

Agenda

Planning and Regulatory Committee

**Tuesday, 19 March 2024, 10.00 am
Wychavon District Council (Civic Centre,
Queen Elizabeth Drive, Pershore,
Worcestershire, WR10 1PT)**

Notes:

Councillors are advised that letters of representation received from local residents in respect of the planning applications on this agenda will be available for inspection in the meeting room from 9.30am on the day of the meeting

Planning Officers are available for up to 30 minutes prior to the start of the meeting to enable Councillors and the public to ask questions about the applications to be considered. This is not a part of the meeting itself but is an informal opportunity for anyone present on the day to clarify factual details about the applications, examine background documents and view plans that are on display

This document can be provided in alternative formats such as Large Print, an audio recording or Braille; it can also be emailed as a Microsoft Word attachment. Please contact Democratic Services on telephone number 01905 846621 or by emailing democraticservices@worcestershire.gov.uk

DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
 - You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests** **OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Planning and Regulatory Committee
Tuesday, 19 March 2024, 10.00 am, Wychavon District Council
(Civic Centre, Queen Elizabeth Drive, Pershore,
Worcestershire, WR10 1PT)

Councillors: Cllr Ian Hardiman (Chairman), Cllr Martin Allen, Cllr Bob Brookes, Cllr Allah Ditta, Cllr Andy Fry, Cllr Paul Harrison, Cllr Bill Hopkins, Cllr Tony Miller, Cllr Scott Richardson Brown, Cllr Linda Robinson, Cllr Chris Rogers, Cllr David Ross, Cllr Kit Taylor and Cllr Malcolm Victory

Agenda

Item No	Subject	Page No
1	Apologies/Named Substitutes	
2	Declarations of Interest	
3	Public Participation The Council has put in place arrangements which usually allow one speaker each on behalf of objectors, the applicant and supporters of applications to address the Committee. Speakers are chosen from those who have made written representations and expressed a desire to speak at the time an application is advertised. Where there are speakers, presentations are made as part of the consideration of each application.	
4	Confirmation of Minutes To confirm the Minutes of the meeting held on 28 November 2023. (previously circulated)	
5	Proposed new Hampton pedestrian and cycling bridge to span the River Avon with associated Active Travel improvements on land between Pershore Road, Hampton on the west side of the River Avon and Evesham Leisure Centre on the east side of the River Avon, Evesham, Worcestershire	1 - 116
6	Proposed amendments to the artificial lighting and CCTV Scheme for security and safety purposes of the existing Energy from Waste Plant (part-retrospective) at Waste Incineration Unit, Hangman's Lane, Hanley Castle, Worcestershire	117 - 170

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To obtain further information or a copy of this agenda, contact Simon Lewis, Committee Officer. Telephone Worcester (01905) (846621)
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All the above reports and supporting information can be accessed via the Council's website

Date of Issue: Friday, 8 March 2024

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PLANNING AND REGULATORY COMMITTEE

19 MARCH 2024

PROPOSED NEW HAMPTON PEDESTRIAN AND CYCLING BRIDGE TO SPAN THE RIVER AVON WITH ASSOCIATED ACTIVE TRAVEL IMPROVEMENTS ON LAND BETWEEN PERSHORE ROAD IN HAMPTON ON THE WEST SIDE OF THE RIVER AVON AND EVESHAM LEISURE CENTRE ON THE EAST SIDE OF THE RIVER AVON, EVESHAM, WORCESTERSHIRE

Application Reference Number

22/000029/REG3

Applicant

Worcestershire County Council

Local Member

Vacant

Purpose of Report

1. To consider an application under Regulation 3 of the Town and Country Planning Regulations 1992 (as amended) for proposed new Hampton Pedestrian and Cycling Bridge to span the River Avon with associated active travel improvements on land between Pershore Road in Hampton on the west side of the River Avon and Evesham Leisure Centre on the east side of the River Avon, Evesham, Worcestershire.

Background

2. The purpose of this scheme is to provide connectivity between the west (Hampton) and east (Evesham) sides of the River Avon for pedestrians and cyclists, minimising users' daily interaction with motorised traffic. It is intended that the route would support all walking and cycling users, including children and disabled people.
3. The River Avon itself is recognised as a barrier to active travel including walking and cycling between the west side (Hampton) and the east side (Evesham town centre). Pershore Road currently has a high level of vehicular traffic and resultant low level of active travel users, of which this severance is considered to exacerbate. There has been a longstanding desire to cross the River Avon between Hampton to Evesham. This is evidenced by a pedestrian cable ferry to the north of the proposed crossing location that dates to the 13th Century. The Hampton Ferry is generally considered to be impractical for pedestrians and cyclists commuting regularly, due to the small capacity of the ferry and its operating hours limited to daylight hours/throughout the day and on a seasonal basis. The proposed bridge is

anticipated to encourage more visitors and pedestrians to the area, providing improved access for people to visit the ferry for tourism.

4. Outside of the scope of this planning application, Worcestershire County Council are currently undergoing an assessment to deliver a new controlled crossing across Pershore Road. The purpose of the assessment is to establish a safe crossing for pedestrians and cyclists across Pershore Road and ultimately link users onto future Active Travel features along the existing Severn Trent Water Access Road.

5. The proposed scheme is allocated within the adopted South Worcestershire Development Plan which considers the long-term vision and objectives for South Worcestershire area up to the year of 2030.

6. Additionally, the proposed scheme is part of the Evesham Transport Strategy being developed by Worcestershire County Council and Wychavon District Council, addressing the towns wider transport issues.

7. Policy SWDP 51: 'Evesham Urban Extensions' at part B. of the adopted South Worcestershire Development Plan specifies that "*the provision of a new pedestrian / cycle bridge across the River Avon from Hampton to the town centre*" is one of the requirements of the proposed urban extension SWDP51/2 South of Pershore Road, Hampton (10.54 hectares).

8. The Reasoned Justification for this policy clarifies that "*The Pershore Road, Hampton site is allocated for housing, to deliver a sustainable urban extension comprising approximately 400 homes. Due to its location, it will also be required to provide a new pedestrian / cycle bridge across the River Avon from Hampton to the town centre and enhancements to Hampton*".

9. Planning application for "*Full planning application for the erection of 151 no. dwellings with associated car parking, landscaping, public open space, the relocation and construction of a new farm shop and other associated works and an outline application for up to 250 dwellings including public open space, footpaths and cycle ways, country park and associated works. All matters are reserved for future consideration with the outline application with the exception of means of access from Pershore Road*" at Land at Pershore Road, Evesham (District Council Ref: 12/02490/PN) was approved by Wychavon District Council on 27 March 2014. Financial contribution towards the construction of the bridge was secured through Section 106 Agreement forming part of this permission.

10. Additionally, Policy SWDP 50/7: 'Land off Abbey Road, Evesham' of the adopted South Worcestershire Development Plan sets out guidance for the allocation of land, which stretches from the bank of the River Avon to Evesham Leisure Centre. The far south end of this site allocation overlaps the red line boundary of the current proposal.

11. Relating to this allocation, the outline planning application (District Council Ref: 18/00549/OUT) for up to 200 dwellings, open space and landscaping including children's play, new vehicular and pedestrian access, community orchard, parking, expansion of leisure centre car park, engineering (including ground modelling) works, site reclamation (including demolition) and infrastructure (including cycle and

pedestrian connections) at Land Off Boat Lane Evesham was granted the planning permission by Wychavon District Council on 12 November 2019.

