

**PLANNING AND REGULATORY COMMITTEE
27 MARCH 2018****PROPOSED CONSTRUCTION OF WORCESTER
SOUTHERN LINK ROAD PHASE 4 (SLR4), INCLUDING
DUALLING OF A4440 BETWEEN KETCH AND POWICK
ROUNABOUTS WITH FOOT AND CYCLEWAY
IMPROVEMENTS, NEW ROAD BRIDGES ALONGSIDE
EXISTING POWICK COMMON VIADUCT AND
CARRINGTON BRIDGE AND CYCLE / FOOTBRIDGE ON
LAND AT HAMS WAY, WORCESTER SOUTHERN LINK
ROAD, A4440 TEMESIDE WAY, WORCESTER**

Applicant

Worcestershire County Council

Local Members

Mr T A L Wells (Powick Division)

Mr S M Mackay (Worcester - St Peter Division)

Mr P Middlebrough (Croome Division)

Purpose of Report

1. To consider an application under Regulation 3 of the Town and Country Planning Regulations 1992 (as amended) for proposed construction of Worcester Southern Link Road Phase 4 (SLR4), including dualling of A4440 between Ketch and Powick roundabouts with foot and cycleway improvements, new road bridges alongside existing Powick Common Viaduct and Carrington Bridge and cycle / footbridge on land at Hams Way at Worcester Southern Link Road, A4440 Temeside Way, Worcester.

Background

2. The Southern Link Road (A4440) was constructed in 1985 and forms part of Worcestershire's principal road network linking the strategic road network at Junction 7 of the M5 Motorway and the eastern side of Worcester city with the A38, A449, A4103 and A44, as well as existing and allocated residential and commercial developments on the southern and western side of Worcester. It is also one of only two road crossings over the River Severn in Worcester and is an important bypass around the south of Worcester; therefore, it provides a vital highway link between the M5 Motorway, the wider strategic road network, south and west of Worcester, Great Malvern and the wider Malvern Hills District, Ledbury, Upton-upon-Severn and Herefordshire.

3. The network currently operates under a considerable amount of strain, with key radial routes into Worcester city centre and routes around the outskirts of Worcester city being subjected to significant pressure, particularly during peak periods. Journey times and speeds are forecast to deteriorate further in future years, with negative environmental impacts due to reduced air quality in the absence of any infrastructure improvement works. Consequently, Worcestershire County Council is carrying out highway improvement works to the Southern Link Road (A4440). The majority of these works are being carried out under a combination of Worcestershire County Council's Permitted Development Rights, as the Local Highway Authority (Schedule 2, Part 9, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended) and under Section 55(2)(b) of the Town and Country Planning Act 1990.

4. These highway improvements works are being undertaken in four phases. Phase 1 was completed in 2013 and involved works to Whittington roundabout. Phase 2 was completed in 2015 and involved works to the Ketch roundabout and dualling of 600 metres of the A4440 between the Ketch roundabout towards Norton roundabout. Phase 3 is ongoing and is due to be completed by the end of 2018 and includes the completion of the dualling of the A4440 between Whittington roundabout and Ketch roundabout; an extended railway under-bridge; and it also includes the provision of a new bridleway footbridge to span the dualled section of the Southern Link Road (Crookbarrow Way). This bridleway footbridge required planning permission and was granted consent by Members of the Planning and Regulatory Committee on 6 November 2014 (Application Ref: 14/000034/REG3, Minute No. 896 refers).

5. This application is for Phase 4 of the programme of works to upgrade the Worcester Southern Link Road to dual carriageway standard from the Ketch roundabout to Powick roundabout. It also includes foot and cycleway improvements, new bridges alongside existing Powick Common Viaduct and Carrington Bridge and a new cycle / footbridge at Hams Way. This Phase requires planning permission because the scheme is considered to be Environmental Impact Assessment (EIA) development, as the proposal is located immediately adjacent to the River Teme Site of Special Scientific Interest (SSSI) and would be over 1 hectare in area. Following consultation with the County Planning Authority, the applicant determined that the development would be likely to have significant environmental effects if not mitigated and, therefore, voluntarily submitted an Environmental Statement (ES) to accompany the planning application.

6. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 came into force on 16 May 2017, prior to the submission of this planning application. The 2017 Regulations provide transitional arrangements. Regulation 76 states that the 2011 Regulations continue to apply if the applicant had submitted an ES or requested a Scoping Opinion. As a Scoping Opinion was requested and issued by the County Planning Authority on 6 October 2016, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 continue to apply for the purposes of the consideration and determination of this planning application.

7. It is understood that the scheme would cost approximately £62 million, of which £54.5 million is funded by the Department for Transport and £7.5 million funded mainly by developer contributions (Section 106 Agreements).

The Proposal

8. The proposal is for the dualling of the existing 1.9 kilometre single carriageway Temeside Way (A4440) from Ketch roundabout to Powick roundabout. The roundabouts would also be redeveloped. The applicant states that the objectives of the proposal are as follows:-

- Support growth of the economy by reducing travel times and improving travel time reliability, thereby reducing delays caused to businesses, transport operators and other users;
- Improve resilience of the transport network;
- Support delivery of the planned growth set out in South Worcestershire Development Plan up to 2030 and with additional capacity for post 2030 growth;
- Improve performance and attractiveness to users of the A4440 as a bypass for Worcester city centre, thereby helping to better manage traffic conditions in the constrained central area;
- Improve access to the Strategic Road Network from areas to the west of Worcester and access to key hubs, including Birmingham International Airport and Worcestershire Parkway Station; and
- Reduce transport related emissions.

9. The applicant states that the proposal is required as the current infrastructure is not able to fully accommodate the current traffic flows and the future level of development and the likely traffic to be generated. It would also help realise the potential of south Worcester for new housing, employment sites, whilst reducing congestion. The developments within the local vicinity of the proposal would be highly constrained without the dualling of the Southern Link Road.

10. The applicant states that the upgrade of the whole Worcester Southern Link Road route to dual-carriageway standard, with associated junction improvements, would significantly increase the attractiveness of this bypass route to motorists, making it the route of choice for east to west movements. This in turn relieves congestion in Worcester, improving local traffic flows for people in and around the city, with associated air quality benefits and local social and economic benefits to businesses, shoppers and residents, and improving traffic flow for all of Worcestershire and links beyond.

11. The scheme comprises of the following elements:-

Ketch Roundabout Improvements

12. The capacity of the roundabout would be increased by dualling the western arm over the proposed new Carrington Bridge for traffic from Worcester and the M5 Motorway. A segregated left turn lane towards Malvern and Hereford onto a slip lane would be provided for traffic heading west on the A38 from Kempsey. Additionally, there would be improvements to the queueing capacity for traffic on both approaches. The northern approach to Ketch roundabout on Bath Road (A38) is proposed to be improved with an increased length of diverged lanes.

13. The uncontrolled crossing on the Ketch roundabout would be removed and the existing informal underpass beneath Temeside Way (A4440) would be improved. The proposed underpass ramps would have a gradient of 1:20 gradient (minimum) with a footway / cycleway measuring about 3.5 metres wide. The underpass would be widened to about 4 metres wide. The proposed headroom under the bridge would be approximately 2.7 metres (minimum).

Powick Roundabout Improvements

14. There would be improvements to the Powick roundabout to facilitate the proposal. The segregated left turn lane from Worcester towards Powick and Malvern on the A449 would be retained with an increased merge length towards Powick and Malvern, with minor improvements to all arms of the roundabout. The length of diverged lanes on Hams Way (A4440) from the west would be increased. The existing cycle / pedestrian crossing point to the west of the roundabout on Hams Way (A4440) would be replaced with a new cycle / footbridge.

15. It is also proposed to remove the existing uncontrolled pedestrian crossings on the east and south sides of the roundabout as the introduction of a new dual carriageway with additional traffic lanes would increase the risk to pedestrians if crossing four lanes. Therefore, the footway on the east side of the A449 (south) would be stopped and replaced with verge. The existing Toucan crossing to the north of Powick roundabout would be maintained to keep access to Temeside Way. A controlled crossing would be provided for safe crossing, towards the southern aspect of the scheme, towards Powick.

Hams Way Cycle / Footbridge

16. A new cycle / footbridge is proposed over Hams Way (A4440) to the west of Powick roundabout to replace the existing traffic light controlled pedestrian crossing. The southern approach ramp would connect to the existing shared use footway towards Powick, the alignment has been chosen to minimise the impact upon existing mature trees, historic features and flood culverts. The southern approach ramp would measure approximately 131 metres long. The northern approach ramp aligns with the existing cycle network towards Powick Old Bridge, and across the existing Toucan crossing to the northern embankment of Temeside Way (A4440), as well as the footpath to the Hams Way (A4440) to the west. The northern approach ramp would measure approximately 140 metres long.

17. The bridge structure would be a single span tied bow arch bridge with truss members, measuring about 47 metres long, with a clear width of approximately 3.5 metres between handrails, with steel approach ramps located both north and south of the bridge. The clearance required above the road is approximately 6.45 metres high. The bow arch would measure approximately 6 metres from the deck, giving a total bridge height of approximately 12.45 metres at its peak. The approach ramps would link to the existing cycleway / footway network. The bridge and approach ramps would incorporate low-level lighting and would have a gentle slope of a maximum gradient of 1:20. The bridge would also be accessible from the west (Hams Way) via a staircase. A handrail at a height of about 1 metre and a guardrail for cyclist at a height of approximately 1.4 metres is proposed. The applicant is proposing the bridge to be off white or light grey in colour, with the deck and railings having a darker finish to create visual separation.

New Powick Common Viaduct

18. A new bridge would be constructed adjacent to the existing Powick Common Viaduct to carry two lanes of westbound traffic. The construction form and materials are proposed to be similar in appearance to the existing structure. The proposed structure would measure approximately 121 metres long and comprises six spans with a deck width of approximately 14 metres. The proposed structure would be an independent structure connected by a net or mesh that would measure approximately 1.5 metres wide to prevent accidental fall. The Viaduct would be constructed from a precast concrete beam with insitu concrete deck slab, with reinforced concrete abutments. The proposed bridge would have a design life of about 120 years.

New Carrington Bridge

19. Is the largest of the three proposed bridges, the structure is a 3-span continuous beam bridge measuring approximately 205 metres long by a maximum of 17 metres wide. The bridge would be independent structure from the existing Carrington Bridge and would run parallel to the south of the existing bridge, separated by a net or mesh measuring approximately 1.5 metres wide to prevent accidental fall. The proposed bridge would have three spans rather than six to minimise construction works within the floodplain and adjacent to the River Severn. The proposed new bridge would carry the westbound carriageway of the A4440 over the River Severn and floodplain towards Malvern. The existing bridge would eventually carry all eastbound traffic towards the M5 Motorway. Similar to the existing bridge, all structural steel would be unpainted "weathering steel".

20. The deck would be of a composite construction, with reinforced concrete deck slab supported on high-strength steel girders. The deck would be supported on reinforced concrete abutments and piers, which would be tapered to match the shape of the existing Carrington Bridge piers. The bridge would have a design life of about 120 years.

Embankments

21. The construction of a new earthworks embankment on the south side of Temeside Way (A4440) is required to accommodate the new westbound carriageway. The new embankment would sit to the south of the existing embankment and would carry two lanes of traffic adjacent to the existing carriageway. On the north side of Temeside Way (A4440), a small retaining structure would be installed to allow for widening of the combined cycleway / footway, also including provision of verges. The existing embankments are between 3 metres and 7 metres in height and the widened embankments would be of the same height. The proposed southern embankment would be constructed from engineered granular fill material.

Ketch Roundabout Underpass

22. The underpass for cyclists and pedestrians to the west of Ketch roundabout would be integrated within the structure of the Carrington Bridge, in order to avoid the requirement for a pier adjacent to the east bank of the River Severn. The underpass and associated ramps would replace the existing at grade crossing point adjacent to Carrington Bridge.

Cyclists and Pedestrians

23. The existing shared cycleway / footway on the north side of Temeside Way (A4440) would be widened to about 3.5 metres wide, with a useable cycleway / footway of approximately 3 metres. The length of cycleway / footway along the existing Carrington Bridge and Powick Common Viaduct would remain as is existing (about 2 metres wide). A 1.4 metre high fence would be provided along the northern edge of Temeside Way. The cycleway / footway would be bounded by a verge measuring approximately 1.5 metres wide to provide separation from the carriageway. The outside of the cycleway / footway is supported by a retaining wall to reduce the impact on the existing vegetation on the northern embankment.

Overhead Electricity Pylon

24. The existing electricity pylon supporting the 132 Kilovolt (kV) overhead power line located immediately south of Temeside Way (A4440) and about 290 metres west of the River Severn would need to be relocated to facilitate the proposed scheme. The applicant is proposing to dismantle the existing electricity pylon and to construct a new pylon to be located approximately 47 metres to the south-west of the existing pylon within Powick Common. The applicant states that this work would need to be carried out as “enabling works” ahead of any of the main construction scheme.

Drainage

25. The applicant is proposing two main surface water outfalls for the proposed development. One would connect into Carey’s Brook to the south of Powick Common Viaduct, and the second would connect into the River Severn.

26. The surface water run-off from the highway would receive treatment over a four-step process: filter drains, downstream defenders and two Sustainable Drainage Systems (SuDS) feature in the form of a toe ditch and a detention basin prior to the outfalls. The proposed drainage scheme has been designed to store and control the discharge for a 1 in 100 year plus 40% climate change event. The applicant is also proposing to connect the existing highway drainage network, which currently discharges into ditches or the River Severn into the proposed detention basin prior to discharge.

Flood Compensation Storage

27. A flood compensation area is proposed to offset the impact of the proposal on the floodplain, to be located within the floodplain, approximately 420 metres south of Temeside Way (A4440), situated immediately to the west of Powick borrow pits (Application Ref: 11/000017/CM). This was a County Matter application determined by the County Planning Authority on 20 June 2011 and allowed use of material to form the bunds formed as part of the flood alleviation scheme for Powick (Malvern Hills Application Ref: 10/01054/FUL). The area was restored as a wetland for nature conservation benefit.

Street Lighting

28. Existing street lighting is located around Powick and Ketch roundabouts. The lighting extends for approximately 60 metres along Temeside Way (A4440), while the majority of Temeside Way (A4440) remains unlit. The proposed street lighting design is proposed to replicate the existing lighting arrangements.

29. The approach ramps and bridge at Hams Way Cycle / Footbridge would incorporate low level lighting on the structure.

30. The approach pathway to the Ketch roundabout underpass would incorporate low level lighting and the underpass itself is proposed to be well lit.

Public Rights of Way

31. The applicant is proposing temporary diversion of Public Rights of Way within and adjacent to the proposal during construction, this includes the route of the Severn Way and Three Choir's Way.

Construction Access and Compound

32. The main construction compound and offices and construction access would be established immediately to the south-east of Powick roundabout. This would accommodate about 30 members of staff and would provide car parking, offices, training and welfare facilities, overnight plant storage, small tool and material stores and areas for traffic management. This compound would be located within the floodplain, therefore, the construction compound would need to be raised and protected from flooding by a perimeter bund. The applicant is proposing that the soils from the proposed flood compensation area are used in the construction of the raised construction compound. Wheel washing equipment would be located at the site exit and road sweeping facilities would be provided along the A449 for the duration of the works.

33. To enable construction vehicles to undertake a return journey to the Powick roundabout a temporary mini-roundabout would be constructed at the junction with the sewage pumping station in Powick. This roundabout would remove the need for construction traffic to pass through Powick.

34. The applicant is also proposing the use of satellite compounds and offices to the south of Powick Common Viaduct and on the eastern side of the River Severn to the south of Carrington Bridge.

Construction Works and Timescale

35. Subject to the grant of planning permission and the successful completion of other statutory procedures, the applicant anticipates the main construction works would commence in March 2019. Construction works are anticipated to take approximately 2 years, with an anticipated completion date of March 2021, with subsequent landscaping and planting.

36. The applicant identifies the following works as enabling works:-

- Works to the overhead electricity pylon;
- Provision of artificial sett, bird and bat boxes;
- Pre-construction archaeological investigations;
- Excavation of flood storage mitigation areas;
- Provision of access points; and
- Establishment of site compound, temporary fencing and fencing to protect sensitive areas.

37. The applicant states that the general sequence of works would be as follows:-

- Stage 1 - the new Carrington Bridge and Powick Common Viaduct would be both constructed adjacent to the existing bridges, with a separation gap so they can be built while traffic continues as normal along the A4440. The main elements of the new Hams Way Cycle / Footbridge would be constructed offsite, and lifted into place once the approaches and piers are complete to either side of the road. Individual overnight closures may be required to lift the final section of the new Carrington Bridge over the River Severn into place due to the proximity of the power lines, and to lift the Hams Way Bridge into place.
- Stage 2 - Once the new road and bridges are constructed, east-bound traffic would continue on a single lane of the existing road, with westbound traffic on one lane of the new road. This maintains traffic in both directions while allowing safe construction of the central reservation, merging lanes, cross-overs, and cycleway / footway.
- Stage 3 – On completion of the highways works, traffic would run on the new dual carriageway, and landscaping and site de-mobilisation would take place.

Working Hours

38. The normal working hours would be between 07.00 to 17.00 hours Mondays to Fridays, and 07.00 to 13.00 hours on Saturdays, with no working on Sundays or Public or Bank Holidays. The majority of construction activities are proposed to be undertaken within the above period. In certain circumstances, specific works may have to be undertaken outside the above normal working hours. Night working would be required in some cases; this would include the installation of the bridge beams on new Powick Common Viaduct, new Carrington Bridge and Hams Way Cycle / Footbridge. The applicant states that any working outside the above normal hours would be agreed with the County Planning Authority and Worcestershire Regulatory Services and local residents would be informed.

Environmental Statement

39. The application is accompanied by an Environmental Statement which addresses the following matters: alternatives considered, air quality and climate, cultural heritage, ecology and nature conservation, landscape and visual impacts, ground conditions and contamination, materials and waste, noise and vibration, water environment, people and communities, transport movement and access and cumulative effects.

The Site

40. The site measure approximately 41 hectares in area and broadly encompasses the section of the A4440 Southern Link Road (Temeside Way) that runs between the Ketch roundabout and Powick roundabout. This section of the A4440 is located on the south-western fringe of Worcester city, approximately 3.3 kilometres south of the city centre. The majority of the application site is within the administrative area of Malvern Hills; however, the land to the east of the River Severn is within the administrative boundaries of Worcester city.

41. The A4440 forms a key part of Worcestershire's Primary Road Network (PRN) and links the Strategic Road Network (Junction 7 of the M5 Motorway) and the eastern side of Worcester city with the A38, A449, A4103 and A44 to the west.

42. The site's immediate boundaries are formed primarily by agricultural fields. The River Teme is located to the north of the site with its closest point within 70 metres of the site. The River Teme flows from west to east and discharges into the River Severn some 550 metres to the north of Carrington Bridge. The eastern boundary of the site is immediately adjacent to the built up area of Worcester city - St Peter the Great. To the north of the Carrington Bridge and north-west of the Ketch roundabout is the Ketch Caravan Park and Moorings, with moorings also running underneath the Carrington Bridge. The Ketch Public House (Toby Carvery) is located 100 metres north of the Carrington Bridge. The River Severn runs immediately adjacent to the Ketch roundabout in a north-south direction. The A4440 (Temeside Way) crosses the River Severn at Carrington Bridge at the eastern end of the site. The River's floodplain is situated either side of the A4440, which crosses it via the Powick Common Viaduct. The southern boundary of the site overlooks agricultural fields which extend to the south-west towards the Malvern Hills. The southern boundary of the application site extends southwards towards the eastern side of Powick and includes agricultural land adjacent to Powick borrow pits (Application Ref: 11/000017/CM). The western boundary of the site adjoins Hams Way (A4440) and is located approximately 175 metres to the south of Lower Wick. The application site also extends southwards into Powick.

43. There are a number of Listed Buildings within the vicinity of the application site, including: Powick New Bridge over River Teme, which is a Grade II Listed Structures, which abuts the north-western application site boundary (located about 180 metres north-west of Temeside Way). Powick Old Bridge a Grade I Listed Structure and Scheduled Monument, which also abuts the north-western boundary of the application site (located about 240 metres north-west of Temeside Way); and Powick Mills, a Grade II* Listed Building is located approximately 70 metres north-west of the application site and 290 metres from Temeside Way. Five further Grade II Listed Buildings are located within the southern side of Lower Wick. A number of Listed Buildings are also located within Powick, with the nearest Listed Buildings to the application site being Pump and Pumphouse, The Terrace, Powyke House, and Daybrook House which are all Grade II Listed Buildings located on the northern side of Powick. The Grade I Listed Church of St Peter and St Lawrence and the Grade II Listed Leas Tomb are located approximately 185 metres and 165 metres, respectively west of the proposed flood compensation area. On the eastern side of the application site, the Grade II Listed Buildings of Timberdine Farmhouse and Clerkenleap Farmhouse are located approximately 90 metres and 290 metres north-east and south-east of the proposal, respectively. The Registered Battlefield designated for the Battle of Worcester is located along the northern side of Temeside Way (A4440). The Riverside Conservation Area is located to the north of the site, following the alignment of the River Teme and River Severn, and crosses the eastern side of the application site. The south-western boundary of the application site crosses into Powick Conservation Area, which is located approximately 490 metres south-west of Temeside Way (A4440). Spetchley Park a Grade II* Historic Park and Garden is located approximately 3.9 kilometres north-east of the application site. The locally listed park and gardens of Wick Episcopi and Crown East are located about 700 metres and 2.3 kilometres north-west of the proposal, respectively.

44. A number of Public Rights of Way are also located within the application site's boundary and immediate and wider setting, including Footpaths KP-501, SG-519, SG-517, SG-516, SG-515 and SG-514 which are located on the eastern bank of the River Severn and form part of the Severn Way, a long distance footpath from the River's source to the sea. Footpaths SG-518 and SG-531 adjoin the Severn Way, leading to the Ketch Public House (Toby Carvery) and through Ketch Coppice respectively. Footpath KP-509 runs parallel with the Severn Way to the south of Carrington Bridge. Footpaths PW-555 and PW-556 run along the western bank of the River Severn. Footpaths PW-547, PW-546, PW-515 and PW-514 run along the northern boundary of Temeside Way (A4440). Footpaths PW-545 and PW-544 run north to south underneath Temeside Way (A4440) and adjoin Footpaths PW-561 and PW-543 which run parallel and to the south of Temeside Way (A4440). Footpaths PW-540, PW-539, PW-554 and PW-541 adjoin Footpath PW-543 to the south of Temeside Way (A4440) and run east to west into Powick. Footpath PW-541 forms the western boundary of the proposed flood alleviation area. Footpath PW-509 is located to the north-west of Powick roundabout. Monarch's Way (Footpath WR-764) is a privately promoted long distance footpath that broadly follows the River Teme on its northern bank. Teme Valley Way, long distance footpath also follows the route of Monarch's Way. The privately promoted Three Choirs Way, is a long distance footpath between Gloucester, Hereford and Worcester and follows part of definitive Public Rights of Way (the Severn Way) before running south-west towards Callow End.

45. Local Cycle Route 3 runs along the northern side of Temeside Way (A4440) and adjoins National Cycle Route 46 of the National Cycle Network on the western side of Powick roundabout, which runs north to south along Malvern Road (A449).

46. There are a number of statutory and non-statutory wildlife designated sites within 1 kilometre of the proposal. This includes the River Teme Site of Special Scientific Interest (SSSI), which is located approximately 75 metres to the north of the site at its nearest point. Laugherne Brook Local Nature Reserve (LNR) is located about 160 metres north-west of the scheme. Cherry Orchard LNR is located about 1 kilometre north of the proposal. The River Teme Local Wildlife Site (LWS) is located immediately to the north of the site. The River Severn LWS is situated within application site boundary at its eastern end. The Laugherne Brook LWS is located approximately 285 metres north-west of the application site. The Carey's Brook LWS and Kempsey Upper Ham LWS are situated about 340 metres and 975 metres south of the proposal, respectively.

47. Further afield the Lyppard Grange Ponds Special Area of Conservation (SAC) is located approximately 4.6 kilometres south-east of the application site. The Severn Estuary SAC, Special Protection Area (SPA) and RAMSAR (wetlands of International importance) site is located approximately 44 kilometres south of the proposal, downstream of the proposal. The River Clun SAC is located about 48 kilometres north-west of the proposal. The Malvern Hills Area of Outstanding Natural Beauty (AONB) is located about 7.7 kilometres south-west of the proposal. Bredon Hill which forms part of the Cotswolds AONB is located about 13 kilometres south-west of the proposal.

