongst other designated areas have the highest status of protection in relation to these issues.

Policy SD6 of the JCS echoes these requirements and states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. The policy goes on to state that all applications for development will consider the landscape and visual sensitivity of the area in which they are to be located or which they may affect. Policy SD7 of the JCS states that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscaping, scenic beauty, wildlife, cultural heritage and other special qualities. The Policy confirms that proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

The application site is not located within a designated valued landscape area within the development plan, however the Cotswold AONB is located to the north, east and south east of the site and at the closest point to the north is approximately 1.5 miles away. The Special Landscape Area which is identified as a valued landscape in the development plan is located approximately 2 miles to the east.

The application is accompanied by a Landscape and Visual Appraisal (LVA) as well as a supplementary assessment further to comments received from Natural England.

The LVA identifies that the site is flat and is highly rural, characterised by an open landscape of large irregular agricultural fields and wide grassland areas bordering Carrant Brook. However, the site (where the proposed bridge would be located) is approximately 200 metres from the residential area of Northway which affects the wider character context of the site. The site is generally well screened by field hedgerows, trees and woodland along watercourses, together with garden vegetation from nearby properties.

The LVA identifies potential visual receptors points from the PRoW which passes through the site, residential properties to the south, as well as from residential properties to the east and west.

The most prominent viewpoints would be from the PRoW as well as the residential properties to the south. It is considered that upon completion of the proposed bridge and embankments, the development would be obvious from a number of these viewpoints and would foreshorten distant views of the AONB. There would be inevitable visual impact and landscape harm to rural character of the site upon completion of development from these visual receptors.

In terms of more distant viewpoints, it is the case that the completed development would be visible from some elevated viewpoints within the AONB and Special Landscape Area, particularly in the winter months. However, given the distance of these viewpoints, the proposed bridge would be seen against the backdrop of existing residential and commercial development within Northway and the A46, as well as committed development including the Retail Outlet Centre and 850 dwellings allowed on appeal at Fiddington. Within the context of intervening vegetation and other built elements, officers consider that the proposal would have a very limited adverse effect on the setting of the AONB and the Special Landscape Area.

In terms of the construction phase, it is the case that the haul roads and construction compounds would detrimentally impact on landscape character. However, this is a temporary impact which would be mitigated through the re-instatement of the site.

It is concluded that the proposal would cause harm to the landscape character and visual amenity of the site when viewed from shorter distance receptors. This is recognised in the LVA, which suggests a number of mitigation measures to ensure that the adverse impacts and effects on the landscape character and visual amenity of the site are minimised. These include ensuring embankments are designed to avoid an overly engineered appearance, minimising vegetation removal and providing additional planting, ensuring attenuation ponds have a natural shape and that the parapet fence colour tones into the landscape, and keeping the security fencing to a minimum and ensuring it is an appropriate colour.

Overall, it is concluded that there would be significant harm to the landscape arising from the proposal, given the scale of the development. However, it is considered that the impact is primarily restricted to nearby viewpoints and that the proposal would have a very limited adverse effect on the setting of the AONB and the Special Landscape Area.

It is considered that the harm to the landscape can be partially mitigated through the detailed design and planting and it is recommended that conditions are imposed to secure these mitigation measures to reduce the harm.

The harm to the landscape is a factor that weighs against the proposal in the overall planning balance. Whilst this harm would be tempered by mitigation measures which can be secured by condition and by virtue that the application site itself is not identified as a 'valued' landscape in the development plan, the harm would be significant in officers' view. It is considered that the proposal would have a very limited adverse effect on the setting of the AONB and Special Landscape Area.

Residential amenity

The NPPF states at paragraph 180 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to the impacts that could arise from the development. Policy SD14 of the JCS states that development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

The closest dwellings to the application site are within the settlement of Northway. The closest dwellings within Northway are approximately 30 metres from the application site beyond the railway line and the proposed ABoR is located approximately 230 metres to the north of the nearest dwelling in Northway. There are also dwellings in Northway located approximately 20 metres from the access to the western haul road which would be impacted by the development from the site access on Hardwick Bank Road. To the north east beyond agricultural fields is the settlement of Kinsham and the closest dwellings are located approximately 430 metres from the application site and 700 metres from the proposed ABoR. To the east of the application site is agricultural land and a cluster of agricultural buildings/dwellings of which the nearest dwelling is Carrant Gardens located approximately 200 metres from the application site and 750 metres from the proposed ABoR.

Impacts on residential amenity would arise during the construction phase of the development which it is indicated would last approximately 12 months and during the operational phase of the bridge once it is connected to the road network.

During the construction phase impacts on residential amenity would arise through reasons including noise, vibration and lighting. The Environmental Health Officer has been consulted on the application and states when the contractor to undertake the proposed works has been decided a detailed Construction Environmental Management Plan (CEMP) must be submitted to and agreed by the local planning authority. The CEMP must detail the mitigation measures, to be employed, during the construction phase, in order to minimise the impacts of noise, vibration and lighting on the nearest sensitive receptors.

In regard to the impact of the construction phase on air quality the application is supported by a Construction Phase Air Quality Assessment (CPAQM). The CPAQM identifies that approximately 400 human health receptors are located within a buffer of 350m around the site (and within 50m of routes to be used by construction vehicles).

The air quality assessment includes a review of existing air quality conditions and a qualitative assessment of construction dust. The construction phase of the proposed development has the potential to generate dust and PM10 emissions, which may have a short-term adverse impact at nearby human health receptors. The CPAQM also concludes that significant air quality impacts are not expected to occur as a result of the additional construction traffic.

Construction works associated with the proposed development have the potential to generate dust emissions, which would require effective control/minimisation for the duration of the construction project through a CEMP or similar. The CPAQM identifies a number of potential measures to mitigate dust such as:

- Fully enclose site or specific operations where there is a high potential for dust production and the site is active for an extensive period;
- Ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out, unless this is required for a particular process, in which case ensure that appropriate additional control measures are in place;
- Ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport;
- Install hard surfaced haul routes, which are regularly damped down with fixed or mobile sprinkler systems, or mobile water bowsers and regularly cleaned; and
- Access gates to be located at least 10 metres from receptors where possible.

The Environmental Health Officer has been consulted on the application and agrees with the methodology and conclusions of the CPAQM and has no objection with respect to air quality, subject to mitigation being secured in a CEMP.

It is the case that there will inevitably be some detrimental impact on residential amenity during the construction phase of the development, however, given that this is a temporary impact and the extent of the impact can be controlled and mitigated through a CEMP, it is considered that the impact on residential amenity arising from the construction phase would not be unacceptable and the application would accord with policy SD14 of the JCS and the NPPF in this regard.

In terms of the operational phase of the development, the proposed scheme is to construct the ABoR and leave it in place but it does not include the future highway that would utilise the bridge as part of the future development of the area, nor the associated planned housing to come forward. Therefore, at this stage of the ABoR Scheme, there are no operational effects to assess in respect of noise, vibration and emissions. The effects of the operational phase of the development would therefore be considered when future applications come forward enabling the operational phase.

Drainage and Flood Risk

The application site extends to approximately 18 hectares. The Environment Agency's Flood Map is divided into three separate zones. Approximately 96% of the site which includes the proposed bridge is located in Flood Zone 1 which has the lowest probability of flooding, 3% is located in Flood Zone 2 which has a medium probability of flooding and 1% in located in Flood Zone 3 which has a high probability of flooding.

The proposed bridge is located entirely within Flood Zone 1, approximately 350m away from Flood Zones 2 and 3. The northern edge of the site, along the Carrant Brook, is located within Flood Zone 2 and 3. The western haul road site access and parts of the western haul road are located in Flood Zone 2, and the carrier drains are located within Zones 2 and 3.

Paragraph 163 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment (FRA),

which includes proposals of 1 hectare or greater in Flood Zone 1 and all development in Flood Zones 2 and 3. Paragraph 158 of the NPPF states that the sequential approach should be used in areas known to be at risk of flooding now or in the future. Developments should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 163 of the NPPF also states that development should only be allowed in areas at risk of flooding, where in light of an FRA, inter alia, it can be demonstrated that within the site the most vulnerable development is located in area of lowest flood risk, the development is appropriately flood resistant and resilient, it incorporates sustainable drainage systems and any residual risk can be managed safely.

Policy INF2 of the JCS requires new development to, where possible, contribute to a reduction in existing flood risk and proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere.

The Council's Flood and Water Management Supplementary Planning Document is a material consideration in the determination of planning applications. At paragraph 5.7.3 it stated that FRAs should be proportionate to the risk and appropriate to the scale, nature and location of the development. A FRA should always be undertaken as early as possible in the planning process to avoid abortive work raising landowner expectations where land is unsuitable for development. Paragraph 6.5 states there are a variety of SuDS techniques and further guidance should be sought via the SuDS Manual (CIRIA C753). The use of 'open to surface' SuDS management train techniques is preferred, as opposed to piped or tanked solutions which offer nothing in terms of water quality, biodiversity, amenity, have increased future maintenance requirements and are typically more expensive to implement. In addition, any innovative solutions will be welcomed and supported in principle.

The application is supported by a Drainage Strategy and a Level 1 Flood Risk Assessment report that identifies existing sources of flood risk to the site and provides details of how surface water will be managed and discharged from the site. A Level 1 FRA is a screening study which determines whether there are any flood risk issues related to the development that may warrant further assessment. Supplementary information has also been submitted during the determination of the application further to concerns raised by the Environment Agency.

The applicant's Level 1 FRA states that:

- The proposed development is at very low risk from surface water flooding and is not within a Critical Drainage Area.
- The proposed development (road bridge and embankments) would increase the impermeable area of the site and this would need to be managed through the application of SuDS.
- The proposed development type is Essential Infrastructure. The proposed development site is predominantly in Flood Zone 1 and passes the sequential test.
- Whilst the published Environment Agency Flood Zones do not account for future climate change, in lieu of hydraulic modelling, the future Flood Zone 3 can be evaluated using the current Flood Zone 2. The proposed bridge development remains outside of both Flood Zones, indicating that the site should remain flood free over the next 100 years. However, it should be noted that, as the fluvial floodplain expands with climate change, the proposed drainage infrastructure

may be impacted by higher flood levels. The drainage design will need to account for a 40% increase in rainfall intensity for this design.

- The investigations carried out for this Level 1 FRA indicate that a Level 2 FRA is not required to address the flood risk sources identified. (Officer Note - A Level 2 FRA is a Scoping Study undertaken if a Level 1 Study indicates that the site may lie within an area which is prone to flooding or that the site may increase flood risk due to increased runoff; and to confirm the possible sources of flooding which may affect the site).
- It is recommended that the drainage ponds are located taking into account future fluvial climate change impacts, and are set outside the present day Flood Zone 2.

The Environment Agency, whilst not raising an objection to the application, have raised a number of concerns regarding the approach and queried whether the proposals constitute best practice in accordance with national guidance and the Council's own Flood Risk Management SPD.

In response to these comments the applicant advised the following:

- Given the site is at low risk of flooding from fluvial, surface water, and other sources, it is considered that a Level 2/3 FRA was not required.
- The Flood Risk Assessment conforms to the principles set out in the Tewkesbury Borough Council's Flood and Water Management SPD and is proportionate to the risk and appropriate to the scale, nature and location of the development.
- The applicant notes that paragraph 6.5.39 of the Flood and Water Management SPD states that a detailed surface water drainage strategy should be submitted with applications for full planning permission. It is acknowledged that the drainage design is outline at this stage, but will be further developed as part of the detailed design of the ABoR scheme, when results of ground investigations and detailed topographical surveys are available and the bridge design is finalised. The applicant considers the current drainage design is proportionate to the nature and scale of the first phase of development, which comprises only the bridge structure and the earth embankments. The applicant advises the outline drainage design can be further enhanced at the detailed design stage with the benefit of hydraulic modelling.
- The bridge and embankment is the first phase of development that will emerge over time, as part of the Tewkesbury Garden Town proposals. The current proposal needs to proceed first, in order to utilise the (already secured) central government funding. The next phase of works will be the proposed link roads to be developed east and west of the bridge, followed in time by residential development. The surface water drainage strategy will evolve in sequential stages as each phase of development comes forward, such that the drainage design for the ABoR scheme will be upgraded and enhanced by the drainage design for the link roads, which will in turn be completely replaced by a fully integrated and comprehensive drainage design for the Garden Town developments, requiring an exemplary strategy as required by the Garden Town principles and the Flood and Water Management SPD. In this way, the drainage strategy for each phase of development will come forward sequentially, to be designed to serve the nature and scale of each development accordingly and will therefore be exemplary once permanent, as also stipulated by the Garden Town development principles

- The northern edge of the site, along the Carrant Brook, is located within Flood Zone 2 and 3. However, this portion of the development comprises only drainage attenuation ponds and carrier drains. The applicant appreciates that to fulfil their purpose, the flood attenuation ponds should be outside of the floodplain such that they do not fill with river water and become unavailable for the drainage system during times of flood. With the available data, the ponds are close to the edge of Flood Zone 2, but it is difficult to ascertain whether they would be at risk from flooding, without the benefit of detailed hydraulic modelling. It is confirmed that modelling will be carried out at the detailed design stage, to determine whether the attenuation ponds are in a robust location or if they need to be relocated further away from the extents of Flood Zone 2.
- The consultation comments received from the Environment Agency (EA) advised the use of sustainable drainage elements to provide a sustainable drainage system. The proposed drainage scheme adopts some of the elements, with the provision of ditches along the southern edge of the embankment and attenuation ponds. The provision of other SuDS elements such as swales could not be accommodated within the site boundary for reasons of land availability and the minimal fall in gradient towards the Carrant Brook, which would impede their effectiveness. However, hydraulic modelling will be carried out at the detailed design stage of the ABoR scheme, which will enable the effectiveness of the attenuation ponds and the overall drainage strategy to be maximised.
- Should the hydraulic modelling at the detailed design stage indicate the ponds need to be relocated, it could be accommodated by a number of ways, which include: amending the drainage design; moving the ponds in their entirety; or providing a secondary pond elsewhere within the application boundary, further from the flood zone boundary.
- It is confirmed that the outfall headwall structures would be set back from the Carrant Brook watercourse by a minimum of 8m. This will be reflected in the drainage details to be prepared and submitted at the detailed design stage.

The LLFA have reviewed the comments from the Environment Agency and the additional submissions of the applicant. Whilst the LLFA do not consider the drainage scheme to be exemplar and what would be expected in the context of the Council's Flood Risk Management SPD, they do consider that the drainage proposals included in the application would be acceptable, and raise no objection on the basis that the drainage solution in this case is intended to be temporary.

In regard other matters, there are a number of objections to this application on the basis that the application is not 'Essential Infrastructure', and that the Flood Risk Assessment is admissible and that a sequential test should have been undertaken. As the proposed bridge and embankments are located entirely within Flood Zone 1 officers consider that a flood risk sequential test is not required.

Having regard to all of the above, officers recognise that the surface water drainage strategy will evolve in stages as each phase of development comes forward and that the drainage design will be upgraded and enhanced by the drainage design for the link road once the bridge is operational. As such, whilst it is not considered to be exemplar, given the temporary nature of the current drainage design, it is considered proportionate to the nature and scale of the development. However, given the temporary nature of the current drainage design it is recommended that a condition is imposed on the planning permission requiring the submission of a further detailed drainage prior to the bridge becoming operational.

It is therefore considered that the submitted drainage scheme is acceptable in this case and that the application accords with the relevant policies on drainage and flood risk.

Ecology and Biodiversity

European designated sites, such as Special Areas of Conservation (SAC), are afforded strict protection under the Conservation of Habitats and Species Regulation 2017 (The Habitats Regulations). Local Planning authorities have a legal obligation to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to permit an application to ascertain any adverse effects on the integrity of the protected site. The process by which this is assessed is known as a Habitats Regulations Assessment (HRA).

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the development plan. Paragraph 175 of the NPPF states that if significant harm resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Paragraph 175d states when determining planning applications opportunities to incorporate biodiversity should be encouraged, especially where this can secure measurable net gains for biodiversity

Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity.

Policy NAT1 of the Emerging TBP states that proposals which will conserve and where possible restore and/or enhance, biodiversity will be permitted. Proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration. enhancement and habitat re-creation. Development which is likely to result in the loss, deterioration or harm to features, habitats or species of importance to biodiversity directly or indirectly will not be permitted unless the need for, and benefits of the development clearly outweigh the likely impact, it can be demonstrated that the development cannot reasonably be located onto an alternative site with less harmful impacts; and that measures can be provided that would avoid, mitigate against, or as a last resort, compensate for the adverse effects likely to result from the development.

On-Site Ecological Impact

The application is supported by Ecological Impact Assessment (EA), a Great Crested Newt Habitat Suitability Index Assessment, Dormouse Survey and a Bat Survey of Trees.

The EA identifies that there are no statutory designated sites for nature conservation within the site. The site consists mainly of grazed, semi-improved grassland fields which have traditional ridge and furrow structure and there are scattered mature and semi-mature trees occur throughout the site. The fields are separated by intact hedges comprising native species. Areas of scrub, tall and short ruderal habitats line the boundaries of the Network Rail fence. There are also five ponds within 500 m of the Site and the Carrant Brook (watercourse) flows from east to west, at the north of the red line boundary.

The surveys assess the importance level of ecological features and habitats and the potential impact of the development including on ecological features including bats, reptiles, birds, otters, dormice and great crested newts. The surveys identify that there are no recent records of dormice on the site, that populations of reptiles exist within the proposed scheme, the hedgerows within the site are likely to support populations of nesting and foraging birds, the grassland has the potential to support foraging owls, the Carrant Brook is a suitable habitat for otters, that trees have the potential for roosting bats and that one tree was found to support a pipistrelle bat roost and no presence of great crested newts were detected.

The following potential impacts have been identified:

- Permanent habitat loss through the loss of hedgerow habitat and grassland grazing/foraging habitat
- Temporary habitat loss (e.g. land used during construction that is subsequently to be restored);
- Habitat fragmentation affecting movements of protected and priority species;
- Disturbance including noise and vibration to protected and notable species; and
- Pollution of the Carrant Brook due to run-off during construction.

The EA states that an Ecological Management Plan (EMP) will be produced which will detail ecological mitigation and enhancements within the Application Site. The EMP would be delivered as part of the construction phase of the proposed scheme and incorporate measures such as positioning working areas away from woodland and scrub habitats, keeping vegetation clearance to an absolute minimum, translocating hedgerows and replanting where works are to cross hedgerows and incorporating a 'nestbox' scheme across the whole site. The tree containing the bat roost would remain.

The Council's Ecological Advisors have been consulted on the application and have advised that they have reviewed the submitted information and are satisfied with the application subject to the imposition of conditions including the submission of a EMP and Landscape and Ecological Management Plan (LEMP) prior to the commencement of development.

Off-Site Ecological Impacts

Natural England objected to the application as submitted, as they considered the application could have potential significant effects on the Severn Estuary Special Area of Conservation (SAC) and Ramsar Site. Natural England requested an Appropriate Assessment of the scheme's effects on migratory fish forming designated features of the SAC & Ramsar Site, in particular with regard to disturbance in the form of noise, vibration and indirect impacts on water quality in the adjoining Carrant Brook which is a watercourse 'functionally linked' to the SAC.

In response to these concerns the applicant submitted a 'Shadow Appropriate Assessment' advising that:

- Although there is a direct hydrological connection between the Application Site and the Severn Estuary SAC/SPA/Ramsar/SSSI, at a distance of over 55 km downstream, it is considered that the potential for direct impacts via release of pollutants from the scheme would be eliminated by dilution.

- The potential for impacts via the release of pollutants from the scheme into the watercourse network upstream of the Severn Estuary would be eliminated by dilution over the distance of approximately 55 km that any pollutants would have to travel. The scheme is not considered likely to result in any water quality effects in combination with other current plans or projects.
- It is possible that construction of the proposed scheme could result in direct impacts to the river (creation of drainage headwalls (now identified as 8 m back from the bank of the Carrant Brook in emerging detailed drainage design) and indirect impacts (local silt and pollution run-off and noise and vibration from construction, including piling)). It is possible that these impacts could result in short term disturbance to eels using the Carrant Brook in the vicinity of the application site or migrating upstream (February to July) or downstream (October- November). Foundation design work is still ongoing, but if piling is required, it would be restricted to the bridge structure approximately 300m from the Carrant Brook and involve auger piling (which creates less noise and vibration than percussive piling) and the distance would attenuate any noise and vibration to some extent. There would be no new permanent in stream structures that would impact on passage of eels along the Carrant Brook.
- Overall, the main effect is likely to be a temporary impact with construction of headwalls likely to take only a few days, and overall construction being estimated at 12 months. The Carrant Brook is one relatively small water course in the tributary network of the River Severn which extends a large distance over western England and eastern Wales, and there is no indication that it is of particular note for these species. The overall impacts on migrating fish species is therefore considered to be negligible in the context of the extensive River Severn catchment and qualifying populations of fish and eels.
- The agricultural grassland habitats that would be affected by the Scheme are suitable for use by the wintering bird populations associated with the Severn and Walmore Ramsar and SPA's. Given the abundance of these habitats throughout the Severn Vale, including substantial areas which are closer to the Severn Estuary SPA and Ramsar site, a functional dependence on the habitats that would be affected by the Scheme is considered highly unlikely.

Natural England have reviewed the 'Shadow Appropriate Assessment' and raise no objection subject to appropriate mitigation being secured. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that without appropriate mitigation the application could affect migratory fish species in the Carrant Brook, a watercourse functionally linked to the Severn Estuary SAC and Ramsar Site; namely that any auger piling should be restricted to day light hours and if this is not practical auger piling should take place between January to March (inclusive) in order to avoid eel migration periods.

Conclusions of Ecology

It is concluded that further to the Appropriate Assessment, and subject to appropriate mitigation which can be secured by planning condition, that the proposal would not result in adverse effects on the integrity of the SAC. The application is therefore acceptable under the Conservation of Habitats and Species Regulation 2017.

In regard to on-site impacts, it is the case that the proposals would result in some harm to habitats and biodiversity on the application site. However, the harm is not considered

significant having regard to the habitats and biodiversity which are present on the site and it is considered that any harm would be capable of being mitigated to an acceptable level through the submission of a EMP and LEMP, which would be required to include enhancement measures, prior to the commencement of development.

In conclusion whilst there would be some harm to ecology arising from the development it is considered that any harm arising would not be significant, and any harm arising could be mitigated to an acceptable level.

Arboricultural implications

Policy INF3 of the JCS states that existing green infrastructure will be protected in a manner that reflects its contribution to ecosystem services and the connectivity of the green infrastructure network. Development proposals that will have an impact on woodlands, hedges and trees will need to include justification for why this impact cannot be avoided and should incorporate measures acceptable to the planning authority to mitigate the loss. Mitigation should be provided on-site, or where this is not possible, in the immediate environs of the site.

Category A trees are categorised as trees of high quality, Category B trees are trees of moderate quality and Category C are trees of low quality.

The application is supported by an Arboricultural Impact Assessment (AIA) which identifies no Category A trees are to be felled, 565 sq m of Category B hedgerow is to be removed, 3 no. Category C trees are to be removed along with 87 sq m of Category C hedgerow as well as a group of Category C Trees (279 sq m). The removal of these trees are required because they are located directly in the footprint of works, or so close that they would require significant Root Protection Area severance.

Where hedgerow is to be removed during construction it is to be reinstated adjacent to the site to compensate for the habitats lost, or directly translocated in order to compensate for habitat loss and to prevent loss of connectivity where possible.

The AIA, and supplementary information submitted by the applicant includes an indicative location for protecting fencing and Route Protection Zones. These include protection measures for the protection of the retained Category A Oak Tree (T002) located to the north of the western compound and the veteran TPO Oak Tree (T010) located to the south of the entrance to the western haul road.

The Council's Tree Officer has been consulted on the application and advises that subject to conditions including the submission including a scheme for the protection of the retained trees, the submission of an arboricultural method statement, and Landscape and Ecological Management Plan, there is no objection to the loss trees.

In light of the above, the loss of trees and hedgerows is a matter which weighs against the proposals. However, by virtue of the categorisation of trees and hedgerows that would be lost, subject to protection measures being secured for retained trees and vegetation, and ensuring that the hedgerows are translocated and replanted, it is considered that the arboricultural impacts of the development are acceptable. It is considered that in order to enable the implementation of the development, the impacts cannot be avoided and adequate measures have been taken to mitigate the impact that arises. The application is therefore considered to accord with Policy INF3 of the JCS.

Heritage assets

When determining planning applications this authority has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving the listed buildings and their settings.

Paragraph 184 of the NPPF states that: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 193 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 assets 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.

Paragraph 194 of the NPPF states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a non-designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy SD8 of the JCS states that: Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.

The site for the proposed bridge sits in open countryside and is overlooked from the west by a cluster of isolated historic buildings including Northway Mill and Mill House both of which are Grade II Listed. The buildings are located approximately 400 metres from the embankments and the compounds at the closest point, but the temporary access and western haul road would be located within approximately 50 metres.

There are other listed buildings within Northway such as Northway Court and The Northway Public House (both Grade II Listed). However, there is no intervisibility between these heritage assets and the site of the bridge, therefore no impact upon their setting is anticipated.

The historic core of Ashchurch is further to the south and represents a cluster of historic buildings including the Grade II* Listed Church of St Nicholas and the Grade II Listed Rectory and Church Farmhouse. These buildings are largely screened from the development by trees and do not rely on outreaching views for their setting. Therefore, no impact upon their setting is anticipated.

Therefore, the impact of the development upon the setting of Northway Mill and Mill House is required to be assessed. The collection of buildings at Northway Mill include the house (with 17th Century origins), a 19th Century brick watermill and a substantial stone barn (possibly 18th Century) plus other historic outbuildings. The site itself is thought to have been subject to earlier occupation and evidence of medieval activity (including a moated site) are noted in close proximity.

The Council's Conservation Officer (CO) has been consulted on the application and advises that this is a charming collection of largely unchanged historic buildings, maintaining the character and atmosphere of rural and agricultural industry from the pre-combustion age. The immediate setting of the buildings is essentially rural but with modern late 20th Century development in very close proximity to the South. The principal elevation of the house faces inwards onto the group and there are no formal vistas towards the development site from Mill house or other buildings in the group. However, there is a real sense of a degree of rural isolation from the existing development.

The proposed new bridge is a contemporary structure and it is likely that this structure would be visible from some locations within the group and would be visible from the rear of Mill House. It is quite possible that this structure would be prominent and dominant within the setting of some of the buildings. However, the CO advises that the significance of the listed and curtilage listed buildings within the group does not rely on distant views to the south east. The most important element of the character of the setting of these buildings is the closer relationship with the immediate context nevertheless glimpses through gaps between buildings and when on the south east side of the group the new bridge would be visually present, albeit at some distance. If the view in that direction is compromised there would be potential mitigation available in the form of tree and hedge planting.

On the basis of the above, the CO considers that the construction of the bridge, by virtue of its scale, design and proximity would cause less than substantial harm to the setting of the group of heritage assets located to the North West of the bridge including two Grade II Listed buildings (Northway Mill and Mill House). The Officer concludes that the visual impact of the bridge in isolation would have a medium to low harmful impact on designated heritage assets of high significance.

The construction phase of the scheme would also entail a further loss of land possibly once associated with the medieval and post medieval settlement remains of which the mill and house are a part, and potentially the loss of remains associated with them. The operational phase would also introduce changes to setting.

Overall, the proposed development would result in some harm to the setting of Northway Mill and Mill House. In the context of the NPPF, it is considered that this harm would be less than substantial.

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a non-designated heritage asset, this harm should be weighed against the public benefits of the proposal. In light of the less than substantial harm identified, a judgement on whether the harm identified is outweighed by public benefit with or without mitigation. In this case it is also considered that harm could be reduced substantially by a programme of physical mitigation through tree and hedge planting.

It is acknowledged that the impact of the bridge is not likely to be in isolation. The bridge is part of the garden town initiative which would result in additional within the setting of the listed buildings. development on the land. However, at present, the application should be judged on its own merits.

In conclusion it is considered that the construction of the bridge, by virtue of its scale design and proximity would cause less than substantial harm to the setting of the cluster of heritage assets located to the North West of the bridge including two Grade II Listed buildings (Northway Mill and Mill House). The visual impact of the bridge in isolation would have a medium to low harmful impact on the setting of designated heritage assets of high significance. However, this harm could be mitigated to some extent by a programme of planting to provide visual screening in the vicinity of Northway Mill.

It is the case that there would be public benefits arising from the proposal, which is the first phase of the Garden Communities programme which would deliver housing and associated infrastructure. It is also considered that there is a clear and convincing justification for the proposed bridge to facilitate the Garden Communities programme.

In this instance harm to the heritage assets is identified and considerable importance and weight should be afforded to this harm in the decision-making process. However, officers consider that the substantial public benefits arising from the proposal outlined above would outweigh the identified harms in this instance and that there is a clear and convincing justification for the proposal.

Archaeology

Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The County Archaeologist has been consulted on the application and advises that no archaeological features were recorded within the red line area until recently. However, a Geophysical Survey, which has been provided indicates the presence of features of probable archaeological significance within the site. In light of this the County Archaeologist considers that there is potential for significant archaeological deposits to be present within the application site and is therefore concerned that the ground works and intrusions required for the proposed development may have an adverse impact on significant archaeological remains.

The County archaeologist has been in contact with the applicant's archaeological consultant and fieldwork contractor and has agreed a Written Scheme of Investigation for archaeological trial trenching. However, at the present time the water table is too high to undertake the investigations and therefore the County Archaeologist recommends a pre-commencement condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

Therefore, subject to the imposition of a condition to secure archaeological works the application is considered acceptable in this regard.

Other Matters

The proposal requires the diversion of a PRoW during the construction phase and permanently once constructed. The applicant is required to progress an application for the temporary and permanent diversion of the PRoW through separate legislative provisions as part of S257 of the Town and Country Planning Act. However, officers do consider that the diversion of the PRoW would be achievable in principle and would not be a constraint to the delivery of this scheme.

Network Rail have raised no objection to the application and support the closing of the level crossing at Grange Road.

Concerns have been raised By Ashchurch Rural Parish Council and others about the appropriateness of Tewkesbury Borough Council's role in the decision-making process. Nevertheless, the law allows for Council's to determine applications for planning permission made to themselves.

9.0 CONCLUSION AND RECOMMENDATION

Benefits

Whilst it is recognised of course that the TADCM is an evidence base document which carries very little weight in the decision making process the application proposals are a first stage Short Term Enabling Intervention within the Tewkesbury Area Draft Concept Masterplan 2018 (TDACM) and Garden Communities programme. There are significant benefits arising from this development in enabling the delivery the TDACM and Garden Communities programme and ensuring that necessary infrastructure is place to achieve well planned development. The application site itself spans across land parcels 14 and 15 which are identified to have an indicative capacity for 2055 homes within the TADCM which would make a significant contribution to housing land supply. The HIF Funding financial modelling obligation is for the delivery of 826 new houses. There are substantial benefits with progressing the application proposals at the current time to ensure the delivery timescale of the TADCM is maintained seeking to achieve the aspirations and timelines of the TADCM in the context of achieving the JCS and JCS Review Strategic Objectives and to meet the HIF funding deadline.

There are also benefits arising through job creation during the construction process which would provide economic benefits to the area and the UK economy. This lends weight in favour of the economic dimensions of sustainability as defined in the NPPF, although these benefits, in so far as they relate to the development proposed, are tempered as they would be short-term, for the extent of the construction period.

Harms

There would be significant harm to the landscape arising from the proposal, given the scale of the development. The harm to the landscape is a factor that weighs against the proposal in the overall planning balance, but the landscape impact would be tempered by mitigation measures which can be secured by condition and by virtue that the application site itself is not identified as a 'valued' landscape. It is considered that the proposal would have a very limited adverse effect on the setting of the AONB or Special Landscape Area which also weights against the proposals.

There will be detrimental impact on residential amenity during the construction phase of the development, however, given that this is a temporary impact and the extent of the impact can be controlled and mitigated through a CEMP, it is considered that the impact on residential amenity arising from the construction phase would not be unacceptable and contrary to Policy SD14 of the JCS, but it is still a matter which weighs against the proposals

There would be some harm to ecology arising from the development, however it is considered that any harm arising would not be significant, and any harm arising could be mitigated to an acceptable level. However, ecological impact is a matter which weighs against the proposals.

Less that substantial harm to the heritage assets is identified and considerable importance and weight should be afforded to this harm in the decision-making process. However, officers consider that that the significant public benefits arising from the proposal would outweigh the identified harms in this instance and that there is a clear and convincing justification for the proposal.

Neutral

Subject to the imposition of conditions it is considered that there would be neutral impact on trees, archaeology and highway and access issues.

It is considered that the submitted drainage scheme is acceptable and that the application accords with the relevant policies on drainage and flood risk. Whilst the current proposals are not exemplar in themselves, it is recognised that the surface water drainage strategy will evolve in stages as each phase of development comes forward and that the drainage design will be upgraded and enhanced by the drainage design for the link road once the bridge is operational.

At this stage of the ABoR scheme, there are no operational effects to assess in respect of vehicle movements, noise, vibration, emissions and other matters. These would be considered when future applications come forward enabling the operational phase.

Overall Balance and Recommendation

It is concluded that the benefits of the proposal, including the benefits of progressing the proposal at the current time, outweigh the identified harms. It is also concluded that the application is generally in accordance with development plan policy.

It is therefore recommended that the application is **permitted**.

CONDITIONS:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:
 - Proposed Site Plan GCC_ABoR-ATK-LLO-XX-DR-ZL-000013 Rev P01.1
 - Proposed Site Layout - Sheet 1 of 2 GCC_ABoR-ATK-LLO-XX-DR-ZL-000014 Rev P01.1
 - Proposed Site Layout - Sheet 2 of 2 GCC_ABoR-ATK-LLO-XX-DR-ZL-000015 Rev P01.1
 - General Arrangement and Sections – Sheet 1 of 3 GCC_ABoR-ATK-LLO-XX-DR-ZL-000016 Rev P01.1
 - General Arrangement and Sections – Sheet 2 of 3 GCC_ABoR-ATK-LLO-XX-DR-ZL-000017 Rev P01.1
 - General Arrangement and Sections – Sheet 3 of 3 GCC_ABoR-ATK-LLO-XX-DR-ZL-000018 Rev P01.1
 - Longitudinal Section GCC_ABoR-ATK-LLO-XX-DR-ZL-000020 Rev P01.1
 - Site Clearance Sheet 1 of 2 GCC_ABoR-ATK-LLO-XX-DR-ZL-000021 Rev P01.1
 - Site Clearance Sheet 2 of 2 GCC_ABoR-ATK-LLO-XX-DR-ZL-000022 Rev P01.1
 - Drainage Outline Design GCC_ABoR-ATK-GEN-XX-DR-CD-000001 Rev P01.1

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. No development / construction hereby approved shall commence until a Construction Traffic /Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with Highways England and the County Highways Authority.

This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the strategic and local highway network;
- Measures to encourage light and heavy goods vehicles to occur outside weekday peak hours (0800-0900 and 1700-1800) and to avoid sensitive sections of the SRN during these periods i.e. M5 J9 northbound off-slip
- Measures to encourage the workforce to travel to and from the site compounds via sustainable transport modes i.e. walk, cycle, public transport and car share.
- Abnormal load vehicles are discussed and agreed with Highways England in advance of these occurring.
- Parking of vehicle for site operatives and visitors;
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles including tracking details of the road; and
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The measures set out in the approved Plan, shall be carried out and complied with in full during the construction of the development hereby approved.

Reason: To ensure construction traffic at M5 J9 are minimised and managed. To ensure the safe and efficient operation of the SRN and in the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

4. The Development hereby approved shall not commence until the highway improvements / site access works comprising of:-

- Vehicle access onto Hardwick Bank Road
- Vehicle access onto Aston Fields Lane
- Passing Bays on Aston Fields Lane

Have been submitted to the Local Planning Authority, Approved and constructed in accordance with those details.

Reason: To ensure the safe and free flow of traffic onto the highway.

5. Within 3 months of the completion of the development hereby permitted the:

- Vehicle access onto Hardwick Bank Road
- Vehicle access onto Aston Fields Lane
- Passing Bays on Aston Fields Lane

Shall be removed and Highway reinstated to its former arrangement.

Reason: To ensure the safe and free flow of traffic onto the highway.

6. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy Scheme has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be in accordance with the proposal set out in the applicant's submission (ABoR Proposed Drainage Outline Design [GCC_ABoR-ATK-GEN-XX-DR-CD--000001-P01.1]). The SuDS Strategy Scheme shall include a detailed design, maintenance schedule and confirmation of the management arrangements. The SuDS Strategy shall also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The surface water drainage for the development shall

be carried out in accordance with the approved SuDS Strategy Scheme and in accordance with a timetable which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

7. Any augur piling should either:

- be carried out during daylight hours.
- or, if restricting works to daylight hours is not deemed practical then the works should take place within the January to March (inclusive) period in order to avoid eel migration periods.

Reason: In order to rule out adverse effects on migratory fish species (specifically European eel).

8. The new structure must not obscure existing signals either during construction or when completed. Any lighting provided for the bridge, during operation of construction should not cause glare or distraction for drivers of passing trains.

Reason: In the interests of railway safety

9. Notwithstanding the Proposed Outline Drainage Design, soakaways / attenuation ponds / septic tanks as a means of storm/surface water disposal must not be constructed within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.

Reason: In the interests of railway safety

10. Where vibro-compaction/displacement piling plant is to be used, details of the use of such machinery and a method statement should be submitted for the approval by the local planning authority prior to the commencement of works. The works shall only be carried out in accordance with the approved method statement.

Reason: In the interests of railway safety

11. All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by the local planning authority prior to the commencement of development. The development must be carried out in accordance with the approved method statement.

Reason: In the interests of railway safety

12. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority. Works shall only be carried out in accordance with the approved details.

Reason: In the interests of railway safety

13. Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway (with the exception of agreed Network Rail possessions of the railway line for specific works). All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Reason: In the interests of railway safety

14. Prior to the installation of any external lighting for the development hereby permitted details of the lighting shall be submitted and approved by the local planning authority. This lighting scheme shall show contour plans highlighting lux levels, specifically when spilling onto adjacent/important habitats for wildlife. The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting details and the approved lighting details shall thereafter be retained for the lifetime of the development, unless agreed in writing by the Local Planning Authority

Reason: In the interests of biodiversity and residential amenity

15. A Construction Ecological Management Plan for Trees and Ecology shall be submitted to the Local Planning Authority prior to the commencement of development. These shall include
- Measures to ensure that wildlife and habitats will be safeguarded through the entirety of the development.
 - A method statement for hedgerows which are to be translocated
 - A survey assessing for barn owl presence in Tree TN4 prior to works in the vicinity of the tree.
 - If works are delayed for longer than 12 months since the surveys have been carried out an updated site walkover to assess any material changes along with updated bat surveys.
 - Details of a toolbox talk to inform all contractors the potential to risks to protected species identified as a constraint, this includes bats, great crested newts and dormice.

The development shall be implemented fully in accordance with the approved Construction Ecological Management Plan for Trees and Ecology, unless otherwise agreed in writing by the Local Planning Authority

Reason: To protect biodiversity, trees and hedgerows

16. The development hereby approved shall be implemented strictly in accordance with the recommendations stated in section 6 of the supporting document 'GREAT CRESTED NEWT HABITAT SUITABILITY INDEX ASSESSMENT AND eDNA SURVEY' (August 2020, Middlemarch Environmental), unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the impacts of development on biodiversity, in accordance with paragraphs 170 and 175 of the NPPF.

17. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees including veteran tree T010 and borderline trees T003 and T023, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted and approved in writing by the Local Planning Authority. This shall include specification for protective fencing to safeguard trees and hedgerows during both preparatory work and construction phases and a plan indicating the alignment of the protective fencing accordance with BS 5837:2012. Tree protection during construction shall be indicated on a TPP and construction

activities clearly identified as prohibited in this area. The development shall thereafter be carried out in accordance with the approved details, or any variation of construction within the RPA or that may impact on the retained trees or hedgerows, must first be agreed in writing by the Local Planning Authority to ensure that the trees to be retained will not be damaged during development works and to ensure that as far as is possible, the work is carried out in accordance with the approved details.

Reason: To protect retained trees

18. Prior to the commencement of development, details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste, as well concrete mixing and use of fires shall be submitted to the Local Planning Authority to satisfy the Local Planning Authority that the trees/hedgerows to be retained will not be damaged prior or during construction. The development shall be carried out in accordance with the approved details unless agreed in writing by the local planning authority.

Reason: To protect retained trees

19. Prior to the commencement of development, a full specification for the protection of retained trees T018 and T019 must be submitted and approved in writing by the Local Planning Authority to include full details of the width restriction barriers, a specification of the no-dig specification/method and details of the cellular confinement system filled with a suitable aggregate to prevent ground compaction between T018 and T019. This is to ensure the tree roots and their canopies will be protected during construction of the road and thereafter from any direct/indirect damage of construction traffic. The development shall be carried out in accordance with the approved details unless agreed in writing by the local planning authority

Reason: To protect retained trees

20. No retained tree or hedgerow shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development and thereafter within 5 years from the date that the construction is complete and the haul roads and compounds are removed other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: To protect retained trees

21. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees and hedgerows unless agreed in writing by the Local Planning Authority.

Reason: To protect retained trees

22. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include full details of all proposed tree and hedgerow planting including location, species, size and guards or other protective measures and methods to improve the rooting environment for the retained trees on completion of the site. The LEMP shall identify areas for ecological enhancements and should include a plan showing locations and specifications of all installations and demonstrate measures to achieve a net biodiversity gain. The planting should include measures to protect the significance and settings of heritage assets at Northway Mill. The LEMP should also detail persons responsible and timetable of implementation. The development shall be carried out in accordance with the approved details unless agreed in writing by the local planning authority.

Reason: In the interests of visual amenity, biodiversity and to protect listed buildings

23. All planting, seeding or turfing in the approved LEMP submitted pursuant to condition 22 shall be carried out in the first planting and seeding season following the completion of the bridge. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation

Reason: In the interests of visual amenity, biodiversity and to protect listed buildings

24. Prior to the commencement of development, a Construction and Environmental Management Plan to protect residential amenity shall be submitted to and approved in writing by the Local Planning Authority. The detailed Construction Environmental Management Plan to protect residential amenity shall set out the mitigation measures to be employed, during the construction phase, in order to minimise the impact of dust, noise, vibration and lighting on the nearest sensitive receptors. The development shall be carried out in accordance with the approved details unless agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

25. The development shall be carried out in accordance with the Outline Environmental Management Plan and the Outline Site Waste Management Plan prepared by Atkins including the commitments made within the documents to waste management practice.

Reason: To ensure the proposal will meet the principles of waste minimisation.

26. Prior to the construction of the embankments hereby permitted details of the gradients and levels shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless agreed in writing by the local planning authority.

Reason: In the interests of visual amenity

27. Prior to the erection of the parapet fencing on the bridge, details of parapet fencing to include materials shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless agreed in writing by the local planning authority.

Reason: In the interests of visual amenity

28. Prior to the erection of bridge, details of external materials including visible supporting structures, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless agreed in writing by the local planning authority.

Reason: In the interests of visual amenity

29. Prior to installation of the security fencing following completion of the proposed development details of the fencing including location, height, colour and materials shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless agreed in writing by the local planning authority.

Reason: In the interests of visual amenity

30. Within 1 month of completion of development, or before development is completed, a detailed method statement for re-instatement of the site, including timescales, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity

31. Notwithstanding the surface drainage details provided further to condition 6, prior to the bridge becoming operational a detailed Sustainable Drainage System (SuDS) Strategy Scheme shall be submitted to and approved in writing by the Local Planning Authority. The SuDS Strategy shall include a detailed design, maintenance schedule and confirmation of the management arrangements. The SuDS Strategy shall also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The surface water drainage for the development shall be carried out in accordance with the approved SuDS Strategy Scheme before the development is first put in to use.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

32. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. There are ponds/waterbodies and suitable habitat for great crested newts within 500m of the development. Whilst survey work has concluded the risk of encountering great crested newts on the development site is low, if Great Crested Newts are discovered during development, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.
3. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public
 - Informing, respecting and showing courtesy to those affected by the work;
 - Minimising the impact of deliveries, parking and work on the public highway;
 - Contributing to and supporting the local community and economy; and
 - Working to create a positive and enduring impression, and promoting the Code.

The CEMPs should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

4. The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.
5. Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.
6. Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.
7. If there is a significant increase in HGV trips either inside or outside the Tewkesbury AQMA over and above those detailed in Construction Phase Air Quality Assessment dated 2nd September 2020 a detailed air quality impact assessment should be submitted for approval.
8. SAFETY - Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.
9. SIGNALS - The new structure must not obscure existing signals either during construction or when completed. Any lighting provided for the bridge should not cause glare or distraction for drivers of passing trains.
10. DRAINAGE - Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.
11. FOUNDATIONS - Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.
12. GROUND DISTURBANCE - The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

13. **PILING** - Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
14. **EXCAVATIONS/EARTHWORKS** - All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.
15. **PLANT, SCAFFOLDING AND CRANES** - Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Phase 1 - to 2031

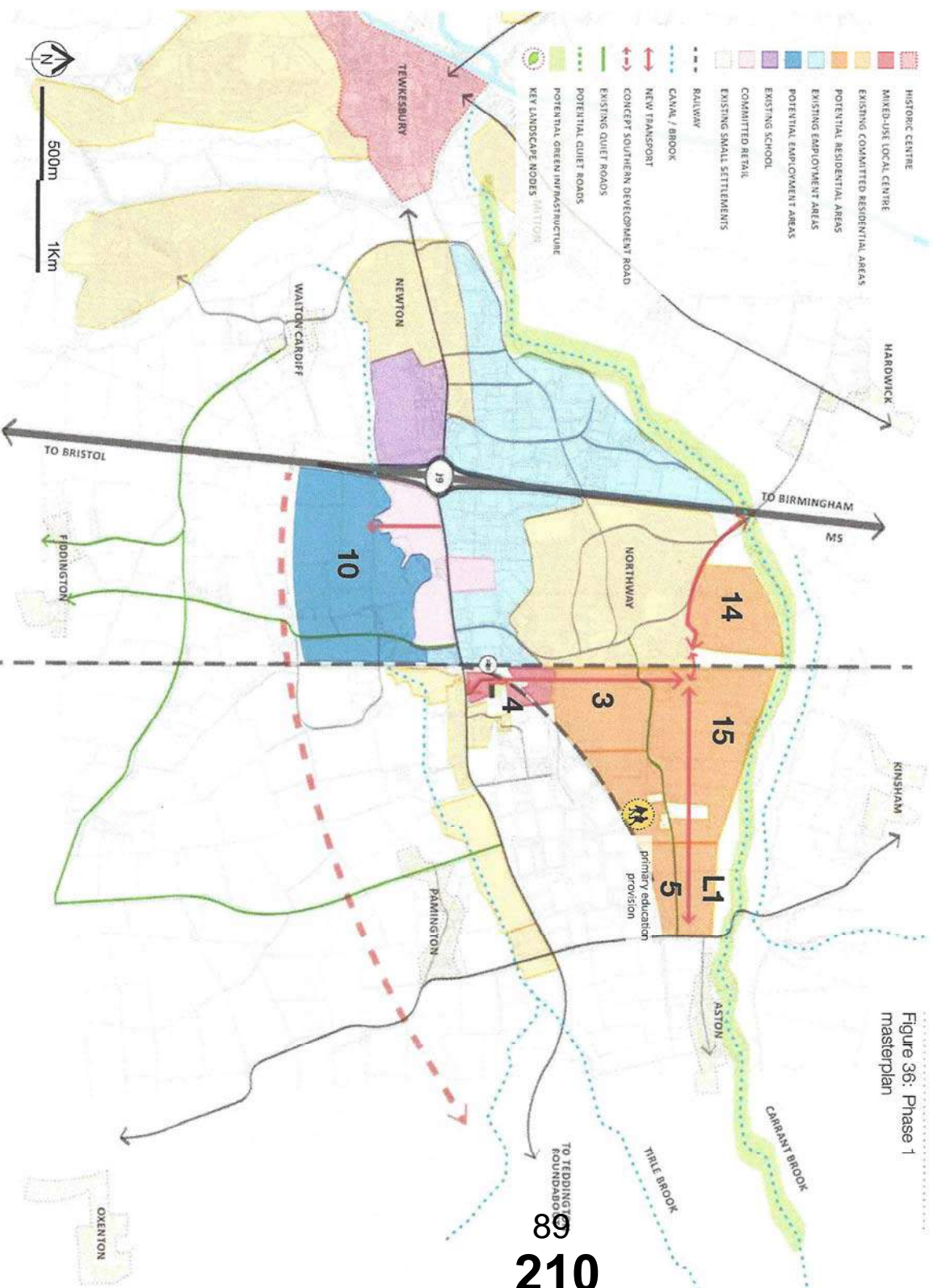
Phase 1 envisages the development of the areas north of the MOD base, the HCA land and the Fiddington site, delivering:

- 3,180 new homes
- 46 Ha new employment land
- local centre with retail/services
- new primary school
- northern Green Infrastructure corridor

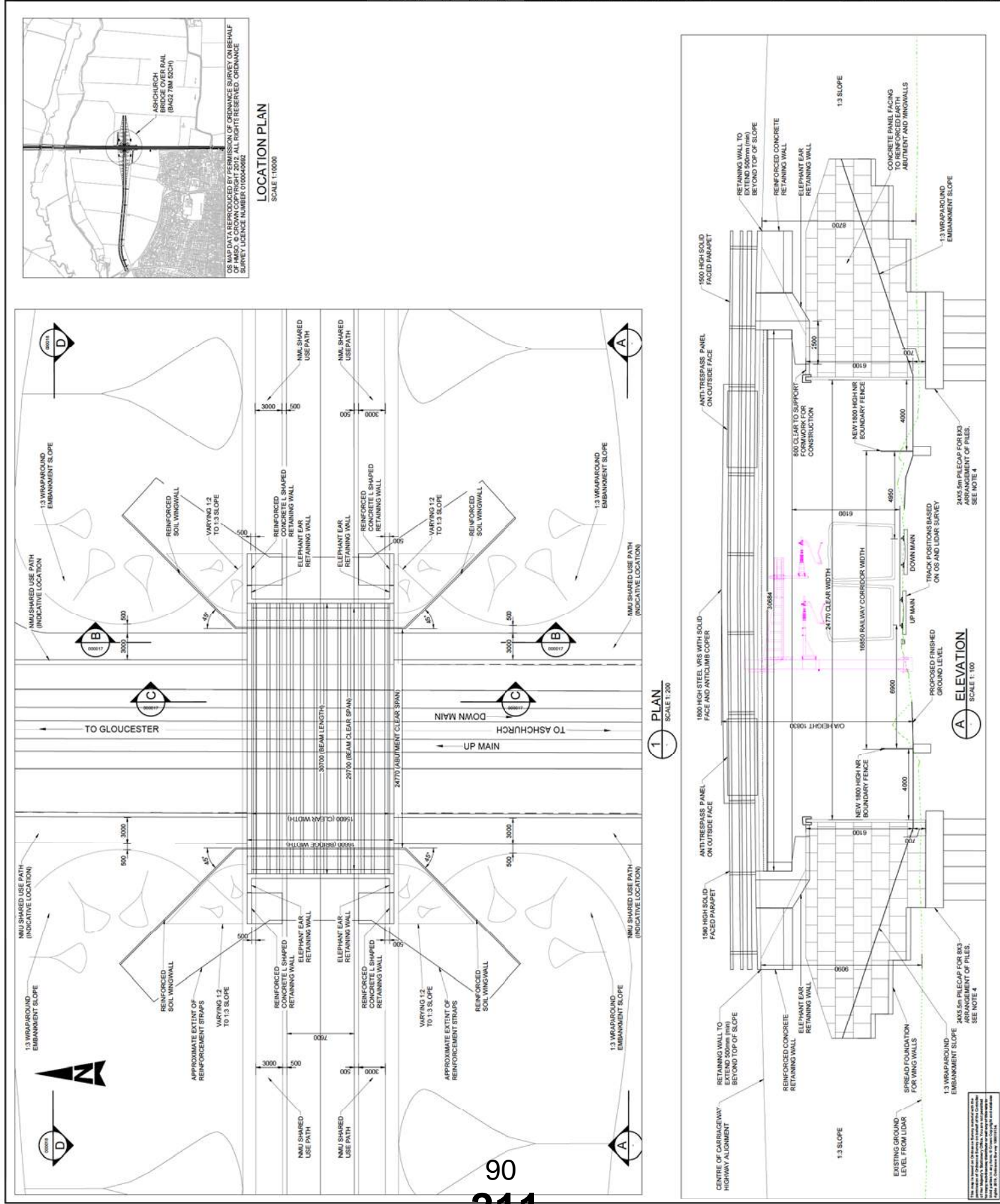
PHASE 1		SITE AREA
		Ha
3	MOD Hitchens (Aston Fields Lane)	21.5
4	MOD HCA Land	6
5	Land east of MOD Hitchens	6.5
10	Fiddington	48
14	Land at Northway	22.5
15	Land north of Ashchurch depot	76
L1	additional land near Aston	10

In terms of transport:

- There is not a transport solution yet for this quantum of development in this phase. This is a gap in the current Concept Masterplan.
- All development loads onto current A46.
- Northern link needed with crossing over mainline rail, joining up existing roads.



1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.	12. PRELIMINARY ARRANGEMENT DETERMINED TO SUIT THE PROPOSED CROWN OF THE ABRA BRIDGE.
2. ALL LEVELS ARE IN METRES AND ARE ABOVE ORDNANCE DATUM.	13. PARAPETS OF STRUCTURE TO BE PAINTED IN A MATT FINISH.
3. ALL DIMENSIONS SUBJECT TO CONFORMANCE BY TOPOGRAPHICAL SURVEY.	14. SIGHTING ISSUES, COLOUR TO BE AGREED AT DETAIL DESIGN.
4. ALL DIMENSIONS SUBJECT TO CONFORMANCE BY TOPOGRAPHICAL SURVEY.	
5. GROUND INVESTIGATION WORK UNDERTAKEN BY G.C.C. HAS BEEN USED TO CONFIRM THE ASSUMED P-YOY GROUND CONDITIONS THAT ARE TO BE CONFIRMED BY THE TOPOGRAPHICAL SURVEY.	
6. GROUND INVESTIGATION WORK UNDERTAKEN BY G.C.C. HAS BEEN USED TO CONFIRM THE ASSUMED P-YOY GROUND CONDITIONS THAT ARE TO BE CONFIRMED BY THE TOPOGRAPHICAL SURVEY.	
7. NETWORK RAIL BOUNDARY FENCE HAS BEEN ALIGNED TO REPRESENT A CONSERVATIVE ARRANGEMENT FOR INDICATIVE PURPOSES ONLY.	
8. NETWORK RAIL BOUNDARY FENCE HAS BEEN ALIGNED TO REPRESENT A CONSERVATIVE ARRANGEMENT FOR INDICATIVE PURPOSES ONLY.	
9. WITH EXISTING FENCE AS SHOWN ON OS MAPPING, THE NETWORK RAIL BOUNDARY FENCE WILL BE LOWERED TO CATEGORY LEVEL OR ROUTED IN GROUND LEVEL TROUGHING.	
10. NETWORK RAIL BOUNDARY FENCE WILL BE LOWERED TO CATEGORY LEVEL OR ROUTED IN GROUND LEVEL TROUGHING.	
11. NETWORK RAIL BOUNDARY FENCE WILL BE LOWERED TO CATEGORY LEVEL OR ROUTED IN GROUND LEVEL TROUGHING.	
12. PRELIMINARY ARRANGEMENT DETERMINED TO SUIT THE PROPOSED CROWN OF THE ABRA BRIDGE.	
13. PARAPETS OF STRUCTURE TO BE PAINTED IN A MATT FINISH.	
14. SIGHTING ISSUES, COLOUR TO BE AGREED AT DETAIL DESIGN.	





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1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
2. ALL LEVELS ARE IN METRES AND ARE ABOVE ORDNANCE DATUM, BASED ON ILE GEO-PORTAL LIDAR DATA.
3. ALL DIMENSIONS SUBJECT TO CONFIRMATION BY TOPOGRAPHICAL SURVEY.
4. NETWORK RAIL BOUNDARY FENCE HAS BEEN ALIGNED WITH EXISTING FENCE AS SHOWN ON COMPASSING.
5. VERTICAL HIGHWAY ALIGNMENT SHOWN IS THE PRELIMINARY ARRANGEMENT DETERMINED TO SUIT THE PROPOSED CROWN OF THE ABRAH BRIDGE.

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following significant residual risks (Reference shall also be made to the design hazard log)

Construction	NA
--------------	----

Maintenance / Cleaning

Use

Doc

Order

1

100

1000

1000

FLR3

Over

5

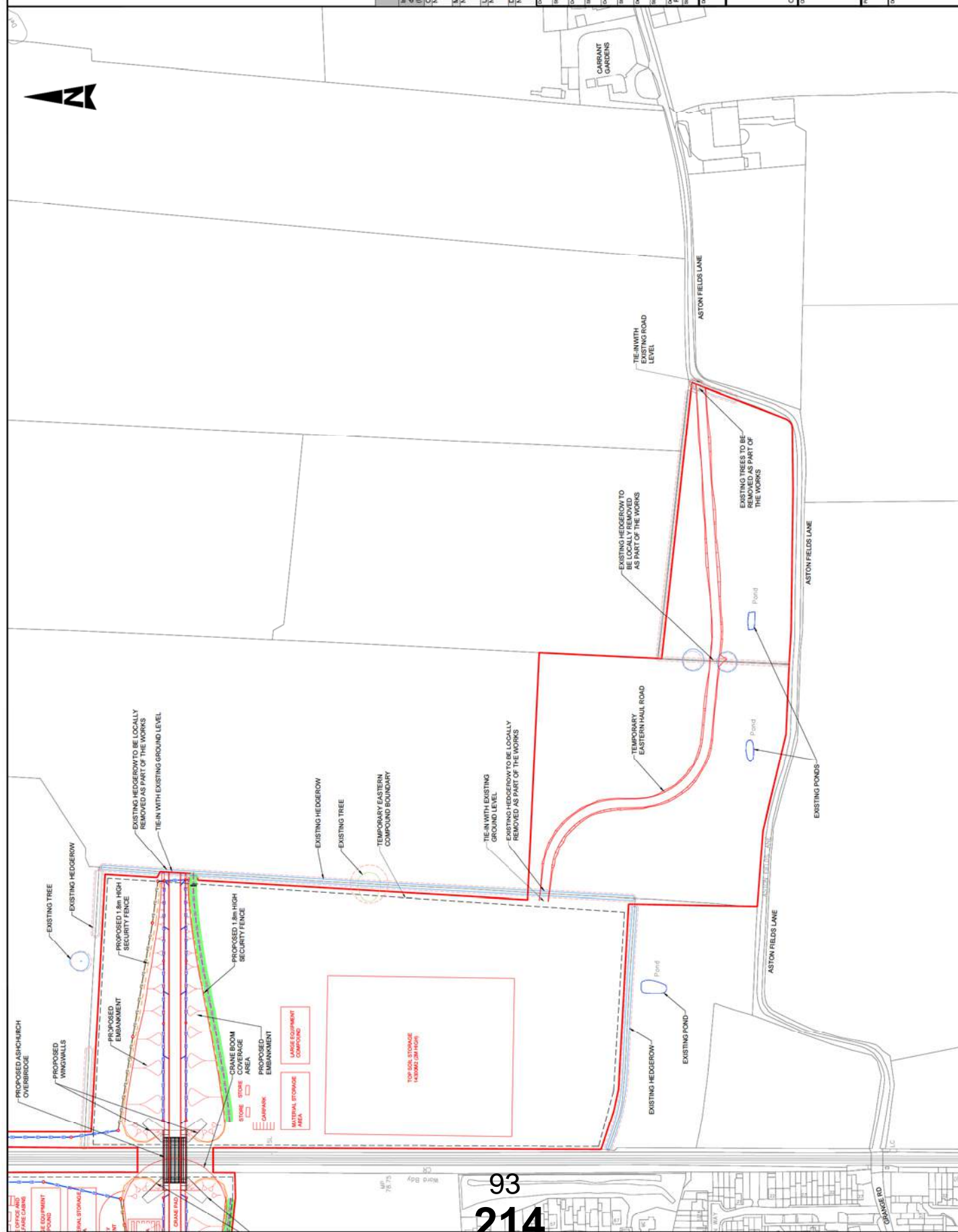
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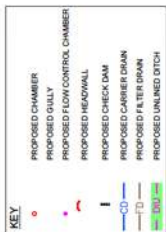
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9

Over



1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
2. ALL LEVELS ARE IN METRES AND ARE ABOVE ORDNANCE DATUM.



SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following significant residual risks (Reference shall also be made to the design hazard log).

Installation	NA
Maintenance / Cleaning	NA
Use	NA
Decommissioning / Demolition	NA

[illegible]

WORK IN PROGRESS

100 *Estuaries and Coasts* Vol. 31, No. 1, p. 99–100



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5188915 GCC_ABoR

SHCHURCH BRIDGE OVER RAIL (ABOR)
PROPOSED SITE LAYOUT
SHEET 2 of 2

ing Number

GCC_ABoR - ATK - LLO .
- DR- ZL- 000015
XX

56

Grade	A1	Score
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1111

1 PROPOSED SITE LAYOUT PART 2 of 2
SCALE 1:1250

250



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Source: Authors' calculations based on data from the 1995-1996 Survey of the Health and Retirement Study.

1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
2. ALL LEVELS ARE IN METRES AND ARE ABOVE ORDNANCE DATUM.
3. FOR PROPOSED DRAINAGE DETAILS REFER TO DRAWING GCC_ABRAT17-GEN-CC-DR-CD-00001.
4. THIS DRAWING TO BE READ IN CONJUNCTION WITH GCC_ABRAT17-LO-XX-DR-ZL-000014 AND 000015.

KEY

PROPOSED CHAMBER
PROPOSED GULLY
PROPOSED FLOW CONTROL CHAMBER
PROPOSED HEADWALL
PROPOSED CHECK DAM
PROPOSED CARRIAGE DIAM
PROPOSED FILTER DIAM
PROPOSED UNLINED DITCH

KEY (not to scale)

Tree shown in blue - colour according to BS category

Category A tree
Category B tree
Category C tree
Category D tree

Road Protection Area (RPA)
Protective fencing (indicative location only)
Planning Application Boundary
Proposed Embankment
Proposed Security Fence

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

In addition to the basic information given with this type of work detailed on this drawing, note the following significant residual risks (Reference shall also be made to the design hazard log).

Construction	NA
Maintenance / Cleaning	NA
Use	NA
Decommissioning / Demolition	NA

Category	Revision	Drawn	Checked	Reviewed	Issue Date
Category 1	1	1	1	1	1
Category 2	1	1	1	1	1
Category 3	1	1	1	1	1
Category 4	1	1	1	1	1
Category 5	1	1	1	1	1
Category 6	1	1	1	1	1
Category 7	1	1	1	1	1
Category 8	1	1	1	1	1
Category 9	1	1	1	1	1
Category 10	1	1	1	1	1
Category 11	1	1	1	1	1
Category 12	1	1	1	1	1
Category 13	1	1	1	1	1
Category 14	1	1	1	1	1
Category 15	1	1	1	1	1
Category 16	1	1	1	1	1
Category 17	1	1	1	1	1
Category 18	1	1	1	1	1
Category 19	1	1	1	1	1
Category 20	1	1	1	1	1

WORK IN PROGRESS

S0

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Gloucestershire
COUNTY COUNCIL

Project File
5188915 GCC_ABoR

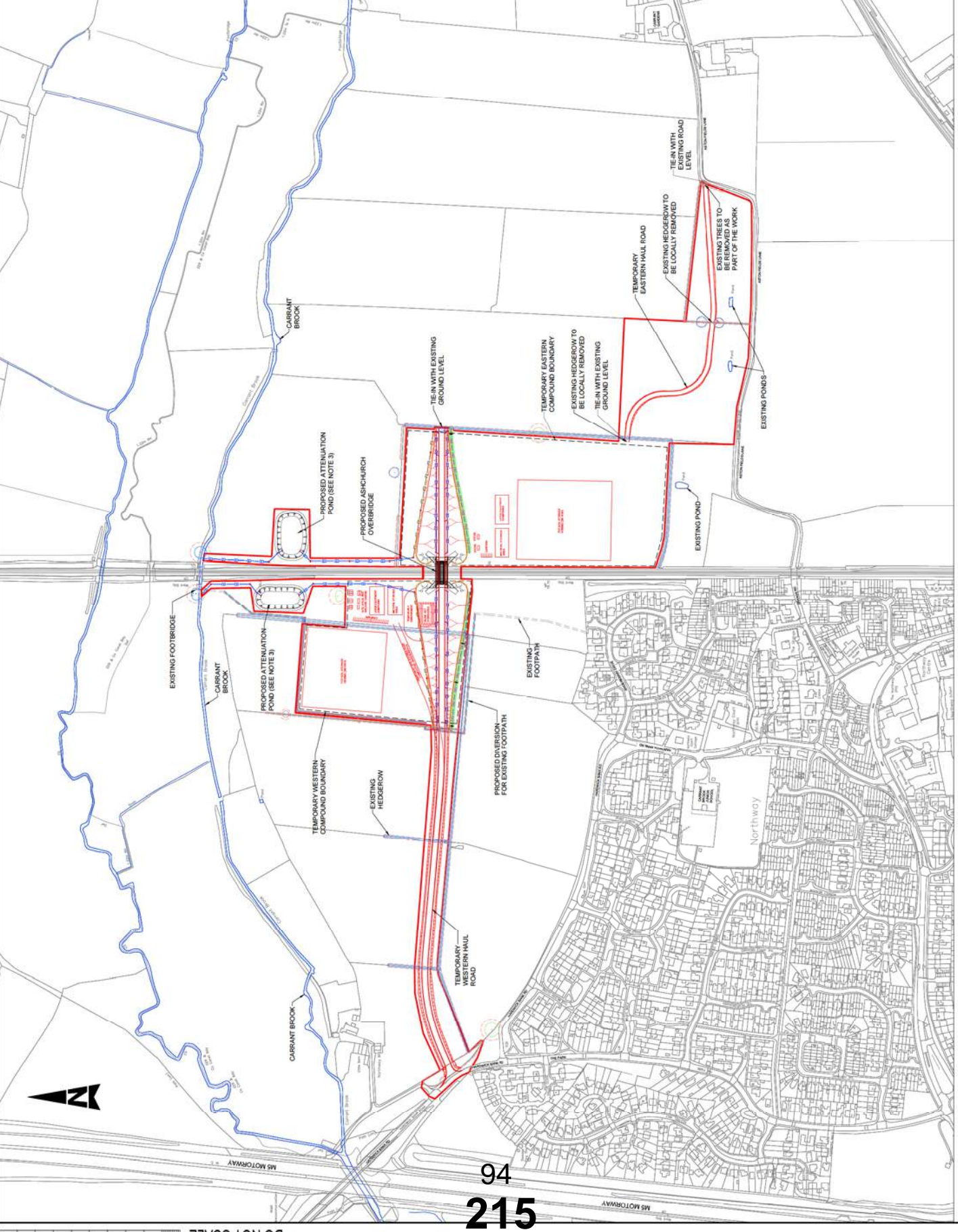
**ASHCHURCH BRIDGE OVER RAIL (ABoR)
PROPOSED SITE PLAN**

Drawing Number
GCC_ABoR - ATK - LLO -
- DR - ZL - 000013

Scale
1:2000

Sheet
A1

Rev
P01.1



1 PROPOSED SITE PLAN
SCALE 1:2000



This Drawing is saved on ProjectWise. Printed: 28/09/2020 13:42:23 By: CANS0917

94
215

TEWKESBURY BOROUGH COUNCIL

<p>Minutes of a Meeting of the Planning Committee held remotely on Tuesday, 16 March 2021 commencing at 10:00 am</p>

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

R A Bird, L A Gerrard, D J Harwood, M L Jordan, E J MacTiernan, J R Mason, J W Murphy (Substitute for G F Blackwell), P W Ockelton, A S Reece, P E Smith, R J G Smith, J K Smith (Substitute for M A Gore), P D Surman, R J E Vines, M J Williams and P N Workman

PL.60 ANNOUNCEMENTS

- 60.1 The Chair advised that the meeting was being held under the emergency provisions of the Coronavirus Act 2020 and, specifically, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The meeting was being broadcast live via the internet, it was not being recorded by the Council but, under the usual transparency rules, it may be being recorded by others.
- 60.2 The Chair outlined the procedure for the meeting, including public speaking.

PL.61 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 61.1 Apologies for absence were received from Councillors G F Blackwell and M A Gore. Councillors J W Murphy and J K Smith were in attendance as substitutes for the meeting.

PL.62 DECLARATIONS OF INTEREST

- 62.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

62.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
R A Bird	Agenda Item 5(a) – 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway.	Is a member of the Tewkesbury Garden Town Member Reference Panel but has not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application neither had the application been discussed at the Panel.	Would speak and vote.
J H Evetts	Agenda Item 5(a) – 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway.	Is a member of the Tewkesbury Garden Town Member Reference Panel but has not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application and neither had the application been discussed at the Panel.	Would speak and vote.
	Agenda Item 5(g) – 20/00312/FUL – Manor Farm Yard, Stoke Road, Stoke Orchard.	Had been contacted by the applicant but had not expressed any opinion on the application.	Would speak and vote.
L A Gerrard	Agenda Item 5(e) – 20/00955/APP - 18 Westfield Road, Brockworth.	Is a member of Brockworth Parish Council but takes no part in planning matters.	Would speak and vote.

D J Harwood	Agenda Item 5(e) – 20/00955/APP - 18 Westfield Road, Brockworth.	Is a member of Brockworth Parish Council but takes no part in planning matters.	Would speak and vote.
M L Jordan	Agenda Item 5(c) – 20/01265/FUL - 8 Sandfield Road, Churchdown.	Is a member of Churchdown Parish Council but takes no part in planning matters.	Would speak and vote.
E J MacTiernan	Agenda Item 5(a) – 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway.	Is a member of the Tewkesbury Garden Town Member Reference Panel but has not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application neither had the application been discussed at the Panel.	Would speak and vote.
		Is a member of Northway Parish Council but takes no part in planning matters.	Would speak and vote.
J R Mason	Agenda Item 5(a) 20/00896/FUL – Land to the North East of Hardwick Bank Road, Northway.	Is a member of the Tewkesbury Garden Town Member Reference Panel but has not, either individually or as a member of the panel, been directly or closely involved in the detail of the planning application and neither had the application been discussed at the Panel.	Would speak and vote.

	Agenda Item 5(h) – 20/00612/FUL – Whites Hill Cottage, Old Brockhampton Road, Winchcombe.	Is a member of Winchcombe Town Council but takes no part in planning matters.	Would speak and vote.
J W Murphy	Agenda Item 5(h) – 20/00612/FUL – Whites Hill Cottage, Old Brockhampton Road, Winchcombe.	Is a member of Winchcombe Town Council but takes no part in planning matters.	Would speak and vote.
A S Reece	Agenda Item 5(i) – 20/01252/FUL – Farringdon, Stockwell Lane, Woodmancote.	Had spoken to a neighbour but had not expressed an opinion.	Would speak and vote.
R J G Smith	Agenda Item 5(c) – 20/01265/FUL - 8 Sandfield Road, Churchdown.	Is a member of Churchdown Parish Council but takes no part in planning matters.	Would speak and vote.
P D Surman	Agenda Item 5(j) – 20/00950/FUL – Yew Tree Farm, Little Shurdington.	Daughter is the applicant.	Would not speak or vote and would leave the meeting.
R J E Vines	Agenda Item 5(a) – 20/00896/FUL – land to the North East of Hardwick Bank Road, Northway.	Is a member of the Tewkesbury Garden Town member Reference Panel but had not, either individually or as a member of the Panel, been directly or closely involved in the detail of the planning application and neither had the application been discussed at the Panel.	Would speak and vote.
	Agenda Item 5(e) – 20/00955/APP - 18 Westfield Road, Brockworth.	Is the County Councillor for the area.	Would speak and vote.
	Agenda Item 5(j) – 20/00950/FUL -	Is the County Councillor for the	Would speak and vote.

Yew Tree Farm,
Little Shurdington.

area.

P N Workman

Agenda Item 5(a) –
20/00896/FUL –
Land to the North
East of Hardwick
Bank Road,
Northway.

Is a Member of the
Tewkesbury Garden
Town Member
Reference Panel but
had not, either
individually or as a
member of the
Panel, been directly
or closely involved in
the detail of the
planning application
and neither had the
application been
discussed at the
Panel.

Would speak
and vote.

Agenda Item 5(k) –
20/01142/CLE –
The Coach House,
Woodend Farm,
Woodend Lane,
Shuthonger.

Is the applicant.

Would not
speak or vote
and would
leave the
meeting.

62.3 There were no further declarations made on this occasion.

PL.63 MINUTES

63.1 The Minutes of the meeting held on 16 February 2021, copies of which had been circulated, were approved as a correct record.

PL.64 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

64.1 The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

20/00896/FUL - Land To The North East Of Hardwick Bank Road, Northway

64.2 This was an application for the development of a road bridge over the Bristol to Birmingham mainline railway north of Ashchurch, Tewkesbury (Ashchurch Bridge over Rail - ABoR), including temporary haul roads for construction vehicles, site compounds, security fencing, surface water drainage channels and attenuation ponds.

64.3 The Development Manager apologised for the formatting of the original report and confirmed that the words in the amended report were exactly the same only the formatting had changed with additional paragraph numbers etc. He also confirmed that the site fell within two Parishes; Northway and Ashchurch Rural. He explained that the application site extended to approximately 18 hectares and was located to the north and east of Northway, either side of, and over, the Birmingham to Bristol railway line about 1km north of Ashchurch railway station. Other than the railway, the site comprised agricultural land. The proposals included the construction of a bridge over the railway line, embankments, temporary haul roads, temporary construction site compounds, attenuation ponds and drainage channels, and

security fencing. The bridge deck would not receive a final running surface and would not be formally connected to the highway network at this stage. Protective security fencing was proposed to secure the bridge structure until such time as it was brought into use and, following completion, the haul roads and compounds would be removed and the land reinstated. The Development Manager showed the Committee detailed plans relating to the location and development proposals including layout and explained these in detail to Members. He indicated that the need for the bridge arose from the Tewkesbury Garden Town which was awarded Garden Town status by the government in March 2019; it was fair to say this was an unusual scenario with the bridge proposal coming in advance of the rest of the Garden Town proposals. The bridge was being progressed as the first phase of the proposals as set out in the Tewkesbury Area Draft Concept Masterplan (TADCM). The government had awarded the Council £8.1million of funding through the Housing Infrastructure Fund to deliver a bridge as part of the Northern Access Link Road shown in the draft Masterplan to unlock the delivery of new housing and it was necessary for the funding to be spent by the end of 2022. The delivery of the Garden Town was one of the priorities and objectives set out in the Council Plan – one of the specific objectives was to deliver the first phase of the ‘bridge project’, in line with the funding requirements. Members were being asked to consider the bridge structure itself and the impacts of the construction of it. Whilst clearly the bridge was intended to serve a particular function in the future, at this stage it was not certain what level of development it would serve, although Phase 1 of the masterplan would deliver over 3,000 homes and 46 hectares of employment land to help meet requirements in the Joint Core Strategy (JCS) in the period to 2031 and beyond. Impacts related to the wider Garden Town proposals would be considered in any future planning applications for that development. A number of concerns had been raised through the process and those were summarised in the report. Firstly, there had been questions about governance, and whether the Council should be dealing with the application, the Development Manager advised that it was entirely appropriate and lawful for the Council to determine the application in accordance with the relevant statutory provisions. As with all applications considered by the Council, decisions must be made in an open and transparent way taking into account all material considerations. Concerns had also been raised regarding the use of public funds - whilst this was not a material planning consideration it was a matter of record that public funds had been awarded specifically for the project. In respect of drainage, Officers had worked with the applicant’s advisers to ensure that the scheme included the best possible drainage solution and both the Lead Local Flood Authority and Environment Agency had commented that the proposals were not exemplar from a drainage perspective. The applicant had provided additional information and explained that the drainage scheme would be further developed over time when the next stages of the Garden Town were brought forward. Whilst it was recognised that the current drainage proposals were not considered to be exemplar, the Lead Local Flood Authority was happy that the drainage proposals were acceptable in line with current policies. On that basis, there would be no robust reason to withhold permission. Nevertheless, it was likely that an exemplar scheme was capable of being secured in the future once additional land had become available and condition 31 was recommended which would achieve this. In terms of landscape, objections had been raised principally in relation to impacts on views from nearby residential viewpoints and from the Area of Outstanding Natural Beauty - Bredon Hill in particular. Clearly the bridge and embankments would be visible and this would result in significant harm from certain viewpoints. This harm could be tempered by appropriate landscaping and conditions were suggested to cater for this. Given the distance involved, and that the proposal would be read in the context of the existing residential and commercial development at Northway, Ashchurch Camp and the permitted development south of the A46, it was considered that any harm to the Area of Outstanding Natural Beauty would be very limited. While issues related to the wider development that the bridge was intended to serve were for

another day, objections had been made about the impact on the highway network during construction. Clearly this was a significant proposal which would attract a high number of vehicular, including HGV, movements. Nevertheless, these movements would be split across the highway network to reduce impacts on a single location. Subject to a construction traffic management plan and technical details of the site accesses and passing bays on Hardwick Bank Road, Highways England and Gloucestershire County Council as the Highway Authority had raised no objection. All potential impacts on living conditions at the nearest residential properties had been assessed and the Environmental Health Officer was satisfied that there would be no undue impacts subject to a Construction Management Plan which, again, would be secured by condition. In respect of ecology, Natural England had raised no objection, subject to appropriate mitigation, in respect of potential impacts on the Severn Estuary Special Area of Conservation. Whilst some habitats would be affected through the loss of trees/hedgerows as a result of the proposal, mitigation could be secured through an ecological management plan to offset those losses once again to be secured by condition. There would also be some medium to low level harm though less than substantial harm to listed buildings at Northway Mill and Mill House, however, it was considered that these harms were clearly outweighed by the public benefits of the proposal. In conclusion, the Development Manager advised that there were significant benefits arising from this development in enabling the delivery of the Masterplan and Garden Communities programme and ensuring that the necessary infrastructure was in place to achieve well planned development and that the delivery timescale of the Masterplan was maintained. There were also benefits arising through job creation during the construction process which would provide economic benefits to the area. The objections of the local community were noted and there were harms as set out in the report which were not underestimated, however, overall Officers concluded that the benefits of the proposals, including the benefits of progressing the proposals at the current time, outweighed those identified harms and it was therefore recommended that the application be permitted.