12. Subsequently, a number of reserved matters applications relating to the above permission have been made to Wychavon District Council. Reserved matters applications for highway infrastructure (District Council Ref: 20/00938/RM) and drainage works (District Council Ref: 20/00939/RM) were reported to Planning Committee on 23 June 2022, but were deferred to allow further archaeological works to take place. During their consideration, significant archaeological interest has been discovered to the south and north of Boat Lane. Given its proximity to the site, archaeological considerations need to be satisfied to inform enabling works and the proposed development.

13. Additionally, the following reserved matters applications for Land Off Boat Lane Evesham since followed and are pending decision:

- District Council Ref: 22/00912/RM - *Reserved matters application for layout, scale, appearance and landscaping pursuant to outline planning application 18/00549/OUT for the erection of 138 residential dwellings with parking, internal access roads, landscaping and all other details.*
- District Council Ref: 22/02308/RM - *Erection of 200 residential dwellings with parking, internal access roads, landscaping and all other details required by Condition 2 relating to the reserved matters for layout, scale, appearance and landscaping pursuant to planning permission 18/00549/OUT.*

14. As part of pending planning application for highway infrastructure (District Council Ref: 22/02308/RM) for land at Land Off Boat Lane Evesham, drawing number 22664/PL/11C, Rev C, titled 'Planning Layout', dated 7 April 2022 has been submitted to include the 3-metre-wide shared use path linking the development with the proposed bridge structure.

15. On 1 November 2023, the Non-Material Amendment application to the planning permission District Council Ref: 18/000549/OUT for amendments to access layout was refused by Wychavon District Council.

The Proposal

16. The proposal would consist of walking and cycling provision between Hampton and Evesham and would be comprised of the following features to the west:

- New shared-use footbridge spanning over the River Avon
- New shared-use and pedestrian only footpaths along the west of the existing Severn Trent Water access road
- A new ramp connecting the Severn Trent Water access road and new bridge
- A staircase with a shorter desire line. The new stairs would provide a connection between pedestrians approaching from the new Clarks Hill Rise footpath, the new footbridge and the existing Public Right of Way river path

17. To the east of the River Avon, the scheme would consist of the following:

- A raised causeway linking the new footbridge to the new footpath
- An earthwork embankment with a footpath proceeding to Evesham town centre via Evesham Leisure Centre
- Connection to the Public Right of Way river towpath via a new staircase and a separate footpath branching off the earthwork embankment path.

18. In addition to the above, the level and location of the connecting path takes account for potential connectivity to the potential Taylor Wimpey housing residential development which is located north-east of the proposed causeway and east of River Avon.

19. The applicant states that the bridge would be of the below deck arch design in order to optimise views from the bridge while minimising its impact on existing key vantage points including the nearby listed buildings.

20. Subject to technical review and detailed design, the main span of the bridge would measure approximately 84 metres long by 3.5 to 3.8 metres wide at the deck level. The structure above deck at approximately 4.25 metres would be slightly wider due to the width of the handrails and their supports. At its highest point, the deck would measure approximately 7.3 metres above the River Avon's typical summer water level, with a parapet extending about 1.5 metres above this. The volume beneath the main span would be approximately 1,750 cubic metres. To its east, an elevated ramp would extend about 129 metres, with a width of about 3.5 metres and gradient of 1%. This would drop from its highest point above the floodplain of approximately 5.3 metres, to where it would join a reinforced earth ramp at approximately 2.6 metres above the floodplain. The elevated ramp would have a parapet extending about 1.5 metres above its deck for its full length and the volume beneath it would be approximately 2,100 cubic metres. The height of the causeway varies from approximately 5 metres at the stairs from deck level to ground level, reducing to the east to approximately 2.7 from the deck level to ground level.

21. In terms of materials, the steelwork of the main span and approach ramps would be in weathering steel. The main span would be a deck arch bridge with crossbeams and a longitudinally stiffened steel deck plate. The primary structure would be formed from fabricated structural steel. The approach ramps would consist of steel edge beams with cross-beams and longitudinally stiffened steel deck plate. The approach ramps would be supported on steel single-column piers. It is envisaged that the piers would be at approximately 15.5 metres centres, but this is to be reviewed once further ground investigation results are available and discussion completed with service providers.

22. Foundations would be in reinforced concrete. It is envisaged that the piers for the main span would be supported on spread footings with shear keys as required and the approach ramps would adopt rectangular pad footings. If competent ground is found to be too low and an excessive excavation is required to reach it, reinforced concrete bored piles with a pile cap would be used instead.

23. The bridge deck would be formed from a steel deck plate with longitudinal stiffeners. Pedestrian/cycle parapets of height approximately 1.4 metres would be installed along the edges of all raised footpaths. On the bridge and ramps, two rails are provided at approximately 1 metre and 1.4 metres to provide a handrail for

pedestrians and a rail to protect against falling for cyclists respectively. The handrail would be brushed stainless steel of approximately 50 millimetres diameter. The handrails would be supported on a balustrade post made from weathering steel. A stainless steel post would extend from the weathering steel post to support the stainless steel top rail. A stainless steel mesh would span between posts to provide infill mesh to prevent falls from deck level.

24. In terms of finishes for the bridge structure, the steelwork would be left unpainted as it is a weathering steel that has a chemical composition that provides increased resistance to corrosion after developing a protective surface patina. The surface finish would be characteristically that of rust but provides the major benefit of avoiding any need for future repainting thus offer significant environmental benefits as well as significantly reducing long-term maintenance costs. This finish would complement the natural surroundings of the structure.

25. The surfacing on the deck plate would be a thin epoxy grit slip resistant combined waterproofing and surfacing. The deck would have long-fall and cross-fall and include drainage outlets at intervals. By sloping both along the length of the bridge and causeway, and from the centre of the structure to the sides across the width, this would reduce the potential for ponding, and therefore reduce risk of ice forming on the bridge.

26. In terms of accessibility and user safety, the elevated steel access ramps on the east (causeway) would have a gradient of 1% and a continuous grab rail measuring approximately 1 metre high, suitable for wheelchair users or people with otherwise impaired mobility. The staircase would have contrasting coloured nosings (edges) for the visually impaired.

27. A reinforced concrete abutment would be required to connect the ramp approaching the main span bridge from the west. This abutment would be embedded at the top of the embankment that naturally exists on the west bank. A smaller reinforced concrete bank seat abutment would also be required for the ramp approaching the embankment from the east.

28. For the construction of the abutments and the bridge and ramp foundations, earthworks would be required. For the main span foundations, excavation would be located adjacent to both sides of the river. Therefore, excavations are expected to be below the water table and would likely require some form of sheet piles and dewatering to keep the excavation dry.

29. For any piling work near the river, the type or timing of any piling works would be undertaken so as not to disturb migrating or spawning fish.

30. For the ramp foundations shallow excavation would be required to embed the shallow pad foundations (anticipated to be approximately 1 metre below ground level). Given that the land to the east of the river is considered a temporal flood plain, groundwater may be encountered within these excavations at the time of construction. This would be determined following the completion of the ground investigation.

31. The applicant states that a preliminary lighting design has been developed for the proposed scheme to provide a consistent level of lighting for the visually impaired,

and to satisfy general safety concerns while not being excessively lit to reduce disturbance to the local ecology, neighbouring properties or drivers.