48. The land immediately to the south and north-west of Temeside Way (A4440), north and south of Hams Way (A4440) and east of Malvern Road (A449) is

registered as Common Land, predominantly used for agricultural purposes. The proposed flood compensation area is outside, but abuts the southern extent of the land registered as Common Land.

49. The land adjacent to the existing Southern Link Road is within Flood Zone 3b (Functional Flood Plain), except for land situated to the east of the River Severn, which is within Flood Zone 1 (low probability of flooding), and the Southern Link Road itself, which is within Flood Zone 2 (medium probability of flooding) as identified in the 'South Worcestershire Strategic Flood Risk Assessment, Appendix A: Flood Zone Mapping (2012) and the Environment Agency's Indicative Flood Risk Map'.

50. There are 3 Air Quality Management Areas (AQMAs) within Worcester: St John's AQMA, Bridge Street / Dolday AQMA, Lowesmoor / Rainbow Hill AQMA, which are located about 1.9 kilometres, 2.5 kilometres, and 3.6 kilometres north of the application site, respectively. On 8 January 2018 Worcester City Council's Environmental Health & Licensing Committee took the decision to declare the administrative boundary of Worcester city as an AQMA. Worcestershire Regulatory Services have undertaken a consultation on the declaration which closed on the 8 March 2018.

51. The majority of the site falls within the 'Lower Severn Strategic Corridor' of the Emerging Minerals Local Plan and lies in close proximity to an area of identified mineral deposits (sand and gravel) as shown on the adopted County of Hereford and Worcester Minerals Local Plan (1997) Proposal Map.

52. The nearest residential properties to the application site are Temeside Cottage located approximately 120 metres north of the proposal, with its access taken directly from Temeside Way (A4440); 4 and 5, The Village and the accommodation situated above Cromwells Tavern located adjacent to the south-western boundary of the application site and 235 metres south-west of the Temeside Way (A4440). Further residential properties are located in Powick along Malvern Road (A4440), which adjoin the application site boundary, and include 8 to 17 Malvern Road, and 38 Malvern Road. Further dwelling are located to the south and west beyond. The residential properties of Powick Mills and the dwellings situated along Toronto Close are located about 65 metres and 120 metres north-west of the proposal, respectively. Teme Acre Cattery is located about 85 metres north-west of the scheme. On the eastern side of the scheme, the Ketch Caravan Park and Moorings is located immediately to the north of the Carrington Bridge. The dwelling of Cherry Acre and 1A to 4 Clerkenleap Cottages adjoin the south-eastern application boundary, situated along the eastern side of Worcester Road (A38). The residential estate of St Peter The Great is located adjacent to the north-eastern boundary of the application site.

Summary of Issues

53. The main issues in the determination of this application are:-

- Alternatives
- The water environment and impact upon the floodplain
- Traffic, highway safety and impacts upon the Public Rights of Way
- Ecology and biodiversity

- Landscape character and visual impact
- Residential amenity (air quality, dust emissions, climate change, noise, vibrations and lighting)
- Historic environment

Planning Policy

National Planning Policy Framework (NPPF)

54. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

55. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:-

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

56. The Government believes that sustainable development can play three critical roles in England:-

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

57. The following guidance contained in the NPPF is considered to be of specific relevance to the determination of this planning application:-

- Section 1: Building a strong, competitive economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving and enhancing the historic environment
- Section 13: Facilitating the sustainable use of minerals

The Development Plan

58. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan relevant to this proposal consists of the Adopted Worcestershire Waste Core Strategy, Saved Policies of the Adopted County of Hereford and Worcester Minerals Local Plan,

Adopted South Worcestershire Development Plan and Adopted Neighbourhood Plan for Kempsey.

59. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Worcestershire Waste Core Strategy Development Plan Document (WCS)

Policy WCS 17: Making provision for waste in all new development

County of Hereford and Worcester Minerals Local Plan (Saved Policies)

60. The Adopted Minerals Local does not contain any saved policies relevant to the consideration and determination of this planning application. However, the application site lies in close proximity to an area of identified mineral deposits as shown on the adopted County of Hereford and Worcester Minerals Local Plan (1997) Proposal Map, notified as a Minerals Consultation Area.

South Worcestershire Development Plan

61. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP policies that are of relevance to the proposal are set out below:-

Policy SWDP 1 Overarching Sustainable Development Principles

Policy SWDP 2 Development Strategy and Settlement Hierarchy

Policy SWDP 4 Moving Around South Worcestershire

Policy SWDP 6 Historic Environment

Policy SWDP 7 Infrastructure

Policy SWDP 21 Design

Policy SWDP 22 Biodiversity and Geodiversity

Policy SWDP 24 Management of the Historic Environment

Policy SWDP 25 Landscape Character

Policy SWDP 28 Management of Flood Risk

Policy SWDP 29 Sustainable Drainage Systems

Policy SWDP 30 Water Resources, Efficiency and Treatment

Policy SWDP 31 Pollution and Land Instability

Policy SWDP 32 Minerals

Policy SWDP 38 Green Space

Policy SWDP 45 Directions for Growth Outside the City Administrative Boundary

Neighbourhood Plan for Kempsey 2017 - 2030

62. On 1 March 2013 Kempsey Parish Council applied to Malvern Hills District Council for designation as a Neighbourhood Planning Area. This designation was approved on 2 July 2013 for the whole of the parish area. The Neighbourhood Plan was prepared by a Steering Group of Parish Councillors and local residents and was independently examined in June 2017 and amended to ensure it met the basic conditions of the Town And Country Planning Act 1990 (as amended). A Referendum on the Kempsey Neighbourhood Plan was held on Thursday 5 October 2017. There was a 38.4% turnout, with 91.6% voting in favour of the Neighbourhood Plan. The Neighbourhood Plan for Kempsey was adopted by Malvern Hills District

Council at their Full Council Meeting on 28 November 2017, bringing the Neighbourhood Plan into legal force as part of the Development Plan.

63. The plan identifies a number of key issues for Kempsey and sets a vision and 7 objectives to address these issues. It then details 15 planning policies, of which the following are considered of relevance to the proposal:-

Policy K12 Green Infrastructure
Policy K15 Transport

Emerging Minerals Local Plan (Third Stage Consultation)

64. Worcestershire County Council is preparing a new Minerals Local Plan for Worcestershire, which will be a restoration led plan. This document will set out how much and what minerals need to be supplied, where minerals should be extracted, how sites should be restored and how minerals development should protect and enhance Worcestershire's people and places. Once it is adopted it will replace the existing minerals policies in the County of Hereford and Worcester Minerals Local Plan.

65. The majority of the application site falls within the 'Lower Severn Strategic Corridor' of the Emerging Minerals Local Plan (Policy MLP 3). The Emerging Minerals Local Plan Policy MLP1 directs minerals development within the Strategic Corridors. The site falls within a Minerals Resource Safeguarding Area, as identified by Figure 8.1 'Mineral Resource Safeguarding and Consultation Area'. Policy MLP27: 'Safeguarding Locally and Nationally Important Mineral Resources' seeks to safeguard Worcestershire's locally and nationally important mineral resources from needless sterilisation by non-minerals development. It requires all non-exempt development within a Mineral Resource Consultation area to provide information about whether the proposed development would result in sterilisation of some or all of the resource; and whether the mineral resource is of economic value.

66. The first stage consultation on Emerging Minerals Local Plan ran from 9 October 2012 to 11 January 2013. The second formal stage of consultation began on 11 November 2013 and ran until 31 January 2014. In summer 2014 the County Council made a call for proposed locations for aggregate extraction that should be considered in the development of the Minerals Local Plan. In summer 2015 the County Council undertook a further call for non-aggregate and aggregate sites and call for resources and infrastructure that should be safeguarded, as well as seeking comments on a suite of background documents. This consultation ran until 25 September 2015, but late submissions were accepted until 27 November 2015.

67. The third formal stage of consultation on the Emerging Minerals Local Plan ran from 14 December 2016 to 8 March 2017, this consultation sought comments on the proposed policy wording and site allocations. The County Council in September 2017 published the Response Document detailing the comments received and the Council's initial response. This highlights that there are not enough mineral workings in Worcestershire to deliver the level of minerals supply required from the County, as required by the national minerals policy and regional supply calculations. Consequently, the County Council undertook a further call for sites, which closed on 26 January 2018.

68. The Emerging Minerals Local Plan has not, therefore, been tested at examination or adopted by the County Council. Indeed, there will be further stages of consultation on the document prior to submission to the Secretary of State. Having regard to the advice in the NPPF, Annex 1, it is the view of the Development Manager that the Emerging Minerals Local Plan should be given limited weight in development management terms in the determination of this application.

Other Documents

Worcestershire County Council's Worcestershire Green Infrastructure Strategy 2013-2018

69. Green Infrastructure is the planned and managed network of green spaces and natural elements that intersperse and connect our cities, towns and villages. Green Infrastructure comprises many different elements including biodiversity, the landscape, the historic environment, the water environment (also known as blue infrastructure) and publicly accessible green spaces and informal recreation sites.

70. The Green Infrastructure Strategy is a non-statutory county-wide guidance document which aims to direct and drive the delivery of Green Infrastructure in Worcestershire; and inform relevant strategies and plans of partner organisations over the next five years. The Strategy contains high-level priorities which should be explored in more detail at the local and site level.

South Worcestershire Infrastructure Delivery Plan (2016)

71. The South Worcestershire Infrastructure Delivery Plan (SWIDP) was first published in November 2012 and updated in October 2014 and July 2016. The SWIDP sets out details of the infrastructure that is required to support the growth outlined in the South Worcestershire Development Plan. The SWIDP is a "living document" in that it is subject to on-going change. Annex I of the adopted South Worcestershire Development Plan sets out the list of infrastructure considered necessary to deliver the plan. The Councils updated Appendix Y of the SWIDP to assist in developing the Community Infrastructure Levy Charging Schedule. The SWIDP remains a technical document informing policy rather than policy per se.

72. The Worcester Southern Link Road is identified in the SWIDP as a major scheme required to mitigate the impact of the South Worcestershire Development Plan. It states that *"Highways England has identified that planned growth cannot be accommodated on Junction 7 of the M5 Motorway without the County Council's proposed improvements related to the Southern Link Road (A4440). Modelling has indicated that Junction 7 would become severely congested without the identified improvements; to the extent that queues on the exit slips extend back to the main carriageway during peak hours"*.

Worcestershire County Council's Worcestershire Local Transport Plan 4 (LTP4) 2017 - 2030

73. The Worcestershire Local Transport Plan 4 (LTP4) was adopted in November 2018. The maintenance of a valid Local Transport Plan is a statutory requirement under the Transport Act 2000 and amended by the Local Transport Act 2008. Its role is to set out local transport policies and a strategy for investment in transport infrastructure, technology and services to deliver against a range of objectives. LTP4 consists of a suite of policies, four statutory assessments and the main document, which includes a strategic delivery programme.

74. It sets 5 objectives regarding economic, environment, health and safety, equality, and quality of life. It also sets out a package of strategic transport schemes, in South Worcestershire this includes *"ID SWST3: Southern Link Road (A4440) Phase 4 - Ketch to Powick Hams"*. The scheme objectives are to:-

- *"Unlock the potential of the A4440 Worcester Southern Link Road by removing the capacity constraint at Temeside Way;*
- *Support the growth of the economy of Worcestershire and the surrounding area by reducing travel times and costs imposed on businesses, transport operators and other network users by the current and forecast traffic congestion on the A4440 Worcester Southern Link Road;*
- *Improve the resilience of the transport network to extreme weather events and unforeseen disruptions, particularly flood incidents;*
- *Support the delivery of the planned growth set out in SWDP up to 2030. This includes development sites, such as Worcester West urban extension and North East Malvern (totalling 8,000 dwellings and 15 hectares of employment land)".*

Worcestershire Local Enterprise Partnership (WLEP) Business Plan 2012

75. This sets out the WLEP vision, which is to "create the right economic environment to inspire businesses, encourage investment and to create lasting and sustainable employment in Worcestershire by 2017 and beyond". It also sets their key measures of success; their role; funding sources; and strategic objectives, which includes 'Objective 4: Planning, Development and Infrastructure'.

76. Strategic Objective 4 states that *"transportation through the movement of goods and people creates opportunities to trade and create economic growth. This connectivity and good infrastructure is essential to maximize Worcestershire's potential and to create a competitive environment"*. The list of key projects includes the development of the Worcester Southern Link Road.

Worcestershire Local Enterprise Partnership's World Class Worcestershire Our Strategic Economic Plan (SEP)

77. The Strategic Economic Plan's (SEP) vision and strategic framework is to ensure that Worcestershire's economy grows even more rapidly and makes an increasingly important contribution to the national economy. The SEP aims to grow the local economy by 2025 by generating over 25,000 jobs and to increase GVA by £2.9 billion.

78. The SEP sets three objectives:

- Create a World Class business location
- Provide individuals with World Class Skills, and
- Develop World Class competitive and innovative business.

79. The SEP sets out integrated programme areas, which comprise prioritised projects and initiatives to meet these objectives. Transport Investment Programme is an initiative identified within the SEP to meet the objective of 'create a World Class business location'. The SEP recognises that *"additional investment in Worcestershire's transport infrastructure and services is essential to provide business with improved access to markets and employees and to encourage economic growth"*. The SEP states that *"transport investment will be targeted to*

unlock the potential of key employment and housing sites to support the overall growth vision. Investment will also improve external linkages (with neighbouring sub-regions and international gateways to enhance access to national and global markets) and enhance accessibility between key economic centres within the LEP area to accommodate the travel demand associated with the growth aspirations". Within the Transport Investment Programme initiative priority projects are set out. Over the medium term (to 2020/21) a priority project is to target investment to complete the dualling of the A4440 Worcester Southern Link Road across the Carrington Bridge. The SEP identifies the Worcester Southern Link Road, together with Hoobrook Link Road (Application Ref: 13/0000060/REG3. Granted planning permission by the County Planning Authority on 18 February 2014, Minute No. 861 refers) and Worcestershire Parkway Station (Application Ref: 15/000007/REG3, granted planning permission by the County Planning Authority on 26 August 2015, Minute No. 916 refers), as one of three major schemes for funding for the period 2015/16 to 2018/19 to support the delivery of economic and housing growth objectives.

Malvern Hills Area of Outstanding Natural Beauty Management Plan (2014-2019)

80. The current AONB management plan was published in April 2014. It identifies the issues and challenges facing the special features of the area and contains a suite of policies and objectives covering landscape, geodiversity, biodiversity, historic environment, farming and forestry, living and working, built development, tourism, transport and accessibility, recreation and access, information and interpretation and volunteering.

81. The Management Plan states that *"in 2012, Defra and Natural England advised those carrying out management plan reviews that there is a greater imperative to consider the effect of development in the setting of protected landscapes. The setting of an AONB is the surroundings in which the area is experienced. If the quality of the setting declines, then the appreciation and enjoyment of the AONB diminishes. Construction of a distant but high structure; development or change generating movement, noise, odour, artificial light, vibration or dust over a wide area; or a new understanding of the relationship between neighbouring landscapes may all impact on/extend the setting".*

82. Of particular relevance to this proposal is Policy BDP2, which states that *"Development proposals should be informed by the need to protect or enhance key views to and from the AONB. The AONB guidance on identifying and grading views and viewpoints should be used in relevant cases".*

Consultations

83. Worcestershire County Council carried out public consultation of the planning application between November and December 2017. Following the consideration of the comments that were received on it, the applicant wrote to the County Council in February 2018 submitting additional information in respect of the Environmental Statement, in relation to cultural heritage, landscape and visual impacts and the water environment. In accordance with Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 the County Planning Authority carried out public consultation on this additional environmental information (between February and March 2018). The comments below summarise

the latest comments from consultees; and totals the number of letters of representations received on both consultations combined.

84. **Powick Parish Council** raise the following concerns:-

- It is essential that the development allows for the replacement of Common Land both during construction and once operational, and concerns that not all commoners were notified by the Council.
- Concern regarding the location of the site compound.
- Residents are concerned about traffic and the future volume of traffic through Powick and associated air pollution and vibration impacts.
- Request that improvements are made to minimise the operational impact upon the environment and wildlife.
- Query if there would be a traffic alleviation scheme for the increase in traffic volume from the M5 Motorway towards Malvern following this development.
- Query if there would be any increase in current peak time delays?
- Query if the existing bottleneck at the Ketch roundabout would be addressed?
- Consider it is likely that the route to Malvern would back up with traffic, with greater impact on Powick Village.
- Query if improvements could be made in conjunction with National Cycle Route 46, as there is not currently a complete link between Malvern and Worcester.
- Welcome the proposed cycle / footbridge, subject to suitable design.
- The Flood Risk Assessment needs to take account of Beauchamp Lane, Callow End recently completed flood alleviation scheme.
- Flooding in the Powick Village area is a key concern.
- Query if additional safety / security measures could be installed along the pedestrian / cycleway.
- Request that views towards the Malvern Hills along Temeside Way (A4440) are maintained.

85. **Kempsey Parish Council** is fully supportive of the proposal, and welcomes the provision of a significant length (some 210 metres) of segregated left hand turn lane towards Malvern from the A38 south. Whilst they acknowledge that there is approximately 130 metre of merging lane proposed on the Carrington Bridge, they consider this would likely lead to accidents at peak periods. They are pleased to see that approximately 120 metres of 3 lane roadway is proposed on the A38 south approach to the Ketch roundabout.

86. They raise concerns that at peak traffic periods, residents from Kempsey would have severe difficulty getting onto the Ketch roundabout to go to Worcester or Whittington. They consider that the proposed two lanes of traffic on the Ketch roundabout travelling from Whittington to Powick would effectively prevent traffic from Kempsey getting onto the roundabout. They understand that the aim of this scheme is to improve the flow of traffic in an east to west direction, but consider that this should not be at the detriment of south to north movements. They note that approximately 2,800 new houses are due to be constructed between the A4440 and Taylors Lane and that much of the traffic generated by this development would exacerbate the traffic flow on the A38 from Kempsey direction. They consider that at busy times there is a strong case for traffic light control on the Ketch roundabout.

87. The Parish Council welcome the removal of the uncontrolled Ketch roundabout crossing and the major upgrading of the informal underpass beneath Temeside Way (A4440), and request suitable lighting is provided to ensure all users feel safe.

88. Finally, the Parish Council comment that they understand that planning permission has been granted for residential development on the Ketch Car-Boot field and the access would be in the vicinity of the existing field entrance. If this is the case they raise grave concerns that vehicles from this residential development would be crossing traffic flowing to and from the Ketch roundabout.

89. **St Peter's Parish Council** is supportive of the proposal subject to the following:-

- Minimal disruption to vehicles and cycle / footpaths users along the A4440 during the works.
- Minimal environmental impact on the surroundings during the construction works and once operational.
- Reinstatement and maintenance of all vegetation removed to facilitate the scheme.
- Correction of the adverse camber on the Ketch roundabout.
- Consideration of users of the widened cycle / footpath during the evening and darker winter months.

90. They would also like to be actively engaged with the following matters:-

- The Ketch Viewpoint, including the potential for raising the height of the viewing platform further, implementing a bandstand style covering and providing enhanced information boards. In addition, they would encourage further planting and repositioning the Viewpoint on the north side of the A4440 to minimise the visual impact of the road upon the Viewpoint.
- The Ketch underpass, including suitable access, drainage and lighting.
- The Parish Council would like to work with the applicant to ensure that early and due consideration is given to safety of vehicles and pedestrians. They would welcome the opportunity to comment on plans, audits and assessments.

91. **Rushwick Parish Council (Neighbouring Parish)** has no comments.

92. **Malvern Hills District Council** fully supports the principle of the proposal, which would improve journey times (by a range of transport modes) between Malvern and parts of Worcester and the M5 Motorway and beyond. They recognise the strategic and local social and economic benefits to existing and future businesses and residents that this development would create. They consider the proposal would accord with the sustainable development strategy and transport priorities underpinning the South Worcestershire Development Plan and the associated Worcester Transport Strategy. They consider it would directly support housing and employment growth allocated in the adopted South Worcestershire Development Plan.

93. The District Council welcomes the significant level of consultation and public engagement on this proposal and is, therefore, satisfied that local views have been

sought. The District Council are also content to rely upon the detailed technical assessment of the proposal by the County Planning Authority and its professional officers in terms of identifying, minimising and mitigating as far as possible any significant environmental effects of the development, particularly in terms of air quality, cultural heritage, ecology, landscape and visual impacts, ground contamination, minerals and waste and flood risk. However, should there be any significant variation in aspects of the proposal or the assessment of their impact the District Council would wish to be re-consulted.

94. The District Council make the following detailed comments:-

New Pedestrian / Cycle Bridge

95. The District Council would welcome continued involvement in future discussions regarding the discharge of conditions relating to the bridge including its colour, lighting and detailed design.

Handling and disposal of waste

96. The District Council seeks reassurance from the County Planning Authority's as Waste Planning Authority that adequate arrangements would be put in place to control and monitor the waste arising from the development to ensure it is responsibly disposed of.

Lighting

97. The link between the Carrington Bridge and Powick roundabout crosses a broad area of land likely to remain undeveloped due to its location within the floodplain. The area, therefore, represents an important open area beyond the urbanised edge of the city. Consequently, proposals for any additional lighting to service the proposal should be carefully considered with respect to their impact.

98. **Worcester City Council** fully supports the principal of the proposal and reiterates the comments of Malvern Hills District Council (outlined above), but they also state they endorse the comments made by the Conservation Areas Advisory Committee and St Peter's Parish Council. Noting that significant concern is expressed regarding the lack of at-grade crossings for pedestrians and cyclists. The City Council, therefore, urge the County Council to give further consideration to this aspect of the proposals in order to make suitable provision, in consultation with the St Peter's Parish Council. They also draw the County Council's attention to the City Archaeologist's comments.

99. **Wychavon District Council (Neighbouring District Council)** has no objections and concurs with Malvern Hills District Council's comments (outlined above).

100. **County Council Minerals and Waste Planning Policy Officer** comments that parts of the proposal (the area adjacent to Powick village) are close to an area of identified mineral deposits as shown on the adopted County of Hereford and Worcester Minerals Local Plan (1997) Proposal Map, notified as a Minerals Consultation Area. Although the proposed development is not within the identified resource area, development which introduces new sensitive receptors in close proximity could have an indirect impact on sterilisation of the identified mineral resource. Notwithstanding this, the Policy Officer considers that the type of development proposed would not introduce new sensitive receptors which would

result in the sterilisation of the adjacent mineral resources. Furthermore, the need for the proposal is a requirement recognised in Policy SWDP 4 (Part I i) of the South Worcestershire Development Plan, and as such may be considered exempt from the requirements of Policy SWDP 32.

101. The Policy Officer welcomes the applicant's proposal to maximise off-site disposal of waste, but notes that this should not be seen as a requirement to dispose of all waste on site, and any proposals for bunds, which are not demonstrated to be necessary should be considered to be landfilling of waste and considered against Policy WCS 5 of the Waste Core Strategy. The Policy Officer welcomes the commitment to implement a Site Waste Management Plan for the project and the proposal for a clearly signed system for source segregation of waste to maximise the ability to re-use, recover and recycle waste arising on site, and considers that this accords with the requirements of Policy WCS 17 Part a of the Waste Core Strategy.

102. The Policy Officer queries the source of materials for the construction of the scheme and whether the applicant has considered the routing of HGVs delivering this material. The Policy Officer notes a discrepancy within the submission regarding borrow pits and seeks clarification as to whether borrow pits are proposed as part of this application. The Policy Officer also notes a number of errors, inconsistencies and omissions within the Environmental Statement relating to minerals and waste management matters.

103. **Worcestershire Regulatory Services (Contaminated Land and Air Quality)** has no objections to the proposal, noting that the proposal is anticipated to offer betterment in terms of air quality and draw traffic away from the congested Worcester city centre routes. This is expected to offer an improvement of air quality within the existing city centre Air Quality Management Areas (AQMAs).

104. Worcestershire Regulatory Services have also reviewed the submission in respect of contaminated land and no significant concerns have been identified, therefore, Worcestershire Regulatory Services have no adverse comments to make in respect of contaminated land.

105. **Worcestershire Regulatory Services (Noise, Vibration, Dust and Lighting)** has no objections subject to the imposition of a condition requiring a Construction Environmental Management Plan (CEMP) requiring measures to minimise the impacts during construction relating to noise, vibration and dust and must outline the proposed working hours. They state that the submitted information in relation to noise during the operational phase of the development is satisfactory and indicates that noise levels at the nearest sensitive receptors would not exceed the criteria specified in the Noise Insulation Regulations 1975 (as amended in 1988) and, therefore, would not be eligible for additional noise insulation. With regard to lighting during the construction phase they state that lighting it should be positioned and angled in which to minimise light spill outside of the site boundaries.