- 64.4 The Chair invited a Planning Officer to read the submission made through the public speaking scheme by Northway Parish Council. Northway Parish Council objected to the application due to lack of information provided to allow for an informed decision, based on insufficient details showing how new road networks would connect to the proposed bridge, except for the temporary construction roads to the works, and the fact that the Community Involvement Statement Section 2.1 stated that 'The proposed bridge location is in the centre of an area earmarked in the Tewkesbury Area Draft Concept Masterplan January 2018 for future housing development to the north of the existing town of Ashchurch', which was now incorrect, due to the Ministry of Defence site no longer being available for housing, possibly meaning that the Garden Town was no longer feasible. The Parish Council was concerned that roads in Northway, already under pressure, would be used more as a rat-run as people accessing the M5 from Bredon and Mitton often used Northway to avoid the A38/A46. It would appear that the last Traffic Assessment was undertaken in 2017 was not an accurate reflection of usage. With the addition of 826 houses north of Ashchurch, plus up to 1,000 at Mitton, The Park to Shannon Way would be used to access the M5 at Junction 9. People from the new houses were not likely to drive to Aston Cross to access the M5 and, with the regular congestion on the A46, the bridge and link roads would encourage more people to bypass the A46. The increased traffic would further increase the risk to local residents wishing to access Joan's Field Conservation Area at Hardwick Bank Road, where there was no footpath allowing safe access. Northway Parish Council regularly raised concerns about the inadequate cycle lane over Northway Lane motorway bridge and, with the increased traffic flow that the proposed bridge would bring, there would be an increased risk to cyclists. The proposal referred to an off-line link road from a new M5 junction south of Junction 9 and joining the A46 east of Aston Cross. This was now delayed and, with no timeline for it, created more uncertainties with unknown

impacts on the future road network. The proposed development site was often waterlogged as well as close to watercourses that, when backed up, would have a knock-on effect resulting in more flooding in Northway and Tewkesbury. There were concerns that the planned works would generate increased pollution as well as impacting on local wildlife such as deer and displacing bats and more particularly affecting the health and wellbeing of residents. Once built, the bridge would be unused for an undefined period resulting in possible deterioration to the structure. Although surrounded by security fencing it may attract anti-social behaviour, possibly putting trains at risk. A last-minute artist impression had appeared providing a limited timescale to allow consideration of the full impact of the bridge to the Parish and surrounding areas as well as residents overlooking it. The public consultation, which was cancelled due to COVID-19, would have allowed the best opportunity for residents to look at plans and speak to experts and the alternative method used had resulted in 436 out of 2,600 people responding to an invitation letter sent out by Tewkesbury Borough Council. The Borough Council's own results showed how strong the opposition was to the proposed bridge and it was hoped the consultation was more than just a 'tick box' exercise as part of the Borough Council's community engagement. Northway Parish Council stood with residents in opposing the development.

- 64.5 The Chair invited the applicant's agent to address the Committee. She explained that the most important point to remember was that the provision of a new bridge over the railway line in Ashchurch had already been approved in the Transport Strategy (DS7) which formed part of the adopted Joint Core Strategy. The approved strategy included capacity improvements to M5 Junction 9 and the A46; the proposed bridge; a new northern link road; and the opportunity to close the Grange Road level crossing which was an important safety objective. Therefore, the proposed bridge formed an integral part of the Transport Strategy and, through government funding, the Council now had the opportunity to deliver on the first part of the strategy, with the construction of the rail bridge. These measures would need to work as a package to improve the capacity of the local road network, improve local connectivity and ease pressure on the A46, which had been a long-term objective of the Council and the local communities of Tewkesbury Borough. The housing shortfall in the Borough was currently estimated at approximately 1,100 homes. The transport interventions and early investment in the associated infrastructure, would enable Tewkesbury Borough to support its future growth more robustly, whether associated with planned or speculative development. This would also enable the early phases of the growth management plan for the area and the emerging Tewkesbury Garden Town initiative, which was due to be promoted through the upcoming Joint Core Strategy Review. It was made clear in the Planning Officer's report that there were substantial benefits in seeking to ensure that necessary infrastructure was in place to achieve well planned development. Tewkesbury Borough Council had achieved a significant milestone in securing government support through the Housing Infrastructure Fund (HIF) for the delivery of the bridge, and this opportunity should not be lost. It was also important to grasp this opportunity to deliver the bridge early in the strategic development programme, to secure the required possessions of the railway line well in advance and, in that regard, it was worth noting that the applicant had established a strong working relationship with Network Rail, to ensure the design and construction programme for the new bridge crossing aligned with its governance procedures. In conclusion, she advised that the Planning Officer's report demonstrated that all technical issues associated with the proposed development, had been addressed and resolved in liaison and agreement with the relevant Officers of the Council and statutory bodies. On behalf of the applicant, she respectively requested that the Committee support the proposals, to secure a key element of the planned Joint Core Strategy Transport Strategy that was so greatly needed, as well as preparing appropriately for future development by delivering vital infrastructure first, as part of a coherent, forward

planned development approach.

64.6

A proposal was made and seconded that the application should be permitted on the basis that this was a priority in the Council's Master Plan and Local Plan; the houses in this area needed to be built by 2031 and the Garden Town would go ahead and this bridge was necessary to facilitate planned growth. One of the Local Ward Member's within which part of this development fell, reminded Members that each application had to be taken on its own merits and stressed that this was an application for a bridge and haul roads, it was not for a bridge and Garden Town nor was it for a bridge and finished roads or a bridge which would help with the traffic problems in the Northway and Ashchurch area. Unfortunately the Member then experienced technical difficulties and was unable to continue expressing her views on the application. Another Member questioned whether he was correct in assuming that; little weight could be placed on the Local Plan as it stood at the moment due to the stage that it was at; no weight could be placed on the Tewkesbury Area Draft Concept Masterplan with regard to this application and unfortunately, due to the current stage of the JCS Review, little weight could be given to this document. The Development Manager stated that, as Members would be aware, the Tewkesbury Borough Plan was currently at examination so was at an advanced stage and there was reference to Ashchurch as being a focus for new development within that plan but in terms of the TADCM and the JCS Review little weight could be attributed to those documents in terms of the statutory weight to be applied. However, as Members had previously been advised, with any material consideration or any consideration in determining planning applications the weight was for the decision-maker to decide as well as how much weight to give to any particular factor. Although not a planning document, as mentioned earlier the Council Plan prioritised the bridge, but in terms of statutory weight the Member was correct in his assumption that little weight should be afforded to the Masterplan and JCS Review. A Member indicated that he could not support this application as in his view this bridge was unnecessary, there were other options which would cost a lot less and would provide a more efficient way of handling the traffic from the potential 800+ houses supposedly to be released by the construction of this bridge. He indicated that his main concern was traffic as most vehicle movements would need to get to the A46 and this would be via the residential estate of Northway which would be a disaster in terms of congestion, pollution and safety. The only other route out would be down the Bredon Road to a small already inadequate mini roundabout at the Black Bear in Tewkesbury. There was also concern from some of the Parish Councils in Worcestershire that some traffic would use their villages as a rat run. He maintained that the traffic issues could not be underestimated and would end up causing major problems; 826 houses could mean an additional 1600 cars. He referred to the significant landscape harm as the bridge would be 3 double decker buses high and in his view a blot on the landscape did not even begin to describe the impact. There were concerns about ecology, proximity to listed buildings, drainage and flooding to name just a few; all the Parishes which surrounded this application in Gloucestershire and Worcestershire had voiced their valid objections yet there was a recommendation to permit the application. The Member indicated that it seemed to him this was the latest version of the Emperor's New Clothes and it should be rejected allowing the Council to look very seriously at the alternatives. The Development Manager referenced the Councillor mentioning 826 houses and stressed that it was not clear what amount of development the proposed bridge would serve but in any event the application before the Committee currently was for the construction of a bridge and the impact of that construction. He understood that this was a difficult scenario considering a bridge structure which did not link to any of the surrounding road network but would in the future be enabling developments; this was about getting the infrastructure in early to deal with future development but that future development and the impacts of it were not relevant currently and could not be considered as part of the application before the Committee today. A Member questioned why finance had been raised when this was not a planning consideration

but since it had been raised he asked a number of questions in relation to contributions from the permissions already granted to the south of the A46 and the percentage of the cost of the proposed new link road from the bridge that would be received from phase one of the Garden Town development. The Development Manager indicated that in terms of finance per se this was not a material consideration but it had been mentioned in terms of the opportunity that was afforded by the grant funding to get the infrastructure in place at an early stage which was often a concern and criticism about infrastructure not being provided at an early stage of development. In respect of existing permissions granted there would be no direct contributions from those developments that had been permitted with the relevant S106 obligations which were in place at the time but whether there would be any CIL receipts arising from them would be another issue. In terms of the precise location of the bridge this was the chosen area of the applicant and the County Council but anything beyond the bridge in terms of anything which would connect to it was still open to consultation and would be part of the consultations going forward on the Masterplan and the JCS Review. Currently the need for a bridge over the railway to the north of Northway had been identified in the location as set out in the application but anything beyond that was yet to be determined and would be subject to consultation in the future.

- 64.7 A debate ensued on why the application should be refused and particular reference was made to Paragraph 8.27 of the report which stated that points made by the local community were not material to the application; a Member completely disagreed with this statement as he felt on balance they were very relevant and he highlighted comments from the Bredon Hill Conservation Group in relation to lack of sequencing, negative impacts on the highway network and poor use of public funds and the Pamington Residents Association in relation to the Statement of Community Involvement not reflecting the responses from the community. He made reference to the concerns of the Environment Agency about the extent of information provided and the suitability of the drainage proposals in the context of national guidance and the Council's own Flood Risk Management Supplementary Planning Document (SPD). He indicated that the report stated that without the benefit of detailed hydraulic modelling, which would be undertaken at the detailed design stage, it was not known if the drainage scheme would be viable or whether balancing ponds and Sustainable Urban Drainage (SUDs) would need to be moved. Whilst the land was predominantly flood zone one it also included areas of flood zones two and three, yet Officers considered that a flood risk sequential test was not required which the Member vehemently disagreed with in the light of the Environment Agency's comments. Finally, in relation to the benefits and harms the Member stated that the TADCM was an evidenced based document which bore no weight; the National Planning Policy Framework (NPPF) lent weight but only in the short term, the significant harm to the landscape weighed against the overall planning balance, the detrimental impact on residential amenity weighed against the proposal, the ecological impact weighed against the proposal, harm to heritage assets had been identified and, in the words of the Officer report, considerable importance and weight should be afforded to this harm in the decision-making process; all these matters led the Member to support a refusal of this application. Other Members disagreed with the views of the previous speaker and felt that the Committee should consider whether the design, scale and size of the bridge would fit in with the location; reference was made to the photographs which visualised the bridge onto the existing landscape and, in the view of one Member, demonstrated minimal harmful impact on the surrounding area. Mention was made of the fact that the only other alternative crossing of this railway line was further to the south and that was an unmanned crossing and he felt that the proposed bridge was a significant improvement and should be supported. A Member referred to the statement made by the Development Manager concerning the fact that the Committee should only consider the application before it for a bridge and not the traffic impact that might arise from the use of the bridge in the future and maintained that he could not

support that view as it was essential to consider the implications that would flow from this application; there were two significant other routes which would take traffic out of this area and a bridge was not required. The seconder of the proposal to permit this application explained why he was in support of it; he indicated that Officers had been honest about the planning harms most significantly to the landscape and other matters in relation to heritage, ecology etc. but the fundamental balance was massively in favour of the bridge as a project in its own right. He maintained that many of the objections were about things which may happen later but this application needed to be considered on its own merits and the planning balance was very much in favour of the proposal; the greatest harm identified was landscape but the visualisation pictures showed that this was not unacceptable in terms of the overall area and not that significant to warrant refusal. In addition, the key to this matter was the fact that the bridge was an integral part of an overall Transport Strategy which set out a clear process for dealing with many of the issues raised in particular traffic which was something further down the line when other applications would be received and considered on their own merit.

- 64.8 As the Local Ward Member that had been experiencing technical difficulties was still doing so, and the Committee was keen to hear her views, the Chair adjourned the meeting at 11.10am to allow some time to see if the problems could be resolved.
- 64.9 The meeting reconvened at 11.25 when all Members confirmed as present at the start of the meeting were in attendance.
- 64.10 It was proposed and seconded that this application be deferred until the next meeting as, whilst the Local Ward Member had heard the presentation, speakers and some of the debate it would be necessary to start the debate again to ensure she had heard it all and was able to vote on the application. A Member pointed out that rather than starting again at another meeting, the debate could be started again today instead. Upon being put to the vote, the motion to defer to the next meeting was lost and accordingly the debate on this application was restarted.
- 64.11 Upon the invitation of the Chair, the proposer and seconder of the motion to permit the application confirmed that they wished to proceed with their proposal following which the Local Ward Member was invited to present her views. She reiterated that this application was for a bridge and haul roads in order for the materials to construct the bridge to be transported to the development site; she stressed that this was the only thing being debated at today's meeting and nothing else. It was necessary for each application to be taken on its own merit and she reminded the Committee that the bridge would be three double decker buses high which was not insignificant in the context of the open countryside with views from Northway and Ashchurch. She was also concerned about flooding in the area as, although the bridge itself would be built in flood zone one, the haul road particularly at the entrance from Hardwick Bank Road was in flood zone two, the SUDs relief ponds would be built to the north of the proposed bridge site and the drainage would run into the Carrant Brook also to the north; she reminded the Committee that in 2007 this entire area all the way down to Hardwick Bank Road, to the M5 by the side of it and the housing estate to the south was completely underwater. Having drainage supplies running into the Carrant Brook to the north would not help this situation; the Brook then carried on around to run to the side of Northway Mill which was very close to the motorway and this was where the excess water would run, there was no way that the balancing ponds proposed would help this situation particularly as in the last few weeks that area had been underwater. There had been surveys due to be carried out in this area which could not take place because it had been underwater. The Local Ward Member was also very concerned about the safety of the haul roads particularly the one to the west which adjoined Hardwick Bank Road; it came out at a junction yet there was no definitive information on how it would join that junction which would be particularly relevant for heavy goods vehicles coming over the motorway bridge from the Bredon Road wanting to turn left onto the haul

road, having spoken to the designers she was of the view that there was no way this could actually be done safely, the construction vehicles would need to pull right out into the path of oncoming traffic in order to make a left turn. This particular area of the road had seen multiple accidents including a fatality; traffic coming from the Bredon Road was usually quite speedy 40/50 miles an hour and then there was a bend; right opposite the haul road was Northway's Nature Reserve which was an area very popular with adults, children and dog walkers, it was currently very dangerous as there was no pedestrian access across the road and coming from the park you could not see the traffic coming round the bend which was why there were so many accidents, the addition of construction traffic accessing the haul road would only exacerbate this situation. She maintained that the application was premature and the Planning Committee had a responsibility to ensure the safety of residents and traffic and that there would be no excessive flooding; in respect of the haul road to the west it was indicated in the application that the drainage would be to the sides of the road which, as this whole road went across fields, meant it would exacerbate flooding because the water could not go anywhere other than towards Northway. In conclusion, she stated that this application was only coming forward because Homes England had given the Council money to build a bridge but the County Council did not believe the funding was sufficient and Tewkesbury Borough Council could be liable for any overspend, promises had been made by Homes England on land assembly and buying land in this area but those promises had not been met; there were so many unknowns and uncertainties that could result in this being a bridge to nowhere with incredible harm to the countryside, the environment and the residents of Northway. Other Members repeated their comments made earlier in the debate and the Development Manager also repeated comments he had made in response in order that the Local Ward Member was fully aware of all relevant information before voting on the motion to permit the application. The representative from the Local Lead Flood Authority indicated that the bridge would introduce an impermeable surface with the tarmac and therefore the proposal to take the water away was for it to run into two balancing ponds which in turn would discharge into the Carrant Brook to the north of the site at a restricted rate calculated to the same level as the surface water currently left the site and entered the Brook so there would be no additional impact as a result of putting in an impermeable surface. In relation to the comments about the drainage proposals not being exemplar, the applicant had provided some technical explanation as to why this was the case and as the proposal was typical of many seen around the County the Local Lead Flood Authority was satisfied to recommend no objection subject to a detailed design submission to clarify some of the calculations when more detail was known.

- 64.12 Following further debate on the benefits and harms of this proposal, a request was made for a recorded vote which was supported by the required number of Members. Upon the motion to permit the application being put the voting was recorded as follows:

For	Against	Abstain
R A Bird	L A Gerrard	R J G Smith
R D East	D J Harwood	
J H Evetts	M L Jordan	
J R Mason	E J MacTiernan	
J W Murphy	P W Ockelton	
A S Reece	P E Smith	

J K Smith

P N Workman

P D Surman

R J E Vines

M J Williams

64.13 It was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation.

19/00771/OUT - Land To The South Of Down Hatherley Lane, Down Hatherley

64.14 This was an application for the erection of up to 32 new homes (including affordable housing), access, drainage and other associated works on land to the south of Down Hatherley Lane, Twigworth. All matters were reserved for future consideration except access.

64.15 The Planning Officer explained that the application related to a parcel of arable land covering approximately 1.17 hectares which was located to the south of Down Hatherley Lane at its junction with the A38. The site was predominantly level and bordered existing residential properties to the east and south-western boundary. Norton Garden Centre, which included a small area of scrubland, bordered the southern boundary. Down Hatherley Lane ran along the northern boundary and the A38 along the western site boundary. The site was not subject to any landscape designations, however, it contained a large, mature oak tree which was subject to a Tree Preservation Order. The application site formed part of the Strategic Allocation A1 'Innsworth and Twigworth' as allocated in the Joint Core Strategy and was shown to be 'Housing and related infrastructure' in the Indicative Site Layout Proposal Map. The application was made in outline with all matters reserved for subsequent approval, with the exception of access. The proposed development sought to provide up to 32 dwellings, a vehicular access route off Down Hatherley Lane, green infrastructure including public open space, a Local Area of Play, landscaping and an attenuation basin. The application documents included an illustrative site layout plan which indicated how the quantum of development could be delivered. A single point vehicular access to the site would be accessed by a simple priority created from Down Hatherley Lane. An assessment of the principle of the development and other material considerations could be found on Pages No. 101-112 of the Agenda. As set out in the report, Officers considered that, when taking account of all the material considerations and the weight to be attributed to each one, the identified harm would not significantly and demonstrably outweigh the benefits in the overall planning balance and therefore it was considered the proposed development would constitute sustainable development in the context of the National Planning Policy Framework as a whole. The Planning Officer clarified that in relation to Condition 6 on the update sheet which referred to cycle parking this should read "no dwelling hereby permitted shall be occupied until the cycle parking..." rather than "not be occupied". In addition, the Highways Authority had confirmed that condition 7 on the update sheet was no longer required and therefore should be deleted. Taking account of these minor amendments it was recommended that permission be delegated to the Development Manager, subject to the addition/amendment of planning conditions as appropriate and the completion of an agreement to secure on-site affordable housing and other developer contributions directly related to the development and considered necessary to make the development acceptable in planning terms.

64.16 The Chair invited the applicant's representative to address the Committee. He explained that the proposal was a small part of the Innsworth and Twigworth

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)
(England) Order 2015**

PERMISSION FOR DEVELOPMENT

Application number: 20/00896/FUL

Date application valid: 30th September 2020

Location: Land To The North East Of Hardwick Bank Road, Northway, Tewkesbury, Gloucestershire, ,

Proposal: Development of a road bridge over the Bristol to Birmingham mainline railway North of Ashchurch, Tewkesbury. The proposal includes temporary haul road for construction vehicles, site compounds, security fencing, surface water drainage channels and attenuation points. The proposal is referred to as (Ashchurch Bridge over Rail - ABoR), including temporary haul roads for construction vehicles, site compounds, security fencing, surface water drainage channels and attenuation ponds.

In pursuance of their powers under the above mentioned Act, the Borough Council as Local Planning Authority **HEREBY PERMITS** the development described hereunder in accordance with the submitted application and the accompanying plan(s), but subject to the conditions hereunder stated.

Condition(s) and reason(s) attached to permission

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:

- Proposed Site Plan GCC_ABoR-ATK-LLO-XX-DR-ZL-000013 Rev P01.1
- Proposed Site Layout - Sheet 1 of 2 GCC_ABoR-ATK-LLO-XX-DR-ZL-000014 Rev P01.1
- Proposed Site Layout - Sheet 2 of 2 GCC_ABoR-ATK-LLO-XX-DR-ZL-000015 Rev P01.1
- General Arrangement and Sections - Sheet 1 of 3 GCC_ABoR-ATK-LLO-XX-DR-ZL-000016 Rev P01.1
- General Arrangement and Sections - Sheet 2 of 3 GCC_ABoR-ATK-LLO-XX-DR-ZL-000017 Rev P01.1
- General Arrangement and Sections - Sheet 3 of 3 GCC_ABoR-ATK-LLO-XX-DR-ZL-000018 Rev P01.1
- Longitudinal Section GCC_ABoR-ATK-LLO-XX-DR-ZL-000020 Rev P01.1
- Site Clearance Sheet 1 of 2 GCC_ABoR-ATK-LLO-XX-DR-ZL-000021 Rev P01.1
- Site Clearance Sheet 2 of 2 GCC_ABoR-ATK-LLO-XX-DR-ZL-000022 Rev P01.1
- Drainage Outline Design GCC_ABoR-ATK-GEN-XX-DR-CD-000001 Rev P01.1

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. No development / construction hereby permitted shall commence until a Construction Traffic /Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the strategic and local highway network;
- Measures to encourage light and heavy goods vehicle movements to occur outside weekday peak hours (0800-0900 and 1700-1800) and to avoid sensitive sections of the Strategic Road Network (SRN) during these periods i.e. M5 J9 northbound off-slip
- Measures to encourage the workforce to travel to and from the site compounds via sustainable transport modes i.e. walk, cycle, public transport and car share.
- Abnormal load vehicles are discussed and agreed with Highways England in advance of these occurring.
- Parking of vehicles for site operatives and visitors;
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles including tracking details of the road; and
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The measures set out in the approved Plan, shall be carried out and complied with in full during the construction of the development hereby permitted.

Reason: To ensure construction traffic at M5 J9 are minimised and managed. To ensure the safe and efficient operation of the SRN and in the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

4. The Development hereby approved shall not commence until details of the highway improvements / site access works comprising of:-

- Vehicle access onto Hardwick Bank Road
- Vehicle access onto Aston Fields Lane
- Passing Bays on Aston Fields Lane

have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the details so approved.

Reason: To ensure the safe and free flow of traffic onto the highway.

5. Within 3 months of the completion of the development hereby permitted the:

- Vehicle access onto Hardwick Bank Road
- Vehicle access onto Aston Fields Lane
- Passing Bays on Aston Fields Lane

shall be removed with all materials removed from the site and the highway reinstated to its former arrangement/condition.

Reason: To ensure the safe and free flow of traffic onto the highway.

6. No development shall commence on site until a detailed Sustainable Drainage System (SuDS) Strategy document has been provided for approval by the Local Planning Authority, this should be in accordance with the proposal set out in the applicant's submission (ABoR Proposed Drainage Outline Design [GCC_ABoR-ATK-GEN-XX-DR-CD--000001-P01.1]). The SuDS Strategy must include a detailed design, maintenance schedule and confirmation of the management arrangements. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use and shall be in place upon completion of the bridge, whichever is sooner.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

7. Any augur piling required pursuant to the development hereby permitted shall be carried out during daylight hours unless otherwise agreed in writing by the Local Planning Authority. Any such alternative hours of working agreed shall only be within January to March (inclusive) in order to avoid eel migration periods.

Reason: In order to rule out adverse effects on migratory fish species (specifically European eel).

8. Notwithstanding the permitted details, the development hereby permitted shall not obscure existing signals either during construction or when completed. Any lighting provided for the bridge, during operation of construction shall not cause glare or distraction for drivers of passing trains.

Reason: In the interests of railway safety

9. Notwithstanding the Proposed Outline Drainage Design, soakaways / attenuation ponds / septic tanks as a means of storm/surface water disposal shall not be constructed within 5 metres of Network Rail's boundary. Storm/surface water arising from the development hereby permitted shall not be discharged onto Network Rail's property or into Network Rail's culverts or drains.

Reason: In the interests of railway safety

10. No vibro-compaction/displacement piling plant shall be used in the construction of the development hereby permitted until details of the use of such machinery and a method statement have first been submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved method statement.

Reason: In the interests of railway safety

11. No temporary compounds shall be located adjacent to the operational railway, unless a method statement has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development must be carried out in accordance with the approved method statement.

Reason: In the interests of railway safety

12 Prior to commencement of works, full details of excavations and earthworks to be carried out adjacent to the railway undertaker's boundary fence shall be submitted to and approved in writing by the Local Planning Authority. Works shall only be carried out in accordance with the approved details.

Reason: In the interests of railway safety

13. Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway (with the exception of agreed Network Rail possessions of the railway line for specific works). All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Reason: In the interests of railway safety

14. Prior to the installation of any external lighting for the development hereby permitted details of the lighting shall be submitted to and approved by the Local Planning Authority. This lighting scheme shall show contour plans highlighting lux levels, specifically when spilling onto adjacent/important habitats for wildlife. The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting details and the approved lighting details shall thereafter be retained for the lifetime of the development.

Reason: In the interests of biodiversity and residential amenity

15. Work shall not start on the development hereby permitted until a Construction Ecological Management Plan (CEMP) for Trees and Ecology has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- Measures to ensure that wildlife and habitats will be safeguarded through the entirety of the development.
- A method statement for hedgerows which are to be translocated.
- A survey assessing for barn owl presence in Tree TN4 prior to works in the vicinity of the tree.
- If works are delayed for longer than 12 months since the surveys have been carried out an updated site walkover to assess any material changes along with updated bat surveys.
- Details of a toolbox talk to inform all contractors the potential to risks to protected species identified as a constraint, this includes bats, great crested newts and dormice.

The development shall be implemented fully in accordance with the approved Construction Ecological Management Plan for Trees and Ecology.

Reason: To protect biodiversity, trees and hedgerows

16. The development hereby permitted shall be implemented strictly in accordance with the recommendations stated in section 6 of the supporting document 'GREAT CRESTED NEWT HABITAT SUITABILITY INDEX ASSESSMENT AND eDNA SURVEY' (August 2020, Middlemarch Environmental).

Reason: To minimise the impacts of development on biodiversity, in accordance with paragraphs 170 and 175 of the NPPF.

17. Prior to the commencement of the development hereby permitted (including demolition and all preparatory work), a scheme for the protection of the retained trees including veteran tree T010 and borderline trees T003 and T023, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. This shall include specification for protective fencing to safeguard trees and hedgerows during both preparatory work and construction phases and a plan indicating the alignment of the protective fencing accordance with BS 5837:2012. Tree protection during construction shall be indicated on a TPP and construction activities clearly identified as prohibited in this area. The development shall thereafter be carried out in accordance with the scheme so approved.

Reason: To protect retained trees

18. Prior to the commencement of development, details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste, as well concrete mixing and use of fires shall be submitted to and approved in writing the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To satisfy the Local Planning Authority that the trees/hedgerows to be retained will not be damaged prior or during construction.

19. Prior to the commencement of development, a full specification for the protection of retained trees T018 and T019 shall be submitted and approved in writing by the Local Planning Authority to include full details of the width restriction barriers, a specification of the no-dig specification/method and details of the cellular confinement system filled with a suitable aggregate to prevent ground compaction between T018 and T019. The development shall be carried out in accordance with the approved details.

Reason: To ensure the tree roots and their canopies will be protected during construction of the road and thereafter from any direct/indirect damage of construction traffic.

20. No retained tree or hedgerow shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development and thereafter within 5 years from the date that the construction is complete and the haul roads and compounds are removed other than in accordance with the approved plans and particulars.

Reason: To protect retained trees

21. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees and hedgerows.

Reason: To protect retained trees

22. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include full details of all proposed tree and hedgerow planting including location, species, size and guards or other protective measures and methods to improve the rooting environment for the retained trees on completion of the site. The LEMP shall identify areas for ecological enhancements and should include a plan showing locations and specifications of all installations and demonstrate measures to achieve a net biodiversity gain. The planting should include measures to protect the significance and settings of heritage assets at Northway Mill. The LEMP should also detail persons responsible and timetable of implementation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, biodiversity and to protect listed buildings

23. All planting, seeding or turfing in the approved LEMP submitted pursuant to condition 22 shall be carried out in the first planting and seeding season following the completion of the bridge. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, biodiversity and to protect listed buildings

24. Prior to the commencement of development, a Construction and Environmental Management Plan to protect residential amenity shall be submitted to and approved in writing by the Local Planning Authority. The detailed Construction Environmental Management Plan to protect residential amenity shall set out the mitigation measures to be employed, during the construction phase, in order to minimise the impact of dust, noise, vibration and lighting on the nearest sensitive receptors. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity

25. The development shall be carried out in accordance with the Outline Environmental Management Plan and the Outline Site Waste Management Plan prepared by Atkins including the commitments made within the documents to waste management practice.

Reason: To ensure the proposal will meet the principles of waste minimisation.

26. Prior to the construction of the embankments hereby permitted details of the gradients and levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

27. Prior to the erection of the parapet fencing on the bridge, details of parapet fencing to include materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

28. Prior to the erection of bridge, details of external materials including visible supporting structures, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

29. Prior to installation of the security fencing following completion of the proposed bridge details of the fencing including location, height, colour and materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

30. Within 1 month of completion of development, or before development is completed, a detailed method statement for re-instatement of the site, including timescales, shall be submitted to and approved in writing by the Local Planning Authority. Reinstatement shall occur in accordance with the approved method statement and timescales.

Reason: In the interests of visual amenity and biodiversity

31. Notwithstanding the surface drainage details provided further to condition 6, prior to the bridge becoming operational a detailed Sustainable Drainage System (SuDS) Strategy document shall be submitted to and approved in writing by the Local Planning Authority. The SuDS Strategy shall include a detailed design, maintenance schedule and confirmation of the management arrangements. The SuDS Strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The approved scheme for the surface water drainage shall be carried out in accordance with the approved details before the bridge becomes operational.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

32. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework

Informative:

1 In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

2. There are ponds/waterbodies and suitable habitat for great crested newts within 500m of the development. Whilst survey work has concluded the risk of encountering great crested newts on the development site is low, if Great Crested Newts are discovered during development, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

3. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMPs should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

4. The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.

5. Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

6. Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

7. If there is a significant increase in HGV trips either inside or outside the Tewkesbury AQMA over and above those detailed in Construction Phase Air Quality Assessment dated 2nd September 2020 a detailed air quality impact assessment should be submitted for approval.

8. SAFETY - Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

9. SIGNALS - The new structure must not obscure existing signals either during construction or when completed. Any lighting provided for the bridge should not cause glare or distraction for drivers of passing trains.

10. DRAINAGE - Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

11. FOUNDATIONS - Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

12. GROUND DISTURBANCE - The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

13. PILING - Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

14. EXCAVATIONS/EARTHWORKS - All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

15. PLANT, SCAFFOLDING AND CRANES - Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Date of decision: 16.03.2021



Development Manager
duly authorised in that behalf

PLEASE SEE NOTES OVERLEAF

NOTES

APPEALS TO THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (DCLG)

If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State, under Section 78 of the Town and Country Planning Act, 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from the appeals area on www.gov.uk/topic/planning-development/planning-permission-appeals Some personal information will be displayed on this website please contact the Planning Inspectorate on 0303 444 00 00 if you have any concerns

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under a Development Order.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Tewkesbury Borough Council is a charging authority for the Community Infrastructure Levy (CIL). It is important that you ensure that the requirements of the CIL Regulations are met (including notification requirements and those that need to be met prior to commencement of development and/or following completion of development) to ensure that you avoid any unnecessary surcharges and that any relevant relief, exemption or instalment policy is applied. Further information regarding CIL can be found on our website at <https://www.tewkesbury.gov.uk/planning> or you can contact us at cil@tewkesbury.gov.uk.

PURCHASE NOTICES

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

PARTY WALL ACT & RIGHT TO ENTER

Your attention is drawn to the Party Wall Act 1996. Further information is available on [Party Wall Act](#)

This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

ENFORCEMENT ACTION

Attention is drawn to the fact that any failure to adhere to the details of approved plans or to comply with conditions attached to consents constitutes a contravention of the provisions of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

CUSTOMER SATISFACTION QUESTIONNAIRE

The Development Management team want to continually improve the service we provide by reviewing what we do and your feedback about the service you have received is really important to us. We would appreciate if you could take part in our short online questionnaire, it should take around 5 minutes to complete. Please click on the following link to access the questionnaire:
<https://www.tewkesbury.gov.uk/forms/planning-application-service-questionnaire>

DISCHARGE OF PLANNING CONDITIONS

There are often conditions attached to planning permissions that need further details, for example, samples of materials. This additional information must be submitted to us for formal agreement - known as 'discharge of conditions'. Further details can be found on our website:
<https://www.tewkesbury.gov.uk/discharge-of-planning-conditions>.

OTHER INFORMATION

This permission relates to planning control only. Any other statutory consent necessary must be obtained from the appropriate authority. Building Regulations consent for the development may be necessary and you should approach the Building Control section on BuildingControl@cheltenham.gov.uk.

If the work authorised by this permission involves the alteration to an access or the crossing of the highway verge or kerb, you are requested to consult the County Highways Divisional Manager before commencing such work. The address of the Gloucestershire Highways, Imperial Gate Business Park, Corinium Avenue, Barnwood, Gloucester, GL4 3BW

If the work authorised by this permission requires the supply of utility or other public services, you are requested to contact the appropriate statutory or other undertaker as soon as possible following the receipt of this decision. Failure to do so may result in a delay in the provision of these services.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	4 September 2019
Subject:	Tewkesbury Garden Town Programme
Report of:	Programme Director
Corporate Lead:	Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	Two

Executive Summary:

The purpose of this report is to update the Committee on the status of the Tewkesbury Garden Town programme and provide information about the recent success of the West Cheltenham Garden Village bid, made jointly with Cheltenham Borough Council.

Tewkesbury Garden Town

In April 2019, the government - via the Ministry of Housing, Communities and Local Government (MHCLG) - awarded the Garden Community status (Town) to Tewkesbury Borough Council, based upon the development in the Ashchurch area of 10,195 homes and approximately 100 hectares of employment land.

A report was taken to Council in May 2019 and it was resolved at that meeting that programme updates would be reported to the Executive Committee.

The programme has progressed via a number of workstreams. This report gives updates on progress including resourcing, communications, discussions with Homes England and the related Housing Infrastructure Funding (HIF) for a new bridge at Ashchurch. The report also proposes that the current Junction 9 Area Member Reference Panel, as approved on 15 October 2014, is disbanded and that a new Tewkesbury Garden Town Member Reference Panel be established in its place.

The successful Garden Town bid was categorised by Homes England as a transformational project in that the development is not simply a new town but provides the opportunity to 'transform' the existing town of Tewkesbury. It is recommended therefore that a new Member Reference Panel is created to reflect the future programme and this wider area.

West Cheltenham Garden Village

Members will be aware, in partnership with Cheltenham Borough Council, a bid was also submitted to the Garden Community Scheme for the West Cheltenham Joint Core Strategy strategic allocation and associated safeguarded land. In July, the Councils were informed of the success of this bid. The award came with joint capacity funding to the value of £150,000.

The report makes proposals for delegation of authority to Lead Officers for the efficient development of the Garden Village programme.

Recommendation:**That the Executive Committee:**

1. **NOTES** the progress made to date on the Tewkesbury Garden Town programme.
2. **DISBANDS** the Junction 9 Area Member Reference Panel.
3. **APPROVES** the creation of a new Tewkesbury Garden Town Member Reference Panel together with the draft Terms of Reference included at Appendix 2.
4. **NOTES** the progress to date on the West Cheltenham (Cyber Central) programme including the award of Garden Village status.
5. **Delegates authority to the Chief Executive, in consultation with the Lead Members for Built Environment and Finance and Asset Management and the Head of Finance and Asset Management, to agree and enter into appropriate arrangements and other partnership documentation to progress the West Cheltenham Garden Village programme on terms approved by the Borough Solicitor.**

Reasons for Recommendation:

To update the Executive Committee on the programme progress to date and make new arrangements for the efficient progression of the two garden communities programmes.

Resource Implications:

There are no specific resource requirements outlined within this report.

There is a risk related to commitments made using the Ministry of Housing, Communities and Local Government Garden Communities funding of £750,000. To ensure the success of the programme, the new staffing resources referenced in this report are recruited on permanent contracts and therefore the funding that has been received to date will cover these resources for an initial period of approximately two years only.

Presently it is not known whether there will be further funding to support staffing resources in future years. Discussions are ongoing with Ministry of Housing, Communities and Local Government in respect of further funding support; however, in the event that this is not forthcoming at any time, alternative sources of funding, including the Council's own resources, will need to be considered. Clearly, without funding delivery of the programme could be put in jeopardy. In addition to funding from Ministry of Housing, Communities and Local Government, options for funding in future years will be investigated as part of this project.

Also, within the Ashchurch bridge project, funds are being spent in advance of the agreement with Homes England being signed. Once the agreement is signed the Council will receive £466,000 to cover these costs. The Executive report dated 6 March 2019, allocated the Borough Growth Reserve of £417,900 from which this initial expenditure will be funded.

Legal Implications:

There are no legal implications directly arising from this report.

Risk Management Implications:

In terms of the termination and creation of the Member Reference Panel, there are no risks of note. The wider programme, however, has various risks and these are further detailed under each of the specific workstreams. Risks will be monitored closely as part of programme management arrangements.

Performance Management Follow-up:

Performance will be managed by the aforementioned Member Reference Panel as well as Tewkesbury Borough Council's Programme Management Board.

Environmental Implications:

The termination and creation of the Member Reference Panel has no environmental implications.

However, the overall development programme for housing and employment will assess and seek to secure high quality developments which take full account of environmental impact and mitigate any environmental implications as part of the master planning and planning application processes.

1.0 INTRODUCTION/BACKGROUND

- 1.1** The government through the Ministry of Housing, Communities and Local Government, opened up the Garden Community Scheme to a further round of bidding in 2018. As part of the Council's spatial planning work under the JCS, a concept masterplan had been generated to review development opportunities in the Ashchurch area and so a bid for Garden Town Status was submitted based upon this concept plan.
- 1.2** The bid was successful, and, in April 2019, the Council was awarded the Garden Town status for a scheme delivering 10,195 homes and approximately 100 hectares of employment land in the Ashchurch area. Importantly, the Garden Town approach, approved as part of the bid, is that the programme will not just concern the area of new development, but will be of a positive 'transformational' nature to the existing town and its communities. The briefing note at Appendix 1, Tewkesbury Garden Town – dated June 2019 - gives a summary of the bid.
- 1.3** Since the award in April 2019, work has focussed on key work streams. These include:
- the Ashchurch rail bridge project;
 - resource recruitment;
 - liaison with Homes England to define and agree the programme workstreams;
 - land assembly discussions;
 - governance;
 - communications strategy;
 - proposals to undertake master planning; and
 - major strategic transport infrastructure - the off-line A46 and the rail strategy.
- 1.4** This report updates the Executive Committee on programme status for each of the key workstreams and then sets out a proposal for the first level of the governance structure, the Tewkesbury Garden Town Reference Panel.

2.0 Tewkesbury Garden Town - Programme Status Updates

2.1 Ashchurch Rail Bridge Project:

This project is progressing on two fronts, the first being the grant funding contractual arrangements with Homes England and the second the design process including the necessary approvals with Network Rail. Conditions for the award are now being finalised and the next step is to move to grant funding contract completion in the next few weeks.