32. The proposed lighting design comprises of low energy light-emitting diode (LED) handrail lighting for the bridge and causeway that utilise a suitable luminaire for to minimise overspill into the river corridor, and at a colour temperature to reduce impact on bats and riparian habitat (2200k). The shared use footway on the eastern extent would include low energy LED luminaires mounted on 5-metre columns located on the verge adjacent to the footway, with shielding to minimise impact on bats and properties. To ensure lighting pollution would be kept to a minimum, LED luminaires would be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability (at 30%). Given the river corridor is intrinsically dark, it is proposed that all lighting output is to be dimmed between the hours of 22:00 hours to 05:30 hours.

33. During construction, compounds would be placed on both sides of the river. The main site compound would be located to the east and directly adjacent to Evesham Leisure Centre. In addition, a satellite compound would be located on the western extent of the River Avon in close proximity to the proposed works.

The Site

34. The application site area measures approximately 5.17 hectares. It lies approximately 800 metres south-west of Evesham town centre and 20 metres east of the residential area of Hampton. The River Avon segregates the two settlements of Evesham and Hampton. Pershore Road and Abbey Road are the main highway link that connects the two localities.

35. To the west of the River Avon lies Hampton which is a largely residential area. Closest to the river there are a number of residential properties with large gardens within the immediate vicinity of the west bank of the River Avon, together with a static caravan site and the St Andrew's Parish Church and associated graveyard. Severn Trent Water's access road segregates Hampton from the river Avon and runs north to south, connecting to Pershore Road at its southern end.

36. On the eastern side of the River Avon, the proposed development site crosses the river's flood plain west of Evesham Leisure Centre, approximately 110 metres north-west of Corporation Meadow, a public open space managed by Wychavon District Council.

37. The land to the north-east of the site is part of a proposed residential housing development progressing through planning by Taylor Wimpey (District Council Refs. 18/00549/OUT, 20/00938/RM, 20/00939/RM, 22/02308/RM, 22/00912/RM and 22/02229/NMA). The proposed scheme is independent of the housing development but would allow for future connectivity so that pedestrians and cyclists from the housing development could utilise the bridge to cross the River Avon.

38. The ground to the west of the river climbs steeply towards Severn Trent Water's access road and the adjacent residential properties. The land to the east of the riverbank falls gradually away from the river towards Evesham Leisure Centre.

39. There are several existing Public Rights of Way on both sides of the River Avon. These include:

- Footpath EV-547 – the east bank path
- Footpath EV-581 – the west bank path
- Footpath EV-592 – crossing the northern site boundary on the western bank
- Footpath EV-590 – on the western side, following the north-eastern boundary of the site
- Footpath EV-587 – on the western side, leading toward Pershore Lane

40. There are no statutory designated Special Areas of Conservation, Special Protection Areas, Ramsar or Sites of Special Scientific Interest within 2 kilometres of the proposed site.

41. There are 4 Local Wildlife Sites located within 1 kilometre of the proposed site. These include:

- the River Avon Local Wildlife Site over which the proposed development site would cross;
- Clark's Hill Local Wildlife Site located directly to the west of the site;
- River Isbourne Local Wildlife Site located approximately 180 metres south-east of the site; and
- Haselor Road Verges Local Wildlife Site located approximately 820 metres to the west of the site.

42. The River Avon is a Main River as designated by the Environment Agency. The majority of the site falls within Flood Zone 3 as identified on the Environment Agency's Indicative Flood Risk Map (both Flood Zone 3a 'high probability of flooding' and Flood Zone 3b 'the functional floodplain' as identified in South Worcestershire Strategic Flood Risk Assessment), with small parts of the site located within Flood Zone 2 (medium probability of flooding) and Flood Zone 1 (low medium probability of flooding).

43. The site of the proposed scheme lies within the National Character Area 106: Severn and Avon Vales. The site spans across the Settled Farmlands or River Terrace Landscape Types as identified within the Worcestershire Landscape Character Assessment. This Worcestershire Landscape Character Assessment is further subdivided into smaller Landscape Description Units with the mid-section of the River Avon and the east bank forming the Landscape Description Units VE02 River Avon with Evesham Urban and the west bank forming Landscape Description Units VE22 Evesham Urban.

44. The closest residential properties include:

- Residential properties immediately west of the Severn Trent Water access road (60a, 60, 62, 64 and 66 Pershore Road, 60 to 68 Parklands Drive, Avon Bangalow and Avon House)
- 3 properties located immediately east to the proposed development (Friar's Mead, Appletreewick and Springbank)

- Properties along Pershore Road
- 2 static caravan sites situated within 500 metres of the proposed development:
 - Hampton Ferry Caravan Park – located approximately 320 metres north of the proposed bridge main structure and approximately 50 metres north-east of the development boundary.
 - Avon Riverside Park – located approximately 370 metres south-east of the proposed bridge main structure and approximately 150 metres south of the development boundary.

45. There are a number of Scheduled Monuments within 1 kilometre of the development site, the closest being the 'Abbot Chyryton Wall, Boat Lane' Scheduled Monument which lies approximately 300 metres north of the main bridge structure and approximately 120 metres east of the application boundary at the closest point.

46. There are a number of Listed Buildings in proximity to the site. The closest being:

Grade II* Listed Building

- Church of St Andrew approximately 70 metres south-west of the development site.

Grade II Listed Buildings

- Friar's Mead immediately to the west of the development site.
- Avon House – located approximately 20 metres west of the development site.
- Hampton War Memorial – located approximately 30 metres south-east of the development site.
- 64, Pershore Road – located approximately 35 metres west of the development site.
- Tomb of John Martin in St Andrew's Churchyard – located approximately 85 metres south-east of the development site.
- Cross in St Andrew's Churchyard – located approximately 90 metres south-east of the development site.

47. Evesham Conservation Area is located approximately 450 metres to the north-east of the development site at the closest point.

48. The site falls within the Minerals Safeguarding Area for Terrace and Glacial Sand and Gravel and Minerals Consultation Area for Sand and Gravel as identified on the Policies Map of the adopted Worcestershire Minerals Local Plan.

Summary of Issues

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

- Residential Amenity
- Landscape Character and Visual Impact
- Historic Environment
- Traffic, Highway Safety and Public Rights of Way

- Ecology and Biodiversity
- Water Environment and Flood Risk

Planning Policy

National Planning Policy Framework (NPPF)

50. The National Planning Policy Framework (NPPF) was revised in response to the Levelling-up and Regeneration Bill: reforms to national planning policy consultation on 19 December 2023. This revised NPPF replaces the previous NPPF published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023. The government expect the National Model Design Code to be used to inform the production of local design guides, codes and policies.

51. The revised NPPF sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes). Annex 1 of the NPPF states that "*The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication*".

52. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

53. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and

decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

54. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

55. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

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

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed and beautiful places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

The Development Plan

57. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan that is relevant to this proposal consists of the adopted Worcestershire Minerals Local Plan and the adopted South Worcestershire Development Plan.

58. 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.

59. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

Worcestershire Minerals Local Plan (Adopted July 2022)

60. Policies of the adopted Worcestershire Minerals Local Plan that are of relevance to the proposal are set out below:

- Policy MLP 41: Safeguarding Locally and Nationally Important Mineral Resources

South Worcestershire Development Plan (Adopted February 2016)

61. The South Worcestershire Development Plan 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 5: Green Infrastructure
- 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 33: Waste
- Policy SWDP 34: Tourist Development
- Policy SWDP 37: Built Community Facilities
- Policy SWDP 38: Green Space
- Policy SWDP 40: Waterfronts
- Policy SWDP 50: Evesham
- Policy SWDP 51: Evesham Urban Extensions

Draft Planning Policy

Emerging South Worcestershire Development Plan Review

62. Worcester City Council, Wychavon District Council and Malvern Hills District Council are reviewing the South Worcestershire Development Plan. The South Worcestershire Development Plan Review will cover the period to 2041. On 27 September 2023, the South Worcestershire Development Plan Review was submitted to the Secretary of State for independent examination in public under Regulation 22 of the Town and Country Planning (Local Planning) England Regulations, 2012 (as amended) , and Inspectors have been allocated (Inspectors: P Lewis and S Dean). The dates for the examination in public are yet not known.

63. Having regard to the advice in the NPPF, Section 4, as the South Worcestershire Development Plan Review is still at an early stage of preparation, only limited weight should be applied to the policies.

64. The emerging South Worcestershire Development Plan Review policies (Publication version) that, for the avoidance of doubt, are of relevance to the proposal are set out below:

- Draft Policy SWDPR 01: Climate Change Mitigation and Adaptation
- Draft Policy SWDPR 03: The Spatial Development Strategy and Settlement Hierarchy
- Draft Policy SWDPR 05: Design and Sustainable Construction
- Draft Policy SWDPR 06: Transport
- Draft Policy SWDPR 07: Green Infrastructure
- Draft Policy SWDPR 08: Historic Environment
- Draft Policy SWDPR 09: Infrastructure
- Draft Policy SWDPR 10: Health and Wellbeing
- Draft Policy SWDPR 26: Design
- Draft Policy SWDPR 27: Biodiversity and Geodiversity
- Draft Policy SWDPR 29: Management of the Historic Environment
- Draft Policy SWDPR 30: Landscape Character
- Draft Policy SWDPR 31: Amenity
- Draft Policy SWDPR 34: Management of Flood Risk
- Draft Policy SWDPR 35: Sustainable Drainage Systems
- Draft Policy SWDPR 36: Water Resources, Efficiency and Treatment
- Draft Policy SWDPR 37: Air Quality
- Draft Policy SWDPR 38: Land Stability and Contaminated Land
- Draft Policy SWDPR 39: Minerals and Waste Safeguarding
- Draft Policy SWDPR 40: Tourist Development
- Draft Policy SWDPR 43: Built Community Faculties
- Draft Policy SWDPR 44: Green Space
- Draft Policy SWDPR 47: Waterfronts
- Draft Policy SWDPR 63: Wychavon Allocations

Other Documents

South Worcestershire Strategic Flood Risk Assessment Level 1 and 2

65. The South Worcestershire Strategic Flood Risk Assessment Level 1 and 2 documents were published in November 2009 and covers Worcester City Council, Wychavon District Council, and Malvern Hills District Council areas. The South Worcestershire Strategic Flood Risk Assessment assists in selecting and developing sustainable site allocations away from areas of greatest vulnerability to flooding in the

South Worcestershire area. The South Worcestershire Strategic Flood Risk Assessment provides guidance for the Local Planning Authorities on the future management of development with respect to flood risk, including suggested development control policy for the different flood zones. Guidance is also provided regarding the requirements for Flood Risk Assessments as well as sustainable drainage systems and flood mitigation measures.

South Worcestershire Strategic Flood Risk Assessment Level 2 Update (2012)

66. The South Worcestershire Strategic Flood Risk Assessment Level 2 Update was published in December 2012 and updates the 2009 South Worcestershire Strategic Flood Risk Assessment. Changes to high level planning, policy and guidance since the previous South Worcestershire Strategic Flood Risk Assessment have been identified and taken into account in preparing the South Worcestershire Strategic Flood Risk Assessment 2012 Update, including the NPPF.

South Worcestershire Strategic Flood Risk Assessment Level 2 Update (2014)

67. This South Worcestershire Strategic Flood Risk Assessment Level 2 Update was published in June 2014 and updates the work that was included in the previous South Worcestershire Strategic Flood Risk Assessment and provided appropriate supporting evidence for the adopted South Worcestershire Development Plan. It includes a review of the site allocations within the adopted South Worcestershire Development Plan.

South Worcestershire Strategic Flood Risk Assessment Level 1 (2019)

68. The Level 1 Strategic Flood Risk Assessment 2019 document was created with the purpose of supporting the production of the South Worcestershire Development Plan Review and was published in August 2019. The study area covers Worcester City Council, Wychavon District Council, and Malvern Hills District Council areas. The Level 1 South Worcestershire Strategic Flood Risk Assessment aims to provide an understanding of the risk from all types of flooding across South Worcestershire area and present clear and robust evidence. It is to inform infrastructure planning and Neighbourhood Plans.

South Worcestershire Water Management and Flooding Supplementary Planning Document

69. The South Worcestershire Water Management and Flooding Supplementary Planning Document was adopted in July 2018 and sets out in detail the South Worcestershire Councils' approach to minimising flood risk, managing surface water and achieving sustainable drainage systems. This applies to both new and existing development whilst ensuring that the reduction, re-use and recycling of water is given priority and water supply and quality is not compromised. It relates to policies SWDP 28 (Management of Flood Risk), SWDP 29 (Sustainable Drainage Systems) and SWDP 30 (Water Resources, Efficiency and Treatment) of the adopted South Worcestershire Development Plan.

Planning for Health in South Worcestershire Supplementary Planning Document

70. Planning for Health in South Worcestershire Supplementary Planning Document covers Worcester City Council, Wychavon District Council, and Malvern Hills District Council areas. The South Worcestershire Planning for Health Supplementary Planning Document was adopted in September 2017, and primarily focuses on the principle links between planning and health. The Supplementary Planning Document

addresses nine health and wellbeing principles, one of which is 'air quality, noise, light and water management'. The Supplementary Planning Document seeks to address issues relating to air quality, noise, light and water management, and sets out guidance on how these matters can be improved via the planning process.

South Worcestershire Design Guide Supplementary Planning Document

71. The South Worcestershire Design Guide Supplementary Planning Document was adopted in March 2018 and provides additional guidance on how the South Worcestershire Development Plan design related policies should be interpreted, for example through the design and layout of new development and public spaces across South Worcestershire and is consistent with planning policies in the South Worcestershire Development Plan, in particular Policy SWDP 21 (Design).

Worcestershire County Council's Worcestershire Green Infrastructure Strategy 2023-2028

72. 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.

73. 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.

74. The strategy states that *“the main opportunities to plan, deliver and manage green infrastructure in the county will be from integrating green infrastructure priorities and principles into other proposals and decision-making processes. These include...infrastructure developments such as transport, renewable energy and water related projects”*.

Worcestershire's Local Transport Plan 4 (LTP4) 2018-2030

75. Worcestershire's Local Transport Plan 4 (LTP4) was adopted in November 2017. LTP4 sets out an investment programme for Worcestershire's transport networks, including infrastructure, and technology and services essential to support planned growth, and continued social and economic success.