106. **Public Health England** have no objections, stating that they have no specific issues with the proposed development and are reassured that an EIA has been undertaken. They have no significant concerns regarding risk to health of the local population from the proposed development, subject to the applicant taking all

appropriate measures to prevent or control environmental emissions, in accordance with industry best practice.

107. **The Environment Agency** has no objections, subject to the imposition of conditions regarding provision of the flood compensation area, a landscaping scheme, CEMP, control of invasive plant species and contaminated land.

108. They state the applicant is proposing a flood compensation area to compensate for the loss of floodplain storage occupied by the proposed widened embankments. Flood storage compensation should ordinarily be provided on a level for level, volume for volume basis. In effect, the overall area of floodplain, at any stage of a flood should remain the same in order to replicate the existing flood regime post development. However, because of the available land, the proposed compensation would only be volume for volume and not level for level. During a flood event most of the flood storage proposed would be flooded before large parts of the embankment is affected. Notwithstanding this, the flood modelling has demonstrated that there are no changes to flood levels to sensitive receptors post construction and the highway is adequately elevated above the flood level. In addition, the applicant has also modelled the temporary works, namely the compound and the platform for the crane to allow the construction to be carried out. The flood modelling indicates there would be no adverse impacts whilst the temporary works are undertaken.

109. Whilst the flood modelling has demonstrated no adverse impacts locally, the Environment Agency recommends that the applicant explores opportunities to provide the sensitive receptors identified in the Flood Risk Assessment with property level protection or other flood risk betterment.

110. Overall, the Environment Agency considers the proposal demonstrates no third party flood risk impacts, and the applicant has agreed to enter into partnership with the Environment Agency to provide wider flood risk betterment locally. They consider that the proposals accord with the guiding principles of the NPPF and the Government's PPG.

111. They state that any works within The River Severn channel, such as any pile driving, need to avoid salmonid and shad migration periods. This would be a condition of any Flood Risk Activity Permits granted by the Environment Agency. They also refer the County Planning Authority to their Contaminated Land Standing Advice.

112. **South Worcestershire Land Drainage Partnership** has no objections to the proposal. They refer the County Planning Authority to the Environment Agency and Lead Local Flood Authority.

113. **The Lead Local Flood Authority** has no objections to the proposal, subject to the imposition of a condition requiring a Sustainable Drainage Systems (SuDS) management plan.

114. **The Canal and River Trust** has no objections to the proposal, subject to the imposition of conditions regarding the detailed design of the Carrington Bridge (including final air draft), impacts on siltation and navigation hazards modelled, assessment of channel hydrography and a scheme requiring pollution control

measures to prevent the River Severn being polluted during the construction phase. They consider that the proposed Carrington Bridge air draft of 12.5 metres is acceptable in principle.

115. **Inland Waterways Association** - no comments received.

116. **Severn Trent Water Limited** has no objections, stating that the proposal would have a minimal impact on the public sewerage system.

117. **Natural England** has no objections, stating that the proposal would not likely to have significant effects upon the Severn Estuary SAC. They advise that to meet the requirements of the Habitat Regulations, that the County Planning Authority records its decision that a likely significant effect can be ruled out as demonstrated by the submitted "Appendix 8.8 Habitat Regulations Assessment Screening Matrices" of the Environmental Statement.

118. Natural England also considers that the proposed development would not damage or destroy the interest features for which the River Teme SSSI has been notified. They also comment that the proposal should complement and enhance the local distinctiveness of the area, and the County Planning Authority should be guided by the County Landscape Character Assessment and relevant development plan policies. They note the submitted Landscape Visual Impact Assessment and agree with its conclusions. They request that special consideration is given to planting of inundation grasslands and reed beds which would provide suitable compensatory habitat for otter and be a valuable food source and habitat provision for birds.

119. Natural England also refers the County Planning Authority to their Standing Advice, which provides guidance on how protected species should be dealt with in the planning system.

120. **The County Ecologist** has no objections, subject to the imposition of conditions to secure the mitigation / compensation and enhancement measures proposed in the application, namely: a CEMP; Method Statements and Biosecurity Protocols; Bat Method Statement; Reptile Mitigation Strategy; Supplementary Update Ecological Surveys; Lighting Strategy; Landscape and Ecological Management Plan (LEMP) and a Biodiversity Mitigation Monitoring Strategy.

121. Habitat compensation proposals are not 'like-for-like' and, in this instance, this is considered acceptable due to the County Council's and wider Biodiversity Partnership's strategic aspiration for wetland restoration / re-creation in this area; wetland compensation habitats are considered to have relatively greater value in the context of the scheme's historical floodplain. For the same rationale, the County Ecologist recommends that the flood compensation area would be enhanced by simplification of the proposed habitat mosaic by focusing on wet grassland and shallow scrapes.

122. Direct impact has been identified on a pipistrelle bat roost. Bats are European Protected Species (EPS). An outline Method Statement has been proposed and a Mitigation Strategy has been proposed to enable the tree loss to be derogated by EPS Licence. The implementation of the Mitigation Strategy and Method Statement would subsequently be subject to the granting of a Natural England development licence. The long-term impact on the local population of pipistrelles is considered

very unlikely to be significant (is considered to be of 'local' scale importance) and is likely to be at least 'neutral' following implementation of mitigation.

123. In such instances the County Planning Authority must consider the three tests in Regulation 53 of the Conservation of Habitats and Species Regulations 2010 (as amended) before determining this application.

124. The County Ecologist states that their ecological input is limited to offering advice on the second and third tests which they consider are likely to be met in this instance. The judgement on the first test at Regulation 53(2)(e) must be wholly made by the Planning Officer or Planning Committee. To pass this test there must be a high degree of need for the development, which would result in beneficial results to the local area that are likely to be in accordance with local planning policy requirement(s). If the Planning Committee agrees that the first test can be met then they believe a licence application for an EPS licence is likely to be successful, and so consenting the planning application is possible.

125. **Worcestershire Wildlife Trust** has no objections to the proposal, subject to the imposition of the conditions requiring a CEMP; pre-construction CEMP for enabling works; detailed drainage strategy and habitat enhancement features; lighting strategy; and a LEMP.

126. They recognise that the potential net gain would not be 'like-for-like' for habitats lost, but accept the rationale for this and in principle they consider that the proposed gains in wetland habitat may be more valuable in the long-term than simple replacement tree planting.

127. They make the following specific comments on the proposed mitigation measures:-

Woodland.

- Concerns regarding woodland planting in the wetland compensation area as this may compromise the delivery of improvements for other target species in this area (notably wetland birds).

Grassland

- Recommend that further consideration is given to wet grassland and ruderal habitat creation in the flood compensation area, the embankment toe ditch and associated balancing ponds.

Interpretation

- Welcome the proposed biodiversity interpretation.

Lighting

- They are pleased to see that the main length of carriageway across the floodplain would remain un-lit and recommend the imposition of conditions requiring construction and operational lighting schemes.

Air Quality

- Recommend the proposed CEMP be used to control fugitive dust emissions and that monitoring is carried out both during construction and operational phases.

Water and Environment

- Consider that the proposed drainage strategy is essential in delivering appropriate protection for the receiving watercourses; and therefore, expect the identified mitigation to be integrated effectively with the proposed CEMP.
- Recommend additional improvements to help increase the biodiversity value of SuDS features.
- With regard to the proposed flood compensation area, they are concerned that it appears rather small in relation to the scale of the scheme and the range of habitat and flood mitigation required seems rather large. As a result, they are concerned that the habitats provided may be quite limited in scale and occur in such a tight mosaic as to reduce their value for specialist wildlife. They consider that this application offers a fantastic opportunity to create habitat suitable for species of the open flood plain, such as curlew, which could not be accommodated in small ponds and reed beds. Accordingly they recommend that consideration be given to wider scale landscape work with a view to delivering more than the somewhat limited enhancements available in the flood compensation area.

Noise and vibration

- There is potential for adverse effects on fish and other protected species. They understand that guidance has already been sought from the Environment Agency on this subject and defer to their opinion on this matter.

128. **The County Landscape Officer** has no objections, but raises concerns regarding the design of the proposed Hams Way Cycle / Footbridge. Whilst they accept the need to provide a safe access way for users, they consider the tall bow arch of the bridge could be reduced to be less intrusive on the skyline, more in line with the height of adjacent mature trees, and therefore, more integrated into the landscape. Furthermore, to reduce the visual impact of the southern bridge approach ramp on views from Powick Conservation Area they would welcome comprehensive and well structure soft landscaping on the southern side of the proposed Hams Way Cycle / Footbridge. They also welcome the proposal not to thin out the vegetation between Powick Old Bridge and the proposed Hams Way Cycle / Footbridge, and request a commitment from the applicant to maintaining a viable assemblage of trees in this location and new planting to help screen the proposal into the future. Should planning permission be granted they recommend the imposition of a condition requiring a landscaping scheme for both hard and soft landscaping.

129. **Malvern Hills Area of Outstanding Natural Beauty (AONB) Partnership** - no comments received.

130. **Highways England** has no objections to the proposal and is satisfied that the additional forecast levels of traffic at Junction 7 of the M5 Motorway would not be likely to result in any significant operational concerns.

131. **The County Highways Officer** has no objections to the proposal, subject to the imposition of conditions regarding a CEMP and details of the temporary roundabout on Malvern Road (A449). The County Highways Officer welcomes this

proposal to improve the strategic highway network to address congestion issues, with associated air quality benefits to Worcester city centre. The County Highways Officer states that the traffic model indicates significant new trips would be generated by the scheme; however, once the scheme is implemented a reassignment of existing trips is predicted to occur. This reassignment shows vehicles currently travelling through the congested city centre choose to re-route to the A4440, therefore, providing significant benefits to congestion and delay within Worcester city. The traffic modelling shows benefits to journey times along the A4440 corridor in all periods assessed.

132. The County Highways Officer also notes that no additional bus services are proposed as part of the proposals, however, the improved journey times due to capacity enhancements at the junctions will improve the efficiency and reliability of existing services.

133. In response to comments from Kempsey Parish Council who are concerned the proposals would result in additional queuing on the A38 south approach to Ketch roundabout. The County Highways Officer considers that this issue is caused by an exit capacity constraint on the A4440 and would be solved once the roundabout scheme is introduced and the dualling is completed. The introduction of signals is not considered necessary,

134. In response to a local resident who is concerned that the lack of a dedicated filter lane from the eastern approach to Powick roundabout onto the A4440 is a major oversight, the County Highways Officer has confirmed that this has been considered, but the traffic modelling work undertaken does not support the inclusion of a filter lane in this location.

135. In response to Powick Parish Council's concerns, the County Highways Officer notes that it is the intention to route vehicles via the A4440 and M5 Motorway and not through Powick. With regard to future increases in traffic volumes through the village of Powick, the modelling does not identify significant new trips would be generated as a result of the introduction of the scheme. With regard to a cycling link between Malvern and Worcester, the County Highways Officer confirms that the County Council is fully supportive of providing new cycle infrastructure, and have identified a potential route to link Malvern to Worcester and are actively seeking Section 106 Agreement contributions from developments towards the implementation of this route. With regard to pedestrian safety the proposal would be subject to a Road Safety Audit before implementation to ensure it is safe for all users.

136. Severn Motor Yacht Club and a local resident are concerned that the proposals would prevent vehicles turning right into their properties. The County Highways Officer confirms the proposal does not prevent vehicles turning right into the Yacht Club / residential property.

137. **The County Footpath Officer** has no objections to the proposal, stating they are satisfied that the proposal would not have a significant detrimental effect on Public Rights of Way.

138. **The Ramblers Association** are pleased to note that many of their comments at pre-application stage have been taken into account by the applicant. They are

pleased that the combined cycle / pedestrian path along the north side of Temeside Way (A4440) is to be widened to 3.5 metres and that a cycle / footbridge is to be provided at Powick roundabout and the Ketch underpass is to be improved.

139. They note that the Ketch Viewpoint is to be relocated and they consider that this is a great opportunity for improved interpretation boards. Conditions should be imposed to achieve this.

140. With regard to Footpaths PW-544 and PW-545 that pass underneath the Powick Common Viaduct and are a vital link that enables traffic free walking between Worcester and Lower Wick and Powick and Callow End, the submitted drawings are unclear regarding the long-term future of these footpaths. The Ramblers Association confirm that they would oppose the permanent extinguishment of these footpaths and the application should be amended to dispel their concerns. They accept that during construction these footpaths would have to be closed temporarily. Similarly for footpaths PW-555 and PW-556 and Footpaths SG-517 and SG-519 (part of the Severn Way).

141. With regard to the path that leads from the View Point to the Severn Way. It is steep but represents a useful link for anyone parking at the View Point and wishing to access the Severn Way. It is not included on the Definitive Map, but long-term way marking suggests that it will have acquired public user rights. They are not opposed to its diversion, but would be opposed to its extinguishment. They recommend an amendment to the application and a condition requiring a path to be constructed from the View Point down to the Severn Way.

142. With regard to temporary footpath closures they request that every effort is made to keep closures to a minimum in terms of time and the number of paths. During closures temporary diversions should be considered, particularly to reduce disruption to long distance footpaths (Severn Way, Monarchs Way and Three Counties).

143. They request that on completion of the development footpaths should be reinstated to their original condition and a planning condition should be imposed requiring details of the reinstatement works.

144. **The Open Spaces Society** - no comments received.

145. **Malvern Hills District Footpath Society** has no objections to the proposal.

146. **Sustrans** - no comments received.

147. **Cycling UK & Push Bike!** objects to the proposal unless the applicant can confirm that no metal barriers and 'cyclists dismount' signs would be installed along the cycleway measuring about 2 metres wide along the Carrington Bridge and Powick Common Viaduct, otherwise the cycleway over both bridges should also be widened to 3 metres.

148. They consider that the level of the existing cycleway north of the proposed cycle bridge should be raised so it is useable when the River Teme is in flood, and the existing vegetation is cut back, as this currently impedes progress when not adequately maintained. Further consideration is required to provide improved

onward links from the south of the cycle bridge to Powick and Malvern. They also request that a full risk assessment and appropriate design changes are made at all the crossing points for cyclists and pedestrians before work commences.

149. **The Campaign to Protect Rural England (CPRE) – Worcestershire** has no objections, stating the proposal is a necessary scheme that they will not be opposing.

150. **Historic England** has no objections in principle to the wider road scheme; however, they have concerns regarding the impact of the proposed Hams Way Cycle / Footbridge upon the setting of a number of nearby designated heritage assets. They disagree with the conclusions of the Environmental Statement and consider that the proposed bridge would result in harm to the significance of these heritage assets. They have confirmed that they consider that this would be 'less than substantial' harm, but would be moderate to moderate-high end of the 'less than substantial' harm scale. They consider the level of harm could be reduced through design changes, as they have concerns regarding the bow arch design of the bridge element, which in their view detracts from the designated heritage and is not 'light' in form. Where changes cannot be made, for example due to technical reasons, justification should be provided.

151. They state that the County Planning Authority must be satisfied that the level of harm from this element of the scheme is justified and outweighed by public benefits, in line with NPPF, and bear in mind the statutory duty of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

152. Should planning permission be granted they recommend the imposition of conditions regarding the detailed design of the bridge and a landscaping scheme to require additional screening of the bridge approach ramps.

153. In addition, they consider that the wider proposal would impact a range of non-designated heritage, including the known and potential below ground archaeology and the character of the non-registered part of the historic battlefield. They recommend the County Planning Authority consult with the archaeological officers for Malvern Hills and Wychavon, Worcester City Council and Worcestershire County Council.

154. **Worcester City Conservation Areas Advisory Committee** supports the proposal stating that this is an important scheme in improving traffic flow around Worcester city. They commented that the mature Oak Trees in the vicinity of the works must be protected. With regard to proposed replacement planting the Committee recommended there should be a greater mix of size of trees to give a better structure and to reduce the immediate impact of loss of vegetation. They consider that there was an opportunity for some larger 'artwork' within the Ketch roundabout.

155. **The County Archaeologist** has no objections to the proposal, subject to the imposition of conditions requiring a programme of archaeological works and interpretation boards at the Ketch Viewpoint.

156. The Environmental Statement notes that the extents of the historic 1642 and 1651 battlefields are larger than the boundaries of the Registered Battlefield. Whilst

the County Archaeologist considers that this is correct, with the extent of the Registered Battlefield in part defined by modern landscape features including the existing A4440, the probable / possible extent of the battlefield beyond the Registered Battlefield remains poorly understood. In addition, the undesignated part of the battlefield is largely separated from the Registered Battlefield by the existing embanked A4440 carriageway and any resulting impacts on the undesignated area would be largely confined to the footprint of the new carriageway and both visually and physically separate from the Registered Battlefield. Consequently, they consider that the scheme would result in a slight to moderate / slight significance of effect. This would result in low less than substantial harm to the undesignated part of the battlefield and they do not consider that this should or would act as a bar on the advancement of the scheme. Proposals for interpretation of the wider battlefield area, including both the designated and undesignated parts would be beneficial and would in part offset any harm to the undesignated part of the battlefield.

157. The County Archaeologist considers that the effect of the Hams Way Cycle Footbridge would result in a neutral / slight adverse effect. They agree with the Environmental Statement that there would be an initial construction related impact on the setting of the cluster of designated heritage assets comprising Powick Old Bridge, Powick New Bridge and Powick Mills. The significance of effect has been identified as slight adverse for all three of these assets. The County Archaeologist acknowledges that there is likely to be an initial change in the visual context of views out from these assets, which is likely to comprise glimpsed / indirect views of the proposed cycle / footbridge, with an element of seasonal variation in the degree of visibility as a result of the extent of vegetation cover. These impacts would be further reduced by the proposed screening planting and maintenance of the existing vegetation / tree cover between these assets and the road and proposed cycle / footbridge.

158. With regard to archaeological remains the County Archaeologist considers that the scale of impact would be considered minor, as there is no indication of precise locations of any such remains and should they exist they are likely to be dispersed across a wide area, and, as such, any impacts from the proposal would, at worst, constitute a minor impact.

159. The County Archaeologist notes that the location for the proposed flood compensation ponds were not included in the field evaluation that was undertaken by the application as the scheme design was still ongoing at that point in time. This area has the potential to contain heritage assets of archaeological interest that may be damaged or destroyed by the proposed works and they, therefore, advise that this area should be subject to a field evaluation by trial trenching, to be secured and implemented by condition should planning permission be granted.

160. **Worcester City Council's Archaeologist** objects to the proposed Hams Way Cycle / Footbridge element of the scheme. They recommend that the scale and design of the bridge is reconsidered to reduce its impact upon the setting of adjacent heritage assets. They also note that archaeological field evaluations of the area within Worcester are still to be completed.

161. The City Archaeologist considered that direct indivisibility between the proposed bridge and these heritage assets may be limited at most points, but the bridge and the heritage assets would usually be seen together in views from these

various routes or locations. From many locations the bridge would dominate these views to the extent that it harms the settings. They consider that the justifications offered for the proposed bridge design is inadequate and also inappropriate for this sensitive site.

162. The City Archaeologist states that in their opinion this is not a gateway location, and the wider result of a bridge of this design would be to urbanise the open space between Worcester and Powick village to the extent that Powick would increasingly have the character of a suburb of Worcester rather than a separate settlement.

163. The City Archaeologist also raises concerns regarding the lack of detailed plans of the proposed bridge and the number of photomontages.

164. The City Archaeologist supports the imposition of a condition as recommended by the County Archaeologist requiring a programme of archaeological works

165. The City Archaeologist states that the wider proposal has potential to enhance access to heritage, in particular relating to the Battle of Worcester. The City Archaeologist considers it would be beneficial to draw these benefits together into a strategy for access to heritage along the route.

166. It should be noted that the City Archaeologist's comments solely relate to the heritage matters within the boundary of Worcester city.

167. **Malvern Hills and Wychavon District Council's Archaeologist** has no objections, subject to the imposition of a condition requiring a programme of archaeological works.

168. The District Archaeologist comments that the proposal could affect sub-surface archaeology; however, the evaluation trenching failed to discover any artefactual remains. It is possible that the development of the existing road may have truncated any features of archaeological interest. The District Archaeologist does not consider that further evaluation of the site is necessary prior to determination of the application.

169. **The Ancient Monuments Society** - no comments received.

170. **Earth Heritage Trust** has no objections, stating that there are no specific issues of concern related to geodiversity.

171. **Hereford & Worcester Fire and Rescue Service** - no comments received.

172. **West Mercia Police** have raised no objections to the proposal, subject to the imposition of conditions requiring the detailed design of the Ketch Underpass and a lighting scheme.

173. They note that key elements of the scheme are very good, such as the Hams Way Cycle / Footbridge that would have great natural surveillance, presenting little or no opportunity for inappropriate or criminal activity

174. **The Worcestershire Local Enterprise Partnership (LEP)** - no comments received.

175. **Western Power Distribution** comments that 132kV overhead electricity crosses the application site and 11kV underground cables are located in the vicinity of the Ketch and Powick roundabouts. The applicant must comply with health and safety legislation and the Western Power Distribution guidance.

176. **CLHP Pipelines Systems Ltd.** has no objections to the proposal.

177. **Defence Infrastructure Organisation (DIO) - Ministry of Defence Abandoned Pipelines** has no objections to the proposal, stating that a former Government Oil and Pipeline System is in close proximity to the proposed works. This pipeline has been declared redundant by the Ministry of Defence. If the landowner / developer wish to remove the pipeline from the land they may do so at their own cost; and recommend a specialist contractor is used.

178. **Zayo Group UK Ltd. (provides fibre-based bandwidth infrastructure services)** has no objections to the proposal, subject to the applicant applying for a C3 estimate from them for diversion / protection of the cables if planning permission is granted.

179. **County Council Sustainability Team** has no objections to the proposal, and comment that examples of good practice that the applicant may wish to consider include: producing a Site Waste Management Plan; use of energy efficient LED street lighting; and the training of contractors to reduce idling time of vehicles and using vehicles with high EURO standards.

Other Representations

180. Prior to the submission of the planning application, the applicant undertook public consultation on the proposal, holding public information exhibition events between 21 June to 1 July 2017, which were held in Powick Village Hall, St Peter's Baptist Hall, The Hive, St John's Library, St Peter's Garden Centre and Malvern Library. Pre-notification newsletters were delivered to local businesses, residents, statutory bodies, Parish Councils, Councillors, interest groups, residential associations, libraries, community centres and schools. 23 responses were received on topics covering: sympathetic design, noise pollution, lighting, public transport, views, cycleway / footway, flooding, traffic, funding, construction, land ownership and no issues / support the proposal. The applicant states that the majority of feedback was positive and only a couple of people stated a negative view. It is also noted that the applicant received a number of letters of support from key stakeholders and businesses in support of the Strategic Outline Business Case, and these letters are attached as an Appendix to the submitted Planning Statement.

181. The application, accompanying Environmental Statement and further environmental information have been advertised in the press, on site and by neighbour notification. To date 6 letter of representations have been received commenting on the proposal, 1 letter in support of the proposal and 9 letters objecting to the proposal. These letters of representation are available in the Members' Support Unit. Their main comments are summarised below:-

Comments

- Proposed changes to Ketch roundabout is a waste of money when the majority of the kerbs realignment should have been carried out when the Ketch roundabout was altered about 2 years ago.
- The road heading east would benefit from dashed road markings entering and exiting the Ketch roundabout.
- Consider that the capacity of the Ketch and Powick roundabouts would create bottle necks for the flow of traffic. A solution should be found before the scheme proceeds. They consider a fly over the Ketch and Powick roundabouts would prevent congestion at the roundabouts.
- Toronto Close Residents Group, which was formed in 2014 to work with the Environment Agency to develop options and a business case for flood alleviation / protection of Toronto Close, which was heavily flooded in 2007. The preferred option is an engineered solution, which is now being fully costed by the Environment Agency. They understand from the pre-application consultation meetings that the proposal would worsen flooding at Toronto Close by 1-2 mm. They note the submitted Flood Risk Assessment suggests the impact to Toronto Close would be negligible. The Residents Group are concerned that the proposal only provides part of the volume of flood compensation for which the development occupies, and consider this may adversely impact Toronto Close. Whilst the Residents Group understand the need for the proposal and actively support the development, they are also aware that this is a sensitive area and consider Toronto Close would be adversely affected should the Flood Model assumptions prove optimistic. They consider an opportunity exists to combine the proposal and the Toronto Close Flood Alleviation Scheme.
- Existing drainage ditches that run along the entirety of the A4440 are full of debris, which impedes their functionality. This has previously been reported to County Highways, but no action has been taken.
- Seek assurances / clarification regarding the following matters, as they consider the proposal may have a direct impact upon their "right to life" and potential financial implications to them:-
 - Would the proposal lead to a new drainage system that will be maintained and who is responsible for this?
 - Would the slip-roads from the A4440 be landscaped?
 - Overhead telephone cables connect to their property; will these be impacted by the proposal?
 - Are connections to National Grid network proposed and would this enable their property to be connected?
 - Would there be any other mains services installed along the link road and if so where?
 - Would street lighting be installed along the link road?
 - The slip-roads they use to access their property which were already in a poor state of repair were used for preliminary works for this proposal and have been dug up by machinery. They suggest hard surfacing of these access roads would be advantageous.
 - Query the details of the proposed new slip-roads and whether it would be possible to have access / egress slip-roads on both sides of the extended link road.
 - At present the highway boundary on the slip-road is depicted by a metal bar gate, and query if a similar gate is proposed and if cattle grids could be installed.