Once the contract has been signed and certain information secured from the site owners stage 1 will proceed to seek an initial drawdown of £466,000, which has been requested to support the design and planning approval process of the bridge. This work is being coordinated with the support of Gloucestershire County Council and their consultants Atkins. Work being undertaken by Atkins includes, defining the location of the bridge, work with Network Rail in respect of necessary approvals, and submission of the associated planning application.

As part of the planning approval process, the detailed transport assessment of the impact of the bridge/car journey flows will be completed and subsequently assessed and ultimately approved by the two highways authorities: Highways England and Gloucestershire County Council - the latter element of the work has not yet commenced.

2.2 Liaison with Homes England:

The Senior Planning Manager at Homes England (HE) has been nominated as the Homes England project lead. The Garden Town Officer Working Group, led by the Chief Executive, has recently completed a Project Delivery Plan (PDP) which defines the main workstreams and key actions associated with the Tewkesbury Garden Town programme. This document is required by the Ministry of Housing, Communities and Local Government and its approval is a key part of the programme performance monitoring system. Future Garden Town funding is likely to be based on performance and thus successful approval of the PDP funding is a key milestone. The Tewkesbury Team is the first of the six new Garden Towns announced in April to complete this task.

2.3 Land Assembly:

A key part of the discussions with Homes England to date have been the opportunity to review land assembly within the Garden Town and these discussions are ongoing. As this matter progresses, further reports will be brought to the Executive Committee and/or Council as required.

2.4 Staff Resources:

Recruitment of the Garden Town Officer Team has now commenced using the capacity funding. The post of Garden Town Programme Director has been established and an appointment made. The new postholder takes up the role on 1 September 2019. The Garden Town Team staffing structure includes a further three posts reporting to the Programme Director. These include a Project Manager, Community Engagement Officer and a Garden Town Officer. Recruitment to the remaining posts will commence without delay.

In addition to the in-house team, the support of a specialist consultant has been secured to act as strategic advisor to the project. The cost of all posts is being met from the capacity funding.

2.5 Governance:

Effective governance structures will be required to coordinate and lead the Garden Town programme. These structures will set out how stakeholders will be engaged in the programme, including communities, businesses, developers and agencies. Further reports will be forwarded in respect of governance proposals once these have been considered further. Proposals in respect of Member engagement in the governance arrangements are set out in section 3 of this report.

2.6 Communications:

This workstream is crucial to ensure all stakeholders are aware of the overall aims of the programme, what is happening to deliver it and how they can be involved. To date a range of events have been held to raise awareness of the Garden Town Programme for Parish Councils and businesses and Officers have also attended a Ministry of Housing, Communities and Local Government launch event to brief Homes England and the Ministry of Housing, Communities and Local Government on progress made to date. Future work will include the development of a communications plan which can be monitored by Members and Officers.

As part of the developing communications plan a 'prospectus' will be developed with supporting literature, exhibition materials and website/social media outlets. This will take some time to complete and so an initial website has been developed by the in-house team to provide immediate information about the Tewkesbury Garden Town programme.

2.7 Masterplanning:

In 2017 Build Design Partners (BDP) were commissioned to support the Council in developing a concept masterplan for development in the Ashchurch area. The concept masterplan was completed and published as part of the Joint Core Strategy Issues and Options consultation in November 2018. Further work has been undertaken by Build Design Partners to take the concept masterplan to a more detailed stage and this will be forwarded to Members on completion for consideration.

Further detailed masterplanning work is required to go beyond the Build Design Partners work and set out the nature of the Garden Town development as a masterplan document, as opposed to a concept document. This will need to involve local communities and Parish and Town Councils as well as businesses and other stakeholders. It is an important and extensive piece of work and will need Member involvement in the commissioning process.

2.8 J9/A46 Off-Line Improvements:

Officers have developed a close partnership with Gloucestershire County Council colleagues in respect of infrastructure projects associated with the Garden Town programme. A major element of this is work to review options for an off-line solution for the A46 and a new M5 junction.

Officers and Members have maintained membership of the A46 Partnership, the local authority pressure group to secure improvements to the A46 cross country route. Work has also been undertaken with the Midlands Sub-National Transport Body, Midlands Connect, to promote the importance of route improvements at Ashchurch.

Furthermore, it has been agreed with County Council colleagues that a bid should be made to the Department of Transport (DfT) Large Local Major Road Fund, via the Western Gateway Sub-National Transport Body, for the necessary road improvements at Ashchurch. Western Gateway has given the project high priority following submissions from the County Council.

The County Council has agreed to undertake extensive route planning work required to make the bid and it is expected that a Strategic Outline Business Case for the road improvements will be submitted to Western Gateway in December 2019.

2.9 Rail Strategy:

To date work has been commissioned with specialist consultants SLC Rail to define the strategy for the station and rail services at Ashchurch. This recommended a number of steps, the first being lobbying with Department of Transport and the relevant franchisees to increase the number of stops at Ashchurch. This work is ongoing with a schedule of 2021 for the franchises to be issued. If successful, further steps would then include a proposed name change for the station, further parking capacity and improved facilities, for example secure cycle storage.

In addition, Officers have supported, and are engaged in a recent commission for a Gloucestershire Rail Strategy which is being commissioned by the County Council.

3.0 Member Reference Panel – Creation of a Tewkesbury Garden Town Member Reference Panel.

- 3.1** In October 2014, the Executive Committee established the Junction 9 Area Member Reference Panel to work with Officers to support the development options for the Ashchurch area.
- 3.2** The Panel has functioned successfully and has steered the existing programme for development in this area, overseen the Housing Infrastructure Fund (HIF) award for £8.1 million to construct a bridge over the railway at Ashchurch to support development in this area and then the application and subsequent award of the Garden Town status for this wider development – two major successes for the Panel and the Council.
- 3.3** In reviewing the Panel, and the needs of the Tewkesbury Garden Town programme, the area of the Garden Town requires a broader membership. It is therefore proposed to terminate the current Junction 9 Area Member Reference Panel and to create a new Tewkesbury Garden Town Member Reference Panel with the updated Terms of Reference as included in Appendix 2.
- 3.4** The new Member Reference Panel will include the existing Members as well as those from the Tewkesbury area to better reflect the Garden Town transformational programme and the opportunities for the town as a whole.

4.0 West Cheltenham – Garden Village Award and Programme Status

- 4.1** In partnership with Cheltenham Borough Council, a bid for Garden Community Status was submitted to the Ministry of Housing, Communities and Local Government in respect of the Joint Core Strategy strategic allocation and safeguarded land at West Cheltenham. This includes the important Cyber Central commercial park. The size of this development incorporates up to 3,000 new homes and therefore was of Garden Village status within the Ministry of Housing, Communities and Local Government scheme. In July 2019 the two Councils were informed that the bid had been successful.
- 4.2** Whilst work specific to the Garden Village has not yet progressed in detail, the Ministry of Housing, Communities and Local Government /Homes England induction meeting is scheduled for September 2019. Considerable work has been undertaken in respect of the Cyber Central commercial element.

- 4.3** Land assembly is a key part of the Garden Village and Cyber Central programme. Cheltenham Borough Council has recently announced the purchase of land valued at £37.5million to facilitate the development of the Cyber Central digital park. Discussions with Home England are ongoing for further land assembly to assist in the delivery of the housing sites. As these progress further updates will be brought to the Executive Committee.
- 4.4** Masterplanning work, including the preparation of a draft Supplementary Planning Document, is underway and specialist contractors Avison Young have been commissioned to support this work. The cost of this work is shared between this Council and Cheltenham Borough Council and is funded from the growth fund reserve.
- 4.5** The development of a masterplan for the Garden Village will require full engagement with local communities, businesses and other stakeholders. Events to start this process are currently being planned.
- 4.6** A governance structure is currently under development with Cheltenham Borough Council, based upon a partnership agreement between the two Councils. The details of this are still to be finalised. A joint West Cheltenham Garden Village Programme Board has been established to monitor the progress of the programme. This Council is represented on the Programme Board by the Lead Member for Built Environment and the Chief Executive. Specific Officer Working Groups have also been established to take forward the various workstreams and this Council's Officers are engaged in these where appropriate. Details of the governance structure will be reported to Executive Committee once the proposals are complete. At that point the need to establish any internal Member structures will be considered.
- 4.7** Funding for the workstreams involved in the Garden Village programme is currently being made from the growth fund reserve under delegated authority.
- 4.8** As the governance and workstreams develop at this early stage it will be necessary to enter into agreements with partners to take forward the West Cheltenham Garden Village programme. These are likely to involve governance arrangements and work items which require funding support. To facilitate the efficient delivery of these arrangements it is proposed to delegate authority to the Chief Executive to enter into agreements on behalf of the Council in respect of the West Cheltenham Garden Village programme.

5.0 OTHER OPTIONS CONSIDERED

- 5.1** Other governance structures have been considered; however, based upon the success of the original Panel - and accepting the need to make some minor changes - it is recommended that the new Panel be created.

6.0 CONSULTATION

- 6.1** None required.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 7.1** Joint Core Strategy and the Joint Core Strategy Review.

8.0 RELEVANT GOVERNMENT POLICIES

- 8.1** National Planning Policy Framework.
National Planning Practice Guidance.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 Whilst the report recommendations have no resource implications, with respect to the overall programme there are points to note which are covered in detail under section 2.3.

To support the Garden Town programme delivery the following roles are being resourced:

Programme Director, Programme Manager, Community Officer and Garden Town Administration Officer.

10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

10.1 None.

11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

11.1 None.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 None.

-
- Background Papers:**
1. Executive Committee report 15 October 2014 – M5 junction 9 Area Growth;
 2. Council report 20 February 2018 – Government Housing Infrastructure fund (HIF) – Funding Award for bridge over Rail Line at Ashchurch;
 3. Executive 6 March 2019 – Borough Growth Reserve;
 4. Council report 28 May 2019 – Garden Community programme – Garden Town status for Tewkesbury at Ashchurch;
 5. Executive report 12 June 2019 – Government Housing Infrastructure Fund (HIF) - Funding Award for bridge over Rail Line at Ashchurch.

Contact Officer: Garden Town Programme Director
01684 272237 jonathan.dibble@tewkesbury.gov.uk

- Appendices:**
- 1: Tewkesbury Garden Town – Homes England Briefing Note – June 2019.
 - 2: Tewkesbury Garden Town Member Reference Panel - Terms of Reference.

Proposition:

Transformational garden town for Tewkesbury, focused on the development of the Ashchurch area to the east. The project will deliver 10,195 new homes with 35% affordable housing and create 8,464 jobs with a new local centre by 2050.

Vision:

Reimagine Ashchurch as the 'modern' part of the historical Tewkesbury with a complete mix of housing options, expanded employment, transport improvements and a new centre located around the station and St. Nicholas Church. Ashchurch possesses the foundations to help deliver a vision for sustainable growth of the town, utilising the excellent transport links to the M5 and its prime location as a high-tech employment area, thereby encouraging people to live and work locally.

Key components

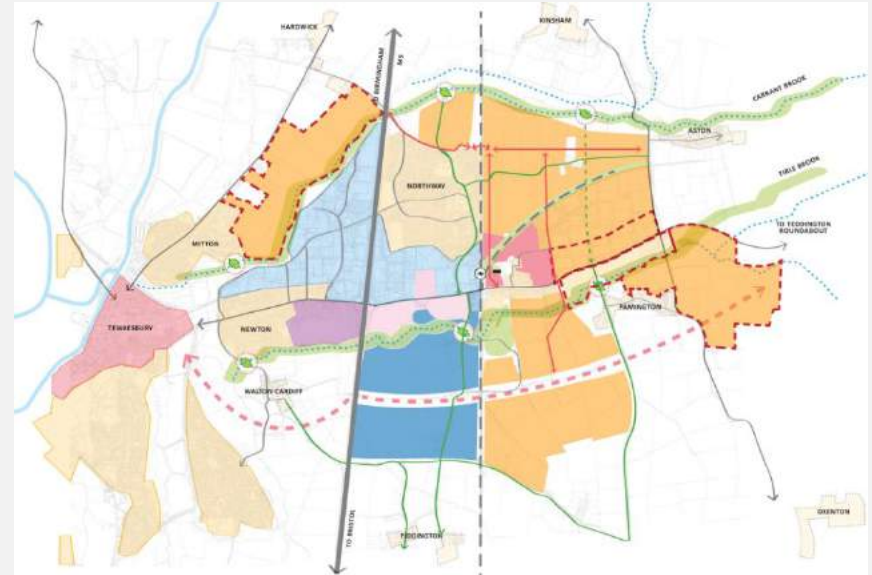
Site size: 604 ha
10,195 homes
8,464 jobs
6 schools
1 health & care centres
4 community facilities
1 district centres & local centres
200 ha of green space

Project partners

Tewkesbury Borough Council (Lead Authority)
Gloucester City Council
Cheltenham Borough Council
Gloucestershire County Council
Homes England
MOD/DIO

Land ownership and site assembly

MOD base - 80 ha under agreement with St. Modwens (release date delayed)
Homes England - 5 ha
4 landowners all indicated interest in releasing their land for development
Other small land owners and sites in multiple ownership
Some land is under option. There are opportunities for public sector acquisition, including Homes England.

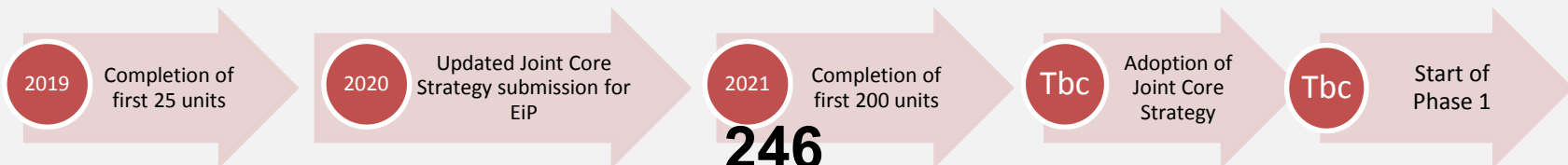


Planning status of site

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), was adopted in December 2017 and is now under review, having undergone its first 'issues and options' consultation in early 2019. This Initial consultation has opened up the dialogue with stakeholders and local communities on the opportunities for accommodating additional growth at Ashchurch. The site in entirety will form a strategic allocation in the JCS as part of the review process. Under the existing JCS no housing land is allocated for the GT. Circa 200 homes with planning permission. An application for 900 homes currently subject to an appeal. 13ha of employment land already with planning permission.

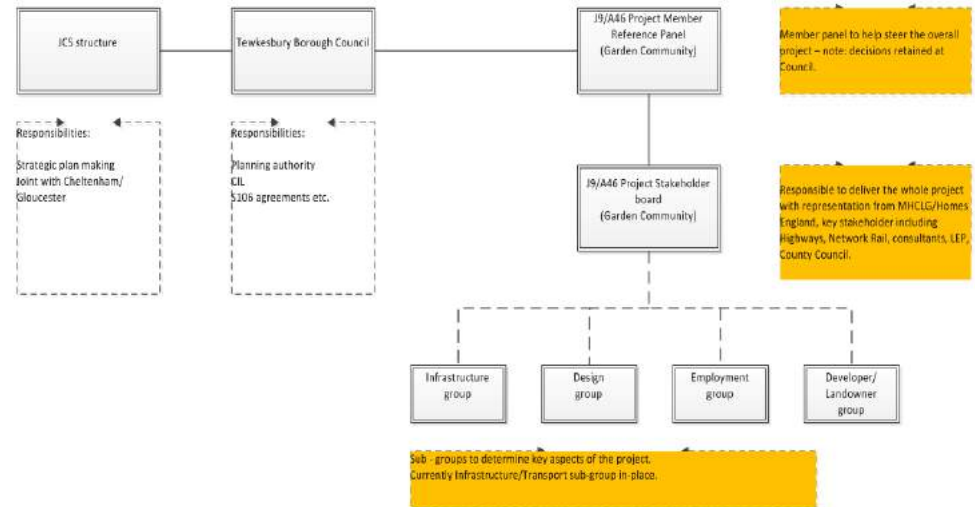
Major infrastructure requirements

Social and community facilities; New bridge over railway & associated link roads; A46 capacity improvements linking to J9 on M5; Improvements to Tewkesbury rail station development.



Quality and innovation aspects

- A concept masterplan as been developed for Ashchurch. This sets out 8 development principles: Defining a local character for Ashchurch; Put Tewkesbury on the map; Build a sustainable community; Transformation to a sustainable movement environment; Support infrastructure delivery; Promote an active, healthy quality of life; Create a place within a landscape; Create a flexible framework that guides development.
- The Councils are committed to work collectively to achieve not just the housing delivery, but also the economic growth and the overall "place making" - all three critical to this development opportunity.
- The 'Thinking Place' visioning exercise proposes a step change in which Tewkesbury becomes a place that is a "hub and heartland driving the future success of the wider area" but not quite translated into a clear vision. Transformational outcomes expected need to be fleshed out.
- Possibility of MMC (a preliminary study of the feasibility of this is underway by Tewkesbury Borough Council
- Not clear what review process or tools will be used to embed quality into the GT.



Key barriers to delivery

- Development north of MOD Base requires a 'northern access road link' & railway bridge (£8.1M HIF bid).
- Infrastructure investment totals £202 million (TBC estimate) split mainly between new schools and roads.
- Not included in the above cost is an off-line A46, required to unlock development beyond 3000 homes.
- Recently adopted CIL charging requires development to contribute £20 million.
- Land assembly is complex due to multiplicity of land ownerships.
- Release of MoD base, which may not be available for development for another 10 years.
- Existing flood zones to the north and more centrally acting as green buffers.

Housing Trajectory (2018-2050)

Period	2018	2019	2020	2021	2022	2023	2024	2025-2030	2031-2035	2036-2040	2040+	Total
Units	0	25	25	150	325	420	450	2450	2180	2110	2060	10,195

Proposed delivery mechanism

Homes England owns approximately 5 ha of land which is strategically located next to the railway station and together with release of parts of the MOD base (approximately 80 ha) could facilitate early delivery. The LAs and Homes England are involved in discussions with land owners to the north of the MOD base. To the south of the base an appeal site could deliver circa 900 homes and other sites are being actively promoted.

Other relevant programmes

HIF (MVF - Tewkesbury Ashchurch Housing Zone £8.1m (railway bridge). (Contract Issued)

Project diagnostic**Key master planning issues**

The Council's have engaged consultants to undertake some initial 'concept' master planning work in support of the JCS Review. The completed study gives clarity about the potential identity of the garden town, spatial arrangement of uses and phasing. It also provides base line evidence of site constraints and opportunities. This work needs to be built upon and developed in order to generate a clear spatial vision, development concept, development and place-making objectives, together with potential delivery mechanisms and principles for long term stewardship. This will ensure that a viable and high quality Garden Town is delivered to the timescales envisaged. Key areas to focus on in any further master planning work should include:

- Transformational outcomes for existing communities including future high quality employment opportunities.
- How walkable and cyclable neighbourhoods can be delivered alongside opportunities for 'Smarter' travel and mobility choices and behaviours and technologies.
- Utilising green infrastructure opportunities and integrating biodiversity net gain as part of a landscape led approach and to deliver healthy place making outcomes.
- Consideration of legacy and future stewardship arrangements for community assets/GI.

The appointment of an experienced master planner to develop a deliverable masterplan framework for the Garden Town is important next step. This work should incorporate and expand upon the 'Thinking Place' piece and the BDP Commission to develop the story of Tewkesbury as a whole and incorporate ideas on how to connect this vibrant new community with the existing historic market town and its communities. Any further master planning work should also be used to embed Garden City principles and innovation and further test housing capacity, viability and deliverability.

Key deliverability issues

Land assembly and delivery of strategic infrastructure is critical. A new road link and railway bridge is required to release phase 1. Funding through the HIF would unlock this. A new off-line southern link road to take capacity off the A46 is required. This A46 improvement scheme forms part of a wider corridor study which is being led by Midlands Connect. It is not clear what level of priority is being afforded to the Tewkesbury 'end' and is therefore a significant risk. Delivery of the full 10,000 homes relies heavily on the release of the MOD base which is not certain. The MOD base may not be available for a further 10 years. Ashchurch for Tewkesbury railway station only has two-hourly service and this needs to be increased. Flood mitigation will need to be carefully considered.

Other issues

New governance arrangements are required to reflect the new Garden Town status. There is no project team and the work is being supported through the JCS workstream which is not ideal.

Initial support areas identified (to be provided by Homes England)

- **Delivery advice and support** – particularly on land assembly and infrastructure delivery.
- **Master planning advice** – including assistance in procuring a master planner
- **Governance and project management advice** – including participation in any new governance arrangements
- **Cross Government Brokerage** – HIF bid for railway bridge, A46 capacity issues, MOD release of whole base in med-long term.

TEWKESBURY GARDEN TOWN MEMBER REFERENCE PANEL

1. AIMS AND OBJECTIVES

To provide a Member reference forum to have oversight of the Council's Garden Town programme.

2. CONSTITUTION AND POWERS

1. The Panel shall comprise:
 - Leader of the Council.
 - Lead Member for Economic Development/Promotion.
 - Lead Member for Built Environment.
 - Lead Member for Community.
 - Lead Member for Finance and Asset Management.
 - Ward Members for Isbourne.
 - Ward Members for Northway.
 - Ward Members for Tewkesbury North and Twynning.
 - Ward Members for Tewkesbury East.
 - Members for Tewkesbury South.
2. The Panel shall, at its first meeting, appoint a Chair and Vice-Chair.
3. The quorum of the Panel shall be three Panel Members.
4. Substitution arrangements will not apply.

3. TERMS OF REFERENCE

1. To guide and enable the work of the Tewkesbury Garden Town programme and to act as a sounding board for any issues emerging from the work.
2. To ensure that the needs and aspirations of Tewkesbury Borough's communities are adequately considered in the work to develop the wider area.
3. To involve and communicate with the wider elected membership of the Council.

4. DELEGATED POWERS

All issues that require a Committee decision will be reported to the Executive Committee and/or Council.

- 31.2 The Head of Community Services explained that the report was for information only and was submitted in line with the Council's Contract Procedure Rules which required that the use of an urgent waiver must be reported to the Executive Committee. He advised that on 4 December 2018, the Council had agreed to the purchase of a 12 tonne narrow access refuse and recycling collection vehicle and Tewkesbury Borough Council Officers, along with the fleet teams at Ubico, had subsequently carried out the initial stages of a procurement exercise to identify a suitable replacement. From the date of ordering a new vehicle built to the Council's specification, it would normally take 45 weeks to build and deliver; however, Dennis Eagle had a vehicle which would be available within 17 weeks of ordering so placing an order with that company would significantly reduce the waiting time for the vehicle and therefore the associated costs of continuing to hire the current vehicle. It was on that basis that the contract waiver had been the preferred option.
- 31.3 Accordingly, it was

RESOLVED: That the use of a contract waiver in respect of the purchase of a 12 tonne narrow access vehicle be **NOTED**.

EX.32 GARDEN TOWN PROGRAMME

- 32.1 The report of the Garden Town Programme Director, circulated at Pages No. 62-73, updated the Committee on the status of the Garden Town Programme and provided information about the recent success of the West Cheltenham Garden Village bid which had been made jointly with Cheltenham Borough Council. Members were asked to note the progress made on the Tewkesbury Garden Town Programme; to disband the J9 Area Member Reference Panel; to approve the creation of a new Tewkesbury Garden Town Member Reference Panel with the draft Terms of Reference as attached to the report; to note the progress made to date on the West Cheltenham (Cyber Central) programme, including the award of Garden Village status; and to delegate authority to the Chief Executive, in consultation with the Lead Members for Built Environment and Finance and Asset Management and the Head of Finance and Asset Management, to agree and enter into appropriate arrangements and other partnership documentation to progress the West Cheltenham Garden Village programme on terms approved by the Borough Solicitor.
- 32.2 The Garden Town Programme Director explained that the Tewkesbury Garden Town included approximately 10,195 homes and 100 hectares of employment land with delivery up to 2050. The opportunities from that would include consideration of technological advances/smart homes in terms of digital infrastructure and how that would benefit the wider Tewkesbury area. In terms of resources, the Garden Town Programme would have a Programme Director, a Programme Manager – with a focus on the Ashchurch bridge - a Community Officer and a Programme Assistant. The governance would include the new Garden Town Member Reference Panel and Officers would work with that group to define the programme and advisory groups etc. It was noted that, to date, a more ad-hoc arrangement had been in place, and a formal structure would be critical to the success of the programme.
- 32.3 Members received an update on the projects which were ongoing in the area including: J9/A46 – a Pre-Strategic Outline Business Case had been submitted for funding via the 'Large Local Majors' scheme through the Department for Transport (DfT) this was still in the early stages but it demonstrated to the DfT how important the scheme was; Rail – discussions had been held with franchisees - the Council could not drive the timetable changes but it was hopeful to get more stops - and the County Council in regard to the Gloucestershire Wide Rail Strategy; Masterplanning – BDP was completing phase 1 of its work and had been

commissioned to embed the Garden Town principles. In terms of communications, the programme had its own website with regular updates via electronic media, masterplanning engagement and community engagement – the ‘branding’ for the Garden Town would be implemented soon and would ensure the programme was separate from the Joint Core Strategy and Tewkesbury Borough Council. The team was considering how best to get formal engagement with the community through the governance structure. The Council had a good relationship with Homes England which would be critical to the success of the programme. In terms of the Ashchurch Bridge project, the grant funding agreement with Homes England included conditions which were split into two phases; design/planning permission/transport modelling drawdown - £466,000; and the construction phase which was scheduled to start at the end of 2020 with completion due in March 2022. The key risks which needed to be understood included: Homes England - had passed its risks onto the local authorities; land – there were ongoing discussions with Homes England as to the preferred option; overall cost – part of Atkins phase 1; National Rail support – opportunity to close the level crossing; delivery by March 2022 – discussions ongoing with Network Rail in respect of line access; recovery mechanism – any income from Community Infrastructure Levy (CIL) / Section 106 would be used to fund further housing delivery in the area; and wider project delivery - the homes actually being built. In terms of the West Cheltenham Cyber Central site, this included an allocation of 1,100 homes across 45 hectares; Cheltenham Borough Council had made a land acquisition of 107 acres; the project had received Garden Village status; a masterplanning/Supplementary Planning Document (SPD) had been commissioned; community engagement was scheduled for 11 / 19 September; and there were discussions ongoing with Homes England about how best to bring the safeguarded land forward. The Chair reminded Members that there was a special meeting of the Executive Committee on 4 November 2019 to approve that SPD for consultation.

- 32.4 In response to a query regarding the land acquisition made by Cheltenham Borough Council, the Garden Town Programme Director confirmed that this had been a sole purchase by that Council; there were still parcels of land owned by other individual landowners, but it was anticipated that Cheltenham Borough Council being in control of a large piece of the land would be able to bring the project forward in a timely manner. The Chief Executive confirmed that the land in Cheltenham Borough Council's ownership was for the commercial element and was intended to ensure GCHQ could get on site with the cyber park as soon as possible. Much of the housing element of the area was likely to be within Tewkesbury Borough but this was still under discussion and was part of the masterplanning work. In addition, the safeguarded land to the west would most likely be predominantly housing but there was a lot of work ongoing to look at the options.
- 32.5 A Member noted that the consultation and discussions between Homes England and others in respect of the Ashchurch bridge had been ongoing for quite some time and she questioned whether Homes England was going to sign the agreement and whether National Rail was on board with the project. In response, the Garden Town Programme Director indicated that one of the conditions in the Homes England grant funding agreement was a written commitment from National Rail and that had been satisfied so nothing else was required from that organisation before the agreement was signed. The signatories were Tewkesbury Borough Council and Homes England. Work would continue with National Rail in respect of design and location etc. but Homes England wanted to complete the contracts by the end of September so the final terms etc. needed to be agreed prior to that deadline. The Member noted that Atkins had been doing the design work for the approach roads to the bridge via the County Council and she questioned whether Tewkesbury Borough Council now knew where the bridge

would be. She also questioned whether the Garden Town would have a Supplementary Planning Document (SPD) like the Garden Village at West Cheltenham. In response, the Garden Town Programme Director explained that the site needed to be allocated to have an SPD and this was not the case with the Garden Town; the team was looking to address that with the Joint Core Strategy (JCS) review. There was also a need to assess the policies involved and all of that would be considered through the next phase of the masterplan. The Council's consultants would be undertaking further work on the masterplan as, when BDP had been commissioned, the Garden Town had not been on the agenda so there was now a need to consider the wider area of development.

32.6 The Chief Executive explained that the current update was not intended to provide the detailed information. When the governance arrangements were established, the Garden Town Member Reference Panel would go through the details so Members were fully aware of the risks involved in the project etc. There was an extremely large work plan running at the moment and the current report was designed to give an overview of how it was working. In terms of the funding of infrastructure, the justification for the A46 offline solution was the development in the whole area. Through the Garden Town programme, there was an opportunity to look at the infrastructure needed to bring development forward in the right way; a long term vision meant the Council could argue for funding. In response to a query regarding the name of the new Garden Town, the Garden Town Programme Director advised that, one of the key points was the transformation of Tewkesbury, and the risk in renaming the Garden Town was that it would not have the backing of being an area that people knew and understood. In addition, the new development needed to integrate with Tewkesbury town to the benefit of both areas and it was felt this would be difficult if it had a different name.

32.7 In respect of the proposed Terms of Reference for the Garden Town Member Reference Panel, a Member suggested that the quorum should be a minimum of four or five and there was some discussion as to whether that should include one of the Ward Members. The Borough Solicitor agreed that this could be added to the Terms of Reference should the Committee so wish. There was also a discussion as to whether the Deputy Leader of the Council should be involved in the Panel, but Members agreed this was not necessary given the involvement of the relevant Lead Members and Ward Members.

32.8 Accordingly, it was

RESOLVED:

1. That the progress made to date on the Tewkesbury Garden Town Programme be **NOTED**.
2. That the Junction 9 Area Member Reference Panel be **DISBANDED**.
3. That the creation of a new Tewkesbury Garden Town Member Reference Panel, together with the Terms of Reference attached at Appendix 2 to the report, be **APPROVED**, subject to the following amendments to those Terms of Reference:
 - under 'Constitution and Powers' add the word 'Ward' to 'Members for Tewkesbury South';
 - the quorum of the Panel shall be five Members of which at least one will be a Ward Member.
4. That the progress to date on the West Cheltenham (Cyber Central) Programme, including the award of Garden Village status, be **NOTED**.

5. That authority be delegated to the Chief Executive, in consultation with the Lead Members for Built Environment and Finance and Asset Management and the Head of Finance and Asset Management, to agree and enter into appropriate arrangements and other partnership documentation to progress the West Cheltenham Garden Village Programme on terms approved by the Borough Solicitor.

EX.33 SEPARATE BUSINESS

33.1 The Chair proposed, and it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

EX.34 SEPARATE MINUTES

34.1 The separate Minutes of the meeting held on 17 July 2019, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.35 USE OF URGENCY POWERS - ROSES THEATRE

(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))

35.1 The use of urgency powers taken in respect of the offer of financial assistance, and the amendment of the terms of a grant to the Roses Theatre, Tewkesbury was noted.

EX.36 FUTURE COUNTYWIDE WASTE PARTNERSHIP - JOINT WASTE COMMITTEE AND JOINT WASTE TEAM

(Exempt –Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual)

36.1 The Committee considered the way forward in respect of the Joint Waste Committee and Joint Waste Team and, accordingly, made a recommendation to Council on the future of the Countywide Waste Partnership.

The meeting closed at 4:00 pm



Ashchurch Rural Parish Council
Tel: 07763 250289

E-mail – clerk@ashchurchruralpc.org.uk

www.ashchurchruralpc.org.uk

Ref Planning Application 20/00896/FUL Development of a Road Bridge Over the Mainline Railway Bristol to Birmingham

Dear Sir or Madam,

The following are comments from Ashchurch Rural Parish Council (APRC) concerning the above planning application.

Local Government

1. The application is by Gloucestershire County Council (GCC) to the Local Planning Authority (LPA) i.e. Tewkesbury Borough Council (TBC). We note that TBC also submitted plans to central government for funds to construct this bridge to open up farmland for the construction of 826 dwellings. The funds being granted by the Housing Infrastructure Fund (HIF).
2. The bridge will clearly play a strategic role in road development which is overseen by GCC. Under the circumstances we submit that the application should have been made by TBC to GCC who clearly are the most appropriate body to consider the application.
3. Currently we have a planning application being determined by TBC for a bridge that they themselves requested and we question the validity of such a process. The impartiality of decision making must be called into question and thus APRC will be requesting that the Secretary of State call this matter in for final determination under Section 77 of the Town and Country Planning Act 1990.
4. We understand that TBC have obtained legal advice on the above points and we submit that this legal advice should be published in full prior to any determination.
5. The application is to build a bridge in the middle of open farmland. This farmland has no legal status other than for agricultural use and there is no change of use application. The application refers to a potential roadway and potential housing development yet there is no application for either of these options at this time and thus they cannot be considered.
6. Given the circumstances we question the use of public funds to build what is in effect a 11m high concrete monolith in the middle of a field that harms the landscape. It assumes that permission will subsequently be given to construct a link road and the 826 dwellings – no doubt decisions that will also be taken by TBC.

7. We also note that there is no agreement with landowners where the dwellings and link road would be. Whilst we welcome any improvements in highway safety and in particular a bridge over a main rail line in lieu of a level crossing we submit the current approach is not only fundamentally flawed but also open to legal challenge.

Process

8. We note that the Deputy Chief Executive for TBC announced that TBC had secured funding for this bridge at a meeting on 20th February 2018. Thus there have been in excess of 2.5 years for planning applications to be prepared and drawn up for the link road design and the associated housing referred to that the bridge will facilitate. The fact that this has not been completed so that the overall planning application embracing the bridge, link road and housing can be fully considered is of concern.
9. The scheme has not followed the normal sequence for this type of infrastructure project and we question why this is the case. As illustrated above (item 8) there has been sufficient time to develop the required plans and applications. We question if any other planning application would even be considered if it started with an isolated piece of infrastructure in the hope that further applications would be granted. Claims that the current application is necessary to meet spending deadlines appears to be hollow given the comments above – item 8.
10. We note claims within the application documentation that TBC were successful in obtaining funding to help deliver an early phase for the Tewkesbury Garden Town project is factually incorrect. The funding submission was approved and announced in February 2018 whereas the Garden Town Prospectus was launched by Ministry of Housing, Communities & Local Government in August 2018.

Transport

11. The Transport Assessment (TA) provides details of the construction phase and that access to the site for 45% of the construction vehicles will be from the east via Aston Fields Lane (AFL). We note that these vehicles will be heavy duty (HDV's) of varying types including multi axle tipper trucks taking earth to site and a number of abnormal loads. There are no specific details (length/width/weight) of the latter but there will also be a number of light duty vehicles (LDV's) and presumably cars for the staff.
12. The ability for the above to access AFL from the A46 at Aston Cross will be challenging but to then travel along AFL is questionable. AFL is a narrow single carriageway lane running parallel with the A46 and thus used by light vehicles (cars/vans) avoiding the congested A46 and/or simply vehicles travelling to/from Northway as well as the farm vehicles that frequent the lane to access the farms on AFL. There are limited passing places and thus what action is proposed to resolve this?

13. It is proposed within the TA that there will be c8250 vehicle movements to/from the site i.e. 16500 vehicle movements at the approx. rate of 330/week or 5.5/hour over a 12 hour day yet the same chart shows operating times of 08.00 to 18.00 i.e. a 10 hour/day. What other errors are there? In addition there will be c30 LDV daily movements along AFL adding to the congestion that will ensue.
14. The road surface of AFL is already heavily damaged and requires repair. This matter is currently being investigated by GCC Highways at the request of ARPC. Why has this not been referenced within the TA? The use of HDV's over this surface will undoubtedly cause additional damage to the surface and ultimately to the substructure of the lane itself. What action (separate to the patchwork that may be taken by GCC Highways) will be taken to resolve this matter prior to, during and after the construction phase?
15. The TA has tried to embrace the effects of the traffic generated by the 826 new dwellings but it is incomplete. There is no masterplan to refer to, only possible road or junction design and there has been no ability to consider the impacts of any additional infrastructure that will be necessary to support the new dwellings e.g. schools, retail outlet, community centre, allotments etc.
16. The TA provides an indication of the likely effects that construction of the 826 dwellings will have and it is noted that there will likely be an increase in traffic volumes along the B4079. At best this will simply add to the congestion at Aston Cross as traffic tries to access the A46 to travel to the M5 and/or travel north to Evesham. At worst it will stimulate traffic to access rat runs within Northway and/or via Bredon and Beckford along narrow lanes where vulnerable road users often frequent with adverse implications for their safety. We also note the increase in traffic volumes along the B4080. No doubt others will comment upon these matters.
17. It is stated that the potential link road will connect to the B4079 approx. south of the junction to Aston on Carrant that lies approx. 140 metres north of the existing junction of AFL with the B4079. It seems that this could possibly be a roundabout or a signalled junction or we assume neither of these. There is nothing definitive and yet again this illustrates the problem with incomplete applications.

Landscape

18. Once constructed this bridge will in effect be a c11m high concrete structure c15m wide and with associated elevated approach roads/embankments c750m long within an area that has been described within the Landscape & Visual Appraisal as being *"Soft, gently undulating to flat landscape, but with intermittent locally elevated areas"*. It can only do substantial harm to the landscape but this is not acknowledged within the report. Why not?
19. There is no reference to the fact that this construction is approx. 1.5miles from the AONB to the north. It does not assess any implications for residents who may live in an elevated position around Bredon Hill and again we assume others will comment upon this.

Public Consultation

20. Key findings from the questionnaire show that in response to the 4 questions relative to the bridge itself that in each question the public who responded stated that the bridge:
- a. Location did not make sense – 75%
 - b. It will not enable new communities to come together – 73%
 - c. Will not enable old & new communities to walk and cycle more – 70%
 - d. Does not represent good use of public money – 82%
21. The above is a fairly comprehensive rejection of the bridge by the community and yet TBC are insistent that they know better and are carrying on with the project regardless which begs the question “*why did you ask in the first place?*”
22. The report concludes that:

The issues raised by the public have been considered in the development and assessment of the ABoR scheme, and it is considered that all concerns have been satisfactorily addressed within the planning application submission.

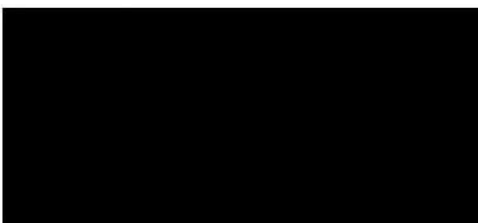
This Statement demonstrates that the Applicant has completed a robust engagement and consultation process, which has taken the views of local groups, residents and authorities into account in the development of the ABoR proposals.

There are no details within the application that addresses the above concerns/responses to the basic questions asked (item 20). If so the application would not have been made. In fact it appears to be part of a tick box exercise to satisfy planning requirements.

Conclusions

23. Whilst we welcome any road safety improvements infrastructure such as being proposed it must be taken into an overall context of what it is trying to achieve. The lack of any agreement with landowners and applications for the link road and even an outline application for the 826 dwellings do not enable robust consideration for the project.
24. Overall this application assumes that any future applications for the remaining development will be approved irrespective of any reasons why they should not be so. In isolation the project can only be considered a waste of public funds and thus should be resubmitted with the missing applications for a link road and housing.

Yours faithfully





Tewkesbury
Borough Council (/)

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The Conservatives have political control

Following the elections in May 2019 there are 38 borough councillors and the composition of this council is Conservative: 23, Liberal Democrat: 8, Brockworth First: 4, Tewkesbury and Twynning Independents: 2, Green: 1.