76. LTP4 consists of a suite of policies, four statutory assessments and the main document, which includes a strategic delivery programme. It sets 5 objectives regarding economic, environment, health and safety, equality, and quality of life. It also sets out a package of transport schemes for Vale of Evesham. It includes the Active Travel Network Investment Programme – E4 scheme. The scheme *“would include provision of improved waiting facilities for passengers, secure parking facilities for motorcycles/ cycles, improved pick up and drop off facilities (cars, taxis and community transport) and accessibility enhancements to walk and cycle links between the station, the town centre and the residential catchment area”*. The map for the Vale of Evesham projects highlights Evesham West Walk / Cycle Bridge would be included with the E4 scheme specified above.

Consultations

77. **Wychavon District Council** have no objection to this proposal.

78. Wychavon District Council acknowledge that Pershore Road and Abbey Bridge are heavily trafficked routes, and the proposed bridge would go some way towards providing a more attractive route for pedestrians and cyclists. However, the Council considers that the development needs to facilitate pedestrian and cycle routes from the Hampton area of Evesham more directly towards the north-east and the town centre of Evesham in order to promote sustainable and active modes of travel.

79. Wychavon District Council agrees that the proposed bridge would shorten journey times for pedestrians and cyclists who currently use Abbey Bridge. It would reduce conflict between vehicles and non-motorised users, although the latter would still have to travel along Abbey Road to access the town centre.

80. Outline planning permission District Council Ref: 18/00549/OUT was granted 12 November 2019 for up to 200 dwellings to the east of the river along with open space, landscaping, new vehicular and pedestrian access, community orchard, parking, expansion of leisure centre car park, engineering works, site reclamation and infrastructure (including cycle and pedestrian connections). Further, Policy SWDP 50/7 of the adopted South Worcestershire Development Plan sets out guidance for the allocation of land at Abbey Road.

81. Subsequent reserved matters applications District Council Refs: 20/00938/RM and 20/00939/RM for highway and drainage infrastructure were reported to Planning Committee on 23 June 2022, but were deferred to allow further archaeological works to take place. During their consideration, significant archaeological interest has been discovered to the south and north of Boat Lane. Given its proximity to the site, archaeological considerations need to be satisfied to inform enabling works and the proposed development.

82. During the consideration of application District Council Ref: 20/00938/RM comment was made that Boat Lane is part of Evesham's cycle network, should be retained for this purpose and should link with the proposed Hampton Bridge. Wychavon District Council agrees with these comments and the proposal should enable pedestrian/cycle connections towards Boat Lane which leads more directly towards Evesham town centre.

83. The setting of listed buildings and the listed structure of the Abbot Chryton's wall, a Scheduled Monument should be safeguarded.

84. The proposed surface finish for unpainted steelwork to provide a rust appearance would blend in more successfully into the landscape than a light colour. The use of low energy lighting to minimise light spill to the river corridor and its surroundings and for it to be dimmed during night hours would be welcomed with regard to biodiversity implications.

85. The arboricultural and ecological impacts within the Planning Statement are noted. There should be adequate mitigation and enhancement measures and compensatory tree planting to ensure that the landscape features still appear visually dominant.

86. In response to the consultation on further information Wychavon District Council acknowledge that the proposed bridge would go some way towards providing a more attractive route for pedestrians and cyclists. Previous comments provided reference to the outline planning permission (District Council Ref: 18/00549/OUT) which was granted 12th November 2019 for up to 200 dwellings to the east of the river and that Policy SWDP 50/7 of the adopted South Worcestershire Development Plan sets out guidance for the allocation of land at Abbey Road near to the site of the proposed bridge.

87. Wychavon District Council note that discussions have been held with Taylor Wimpey with regard to providing provision for future links and a shared-use connection onto the main footpath on the east to provide a shorter link to the town centre. It is unclear however, how these connections would be provided, and Wychavon District Council remain of the opinion that the development needs to facilitate pedestrian and cycle routes from the Hampton area of Evesham more directly towards the north-east and the town centre of Evesham in order to promote sustainable and active modes of travel.

88. The setting of listed buildings and the listed structure of the Abbot Chryton's wall, a Scheduled Monument should be safeguarded.

89. With regard to landscape impact, Wychavon District Council make the following comments:

- There is no visualisation showing the whole structure in the landscape, only of the bridge itself.
- The LCIA has now been updated in line with the Arboricultural Impact Assessment. Given the extent of cut and fill proposed, it is questionable as to whether that the two trees adjacent to 60 Thatchers End (Persore Road) could be retained.
- Unable to see the photographs taken from viewpoints 6 and 7.
- Landscape proposals shown indicatively on drawing numbers: TACP 61019-Fig1.5A Rev P2, 61019-Fig1.5B Rev P4, 61019-Fig1.5C Rev P4 and 61019-Fig1.5D Rev P4 are generally agreeable. Details of that planting would need to be agreed by condition.

90. Wychavon District Council note the arboricultural and ecological impacts within the Planning Statement. There should be adequate mitigation and enhancement measures and compensatory tree planting to ensure that the landscape features still appear visually dominant.

91. Wychavon District Council also note the recommended archaeological works.

92. **Evesham Town Council** no comments received.

93. **Worcestershire Regulatory Services** have no objections to this proposal, subject to the imposition of conditions relating to a Construction Environmental Management Plan and a scheme of remediation of land contamination.

Lighting

94. Worcestershire Regulatory Services have no objection to the proposed external lighting scheme (not including designated street lighting) in terms of light nuisance.

Construction Phase Nuisance

95. Worcestershire Regulatory Services state that the submitted draft Construction Environmental Management Plan appears to adequately cover the monitoring and mitigation of noise, vibration and dust emissions during the construction phase. Additionally, the proposed working hours are acceptable. A final version of the Construction Environmental Management Plan should be submitted for approval.

Land contamination

96. The desk study report (Preliminary Sources Study Report and Ground Investigation Scope Report Hampton Bridge), makes several recommendations for soil and controlled water testing as part of the wider ground works and site investigation. Worcestershire Regulatory Services agree with the report proposals, and these should be secured via a planning condition regarding a scheme of remediation of land contamination.

Air Quality

97. Worcestershire Regulatory Services have no adverse comments to make with regards to air quality.

98. **The County Public Health Officer** has no objections to this proposal. The County Public Health Officer states that the bridge aims to reduce congestion and improve air quality on the Avon Bridge, any potential health implications would be related to air quality during construction. The County Public Health Officer recommends that appropriate mitigation measures are put in place to limit any potential effects on human health during this period.

99. **The County Landscape Officer** have no objections to this proposal, subject to the imposition of conditions relating to a Construction Environmental Management Plan in order to ensure appropriate environmental protection measures during the groundworks and construction phases including tree and root zone protection methods and a Landscape Ecological Management Plan to secure the detailed landscaping scheme and habitat creation, its monitoring, management and aftercare. The County Landscape Officer also recommends that the use of weathering steel (as proposed) is secured by an appropriate planning condition.

100. The County Landscape Officer states that overall, the design of the scheme is sensitive to the local landscape and urban setting. The County Landscape Officer welcomes the decision to use a weathering steel construction that, in terms of colour, would complement the parkland and wooded character of the setting. The low profile of the bridge would also ensure that it does not dominate views beyond its immediate location.

101. In terms of the Landscape and Visual Impact Assessment, the County Landscape Officer concludes that it assessed the impact of the scheme both in the context of its landscape character setting and the related visual impact. As the assessment notes, the scheme is located within the area defined by the Worcestershire Landscape Character Assessment as Urban, a landscape type that was not assessed for its character in the current version of the Worcestershire

Landscape Character Assessment. The Landscape and Visual Impact Assessment has, despite the absence of local characterisation, approached the definition of character based on observations and supported by Worcestershire Historic Landscaper Character mapping for the assessment area. Overall, the County Landscape Officer supports the conclusions set out in the document.