- Query if signage or lighting would be installed at the access to the slip-roads? Noting it could present a potential safety issue.
- Comments that hardstanding that passes beneath the viaduct is not suitable for vehicles to travel between the slip-roads. Query if this hardstanding will be replaced.
- Raises concerns regarding the impact upon flooding, in particular the impacts upon their property.
- Concerns regarding the proposal may have an adverse impact upon the value of their property.
- Question if the applicant would install any measures such as flood bunds around their property to prevent flooding?
- Question what noise impact would be experienced at their property?
- Query if there is a need for large quantities of construction material and machinery to be stored near to their property? If so, they consider this may lead to increased criminal activity (theft) in the area, as it draws attention to their isolated property.
- Request that peak times traffic lights are installed on the Ketch and Powick roundabouts

Support

- Fully support proposal with one exception. The lack of a dedicated filter lane from the eastern approach to Powick roundabout onto A4440 is a major oversight. Traffic crawls out of Worcester towards Powick and a dedicated lane would help to alleviate this.

Objections

- Severn Motor Yacht Club and a local resident raise concerns that the drawings indicate that access to their properties would be changed by the provision of a solid centre lane marking, not allowing right turns into their site from the A38 when coming from Worcester.
- Severn Motor Yacht Club and a local resident note that when the Carrington Bridge was originally constructed, the pilling caused erosion of the bank adjoining the access to their properties. They seek assurances to prevent this from reoccurring.
- Raise concerns that during construction HGVs would be parked within the Ketch Viewpoint car park, thereby blocking access to their private roadway.
- Seek assurances regarding the noise impact upon their property during the construction phase and the hours of working.
- Concerns that the residential property of Summerhill has not been considered in the Flood Risk Assessment.
- Concerns regarding the position of the proposed new Carrington Bridge pier and the impact this could have on changing the river flow and in doing so increase the scouring effect onto the eastern bank of the River Severn, and result in bank erosion and bank slippages, and also bring an increase in debris onto the eastern river bank which would cause damage to the Severn Motor Yacht Club's moorings and club boats.
- Ketch Caravan Park and Moorings objects on the grounds of failure for the applicant to carryout pre-application public consultation with them; failure to serve notice on them as tenant making the application invalid; failure to consider the impact of the proposal upon the site, particularly during construction. This is already impacting the business as they have had to

cancel the sale of caravans due to the uncertainty created by the project; and failure to propose any mitigation measures to remove the adverse impact of the proposal upon their business.

- Concerns that the road is being widened on the Lower Wick side, but no mitigation landscaping is proposed that would help to reduce the impact of noise and pollution on the adjacent residential properties.
- Lack of public consultation with Powick village; the application is not uploaded on Malvern Hills District Council Planning Applications Register; and Public Notices erected, but no neighbour letter notification.
- A bridge is only proposed over half of Powick roundabout, cyclists and pedestrians travelling from the east would have to cross at road level.
- The approach ramp from the Hams Cycle / Footbridge would deliver users onto a discontinuous National Cycle Route 46. Consider there is an economic and tourist benefit for a joined up cycleway between Worcester and Malvern.
- Concerns regarding the provision for cyclists in the vicinity of the Powick roundabout.

The Development Manager's Comments

182. The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications 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.

183. As stated at paragraph reference ID: 21b-006-20140306 of the Government's Planning Practice Guidance, *"the NPPF stresses the importance of having a planning system that is genuinely plan-led. Where a proposal accords with an up-to-date development plan it should be approved without delay, as required by the presumption in favour of sustainable development at paragraph 14 of the NPPF"*.

184. The reason why the Development Plan is at the heart of the planning system is because it is the forum where the need for new development is identified, and also where it would be inappropriate. The plan would have been through public consultation, and would have been subject of independent examination. The Development Plan relevant to this proposal consists of the Worcestershire Waste Core Strategy, the County of Hereford and Worcester Minerals Local Plan, South Worcestershire Development Plan and Neighbourhood Plan for Kempsey.

185. Policy SWDP 4 I(i) of the South Worcestershire Development Plan specifically allocates this proposal – *"dualling of the A4440 Southern Link Road between Powick Hams and Whittington, including the Carrington Bridge"*.

186. In view of the policy support for this proposal, the Development Manager considers that the principle of the development in this location has been established.

Alternatives

187. Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) outlines the information for inclusion within Environmental Statements. Part 1 (2) states *"an outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects"*.

188. The previous now superseded Government advice contained within the Planning Practice Guidance (Paragraph Reference ID: 4-041-20140306) elaborated on this matter, stating that *"the applicant does not need to consider alternatives, but where alternative approaches to development have been considered, Paragraph 4 of Part II of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires the Environmental Statement to include an outline of the main alternatives studied and the main reasons for the choices"*.

189. It is noted that this guidance has now been updated in light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which confirms that the 2017 Regulations also do not require the applicant to consider alternatives, but where they have been considered it requires the applicant to include in their Environmental Statement a description of the reasonable alternatives studied and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects (Paragraph Reference ID: 4-041-20170728). The 2011 EIA Regulations are relevant to the consideration of this application, due to the transitional arrangements set out in the 2017 EIA Regulations where, as in this case a Scoping Opinion was sought and issued by the County Planning Authority the 2011 EIA Regulations.

190. The Environmental Statement has considered 5 main alternative options:-

- Option 1: Do minimum – minor improvements only to the Southern Link Road between Ketch and Powick to include minor alterations only to junction configurations with no additional lanes;
- Option 2: Additional lane added to either the westbound or eastbound direction;
- Option 3: Dualling between Ketch and Powick roundabouts (this application);
- Option 4: Alternative Scheme 1: No further work on the Southern Link Road after completion of Phases 1 to 3 and instead construct a new North-West Link Road; and
- Option 5: Alternative Scheme 2: No further work on the Southern Link Road after completion of Phases 1 to 3, and instead construct a new link road between M5 Motorway and Malvern.

191. The applicant states that the preferred option (Option 3) was chosen for the following reasons:-

- It is able to support the levels of growth identified in the South Worcestershire Development Plan;
- It has a good level of fit with the Worcester Transport Scheme and in particular the other Southern Link Road schemes (Phases 1 to 3);

- It unlocks the potential of the Southern Link Road and relieves congestion in the south and west of Worcester city;
- The concept of Southern Link Road dualling is publically accepted;
- Funding can be secured through the business case process as the scheme is affordable and has a high benefit cost ratio; and
- The planning and land consents required for the scheme are such that it can be delivered in a medium-term programme.

192. The Environmental Statement also considered alternative designs for different elements of the scheme, this included:-

- Alternative designs of the new Carrington Bridge such as suspension bridges and arched bridges; the numbers of piers required; and the type of cycle / pedestrian crossing. The proposed design was chosen in order to minimise the impact upon the floodplain and to integrate the design with the existing structure.
- As above alternative designs were also considered for the new Powick Common Viaduct, however, reducing the number of piers by increasing their spans was not possible with this structure due to the restricted headroom underneath the bridge.
- The original design for the Hams Way Cycle / Footbridge was a flat truss bridge in steel. Following a series of design reviews and pre-application meetings with planning officers at Worcestershire County Council, Malvern Hills District Council and Worcester City Council a tied bow arch with truss members was considered to be the most suitable mix of aesthetic, setting, cost, maintainability and usability. The approaches to the bridge have been re-aligned from the outline design, to improve alignment for cyclists, improve gradient for pedestrians, and provide the potential for improved links to future schemes in Powick.
- The original design of the widened Temeside Way (A4440) combined cycleway / footway was for the northern embankment to be regraded. This would have involved significant amount of tree removal and loss of habitat, in particular for reptiles; would have potentially affected the setting of Listed Buildings, Structures and Schedule Monuments; and would require construction plant to work from the Registered Battlefield. Consequently, this was discounted in favour of a retaining wall as proposed in this application, which would result in minimal loss of vegetation and habitat, and the works would be undertaken from the top of the embankment rather than the Registered Battlefield land.

193. In view of the above, the Development Manager considers that the applicant has outlined the main alternatives studied and the main reasons for the choice made; taking into account the environmental effects, therefore, the approach taken to the consideration of alternatives is considered to be reasonable and acceptable.

Water environment and impact upon the floodplain

194. Letters of representation and Powick Parish Council raise concerns regarding flooding.

195. The land adjacent to the existing Southern Link Road is within Flood Zone 3b (Functional Flood Plain), except for land situated to the east of the River Severn, which is within Flood Zone 1 (low probability of flooding), and the Southern Link Road itself, which is within Flood Zone 2 (medium probability of flooding) as

identified in the 'South Worcestershire Strategic Flood Risk Assessment, Appendix A: Flood Zone Mapping (2012) and the Environment Agency's Indicative Flood Risk Map'. Detailed flood modelling has been undertaken by the applicant, which identifies that the Southern Link Road itself is actually within Flood Zone 1 (low probability of flooding).

196. The proposed development is classed as 'Essential Infrastructure', as identified by Table 2: 'Flood risk vulnerability classification' of the Government's Planning Practice Guidance (PPG). Table 3: 'Flood risk vulnerability and flood zone 'compatibility'' of the PPG identified that essential infrastructure located within Flood Zone 3 is required to pass an Exception Test.

197. Paragraph 102 of the NPPF states that for the Exception Test to be passed "*it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted*"

198. With regard to the wider sustainability benefits the applicant states that "*the A4440 is a vital part of the county's main road network, providing a link between the M5 Motorway and the southern areas of the city of Worcester. The proposed improvement works are identified within the Local Transport Plan, the Worcester Transport Strategy, and the South Worcestershire Development Plan and associated Infrastructure Delivery Plan. The existing route between the Powick and Ketch roundabouts is subject to regular congestion and unreliable journey times. This increases journey times for commuters and the local community. The heavy traffic often leads to motorists west of the River Severn using an alternative route through the city centre and over Worcester Bridge, leading to congestion and reduced traffic flow through the centre, which in turn has a negative impact on local businesses and social establishments. The proposed upgrades to the road would improve journey times for commuters from the M5 Motorway and the local residents, as well as relieving congestion in the city centre. The reduced journey times and increased reliability would attract commuters to work in the area, which has a knock on economic benefit to the community. In addition, the reduced traffic flow in the city centre would result in the area becoming more appealing to consumers, which results in local social and economic benefits*".

199. A Site Specific Flood Risk Assessment accompanied the application. This demonstrates that the flood risk impacts of the proposal are insignificant, with no significant increase in flood level across the floodplain. The Assessment identified that there would be a 2 to 3 mm decrease in flooding at Toronto Close and 7 mm decrease at Post House Powick, with 1 mm increase at Temeside Cottage and Diglis Avenue, albeit the Flood Risk Assessment notes such small predicted changes in flood level should be considered with caution, and these changes fall within the tolerances of the Flood Model (accurate to the nearest 10 mm). This is largely a result of the flood mechanisms being dominated by existing conveyance restrictions at various bridge crossings rather than storage within the large floodplain (the floodplain upstream of the viaducts essentially acts as a large storage area for floodwater). Furthermore, the applicant is proposing that the pier locations on the

new Carrington Bridge and Powick Common Viaduct match existing positions and alignments, with a reduced number of piers that support the new Carrington Bridge to reduce the impact of the proposal on the floodplain. The Flood Risk Assessment also demonstrated that the proposed temporary works would have no adverse impacts upon flooding.

200. As flood levels are dominated by the existing flow constraints provided by the two viaducts, works to the south of the road would have limited effect on the baseline conditions. Notwithstanding this, the NPPF states that where possible flood risk should be reduced overall. The applicant explored opportunities to reduce the flood risk overall, such as increasing conveyance through the existing Carrington Bridge, however, this would result in an unacceptable impact downstream to areas such as Kempsey. Therefore, the applicant is proposing a flood compensation area, which would have a volume of approximately 38,000 cubic metres and the excavations would be an average of 1 metre deep. The applicant proposes that the final form of the storage area and total volume provided would be confirmed during the detailed design of proposal. A condition is recommended to this effect. Whilst the Environment Agency notes that the proposed flood compensation would only be volume for volume compensation rather than both volume for volume and level for level compensation, as during a flood event most of the proposed flood compensation area would already be flooded before large parts of the embankment would be affected. The Development Manager considers that this is acceptable in this instance, given that the proposal would have an insignificant impact upon flooding, with the flood modelling demonstrating that there are no changes to flood levels to sensitive receptors (all changes are within the tolerances of the flood model), the limited opportunities for betterment, and it is noted that the Environment Agency considers that overall, the proposals accord with the guiding principles of the NPPF and the Government's PPG.

201. The applicant has confirmed that they are working with the Environment Agency to explore if opportunities exist to provide local improvements in flood risk, such as contributing to local flood protection schemes, albeit such schemes still have to obtain planning permission. Any reduction in flood risk through implementing such schemes would provide local benefits remote from this proposal.

202. The Environment Agency has been consulted and has raised no objections proposal, subject to the imposition of appropriate conditions. They state that the proposals demonstrate no third party flood risk impact, and the applicant has agreed to enter into partnership with them to provide wider flood risk betterment locally.

203. The Development Manager welcomes the applicant working in partnership with the Environment Agency in relation to a contribution to a local flood protection scheme, noting that Toronto Close Residents Group consider it would be advantageous if the proposal and the Toronto Close Flood Alleviation Scheme were combined. However, the Development Manager considers regard should be had to the guidance contained within the Government's PPG in respect of Planning Obligations which states: *"in all cases, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Planning obligations should not be sought where they are clearly not necessary to make the*

development acceptable in planning terms. Planning obligations must be fully justified and evidenced" (Paragraph ID: Reference ID: 23b-004-20150326).

204. Given that the proposal would have an insignificant impact upon flooding, noting that the Flood Risk Assessment predicts a 2 to 3 mm decrease in flood level at Toronto Close (which is within the tolerances of the flood model, which is accurate to the nearest 10 mm), and the proposal includes provision for a flood compensation area, the Development Manager does not consider a contribution to a local flood protection scheme is necessary to make the scheme acceptable in planning terms. Notwithstanding this, the Development Manager welcomes the on-going dialogue between the applicant and the Environment Agency to provide improvements in the form of schemes to prevent flooding nearby and within Worcestershire, but distinct and separate from this application.

205. The Environment Agency also comments that whilst the flood modelling has demonstrated no adverse impacts locally; they recommend the applicant explores opportunities to provide the sensitive receptors identified in the Flood Risk Assessment with property level protection or other flood risk betterment. It is understood that the applicant would not be providing property level protection given that the proposal would have an insignificant impact upon flooding and the impact upon sensitive receptors are all within the tolerances of the flood model. However, as stated above the applicant would continue to work in partnership with the Environment Agency, separate to this planning application to explore opportunities for flood risk betterment.

206. Therefore, the Development Manager is satisfied that the proposal would provide wider sustainability benefits to the community that outweigh the flood risk; the development would be safe for its design life taking account of the vulnerability of its users; and would not increase flood risk elsewhere. A Flood Risk Assessment has been submitted, and it is considered the application passes the Exception Test.

207. Powick Parish Council considers that the Flood Risk Assessment needs to be reviewed to take account of the recent flood alleviation scheme at Beauchamp Lane, Callow End. The Development Manager can confirm that the amended Flood Risk Assessment considered the impact upon Beauchamp Lane, and indicated that the impact would be a 0 to 1 mm increase in the flood level, which is well within the flood modelling tolerance of 10 mm agreed with the Environment Agency.

208. The Environmental Statement states that during construction, impacts may also result from the release of sediment or the use of potentially polluting materials on site such as cement and fuels. However, the Environmental Statement considers that with appropriate mitigation and best construction practices there is anticipated to be a neutral effect on water features. Mitigation Measures would include the implementation of a Construction Environmental Management Plan (CEMP), which would be based upon the Environment Agency's Guidance for Pollution Prevention (GPPs) and would include a Surface Water Management Plan, which would describe the management processes and procedures that would be employed to control, mitigate and monitor contamination of surface water during the construction phase. A condition is recommended to this effect.

209. The proposal has the potential for physical impacts upon the River Severn through the construction of the new Carrington Bridge. There may also be impacts

on the River Severn and Carey's Brook due to the construction of drainage outfalls. The Environmental Statement considers that these impacts would be mitigated through the implementation of a CEMP.

210. The proposed operational surface water drainage network has been designed to attenuate the critical rainfall event for the 100 year return period (plus a 40% allowance for climate change) through two proposed attenuation ponds. The proposed surface water drainage would utilise high level filter drains, which would collect runoff from the highway, and an oversized pipe, which would store flows from the Carrington Bridge. A toe drain is also proposed to run along the base of the embankment which would discharge into two attenuation ponds. Hydro Brakes would also be utilized and a new outfall is proposed into the Carey's Brook.

211. The applicant states that the proposed drainage network has been designed to avoid discharge into the River Teme SSSI. Where the proposal discharges into the River Severn and Carey's Brook, filter drains, attenuation ponds and vortex separators would be installed to ensure any pollution and sediment would be intercepted and surface water run-off rates controlled. The existing highway drainage would also be improved to better cope with increased flows during floods. The potential impact of accidental spillages on the proposal has been identified as being within acceptable limits, negating the need for mitigation.

212. The Environmental Statement concludes that subject to the mitigation measures outlined above the proposal would have no significant residual effects upon the water environment.

213. The Lead Local Flood Authority has no objections, subject to the imposition of a condition requiring a SuDS management plan. South Worcestershire Land Drainage Partnership and Severn Trent Water Limited also raise no objections to the proposal.

214. It is noted the Canal and River Trust consider that the proposed Carrington Bridge air draft of 12.5 metres is acceptable in principle, and request the imposition of conditions regarding the detailed design of the Carrington Bridge (including final air draft), impacts on siltation and navigation hazards modelled, assessment of channel hydrography and a scheme requiring pollution control measures to prevent the River Severn being polluted during the construction phase. Conditions are recommended to this effect.

215. Letters of representation have been received raising concerns regarding the position of the proposed new Carrington Bridge pier and the impact this could have on changing the river flow and in doing so erode the eastern bank of the River Severn. It is considered that the condition recommended by the Canal and River Trust above would address these concerns.

216. Concerns have also been raised by the residents of Summerhill that their property has not been considered in the Flood Risk Assessment. The applicant has confirmed that the modelling analysis undertaken for the Flood Risk Assessment covers the floodplain of the confluence of the Rivers Severn and Teme and includes the area adjacent to Summerhill and the Severn Motor Yacht Club. Summerhill was not included in the Flood Risk Assessment as a named property as it was not specifically identified by the Environment Agency during the Flood Risk Assessment

Scoping as being at risk of flooding. However, it is addressed more generally in the Flood Risk Assessment, which confirms that there is no significant increase in flood risk in the wider floodplain as a result of the proposal. The applicant has interrogated the flood model at Summerhill and confirms that the property is outside of the current modelled 1 in 1000 year flood extent, although parts of the gardens are within the flood zone. The predicted change in flood level adjacent to the property as a result of the scheme is between 1 mm decrease and 1 mm increase in flood levels (and falls within the flood model tolerances, which is considered accurate to the nearest 10 mm).

217. With regard to the boat moorings located underneath the existing and proposed Carrington Bridge. The applicant has confirmed that these would remain in place during construction and operational phases; however, during construction some of the boats in close proximity to the proposed bridge may be temporarily relocated to reduce the potential risk of damage.

218. In view of this, the Development Manager considers that subject to the imposition of appropriate conditions relating to a CEMP, detailed design of the flood compensation area, detailed design of the Carrington Bridge, impacts on siltation and navigation hazards modelled, and assessment of channel hydrography, and a SuDS Management Plan, the proposal would not have an unacceptable impact upon the water environment and considers the planning application accords with Policies SWDP 28 and SWDP 29 of the adopted South Worcestershire Development Plan, relating to flooding and the protection of the water environment.

Traffic and highway safety and impacts upon the Public Rights of Way

219. The Development Manager notes that paragraph 32 of the NPPF states that *"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe", and "all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment"*.

220. A Transport Assessment accompanied the application and 'Transport Movement and Access' was also considered within the submitted Environmental Statement, which is based upon traffic modelling that also takes into account the cumulative effects of traffic with other committed developments. The main construction phase would last for approximately 2 years, commencing March 2019, with works to the pylon anticipated to commence spring / summer 2018. The Environmental Statement has considered the construction traffic worst case scenario and anticipates that the peak construction traffic would be approximately 202 vehicle movements per day (101 vehicles entering the site and 101 vehicles exiting the site per day) during the earthworks associated with the construction of new Carrington Bridge and Powick Common Viaduct. The Environmental Statement considers that there would be a minor adverse impact on construction traffic to local communities, as the applicant is proposing to route HGV construction traffic via the A4440 and the M5 Motorway, which are strategic routes to the site, and designed to accommodate large volumes of HGVs.

221. To reduce construction traffic on the existing Temeside Way (A4440), the majority of imported material to construct the widened embankment is proposed to be sourced from quarries to the west of the Powick Common Viaduct via the A4440. The main access to the works would be to the south-east of the Powick roundabout

off Malvern Road (A449), through the proposed construction compound. All construction vehicles would use this entrance and no access would be allowed from the existing A4440 thus maintaining full carriageway capacity for the duration of these works. Wheel washing facilities are proposed and road sweeping facilities would be provided.

222. Powick Parish Council raises concern regarding the location of the construction compound and the site access. However, the Development Manager notes that to enable construction vehicles to undertake a return journey to the Powick roundabout and negate the need for HGVs to pass through the Village of Powick, it is proposed that a temporary mini-roundabout would be constructed at the junction to the existing pumping station along Malvern Road (A449). A Traffic Management Plan is also proposed to be implemented to help ease congestion caused by construction and reduce driver stress. A condition is recommended to this effect.

223. With regard to operational traffic flows the Environmental Statement concludes that the proposal would lead to increased average speeds along the A4440 and reduced queuing, resulting in significant journey time savings. Worcester city centre would experience reduced traffic congestion due to a redistribution of traffic to the A4440. The transport modelling indicates that the proposal would help relieve traffic congestion, reduce travel times, and enhance access to the allocated South Worcestershire Development Plan growth areas. Driver stress would be reduced along the scheme's route once open due to improved traffic flows and overtaking opportunities.

224. Powick Parish Council is also concerned about the future volume of traffic passing through the Village of Powick. The Development Manager considers that the scheme would result in fewer queues that tail back into Powick. Furthermore, the County Highways Officer has confirmed that the modelling does not identify significant new trips would be generated as a result of the introduction of the scheme.

225. Kempsey Parish Council raises concern regarding the design of the Ketch roundabout and the length of filter lanes. The County Highways Officer has confirmed that the queues experienced at certain times on the A38 approach to the Ketch roundabout can be attributed to the constraint caused by the single lane exit onto Carrington Bridge which can lead to blocking on the roundabout. This, in turn, can prevent cars from Kempsey entering the roundabout in a timely fashion. The dualling of Temeside Way removes this issue. In addition, traffic from Kempsey would benefit from additional stacking capacity on the approach to the roundabout and the dedicated left turn slip onto the new Carrington Bridge. The applicant has also confirmed that the length of the merge lane exceeds the parameters required under the Design Manual for Roads and Bridges.

226. In responses to St Peter's Parish Council's query regarding the design of the Ketch roundabout. The applicant has confirmed that the completed scheme would be designed in accordance with Design Manual for Roads and Bridges (DMRB) highway standards.

227. Concerns have been raised by local residents that the roundabouts would act as bottlenecks, creating queueing at the roundabouts. Kempsey Parish Council and

local residents have also requested traffic lights on the roundabouts. The capacity modelling analysis shows that the Ketch and Powick roundabouts would operate within operational capacity, as a result, traffic lights are not considered necessary as part of the scheme.

228. Concerns have been raised by Severn Motor Yacht Club and the residents of Summerhill that the proposed solid centre line marking along the Worcester Road (A38) would prevent cars turning right into their property when heading south from the Ketch roundabout. They also raise concerns regarding impact on their private access road. The County Highways Officer has confirmed that crossing the solid white line to access their properties is allowable within traffic regulations. The intention of the solid white line is to prevent overtaking in this location. To highlight this entrance the applicant is proposing informational signage compliant with highways regulations. The applicant has also confirmed that access to these properties would be maintained for the duration of the construction works. The applicant has also confirmed that a pre-condition review of the existing private access road would be undertaken and any damage repaired on completion of the scheme.