The leader of the council is councillor Rob Bird (Con) and the Deputy Leader is councillor Jim Mason (Con).

Lead member portfolios

We have an executive committee of 11 members. One member is the leader of the council and the other ten have a specific area of interest (known as a portfolio) and are known as lead members.

The leader of the council is the Chair of the executive committee and the deputy leader is the Vice-chair.

The scope of the portfolios and number and names of lead members on the executive committee is determined at the annual council meeting in May.

- [Lead Member Portfolios 2021/22 \(\[https://tewkesburyborough-my.sharepoint.com/:b/g/personal/website_tewkesburyborough_onmicrosoft_com/ET4floxOf1OvQlzf5kDykBUD2RGHzS6w6UezIECFG0g?e=mnDs06\]\(https://tewkesburyborough-my.sharepoint.com/:b/g/personal/website_tewkesburyborough_onmicrosoft_com/ET4floxOf1OvQlzf5kDykBUD2RGHzS6w6UezIECFG0g?e=mnDs06\)\)](#)

Councillors' code of conduct

If you have a complaint that a Borough or Parish/Town Councillor has breached their Authority's Code of Conduct you should write to the Monitoring Officer at the following address outlining your complaint and the reasons that you feel the Councillor has breached the Code of Conduct:

- The Monitoring Officer, Tewkesbury Borough Council, Public Services Centre, Gloucester Road, Tewkesbury. GL20 5TT

Please note that the Parish/Town Council Codes of Conduct vary and a copy of the relevant Code can be obtained from the Parish Clerk or the Monitoring Officer. Telephone: 01684 272011.

The Borough Council's Code of Conduct can be found below:

- [Code of member's conduct, July 2012 \(pdf, 177 KB\)](https://my.sharepoint.com/:b:/g/personal/website_tewkesburyborough_onmicrosoft_com/ETaG-CdnpalEqLxMchadXmsBCvt9l-S3YaOOx3h7lNbU_g?e=PTqXz4) (https://my.sharepoint.com/:b:/g/personal/website_tewkesburyborough_onmicrosoft_com/ETaG-CdnpalEqLxMchadXmsBCvt9l-S3YaOOx3h7lNbU_g?e=PTqXz4)

Tewkesbury Borough Councillors - Organised by ward

Badgeworth

Parishes of Badgeworth, Great Witcombe, and Staverton

- [Robert Vines \(/borough-councillors/councillor-robert-vines\)](#) - Conservative

Brockworth East

- [Louise Gerrard \(/borough-councillors/councillor-louise-gerrard\)](#)
- [Sara Stevens \(/borough-councillors/councillor-sara-stevens\)](#)

Brockworth West

- [Craig Carter \(/borough-councillors/councillor-craig-carter\)](#)
- [Deborah Harwood \(/borough-councillors/councillor-deborah-harwood\)](#)

Churchdown Brookfield with Hucclecote

- [Gill Blackwell \(/borough-councillors/councillor-gill-blackwell\)](#) - Conservative
- [Paul Smith \(/borough-councillors/councillor-paul-smith\)](#) - Liberal Democrat
- [Richard Smith \(/borough-councillors/councillor-richard-smith\)](#) - Liberal Democrat

Churchdown St John's

- [Mary Jordan \(/borough-councillors/councillor-mary-jordan\)](#) - Liberal Democrat
- [Clare Softley \(/borough-councillors/councillor-clare-softley\)](#) - Liberal Democrat
- [Scott Thomson \(/borough-councillors/councillor-scott-thomson\)](#) - Liberal Democrat

Cleeve Grange

- [Helen Munro \(/borough-councillors/councillor-helen-munro\)](#) - Liberal Democrat

Cleeve Hill

Parishes of Gotherington, Southam and Woodmancote

- [Khatija \(Keja\) Berliner \(/borough-councillors/councillor-khatija-berliner\)](#) - Conservative
- [Mike Dean \(/borough-councillors/councillor-mike-dean\)](#) - Conservative

Cleeve St Michael's

- [Bob East \(/borough-councillors/councillor-bob-east\)](#) - Conservative
- [Andrew Reece \(/borough-councillors/councillor-andrew-reece\)](#) - Conservative

Cleeve West

- [Robert Bird \(/borough-councillors/councillor-robert-bird\)](#) - Conservative

Isbourne

Parishes of Ashchurch Rural, Buckland, Dumbleton, Oxenton, Snowhill, Stanton, Stanway, Teddington and Toddington

- [John Evetts \(/borough-councillors/councillor-john-evetts\)](#) - Conservative
- [Mel Gore \(/borough-councillors/councillor-mel-gore\)](#) - Conservative

Northway

- [Pauline Godwin \(/borough-councillors/councillor-pauline-godwin\)](#) - Conservative
- [Elaine MacTiernan \(/borough-councillors/councillor-elaine-mactiernan\)](#) - Conservative

Severn Vale North

Parishes of Deerhurst, Elmstone Hardwicke, Leigh and Stoke Orchard & Tredington

- [Heather McLain \(/borough-councillors/councillor-heather-mclain\)](#) - Conservative

Severn Vale South

Parishes of Boddington, Down Hatherley, Norton, Sandhurst and Uckington

- [Mark Williams \(/borough-councillors/councillor-mark-williams\)](#) - Conservative

Shurdington

- [Philip Surman \(/borough-councillors/councillor-philip-surman\)](#) - Conservative

Tewkesbury East

Tewkesbury Newtown Ward and the parish of Wheatpieces

- [Chrissy Reid \(/borough-councillors/councillor-christine-reid\)](#) - Conservative
- [Vernon Smith \(/borough-councillors/councillor-vernon-smith\)](#) - Conservative

Tewkesbury North and Twynning

- [Mike Sztymiak \(/borough-councillors/councillor-mike-sztymiak\)](#) - Tewkesbury & Twynning Independents
- [Philip Workman \(/borough-councillors/councillor-philip-workman\)](#) - Tewkesbury & Twynning Independents

Tewkesbury South

- [Cate Cody \(/borough-councillors/councillor-cate-cody\)](#) - Green Party
- [Kevin Cromwell \(/borough-councillors/councillor-kevin-cromwell\)](#) - Conservative

Winchcombe

Parishes of Alderton, Gretton, Hawling, Prescott, Sudeley and Winchcombe

- [Richard Stanley \(/borough-councillors/councillor-richard-stanley\)](/borough-councillors/councillor-richard-stanley) - Liberal Democrat

Highnam with Haw Bridge

Parishes of Ashleworth, Chaceley, Forthampton, Hasfield, Highnam, Maisemore, Minsterworth and Tirley

- [Paul McLain \(/borough-councillors/councillor-paul-mclain\)](/borough-councillors/councillor-paul-mclain) - Conservative
- [Jill Smith \(/borough-councillors/councillor-jill-smith\)](/borough-councillors/councillor-jill-smith) - Conservative

- [David Gray \(/borough-councillors/councillor-david-gray\)](/borough-councillors/councillor-david-gray) - Conservative
- [Jim Mason \(/borough-councillors/councillor-jim-mason\)](/borough-councillors/councillor-jim-mason) - Conservative
- [John Murphy \(/borough-councillors/councillor-john-murphy\)](/borough-councillors/councillor-john-murphy) - Conservative

Innsworth

Parishes of Innsworth, Longford and Twigworth

- [Graham Bocking \(/borough-councillors/councillor-graham-bocking\)](/borough-councillors/councillor-graham-bocking) - Conservative
- [Paul Ockelton \(/borough-councillors/councillor-paul-ockelton\)](/borough-councillors/councillor-paul-ockelton) - Liberal Democrat

In accordance with the Localism Act 2011, all Members have completed a Register of Members' Interest form which sets out their pecuniary and other interests in accordance with the Council's Code of Conduct. The forms can be viewed, or copies obtained, by telephoning 01684 272021 or 01684 272011 or emailing democraticservices@tewkesbury.gov.uk (<mailto:democraticservices@tewkesbury.gov.uk>)

Tewkesbury Borough Members of Parliament - MPs

- [Mark Harper \(/borough-mps/mark-harper\)](/borough-mps/mark-harper) - Conservative
 - [Laurence Robertson \(/borough-mps/laurence-robertson\)](/borough-mps/laurence-robertson) - Conservative
-

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- [GDPR Councillors privacy notice \(pdf, 89 KB\) \(https://tewkesburyborough-my.sharepoint.com/:b/g/personal/website_tewkesburyborough_onmicrosoft_com/ERBK72AHWhKj5JrdnUyOJ4BdsqEJdWw98Rj_JeQRyzCjQ?e=MB06lq\)](https://tewkesburyborough-my.sharepoint.com/:b/g/personal/website_tewkesburyborough_onmicrosoft_com/ERBK72AHWhKj5JrdnUyOJ4BdsqEJdWw98Rj_JeQRyzCjQ?e=MB06lq)
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LEAD MEMBER CONTACT DETAILS

For Parish/Town Councils – (information updated July 2020)



All email addresses end in teewkesbury.gov.uk unless otherwise stated

Leader

Councillor Rob Bird	Leader and Lead Member for Economic Development & Promotion	councillor.bird@ Mobile: 07711 269096
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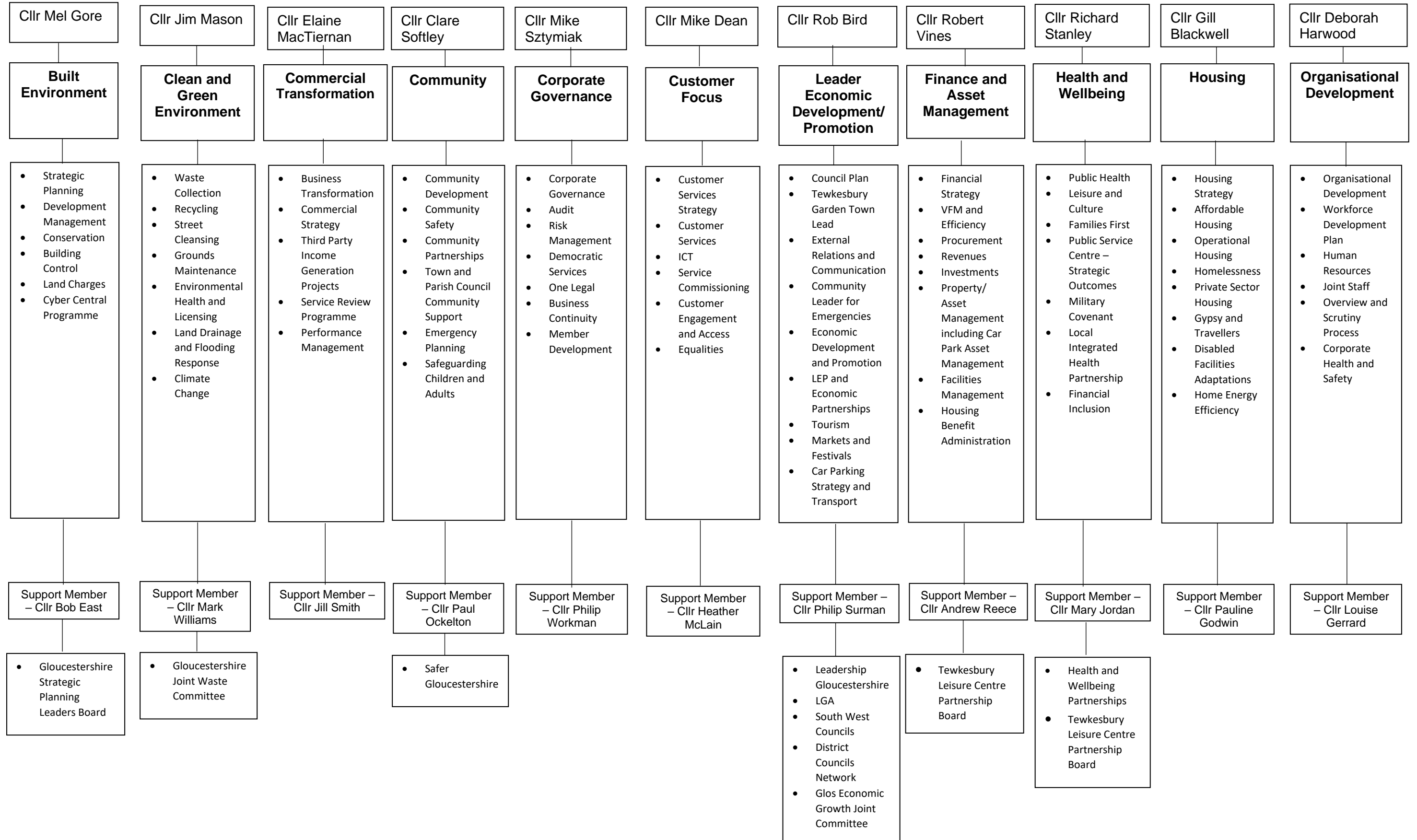
Deputy Leader

Councillor Jim Mason	Deputy Leader and Lead Member for Clean and Green Environment	councillor.mason@ Mobile: 07501 427104
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Lead Members

Councillor Mel Gore	Built Environment	councillor.gore@ Mobile: 07970 429832
Councillor Elaine MacTiernan	Commercial Transformation	councillor.mactiernan@ Home: 01684 291117
Councillor Clare Softley	Community	councillor.softley@ Mobile: 07523 147317
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Councillor Mike Dean	Customer Focus	councillor.dean@ Mobile: 07973 138043
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Councillor Richard Stanley	Health & Wellbeing	councillor.stanley@
Councillor Gill Blackwell	Housing	councillor.blackwell@ Home: 01452 859388
Councillor Deborah Harwood	Organisational Development	councillor.harwood@ Mobile: 07857 112588

Lead Member Portfolios 2020/21



TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	3 February 2021
Subject:	Tewkesbury Garden Town Governance Proposals
Report of:	Tewkesbury Garden Town Programme Director
Corporate Lead:	Chief Executive
Lead Member:	Leader of the Council
Number of Appendices:	One

Executive Summary:

This report is to update the Executive Committee on the status of the Tewkesbury Garden Town (TGT) Programme including governance proposals and on the key workstreams.

In April 2019 the Ministry of Housing, Communities and Local Government (MHCLG) awarded Tewkesbury Borough Council Garden Community status (Town level) for the planned development of 10,195 homes and approximately 100 hectares of employment land. Since then, work has been continuing as part of a programme involving a range of Garden Town workstreams.

A report was taken to Council in May 2019 and it was resolved that updates on the programme would be reported to the Executive Committee.

As part of the work programme, a Garden Town governance review has been undertaken and this report proposes a new governance structure suitable for the programme at this time.

Recommendation:

That the Executive Committee:

- 1. NOTES the progress made to date on the Tewkesbury Garden Town programme.**
- 2. APPROVES the Tewkesbury Garden Town governance structure and delegates authority to the Tewkesbury Garden Town Programme Director to implement it.**
- 3. Notes the financial update of the Tewkesbury Garden Town programme.**

Reasons for Recommendation:

To update the Executive on progress with key elements of the Garden Town programme and to approve new governance proposals.

Resource Implications:

The Tewkesbury Garden Town work programme is primarily resourced by the Garden Communities team and so there are no specific additional resource requirements outlined within this report.

The Tewkesbury Garden Town programme has recently bid for further government funding this fiscal year 2020/21. However, whilst no decision has yet been made as to any allocation, if this is not forthcoming at any time, alternative sources of funding, including the Council's own resources, will need to be considered. Clearly, without funding to cover core costs, delivery of the whole programme could be put in jeopardy.

Legal Implications:

The proposed governance structure does not affect the formal decision-making process for the Tewkesbury Garden Town project, this being maintained by Executive Committee and Council. The governance arrangements will continue to be reviewed as the programme develops.

Risk Management Implications:

The risks associated with the recommendations are limited as the governance structure itself is low risk and will help the flow down of the formal decision-making process and serve to inform and engage a broader group of interested parties.

The wider Garden Town delivery programme however has a range of risks associated with the many workstreams and these are included within the programme management documentation.

Performance Management Follow-up:

The overall programme's performance is managed/regularly reported to the Member Reference Panel and the Officer level Programme Board.

Environmental Implications:

The primary aim of the Garden Town development programme is to promote transformational housing and employment development in design and future proofed sustainability terms, so all associated developments will be expected to embrace high standards of design, take full account of environmental impact and mitigate any implications as part of the guiding master plan and subsequent planning application processes.

1.0 INTRODUCTION/BACKGROUND

- 1.1** Since the award of the Garden Town status, and receipt of initial seed funding of £750,000, focus has been on resourcing the team to deliver the Garden Town, progression of the Ashchurch rail bridge project and further master planning work to bring forward comprehensive and well-planned development.
- 1.2** To deliver such a large programme, a number of workstreams are now underway and this report will give the Executive Committee an overall programme update with specific detail on the governance proposals.

2.0 Tewkesbury Garden Town – Programme Status Updates

2.1 Resourcing

- 2.1.1** To deliver the Tewkesbury Garden Town team, resourcing has taken place, successfully recruiting a Programme Manager, Project Coordinator, Strategic Advisor, as well as external legal resource. The recruitment process is set to continue further with the appointment of a Place Manager role and marketing/place promotion support.

2.2 Master Planning

- 2.2.1** To support phase 1 development (area to the north of the Ministry of Defence base), master planning continues with detailed framework master planning, as well as the ongoing discussions with landowners and Homes England on the preferred way to comprehensively bring forward the area for development.
- 2.2.2** Master planning reviews will consider the land use planning effect of recent announcements of the Ministry of Defence indicating that a substantial investment will take place in the base and it will remain operational for approximately the next 30 years. In addition, the recent planning consent for 850 homes at Fiddington will also be taken into account.

2.3 Ashchurch Rail Bridge

- 2.3.1** Having signed the Grant Determination Agreement (GDA) in December 2019, work has continued on design and progression of the planning application for the Ashchurch railway bridge. The application (Application reference – 20/00896/FUL) is now under planning assessment and currently scheduled for consideration by Planning Committee in February.
- 2.3.2** The proposed bridge will be located approximately 150m north of the residential area of Northway and the scheme will provide a 7.3m wide vehicular carriageway as well as 3m wide shared use paths on each side.
- 2.3.3** As the planning application progresses, attention is now turning to the construction phase with discussions continuing with Gloucestershire County Council and consultants Atkins on the overall timing schedule, and the selection of a construction partner to start in the Spring. In addition, discussions continue with the two relevant landowners on access/license requirements.
- 2.3.4** Further status reports on the progress of these workstreams will be brought back to a future Executive Committee.

2.4 Tewkesbury Garden Town Governance Proposals

- 2.4.1** To ensure that the Programme meets its objectives, work has continued, with the support of the Member Reference Panel and Homes England, to define the most appropriate governance structure. Critical to this is the opportunity to work closely with other agencies and collectively align the delivery strategy.
- 2.4.2** Within Appendix 1 is an organogram which proposes an indicative structure.
- 2.4.3** These arrangements reflect the Programme at its current development stage and consequently, it is expected that the structure will continue to evolve as the programme develops.
- 2.4.4** These proposals bring together, at a senior level, the many agencies and stakeholders

involved, such as Homes England, GFirst LEP and the Gloucestershire Economic Growth Joint Committee (GEGJC). This ensures that the aims of government and key local strategic growth plans are incorporated into the overall vision to support future investment opportunities and core funding requirements.

2.4.5 Experience elsewhere has shown that with programmes of this nature, with the potential for competing interests to distract delivery, it is entirely appropriate for the managing authority to facilitate the formation of the relevant Management Boards and Advisory Panels, with any funding required to be met from the Garden Communities Team core funding.

2.4.6 The proposed arrangements include:

The Council as the final decision point.

The Executive Committee to support the Council with delegated powers.

Member Reference Panel to act as a sounding board for the Garden Town's workstreams, ensuring the needs and aspirations of the Borough's communities are fully considered as the programme evolves and develops.

Oversight Board - aligned with the Member Reference Panel, it is proposed the Board will be chaired by the Leader of the Council, however, an independent Chair may be preferred and appointed once the Board is fully operational and in-place.

2.4.7 Membership of the Board is proposed to be overseen and managed by the Council and will include:

- Leader of the Council – Chair.
- Lead Member for Built Environment.
- Chief Executive, Tewkesbury Borough Council.
- Tewkesbury Garden Town Strategic Advisor – consultant.
- Homes England representative.
- Gloucestershire County Council Member and Officer.
- GFirst LEP representative.
- Community representation – a representative (nominally the Chair) of the two panels: Community and Business (see below for explanation).
- Other attendees as required.

2.4.8 The Board will be supported by Tewkesbury Borough Officers as required, including the Head of Finance and Asset Management, Head of Development Services and the Tewkesbury Garden Town Programme Director.

2.4.9 The proposed frequency to meet is every four months, with the key objective of maintaining a strategic overview of the programme and the key deliverables in-line with Council approval.

2.4.10 *Multi-Agency Delivery Board* is a Working Group of Officers chaired by the Chief Executive of Tewkesbury Borough Council. The role is to deliver the programme as per the Council's decisions. The Delivery Board will present the programme to the Oversight Board and report regularly to the Member Reference Panel.

2.4.11 *The Garden Communities Team* is the Working Group of Officers and consultants as required.

- 2.4.12** *Community Panel* - to ensure the Programme evolves with suitable community engagement, it is proposed to set up a Tewkesbury Garden Town Community Panel. As noted in the organogram, and to ensure there is an opportunity to directly influence the programme's development, the Panel will feed into the *Tewkesbury Garden Town Multi-Agency Delivery Board* and have a seat on the *Oversight Board*. The role of the Panel is to put forward thoughts on the programme from the wider community perspective and to facilitate the initial setup. It is proposed that Council Officers will support, at least until it is up and running effectively. The specific details will be determined as the Panel takes shape, however it is expected that this will focus on the local Parishes, local schools, the local churches, as well as other community-based groups which may include health, sports clubs etc. It is proposed that the Chair of the Panel will have a seat on the *Oversight Board*.
- 2.4.13** The *Business Panel* is similar to that of the Community Panel, but involving businesses located, or with interests in, the area. To facilitate the setting up of the Panel, it is proposed that initially Council Officers take the lead and that the Chair would also have a seat on the *Oversight Board*.
- 2.4.14** *Stakeholders* - listed in the organogram are those stakeholders where meetings may already routinely take place, namely the local Parishes; Ashchurch Rural and Northway Parish, the 'Design Review Panel' and developers. The list is not exhaustive and as the programme evolves, further stakeholders may be included.
- 2.4.15** *Major Projects* - noting that in many cases the projects are not 'managed' by the Garden Communities Team, these projects are nonetheless important, if not critical, to the programme's overall success. Updates on the status of these projects will be regularly reported into the Tewkesbury Garden Town governance structure through this route.
- 2.4.16** Whilst the Tewkesbury Garden Town programme is in the earlier phases of being setup, the various Boards/Panels/Groups will be stood up as and when appropriate, based upon progress with, and the respective stages of, the wider programme.
- 2.4.17** The work of the various Boards/Panels/Groups may incur some costs and it is proposed that these will be met by the Garden Communities core funding and/or additional external funding, as required and as further bids are made.

2.5 Programme Financial Status

- 2.5.1** At the time of the award of Garden Town status in 2019, the Council was granted £750,000 seed/capacity funding to launch the programme. To date, expenditure totals £460,000, leaving a balance of £290,000. Commitments are scheduled to spend this balance.
- 2.5.2** The Ministry for Housing, Communities and Local Government announced further funding for this financial year (a total national fund of £9 million) and a further capacity bid was made in September 2020. The outcome of the bid is expected shortly.
- 2.5.3** The Housing Infrastructure Fund award for the Ashchurch bridge of £8,132,465 (capital) has a contained schedule for draw-down as work is completed and invoiced.
- 2.5.4** As mentioned previously, an Expression of Interest was submitted to the Ministry for Housing, Communities and Local Government against a fund of £10 million, an outcome is also expected shortly.

2.5.5 In addition, there is the Council's £600,000 Growth Fund ring fenced to support Garden Communities development and all large-scale developments and planning requirements in the Borough. To date, this has been utilised to support activity for the West Cheltenham Garden Village, with £280,000 expended and a balance of £320,000 remaining.

2.5.6 The Medium Term Financial Strategy provision budget proposal is also understood to be recommending a one-off top up of £100,000 to the Borough Growth Reserve which, if approved, will be available to support Garden Community initiatives, along-side other strategic growth projects.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 Routine Member Reference Panel engagement on the workstreams, plus community via the local Parishes. On specific issues, key stakeholder liaison, including Gloucestershire County Council, Worcestershire County Council and Wychavon District Council and Homes England. Project Board in place overseeing Ashchurch rail bridge delivery, with representation from Network Rail, Gloucestershire County Council and Homes England.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 None.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 None.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 The Tewkesbury Garden Town work programme is primarily resourced by the Garden Communities team and so the work listed will be delivered by that team and there are no specific additional resource requirements outlined within this report.

7.2 The team is still being built and a further key post of 'Place Manager' is currently being assessed for recruitment shortly.

7.3 There is an underlying risk to staffing commitments made using the programme core capacity funding from the Ministry for Housing, Communities and Local Government (£750,000). To maintain vital continuity and momentum of the programme, at this evolutionary stage, the staffing resources to deliver the full range of activity within the programme and as a priority, the work listed in this report, need to be recruited on permanent contracts. Capacity funding received to date will cover these resources for a further period of approximately one year, but there is less certainty beyond.

7.4 The Garden Communities team has recently bid for further funding this fiscal year 2020/21. However, whilst no decision has yet been made as to any allocation, if this is not forthcoming at any time, alternative sources of funding, including the Council's own resources, will need to be considered. Clearly, without funding to cover core costs, delivery of the whole programme could be put in jeopardy. For the medium term, in addition to funding direct from government, other investment options to support the programme's development, in future years, will continue to be investigated.

- 8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 8.1** None.
- 9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 9.1** None.
- 10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**
- 10.1** None.

Background Papers: None.

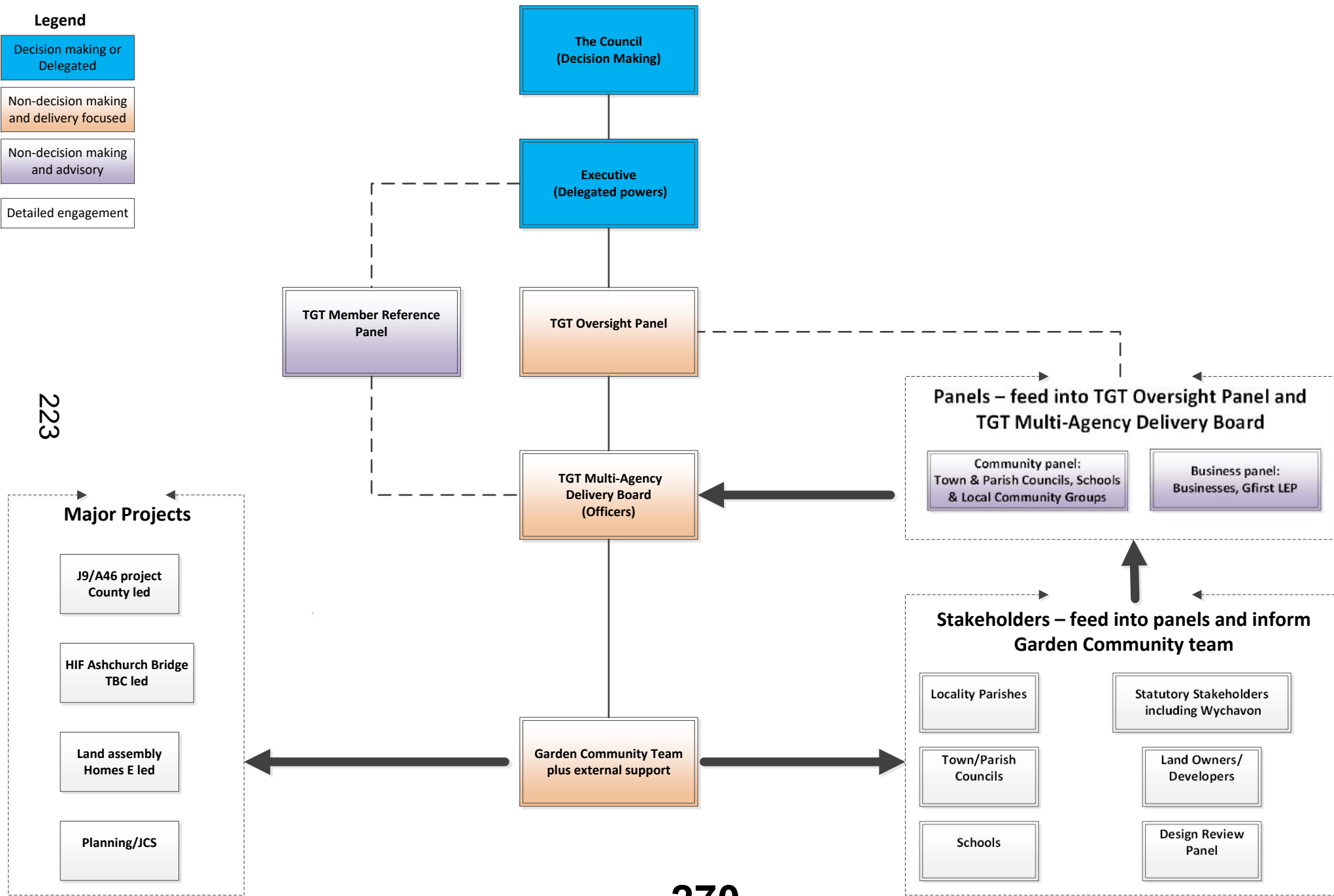
Contact Officer: Tewkesbury Garden Town Programme Director Tel: 01684 272237
Email: Jonathan.dibble@teWKesbury.gov.uk

Appendices: 1. Governance structure

TGT Governance Structure

Legend

- Decision making or Delegated
- Non-decision making and delivery focused
- Non-decision making and advisory
- Detailed engagement



it was added if there was anything. In terms of the gold standard achievement, this had been a national standard and the project had now ceased – the Council would of course still be striving for excellence. In terms of any mentions of Severn Vale Housing within the document, the Acting Housing Services Manager undertook to check it through and if there were any references out of context they would be removed.

85.5 Accordingly, it was

RESOLVED: That it be **RECOMMENDED TO COUNCIL** that the Interim Housing Strategy be **APPROVED**.

EX.86 TEWKESBURY GARDEN TOWN UPDATE AND GOVERNANCE PROPOSALS

86.1 The report of the Tewkesbury Garden Town Programme Director, circulated at Pages No. 216-223, sought to update the Committee on the status of the Tewkesbury Garden Town programme including governance proposals and key workstreams. Members were asked to note the progress made to date; to approve the Tewkesbury Garden Town governance structure and to delegate authority to the Tewkesbury Garden Town Programme Director to implement it; and to note the financial update provided in respect of the programme.

86.2 The Tewkesbury Garden Town Programme Director advised that, in terms of the status of the programme, the Tewkesbury Garden Town team now comprised a Programme Director, Programme Manager, Project Coordinator and strategic advisor as well as an external legal resource – the recruitment process was set to continue with the appointment of a Place Manager and marketing/place promotion support. Masterplanning was continuing as well as detailed discussions with landowners and Homes England on the preferred way to comprehensively bring forward the area for development. In terms of the Ashchurch Bridge project, the planning application would now be going to Planning Committee in March rather than February due to key statutory bodies needing additional clarification on some elements. As the planning application progressed, attention would turn to the construction phase with discussions continuing with Gloucestershire County Council and the consultants, Atkins, on the overall timing schedule and the selection of a construction partner to start in the spring. In terms of the governance proposal, the Tewkesbury Garden Town Programme Director explained that work had been ongoing with the Tewkesbury Garden Town Member Reference Panel and Homes England to define the most appropriate governance structure which would ensure close working with other agencies and collectively align the delivery strategy. It was felt the proposals would reinforce engagement with the community and businesses in the area which would be critical to the success of the project moving forward – details of the various Panels and Boards which would be set up were contained within the report and in the Appendix to it. Finally, in terms of the financial status of the programme, the Tewkesbury Garden Town Programme Director advised that with the award of Garden Town Status the Council had been granted £750,000 seed/capacity funding to launch the programme and, to date, there was a balance of £290,000 remaining with commitments scheduled to spend that balance. The Ministry for Housing, Communities and Local Government (MHCLG) had announced further funding for this financial year and a further capacity bid had been made, the outcome of which was expected shortly. An expression of interest had been submitted to the MHCLG against a fund of £10 million and the outcome of that was also expected shortly. In terms of the Housing Infrastructure Fund award that had been received for Ashchurch Bridge, that had a contained schedule for draw-down as work was completed and invoiced. In addition, there was the Council's £600,000 growth fund which was ring-fenced to support large scale developments and planning requirements in the Borough; to

date, this had been utilised to support activity for the West Cheltenham Garden Village with £280,000 expended and a balance of £320,000 remaining.

- 86.3 A Member expressed his concerns over the Garden Town due to flooding issues and impacts on infrastructure. He felt recent flooding events in Tewkesbury Town and surrounding areas showed that flooding came from the east and therefore the Garden Town would exacerbate the flooding issues already faced and he had not seen any work done to address this. In addition, in his view, the Ashchurch bridge would cause major issues by bringing traffic back into Northway and this was not something he could support until it was shown that this would not happen. In response, the Tewkesbury Garden Town Programme Director advised that the current report was not about flooding or wider development in the area so there was no reference to those things in it. However, the Garden Town development should enable the Council to look at development in a more comprehensive manner before planning applications came forward so they could be looked at and understood in the best way possible. The Garden Town principles that had been developed in consultation with Members and stakeholders looked at water as a key principle and, whilst the project did not have all the answers at this stage, the points raised were all key factors that would need to be addressed. The Head of Development Services indicated that the scale of development proposed in the area meant it needed to be comprehensively developed and sustainable. All development would have a strategic flood risk assessment and all flooding issues in the locality would be addressed. It was also intended to visit other large scale development that had put in strategic flood mitigation measures to understand what worked best. In terms of the Ashchurch bridge, this would go to Planning Committee in March – there was no doubt the Ministry of Defence decision to remain on the Ashchurch base had changed what was possible in the area but the bridge still offered the opportunity to unlock development and the addition of the bridge would facilitate the closure of the current level crossing which was a nationwide objective of Network Rail. In terms of Strategic Flood Risk Assessments, the Member felt they always focused on the Rivers Severn and Avon but his point was that a considerable amount of water came from the east of the Borough into Tewkesbury and that was a big concern that did not get sufficiently taken into account.
- 86.4 A Member thanked the team for the governance structure which had been submitted as she knew it had taken a lot of time and negotiation to produce. She felt the Garden Town was a huge project for the Council which would provide the opportunity to shape the growth and enable the best development possible. Members needed to remember this was a very long term plan and the Garden Town team was working hard to get to a position to move the project forward with the right infrastructure including 'blue' infrastructure. Another Member indicated that he welcomed additional public consultation on the project, he felt this was such a huge change that communities needed to feel it was being done for them rather than to them and the best way to achieve that was for them to be involved in a meaningful way. In response the Tewkesbury Garden Town Programme Director confirmed that public consultation was part of the planning process and the Joint Core Strategy process, as well as being part of the governance proposals for the Garden Town Programme so there would certainly be a number of opportunities for consultation. He agreed that the success of the Garden Community programme would be determined by the quality of engagement with the community.

86.5 In response to a query regarding when all Members would be updated on the Tewkesbury Garden Town Programme, the Programme Director confirmed that the team was currently looking for a date for an all Member seminar and this would be advised to Members shortly. In addition, the Chair of the Tewkesbury Garden Town Member Reference Panel confirmed that the Panel had made a commitment to keeping all Members updated on the project and a series of all Member briefings would be held going forward.

86.6 Having considered the report, and attached governance structure, it was

RESOLVED:

1. That the progress made to date on the Tewkesbury Garden Town Programme be **NOTED**.
2. That the Tewkesbury Garden Town governance structure be **APPROVED** with implementation delegated to the Tewkesbury Garden Town Programme Director.
3. That the financial update in respect of the Tewkesbury Garden Town Programme be **NOTED**.

EX.87 SEPARATE BUSINESS

87.1 The Chair proposed, and it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

EX.88 SEPARATE MINUTES

88.1 The separate Minutes of the meeting held on 6 January 2021, copies of which had been circulated, were approved as a correct record.

The meeting closed at 5:30 pm

TEWKESBURY BOROUGH COUNCIL

CODE OF MEMBERS' CONDUCT

**Adopted on 26 June 2012 taking effect on
1 July 2012**

- (1) **Do** ensure that, if your interest is not entered in the Authority's Register, you disclose the interest to the meeting (unless the Authority's Monitoring Officer considers that it is a sensitive interest in which case you do not need to disclose the nature of the interest); and that you notify the Monitoring Officer of the interest within 28 days in accordance with Paragraph 8(3) of this Code.
- (2) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted).

10. Other Interests

Where a matter, in which

either you have an interest as specified in Appendix B (other interests),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent than it would affect the majority of other Council taxpayers, ratepayers or inhabitants of the Ward affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (3) **Do** ensure that you disclose the interest to the meeting.

(4) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,

(a) it affects your financial position or the financial position of an interest specified in Appendix B (other interests) or the member of your family or person with whom you have a close association described above or who has a contractual relationship as described above

or

(b) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described above

and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out in Paragraph 10(4) above do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member must, after making their submission, withdraw immediately from the meeting.

Other Interests

The interests set out below are "other interests" which must be notified to the Monitoring Officer in accordance with Paragraphs 8(1), 8(2) and 8(4) of this Code of Conduct.

A Member must notify the Monitoring Officer of any interest held by **the Member** in any of the categories set out below:-

Subject	Other Interest
Management or Control	Any body of which the Member is in a position of general control or management and to which he/she is appointed or nominated by the Council.
Public/Charitable and Other External Bodies	Any body – (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or Trade Union). of which the Member of the Council is a member or in a position of general control or management.
Employer	Any person or body who employs, or has appointed, the Member.
Gifts and Hospitality	The name of any person, organisation, company or other body from whom the Member has received, by virtue of his Office, gifts or hospitality worth an estimated value of £50 or more.

Tewkesbury Area Draft Concept Masterplan

CONCEPT MASTERPLAN REPORT

JANUARY 2018

3.4 Development phasing

An indicative phasing approach has been defined which aims to establish a coherent strategy for new developments to fit with the existing context and the emerging proposals around the Ashchurch area.

This can be broken down into a short term scenarios matching the local plan period, and longer term growth scenarios.

Short term

- Phase 1 extends to 2031, matching the time line proposed by the JCS and aiming to deliver the shortfall of jobs and homes outlined in the document (ie left by the loss of the MoD site). Road transport upgrades would be required to deliver this growth in capacity terms.

Long term

- Phase 2 shows potential developments that could happen after 2031, with the potential unlocking of the MOD site;
- Phase 3 includes all the developments whose access would be unlocked by the new vehicular link to the south; and
- Phase 4 goes further, describing potential further expansion of Ashchurch and outlines the final masterplan.

These phases are illustrated in phasing diagrams on the following pages, with the amount of development provided that can be achieved and an indication of necessary infrastructure.