102. In relation to the Arboricultural Impact Assessment, the County Landscape Officer states that the assessment has identified trees necessary for removal to accommodate the scheme, which includes two limes from the riverside avenue. The loss of mature trees cannot be compensated for in the short-term, however, the County Landscape Officer is reassured that adequate compensation planting would be included to mitigate and provide a net gain once it begins to mature.

103. In relation to the landscaping proposals, the County Landscape Officer states that they would deliver a range of enhancements and mitigation that are broadly acceptable within the context of the landscape setting. The County Landscape Officer particularly welcomes the new avenue planting that would complement the established riverside avenue.

104. Notwithstanding the above, the County Landscape Officer originally sought further clarification in relation to viewpoints and visualisations of the bridge and clarification regarding which trees are planned to be removed as the submitted drawings seemed to be contradictory.

105. In response to the revised submission, the County Landscape Officer in relation to Landscape and Visual Impact Assessment / Arboricultural Impact Assessment, welcomes the inclusion of viewpoints 6 and 7 and the clarification presented in the revised FIG_1.5A of the Landscape and Visual Impact Assessment that now accords details presented in drawing BHA_4451_01 of the Arboricultural Impact Assessment. The County Landscape Officer also states that the additional visualisations illustrate the impact to setting and are helpful in understanding how the scheme would integrate.

106. The County Landscape Officer recommends that a Landscape Ecological Management Plan and a Construction Environmental Management Plan should be secured by suitably worded conditions:

- A Construction Environmental Management Plan – to ensure appropriate environmental protection measures during the groundworks and construction phases. This should include tree and root zone protection methods.
- A Landscape and Ecological Management Plan – to secure the detailed landscaping scheme and habitat creation, its monitoring, management and aftercare.

107. The County Landscape Officer also recommends that the use of weathering steel (as proposed) is secured by appropriate planning condition to avoid the risk of an alternative finish being adopted later in the planning process. In terms of colour, weathering steel is the most suitable material within the context of the landscape setting. Particularly given the immediate and defining character and colour plate of the tree-lined river corridor.

108. **Wychavon District Council's Landscape Officer** has no objections to this proposal, subject to the imposition of a planning condition requiring details of planting/seeding to be agreed prior to commencement of works on site (species, sizes, numbers, locations) and for any failures within 5 years of first planting to be replaced and a planning condition requiring a Landscape Ecological Management Plan to include the management of the planting for a period of at least 20 years.

109. Wychavon District Council's Landscape Officer comments that the focus of visualisations is mainly on the bridge itself with only one visualisation considering the extended elevated causeway above the meadow (and then only a small section of it). It would be helpful to see visualisation that illustrates what the entire structure might look like in the landscape.

110. Wychavon District Council's Landscape Officer assessed the submitted Arboricultural Impact Assessment. The scheme involves a number of tree removals to both the west and east of the River Avon – 13 trees in total, including 3 category A trees to the east (2 limes within the avenue and a willow) and 6 Category B trees to the west (including an ash tree which is prominent in views from Pershore Road). Wychavon District Council's Landscape Officer understands that an assessment was undertaken to identify the most favourable crossing point of the River Avon to minimise the impact on the existing tree corridors on the east and west bank. The most significant arboricultural and landscape feature is the lime avenue lining the footpath to the eastern embankment. As advised in the Planning Statement '*The trees are a visually dominant, formal landscape feature that frame views along the river and make strong contribution to the character of the local area.*' Wychavon District Council's Landscape Officer states that it is regrettable, but perhaps unavoidable, that two of the lime trees within the avenue need to be removed to accommodate the bridge structure. Root Protection Areas for retained trees are identified and the scheme proposes replacement tree planting. Tree losses would have a significant visual impact – at least until such time as any replacement trees have made significant growth.

111. Wychavon District Council's Landscape Officer continues to state that tree removals identified within the Arboricultural Impact Assessment on drawing number BHA_4451_01 do not appear to correspond with removals shown in the Landscape and Visual Impact Assessment on drawing number 61019-DWG-FIG_1.5A – in the vicinity of numbers 60 and 60a Pershore Road, and 63 Parklands. The Landscape and Visual Impact Assessment advises at section 6.1 that seven existing trees and low scrub vegetation to the west of the access road needs to be removed and that this would affect properties at numbers 60, 60a Thatchers End (Pershore Road) and 61, 62 and 63 Parklands Drive. Wychavon District Council's Landscape Officer asks for this discrepancy to be clarified.

112. Wychavon District Council's Landscape Officer states the Landscape and Visual Impact Assessment, and its appendices has been prepared using recognised methodology and addresses issues of both landscape character and visual impact (during construction and post-completion). As advised within the Landscape and Visual Impact Assessment, the scheme is not sited within any landscape designation – it is approximately 5 kilometres from the nearest designated landscape, the Cotswolds National Landscape (Area of Outstanding Natural Beauty) and would not be visible from it. The site is within the Urban Landscape Type, as identified in the County Landscape Character Assessment and no detailed characterisation has been

carried out for this Landscape Type as part of the Landscape Character Assessment. However, the character of the local site area has been assessed as part of the Landscape and Visual Impact Assessment – and this is outlined at section 5.5.4. Both landscape and visual receptors are identified and recorded at Tables 11 and 12 – the latter also listing the 9 viewpoints considered in the Landscape and Visual Impact Assessment. These include residential properties in the immediate locality and public rights of way (all visual receptors being of high sensitivity). The Landscape and Visual Impact Assessment includes photographs from the identified viewpoints taken both when trees are in leaf and when they are not – illustrating the seasonal variation in potential visibility. Wychavon District Council’s Landscape Officer would like to see photographs taken from viewpoints 6 and 7 for completeness.

113. The Landscape and Visual Impact Assessment finds that the proposed tree removals (and potentially additional tree management works to others to be retained) would, in the short term, *‘open up limited views of the works for observers and residents in close proximity, specifically at Parklands Park, Avon House and users of the amenity parkland at Corporation and Hampton Meadow.’* In the longer term, at Year 15, the Landscape and Visual Impact Assessment suggests that visual impacts in views from the Severn Trent Water access road to the rear of properties at Parklands (numbers 66-68) and from Avon House (Grade II Listed) would remain ‘moderate adverse’ due to the scale and nature of the change remaining as a permanent change to the existing situation. From other identified viewpoints the Landscape and Visual Impact Assessment advises that at Year 15 impacts would be ‘neutral’ and from the Leisure Centre ‘moderate beneficial’ due to the additional planting and habitat creation proposed.

114. Wychavon District Council’s Landscape Officer states it is understood that that the bridge is to be constructed using weathering steel and designed to be relatively low level – with no high arch structures. Lighting is proposed to be handrail lighting on the bridge and causeway (with light output reduced overnight) with column lighting on the approach routes. All of these design features would help to reduce the visual impact of the bridge in the landscape setting both during the day and at night – although the lighting along the approach routes would be more visible.

115. Wychavon District Council’s Landscape Officer states that landscape proposals are shown indicatively on drawing number TACP 61019-Fig_1_5_A to 1_5_D. These are generally agreeable in principle and include new tree and woodland edge planting, and the creation of species rich grassland in association with flood compensation measures – although Wychavon District Council’s Landscape Officer would not recommend planting lime adjacent to domestic gardens due to problems associated with sticky ‘honeydew’ (although ‘clean’ varieties are available) and ultimate size.