229. Concerns have been expressed by a local resident regarding further proposed amendments to the Ketch roundabout and that this should have been incorporated into the previous works to the roundabout. The applicant has confirmed that the recent alterations to the Ketch roundabout took account of the proposed future dualling of the Temeside Way (A4440), however, it was required to be constructed within the context of the aims of that scheme (to ease existing congestion) and the constraints of available funding. At the time of the development and construction of the Ketch roundabout improvements, it was uncertain when or whether funding for Phase 4 of the Southern Link Road would be secured, therefore, some areas of kerbing would have to be re-laid on a different alignment. It is noted the applicant proposes to re-use existing kerbs where possible.

230. A letter of representation has been received requesting a dedicated filter lane on the Powick roundabout from Worcester onto the A4440. The County Highways Officer has confirmed that the traffic model does not support a dedicated filter lane in this location. The applicant has confirmed that modelling indicates that when the scheme is fully opened queues on the A449 on the approach from St John's to Powick roundabout would reduce to approximately a quarter of the length of the anticipated queues should the scheme not be implemented. It is understood that to construct a dedicated filter lane, a large amount of additional carriageway with associated embankment would need to be constructed significantly impacting the Registered Battlefield, which would result in additional flood risk, impact existing culverts in that area, adversely impact upon protected species, and impact on Common Land. In view of this, the applicant is not proposing a filter lane, and the Development Manager concurs with the applicant that the benefits of a filter lane in this location would not outweigh its potential adverse impacts.

231. A net or mesh measuring approximately 1.5 metres wide between the existing and proposed Powick Common Viaduct and Carrington Bridge structures is proposed by the applicant. This gap is required to facilitate construction, inspection and maintenance of the bridges. Periodic inspection and cleaning of the vehicle restraint system and parapets would be required, and access points for maintenance personnel are provided for this purpose.

232. Existing footpaths would be upgraded as part of the proposal to maintain and upgrade the pedestrian and cyclist route choices in the south of Worcester. Both Powick Parish Council and Cycling UK & Push Bike! would welcome improved onward links to Powick and Malvern, and Cycling UK & Push Bike! also considers that the level of the existing cycleway north of the proposed cycle bridge should be raised so it is useable when the River Teme is in flood.

233. The applicant has confirmed that the Hams Way Cycle / Footbridge southern approach ramp does not extend as far as Powick Old Bridge, but within the application site the proposed bridge approach ramps and links would be above the A449 road level to reduce the impact of flooding on users. Improvement to the sections of the route further to the north and south would be the subject of future schemes. The County Highways Officer has confirmed that the County Council has identified a potential route to link Malvern to Worcester and are actively seeking Section 106 Agreement contributions from developments towards the implementation of this route. The Development Manager considers that the improvements of cycle links between Worcester and Malvern are outside of the scope of this planning application, and are not necessary to make the application acceptable in planning terms. However, it is noted that the scheme has been designed to connect to the existing cycle network. The proposed approach ramp alignment on the south of Hams Way (A4440) is constrained by the existing flood culverts and flood protection works, but the approaches have been designed with large radii and keeping the path at a height above flood waters.

234. All new sections of shared use pedestrian and cycleway and the improvements to the existing embankment pedestrian / cycleway would be a minimum of 3.5 metres wide. However, as the existing Carrington Bridge and Powick Common Viaduct structures are not altering, there is no increase in the width of the cycleway over these bridges. The applicant has also confirmed that the Road Safety Audit process is being followed, and comments on the outline design have already been incorporated into the planning application.

235. Cycling UK & Push Bike! objects to the proposal unless the applicant can confirm that no metal barriers and 'cyclists dismount' signs would be installed along the cycleway measuring about 2 metres wide along the Carrington Bridge and Powick Common Viaduct. The applicant has confirmed that it is not their intention to install barriers to passage or 'cyclists dismount' signs along this section of cycleway, but this would be subject to a Road Safety Audit.

236. A local resident has objected on the grounds of only one bridge crossing is proposed at Powick roundabout. Whilst this is the case, the applicant is proposing wider changes to the movement of cyclists and pedestrians at Powick roundabout, this includes the removal of the existing uncontrolled pedestrian crossings on the eastern and southern sides of the roundabout, removal of the footway on the eastern side and part of the western side of the A449 (south), and provision of a controlled crossing towards the southern aspect of the scheme, towards Powick. The existing Toucan crossing to the north of Powick roundabout would be maintained. This would have the effect of directing cyclists and pedestrians across the proposed Hams Way Cycle / Footbridge. These proposed crossings are subject to detailed design and the Road Safety Audit, therefore, a condition is recommended requiring their detailed design.

237. The applicant has confirmed that the existing pedestrian crossings at the Ketch roundabout and Powick roundabout would be maintained until the Ketch Underpass and Hams Way Cycle / Footbridge, respectively have been constructed. The proposed works to widen the combine cycleway / footway on the northern embankment of Temeside Way (A4440) would be carried out once the west bound traffic along the A4440 could run on the new section of road. This would allow eastbound traffic to be transferred on to what is the present west bound lane of the A4440, thus allowing localised diversion of pedestrians and cyclists on to what was the east bound lane around the construction works using appropriate signage and barriers.

238. Highways England has been consulted and has raised no objections to the proposal, stating they are satisfied that the proposal would not cause any significant operational concerns at Junction 7 of the M5 Motorway. The County Highways Officer welcomes the proposal and recommends the imposition of conditions regarding a CEMP and details of the temporary roundabout.

239. A number of Public Rights of Way are located within the application site's boundary and immediate and wider setting, as outlined at paragraph 44 of this report. During construction, Footpath PW-556 that is located to the south of Carrington Bridge on the western bank of the River Severn would be temporarily closed and users would be diverted under Powick Common Viaduct. The period of temporary diversion would be limited to the minimum required to safely undertake the section of specific work. Once work is complete in this area Footpath PW-556 would be reopened and the Public Rights of Way under Powick Common Viaduct (Footpath PW-544) would then be temporarily closed and a temporary diversion provided under Carrington Bridge. Footpaths, SG-519, SG-517 and KP-501 located in the vicinity of Carrington Bridge on the eastern bank of the River Severn would also be temporarily closed and diverted. The diversion would use an access road to the south of Summerhill, parts of the existing Ketch Viewpoint car park and the existing crossing of Temeside Way to the west of Ketch roundabout. Once operational the uncontrolled crossing on the Ketch roundabout and controlled crossing to the west of Powick roundabout would be removed and replaced by an improved underpass and the Hams Way Cycle / Footbridge, respectively.

240. The Environmental Statement states there would be no significant changes to journey amenity for pedestrians and cyclists during the operation of the Scheme. Existing Public Rights of Ways would be improved through the provision of the new Hams Way Cycle / Footbridge, Ketch roundabout underpass and a widened Shared Use Path on the northern side of Temeside Way.

241. The County Footpath Officer and Malvern Hills Footpath Society have been consulted and have both raised no objections to the proposal.

242. The Ramblers Association have no objections to the scheme, but comment that the path that leads from the Ketch Viewpoint to the Severn Way represents a useful link and would oppose its extinguishment. The applicant has confirmed that this path would be maintained and due to the topography of the area, the existing steep path would be improved with steps to improve access (subject to detailed design). The Ramblers Association also requested that on completion of the development, footpaths should be reinstated to their original condition. A condition is recommended to this effect.

243. In view of the above matters, the Development Manager is satisfied that the proposal would not have an unacceptable impact upon Public Rights of Way, traffic or highway safety, subject to the imposition of appropriate conditions, in accordance with Policy SWDP 4 of the South Worcestershire Development Plan.

Ecology and biodiversity

244. Paragraph 9 of the NPPF states that "*pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life*", which includes "*moving from a net loss of biodiversity to achieving net gains for nature*". This is reiterated within Section 11 of the NPPF, paragraph 109 states that "*the planning system should contribute to and enhance the natural and local environment*", and this includes "*minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*".

245. Paragraph 118 of the NPPF states that "*when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles*", this includes: "*if significant harm resulting from a 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*".

246. A number of statutory and non-statutory wildlife sites are located within the context of the application site, as outlined in paragraphs 46 to 47 of this report, notably the River Teme SSSI, which is located approximately 75 metres to the north of the application site at its nearest point; the River Teme LWS, which is located immediately to the north of the application site; and the River Severn LWS, which is situated within application site boundary at its eastern end.

247. The accompanying Environmental Statement addressed ecology and nature conservation and as part of the application, a range of ecological surveys were undertaken. Badgers were recorded within the vicinity of the application site. A 'good' population of slow-worms were identified on the northern embankment of the A4440. An individual grass snake was also discovered on the northern embankment. Reptiles were deemed to be likely absent from the southern embankment. No Great Crested Newts were recorded within 500 metres of the application site. No otter activity or holts were identified, however, the application site and its vicinity does have suitable habitat for otters along both river corridors and surrounding areas. Trees and scrub within the application site provide good nesting habitat for birds, however, the Environmental Statement considers that the application site is unlikely to support rare or unusual bird species. There are low levels of bat activity (foraging and commuting) throughout the majority of the site, and high levels of bat activity along the River Severn and around Carrington Bridge. A pipistrelle bat roost was identified within an Oak Tree proposed to be removed (located adjacent to the southern embankment of Teme Side Way). The River Severn within the application site provides a critical passage for migrating fish. No invertebrate surveys were carried out by the applicant, as the habitats present are commonplace within the surrounding landscape, and are generally unlikely to support rare or unusual species. Himalayan balsam was found to be abundant along the banks of the River

Severn and within the ditches at the bottom of Temeside Way (A4440) embankments.

248. A net area of approximately 6,912 square metres of woodland / scrub, semi-improved grassland and tall ruderal habitats would be lost through the implementation of the proposal (approximately 58% of existing habitats within the application site would be retained). The applicant proposes to compensate for this loss through the creation of wetland habitats; creating a net-gain of approximately 37,998 square metres of new semi-natural habitat. The Development Manager considers that the formation of this wetland habitat is fundamental to achieving a net-gain for biodiversity.

249. The proposal would require the removal of a main badger sett, which would be carried out under licence from Natural England. An artificial badger sett is proposed to be constructed prior to the exclusion of badgers. Post mitigation monitoring is also proposed to be undertaken and to be detailed within a proposed Landscape and Ecological Management Plan (LEMP). A condition is recommended to this effect.

250. Loss of approximately 0.5 hectares of reptile habitat is proposed along the northern embankment in order to widen the foot and cycle route. The Environmental Statement recommends that a Reptile Mitigation Strategy is embedded within the proposed CEMP. It also proposes the enhancement of habitats within the northern embankment for reptiles. A condition is recommended to this effect.

251. Terrestrial connectivity for otters would be maintained through retention of existing underpasses and minimising disturbance and land-take from the River Severn Corridor. Night time working and the use of artificial lighting would be avoided where possible, and any lighting used would be directed towards the works and away from any watercourses or vegetation.

252. 17 bird nest boxes are proposed together with a barn owl nest box within the flood compensation area; however, due to the proximity to the A4440, there is a risk to barn owls with regard to possible traffic collisions. Whilst the County Planning Authority welcomes the provision of such a nest box, further specialist advice is recommended prior to installation.

253. Himalayan balsam is proposed to be treated and handled in accordance with the Environment Agency's best practice guidelines and such measures would be incorporated into the proposed CEMP. A condition is recommended to this effect.

254. The greatest predicted risk of impact posed by the proposal to invertebrates is associated with potential pollution and / or contamination events, either during construction or operational phases. The applicant is proposing a CEMP to address this risk, and a condition is recommended to this effect.

255. Direct impact has been identified on a pipistrelle bat roost within a tree ('Oak 2') identified to be removed. The main mitigation measures proposed are to conduct a further climbing inspection carried out by a licenced bat ecologist prior to the tree being soft-felled. In order to compensate for the loss of bat roost features, three replacement bat boxes would be provided and in order to enhance the area for bats, a further 8 bat boxes would be erected on retained mature trees within the application site.

256. Any increased light levels during construction would be likely to disrupt bats roosting or foraging nearby. There are three trees with bat roost potential in close proximity to the works that are proposed to be retained (Willows 1 & 2 and Hybrid Black Poplar) which could be subject to disturbance during construction. Bats foraging within the area, especially along the River Severn corridor, could also be disturbed by artificial lighting. The applicant is proposing a lighting scheme to be submitted as part of the detailed design to minimise any impacts to bats. Trees with bat roost potential would be fenced off and protected from harm.

257. Bats are European Protected Species. Given the presence of European Protected Species on site, the County Planning Authority must consider the three Habitats Directive "derogation tests" in Regulation 53 of the Conservation of Habitats and Species Regulations 2010 (as amended) before determining the application. Only if the County Planning Authority is satisfied that all three tests are met may planning permission be granted.

258. The court judgment (*R (Woolley) v Cheshire East Borough Council*, 2009) has determined that local planning authorities, as part of their general duty under the Habitats Regulations must (prior to determination of a planning application) consider all three "derogation tests" where impact to European Protected Species interests is anticipated. Namely does:-

1. *the proposal preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*
2. *that there is no satisfactory alternative, and*
3. *that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*

259. With regard to the first test, it is considered that the evidence presented in the application submission that the proposal would improve journey times for commuters from the M5 Motorway and the local residents, as well as relieving congestion in the city centre. The reduced journey times and increased reliability would attract commuters to work in the area, which has a knock on economic benefit to the community. In addition, the reduced traffic flow in the city centre would result in the area becoming more appealing to consumers, which results in local social and economic benefits, together with associated air quality improvements. The proposal would also facilitate the delivery of development allocated within the South Worcestershire Development Plan (Policies SWDP 45/1 and SWDP 45/2), resulting in substantial economic development benefits for Worcestershire, demonstrates that Test 1 (overriding public interest) would be met.

260. With regard to the second test, it is the County Ecologist's view that there are no other viable options for the loss of the tree in order to facilitate construction, nor that the works proposed could be done differently or at another more suitable location.

261. With regard to the third test, it is noted that the County Ecologist considers that for the European Protected Species concerned, if mitigation measures are implemented as described, the proposal would conserve and have potential to enhance the local populations present.

262. The Environmental Statement identified that the proposal has potential to impact upon the Severn Estuary Special Area of Conservation (SAC) and River Clun SAC. The construction phase may result in indirect damage through accidental pollution, which could enter the Severn Estuary SAC through run-off into the River Severn, though due to the distance of the site from the proposal (approximately 44 kilometres) and the absorption capacity of the estuary this is not likely to have a significant effect. At a distance of 48 kilometres and due to the fact that the proposal lies downstream of the River Clun SAC, the only effects foreseen on the River Clun SAC would be disturbance of the interspecific relationship between salmonids and Freshwater Pearl Mussel, which is the qualifying feature of this SAC. Any impacts to fish populations downstream (for example, through pollution incidents) may, therefore, affect the Freshwater Pearl Mussel population within the River Clun SAC, as salmonids are known to travel long distances upstream for spawning and the mussel larvae are carried by salmonids. The applicant is proposing a CEMP to minimise impacts to the water environment. In addition, no works would be carried out in the River Severn between October and June, to avoid the main migration seasons of fish.

263. As part of the application the applicant submitted Habitat Regulations Assessment Screening. It is noted that Natural England having reviewed this Screening Assessment, and on the assumption that the scheme's embedded mitigation can be appropriately secured, and are satisfied that no likely significant effect is anticipated upon these SACs.

264. The Lyppard Grange Ponds SAC and Site of Special Scientific Interest (SSSI) are within 5 kilometres of the site, it is considered that there would be no adverse effects upon these features due to the distance from the proposal, intervening built development and lack of hydrological connectivity.

265. With regard to the impacts upon the River Severn, construction related impacts would be mitigated by implementing a CEMP. The results of water quality modelling for the proposal predicts that there would be no increase in the level of pollutants entering the River Severn during the operational phase of the proposal, due to the proposed Sustainable Drainage Systems (SuDS).

266. The applicant is proposing a buffer zone of at least 10 metres to be fenced off and left undisturbed along the River Teme where it flows adjacent to the working area. The Air Quality Assessment assessed 8 locations along the River Teme, the results indicate that six of the receptors would experience negligible positive impacts and two receptors would experience negligible adverse impacts. For the 2021 modelled scenario, all receptors would experience a positive impact by way of reduced Nitrogen Oxides concentrations. Given the very limited area over which the changes are predicted to take place, the impact is not considered significant in terms of the integrity of the SSSI as a whole. Furthermore, Natural England has been consulted and has raised no objections, stating that the proposal would not damage or destroy the interest features for which the River Teme SSSI has been notified.

267. The County Ecologist has no objections, subject to the imposition of conditions requiring a CEMP; Method Statements and Biosecurity Protocols; Bat Method Statement; Reptile Mitigation Strategy; Supplementary Update Ecological Surveys; Lighting Strategy; LEMP and a Biodiversity Mitigation Monitoring Strategy.

268. Worcestershire Wildlife Trust has also raised no objections to the proposal, subject to the imposition of appropriate conditions. They do, however, note that they are concerned that the flood compensation area appears rather small in relation to the scale of the scheme. As a result, they are concerned that the habitats provided may be quite limited in scale and occur in such a tight mosaic as to reduce their value for specialist wildlife. Accordingly they recommend that consideration be given to wider scale landscape work. The Development Manager acknowledges and understands the Trust's comments, but notes that neither the County Ecologist nor Natural England has raised objections to the scheme. In view of their comments and comments from the County Ecologist, a condition is recommended to enhance the flood compensation area by simplifying the proposed habitat mosaic by focusing on wet grassland and shallow scrapes. Furthermore, wider landscape enhancement for biodiversity is not proposed in this application, the land in question is outside the application site boundary, and it is noted that the majority of this land is Common Land, which poses its own challenges in terms of compensatory land. In view of this, the Development Manager does not consider this matter would justify a reason for refusal of the application.

269. In view of the above matters, the Development Manager considers that the "derogation tests" in the Habitats Directive can be met, and that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, including the nearby River Teme SSSI and LWS and River Severn LWS, and distant Severn Estuary and River Clun SACs subject to the imposition of appropriate conditions, as recommended by the County Ecologist and Worcestershire Wildlife Trust. It is also considered that the proposal would result in a net gain for biodiversity.

Landscape character and visual impact

270. The landscape of the application site is rural in nature with a sparsely settled character. Vegetation cover is generally limited to linear bands running alongside features such as Temeside Way (A4440), the River Teme, streams and ditches. Nonetheless the site has a well vegetated feel, due in part to the flat landscape, meaning views beyond the immediate field parcels are largely screened. There is a sense of enclosure where vegetation, landform and built form allow. The proposal sits within a low lying, flat riverine landscape, with views to higher ground in the surrounding areas, including the Malvern Hills Area of Outstanding Natural Beauty (AONB) from the Ketch Viewpoint.

271. The Environmental Statement considers the application site to be of moderate landscape sensitivity. Whilst there are no statutory landscape designations within the study area, cultural designations contribute to the local identity of the area.

272. The scheme would require the removal of trees and vegetation, in particular the proposed widened cycle / footway on northern side of Temeside Way (A4440) would entail removal of the upper 2 metres of vegetation; and the widened southern embankment along Temeside Way (A4440) would entail the removal of all

vegetation along the southern embankment, it would also introduce a new built structure into the landscape in the form of the Hams Way Cycle / Footbridge, and extend the footprint of the A4440.

273. The Environmental Statement concludes in respect of Landscape and Visual Impacts that the most discernible impact would be the loss of vegetation along the existing southern embankment of Temeside Way (A4440), however, there would be limited changes to the pattern and grain of the landscape as the A4440 is already an existing, elevated feature of the landscape. There would be visual impact on views from the Ketch Viewpoint, which is identified as a Special View within the Malvern Hills AONB Partnership's 'Guidance on Identifying and Grading Views and Viewpoints' and Public Rights of Way adjacent to the proposal during construction. There would also be limited impacts in the vicinity of Powick roundabout due to the construction of the Hams Way Cycle / Footbridge. A range of mitigation measures are proposed to be implemented through a CEMP to ensure the construction related impacts on the landscape are mitigated for, where possible. Measures include: consideration of materials and colours for temporary fencing and building; limiting the length of cranes in use; minimise light spill and glare; ensure exposed earthworks are re-vegetated as soon as possible; temporary seeding of topsoil and subsoil storage areas; retention of existing trees where possible; use of protective fencing around retained trees; and careful consideration to the location of storage stockpiles, compounds, temporary offices and haul routes to minimise impact upon the landscape character and views from sensitive receptors.

274. The proposed planting along Temeside Way (A4440) southern embankment would establish over time, which would include both native and non-native species to complement and integrate with the existing planting. The edges of replacement planting would be 'feathered' to provide a range of habitats including open grassland, low density planting and better landscape integration. The Ketch Viewpoint would be repositioned and the vegetation surrounding the adjacent car park opened up to promote natural surveillance. The new Hams Way Cycle / Footbridge would provide new views previously unavailable across elements of the Registered Battlefield, towards the Malvern Hills and of nearby Listed Buildings and Structures. Additional planting around the bridge is proposed to be further developed within detailed design of the scheme.

275. Worcester City Conservation Areas Advisory Committee raised no objections to the proposal, but requested that the mature Oak Trees in the vicinity of the works are protected, and there should be a greater mix of size of trees to reduce the immediate impact of loss of vegetation. The applicant has accounted for the mature Oak Trees within the scheme design and these would be protected where possible, and has confirmed they would plant different sizes of trees. Conditions are recommended regarding protection of retained trees and a landscaping scheme.

276. Worcester City Conservation Areas Advisory Committee considered that there was an opportunity for some large-scale 'artwork' in the Ketch roundabout. The applicant has commented that there is no proposal to include any large-scale artwork at Ketch roundabout, and consider it is outside of the scope of the proposed works and likely to be very subjective, noting that at the presentation to the Committee there were differing opinions.

277. With regard to the landscape impacts of the Hams Way Cycle / Footbridge, the bow arch of the bridge would measure a maximum height of approximately 12.45 metres at its peak above road level and would be visible in part through the existing vegetation. The greatest construction phase impact would result from the removal of roadside vegetation to accommodate the approach ramps on both sides of Hams Way and allow access to construct the bridge. On the northern side this would result in a loss of roadside vegetation of approximately 10 to 12 metres length. The northern approach ramp would extend for approximately 140 metres to the north-east running parallel to the rear of the small car park accessed off the Powick roundabout. It is anticipated that the hedgerow and tree vegetation to the rear of this car park would be retained. The southern approach ramp would cut across a field, running parallel to the existing hedgerow and gradually decrease in height from the bridge deck level to meet ground level at a point opposite Cromwells Restaurant. The southern approach ramp would measure approximately 131 metres long.

278. The County Landscape Officer has been consulted and has no objections to wider proposal, but raises concerns regarding the design of the proposed Hams Way Cycle / Footbridge (specifically its height), and recommends a landscaping / planting condition be imposed should planning permission be granted to reduce the impact of the southern bridge approach ramp on Powick Conservation Area. A condition is recommended to this effect.

279. The County Landscape Officer also requests a commitment from the applicant to maintaining a viable assemblage of trees to the north of the Hams Way Cycle / Footbridge and new planting to help screen the proposal into the future. The applicant has confirmed that the land in the vicinity of the proposed northern bridge approach ramp is within their ownership, and that a viable assemblage of trees would be maintained.

280. The Development Manager notes the comments of the County Landscape Office, but considers that due to the highly-visible nature of this overbridge, an attractive as well as functional structure is required. It is noted that its design has developed through consultation with Worcester City, Malvern Hills and Worcestershire County Council's Planning Officers. Given that the approved bridleway bridge over Crookbarrow Way (A4440) (Application Ref: 14/000034/REG3, Minute No. 896 refers) is a tied arch structure, and there is an aspiration for a bow arch structure over Broomhall Way (A4440), subject to planning permission, it is considered appropriate for these bridges to have a similar design features to complement each other, whilst forming local landmarks and contributing to the sense of place. The Development Manager considers that for the appearance of the bridge to be aesthetically pleasing, the height and radius of the bow arch is particularly crucial to the bridge design, whilst balancing this against any visual impacts upon the adjacent heritage assets, which is considered further in the Historic Environment section of this report. It is considered that the bridge arch as proposed is acceptable and would result in a minor landmark feature, whilst not resulting in a bridge that is unduly prominent or overbearing in the landscape. Conditions are recommended regarding the detailed design of the bridge including the height of the bow arch and its colour palette, and a landscaping scheme.