MASTERPLAN SUMMARY	Total number of residential units	Employment			Total site area to retail	Total site area to education
	average density 30 units/Ha	Total site area to employment (Ha)	NO. FTEs		(Ha)	(Ha)
			At a job density of 91 FTEs/Ha	At a job density of 145 FTEs/Ha		
PHASE 1	3180	46	4232	6394	2	1.5
PHASE 2	1485	28	2576	3892	0	1.5
PHASE 3	1185	0	0	0	0	1.5
PHASE 4	2160	46	4232	6394	0	1.5
FINAL MASTERPLAN	8010	120	11040	16680	2	6

Figure 32: Masterplan phasing

Phasing principles

The following considerations have been made to shape the location and phasing of the concept masterplan:

- Because of the urgent demand for employment land, commercial areas are allocated in Phase 1 on areas directly accessible from existing / easily opened connections, namely the Fiddington area, enabling existing businesses to grow and new businesses to locate here.
- Land around the Railway Station and St. Nicholas Church has been allocated as mixed-use with the aim of becoming the new local centre for Ashchurch and a place of arrival from the station.
- The release of the MOD land is currently uncertain and will be reviewed in 10 years. Smaller releases to the west and east are being evaluated at the time of report preparation. Due to this uncertainty, the MOD land has been introduced in Phase 2. Some MOD land becomes part of the mixed-use quarter, whereas the southern strip along the A46 is more suitable for employment development because of its visibility/proximity from the road.
- The HCA owns a piece of land located between the railway tracks and St. Nicholas Church (highlighted in red on this diagram). This land is immediately available for delivery and its development is key to allow connections and therefore enable access to the northern areas
- Areas facing onto flood zones along the two brooks are considered as

buffer/amenity areas. Here, residential development is envisaged in decreasing density, integrating with nature at the edge.

- The masterplan concentrates on developing land to the eastern side of the railway tracks first, with the aim of creating a compact community with walkable neighbourhoods that eliminate fragmentation.
- In phase 4 the concept masterplan allows for potential future expansion to the south.

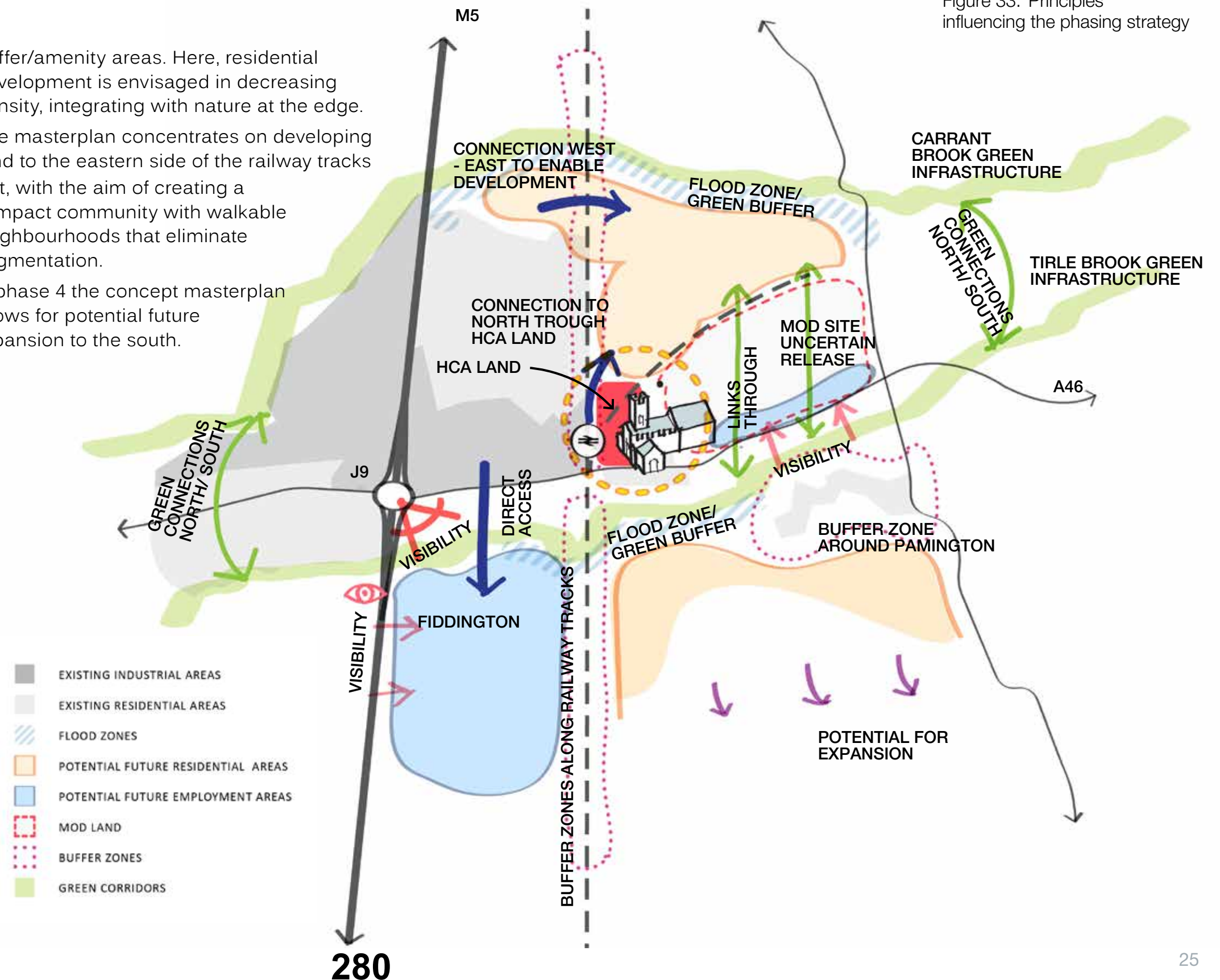


Figure 33: Principles influencing the phasing strategy

Masterplan sites

This plan shows the sites taken into consideration and tested in developing the masterplan.

These sites are categorised as:

- Sites with planning approval
- Residential sites put forward through the SALA process
- Land owned by the HCA and ready to be developed (deliverable)
- Sites subject to planning application
- Land identified by this masterplan that may be developable in future, but whose availability is unconfirmed.

Some of these sites have been excluded from the final masterplan because they have been considered too far from the core of development.

The parcels of land identified by this masterplan but whose availability is unconfirmed have mostly been considered as part of the final phases of the masterplan process, as their release is considered more challenging.

Site numbers correspond to the phasing tables on the following pages.

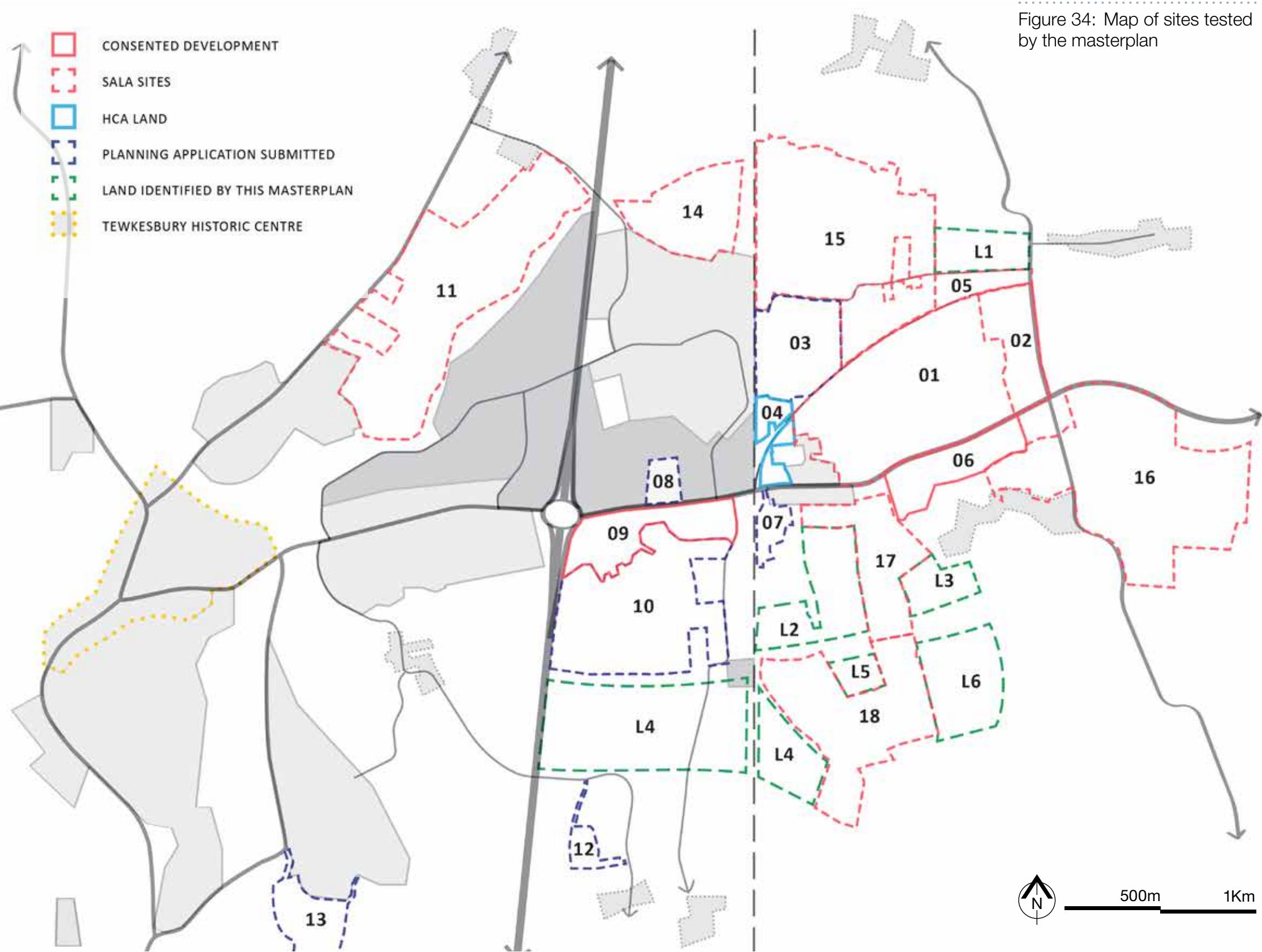


Figure 34: Map of sites tested by the masterplan

Pre-Masterplan

This plan shows the existing Ashchurch context with the permitted development pipeline, which is considered to be the starting pre-masterplan scenario.

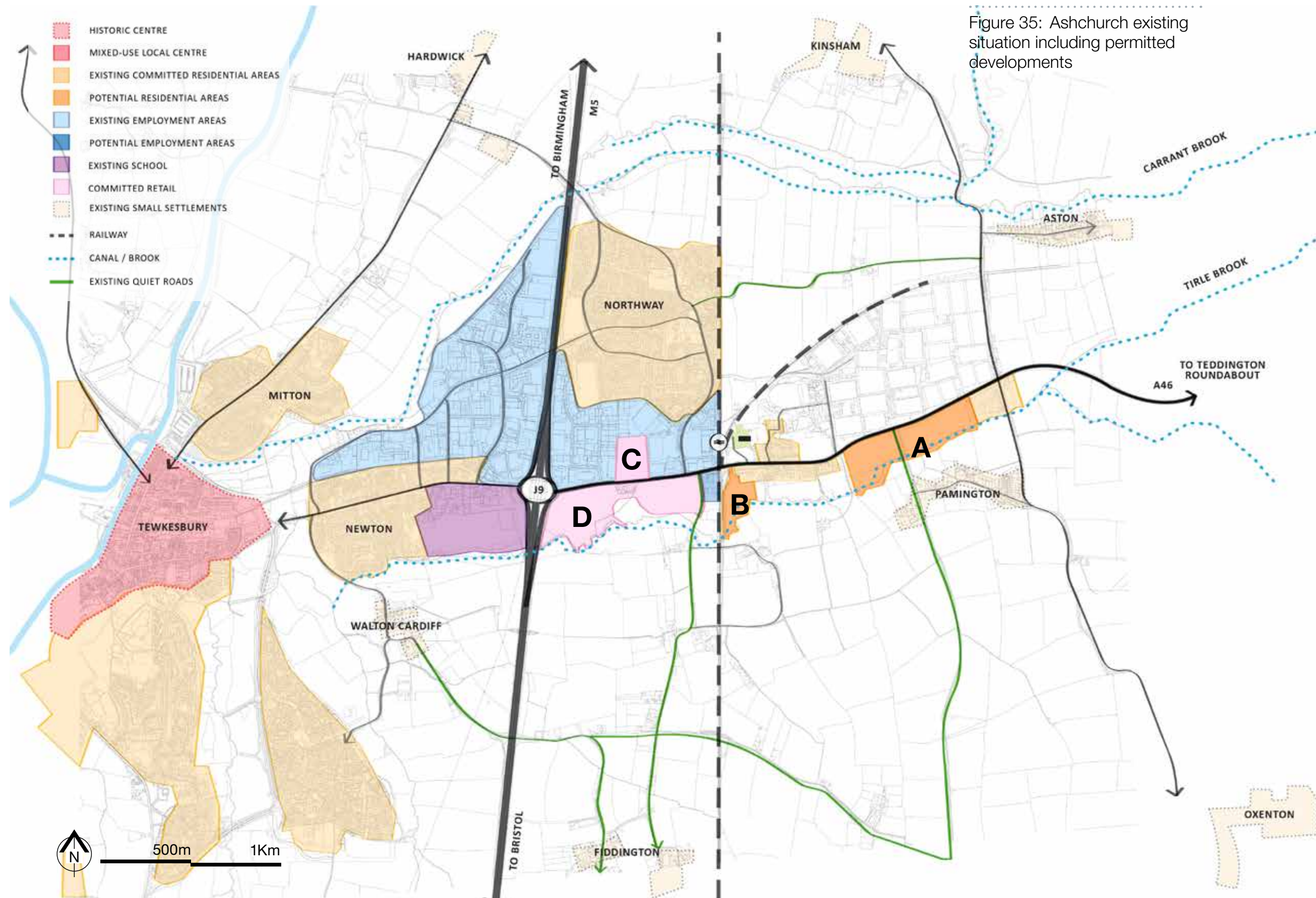


Figure 35: Ashchurch existing situation including permitted developments

Phase 1 - to 2031

Phase 1 envisages the development of the areas north of the MOD base, the HCA land and the Fiddington site, delivering:

- 3,180 new homes
- 46 Ha new employment land
- local centre with retail/services
- new primary school
- northern Green Infrastructure corridor

PHASE 1		SITE AREA
		Ha
3	MOD Hitchens (Aston Fields Lane)	21.5
4	MoD HCA Land	6
5	Land east of MoD Hitchens	6.5
10	Fiddington	48
14	Land at Northway	22.5
15	Land north of Ashchurch depot	76
L1	additional land near Aston	10

In terms of transport:

- There is not a transport solution yet for this quantum of development in this phase. This is a gap in the current Concept Masterplan.
- All development loads onto current A46.
- Northern link needed with crossing over mainline rail, joining up existing roads.

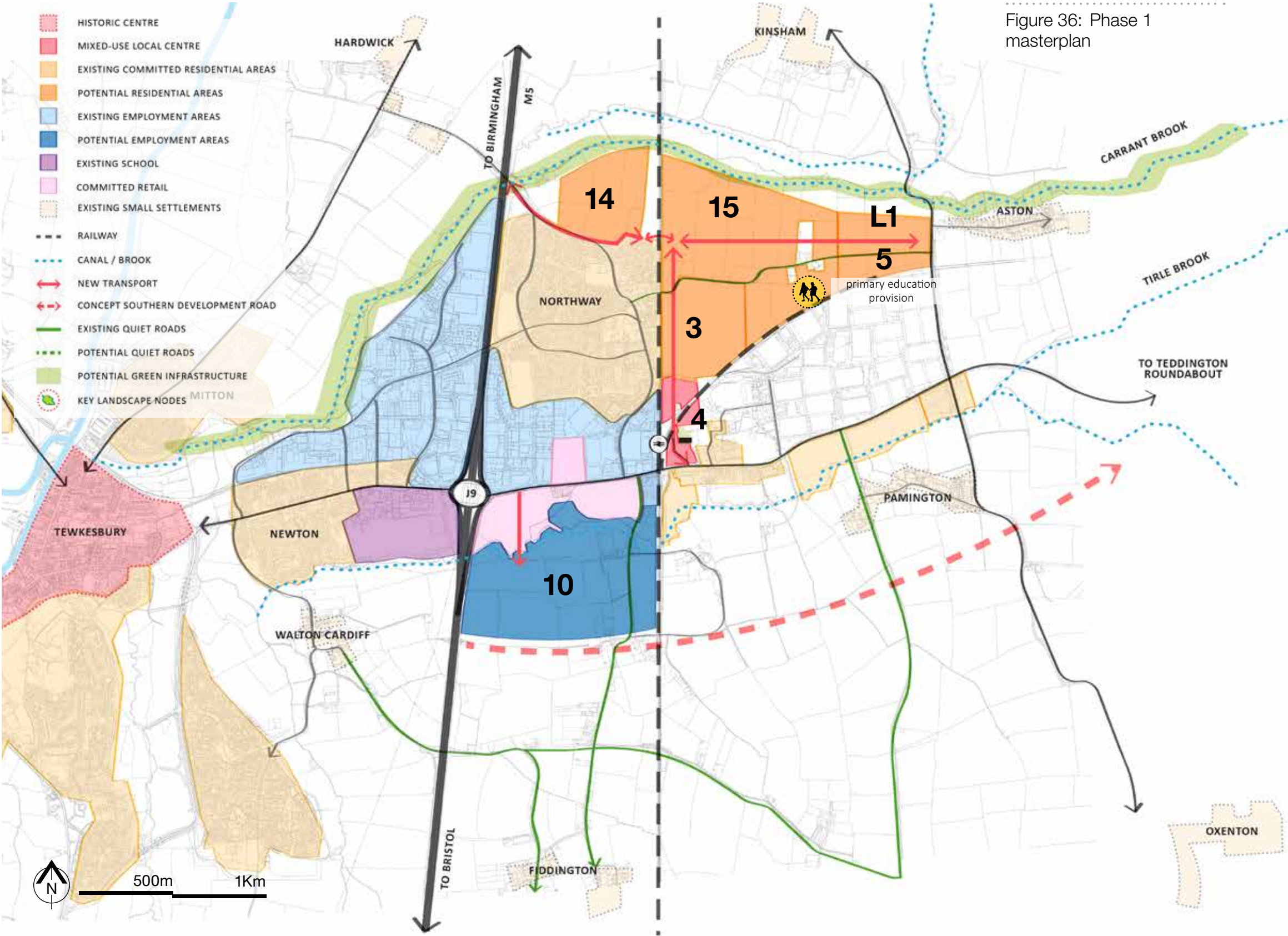
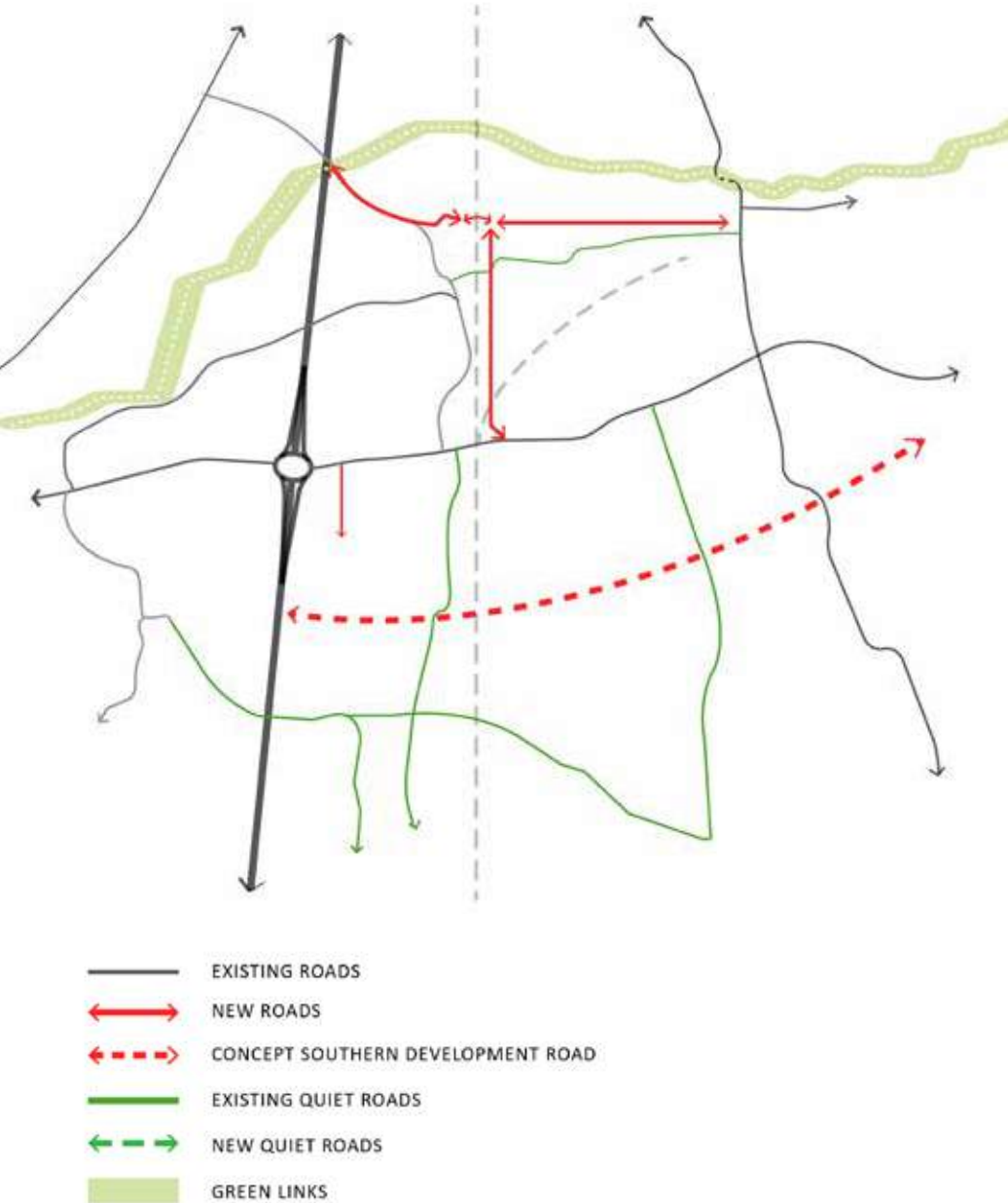


Figure 36: Phase 1 masterplan

Figure 37: Phase 1 area schedule

Additions to the existing road pattern necessary to enable phase 1 development are illustrated on the diagram below.

There is a gap in the Concept Masterplan as to how this quantum of development in this Phase is supported. Further consideration needs to be given to bringing forward the southern development road.



ASHCHURCH		RESI				RETAIL	EMPLOYMENT		
PHASE 1		SITE AREA	SITE AREA TO RESI	PROPOSED DENSITY	INDICATIVE NO. RESI UNITS	SITE AREA TO RETAIL	SITE AREA TO EMPLOYMENT	existing no. FTEs/Ha 92	potential increased no.FTEs/Ha 139
								Scenario 1* NO. FTEs	Scenario 2* NO. FTEs
		Ha	Ha	units/Ha		Ha	Ha		
1	MoD Army Camp	64							
2	MoD east	15							
3	MOD Hitchins (Aston Fields Lane)	21.5	18	30	540				
4	MoD HCA Land	6	3	30	90	2	1	92	139
5	Land east of MoD Hitchins	6.5	6.5	30	195				
10	Fiddington	48					45	4140	6255
14	Land at Northway	22.5	14	30	420				
15	Land north of Ashchurch depot	76	54.5	30	1635				
16	Land at Pamington Farm	78.5							
17	Land at Fitzhammon Park	22							
18	Land south of Smow Farm	43.5							
L1	additional land near Aston	10	10	30	300				
TOTAL		413.5	106	N/A	3180	2	46	4232	6394

The total number of jobs and homes delivered by Phase 1 (highlighted in yellow) is summarized in the area schedule on this page.

*FTEs/Ha for scenario 1 and 2 refer to the parameters explained on p.21 of this report

4.1 Transport strategy

Movement in Ashchurch Today

The road network tends to dominate movement issues in the Ashchurch area with long-standing concerns regarding the M5 and Junction 9 (J9) and the A46 overshadowing other opportunities relating to walking, cycling, bus and rail movement. Before considering how the masterplan development ambitions may be delivered in movement terms, present day movement issues and opportunities are summarised, beginning with that tending to attract the most attention, the road network.

Road Network

The study area is dominated by the key road corridors of the M5, running north-south and the A46, east-west. Although conferring considerable local and strategic connectivity benefits by road, both corridors present several major issues for the area and local people, including community severance, challenging walking and cycling conditions and significant congestion impacts for all road users, including bus services.

Both road corridors have been subject to considerable technical study over many years, with work ongoing by Highways England, Gloucestershire County Council (GCC), Midlands Connect and the A46 Partnership Group. The consensus of these studies is that the provision of a new off-line corridor to supplement the A46 would be of significant benefit although there is no currently promoted alignment or delivery

programme for this route. It offers the prospect of: relieving the wider strategic road network; assisting development access via the relieved A46; and reducing traffic flows on the A46 alignment to the benefit of walking, cycling, bus movement and local amenity.

Key road network concerns relate to where road infrastructure is under pressure, incomplete or absent, and is summarised below:

- M5 J9 – northbound off-slip hard shoulder vehicle queuing and blocking-back representing a significant safety concern;
- A46 junctions and accesses through Ashchurch contributing to corridor congestion issues;
- Ashchurch Business Park connection to the A46 congestion during the evening peak period;
- A438 Ashchurch Road – congested during peak periods;
- A438 Ashchurch Road / Shannon Way congestion – development related improvements are planned which may include J9 improvements too [see note below on the Short Term Access Strategy];
- The A46 railway overbridge limits road width to a single lane in either direction; and
- Aston Cross junction – highway capacity



constraint by development on all arms with congestion during peak hours.

The Road Network and Development Impact

Short Term Access Strategy

In parallel with the work undertaken in support of this masterplan, a road network traffic modelling study has been progressed separately to develop a short-term access strategy for development sites within the study area. The work, commissioned by

Gloucestershire County Council on behalf of Tewkesbury Borough Council, developed and applied a Paramics microsimulation model to assess the highways impact of a number of scenarios around the A46 corridor to facilitate site access.

The traffic model tests indicated that the assumed scale of development could have a significant impact on the highway network as there is insufficient capacity to absorb additional demand. Without additional measures being employed, there was a significant increase in delays and journey times along all key routes, including the A46.

The most significant intervention tested in the study was a new Northern Access Road proposal to cross the railway, connecting between Aston Fields Lane and Hardwick Bank Road and effecting closure of the level crossing. This provides an alternative east-west route and distributes traffic movements more widely across the road network. However, the modelling results indicated that this intervention would not be able to support additional growth taking place on the western MOD site (900 homes), leading

to significant congestion and delays.

Other scenarios, varying by physical intervention (link and junction improvements) and development demand, were also tested, though not a scenario with maximum development demand and the full range of physical interventions in place. The reason given was that the resultant delays were deemed to be at an unacceptable level, thus emphasising the limitations of these relatively localised and modest junction and road link improvements.

In summary, this study's findings indicate that although there is some evident benefit in enabling development access to specific land parcels in the short term through localised link and junction improvements, such measures will be of limited benefit, either in the near term or beyond in considering more ambitious development proposals. The prevailing issues of traffic demand, related vehicle delays and the limited road network connections available mean that more substantial and comprehensive road infrastructure improvement is required to support anticipated development. To minimise the related negative impacts of such infrastructure, severance, noise, visual impact etc, and to provide a more positive and active movement and living environment, then a related and comprehensive approach is required, predicated on sustainable transport.

Masterplan High Level Development Impact Assessment

To inform this report, a separate and high-level assessment of the highway impacts of the masterplan has been undertaken by estimating the scale of trip generation that the masterplan would generate at the local (masterplan area) level.

The analysis estimated the number of trips for each development site using trip rates derived from technical work underpinning the Joint Core Strategy and also from the national TRICS trip rate database. Trip distributions and modal splits were taken from Census 2011 data.

The key findings of this analysis are:

- the scale of the development and estimated impact for all development phases would require significant increases in capacity on the A46 and at the M5 Junction 9, with later phases requiring provision of a dedicated new east-west road link to the south of the development area to provide specific development area access;
- the daily movement profile for the employment land use is especially onerous in terms of vehicle trips on the M5 northbound off-slip - a particular issue due to the congestion pressures and associated safety concerns experienced currently; and
- the volume of trips through the residential Northway area is such that managing that flow should be very carefully considered to minimise traffic impact on residents.

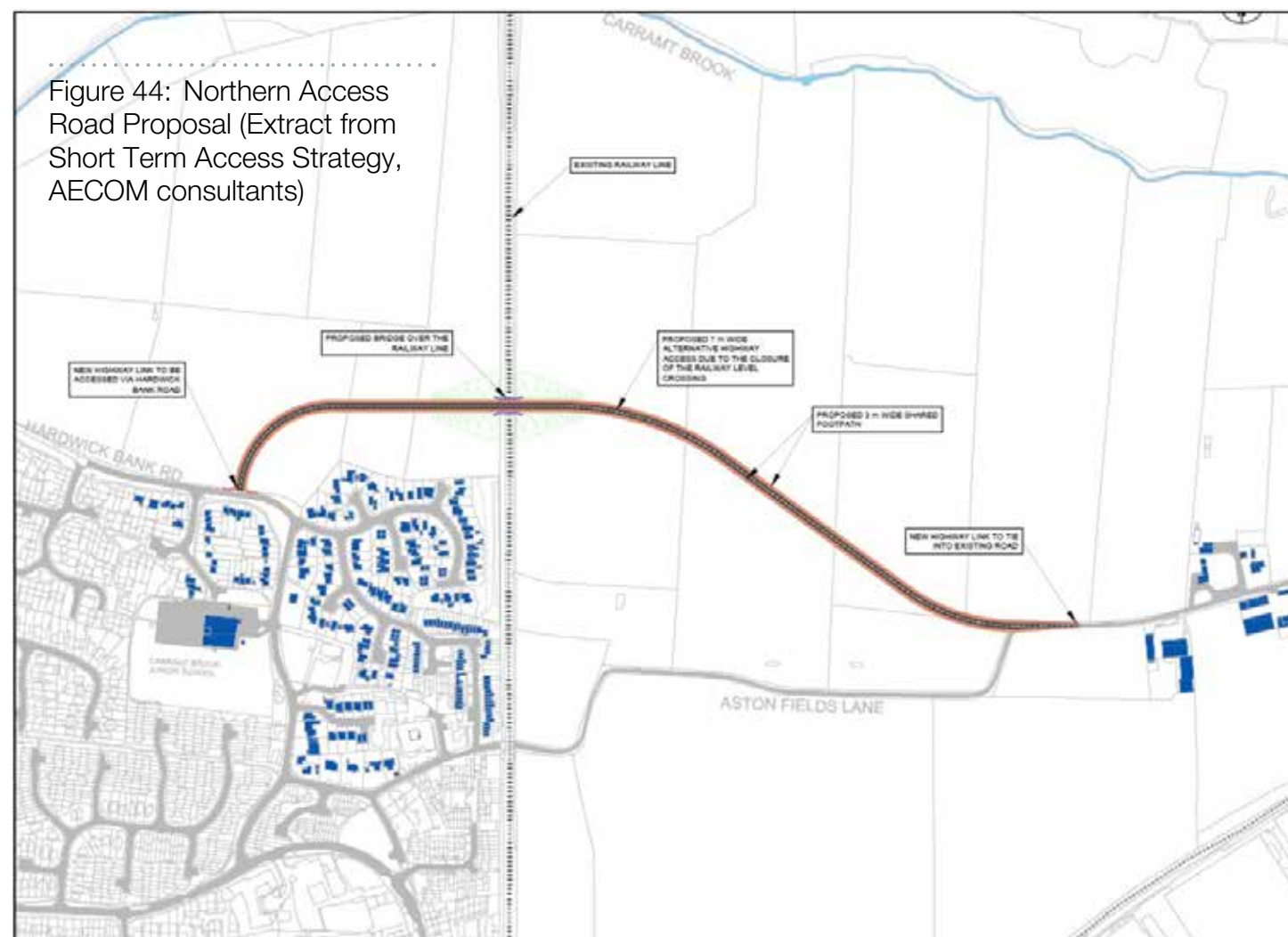


Figure 44: Northern Access Road Proposal (Extract from Short Term Access Strategy, AECOM consultants)

We also note that the information supplied by GCC's transport consultants indicates that the modelled JCS growth was distributed over a wide area including Ashchurch, Pamington, Fiddington and Bishops Cleeve. Concentrating this demand into a tighter area around Ashchurch places greater pressure on the local highway network, particularly the A46, serving to emphasise the road network's shortcomings in responding to development demand.

At the highest level, the principal conclusion confirms the common understanding that the existing road network offers little in the way of further capacity for additional development. Therefore, this report recommends that to accomodate very substantial growth in the Ashchurch area, major development delivery road infrastructure and comprehensive sustainable living interventions will need to be brought forward with the minimum of delay. Clearly, the delivery of new road infrastructure involves substantial lead times, but sustainable modal shift initiatives can be planned and provided for at the outset, and further developed over time.

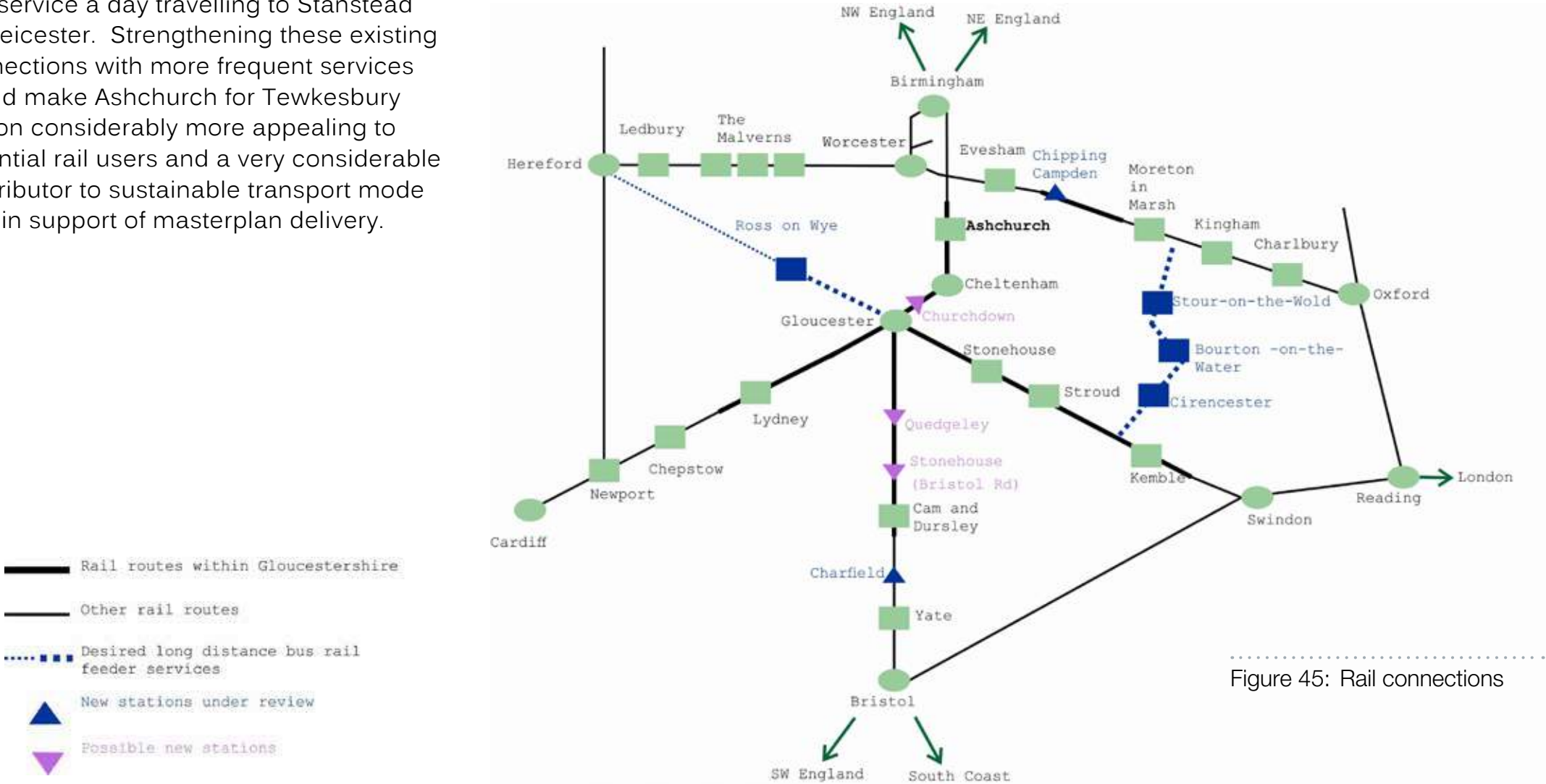
Rail

Ashchurch for Tewkesbury station is clearly of significant benefit to the area, being well positioned on the rail network and serving many stations / destinations including northbound to Birmingham New Street and southbound to Cheltenham Spa, Gloucester and Bristol. This advantage is though compromised by present day significant shortcomings in service frequency. During the morning and evening peak hours there are direct services to Birmingham which travel between Cardiff and Nottingham, with one service a day travelling to Stanstead via Leicester. Strengthening these existing connections with more frequent services would make Ashchurch for Tewkesbury station considerably more appealing to potential rail users and a very considerable contributor to sustainable transport mode shift in support of masterplan delivery.

Bus

Services are limited with coverage focussed on Tewkesbury town centre to the west with limited coverage to the east. The Northway residential and employment area is served by only two routes, serving Tewkesbury town centre, the rail station and Cheltenham. Ashchurch itself is only served by school bus routes, with the nearest bus stops for services to Tewkesbury town centre and Cheltenham located at the railway station and on Northway Lane.

More widely, buses provide connections between Cheltenham, Gloucester, Bishop's Cleeve and Evesham. Given this patchy coverage, and the variable quality of bus passenger facilities, the travel mode share for Tewkesbury is, unsurprisingly, below the average for Gloucestershire, while bus travel to work within Tewkesbury is lower still. Notably, congestion on the A46 is cited by operators as a significant barrier to bus routes operation and coverage.



Walking and Cycling

Despite the issues of congestion and severance associated with the A46 and M5, the latter worsened on the east-west axis by the railway line, cycling is a popular travel mode throughout the area. As a counter to the road network difficulties, cyclists benefit from the area's linear form, it's generally favourable topography, and quiet links, where motorised vehicle flows are generally low. There has been considerable investment in promoting cycling in recent years as a meaningful local access mode which has seen a very encouraging level of take-up across the area as evidenced by its untypically high travel mode share.

For walkers and cyclists, addressing the key severance axes of the M5, A46 and railway line through the provision of dedicated and high-quality crossings would contribute greatly to walking and cycling movement across the area. A key focus of the masterplan will be to actively promote and encourage walking and cycling, building on the laudable momentum already evident in relation to cycling in the area.