116. Wychavon District Council’s Landscape Officer concludes that where adverse impacts have been identified, mitigation measures have been recommended that would avoid, reduce or compensate for these effects – reducing those impacts over time. These include replacement tree planting to the western part of the site and new tree planting alongside the proposed elevated causeway which would help to soften its appearance and help to ‘tie’ it into the wider landscape. The creation of a flood compensation area with associated species rich grassland would create a new landscape feature. However, as the Landscape and Visual Impact Assessment advises *‘There would be a permanent irreversible change to the visual context and*

landscape character in the introduction of a new built element in the southern extent of the study area and River Avon corridor. Views in close proximity to the bridge and associated infrastructure from Avon House and properties at Parklands Park would undergo a permanent change with only limited opportunity for mitigation.'

117. Notwithstanding those localised, permanent visual impacts identified (which Wychavon District Council's Landscape Officer suggests would need to be weighed in the planning balance), in terms of the landscape impacts and visual impacts in the wider landscape Wychavon District Council's Landscape Officer does not consider there is a sufficiently strong reason not to support the proposals – given the design of the bridge (in terms of materials, sitting low above the river and sensitive lighting), proposed replacement and additional tree planting which would help to 'soften' the structure, and creation of new landscape features and habitat.

118. In relation to the additional/revised information submitted by the applicant Wychavon District Council's Landscape Officer state that the visualisations are useful and illustrate that the design of the bridge is visually 'minimal' – with a simple structure, use of corten steel which would blend in with the treed landscape as it weathers, and an open mesh design for the sides of the bridge/walkway.

119. Wychavon District Council's Landscape Officer is of the view that the design of the bridge and walkway may be supported from a landscape perspective. Wychavon District Council's Landscape Officer understands that the visualisations do not seek to illustrate the landscaping and replacement planting, which are shown on the landscaping and planting plans – just the structure of the bridge and walkway.

120. Wychavon District Council's Landscape Officer clarifies that the landscape comments were originally incorporated into the wider Wychavon District Council response. Wychavon District Council's Landscape Officer concludes that those comments have now been addressed and the applicant's response is satisfactory.

121. **The County Archaeologist** has no objections to this proposal, subject to imposition of planning conditions relating to a Written Scheme of Investigation(s) and the site investigation and post investigation assessment.

122. The County Archaeologist is content that enough fieldwork has been done to indicate that the complex archaeology to the north is unlikely to extend into the development area. That is also the view of the archaeological report submitted by Worcestershire Archaeology. The proposed bridge is outside the abbey outer precinct, and the County Archaeologist considers it is likely that the complex medieval archaeology would be confined to within the precinct. Prehistoric archaeology, however, is known from close to the leisure centre and this could extend across the flood plain. Again, this is more likely to be confined to the higher ground towards the leisure centre, but river levels have changed considerably since prehistory, so it is not certain.

123. The trenching and the geotechnical work to-date indicates that there are palaeo-environmental remains within the development area, and probably some archaeological features (as evidenced by the medieval ditch uncovered in one of the trenches). This archaeology would need to be mitigated, as per the recommended conditions on the grant of consent.

124. However, it does not appear that there is highly complex archaeology, based on existing evidence. It is a higher risk strategy not having all the trenching completed. The construction is going to need to programme in contingency and time to deal with anything uncovered. The County Archaeologist considers that the risk of complex and highly significant archaeology is low and, therefore, advises that the application is determined, subject to imposition of planning conditions as specified above.

125. The County Archaeologist states that the caution of Historic England and Wychavon District Council Archaeologist is due to the abundance of complex and highly significant archaeology to the north of the development site. It is a greater risk not to complete the evaluation and Historic England and Wychavon District Council Archaeologist feel that this is too much of a risk. A balanced decision would need to be made by the County Planning Authority.

126. Although the flood water has receded somewhat, the ground is utterly saturated, and would be for some time to come. From a practical perspective if the other trenches are to be completed prior to determination, then determination would need to wait until spring as it would not be possible to undertake those trenches for at least a month, possibly longer.

127. **Wychavon District Council's Archaeologist** has no objections to the proposal.

128. Wychavon District Council's Archaeologist state that the evaluation report is accepted. Wychavon District Council's Archaeologist defers to the County Archaeologist regarding further mitigation at the site.

129. Wychavon District Council's Archaeologist originally commented that the proposed development area has been subject to a desk-based assessment and a watching brief on geotechnical works. A trench evaluation was determined to be required after those elements were completed. The trench evaluation is required prior to the determination of this application.

130. **Wychavon District Council's Conservation Officer** has no objections to the proposal.

131. Wychavon District Council's Conservation Officer states that relevant heritage policies are contained within Section 16 of the NPPF and the South Worcestershire Development Plan policies SWDP 6 and SWDP 24 pertaining to the Historic Environment and its management. These require the conservation and enhancement of heritage assets.

132. The applicant's Heritage Impact Assessment prepared by Worcestershire Archaeology (December 2023) states that the proposal would have a less than substantial harm on the setting heritage assets, including:

- Friars Mead, Church Road (WSM00561) (grade II listed)
- Avon House (WSM03388) (grade II listed)
- Abbot Chyryton's Wall (NHLE 1005501) (scheduled monument)

133. Given the proximity to the proposal, Wychavon District Council's Conservation Officer is in agreement with the low to moderate levels of less than substantial harm indicated by the aforementioned report. As such, Wychavon District Council's Conservation Officer recommends that this is taken into account within the planning balance.

134. With regard to the archaeological report, Wychavon District Council's Conservation Officer recommends that either the County Archaeologist or Wychavon District Council's Archaeological Advisor is consulted.

135. **Historic England** have concerns regarding the application on heritage grounds.

136. Historic England provide some limited advice to assist with the delivery of the project in a manner that minimises harm to heritage assets in accordance with the NPPF. They advise that the views of the County Planning Authority's specialist archaeological and conservation advisers should be sought regarding this proposal.

137. The land enclosed by the loop of the River Avon to the south of Evesham town is an important historic landscape associated with Evesham Abbey, which was founded in the 8th century Anno Domini (AD). The core of the abbey buildings are located on the east side of the loop of the river. The standing buildings and buried remains of the abbey are designated heritage assets for their national importance. Extending west from the core of the abbey was the outer precinct boundary, which extended fully across the loop of the river to where the Hampton Ferry operates. It is defined by the remains of Abbot Chyryton Wall and the alignment of Boat Lane.

138. All the land to the south of the precinct boundary, within the loop of the river, was the Abbey lands. This area contained their agricultural and industrial activities. Evidence of these activities should be preserved below the ground and should contribute to the understanding and significance of Evesham Abbey and its designated heritage assets. Of particular interest in relation to the proposed development would be evidence of how the abbey used the river as a resource for power and processes in its food production and industrial activities. The remains of water management systems and structures such as mills are likely to have been present around the loop of the river, particularly near the base of the slope on the inward edge of the floodplain.

139. In addition to the physical evidence of the abbey's operations, the area is likely to retain palaeo-environmental evidence that would provide an insight into the character of the landscape and the agricultural regimes that existed throughout the abbey's existence.

140. The proposal has the potential to impact on buried archaeological remains, through its associated ground works. In particular, groundworks associated with the creation of flood compensation areas and pile locations.