281. With regard to impacts upon the Malvern Hills AONB, it is considered that the impacts would be neutral due the distance, proposed reinstatement of landscape planting and retention of existing vegetation wherever possible, which would

replicate the existing situation and would reinstate the existing balance of vegetation cover and landscape structure albeit on a slightly increased scale. It is noted the Malvern Hills AONB Partnership has been consulted and has made no comments.

282. Objections have been received from the Ketch Caravan Park and Mooring regarding failure of the applicant to consider the impact of the proposal upon their site. It is considered that the primary visual impacts associated with development on the Caravan Park and Mooring would be confined to the construction of the new Carrington Bridge, to be sited beyond the existing bridge and removal of vegetation to enable construction easements for both the new Carrington Bridge and the Ketch roundabout underpass. The Environmental Statement concludes that the impacts would be neutral as whilst the deeper deck beams of the new Carrington Bridge would be visible at an oblique angle, they would largely be screened by the existing bridge and would also be of weathered steel and, therefore, a similar recessive dark brown colour to the existing. Furthermore, replacement planting is proposed and the construction impacts of the widened cycleway / footway on the northern side of Temeside Way (A4440) would be confined to the upper most 2 metres of the embankment, with the majority of vegetation being retained reducing visual impacts in the short-term and once the replacement planting is established this would help to filter views in the medium to long-term.

283. The Development Manager recommends the imposition of conditions requiring a CEMP, landscaping scheme, restoration scheme for disturbed land during construction; the detailed design of the flood compensation area; lighting scheme; detailed design of the Ketch underpass, detailed design of the Hams Way Cycle / Footbridge and an interpretation strategy should planning permission be granted.

284. In view of the above matters, the Development Manager considers that subject to the imposition of appropriate conditions, the proposal would not have an unaccepted adverse or detrimental impact upon the character and appearance of the local area, including views to and from the Malvern Hills AONB, in accordance with Policies SWDP 21 and SWDP 25 of the adopted South Worcestershire Development Plan.

Residential amenities (air quality, dust, noise, vibrations and lighting)

285. There are a number of residential properties within close proximity to the application site, as outlined at paragraph 52 of this report. This includes Temeside Cottage located approximately 120 metres north of the proposal, with its access taken directly from Temeside Way (A4440).

286. With regard to air quality impacts, there are currently 3 Air Quality Management Areas (AQMAs) declared within 4 kilometres of at the application site at St. John's, Bridge Street / Dolday, and Lowesmoor / Rainbow Hill. The Development Manager notes that on the 8 January 2018, Worcester City Council's Environmental Health & Licensing Committee took the decision to declare the administrative boundary of Worcester City as an AQMA. Worcestershire Regulatory Services have undertaken a consultation on the declaration which closed on the 8 March 2018.

287. The construction phase of the proposal has the potential to result in temporary air quality impacts due to the emission of dust and particulate matter, with the main potential impact being the temporary deposition of dust on surfaces. Due to the

nature of the construction activities it is considered that generally dust would be deposited within 100 metres of the source.

288. The Environmental Statement states that an Air Quality and Dust Management Plan is proposed to be implemented that would detail a number of measures designed to reduce the impact of construction activities on air quality. These would include: dust suppression; careful location of plant and machinery to reduce emission impacts; and low site-speed limits. With these mitigation measures implemented, the impact is considered to be low across all receptors within 350 metres of the proposal.

289. The operational phase of the proposal would affect air quality due to a change in vehicular emissions and pollutant concentrations resulting from a change to the flow, speed and composition of traffic on the local road network; and a change in road alignment and layout leading to a change in vehicular emissions and a change in the distance between vehicular emissions and receptors.

290. The main pollutants of concern for road traffic are nitrogen dioxide (NO₂) and fine particulate matter (PM). During operation, the proposal is assessed as having a significant positive effect in some areas in terms of air quality, due to the redistribution of traffic flows, and an imperceptible negative effect in other areas, where the traffic flows are expected to increase. Significant beneficial impacts are predicted at approximately 50 receptors, mainly in the Worcester city centre, and a negligible adverse impact at approximately 7 receptors in Rushwick and along the Southern Link Road.

291. The proposal would not generate any new significant exceedance of NO₂ at any receptors. In terms of PM, the Environmental Statement assessed the scheme as negligible at all receptors, and overall the proposal would have a net positive impact on air quality in the wider Worcester city area. With regard to climate change, it is considered that the proposal would have a benefit in terms of reducing greenhouse gas emissions compared to the "Do Nothing" scenario.

292. Worcestershire Regulatory Services have been consulted in respect of air quality and have raised no objections to the proposal, noting that the proposal is anticipated to offer betterment in terms of air quality and draw traffic away from the congested Worcester city centre routes. This is expected to offer an improvement of air quality within the existing city centre AQMAs.

293. With regard to noise the smallest change in environmental noise that is generally noticed by an individual is about 3dB(A). A 10dB(A) change approximates to a subjective doubling or halving of loudness.

294. With regard to noise and vibration impacts, during construction there would be potential for significant short-term noise impacts at a small number of properties located within 125 metres of the proposal. The vibration impacts would be minor to moderate and limited to a small number of caravans located at the Ketch Caravan Park and Moorings due to piling operations associated with the construction of the new Carrington Bridge and Powick Common Viaduct. The piling operations are expected to last for 8 weeks for the Carrington Bridge and 5 weeks for the Powick Common Viaduct. Due to the distance from these sensitive receptors these operations are not expected to cause any harm to these sensitive receptors. The

applicant states that they would liaise with affected residents before piling operations commence, and a CEMP is proposed, which would outline a range of environmental management controls in order to minimise noise effects.

295. With regard to the operational noise and vibration impacts of the scheme it is noted that the proposed design includes the use of 'a low noise' road surface along the proposed development as part of the mitigation measures. The Environmental Statement states that approximately 1,251 sensitive receptors have been assessed in detail and at opening year (2021), approximately 1,248 properties would be subject to a negligible or minor change in noise levels, which is regarded as insignificant. Three locations (Temeside Cottage, Ketch Caravan Car Park and Severn Motor Yacht Club / Summerhill) would experience moderate increases in noise which are regarded as significant. At design year (2036), all 1,251 properties assessed are predicted to experience a minor or negligible change in noise level which is regarded as not significant. The property that experiences the largest increase in noise levels of approximately 3.5 dB LA10,18hr is Temeside Cottage located immediately to the north of the proposal. The Ketch Caravan Park and Mooring is expected to experience an increase in noise levels of approximately 3.3dB LA10,18hr and the Severn Motor Yacht Club and the residential property of Summerhill are expected to experience an increase of approximately 3.0 dB LA10,18hr.

296. An assessment against Worcestershire Regulatory Services Noise Control Technical Guidance indicates that at opening year (2021), approximately 378 properties would exceed the Worcestershire Regulatory Services guidance threshold without the Scheme. By design year (2036), this would rise to approximately 420 properties. With the Scheme, the number of properties exceeding this guidance threshold would be 402 and 410 at opening and design year, respectively. Therefore, the proposal results in a reduction in affected properties at design year. The predicted night time changes in noise level are assessed as negligible at all properties.

297. With regard to mitigating the increased noise levels at Temeside Cottage the addition of noise attenuation barriers along the northern boundary of the A4440 was considered in the Environmental Statement, but this would need to be approximately 1.8 metres high and extend from the western extent of Powick Common Viaduct for a length of approximately 420 metres. This would result in a 2dB reduction in noise levels at Temeside Cottage, which would not likely be discernible and would still be above the levels identified in Worcestershire Regulatory Services' guidance. Furthermore, the Development Manager considers that this would result in an unacceptable visual impact. The applicant states that a similar scheme of mitigation would be required for Ketch Caravan Park and Moorings and Severn Motor Yacht Club and Summerhill with the resultant unacceptable visual impact. Notwithstanding this, it is noted that the Environmental Statement states that no properties are likely to qualify for noise insulation, under the Noise Insulation Regulations 1975 (as amended).

298. Worcestershire Regulatory Services have been consulted in respect of noise, vibration, dust and lighting and they raised no objections to the proposal, subject to the imposition of a condition requiring a CEMP requiring measures to minimise the impacts during construction relating to noise, vibration and dust. They also considered that the submitted information in relation to noise during the operational

phase of the development to be satisfactory. Public Health England has also raised no objections, stating they have no significant concerns regarding risk to health of the local population from the proposed development, subject to the applicant taking all appropriate measures to prevent or control environmental emissions, in accordance with industry best practice.

299. With regard to working hours and disturbance to local residents the applicant has confirmed that for the most part, works would be undertaken within standard site working hours (between 07.00 to 17.00 hours Mondays to Fridays, and 07.00 to 13.00 hours on Saturdays). However, there would be operations that would have to be undertaken outside of normal working hours for safety or traffic flow reasons. The applicant states that any variation of the working hours would be agreed with the County Planning Authority and Worcestershire Regulatory Services in advance, and local residents would be informed. A condition is recommended to this effect.

300. Concerns have been raised by Powick Parish Council regarding impacts of vibration upon local residents. The Environmental Statement has carried out a review of vibration impacts and concludes that the scheme would not result in any impact or effect from traffic induced airborne or ground borne vibration. Furthermore, Worcestershire Regulatory Services have made no adverse comments in respect of vibration.

301. In response to a letter of representation objecting on the grounds that the road is being widened on the Lower Wick side of Powick roundabout, but no mitigation landscaping is proposed that would help to reduce the impact of noise and pollution on the adjacent residential properties. The Development Manager confirms that the road is not being widened in this location. Furthermore, the area of construction on the north side of Temeside Way (A4440) is confined to surfacing and kerbing to the widened combined cycleway / footway, there are no alterations proposed to the carriageway, therefore, vehicles would be no closer to Lower Wick than at present.

302. With regard to lighting during the construction phase Worcestershire Regulatory Services request that lighting should be positioned and angled so as to minimise light spill outside of the site boundaries. The Development Manager notes that during operation the applicant proposes to replicate the existing lighting arrangements, with additional lighting of the Ketch roundabout underpass and Hams Way Cycle / Footbridge. A condition is recommended requiring a detailed lighting scheme for both the construction and operational phases of the proposal.

303. The Ketch Caravan Park and Mooring objects to the proposal on the grounds of failure to consider the impact of the proposal upon their site. The Development Manager notes that impacts to the Caravan Park and Moorings were assessed within the respective chapters of the submitted Environmental Statement, and notes the scheme has been designed to minimise impacts upon this receptor namely:-

- The road widening is to be undertaken on the southern A4440 road embankment, reducing the impact of the construction works in the short-term and vehicle air and noise pollution in the long-term.
- The proposed new Carrington Bridge would follow the same alignment and general form as the existing bridge, to ensure it is not visually obtrusive.

- The proposed new Carrington Bridge would not have a pier on the eastern bank of the River Severn; hence, it would not affect access to the adjacent mooring points.
- The scheme does not utilise land owned by the Ketch Caravan Park and Moorings.
- Improved Ketch underpass and access to this.

304. A number of queries have been raised by a local resident, in response to these the applicant has confirmed that there is no intention to lay new electrical or other main services along the route of the works. There is also no intention to erect street lighting along the line of the embankment or slip roads. They do not envisage affecting the BT services to the north of Temeside Way (A4440). Cattle-grids and gates are proposed to be installed adjacent to Temside Cottage to reduce the risk of livestock escape and unauthorised access. The applicant also proposes to improve the slip roads in the vicinity of Powick Common Viaduct / Temeside Cottage.

305. Based on the advice of Worcestershire Regulatory Services and Public Health England, the Development Manager considers that, subject to the imposition of appropriate conditions, the proposal would have an acceptable impact in terms of air pollution, dust, noise vibration or light impacts on residential amenity and that of human health.

306. Concerns have been raised by a local resident that their house prices would be adversely affected by the proposal. The Development Manager notes their concerns, but advises Members that property values are not a relevant material consideration in the determination of planning applications.

Historic environment

307. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission 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"*. Section 72 (1) imposes a general duty as respects Conservation Areas in the exercise of planning function stating *"in the exercise, with respect to any buildings or other land in a Conservation Area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.

308. Paragraph 132 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II Listed Building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments...Grade I and II* Listed Buildings, Grade I and II* Registered Parks and Gardens...should be wholly exceptional"*. Policies SWDP 6 and SWDP 24 of the South Worcestershire

Development Plan also require development to conserve and enhance heritage assets, including their setting.

309. Paragraph 133 of the NPPF states that *"where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss..."*.

310. There is no statutory definition of setting for the purposes of Section 66 (1) of the Listed Buildings Act. Annex 2 of the NPPF describes the setting of a heritage asset as *"the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*. It goes on to describe significance for heritage policy, stating that this is *"the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting"*.

311. The Government's PPG at Paragraph Ref ID: 18a-013-20140306 states that *"the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity, but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each"*.

312. A number of designated heritage assets are located within the context of the application site, as outlined in paragraph 43 of this report, in particular Powick Old Bridge is located to the north of the proposal. It is Grade I Listed Structure and a Scheduled Monument and significant, in part, due to the role it played in the skirmish at Powick Bridge (1642) and the Battle of Worcester (1651). Its setting is of importance and includes the registered and non-registered parts of the battlefield, the areas around each bridgehead, and the key views and the main approaches to the bridge, including the historic approach from the village of Powick to the south. The Grade II* Listed Building of Powick Mills is located on the north side of the bridge. The site comprises a former hydro-electricity works constructed in 1894, and converted into housing in 1999. It is described as being remarkable for its strong external character and this includes the Mills' tall brick chimney, which is a landmark structure visible from multiple locations in the wider landscape. In views across parts of the Registered Battlefield, the chimney acts as marker for the location of Powick Old Bridge. The Grade II Listed Structure of Powick New Bridge was constructed in 1837 as a replacement for Powick Old Bridge. The bridge affords good views back towards Powick Mills and Powick Old Bridge. The northern half of both bridges, and Powick Mills, lie within the Riverside Conservation Area.

313. It is considered that the approaches to the Powick Old Bridge and Powick Mills contribute considerably to the setting and experience of these heritage assets, as do views towards them from afar when the location is marked only by Powick Mills'

chimney, but also from nearer, and especially for users of Powick New Bridge, even if the view is only fleeting from a vehicle.

314. The Government's PPG at Paragraph Ref ID: 18a-017-20140306 states *"whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the NPPF"*.

315. Historic England have been consulted and have raised no objections in principle to the wider road scheme; however, they have concerns regarding the impact of the proposed Hams Way Cycle / Footbridge upon the setting of a number of nearby designated heritage assets. They disagree with the conclusions of the Environmental Statement and consider that the proposed bridge would result in harm to the significance of these heritage assets. They have confirmed that they consider that this would be 'less than substantial' harm, and the level of harm could be reduced through design changes, as they have concerns regarding the bow arch design of the bridge element, which in their view detracts from the designated heritage and is not 'light' in form. Where changes cannot be made, for example due to technical reasons, justification should be provided. Should planning permission be granted, they recommend the imposition of conditions regarding the detailed design of the bridge and a landscaping scheme.

316. The City Archaeologist concurs with the views of Historic England and objects to the Hams Way Cycle / Footbridge element of the proposal, stating that they recommend the scale and design of the bridge is reconsidered to reduce its impact upon the setting of adjacent heritage assets. They also raise concerns regarding the lack of detailed plans of the proposed bridge and the number of photomontages. Should planning permission be granted they recommend the imposition of conditions regarding a programme of archaeological works and cultural heritage interpretation strategy.

317. Conversely, the County Archaeologist has raised no objections to the proposal, and considers that the effects of the Hams Way Cycle Footbridge would result in neutral / slight adverse effects to the adjacent heritage assets. They agree with the submitted Environmental Statement that there would be an initial construction related impact on the setting of the designated heritage assets of Powick Mills, Powick Old Bridge and Powick New Bridge. They consider there is likely to be an initial change in the visual context of views out from these assets that is likely to comprise glimpsed / indirect views of the Hams Way Cycle and Footbridge, with an element of seasonal variation in the degree of visibility as a result of the extent of vegetation cover. These impacts would be further reduced by the proposed screening planting and maintenance of the existing vegetation / tree cover between these assets and the road and proposed footbridge. They also state that whilst the application site boundary extends into the Registered Battlefield they consider there to be negligible impact.

318. The Development Manager considers that these heritage assets would be likely to experience an increase in activity as more cyclists and pedestrians cross Powick New Bridge and Powick Old Bridge to use the Hams Way Cycle / Footbridge. The applicant has confirmed that no construction traffic would cross Powick New Bridge. Views of the Hams Way Cycle / Footway from Powick Old Bridge and Powick Mills would be partly screened, due to the high levels of intervening vegetation, even during the winter months affording intermittent and

glimpsed views of the bridge itself. However, the end of the proposed northern approach ramp would be clearly visible from the Powick Old Bridge approach (old lane). The approach ramp would be more prominent from further south along the Powick Old Bridge. It is considered that the bow arch element of the bridge and glimpsed views of the approach ramps would be possible from Powick New Bridge, together with panoramic views of the proposal and these heritage assets. The view towards the Powick New Bridge from the Powick Old Bridge would be unaffected by the proposal.

319. The Riverside Conservation Area generally lies to the north of the application site with its southern border following the route of the River Teme, although it also extends along the River Severn to the south of Carrington Bridge. It is considered that the Riverside Conservation area would suffer from indirect minor negative impacts to setting from the increased noise from the construction works. Operational impacts are proposed to be primarily addressed through landscaping.

320. With regard to views from the Powick Conservation Area, the A4440 road embankment is already visible and traffic is largely screened by vegetation both in summer and winter. Hams Way Cycle / Footbridge, however, represents a new raised structure in the landscape and so would be partially visible from certain locations within the Conservation Area, particularly on its northern edge, but this is at some distance from the proposal. Views of Powick Mills' chimney stack would be intervisible with the proposed Hams Way Cycle / Footbridge.

321. With regard to impacts upon the Registered Battlefield, the focus of actual conflict, as far as the available evidence indicates, took place primarily to the north of the River Teme, therefore, this is at some distance from the proposed works. However, a small part of the Registered Battlefield is included in the application site and comprises the old lane (now footpath / cycleway) to the south of Powick Old Bridge. As stated earlier the proposed Hams Way Cycle / Footbridge northern approach ramp would be visible from this lane, providing a negative effect to the viewer on the battlefield at this location. Other views from the Registered Battlefield area towards the proposal are essentially unaffected as the embankment of the road already impedes any view. To mitigate any impacts upon the Registered Battlefield the focus of construction activity is focused upon the southern side of Temeside Way (A4440).

322. Trial trenching has been undertaken to try and identify the depth of the battlefield within the floodplain, but it was not discovered at depths of up to 2.5 metres, which are deeper than proposed excavations for the proposed development. Furthermore, it is expected that any archaeological remains adjacent to the existing Temeside Way (A4440) would have been disturbed during its construction, however, there is still the potential to discover archaeological remains. Therefore, an archaeological watching brief is proposed to be maintained throughout the construction phase to ensure any finds are adequately recorded and preserved.

323. The proposed relocation of the pylon would be carried out under an archaeological watching brief. No excavation would be undertaken in the Registered Battlefield and appropriate mitigation such as a geotechnical membrane would be used to cover the area of the works.

324. Ketch Viewpoint provides views across to the Registered Battlefield, Powick Church, the chimney of Powick Mills and the Malvern Hills. There would be temporary periods of disruption at the Ketch Viewpoint whilst it is relocated further to the south, but once reconstructed, new interpretation boards would be installed and views would be similar to the existing. Hams Way Cycle / Footbridge would not be visible from the relocated viewpoint.

325. In view of this, and having regard to Historic England's comments, the Development Manager considers that the proposals, in particular the impact of the Hams Way Cycle / Footbridge would lead to 'less than substantial' harm to the significance of the designated heritage assets of Powick Old Bridge, Powick New Bridge, Powick Mills, Riverside Conservation Area, Powick Conservation Area and the Registered Battlefield. Notwithstanding this harm is less than substantial, the harm must still be given considerable importance and weight, and considerable weight must be given to the desirability of preserving the setting of these designated heritage assets. Consequently, the fact of harm to a designated heritage asset is still to be given more weight than if simply a factor to be taken into account along with all other material considerations. It must be recognised as the Court of Appeal emphasized in *East Northamptonshire District Council v Secretary of State for Communities and Local Government* [2015] (also known as the Barnwell Manor case): *"the finding of harm to the setting of a Listed Building or to a Conservation Area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so"*.

326. Paragraph 134 of the NPPF states that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use"*.

327. The Government's PPG at Paragraph Ref ID: 18a-020-20140306 confirms that *"public benefit may follow from many developments and could be anything that delivers economic, social or environmental progress...Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits"*.

328. The proposal is allocated in the South Worcestershire Development Plan and in particular is required to facilitate the delivery of major development allocated within the South Worcestershire Development Plan (Policies SWDP 45/1 and SWDP 45/2), notably Broomhall Community and Norton Barracks Community (Worcester South urban extension) and Temple Laugherne (Worcester West urban extension), resulting in substantial economic development benefits for Worcestershire.

329. It is also identified within the LTP4, which identifies objectives of unlocking the potential of the A4440 and removing capacity constraints; supporting the growth of the economy by reducing travel times and associated costs imposed on businesses, transport operators and other network users. The proposal is also identified as a key project within the LEP Business Plan 2012, helping to deliver Strategic Objective 4 'Planning, Development and Infrastructure', stating that connectivity and good infrastructure is essential to maximise Worcestershire's potential and to create a

competitive environment. It is also identified as a priority project within the SEP, which states that transport investment will be targeted to unlock the potential of key employment and housing sites to support the overall growth vision for Worcestershire.

330. The Development Manager considers that the proposed scheme would improve journey times for commuters from the M5 Motorway and the local residents, as well as relieving congestion in Worcester city centre. The reduced journey times and increased reliability would attract commuters to work in the area, which has an associated economic benefit to the community. In addition, the reduced traffic flow in Worcester city centre would result in the area becoming more appealing to the public, which results in local social and economic benefits, together with associated air quality improvements. In relieving the traffic congestion in Worcester city centre the applicant anticipates that it would facilitate 2-3,000 jobs in Worcester city. It would also improve the resilience of Worcestershire's transport infrastructure.

331. The Development Manager considers that the Hams Way Cycle / Footbridge would provide benefits in terms of affording new vantage point in which to view the heritage assets and across the wider landscape. Therefore, it is considered this would provide an opportunity which could be incorporated into interpretation boards relevant to the heritage assets. These could also become part of a heritage trail as recommended by the City Archaeologist with the potential for links with the Ketch Viewpoint and possibly the Diglis Cycle / Footbridge. This would provide a real public benefit to help visitors understand and appreciate the heritage of the area and would be an important enhancement to local heritage tourism with an associated economic benefit to the area from visitors.

332. It is considered that the proposed Hams Way Cycle / Footbridge is a necessary and essential element of the overall scheme to provide safe crossing for cyclists and pedestrians. The applicant has confirmed that a pedestrian crossing in this location would not be acceptable due to road safety concerns, as a result of the high volume of traffic within a 60mph speed limit on both sides of the roundabout, and forward visibility for vehicles approaching the existing crossing from Powick heading west along the A4440 also being limited by the geometry of the junction. A pedestrian crossing would also have an adverse impact upon traffic compared to the proposed bridge.

333. Concerns have been raised by Historic England regarding the impacts of the northern bridge approach ramp. The applicant has confirmed that *"the location of the Hams Way Cycle / Footbridge northern approach ramp is constrained by its location in proximity to the River Teme to the north-west and the car park to the south-east. The design must also meet the following parameters:-*

- *Design standards limit the gradient of the approach ramp to 1 in 20, primarily to provide a suitable slope for wheelchair users. The approach ramp needs to ascend approximately 6.45 metres from ground level, so the total length must be approximately 140 metres.*
- *Sharp corners and 'switchbacks' should be avoided as they are dangerous for cyclists and make the approach ramp less direct for all users.*
- *The approach ramp must provide for Public Right of Way to pass underneath.*
- *The approach ramp must connect to the A449 footway at the existing pedestrian crossing point.*

- *The approach ramp must provide continuity with the existing path towards Powick Old Bridge.*
- *Construction of the approach ramp should require the least possible clearance of existing trees and other vegetation".*

334. In view of this, it is considered that there is consequently limited opportunity to change the length, angle and position of the northern approach ramp. A landscaping scheme is proposed by the applicant to compensate for the loss of any vegetation required for the construction of Hams Way Cycle / Footbridge. Should planning permission be granted it is considered a condition should be imposed requiring a landscaping scheme to optimise any opportunities to further screen the proposal; this includes views of the southern approach ramp as recommended by the County Landscape Officer. Thinning of vegetation between Powick Old Bridge and the proposed works as proposed by Cycling UK and Push Bike! is not proposed by the applicant, as it is considered that this would diminish the secluded aspect that this currently provides to visitors approaching from the north or at these heritage assets.