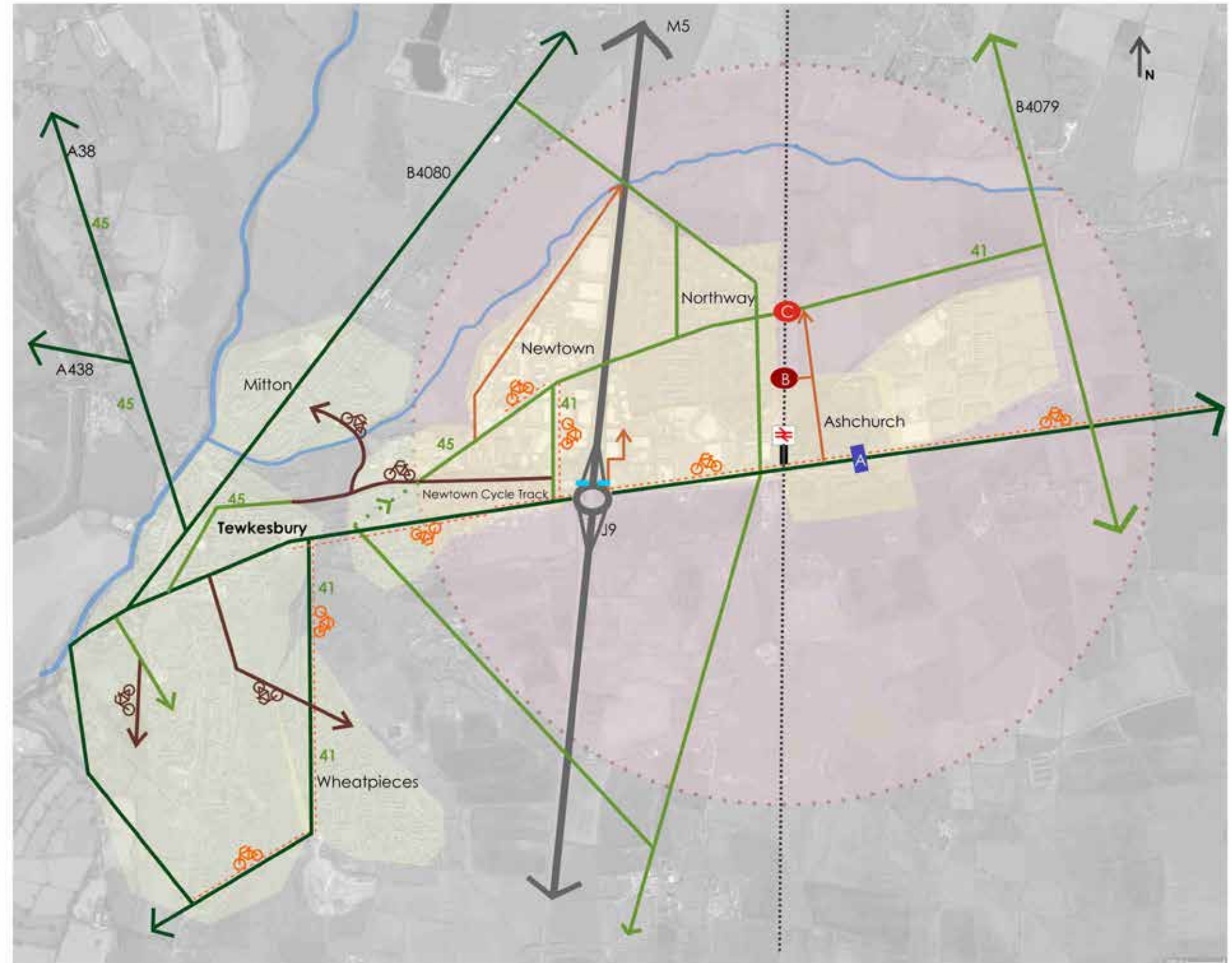


Figure 46: Existing Walking and Cycling Routes and Facilities

Delivering the Masterplan

The key to successfully delivering the long-term vision is in planning development in such a way that it maximises sustainable travel mode use whether through the ready availability of high quality and appealing sustainable modes, area-wide connectivity improvements, or the arrangement and scale of land use types to encourage walking and cycling (co-location of homes and jobs). Relying on the traditional major highways infrastructure-based approach involves a high degree of uncertainty regarding delivery, very substantial infrastructure costs and a long lag period between construction and use. However, as stated, such infrastructure will be required to realise the scale of the Masterplan's longer-term ambitions.

Very beneficial progress can though be made through the delivery of complementary physical infrastructure in the short-term allied to sustainable movement initiatives to provide for additional road network capacity gains and the impetus for achieving a truly sustainable travel mode culture in the long-term. Continuing to plan for development in the traditional way, i.e. awaiting uncertain major physical infrastructure delivery, may well compromise achievement of the desired development scale.

Accordingly, in developing short term and medium-term movement intervention scenarios, we should work-back from the desired end-state, that is the achievement of a high performing sustainable living /

movement environment. Actions in the short-term must look towards achievement of the long-term vision and be fully complementary to it. The future major road-based infrastructure should not be seen as evidence of a roads-led approach to new development delivery, but rather as representing a managed increase in road-based travel capacity proportionate to the scale of development, in the context of achieving a sustainable living / movement-based approach to providing the needed movement capacity.

Transforming the Sustainable Movement Environment

The masterplan vision represents the transformation to a comprehensive sustainable transport environment, initiated in the short-term and progressed, developed and strengthened over time. The sustainable community principle will minimise reliance on personal motorised vehicles and embed a step-change towards active and sustainable transport through an attractive, accessible and highly legible movement network with optimally located housing, employment and leisure facilities. Some initiatives and interventions illustrative of this approach are shown below:

- Land use planning – development planned and arranged to be fully complementary to the achievement of maximising sustainable movement and greatly reducing the need to travel beyond the Ashchurch and Tewkesbury area through:
 - Encouraging a live-work culture
 - Providing locally based amenities, schools, medical facilities, leisure opportunities
 - Co-locating land uses where trips may be linked / shared
- Behavioural changes:
 - Promoting the area to people pre-disposed to active travel and sustainable living – identifying and emphasising the opportunities for a healthy and enjoyable lifestyle

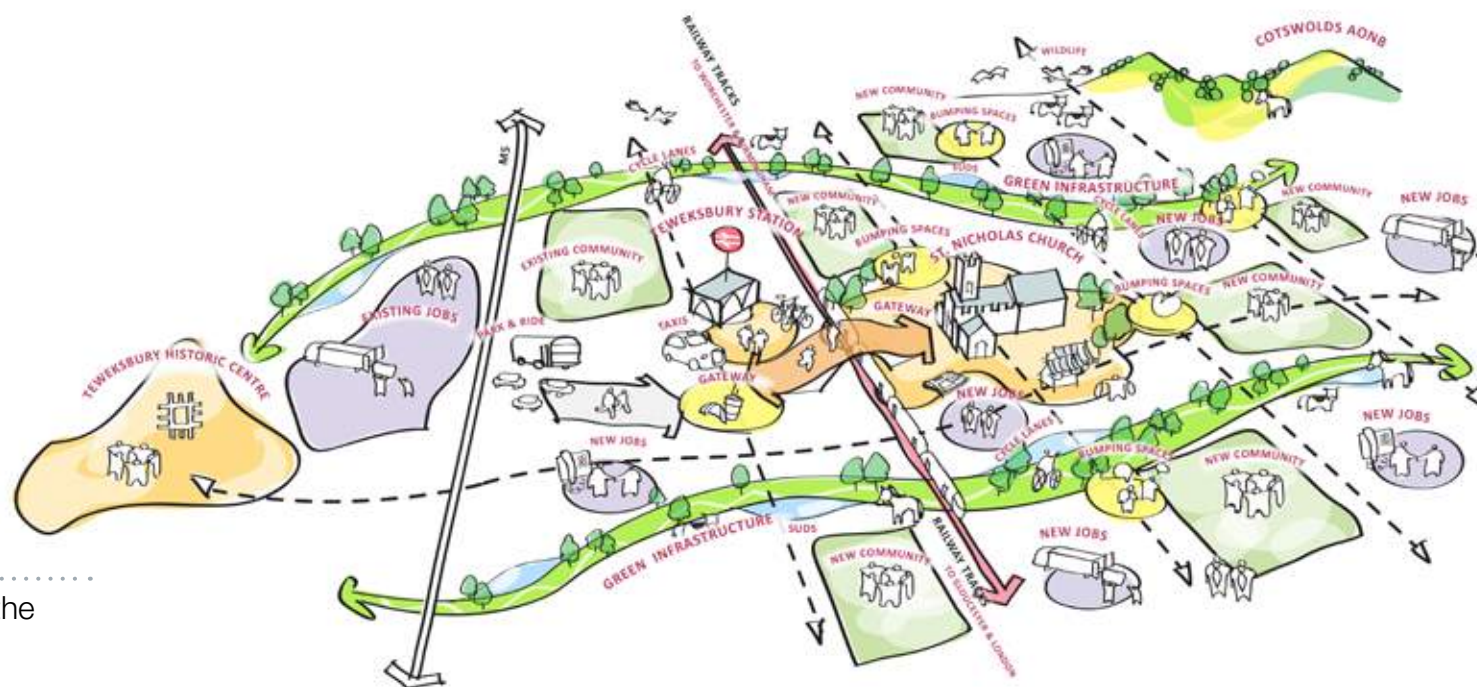


Figure 47: Illustration of the masterplan principles

- Active Travel – further increasing travel by cycle and on foot with new walk and cycle links connecting key sites, amenities, facilities and developments
- Rail improvements - significantly reducing service intervals to key destinations, providing a high quality station building for passengers and cycle / bus interchange facilities to further encourage people to rail use from private cars for medium-long distance travel
- Bus service improvements - providing high quality, reliable and convenient services as meaningful and attractive alternatives to personal car use for short-medium journeys
- Park & Ride
 - Provision for a substantial Park & Ride facility accessed from the new road with buses and in the future, likely autonomous vehicle shuttles to transfer people from their cars at the earliest opportunity from the strategic road network thereby minimising vehicles in Ashchurch & Tewkesbury
- Technological Change and Application:
 - Maximising the application of developing relevant technologies to optimise the sustainable movement environment, considering:
 - Autonomous personal and mass-transit
 - Mobility as a Service / Demand Responsive transport
 - Application of traffic modelling technology to manage road network operation and performance according to new transport means.

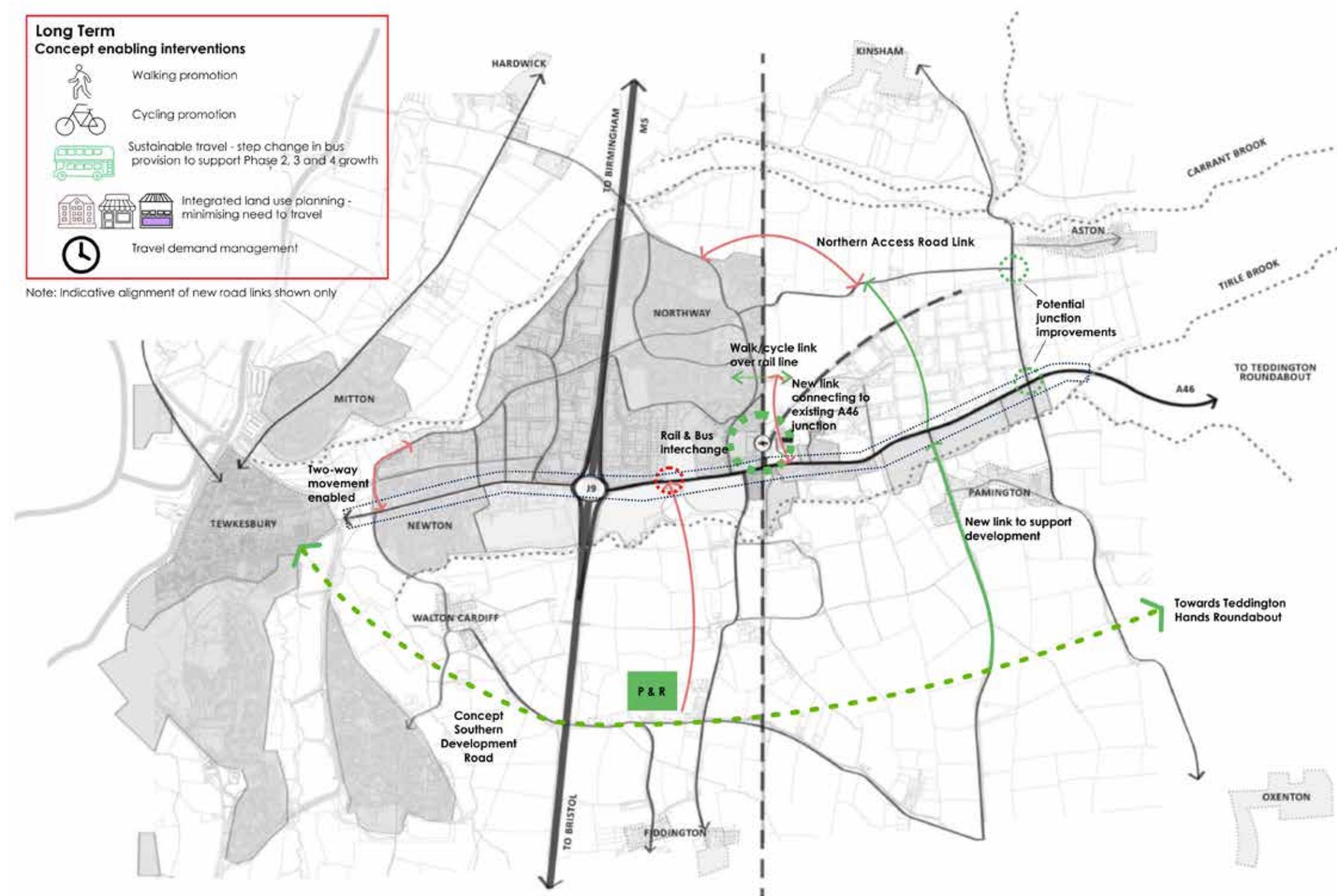


Figure 48: Long-term transport vision and interventions

A46/J9 Concept Connectivity Improvements

A key major intervention would be the delivery of a new connectivity road to the south of the development area, running east-west. This very significant infrastructure intervention would facilitate the step-change in road-based movement conditions required to deliver the Masterplan's long-term vision for growth.

Amongst the benefits are:

- This road could provide dedicated development access junctions and alternative routing options for local access and development traffic, along with the ability to carry strategic traffic that currently passes through Ashchurch.

Ashchurch – Tewkesbury Sustainable Corridor

With the Development Delivery Road in place, the present A46 alignment could be reimagined as a high quality, convenient and safe pedestrian, cycle and bus corridor connecting Ashchurch with Tewkesbury. Provision along this corridor should be made for mass transit solutions, in the shorter term buses and in the longer term driverless, demand-responsive services. Accordingly, the route should be designed adaptably to accommodate anticipated future movement patterns and needs. Presented as green and pleasant, it will be in keeping with the wider sustainable living environment.

Building on the progress made in the short and medium-term, the implementation of the initiatives and interventions above would be of the appropriate type and form to achieve the long-term vision of circa 8,000 new homes, and between 11,000 to 16,000 new jobs.



Figure 49: Ashchurch rail station

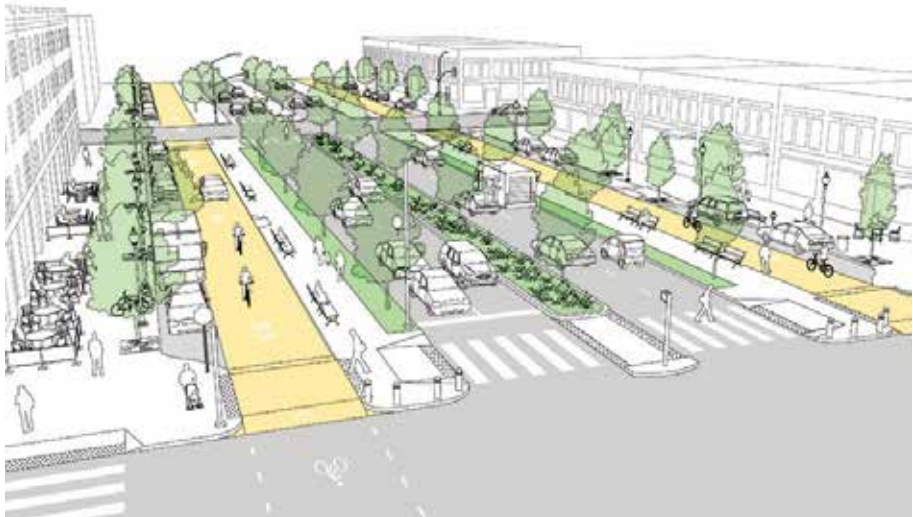


Figure 50: Visualisation of a sustainable movement corridor (image souce: internet, not attributed)

Short-term Enabling Interventions

Local connectivity

Currently, all activity areas feed into the A46, pressurising this principal traffic corridor. Improving local connectivity by providing new links and joining existing incomplete links will assist in relieving that pressure. These include:

- Two-way for entirety of Northway Lane;
- Northern link between Hardwick Bank Road and Aston Fields Lane (over the railway line);
- New link from the A46 (across the MOD rail line); and
- Specific, localised junction improvements at – M5 Junction 9 and Aston crossroads.

The delivery of the northern development plots rely on the provision of a northern link over the main rail line, overcoming severance and completing the link between existing local roads.

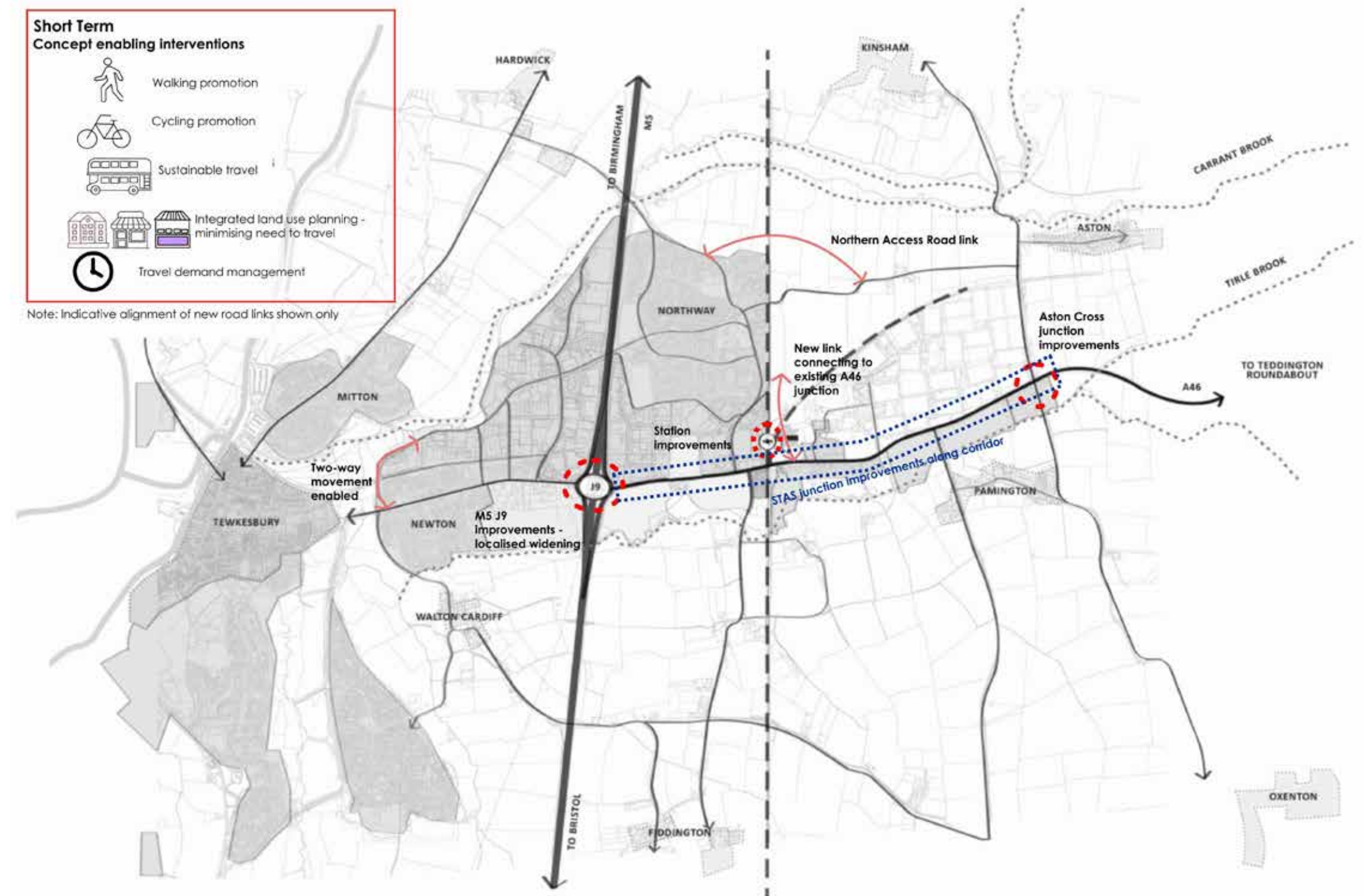


Figure 51: Short-term concept initiatives and interventions

Medium-term Enabling Interventions

Between the short-term connectivity improvements and the long-term major infrastructure interventions, the medium term would see the deepening of the connectivity improvements and the commencement of infrastructural improvements:

- First stage of the link southwards from the A46 providing access for development, particularly around Fiddington;
- The related provision of the Park & Ride facility; and
- Further service improvements at Ashchurch station, with further services & facilities.

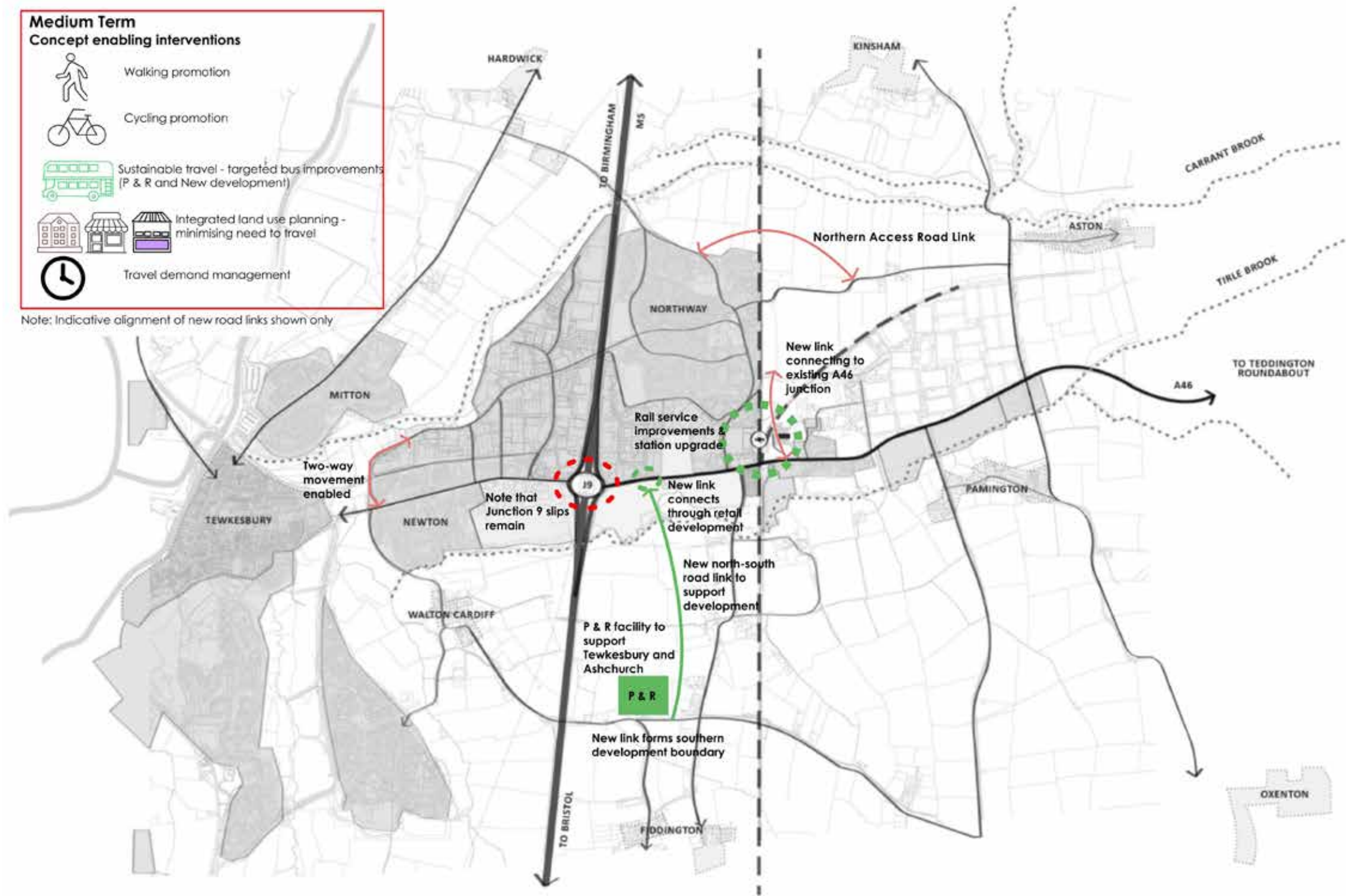


Figure 52: Medium-term masterplan concept initiatives and interventions

Intervention schedule

The range of proposed Masterplan interventions and initiatives is summarised in the schedule opposite, indicating their short / medium / long term phasing.

Indicative transport intervention schedule	
Short-term 0 - 10 years	Travel Demand Management: <ul style="list-style-type: none"> • Extensive walk, cycle, bus and rail promotion, new supportive facilities and public realm improvements • Smarter Travel Initiatives – area-wide travel planning, peak spreading, sustainable travel mode shift encouragement etc • Integrated land use / transport planning, provision of local services and facilities
	Road links: <ul style="list-style-type: none"> • Localised M5 Junction 9 improvements • 'Northern Access Road' link between Hardwick Bank Road & Aston Fields Lane with closure of level crossing to south • New two-way road link on Northway Lane (j/jw A438) • New road link over MOD rail line connecting to A46 • Aston Cross A46 junction improvements
	Rail improvements commence, rail services, station buildings and facilities
	Bus service improvements – frequency and coverage
Medium-term 10 – 15 years	Start of new Development Delivery Road (forming southern boundary to the masterplan)
	New north-south link connecting Development Delivery Road with current A46 through retail site
	Development links – providing improved local connectivity through the area, particularly for non-car modes
	Continued and strengthened integration of Travel Demand Management measures
	New Park and Ride facility to south
Long-term 15 years +	Development Delivery Road completion providing capacity for long-term development aspirations and congestion relief to the current A46
	Continued and strengthened integration of Travel Demand Management measures

Figure 53: Intervention schedule



probity in planning: the role of councillors and officers — revised guidance note on good planning practice for councillors and officers dealing with planning matters

development proposals submitted by councillors and officers; and council development

- 5.1 Proposals to their own authority by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. So can proposals for a council's own development. Proposals can take the form of either planning applications or development plan proposals.
- 5.2 It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in such a way that gives no grounds for accusations of favouritism. Any local planning protocol or code of good practice should address the following points in relation to proposals submitted by councillors and planning officers:
- serving councillors who act as agents for people pursuing planning matters within their authority should not play a part in the decision-making process for those proposals. Similarly, if they submit their own proposal to their authority they should play no part in its decision making;
 - a system should be devised to identify such proposals;
 - the council's monitoring officer should be informed of such proposals;
 - proposals should be reported to the planning committee as main items and not dealt with by officers under delegated powers.
- 5.3 The consideration of a proposal from a councillor in such circumstances would be considered as a prejudicial interest under the code and as such, the councillor would be required to withdraw from any consideration of the matter. The code also provides that the councillor should 'not seek improperly to influence a decision about the matter'. It is important to emphasise here that 'improperly' does not imply that a councillor should have any fewer rights than a member of the public in seeking to explain and justify their proposal to an officer in advance of consideration by a committee.
- However, whilst a member with a prejudicial interest may now address the committee under the code if the public enjoy the same rights, the member should consider whether it would be wise to do so in all the circumstances of the case, which could include the nature of the prejudicial interest and the relationship of the councillor with the remainder of the planning committee.
- 5.4 Proposals for a council's own development should be treated with the same transparency and impartiality as those of private developers . A member whose cabinet/executive responsibility effectively makes them an advocate for the development in question almost represents the 'internal applicant'. In such circumstances, the appropriate approach is likely to be that the member is able to argue for the development but should not vote on the relevant applications.

Probity in planning

Advice for councillors
and officers making
planning decisions

6. Development proposals

Planning applications or proposals for changes to a local plan submitted by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Such proposals must be handled in a way that gives no grounds for accusations of favouritism. Any local guidance should address the following points in relation to proposals submitted by councillors and planning officers:

- if they submit their own proposal to their authority they should play no part in its consideration
- a system should be devised to identify and manage such proposals and ensure probity in decision making
- the council's monitoring officer should be informed of such proposals.

A councillor would undoubtedly have a disclosable pecuniary interest in their own application and should not participate in its consideration. They have the same rights as any applicant in seeking to explain their proposal to an officer, but the councillor, as an applicant, should also not seek to improperly influence the decision.

Proposals for a council's own development should be treated with the same transparency and impartiality as those of private developers.

When should cumulative effects be assessed?

Each application (or request for a screening opinion) should be considered on its own merits. There are occasions, however, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.

Paragraph: 024 Reference ID: 4-024-20170728

Revision date: 28 07 2017 [See previous version](#)

From: [Paul Skelton](#)
To: [Simon Kelly](#)
Cc: [Paul Instone](#)
Subject: RE: URGENT: 20/00896/FUL, Development of a road bridge over the Bristol to Birmingham mainline railway North of Ashchurch, Tewkesbury.
Date: 11 May 2021 15:23:35
Attachments: [image001.png](#)

Dear Simon

Thank you for your email. I can confirm that the decision was issued on 22nd April 2021.

Kind regards

Paul

Paul Skelton
Development Manager
Tewkesbury Borough Council

Tel: 07785 242725



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Attn: Sandra Ford
Head of Development Services
Tewkesbury Borough Council
Public Services Centre
Gloucester Road
Tewkesbury
Gloucestershire
GL20 5TT

sandra.ford@tewkesbury.gov.uk

By email only

Your ref: 20/00896/FUL
Our ref: Simon Kelly
Email: skelly@richardbuxton.co.uk

19 May 2021

FOR YOUR URGENT ATTENTION JUDICIAL REVIEW PRE-ACTION PROTOCOL LETTER

Dear Sir / Madam

Land North East of Hardwick Bank Road, Northway, Ashchurch (the Site)

Planning Permission Reference 20/00896/FUL (the Permission)

Development of a road bridge over the Bristol to Birmingham mainline railway north of Ashchurch, Tewkesbury. The proposal includes temporary haul roads for construction vehicles, site compounds, security fencing, surface water drainage channels and attenuation ponds. The development is referred to as Ashchurch Bridge over Rail (ABoR). (The Development)

1. This is a letter before action sent in accordance with the pre-action protocol for judicial review.

Proposed Claimant

2. The proposed claimant is Bredon Parish Council, of Bredon Village Hall, Main Road, Bredon, Tewkesbury GL20 7QN.

Proposed Defendant

3. Tewkesbury Borough Council (the Council)

Decision to be challenged (the Decision)

4. The Council's decision to grant the above planning permission.

Date of Decision

5. 22 April 2021 (as per email confirmation dated 11 May 2021 from Paul Skelton, Development Manager for the Council).

Orders Sought

6. The Claimant will seek the following orders:
 - (a) Quashing of any Planning Permission; and
 - (b) Costs.

Factual background

7. The following is a brief summary of the facts which are most relevant to the proposed grounds of claim.
8. In March 2019, Tewkesbury and its surrounding area was awarded Garden Town status for a potential development of up to 10,195 new homes, circa 100 Ha of employment land and related infrastructure¹.
9. The Council's proposal was based on the Tewkesbury Area Draft Concept Masterplan Report (January 2018) (the Masterplan). Phase 1 of the proposed development comprises an area of land to the north of MOD Ashchurch which straddles the Bristol to Birmingham railway line, and which it is proposed to build out by 2031 (Masterplan, section 3.4). The Masterplan notes that an east-west road link across the railway line is needed to facilitate this phase of development. Section 4.1 of the Masterplan notes the "significant congestion impacts for all road users" on the existing M5 and A46, and that the proposed east-west link would "be of significant benefit ... offer[ing] the prospect of relieving the wider strategic road network, assisting development access via the relieved A46 and reducing traffic flows on the A46". The commentary goes on to list road constraints, including "M5 J9 – northbound off-slip hard shoulder vehicle queuing and blocking-back representing a significant safety concern".
10. The proposed Northern Access Road (which includes the ABoR) is one of the short-term enabling interventions described on page 45 of the Masterplan, including specific junction improvements at – M5 Junction 9 (amongst others). The text goes on to comment: "[t]he delivery of the northern development plots relies on the provision of a northern link over the main rail line, overcoming severance and completing the link between existing local roads". The Environmental Impact Assessment Report (NB. a report prepared to support a negative screening decision, not itself an environmental impact assessment) which supported the

¹ <https://www.tewkesburygardentown.co.uk/>

application for the ABoR notes at section 2.2, that the ABoR is located at the centre of an area referred to in the Masterplan as the North Ashchurch Development Area, which is anticipated to provide 826 dwellings.

11. As the Council will be aware, the Garden Town proposals are not supported by any allocations or policies in the existing Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council Joint Core Strategy (adopted 2017) (the JCS) nor by any planning permissions or applications.
12. The Development itself comprises the bridge structure and necessary infrastructure, site compounds, haul routes to facilitate the construction, and includes any required security measures such as fencing. The proposal does not include the final running surface, and nor will the bridge be formally connected to the highway network.
13. The Application Site comprises open fields north of Ashchurch, overlooked by Bredon Hill, and within the setting of the Cotswold's AONB (the boundary of the AONB is approximately 1.6 miles from the Site). There is a Special Landscape area approximately 2 miles to the east. It is also within the setting of the Grade II Mill House at Northway and Grade II Northway Mill.
14. The Application was supported by (amongst others) an Environmental Impact Assessment Report (EIAR), Transport Assessment (TA) and Heritage Impact Assessment (HIA). There is a high-level assessment in the TA of the operational period impacts of the proposal together with the additional 826 dwellings of Phase 1 of the Garden Town development, which "show[s] a reduction in network performance" (TA, page 41). The ABoR fails to consider this assessment, commenting at 69:

"Whilst, as stated in this report, the scheme itself does not generate additional traffic in operation, transport assessment will be completed to demonstrate the effects on the local highway network from the scheme when considered cumulatively with the future development of the site and other significant local projects. This Transport Assessment will be submitted as part of the planning application."
15. The EAIR goes on to conclude that the ABoR proposal is not EIA Development and that no environmental impact assessment is required.
16. The HIA concludes that there will be adverse impacts to the setting of the Grade II listed Northway Mill and Mill House (Heritage Assessment, section 7.1) as well as adverse impacts to the setting of four non-designated assets (Heritage Assessment, sections 7.2 and 7.3).
17. The Application was considered at the Council's committee meeting held on 16 March 2021. The Officer's Report to Committee (the OR) makes the following findings:
 - The Application lies in the area to the north of Ashchurch, which "is highlighted as Phase 1 to be delivered by 2031" and the indicative capacity of the two land parcels straddled by the Application is 2055 homes (OR, page 60).
 - The Application is being submitted in advance of other associated infrastructure "due to a spending deadline associated with HIF Funding" which it is necessary to spend by the end of 2022 (OR, page 61).
 - "Whilst concerns in relation to [operational traffic impacts] are understandable, as set out above, those matters are not material to this application, the assessment of which relates solely to the construction of the bridge structure and related haul roads/compounds etc" (OR, page 62)

- “In terms of the operational phase of the development, the proposed scheme is to construct the ABoR and leave it in place but it does not include the future highway that would utilise the bridge as part of the future development of the area, nor the associated planned housing to come forward. Therefore, at this stage of the ABoR Scheme, there are no operational effects to assess in respect of noise, vibration and emissions. The effects of the operational phase of the development would therefore be considered when future applications come forward enabling the operational phase” (OR page 68).

18. It is clear from the above that the officer’s assessment of various of the impacts of the Application disregards any impacts of the development once operational, on the basis that those impacts would be assessed as part of a future planning application(s).

19. The officer’s approach to the development’s heritage impacts starkly contrasts with this. The officer accepts the advice of the Council’s heritage officer that the development would result in less than substantial harm to the setting of the Grade II listed Northway Mill and Mill House (OR, page 77), but then goes on to comment:

“It is the case that there would be public benefits arising from the proposal, which is the first phase of the Garden Communities programme which would deliver housing and associated infrastructure. It is also considered that there is a clear and convincing justification for the proposed bridge to facilitate the Garden Communities programme.

In this instance harm to the heritage assets is identified and considerable importance and weight should be afforded to this harm in the decision-making process. However, officers consider that the substantial public benefits arising from the proposal outlined above would outweigh the identified harms in this instance and that there is a clear and convincing justification for the proposal.” (OR, page 78).

20. At page 79 of the OR, the officer notes:

“There are significant benefits arising from this development in enabling the delivery the TDCM and Garden Communities programme and ensuring that necessary infrastructure is in place to achieve well planned development. The application site itself spans across land parcels 14 and 15 which are identified to have an indicative capacity for 2055 homes within the TDCM which would make a significant contribution to housing land supply. The HIF Funding financial modelling obligation is for the delivery of 826 new houses. There are substantial benefits with progressing the application proposals at the current time to ensure the delivery timescale of the TDCM is maintained seeking to achieve the aspirations and timelines of the TDCM in the context of achieving the JCS and JCS Review Strategic Objectives and to meet the HIF funding deadline”.

21. The officer weighs these benefits against the harms of the development, and concludes that “the benefits of the proposal, including the benefits of progressing the proposal at the current time, outweigh the identified harms. It is also concluded that the application is generally in accordance with development plan policy” (OR, page 80).

22. The Council’s Planning Committee resolved by a vote of 7 in favour and 4 against to approve the Application at its planning committee meeting held on 16 March 2021. Those voting in favour included Councillor Bird and Councillor Mason.

23. In addition to being members of the Tewkesbury Planning Committee, Councillor Bird is the leader of the Council, chairman of the Council's executive committee and the Council's Tewkesbury Garden Town Lead. Councillor Mason is the vice-chairman of the Council's executive committee. It was the Council that was the applicant for planning permission for the ABoR and more generally the moving force behind the Garden Town proposals.
24. The Code of Conduct is contained at Part 5 of the TBC Constitution. A position of general control or management to which a member has been appointed by the Council (such as Chairman and vice-chairman of the Council's executive committee) falls within the scope of 'Other Interests' in Appendix B to the Code of Conduct. Paragraph 10 of Section VI of the Code of Conduct (Declarations of Interests and Restrictions on Participation) requires committee members to declare any 'Other Interest' and prohibits the relevant members from participating in any discussion of the matter and from voting on the matter at a committee meeting. In breach of the Code of Conduct, neither Councillor Bird nor Councillor Mason declared an interest in the Application, both spoke in favour of the Application, and both voted to approve the Application.

Legal Background

25. It is trite law that an application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Planning and Compulsory Purchase Act 2004, s. 38(6)).
26. Road and housing developments fall within the definition of EIA Development in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) by virtue of Paragraph 10 of Schedule 2 to the Regulations where, in respect of road development, the area of works exceeds 1 hectare or, in respect of residential development, the development includes more than 150 dwellings. As I will explain, this definition is triggered in this case.
27. Regulation 3(1) of the EIA Regulations 2017 provides that "the relevant planning authority, the Secretary of State or an inspector must not grant planning permission ... for EIA development unless an EIA has been carried out in respect of that development".
28. "EIA" is defined in regulation 4 as a process consisting of:
- the preparation of an environmental statement;
 - any consultation, publication and notification required by, or by virtue of, these Regulations or any other enactment in respect of EIA development; and
 - the steps required under regulation 26.
29. "Environmental Statement" is defined in Regulation 18, to include (amongst other requirements) a "description of the development" and "(b) a description of the likely significant effects of the proposed development on the environment". Schedule 4 to the Regulations contains further requirement for the contents of the ES, including requirements to set out mitigation measures and explain reasonable alternatives.
30. These provisions implement article 1(1) of the Environmental Impact Assessment Directive 2011/92/EU ("the EIA Directive"). Under the EIA Directive, it is the effects of the "project" that must be assessed. The reference in the EIA Regulations 2017 to the assessment of the effects of the "proposed development" is intended to give effect to this requirement: see the

Court of Appeal in *R. (on the application of Larkfleet) v South Kesteven District Council* [2016] *Env. L.R.* 4 at para. 14.