335. The Development Manager is aware that the design of the Hams Way Cycle / Footbridge has developed through consultation with Worcester City, Malvern Hills and Worcestershire County Council's Planning Officers. The Development Manager acknowledges and understands the concerns of Historic England and the City Archaeologist, but considers that a lower bridge, such as a truss bridge or similar in this location would appear industrial and utilitarian in any panoramic views of the proposed bridge and heritage assets. It is also noted that the height of the bridge deck above the road is set at approximately 6.45 metres, and this would be the same irrespective of the type of bridge to accommodate traffic, including high vehicles. Whilst the proposed bow arch bridge would measure approximately 6 metres high above the bridge deck tapering to 1 metre high above the bridge deck, a truss bridge or similar would still need to measure approximately 3 metres high for its entire length to cater for cyclists, with the structural members themselves larger than the proposed bow arch bridge, as the structure is less efficient, giving a "heavier" appearance. A lower height truss structure is also likely to require mass dampers below the bridge deck to reduce risk of sway, therefore, adding to the deck thickness, again resulting in a "heavier" appearance. Whilst a truss bridge or similar may be less visible in certain views, it is considered that it would have a greater impact upon these heritage assets when viewed together. The Development Manager considers that for the appearance of the bridge to be aesthetically pleasing, the height and radius of the bow arch is particularly crucial to the bridge design. Whilst views of Powick Mills' chimney stack would be intervisible with the proposed Hams Way Cycle / Footbridge, the Development Manager considers that the Powick Mills' chimney would still be the dominant feature in the landscape and the proposed bridge would not detract from the prominence of this heritage asset. The juxtaposition of a new bridge such as this in relation to acknowledged important heritage assets is considered to be acceptable provided the design and the construction of the bridge is undertaken to a high quality. A good example of this is the Diglis Cycle / Footbridge within the Riverside Conservation Area.

336. Having given special attention to the desirability of preserving or enhancing the character or appearance of Powick and the Riverside Conservation Areas (Section 72) and having special regard to the desirability of preserving the Listed Buildings and Structures or their setting or any features of special architectural or historic interest which they possess (Section 66), and paragraph 134 of the NPPF, it is

considered that the public benefits of the scheme are powerful material considerations, which outweigh the less than substantial harm to rebut the strong presumption against causing any harm to these heritage assets.

337. The Development Manager notes the comments of the City Archaeologist, but considers that sufficient photomontages and key views (photographs) have been provided to be able to understand the likely impacts of the proposal upon heritage assets, and notes that scaled drawings of the proposed Hams Way Cycle / Footbridge accompanied the application. In response to the City Archaeologist comments that the archaeological field evaluation of the area within Worcester is still to be completed. The applicant has confirmed that the archaeological trial pits on the eastern bank of the River Severn, near the Ketch Viewpoint have not been undertaken yet due to their proximity to the oil pipeline, and confirmed they would be carried out post decision, subject to permits from CLH Pipelines Systems Ltd. The Development Manager considers that this is acceptable and notes the District Archaeologist considers that further evaluation of the site is not necessary prior to determination of the application.

338. Paragraph 128 of the NPPF states that *"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"*.

339. Archaeological field evaluation has been undertaken and the application was accompanied by a Written Scheme of Investigation for Archaeological Evaluation and Archaeological Evaluation. The field evaluation did not find any remains earlier than the 17th century, and the overall results did not present a clear result as there was very little dating material. However, the wider study area contains Romano-British finds that suggest other archaeology related to these periods could be uncovered during the proposed works. Roman activity is likely in the eastern part of the study area, near the Ketch roundabout, as this is the possible site of, or adjacent to the route of the Roman Road from Gloucester. Works for the bridge abutments and other works in the area of the Ketch roundabout have the potential, therefore, to affect remains of the road, although this would be a beneficial impact as it would allow the position of the road to be located. Overall, in terms of impacts upon archaeology the Environmental Statement considers the scale of impact would be considered minor, as there is no indication of precise location of any such remains and should they exist they are likely to be dispersed across a wide area, and, as such, any impact would, at worst, constitute a minor impact.

340. Paragraph 135 of the NPPF states that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.

341. There is a wide range of non-designated features within the vicinity of the proposal; this includes the Second World War defensive features, which were predominantly dismantled after the end of the war. These features include anti-aircraft obstacles; road blocks; and a plan to flood Laugherne Brook if Britain was invaded to turn Worcester into a defensive island. Other features include the undesignated areas of the wider Battlefield, a loading pier for oil located to the north

of Ketch roundabout, 26 ponds which were prevalent to the north and east of Powick and so formed a feature of the area, with the majority located to the south of the Temeside Way; and palaeo-environmental potential noted from cartographic evidence include marshes and palaeochannels.

342. The creation of the dual carriageway, Hams Way Cycle / Footbridge and the enabling works all have the potential to intersect and damage non-designated assets. World War Two defence features would undergo direct impacts. To mitigate this impact a watching brief is proposed to enable any further archaeological work to be incorporated into the scheme, so that quality data could be collected as opportunities arise during the works; and archaeological investigations are proposed to be carried out prior to constructing the flood compensation area and temporary compound areas. Having regard to the advice contained at paragraph 135 of the NPPF, it is considered that, on balance, the impact to on-designated heritage assets, in particular the World War Two defence features and the undesignated Battlefield is not of such significance as to constitute a refusal reason in this instance, although reference to such features on any interpretation boards at the Ketch Viewpoint would be welcomed as a wider public benefit.

343. The County Archaeologist has been consulted and has raised no objections, subject to the imposition of conditions requiring a programme of archaeological works and interpretation boards at the Ketch Viewpoint. With regard to impacts upon the undesignated Battlefield they consider the impact to be slight to moderate, resulting in less than substantial harm and they do not consider this should or would act as a bar on the advancement of the scheme. The District Archaeologist also has no objections subject to a programme of archaeological works and Worcester City Conservation Areas Advisory Committee welcomes the proposal.

344. The Development Manager considers that the proposed development would not have an unacceptable impact upon heritage assets, subject to the imposition of appropriate conditions, including the detailed design of Powick Hams Cycle / Footbridge and a landscape / planting scheme, in accordance with Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan. Furthermore, it is considered that the new foot / cycle bridge would complement the historic assets for the reasons set out above with the new development presenting an opportunity for enhanced understanding of the wider landscape in which important historic events took place.

Other matters

Economic Impact

345. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development through the three dimensions of economic, social and environmental. In particular the NPPF sees the economic role of planning as *"contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating the development requirements, including provision of infrastructure"*.

346. In addition, the NPPF at Paragraph 19 states that the *"Government is committed to ensuring that the planning system does everything it can to support economic growth, and therefore, significant weight should be placed on the need to support economic growth through the planning system"*.

347. The proposal is allocated within the South Worcestershire Development Plan by Policy SWDP 4 I(i). Policy SWDP 45/1 relating to Broomhall Community and Norton Barracks Community (Worcester South urban extension), identifies the *"delivery of approximately 20 hectares of employment land and around 2,600 dwellings. The rate of delivery will be dependent upon the phased implementation of the Worcester Transport Strategy and in particular the dualling of relevant sections of the A4440 Southern Link Road"* and Policy SWDP 45/2 relating to Temple Laugherne (Worcester West urban extension) states that *"delivery of around 2,150 dwellings. The rate of delivery will be dependent upon the phased implementation of the Worcester Transport Strategy and, in particular, the dualling of relevant sections of the A4440 Southern Link Road"*. The proposal is also identified within the LTP4, the WLEP Business Plan 2012.

348. The applicant states that the high levels of congestion have deterred employment development opportunities to the west of Worcester. The proposal would not only secure existing businesses, but would also enable Worcestershire LEP's and Worcestershire County Council's aspirations for the expansion of County's 'Gamechanger' sites, such as Malvern Hills Science Park. In addition, it would relieve Worcester city congestion enabling an additional 2- 3,000 jobs in the city over time. The proposal can also remove the perception that Worcester is 'closed' at times of serious flooding by improving transport infrastructure.

349. The applicant also states that the A4440 is a vital part of the County's main road network, providing a link between the M5 Motorway and the southern areas of the city of Worcester. The heavy traffic along the A4440 often leads to motorists west of the River Severn using an alternative route through Worcester city centre and over Worcester Bridge, leading to congestion, and reduced traffic flow through the city centre, which in turn has a negative impact on local businesses and social establishments. The proposed upgrades to the road would improve journey times for commuters to and from the M5 Motorway and for local residents, as well as relieving congestion in the city centre. The reduced journey times and increased reliability would attract commuters to work in the area, which would have a beneficial impact on the local economy. In addition, the reduced traffic flow in the city centre would result in the area becoming more appealing to the public, with associated local social and economic benefits.

350. The Development Manager acknowledges that the NPPF affords significant weight to sustainable economic growth and considers that the proposal would provide substantial sustainable economic development benefits in accordance with the NPPF.

Tourism

351. Tourist attractions within the application site include the Registered Battlefield, located to the north of Temeside Way (A4440). On the western side of the A38 at Ketch roundabout there is a viewing platform which gives users the opportunity to look across the Registered Battlefield towards the Malvern Hills. There are no other primary attractions for visitors within the application site. However, the Ketch Caravan Park and Moorings, and Severn Motor Yacht Club are located within and adjacent to the site, on the eastern side of the River Severn. Tourism destinations within the wider area include Worcester City, the Malvern Hills, and long distance walking routes such as Monarch's Way and Severn Way.

352. During the construction phase, journey times may increase as a result of Public Rights of Way and road temporary diversions, or people may choose to avoid the area, which may impact on local shops and tourist attractions. This may also impact on employees travelling to places of work. The applicant is proposing signage to be erected along the A449 and A38, where routes of access to affected local businesses and commercial properties are affected during construction. Diversions would be implemented to ensure customers and / or employees can reach their destinations with minimal disruption, therefore, it is considered that the impact upon tourism during the construction phase would be negligible.

353. Whilst the proposal would, during construction, have a temporary adverse impact on the Ketch Viewpoint, it is noted the Viewpoint is proposed to be repositioned, and views into the facility opened up to promote natural surveillance and reduce fear of crime. The interpretation information at the Viewpoint would also be improved. Therefore, on completion of these improvements it is considered the proposal would have a positive impact on the Ketch Viewpoint and its use.

354. It is not anticipated that the proposal would result in a significant impact to tourist numbers, as there are no direct impacts to any tourist facilities within the application site or wider context. The A4440 is an important route in the area and, although views from the road would change it is not anticipated that the changes would be significant, particularly as planting begins to establish. Overall, it is considered the proposal would have a minor beneficial impact upon tourism once the scheme is complete as the proposal would result in improved journey times and improved cycle / footway provision.

355. The Ketch Caravan Park and Mooring object to the proposal on the grounds of failure to consider the impact of the proposal upon their site. Overall, it is considered that the proposal would result in small increases in journey times to and from the Ketch Caravan Park and Mooring as a result of the traffic management measures required during construction phase. On completion of the works it is considered that the proposal would result in improved access to this facility.

Crime

356. The pedestrian underpass in the eastern abutment of the Carrington Bridge has the potential to become unsafe for pedestrian users due to criminal activity and fear of crime. However, the underpass would be straight and only 14 metres long, so users would have a clear view down its length before entering. It is short enough that it would benefit from sunlight during the day and it would be lit at night to discourage antisocial behaviour or rough sleeping. The underpass would have internal dimensions of at least 4 metres wide by 2.7 metres high. This is in excess of the dimensions recommended for subways by Government standards and is acceptable for cyclists.

357. Within the consideration of alternatives outlined in the Environmental Statement and during the detailed design review the applicant reviewed the road alignment of the Carrington Bridge / Ketch roundabout and conducted a Road Safety Audit. This confirmed that the at-grade crossing should be replaced. An overbridge was considered unsuitable due to the proximity of the pylon and the overhead electricity lines. The Development Manager also considered a bridge in this location would be very prominent in local viewpoints, including views from

nearby residential properties and from the Malvern Hills AONB. Replacing the crossing onto the eastern arm of Ketch roundabout was considered to result in excessive travel distances for users. Therefore, the underpass was considered to be the preferred option.

358. West Mercia Police have been consulted and have raised no objections, subject to the imposition of conditions requiring the detailed design of the underpass and a lighting scheme. Conditions are, therefore, recommended to this effect.

359. Powick Parish Council also request security measures on the cycleway / footway. The Development Manager is satisfied with the design of the cycleway / footway in the vicinity of the proposed Powick Hams Cycle / Footbridge noting the comments from West Mercia Police that the proposed cycle / footbridge would have great natural surveillance, presenting little or no opportunity for inappropriate or criminal activity.

Contaminated Land, materials and waste

360. The applicant has confirmed that approximately 134,000 tonnes of aggregates would be required for the construction of the proposal, and the construction works would result in an estimated 13,000 tonnes of surplus materials and waste. In order to promote the Waste Hierarchy (prevention, reuse, recycling and recovery) and minimise the amount of waste that is produced and its impact upon the environment, the applicant is proposing a Site Waste Management Plan (SWMP). The Environmental Statement concludes that the proposal would result in a short-term adverse impact on natural resources; a long-term moderate-adverse impact on carbon emissions and a short-term slight adverse impact on waste infrastructure availability.

361. The application documents made conflicting statements regarding the use of borrow pits, as commented on by the County Council's Minerals and Waste Planning Policy Officer. The applicant has confirmed that they do not propose the use of borrow pits, due to depth of suitable material within the vicinity of the site being deep underground.

362. With regard to the management of soils in respect to the embankment works, soils would be stripped in sections. The topsoil and subsoil from one section would be stored separately on the main compound area above the floodplain. The next section would be stripped following the construction of part of the proposed embankment. The material from this section would be separated and used on the completed embankment minimising any double handling of material. The topsoil and subsoil stockpiles would be up to 3 metres (topsoil) and 5 metres (subsoil). The stockpiles would be seeded to minimise soil erosion and colonisation by weeds. Following completion of the construction works, topsoil storage areas would be restored to their former use.

363. In respect of ground conditions and contamination during construction, there is potential for changes to ground stability and soil erosion causing slope failures and ground instability, spillages, leaching, soil contamination and pollution of the Rivers Severn and Teme and Carey's Brook via surface runoff are potential risks. Previous agricultural activity and materials used in the construction of the existing Temeside Way (A4440) (such as coal-tar) also present some risk of pollution. Mitigation measures proposed include the development of a Soil Resource Plan detailing

methods of working which would minimise soil erosion. Surface runoff and groundwater would be managed via the use of pumping, settlement ponds and temporary supports for excavations to prevent collapse. A proposed CEMP would contain methods for preventing pollution and how to respond in the event that an incident takes place. During operation, the River Severn and Carey's Brook are at risk from pollution from the proposed drainage. The proposed drainage would include pollution interception in order to mitigate the risk to nearby watercourses. Taking these mitigation measures into account, it is considered the impact on ground conditions and contamination of associated human, geological, hydrogeological and hydrological receptors is anticipated to be minor.

364. Worcestershire Regulatory Services have reviewed the submission in respect of contaminated land and have raised no objections to the proposal.

365. In view of this, the Development Manager is satisfied that the proposal is acceptable in terms of its impact upon contaminated land, materials and waste subject to the imposition of conditions requiring a CEMP, Site Waste Management Plan, Soils Resource Plan, Materials Management Plan and Restoration Scheme should planning permission be granted.

Loss of Agricultural Land and Common Land

366. Paragraph 112 of the NPPF states that *"local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality"*.

367. The NPPF defines best and most versatile agricultural land as Grades 1, 2 and 3a of the Agricultural Land Classification. This is land that is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses, such as biomass, fibres and pharmaceuticals. The agricultural land within the application site has been assessed with the majority of the site being Grade 3b (moderate quality). As such the permanent loss of agricultural land for the widening of Temeside Way (A4440) and the proposed flood compensation area does not affect land of best and most versatile agricultural quality.

368. The majority of the affected agricultural land is also registered as Common Land, although it is noted the proposed flood compensation area is not registered as Common Land. The proposal would result in the uptake of approximately 14 hectares of Common Land temporarily during the construction phase, and approximately 2 hectares of Common Land permanently on completion of the scheme. The applicant is proposing to compensate for the loss of Common Land both temporarily and permanently with the transfer of equivalent areas of land. During the construction period, the applicant is proposing an area of land measuring approximately 14 hectares to the south of Powick Common Viaduct, adjacent to the proposed flood compensation area to be compensation Common Land. Once completed the applicant is proposing an area of land measuring approximately 3.5 hectares to the north-west of Powick roundabout, adjacent to the River Teme, which is surrounded by Common Land to the east, west and south to be compensation Common Land. A separate consenting regime applies to the Common Land and an

application under Section 38 of Commons Act 2006 has been made to the Planning Inspectorate on behalf of the Secretary of State (Ref: COM/3192566).

Impacts upon services

369. An electricity pylon located immediately south of Temeside Way (A4440) and about 290 metres west of the River Severn is proposed to be relocated approximately 47 metres to the south-west of its existing location. A redundant Government oil pipeline and a CLHP Pipeline System run north to south on the eastern bank of the River Severn, crossing the Ketch roundabout. Zayo Group UK Ltd. infrastructure (fibre optic cables) is also located within Bath Road and Broomhall Way, also crossing the Ketch roundabout.

370. Western Power Distribution, DIO, Zayo Group UK Ltd. and CLHP Pipelines Systems Ltd. all raise no objections to the proposal.

Cumulative Effects

371. Cumulative effects result from combined impacts of multiple developments that individually may be insignificant, but when considered together, could amount to a significant cumulative impact; as well as the inter-relationships between impacts – combined effects of different types of impacts, for example noise, air quality and visual impacts on a particular receptor.

372. With regard to inter-relationships between impacts, the Environmental Statement considered the impacts of air quality, traffic, noise and vibration, visual and flooding impacts in-combination with one-another, focusing specifically on sensitive receptors and significance of any potential additional impacts likely to arise on these receptors. The Environmental Statement concludes that no significant adverse cumulative effects would arise, but does identify during construction slight to moderate adverse effects at the Ketch Caravan Park and Moorings, and properties within 125 metres of the scheme at St Peter's the Great housing estate. Moderate adverse effects have been identified to users of Common Land within 125 metres of the scheme during construction. Once operational the Environmental Statement considers that that the impacts of the proposal would not be greater than slight adverse effects at any of the identified sensitive receptors.

373. With regard to combined impacts, the applicant considered a number of projects in their assessment of cumulative effects including the developments at Astons Coaches (Malvern Hills District Council Ref: 17/00119/OUT) pending completion of Section 106 Agreement for Planning Obligations and financial contributions; Wellbeck: land to south of city of Worcester, Bath Road, Broomhall (Malvern Hills District Council Ref: 13/00656/OUT) pending completion of Section 106 Agreement for Planning Obligations and financial contributions; St Modwen: land north of Taylors Lane (Malvern Hills District Council Ref: 13/01617/OUT) pending completion of Section 106 Agreement for Planning Obligations and financial contributions; Severn Capital: land at Broomhall Way (Worcester City Council Ref: P14L0266), granted; and Worcestershire Parkway (Ref: 15/000007/REG3) granted. The Environmental Statement concluded that no significant adverse cumulative impacts (combined impacts) would result from the proposed development in combination with the developments identified above.

374. On balance, the Development Manager does not consider that the cumulative impact of the proposed development would be such that it would warrant a reason for refusal of the application.

Consultation

375. A local resident has raised objections and concerns regarding the lack of pre-application consultation by the applicant and the consultation on the planning application with the residents of Powick. The Development Manager notes that there is no statutory requirement for applicants to undertake pre-application public consultation on such applications. However, it is considered good practice for applicants to undertake public consultation on all application proposals at the pre-application stage. This is emphasised in the NPPF (paragraphs 188 and 189) and in the County Council's Statement of Community Involvement (February 2015).

376. It is noted that prior to the submission of the planning application, the applicant undertook public consultation on the proposal, holding public information exhibition events between 21 June and 1 July 2017, this included an event at Powick Village Hall on 20 June 2017. The applicant states that these events were publicised by delivering pre-notification newsletters to local businesses and residents, consultees, Parish Councils, Councillors, interest groups, resident associations, libraries, community centres and schools. The Development Manager acknowledges that the applicant undertook pre-application consultation and considers that it is ultimately a decision for the applicant on how to undertake pre-application public consultation, the extent to which it is advertised, and if and how comments received are taken into account in the preparation of their planning application. It is noted that Malvern Hills District Council, Wychavon District Council and Worcester City Council all consider that significant level of consultation and public engagement has been undertaken by the applicant and are satisfied that local views have been sought.

377. The Ketch Caravan Park and Mooring object to the proposal on the grounds of failure for the applicant to carry out pre-application public consultation with them and failure to serve notice on them as a tenant making the application invalid. The applicant has also confirmed that the Ketch Caravan Park and Mooring are neither the owner nor an agricultural tenant, and it is not of a fixed term with 7 years certain left to run on the lease, therefore, they do not need to be served notice as an owner or agricultural tenant. Notwithstanding this, the Development Manager is informed that a number of pre-application discussions were held with the Caravan Park and these discussions are ongoing. The Development Manager is satisfied that appropriate pre-application consultation and notification of the planning application has taken place.

378. Objections have been raised by a local resident on the ground that the application has not been uploaded online on Malvern Hills District Council Planning Applications Register. As the application is made under Regulation 3 of the Town and Country Planning General Regulations 1992, it falls to the County Planning Authority rather than the District Council to determine this application. The principle underlying these Regulations is that applications must be made to the appropriate local planning authority in the same way as any other person would make the application and must follow the same procedures as would apply to applications by others.

379. The statutory requirements for consultation on planning applications by local planning authorities are outlined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The statutory requirement is for a site display in at least one place on or near the land to which the application relates for not less than 21 days and; by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

380. Thirty Public Notices were erected on and in the vicinity of the application site; Press Notices were published in both the Worcester News and Berrow's Worcester Journal, giving 21 days' notice and neighbour consultation letters were sent out to approximately 161 properties. Paper copies of the submitted planning application documents were also made available at the Hive and County Hall Reception. An electronic copy of the submission was also made available on Worcestershire County Council's website; and copies were made available for purchase from the applicant at County Hall. This process was repeated for the consultation on the further environmental information, in accordance with Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In view of this, the Development Manager is satisfied that the County Planning Authority has complied with the appropriate procedures.

Human Rights Act 1998

381. Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

382. The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

383. All material planning issues raised through the consultation exercise have been considered and it is concluded that by determining this application the County Planning Authority would not detrimentally infringe the human rights of an individual or individuals.

Conclusion

384. Worcestershire County Council is seeking planning permission for proposed construction of Worcester Southern Link Road Phase 4 (SLR4), including dualling of A4440 between Ketch and Powick roundabouts with foot and cycleway improvements, new road bridges alongside existing Powick Common Viaduct and Carrington Bridge and cycle / footbridge on land at Hams Way, Worcester Southern Link Road, A4440 Temeside Way.

385. The Development Manager considers that the principle of the proposed development in this location is acceptable and accords with Planning Policy SWDP

4 I(i) of the South Worcestershire Development Plan; and it is considered that there is a compelling need for the proposal.

386. The Development Manager acknowledges that the NPPF affords significant weight to sustainable economic growth and considers that the proposal would provide substantial sustainable economic development benefits in accordance with the NPPF.

387. The applicant has outlined the main alternatives studied and the main reasons for the choice made; taking into account the environmental effects, therefore, the approach taken to the consideration of alternatives is considered to be acceptable.

388. As flood levels are dominated by the existing flow constraints provided by the two viaducts, the proposed works to the south of Temeside Way (A4440) would have limited effect on the baseline flooding conditions. Subject to the imposition of appropriate conditions relating to surface water, a Construction Environmental Management Plan (CEMP), detailed design of the flood compensation area, detailed design of the Carrington Bridge, impacts on siltation and navigation hazards modelled, and assessment of channel hydrography and a SuDS Management Plan, it is considered that the proposal would not have an unacceptable impact upon the water environment. It is considered that the planning application accords with Policies SWDP 28 and SWDP 29 of the adopted South Worcestershire Development Plan, relating to flooding and the protection of the water environment.

389. The proposal would lead to increased average speeds along the A4440 and reduced queuing, resulting in significant journey time savings. Worcester city centre would experience reduced traffic congestion due to a redistribution of traffic to the A4440. The Development Manager is satisfied that the proposal would not have an unacceptable impact upon Public Rights of Way, traffic or highway safety, subject to the imposition of appropriate conditions, in accordance with Policy SWDP 4 of the South Worcestershire Development Plan.