31. The starting point is to correctly identify the “project” for the purposes of the EIA Directive. The relevant tests for determining this are set out in *R v. Swale Borough Council ex parte RSPB* [1991] 1 *P.L.R.* 6 and by the Court of Appeal in *Burridge v Breckland District Council* [2013] *EWCA Civ* 228 at para. 45:

32. In *Swale*, Simon Brown J. held at 16E that in considering the likely environmental effects of a proposed development for the purposes of the EIA Directive and Regulations:

“The proposals should not then be considered in isolation if in reality it is properly to be regarded as an integral part of an inevitably more substantial development. This approach appears to me appropriate on the language of the Regulations, the existence of the smaller development of itself promoting the larger development and thereby likely to carry in its wake the environmental effects of the latter. In common sense, moreover, developers could otherwise defeat the object of the Regulations by piecemeal development proposals”

33. *Burridge* was a challenge to the grant of two interlinked planning permissions. One application was for a biomass renewable energy plant and the other was for a combined heat and power plant about 1.1km away. They were to be connected by an underground gas pipe to carry the fuel between the two sites. The Court held that this should have been treated as a single “project” for the purposes of EIA. Pill L.J. held, at [41]:

“...The two proposed developments were functionally interdependent and can only be regarded as an “integral part” of the same development. They cannot be treated otherwise than as a single project or development and were actually considered by the committee on the same day and on the basis of cross-referenced reports. The geographical separation of something over 1km does not, in my judgment, defeat that, particularly given the link provided by the pipeline.”

34. This approach is consistent with the approach of the CJEU in seeking to ensure that the splitting of what is in reality a single project into more than one planning application did not entail any reduction in the scrutiny afforded by the EIA Directive. In *Ecologistas en Accion-CODA v Ayuntamiento de Madrid* [2008] *ECR* I-6097, AG Kokott said at paragraph 51 of her Opinion:

“Lastly, the objective of the EIA Directive cannot be circumvented by the splitting of projects. Where several projects, taken together, may have significant effects on the environment within the meaning of Article 2(1), their environmental impact should be assessed as a whole. It is necessary to consider projects jointly in particular where they are connected, follow on from one another, or their environmental effects overlap.”
(emphasis added)

35. The CJEU agreed saying, at [48]:

“the purpose of the amended directive cannot be circumvented by the splitting of projects and the failure to take into account the cumulative effect of several projects must not mean in practice that they all escape the obligation to carry out an assessment when, taken together, they are likely to have significant effects on the environment.”

Discussion

36. The ABoR is clearly an integral part of a much larger project, i.e. the development of the Tewkesbury Garden Town at Ashchurch. It is clear from the supporting materials to the application and from the Committee Report that the ABoR is necessary to release the Phase 1 land for development (of at least 826 houses). As such, the ABoR forms part of the infrastructure works for that phase of development. Indeed, even though the remaining roads infrastructure is deferred to a later planning application, the location of the ABoR and the need for it to link into Hardwick Bank Road (with related adverse impacts summarily described in the Applicant's Transport Statement) is established by this planning permission. Once built, the ABoR can hardly be relocated.
37. The fact that the Committee Report gives weight to the benefits of the wider Garden Town development, and the role of the ABoR in unlocking that development, is also indicative of the fact that the ABoR is an integral part of wider, EIA development. The ABoR should therefore have been accompanied by an Environmental Impact Assessment of at least the first phase of the Garden Town development.
38. Furthermore, there are no specific local plan policies which are supportive of this proposal, but nonetheless, the officer's advice in the Committee Report that the proposal is consistent with development plan policy as a whole and should be approved was adopted by the Council's planning committee.
39. In order to reach that conclusion, the officer has the Officer has disregarded the adverse operational impact of Phase 1 of the Garden Town development (such as adverse transport impacts) which the ABoR is recognised as facilitating, but had regard to the operational benefits of that same development (i.e. the provision of the housing within Phase 1 and related infrastructure), when weighing those benefits against heritage impacts. This is clearly an inconsistent and unreasonable approach – essentially cherry picking which material considerations are relevant and which to ignore depending on what aspect of the development is being discussed. As a result of that inconsistency, the officer has either failed to have regard to a material consideration when assessing the transport impacts of the development, or (to be consistent) had regard to immaterial considerations (when balancing the operational benefits of the future housing and infrastructure facilitated by the ABoR) in reaching the officer's conclusions on heritage harms.
40. In either case, the Officer's Report adopts an unlawful approach to the assessment of the proposal. As the Council's planning committee adopted the Officer's Recommendation and the reasoning behind that recommendation, the decision to grant planning permission is itself unlawful.
41. Moreover, two of the members of the Council's planning committee had a disclosable interest in the ABoR application, failed to disclose that interest, and continued to take part in the committee meeting, advocating for the application and voting on the Application. In so doing, the decision to approve the Application was not reached in accordance with the Council's Code of Conduct, and was therefore tainted by procedural impropriety.

Proposed Grounds of Challenge

42. The ABoR is an integral part of a wider urban development scheme falling within Schedule 2 to the EIA Regulations, and which on the evidence already available, is likely to have significant environmental impacts. As such, the ABoR planning application should have been accompanied by a formal Environmental Statement (etc). The decision to approve the Application in the absence of an EIA Regulation compliant EIA, is a clear breach of Regulation 3 of the EIA Regulations.
43. Moreover, in approving the ABoR, the Council has either had regard to immaterial considerations (the benefits of the housing and related infrastructure to be delivered under a separate planning permission) or, in the alternative, failed to have regard to a material consideration (the adverse transport impacts of the future Phase 1 development).
44. It follows, that in granting the permission, the Council has failed to determine the Application having regard to all material considerations as required by s. 38(6) of the Planning and Compulsory Purchase Act 2004.
45. Furthermore, the failure of Councillors Bird and Mason to declare their interests in the Application, and their failure to withdraw from the planning committee meeting as required by the Council's Code of Conduct, breached the Parish Council's legitimate expectation that Council decisions would be reached in accordance with the Council's Code of Conduct. That breach of the Council's Code of Conduct and of my client's legitimate expectations rendered the Council's decision to grant the planning permission unlawful.

Details of Legal Advisors Dealing with this Claim

Richard Buxton Solicitors
19B Victoria Street
Cambridge CB1 1JP
Attn. Simon Kelly

Tel: 01223 328933

Email: lfoster@richardbuxton.co.uk

Details of Interested Party

None

Details of Information Sought

46. None

What the Council is requested to do

47. The Council is invited to agree that granting the Permission was unlawful, to consent to its quashing and to payment of the Claimant's costs to date.

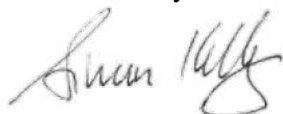
Address for Reply and Service of Court Documents

48. Richard Buxton Environmental, Planning & Public Law, 19B Victoria Street, Cambridge CB1
1JP, Attn. Simon Kelly / Lisa Foster

Proposed reply date

49. Please respond within 10 days of the date of this letter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Simon Kelly', written in a cursive style.

Simon Kelly
Richard Buxton Solicitors
Environmental, Planning and Public Law

cc.: Paul Instone, Case officer (paul.instone@teWKesbury.gov.uk)
Cheryl Lester, Chief Planning Lawyer (cheryl.lester@teWKesbury.gov.uk)



Attn: Simon Kelly/Lisa Foster
Richard Buxton Environmental
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By email and post

Your ref: Simon Kelly
Our ref: CL/DF/TBC/26562
Email: legal.services@tewkesbury.gov.uk

28 May 2021

Dear Mr. Kelly,

Introduction

1. Thank you for your letter dated 19 May 2021 which sets out a proposed judicial review challenge to the decision of Tewkesbury Borough Council ("the Council") to grant planning permission for the development known as the Ashchurch Bridge over Rail (ABoR) (Ref. 20/00896/FUL).
2. The Council considers the three grounds set out in your letter to be unarguable and it will strongly resist the claim if pursued.

The proposed claimant

3. Bredon Parish Council, of Bredon Village Hall, Main Road, Bredon, Tewkesbury GL20 7QN.

The proposed defendant

4. Tewkesbury Borough Council, Public Services Centre, Gloucester Road, Tewkesbury, Gloucestershire, GL20 5TT.

Response to the proposed claim

Ground 1: EIA development

5. It is suggested in your letter that the Council erred in screening out environmental impact assessment of the ABoR by failing to treat it as an integral part of a wider urban development.

6. The Council determined in its adopted screening opinion (dated 22 June 2020) that the ABoR constituted Schedule 2 development by virtue of falling within 10b of the EIA Regulations, as the size of the application site exceeds 5 hectares, however having regard to the criteria in Schedule 3 the Council determined that the proposal is not likely to have significant effects on the environment and therefore is not EIA development.
7. The Council approached its screening decision having regard to the potential future development that the proposal would facilitate, while concluding that the ABoR is a project to be considered in isolation. It concluded that the potential effects of this future development could not be considered cumulatively with the ABoR.
8. It is established that the question as to what constitutes the "project" for the purposes of the EIA Regulations is a matter of judgement for the planning authority, subject only to a challenge on grounds of *Wednesbury* rationality or other public law error (see the judgment of Lang J in *R (Wingfield) v Canterbury CC* [2019] EWHC 1975 (Admin) at [63] and the case-law cited therein).
9. The Council's approach towards screening the ABoR was entirely lawful.
10. Firstly, the Council was plainly aware of the context of the ABoR and the potential future development which it would facilitate. It cannot be argued that this was overlooked or not taken into account. However, at the time the screening decision was made (and at the time of writing), there was no other planning consent for development that would relate to the ABoR, there was no other planning application before the Council for any related development, and there was no development plan allocation for such development.
11. In these circumstances, it was plainly lawful for the Council to determine the scope of the relevant project as it did, and to assess the impacts as it did.
12. For that reason, the present situation is distinguishable from the position in *R (Burridge) v Breckland District Council* [2013] JPL 1308, which concerned concurrent planning applications for a biomass renewable energy plant and a combined heat and power plant connected by an underground gas pipe; *Ecologistas en Accion v Ayuntamiento de Madrid (C-142/07)* EU:C:2008:445; [2009] P.T.S.R. 458, in which five segments of an urban road enlargement project in Madrid had been split into separate projects; and in *R (Thakeham Village Action Ltd) v Horsham DC* [2014] Env LR 21, which concerned concurrent planning applications on sites that were used for a business cultivating mushrooms for developments that were respectively for residential development and for further development to support the mushroom cultivation business.
13. Secondly, your letter does not articulate with any meaningful precision the scope of the "project" that it is claimed the ABoR is an integral part of. You refer variously to the Tewkesbury Garden Town at Ashchurch, Phase 1 as defined in the Tewkesbury Area Draft Concept Masterplan Report (January 2018) ("the draft Masterplan"), as well as residential of 826 houses (which is not the same thing as Phase 1, as your letter implies).
14. These are various iterations of developments contemplated in future, but which have not been defined in any precise detail or settled within the development plan. Whilst the draft Masterplan sets out a vision for development, it is not part of the development plan.

15. Reflecting this, the Environmental Impact Assessment Screening Report recognises the uncertainty surrounding the nature and scope of the contemplated development (see for example section 14 Summary and Conclusions). Likewise, the adopted screening opinion acknowledges that no planning application has been made yet for the new settlement and there is no local plan allocation (see section 12 of the form).
16. Where the detail of contemplated development is uncertain, it is lawful for the authority to approach screening a preparatory phase of development by considering that development in isolation (*per* Ouseley J in *R (Save Britain's Heritage) v Secretary of State* [2014] Env LR 9 at [480], Davis LJ in *R (Burridge) v Breckland District Council* (*supra*) at [78] and Laws LJ in *Bowen-West v Secretary of State* (*supra*) at [25]).
17. Thirdly, there can be no suggestion on the facts of an intention of 'salami slicing' proposals in order to avoid the effect of the EIA Regulations. The officer report (OR) explains in detail why the ABoR has come forward as a discrete proposal at this stage, which relates to the need to utilise funding awarded through the Housing Infrastructure Fund by 2022 and because of the considerable lead in time and constraints associated with working on railway assets (see paras. 8.15-8.19).
18. Fourthly, and taking a purposive approach to the alleged legal error, the *effect* of the Council's approach is not to exclude from consideration the environmental effects arising from the future development which the ABoR may facilitate. The Council acknowledged that future impacts of future development would need to be assessed as and when planning applications for that development came forward: see for example the OR at 8.45-46.
19. Fifthly, whilst I note that your letter couches ground 1 on the basis of an error when determining the relevant "project", for completeness I would add that the Council acted entirely properly in determining that no cumulative effects of the ABoR fell to be considered arising from contemplated future development.
20. In that regard, the decision whether to treat the effects of a contemplated scheme as cumulative effects of a preparatory phase is a matter of fact and degree for the authority to determine as a matter of planning judgement (*per* Laws LJ in *Bowen-West v Secretary of State* [2012] Env LR 22 at [28-30]).
21. The Planning Practice Guidance advises as follows (emphasis added):

"When should cumulative effects be assessed?
 Each application (or request for a screening opinion) should be considered on its own merits. There are occasions, however, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.
 Paragraph: 024 Reference ID: 4-024-20170728"
22. It was entirely lawful and consistent with the Planning Practice Guidance for the authority to determine that it could not cumulatively assess the effects of the ABoR together with future contemplated development because of the uncertainty surrounding its nature and scope. In that regard it is important to take note of what Sir Michael Harrison said in *R (Littlewood) v Bassetlaw DC* [2009] LR 21 at para. 32:

"32. ... I simply do not see how there could be a cumulative assessment of the proposed development and the development of the rest of the site pursuant to the EIA Regulations when there was no

way of knowing what development was proposed or was reasonably foreseeable on the rest of the site. The site was not allocated for development in the local plan. No planning application had been made and no planning permission given in respect of the rest of the site, and no proposals had yet been formulated for that part of the site. There was not any, or any adequate, information upon which a cumulative assessment could be based. In my judgement, there was not a legal requirement for a cumulative assessment under the EIA Regulations involving the rest of the Steetley site in those circumstances.”

23. Finally, it is notable that there is no suggestion in your letter that by approaching the ABoR as an isolated development the effect has been to disregard environmental impacts from consideration in the planning process that would otherwise fall to be considered. As Carnwath LJ (as he then was) said in *R (Jones) v Mansfield DC* [2004] Env LR 21 at [58] “It needs to be borne in mind that the EIA process is intended to be an aid to efficient and inclusive decision making in special cases, not an obstacle race...”

Ground 2: Immaterial / material considerations

24. You suggest that, in approving the ABoR, the Council has either had regard to immaterial considerations (the benefits of the housing and related infrastructure to be delivered under a separate planning permission) or, in the alternative, failed to have regard to a material consideration (the adverse transport impacts of the future Phase 1 development).
25. These proposed grounds of challenge are flawed.
26. It was entirely proper for the officer report to recognise as a benefit of the proposal that by permitting the ABoR to proceed the Council will be facilitating future strategic development (see the OR at paras 8.127 and 9.1-2).
27. It is well established that where development has the purpose of enabling other development to proceed, as long as it has a sufficient connection, it is lawful to take that matter into consideration as a factor in favour of granting planning permission (see *per* Lindblom J in *R (Thakeham Village Action Ltd) v Horsham DC* (supra) at [201] and *R. v Westminster City Council Ex p. Monahan* [1989] J.P.L. 107).
28. The Council appreciated the obvious reality that the nature and scope of any future development has not been precisely determined nor will its provision be fully enabled until planning applications are made and approved. The OR expressly highlights that planning applications will need to be made in future to enable wider development to come forward (8.45-46), and when weighing the benefit of the ABoR in facilitating future development it acknowledges the fact that the draft Masterplan is not a development plan document and carries very little weight in the decision making process (8.23). These were matters of planning judgment.
29. The weight that the Council gave to the role of the ABoR in facilitating future development when balancing the less than substantial harm to the Grade II listed buildings Northway Mill and Mill House (OR, para. 8.127) and when conducting its overall planning balance (OR, paras. 9.1-2 and 9.10) was also a matter for its planning judgement.
30. In addition, the Council's approach when identifying the impacts of the proposals was entirely lawful.

31. The OR was entirely correct to state, as a matter of fact, that the application did not seek permission for the future highway that would utilise the ABoR, nor the associated planned housing (8.73), and the operational impacts therefrom could only be considered when future applications come forward enabling the operational phase (8.73). Whilst the ABoR is needed to facilitate future development (and thus the OR was correct to determine that this weighs in favour of the proposal), the ABoR does not of itself create the impacts that might flow from future phases of development.
32. Your specific allegation is that the Council failed to have regard to “the adverse transport impacts of the future Phase 1 development”. The Council considered indicative traffic modelling, while noting that the transport impacts of future development would be assessed as and when that development came forward in future planning applications (8.45-8.46). This was an entirely lawful way to consider the matter.

Ground 3: procedural impropriety

33. This ground is based on a mis-interpretation of the Code and an incorrect understanding of the facts of this case.
34. The planning committee meeting did not relate to the determination of an approval in relation to a body in which either Councillor Bird or Councillor Mason was in a position of “general control or management” under Appendix B of the Code.
35. Firstly, neither councillor manages or controls the Executive Committee. The Executive Committee of the Council functions as a traditional committee where decisions are made on a democratic basis, and where members have no individual decision-making powers.
36. Secondly, and in any event, the subject matter of the planning committee meeting did not engage paragraph 10(4)(b) of the Code.
37. In these circumstances there was no breach of the Code.

Details of any other Interested Parties

38. None.

Address for further correspondence and service of court documents

39. The address for postal service is One Legal, Tewkesbury Borough Council, Public Services Centre, Gloucester Road, Tewkesbury GL20 5TT. We are currently accepting service by email at legal.services@tewkesbury.gov.uk. Please use reference CL/DF/TBC/26562 and Attn Cheryl Lester/Daisy Freeman.

Yours sincerely



Cheryl Lester
Chief Planning Lawyer

Whereas, however, this Directive should not be applied to projects the details of which are adopted by a specific act of national legislation, since the objectives of this Directive, including that of supplying information, are achieved through the legislative process;

Whereas, furthermore, it may be appropriate in exceptional cases to exempt a specific project from the assessment procedures laid down by this Directive, subject to appropriate information being supplied to the Commission,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall apply to the assessment of the environmental effects of those public and private projects which are likely to have significant effects on the environment.

2. For the purposes of this Directive:

'project' means:

- the execution of construction works or of other installations or schemes,
- other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources;

'developer' means:

the applicant for authorization for a private project or the public authority which initiates a project;

'development consent' means:

the decision of the competent authority or authorities which entitles the developer to proceed with the project.

3. The competent authority or authorities shall be that or those which the Member States designate as responsible for performing the duties arising from this Directive.

4. Projects serving national defence purposes are not covered by this Directive.

5. This Directive shall not apply to projects the details of which are adopted by a specific act of national legislation, since the objectives of this Directive, including that of supplying information, are achieved through the legislative process.

Article 2

1. Member States shall adopt all measures necessary to ensure that, before consent is given, projects likely

to have significant effects on the environment by virtue *inter alia*, of their nature, size or location are made subject to an assessment with regard to their effects.

These projects are defined in Article 4.

2. The environmental impact assessment may be integrated into the existing procedures for consent to projects in the Member States, or, failing this, into other procedures or into procedures to be established to comply with the aims of this Directive.

3. Member States may, in exceptional cases, exempt a specific project in whole or in part from the provisions laid down in this Directive.

In this event, the Member States shall:

- (a) consider whether another form of assessment would be appropriate and whether the information thus collected should be made available to the public;
- (b) make available to the public concerned the information relating to the exemption and the reasons for granting it;
- (c) inform the Commission, prior to granting consent, of the reasons justifying the exemption granted, and provide it with the information made available, where appropriate, to their own nationals.

The Commission shall immediately forward the documents received to the other Member States.

The Commission shall report annually to the Council on the application of this paragraph.

Article 3

The environmental impact assessment will identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with the Articles 4 to 11, the direct and indirect effects of a project on the following factors:

- human beings, fauna and flora,
- soil, water, air, climate and the landscape,
- the inter-action between the factors mentioned in the first and second indents,
- material assets and the cultural heritage.

Article 4

1. Subject to Article 2 (3), projects of the classes listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.

2. Projects of the classes listed in Annex II shall be made subject to an assessment, in accordance with Articles 5 to 10, where Member States consider that their characteristics so require.

To this end Member States may *inter alia* specify certain types of projects as being subject to an assessment or may establish the criteria and/or thresholds necessary to determine which of the projects of the classes listed in Annex II are to be subject to an assessment in accordance with Articles 5 to 10.

Article 5

1. In the case of projects which, pursuant to Article 4, must be subjected to an environmental impact assessment in accordance with Articles 5 to 10, Member States shall adopt the necessary measures to ensure that the developer supplies in an appropriate form the information specified in Annex III inasmuch as :

- (a) the Member States consider that the information is relevant to a given stage of the consent procedure and to the specific characteristics of a particular project or type of project and of the environmental features likely to be affected ;
- (b) the Member States consider that a developer may reasonably be required to compile this information having regard *inter alia* to current knowledge and methods of assessment.

2. The information to be provided by the developer in accordance with paragraph 1 shall include at least :

- a description of the project comprising information on the site, design and size of the project,
- a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects,
- the data required to identify and assess the main effects which the project is likely to have on the environment,
- a non-technical summary of the information mentioned in indents 1 to 3.

3. Where they consider it necessary, Member States shall ensure that any authorities with relevant information in their possession make this information available to the developer.

Article 6

1. Member States shall take the measures necessary to ensure that the authorities likely to be concerned by the project by reason of their specific environmental responsibilities are given an opportunity to express their opinion on the request for development consent. Member States shall designate the authorities to be consulted for this purpose in general terms or in each case when the request for consent is made. The information gathered pursuant to Article 5 shall be forwarded to these authorities. Detailed arrangements for consultation shall be laid down by the Member States.

2. Member States shall ensure that :

- any request for development consent and any information gathered pursuant to Article 5 are made available to the public,
- the public concerned is given the opportunity to express an opinion before the project is initiated.

3. The detailed arrangements for such information and consultation shall be determined by the Member States, which may in particular, depending on the particular characteristics of the projects or sites concerned :

- determine the public concerned,
- specify the places where the information can be consulted,
- specify the way in which the public may be informed, for example by bill-posting within a certain radius, publication in local newspapers, organization of exhibitions with plans, drawings, tables, graphs, models,
- determine the manner in which the public is to be consulted, for example, by written submissions, by public enquiry,
- fix appropriate time limits for the various stages of the procedure in order to ensure that a decision is taken within a reasonable period.

Article 7

Where a Member State is aware that a project is likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests, the Member State in whose territory the project is intended to be carried out shall forward the information gathered pursuant to Article 5 to the other Member State at the same time as it makes it available to its own nationals. Such information shall serve as a basis for any consultations necessary in the framework of the bilateral relations between two Member States on a reciprocal and equivalent basis.

Article 8

Information gathered pursuant to Articles 5, 6 and 7 must be taken into consideration in the development consent procedure.

Article 9

When a decision has been taken, the competent authority or authorities shall inform the public concerned of :

- the content of the decision and any conditions attached thereto,
- the reasons and considerations on which the decision is based where the Member States' legislation so provides.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017/571

reg. 2 Interpretation



Law In Force With Amendments Pending

Version 5 of 6

31 December 2020 - Present

Subjects

Environment; Planning

2.— Interpretation

(1) In these Regulations—

“*the 1991 Act*” means the Planning and Compensation Act 1991;

“*the 1995 Act*” means the Environment Act 1995;

“*the Act*” means the Town and Country Planning Act 1990;

“*appropriate register*” means the register on which particulars of an application for planning permission for the relevant development or an application for subsequent consent have been placed or would fall to be placed if such an application were made;

“*the consultation bodies*” means—

(a) any body which the relevant planning authority is required to consult, or would, if an application for planning permission for the development in question were before them, be required to consult by virtue of article 18 (consultations before the grant of permission) of the Order or of any direction under that article;

(b) the Marine Management Organisation¹, in any case where the proposed development would affect, or would be likely to affect, any of the following areas—

(i) waters in or adjacent to England up to the seaward limits of the territorial sea;

(ii) an exclusive economic zone², except any part of an exclusive economic zone in relation to which the Scottish Ministers have functions;

(iii) a Renewable Energy Zone³, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions;

(iv) an area designated under section 1(7) of the Continental Shelf Act 1964⁴, except any part of that area which is within a part of an exclusive economic zone or Renewable Energy Zone in relation to which the Scottish Ministers have functions; and

(c) the following bodies if not referred to in paragraph (a) or (b)—

(i) any principal council for the area where the land is situated, if not the relevant planning authority;

(ii) Natural England⁵;

(iii) the Environment Agency⁶;

(iv) other bodies designated by statutory provision as having specific environmental responsibilities and which the relevant planning authority or the Secretary of State, as the case may be, considers are likely to have an interest in the application;

[...] ⁷[

"coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

] ⁸

"the Directive" means Council Directive 2011/92/EU[as it had effect immediately before exit day] ⁹¹⁰;

"EIA" has the meaning given by regulation 4;

"EIA application" means—

(a) an application for planning permission for EIA development; or

(b) a subsequent application in respect of EIA development;

"EIA development" means development which is either—

(a) Schedule 1 development; or

(b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location;

"EIA order proposal" means an order proposal which relates to EIA development;

“environmental information” means the environmental statement, including any further information and any other information, any representations made by any body required by these Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development;

“environmental statement” has the meaning given by regulation 18;

“European site” means a site within the meaning of [regulation 8 of the Conservation of Habitats and Species Regulations 2017]¹¹;

[

“EU environmental assessment” means an assessment of the effect of anything on the environment carried out under retained EU law other than any law of any part of the United Kingdom that implemented the Directive;

]¹²

“exempt development” means development in respect of which the Secretary of State has made a direction under regulation 63;

“further information” has the meaning given in regulation 25;

“inspector” means a person appointed by the Secretary of State pursuant to paragraph 1 of Schedule 6¹³ to the Act to determine an appeal;

“the land” means the land on which the development would be carried out or, in relation to development already carried out, has been carried out;

“by local advertisement”, in relation to a notice, means—

- (a) by publication of the notice in a newspaper circulating in the locality in which the land to which the application or appeal relates is situated; and
- (b) publication of the notice on a website maintained by or on behalf of the authority;

“local development order” means a local development order made pursuant to section 61A¹⁴ (Local development orders) of the Act;

“monitoring measure” means a provision requiring the monitoring of any significant adverse effects on the environment of proposed development including any measures contained in—

- (a) a condition imposed on the grant of planning permission; or

(b) a planning obligation;

“neighbourhood development order” means a neighbourhood development order made pursuant to section 61E¹⁵ (Neighbourhood development orders) of the Act;

“the Order” means the Town and Country Planning (Development Management Procedure) (England) Order 2015;

“order proposal” means a proposal for the making of a neighbourhood development order by a qualifying body under paragraph 1 of Schedule 4B¹⁶ to the Act;

“any other information” means any other substantive information relating to the environmental statement and provided by the applicant or the appellant as the case may be;

“any particular person” includes any non-governmental organisation promoting environmental protection;

“principal council” has the meaning given by section 270(1) (general provisions as to interpretation) of the Local Government Act 1972;

“qualifying body” has the meaning given by section 61E(6) (Neighbourhood development Orders) of the Act;

“register” means a register kept pursuant to article 40 of the Order (register of applications) and references to a *“Part”* of the register are to be taken as references to the Parts of the register as described in article 40 of the Order;

“relevant mineral planning authority” means the body to whom it falls, fell, or would, but for a direction under—

(a) paragraph 7 of Schedule 2 (registration of old mining permissions) to the 1991 Act;

(b) paragraph 13 of Schedule 13 (review of old mineral planning permissions) to the 1995 Act; or

(c) paragraph 8 of Schedule 14 (periodic review of mineral planning permissions) to the 1995 Act,

fall to determine the ROMP application in question;

“relevant planning authority” means the body to whom it falls, fell, or would, but for an application made directly to the Secretary of State under section 62A¹⁷ of the Act (applications made directly to the Secretary of State) or a direction under section 77¹⁸ of the Act (reference

of applications to Secretary of State), fall to determine an application for planning permission for the development in question;

“ROMP application” means an application to a relevant mineral planning authority to determine the conditions to which a planning permission is to be subject under—

- (a) paragraph 2(2) of Schedule 2 (registration of old mining permissions) to the 1991 Act;
- (b) paragraph 9(1) of Schedule 13 (review of old mineral planning permissions) to the 1995 Act¹⁹; or
- (c) paragraph 6(1) of Schedule 14 (periodic review of mineral planning permissions) to the 1995 Act²⁰;

“ROMP development” means development which has yet to be carried out and which is authorised by a planning permission in respect of which a ROMP application has been or is to be made;

“ROMP subsequent application” means an application for approval of a matter where the approval—

- (a) is required by or under a condition to which a planning permission is subject following determination of a ROMP application; and
- (b) must be obtained before all or part of the minerals development permitted by the planning permission may be begun or continued;

“ROMP subsequent consent” means consent granted pursuant to a ROMP subsequent application;

“Schedule 1 application” and *“Schedule 2 application”* mean an application for planning permission for Schedule 1 development and Schedule 2 development respectively;

“Schedule 1 development” means development, other than exempt development, of a description mentioned in Schedule 1;

“Schedule 2 development” means development, other than exempt development, of a description mentioned in column 1 of the table in Schedule 2 where—

- (a) any part of that development is to be carried out in a sensitive area; or
- (b) any applicable threshold or criterion in the corresponding part of column 2 of that table is respectively exceeded or met in relation to that development;

“scoping direction” and *“scoping opinion”* have the meanings given in regulation 15;

“screening direction” means a direction made by the Secretary of State as to whether development is EIA development;

“screening opinion” means a written statement of the opinion of the relevant planning authority as to whether development is EIA development;

“sensitive area” means any of the following—

- (a) land notified under section 28(1) (sites of special scientific interest) of the Wildlife and Countryside Act 1981²¹;
- (b) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949²²;
- (c) the Broads²³;
- (d) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage²⁴;
- (e) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979²⁵;
- (f) an area of outstanding natural beauty designated as such by an order made by Natural England under section 82(1) (areas of outstanding natural beauty) of the Countryside and Rights of Way Act 2000²⁶ as confirmed by the Secretary of State;
- (g) a European site;

“subsequent application” means an application for approval of a matter where the approval—

- (a) is required by or under a condition to which a planning permission is subject; and
- (b) must be obtained before all or part of the development permitted by the planning permission may be begun;

“subsequent consent” means consent granted pursuant to a subsequent application;

“UK environmental assessment” means an assessment carried out in accordance with an obligation under the law of any part of the United Kingdom of the effect of anything on the environment.

(2) Subject to paragraph (3), expressions used both in these Regulations and in the Act have the same meaning for the purposes of these Regulations as they have for the purposes of the Act.

(3) Expressions used both in these Regulations and in the Directive (whether or not also used in the Act) have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive.

(4) In these Regulations references to the Secretary of State must not be construed as references to an inspector.

Notes

- 1 Established under section 1 of the Marine and Coastal Access Act 2009 (c. 23).
- 2 See section 41 of the Marine and Coastal Access Act 2009.
- 3 See section 84(4) of the Energy Act 2004 (c. 20), substituted by the Marine and Coastal Access Act 2009.
- 4 Section 1(7) was amended by section 37 of, and paragraph 1 of Schedule 3 to, the Oil and Gas (Enterprise) Act 1982 (c. 23) and section 103 of the Energy Act 2011 (c. 16).
- 5 Established under section 1 of the Natural Environment and Rural Communities Act 2006 (c. 16).
- 6 Established under section 1 of the Environment Act 1995 (c. 25).
- 7 Definition revoked by Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020/505 Pt 4 reg.13 (December 24, 2020)
- 8 Definition inserted by Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020/1398 Pt 4 reg.7 (December 24, 2020)
- 9 Words added by Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 Pt 3 reg.6(2)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 10 OJ No. L 26, 28.1.2012, p. 1-21. Council Directive 2011/92/EU has been amended by Council Directive 2014/52/EU, OJ No. L 124, 25.4.2014, p. 1-18.
- 11 Words substituted by Conservation of Habitats and Species Regulations 2017/1012 Sch.6(2) para.79(2) (November 30, 2017)
- 12 Definition substituted by Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 Pt 3 reg.6(2)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Notes

- 13 Schedule 6 was amended by sections 32 and 84 of, paragraph 54 of Schedules 7, and Part I of Schedule 19 to the 1991 Act; paragraph 44 of Schedule 22 to the 1995 Act; sections 196 and 198 of, and paragraphs 1 and 14 of Schedule 10 to, the Planning Act 2008 (c. 29); sections 2 and 7 of, and paragraphs 1 and 9 of Schedule 2 to, the Growth and Infrastructure Act 2013 (c. 27); and section 51 of and paragraphs 8 and 16 of Schedule 5 to the Planning (Wales) Act 2015 (anwa. 4).
- 14 Section 61A of the Act was inserted by section 40 of the Planning and Compulsory Purchase Act 2004 (c. 5) and amended by sections 188 and 238 of, and Schedule 13 to, the Planning Act 2008 (c. 29).
- 15 Section 61E of the Act was inserted by section 116(1) of, and paragraphs 1 and 2 of Schedule 9 to, the Localism Act 2011 (c. 20) and amended by section 140 of the Housing and Planning Act 2016 (c. 22).
- 16 Schedule 4B to the Act was inserted by section 116 of, and Schedule 10 to, the Localism Act 2011 and amended by sections 140 and 141 of the Housing and Planning Act 2016.
- 17 Section 62A of the Act was inserted by section 1 of the Growth and Infrastructure Act 2013 and amended by section 153 of the Housing and Planning Act 2016.
- 18 Section 77 of the Act was amended by section 32 of, and paragraph 18 of Schedule 7 to, the 1991 Act; section 112 of, and paragraphs 1 and 10 of Schedule 12 to, the Localism Act 2011; section 190 of the Planning Act 2008; section 30 of, and paragraphs 2 and 11 of Part 2 of Schedule 4 to, the Infrastructure Act 2015 (c. 7); and section 150 of, and paragraphs 1 and 20 of Schedule 12 to, the Housing and Planning Act 2016.
- 19 Paragraph 9 of Schedule 13 to the 1995 Act was amended by S.I. 2003/956.
- 20 Paragraph 6 of Schedule 14 to the 1995 Act was amended by S.I. 2003/956.
- 21 Section 28 was substituted by section 75(1) of, and paragraph 1 of Schedule 9 to, the Countryside and Rights of Way Act 2001 (c. 37) and amended by section 105(1) of, and paragraph 79 of Part 1 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16); and section 148 of, and paragraph 2 of Part 2 of Schedule 13 to, the Marine and Coastal Access Act 2009 (c. 23).
- 22 See section 5(3).
- 23 See the Norfolk and Suffolk Broads Act 1988 (c. 4).
- 24 See Command Paper 9424.
- 25 See the definition in section 1(11).
- 26 Section 82 was amended by section 105 of, and paragraph 163 of Part I of Schedule 11 to, the Natural Environment and Rural Communities Act 2006; and S.I. 2013/755.

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reg. 3 Prohibition on granting planning permission or subsequent consent for EIA development



Law In Force

Version 1 of 1

16 May 2017 - Present

Subjects

Environment; Planning

3. Prohibition on granting planning permission or subsequent consent for EIA development

The relevant planning authority, the Secretary of State or an inspector must not grant planning permission or subsequent consent for EIA development unless an EIA has been carried out in respect of that development.

Part 1 General > reg. 3 Prohibition on granting planning permission or subsequent consent for EIA development

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reg. 5 General provisions relating to screening



Law In Force

Version 1 of 1

16 May 2017 - Present

Subjects

Environment; Planning

5.— General provisions relating to screening

- (1) Subject to paragraph (3) and regulation 63, the occurrence of an event mentioned in paragraph (2) shall determine for the purpose of these Regulations that development is EIA development.
- (2) The events referred to in paragraph (1) are—
 - (a) the submission by the applicant or appellant in relation to that development of a statement referred to by the applicant or appellant as an environmental statement for the purposes of these Regulations; or
 - (b) the adoption by the relevant planning authority of a screening opinion to the effect that the development is EIA development.
- (3) A direction of the Secretary of State shall determine for the purpose of these Regulations whether development is or is not EIA development.
- (4) Where a relevant planning authority or the Secretary of State has to decide under these Regulations whether Schedule 2 development is EIA development, the relevant planning authority or Secretary of State must take into account in making that decision—
 - (a) any information provided by the applicant;
 - (b) the results of any relevant EU environmental assessment which are reasonably available to the relevant planning authority or the Secretary of State; and
 - (c) such of the selection criteria set out in Schedule 3 as are relevant to the development.
- (5) Where a relevant planning authority adopts a screening opinion under regulation 6(6), or the Secretary of State makes a screening direction under regulation 7(5), the authority or the Secretary of State, as the case may be, must—

- (a) state the main reasons for their conclusion with reference to the relevant criteria listed in Schedule 3;
 - (b) if it is determined that proposed development is not EIA development, state any features of the proposed development and measures envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment; and
 - (c) send a copy of the opinion or direction to the person who proposes to carry out, or who has carried out, the development in question.
- (6) The Secretary of State may make a screening direction either—
- (a) of the Secretary of State's own volition; or
 - (b) if requested to do so in writing by any person.
- (7) The Secretary of State may direct that particular development of a description mentioned in column 1 of the table in Schedule 2 is EIA development whether or not the conditions contained in sub-paragraphs (a) and (b) of the definition of “*Schedule 2 development*” are satisfied in relation to that development.
- (8) Where the Secretary of State makes a screening direction in accordance with paragraph (6), the Secretary of State must—
- (a) take such steps as appear to be reasonable to the Secretary of State in the circumstances, having regard to the requirements of regulation 6(2) and (3), to obtain information about the proposed development in order to inform a screening direction;
 - (b) take into account in making that screening direction—
 - (i) the information gathered in accordance with sub-paragraph (a);
 - (ii) the results of any relevant EU environmental assessment which are reasonably available to the Secretary of State; and
 - (iii) such of the selection criteria set out in Schedule 3 as are relevant to the development.
- (9) The Secretary of State must make a screening direction under paragraph (6)(a) within—
- (a) 3 weeks beginning with the date on which the Secretary of State obtains sufficient information to inform a screening direction; or

(b) such longer period, not exceeding 90 days, as may reasonably be required, beginning with the date on which the Secretary of State obtains sufficient information to inform a screening direction, but this is subject to paragraph (10).

(10) Where the Secretary of State considers that due to exceptional circumstances relating to the proposed development that it is not practicable to adopt a screening direction under paragraph (6)(a) within the period specified in paragraph (9), the Secretary of State may extend that period by notice in writing given to the person bringing forward the development which is the subject of the proposed screening direction.

(11) The Secretary of State must state in any notice given under paragraph (10) the reasons justifying the extension and the date when the determination is expected.

(12) The Secretary of State must send a copy of any screening direction to the relevant planning authority.

Part 2 Screening > reg. 5 General provisions relating to screening

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