390. Direct impact has been identified on a pipistrelle bat roost within an oak tree identified to be removed. The Development Manager considers that the "derogation tests" in the Habitats Directive can be met, and that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, including the nearby River Teme SSSI and LWS and River Severn LWS, and distant Severn Estuary and River Clun SACs subject to the imposition of appropriate conditions, as recommended by the County Ecologist and Worcestershire Wildlife Trust. The Development Manager considers that the formation of the flood compensation area wetland habitat is fundamental to achieving a net-gain for biodiversity, and this would be dependent upon the detailed design and implementation of a landscape and planting scheme and a Landscape and Ecological Management Plan (LEMP) for the flood compensation area.

391. The proposal would require the removal of trees and vegetation, in particular a 2 metre strip along the top of the northern embankment of Temeside Way (A4440) to facilitate the construction of the proposed widened shared cycleway / footway. The most notable change would be the removal of all vegetation along the southern embankment of the A4440 to facilitate the construction of the dual carriageway. The proposal would also introduce a new built structure into the landscape in the form of the Hams Way Cycle / Footbridge, The Development Manager considers that

subject to the imposition of appropriate conditions, that the proposal would not have an unaccepted adverse or detrimental impact upon the character and appearance of the local area, including views to and from the Malvern Hills AONB, in accordance with Policies SWDP 21 and SWDP 25 of the adopted South Worcestershire Development Plan.

392. It is considered that the proposal would have a net positive impact on air quality in the wider Worcester city area. During construction there would be potential for significant short-term noise impacts at a small number of properties located within 125 metres of the proposal. The vibration impacts would be minor to moderate and limited to a small number of caravans located at the Ketch Caravan Park and Moorings due to piling operations associated with the construction of the new Carrington Bridge and Powick Common Viaduct. Due to the distance from these sensitive receptors this is not expected to cause damage. A CEMP is proposed, which would outline a range of environmental management controls in order to minimise noise and vibration effects. With regard to the operational noise impacts of the scheme it is considered that on opening of the development the proposal would result in a small number of additional properties experiencing noise impacts, but in the long-term it is considered that the proposal would result in a reduction of affected properties.

393. Based on the advice of Worcestershire Regulatory Services and Public Health England, the Development Manager considers that, subject to the imposition of appropriate conditions, the proposal would have an acceptable impact in terms of air pollution, dust, noise vibration or light impacts on residential amenity and that of human health.

394. There a number of designated heritage assets are located within the context of the application site, in particular the Grade I Listed Structure and Schedule Monument of Powick Old Bridge, Grade II* Listed Building of Powick Mills, Grade II Listed Structure of Powick New Bridge, Register Battlefield and Riverside Conservation Area and Powick Conservation Area.

395. Having regard to Historic England's comments, the Development Manager considers that the proposals, in particular the impact of the Hams Way Cycle / Footbridge would lead to 'less than substantial' harm to the significance of the designated heritage assets outlined above. Notwithstanding this harm is less than substantial, the harm must still be given considerable importance and weight, and considerable weight must be given to the desirability of preserving the setting of these designated heritage assets. Consequently, the fact of harm to a designated heritage asset is still to be given more weight than if simply a factor to be taken into account along with all other material considerations. It must be recognised as the Court of Appeal emphasized in *East Northamptonshire District Council v Secretary of State for Communities and Local Government* [2015] (also known as the *Barnwell Manor* case): *"the finding of harm to the setting of a Listed Building or to a Conservation Area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so"*.

396. Having given special attention to the desirability of preserving or enhancing the character or appearance of Powick and the Riverside Conservation Areas (Section 72) and having special regard to the desirability of preserving the Listed Buildings

and Structures or their setting or any features of special architectural or historic interest which they possess (Section 66), and paragraph 134 of the NPPF, it is considered that the public benefits of the scheme are powerful material considerations, which outweigh the less than substantial harm to rebut the strong presumption against causing any harm to these heritage assets.

397. Overall, it is considered that the proposed development would not have an unacceptable impact upon heritage assets, subject to the imposition of appropriate conditions, in accordance with Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan.

398. With regard to impacts upon crime, West Mercia Police have been consulted and have raised no objections, subject to the imposition of conditions requiring the detailed design of the underpass and a lighting scheme. Conditions are recommended to this effect and would need careful consideration in consultation with the County Landscape Officer and County Ecologist.

399. The Development Manager does not consider that the cumulative impact of the proposed development would be such that it would warrant a reason for refusal of the application.

400. Other matters such as tourism, contaminated land, waste and materials, loss of agricultural land and common land, impacts upon services, consultations and notification of the planning application and human rights have been considered and in the Development Manager's view the proposal would not result in unacceptable impacts, subject to the imposition of appropriate conditions.

401. Taking into account the provisions of the Development Plan and in particular Policies WCS 17 of the Adopted Worcestershire Waste Core Strategy, Policies SWDP 1, SWDP 2, SWDP 4, SWDP 6, SWDP 7, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 32, SWDP 38 and SWDP 45 of the adopted South Worcestershire Development Plan and Policies K12 and K15 in the Adopted Neighbourhood Plan for Kempsey, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

402. The Development Manager recommends that, having taken the environmental information into account planning permission be granted for the proposed construction of Worcester Southern Link Road Phase 4, including dualling of A4440 between Ketch and Powick roundabouts with foot and cycleway improvements, new bridges alongside existing Powick Common Viaduct and Carrington Bridge and pedestrian / cycle bridge at Hams Way at Worcester Southern Link Road, A4440 Temeside Way, Worcester, subject to the following conditions:

- a) The land to which this permission relates is that shown edged in red on Drawing Numbered: Figure Number 1.3, titled: Land Ownership Plan;**

b) The development must be begun not later than the expiration of three years beginning with the date of this permission;

c) The development hereby approved shall be carried out in accordance with the details shown on the submitted Drawings, except where otherwise stipulated by conditions attached to this permission:

- **Figure Number 1.1 Location Plan;**
- **Figure Number 1.2 Scheme on Aerial Photograph;**
- **Figure Number 1.3 Land Ownership Plan;**
- **Figure Number 2.1 Environmental Constraints Plan;**
- **Figure Number 2.2a General Arrangement Plan Sheet 1 of 3;**
- **Figure Number 2.2b Powick Roundabout Sheet 2 of 3;**
- **Figure Number 2.2c Ketch Roundabout Sheet 3 of 3;**
- **Figure Number 2.4a New Powick Common Viaduct Detail;**
- **Figure Number 2.4b New Carrington Bridge Detail;**
- **Figure Number 2.5 Construction Compounds;**
- **Figure 9.6 Vegetation To Be Lost;**
- **Figure 9.7a Landscape Mitigation Measures Sheet 1 of 3;**
- **Figure 9.7b Landscape Mitigation Measures Sheet 2 of 3;**
- **Figure 9.7c Landscape Mitigation Measures Sheet 3 of 3;**
- **Figure 9.7d Landscape Proposal for Ketch Viewpoint;**
- **Figure 14.2a Public Rights of Way and Key NMU Routes (Construction) Sheet 1 of 2;**
- **Figure 14.2b Public Rights of Way and Key NMU Routes (Construction) Sheet 2 of 2;**
- **Figure 14.3 Public Rights of Way and Key NMU Routes (Operation);**
- **Figure 17.1 Environmental Mitigation Plan;**
- **SLR4-BUR-ALL-HWY-DR-CH-101000-1 – Series 0100 – Preliminary Site Location Plan;**
- **SLR4-BUR-ALL-HWY-DR-CD-105000-2 – Series 0500 – Storm Water Drainage – General Arrangement;**
- **SLR4-BUR-PRB-HWY-DR-CD-305000-2 – Series 0500 – Storm Water Drainage – General Arrangement;**
- **SLR4-BUR-KRB-HWY-DR-CD-805000-2 – Series 0500 – Storm Water Drainage – General Arrangement;**
- **SLR4-BUR-ALL-HWY-DR-CD-105050-2 – Series 0500 – Storm Water Drainage – Standard Details (SH 1);**
- **SLR4-BUR-ALL-HWY-DR-CD-105051-2 – Series 0500 – Storm Water Drainage – Standard Details (SH 2);**
- **SLR4-BUR-ALL-HWY-DR-CD-105052-2 – Series 0500 – Storm Water Drainage – Standard Details (SH 3);**
- **SLR4-BUR-ALL-HWY-DR-CD-105053-2 – Series 0500 – Storm Water Drainage – Standard Details (SH 4);**
- **SLR4-BUR-ALL-HWY-DR-CD-105054-1 – Series 0500 – Storm Water Drainage – Standard Details (SH 5);**
- **SLR4-BUR-ALL-HWY-DR-CE-106000-2 – Series 0600 – Earthworks General Arrangement;**
- **SLR4-BUR-KRB-HWY-DR-CE-806000-2 – Series 0600 – Earthworks General Arrangement;**

- SLR4-BUR-PRB-HWY-DR-CE-306000-2 – Series 0600 – Earthworks General Arrangement;
- SLR4-BUR-ALL-HWY-DR-CH-101006-2 – Series 0100 – Preliminary General Arrangement A4440 Carriageway;
- SLR4-BUR-PRB-HWY-DR-CH-101007-2 – Series 0100 – Preliminary General Arrangement Powick Roundabout;
- SLR4-BUR-ALL-HWY-DR-CH-101008-2 – Series 0100 – Preliminary General Arrangement Ketch Roundabout;
- SLR4-BUR-ALL-HWY-DR-CH-103050-2 – Series 0300 – Fencing Construction Details;
- SLR4-BUR-ALL-HWY-DR-CH-103000-2 – Series 0300 – Fencing General Arrangement;
- SLR4-BUR-PRB-HWY-DR-CH-303000-2 – Series 0300 – Fencing General Arrangement;
- SLR4-BUR-KRB-HWY-DR-CH-803000-2 – Series 0300 – Fencing General Arrangement;
- SLR4-BUR-ALL-HWY-DR-CH-107000-2 – Series 0700 – Road Pavements General Arrangement;
- SLR4-BUR-PRB-HWY-DR-CH-307000-2 – Series 0700 – Road Pavement General Arrangement;
- SLR4-BUR-KRB-HWY-DR-CH-807000-2 – Series 0700 – Road Pavements General Arrangement;
- SLR4-BUR-ALL-HWY-DR-CH-107011-2 – Series 0700 – Road Pavements Cross Sections (SH 1);
- SLR4-BUR-ALL-HWY-DR-CH-107012-2 – Series 0700 – Road Pavements Cross Sections (SH 2);
- SLR4-BUR-ALL-HWY-DR-CH-107013-2 – Series 0700 – Road Pavements Cross Sections (SH 3);
- SLR4-BUR-ALL-HWY-DR-CH-107014-2 – Series 0700 – Road Pavements Cross Sections (SH 4);
- SLR4-BUR-ALL-HWY-DR-CH-107010-2 – Series 0700 – Road Pavements Long Sections;
- SLR4-BUR-ALL-HWY-DR-CH-130000-2 – Series 3000 – Landscaping General Arrangement;
- SLR4-BUR-PRB-HWY-DR-CH-330000-2 – Series 3000 – Landscaping General Arrangement;
- SLR4-BUR-KRB-HWY-DR-CH-830000-2 – Series 3000 – Landscaping General Arrangement;
- SLR4-BUR-KRB-HWY-DR-CH-812000-2 – Series 1200 – Traffic Signs and Road Markings General Arrangement;
- SLR4-BUR-ALL-HWY-DR-CH-112000-2 – Series 1200 – Traffic Signs and Road Markings General Arrangement;
- SLR4-BUR-PRB-HWY-DR-CH-312000-2 – Series 1200 – Traffic Signs and Road Markings General Arrangement;
- SLR4-BUR-KRB-HWY-DR-CH-811000-2 – Series 1100 – Kerbs, Footways and Paved Areas General Arrangement;
- SLR4-BUR-PRB-HWY-DR-CH-311000-2 – Series 1100 – Kerbs, Footways and Paved Areas General Arrangement;
- SLR4-BUR-ALL-HWY-DR-CH-111000-2 – Series 1100 – Kerbs, Footways and Paved Areas General Arrangement;

- SLR4-BUR-ALL-HWY-DR-CH-111050-2 – Series 1100 – Kerbs, Footways and Paved Areas Construction Details;
- SLR4-BUR-PRB-HWY-DR-CH-304000-2 – Series 0400 – Road Restraint System General Arrangement;
- SLR4-BUR-KRB-HWY-DR-CH-804000-2 – Series 0400 – Road Restraint System General Arrangement;
- SLR4-BUR-ALL-HWY-DR-CH-104000-2 – Series 0400 – Road Restraint System General Arrangement;
- SLR4-BUR-PRB-HWY-DR-CH-313000-2 – Series 1300 – Street Lighting General Arrangement;
- SLR4-BUR-KRB-HWY-DR-CH-813000-2 – Series 1300 – Street Lighting General Arrangement;
- SLR4-BUR-ALL-HWY-DR-CH-101005-2 – Series 0100 – Preliminary General Arrangement Overview Plan;
- SLR4-COW-CBR-SUP-DR-CB-718000-2 – Carrington Bridge General Arrangement Plan & Elevation;
- SLR4-COW-CBR-SUP-DR-CB-718005-2 – Carrington Functional Cross Section;
- SLR4-COW-PBR-SUP-DR-CB-518000-2 – Powick Common Viaduct General Arrangement Plan and Elevation;
- SLR4-COW-PBR-SUP-DR-CB-518005-2 – Powick Common Viaduct Functional Cross Section;
- 643_220, Rev 01 – Hams Way Bridge – Ground Level Plan;
- 643_221, Rev 01 – Hams Way Bridge – Deck Level Plan;
- 643_222 – Hams Way Bridge – Reflected Ceiling Plan;
- 643_230, Rev 01 – Hams Way Bridge – Elevations;
- 643_240, Rev 01 – Hams Way Bridge – Cross Section;

d) The developer shall notify the County Planning Authority of the start date of commencement of the development in writing within 5 working days following the commencement of the development;

'Commencement of Development' for the purposes of this planning permission means any works to implement the Permission by the carrying out of a material operation as defined in Section 56 (4) of the Town and Country Planning Act 1990, but not including the 'Enabling Works' described below.

'Enabling Works' for the purposes of this planning permission means the removal of trees and vegetation clearance, dismantling of the existing overhead electricity pylon and construction of the overhead electricity pylon and installation of an artificial sett.

e) Notwithstanding the submitted details, prior to commencement of enabling works, a Construction Environment Management Plan (CEMP) for the enabling works, in accordance with Worcestershire Regulatory Services "Code of Best Practice for Demolition and Construction Sites" shall be submitted to the County Planning Authority for approval in writing. The CEMP shall include details of all tree and vegetation clearance and mitigation measures in relation to noise, dust, lighting, water environment and biodiversity relevant to the enabling works and shall outline the

working hours. The approved Enabling Works CEMP shall be implemented for the duration of the enabling works;

- f) Notwithstanding the submitted details, prior to commencement of development hereby approved, excluding the enabling works, a Development CEMP, in accordance with Worcestershire Regulatory Services "*Code of Best Practice for Demolition and Construction Sites*" shall be submitted to the County Planning Authority for approval in writing. The approved Development CEMP shall be implemented for the duration of the construction works. The Development CEMP shall address the following:

Hours of Working

- i. A scheme providing the days and hours of construction operations;

Biodiversity

- ii. Risk assessment of potentially damaging construction activities;
iii. Identification of "biodiversity protection zones";
iv. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to be provided as a set of Method Statements for invasive species, bats, badgers and reptiles;
v. The location and timing of sensitive works to avoid harm to biodiversity features.
vi. The times during construction when specialist ecologists need to be present on site to oversee works;
vii. Responsible persons and lines of communication;
viii. The role and responsibilities on site of a suitably competent Ecological Clerk of Works (ECoW);
ix. Use of protective fences, exclusion barriers and warning signs;
x. Details of all tree and vegetation clearance;

Lighting

- xi. Details of the proposed construction lighting;

Dust and Air Quality

- xii. A scheme to minimise and mitigate the impacts of dust emissions and impacts to air quality;

Noise and Vibration

- xiii. A scheme to minimise and mitigate the impacts of noise and vibration;

Contamination

- xiv. A Method Statement for the control of unexpected contamination;

Water Environment

- xv. Measures to be undertaken to ensure that any pollution and silt generated by the construction works shall not adversely affect groundwater, the River Severn, River Teme and any other surface waterbodies;

Highways

- xvi. The hours that delivery vehicles shall be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- xvii. Measures to ensure that vehicles leaving the site compounds do not deposit mud or other detritus onto the public highway;
- xviii. Details of site operative parking areas, material storage areas and the location of site operatives facilities;

Ecology and Biodiversity

- g) Notwithstanding the submitted details, within 6 months of the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for approval in writing. Thereafter, the LEMP shall be implemented in accordance with the approved details;
- h) Oak Tree 2 as shown on Drawing Titled: 'Bat Roost Features Location Plan within Appendix 8.3a CH2M Bat Survey Report', shall not be felled until details of its removal have been submitted to the County Planning Authority for approval in writing. Thereafter, the felling of Oak Tree 2 shall be carried out in accordance with the approved details;
- i) Within 3 months of the commencement of the development hereby approved, a Biodiversity Monitoring Strategy shall be submitted to the County Planning Authority for approval in writing. A report describing the results of monitoring shall be submitted to the County Planning Authority at intervals identified in the Strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the County Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The Biodiversity Monitoring Strategy shall be implemented in accordance with the approved details;
- j) All vegetation clearance at the site shall be undertaken outside the bird nesting season which generally extends between March and September inclusive. If this is not possible then any vegetation that is to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally;

Pollution

- k) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and site glasses must be located

within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels, overflow pipe outlets shall be detailed to discharge downwards into the bund;

Noise

- l) The new carriageway along Temeside Way (A4440) hereby approved shall be constructed from low noise surfacing materials, details of which shall be submitted to the County Planning Authority for approval in writing. The new carriageway shall be surfaced in accordance with the approved materials;

Landscaping

- m) All existing trees, shrubs and hedgerows indicated to be retained shall be protected by suitable fencing in accordance with BS5837:2012. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence. In the event of any trees, shrub or hedgerows being damaged or removed by the development, they shall be replaced in the next planting season;
- n) Notwithstanding the submitted details, within 9 months of the commencement of the development hereby approved, a landscape and planting scheme to include species, sizes, numbers, spacing, densities; locations; planting specification, and a timetable for implementation shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species;
- o) Notwithstanding the submitted details, within 6 months of the commencement of the development hereby approved, a landscape and planting scheme and specification for the SuDS features to include species, sizes, numbers, spacing, densities; locations and a timetable for implementation shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species;
- p) Notwithstanding the submitted details, within 1 month of the commencement of the development hereby approved, a landscape and planting scheme for the Flood Compensation Area to include species, sizes, numbers, spacing, densities; locations; planting specification, and a timetable for implementation shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be

replaced on an annual basis, in the next planting season with others of a similar size and species;

- q) Notwithstanding the submitted details, no development of the Hams Way Cycle / Footbridge including the approach ramps shall take place until a detailed landscape and planting scheme for the Hams Way Cycle / Footbridge has been submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

Restoration

- r) Notwithstanding the submitted details, within 12 months of the commencement of the development hereby approved, a restoration scheme for the reinstatement of Public Rights of Way and land affected by the construction works, including land used for construction compounds and haul roads shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

Highways

- s) Notwithstanding the submitted details, prior to the installation of at-grade controlled highways crossings, details of the highways crossings shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;
- t) Prior to commencement of development hereby approved, excluding the enabling works and works to the Flood Compensation Area as required by condition hh), a Construction Traffic Management Plan, including the routing of construction vehicles shall be submitted to the County Planning Authority for approval in writing. The approved scheme shall be adhered to for the duration of the construction period;
- u) Prior to commencement of development hereby approved, excluding the enabling works and works to the Flood Compensation Area as required by condition hh), the engineering details and specification of the mini roundabout at Powick, shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;
- v) Within 12 months of the commencement of the development hereby approved, a scheme for the reinstatement of the highway and land following the removal of the mini roundabout at Powick shall be submitted to the County Planning Authority for approval in writing. Thereafter, the reinstatement shall be carried out in accordance with the approved details;
- w) Notwithstanding the submitted details, prior to works commencing to the alterations of the Ketch Roundabout, the detailed design of the Ketch Roundabout shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

- x) Notwithstanding the submitted details, prior to works commencing to the alterations of the Powick Roundabout, the detailed design of the Powick Roundabout shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

Lighting

- y) Notwithstanding the submitted details, prior to the development being brought into use, a highways lighting scheme shall be submitted to the County Planning Authority for approval in writing. The scheme shall include details of the height of all lighting, the intensity of lighting (specified in Lux levels), spread of light, including approximate light spillage levels (in metres), the times when the lighting would be illuminated, any measures proposed to mitigate impact of the lighting or disturbance through glare and upon protected species and habitats, in particular bats and otters. Thereafter, the development shall be carried out in accordance with the approved details;

Soil Handling, Materials Management and Waste

- z) Within 1 month of the commencement of the development hereby approved, excluding the enabling works, a Site Waste Management Plan, Materials Management Plan and Soils Resource Plan, including all areas to be used for temporary soil storage shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

Design

- aa) Notwithstanding the submitted details, prior to the construction of the New Powick Common Viaduct, detailed design of the Viaduct, including the design of the slip roads, shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;
- bb) Notwithstanding the submitted details, prior to the construction of the New Carrington Bridge, detailed design of the New Carrington Bridge including the air draft above the River Severn shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;
- cc) Notwithstanding the submitted details, prior to the construction of the New Carrington Bridge, detailed design, including lighting of the Ketch Roundabout Underpass and its approaches shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;
- dd) Notwithstanding the submitted details, prior to the construction of the Ketch Viewpoint, the detailed design of the viewpoint and access shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

- ee) Notwithstanding the submitted details, no development of the Hams Way Cycle / Footbridge including the approach ramps shall take place until the detailed design, samples of the materials, colours and finishes and all lighting for the Hams Way Cycle / Footbridge have been submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

Interpretation Strategy

- ff) Within 12 months of the commencement of the development hereby approved, an interpretation strategy for cultural heritage, landscape and biodiversity shall be submitted to the County Planning Authority for approval in writing. The Strategy shall include the content, design and location of any interpretation panels. Thereafter, the development shall be carried out in accordance with the approved details;

Water Environment

- gg) Within 6 months of the commencement of the development hereby approved, a Sustainable Drainage System (SuDS) Management Plan shall be submitted to the County Planning Authority for approval in writing. This shall include details on future management responsibilities, maintenance schedules for all SuDS features and associated pipework, and the strategy that shall be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. Thereafter, the SuDS shall be maintained in accordance with the approved details;

- hh) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding the enabling works, the detailed design of the Flood Compensation Area including the proposed final levels, topography and volume and a timetable for its implementation shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

- ii) Notwithstanding the submitted details, prior to the construction of the Carrington Bridge, a scheme to minimise any impacts on siltation and navigation hazards shall be modelled and an assessment on channel hydrography of the River Severn shall be submitted to the County Planning Authority for approval in writing, in consultation with the Canal and River Trust. Thereafter, the development shall be carried out in accordance with the approved details;

Archaeology

- jj) Notwithstanding the submitted details, prior to the commencement of the enabling works, a programme of archaeological work for the enabling works, including a Written Scheme of Investigation shall be submitted to the County Planning Authority for approval in writing. The scheme shall include an assessment of significance and research questions; and:

- i. The programme and methodology of site investigation and recording.
- ii. The programme for post investigation assessment.
- iii. Provision to be made for analysis of the site investigation and

- recording.
- iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- v. Provision to be made for archive deposition of the analysis and records of the site investigation.
- vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

kk) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding the enabling works, a programme of archaeological work, including a Written Scheme of Investigation shall be submitted to the County Planning Authority for approval in writing. The scheme shall include an assessment of significance and research questions; and:

- vii. The programme and methodology of site investigation and recording.
- viii. The programme for post investigation assessment.
- ix. Provision to be made for analysis of the site investigation and recording.
- x. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- xi. Provision to be made for archive deposition of the analysis and records of the site investigation.
- xii. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

ll) The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under conditions jj) and kk) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Specific Contact Points for this report

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Supporting Information

- Plan 1: Location Plan 1 (Scale 1: 150,000)
- Plan 2: Location Plan 2 (Scale 1: 50,000)
- Plan 3: Site Plan
- Plan 4: Environmental Constraints Plan
- Plan 5: Location of Construction Compounds
- Plan 6: Scheme on Aerial Photograph
- Plan 7: Ketch Roundabout Proposals
- Plan 8: Powick Roundabout Proposals

Background Papers

In the opinion of the proper officer (in this case the Development Manager) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference: 17/000036/REG3.