141. Historic England originally recommended additional archaeological work to that outlined in the Heritage Impact Assessment to ensure adequate understanding of potential impacts and minimisation of harm in accordance with the NPPF. This archaeological work should be undertaken at the pre-determination stage to ensure that the approved designs are in compliance with the NPPF. The archaeological work

should include geophysical survey and targeted field evaluation and be informed by the views of your specialist archaeological adviser.

142. In relation to the further information that has been submitted by the applicant, Historic England state that the programme of archaeological work partly addresses their earlier comments. Historic England note that the archaeological work was not fully completed due to weather and ground conditions and the recording of a probable medieval ditch in trench 3 on a north-west – south-east alignment following the contour of the slope. The extent of this feature, its relationship to the wider landscape of the abbey lands associated with Evesham Abbey and significance is not fully understood.

143. Historic England encourage this work to be completed as guided by the specialist archaeological advisers at Worcestershire County Council to meet the requirements of Paragraph 200 of the NPPF and the information to be used to inform amendments to the design and your determination in accordance with the requirements of Paragraph 201 of the NPPF.

144. **The Council for British Archaeology** no comments received.

145. **The County Highways Officer** has no objections to this proposal, subject to the imposition of conditions relating to detailed scheme works for Hampton Footbridge and its connections to Pershore Road and temporary Haul Road, pedestrian and cycle access, Public Rights of Way, Lighting, Lighting Scheme Optioneering Assessment, Construction Traffic Management Plan, Road Safety Audit, Construction Method Statement and street lighting.

146. Given the nature of the development proposal, the Highway Authority's primary interest is determining and safely managing the traffic impacts generated by the construction phase of the development, as well as the safe operation of the Severn Trent Water access road and access from Evesham Leisure Centre throughout the development lifecycle. The Highway Authority accepts that once operational, the development proposal would improve opportunities for sustainable travel between Hampton and Evesham town centre.

Application Site

147. The application site spans the River Avon, approximately 235 metres north of B4084 Pershore Road, and includes land on the eastern and western banks, immediately adjacent to the river itself. The site also includes the Severn Trent Water access road (on the western bank) to its junction with B4084 Pershore Road, as well as meadow and amenity land on the eastern bank, between the River Avon and Evesham Leisure Centre. The Severn Trent Water access road is a single carriageway private road providing access to the Severn Trent Water facility, located at the northern extent of the road, and a small caravan park to the north of the application site. The road is currently gated at its southern end, approximately 30 metres north of Pershore Road. The B4084 Pershore Road forms part of the primary road network routing east to west through Evesham. Pershore Road has a single carriageway as it passes the application site, with one lane in each direction. It is lit and subject to a 30 miles per hour (mph) speed restriction. Pershore Road is approximately 7.3 metres wide as it passes the junction with the Severn Trent Water access road, although on-street parking is observed to occur. Approximately 600 metres east of the Severn Trent Water access road, Pershore Road meets Abbey

Road at a signalised crossroads. The A4184 Abbey Road is the primary route north to south through Evesham, connecting to Vine Street in the north via a mini-roundabout, and Cheltenham Road in the south, via the signalised crossroads with Pershore Road. Abbey Road is primarily a single carriageway road with ghost-island right turn arrangement serving the Leisure Centre/Fire Station access road. At the Abbey Road bridge, there are two lanes travelling southbound and a single lane northbound. Abbey Road is lit, has double-yellow line parking restrictions along its length, with footways on both sides and is subject to a 30mph speed restriction.

Site Access (Vehicular) and Temporary Haul Road

148. Once the scheme is operational, access to the bridge would be via foot and bicycle only, with no motor vehicle access from either bank. Access to the bridge from the eastern bank would be via a shared-use path across the meadow and cycle contraflow lane linking to Evesham Leisure Centre and the proposed residential development to the north of the application site. From the western bank, it is proposed to provide pedestrian and cycle access via the Severn Trent Water access road, which would be improved to safely accommodate shared use, with low-level traffic accessing the Severn Trent Water access facility and Caravan Park. During the construction phase of the development, it is proposed that primary access to the site would be served from Abbey Road and the Evesham Leisure Centre/ Fire Station access road, with the main compound located on vacant land just south of Evesham Fire Station. A smaller, secondary compound would be located on the west bank, accessed from the Severn Trent Water access road.

149. A temporary Haul Road between the Evesham Leisure Centre compound and the River Avon is proposed to be constructed to move materials from the compound to the site on the east bank. A short Haul Road is proposed between the secondary compound on the west bank and the new bridge site. It is noted that limited detail has been provided within the application submission on the construction method, materials, or phasing of the temporary Haul Road within the wider construction programme. It is recommended (as further outlined below) that a GG119 Road Safety Audit is undertaken for the temporary Haul Road, particularly its access/junctions with the Evesham Leisure Centre access road and the Severn Trent Water access road.

150. In support of the original planning application submission, swept path analysis had been undertaken for construction vehicles accessing both the main and secondary compounds, although this was limited to left-in (main compound) and left-in left-out (secondary compound) movements only, undertaken by an articulated vehicle and a crane. The analysis showed that for both vehicle types accessing the main compound, the manoeuvres required to access the site could be undertaken within the confines of the existing carriageway. For the secondary compound, an articulated vehicle was shown to access from the west and exit to the east, with some limited over-running of the opposing lane on Pershore Road. The analysis for the secondary compound did not take account of on-street parking observed to occur on Pershore Road in the vicinity of the Severn Trent Water access road junction. The County Highways Officer accepts that during the construction phase, traffic management measures could include temporary parking restrictions on limited sections of Pershore Road proximate to the Severn Trent Water access road, as necessary. Any requirement to temporarily restrict on-street parking in the vicinity of the construction compounds access would be further outlined in a Construction Environmental Management Plan.

151. Whilst the County Highways Officer recognises that options for access to the proposed site and compounds are limited and would be temporary in nature, full swept path analysis should be provided as part of any Construction Environmental Management Plan/Construction Traffic Management Plan so that any necessary temporary accommodation or management measures can be identified. This should be secured by a suitable planning condition for a Construction Traffic Management Plan.

Pedestrian and Cycle Connectivity

152. The application proposes a shared-use path, measuring approximately 3 metre wide, which crosses the meadow on the eastern bank between the bridge deck/causeway and Evesham Leisure Centre, with an uncontrolled pedestrian crossing and cycle contraflow at its eastern-extent, where the shared-use path meets the Leisure Centre access road. A path is also proposed to connect the shared-use path to the existing river footpath, which can also be accessed via steps proposed to be provided from the bridge deck, just east of the river.

153. As part of the Taylor Wimpey residential development proposals at Boat Lane (District Council Refs: 18/00549/OUT and W/22/02308/RM) to the north of the footbridge application site, it is proposed to provide a connection measuring approximately 3-metres wide to the shared-use path on the eastern bank.

154. The application proposes to improve the southern section of the Severn Trent Water access road to provide dedicated pedestrian and cycle facilities between the bridge and Pershore Road. The application proposes to retain gated access on the Severn Trent Water access road for authorised vehicles only, via an initial gate just north of the private access on the eastern side of the Severn Trent Water access road (exact location to be confirmed at detailed design) and a secondary gate at Clarks Hill Rise Public Right of Way (pedestrian access to the Public Right of Way to be maintained).

155. On the western side of the Severn Trent Water access road, it is proposed to provide a shared-use path, measuring approximately 3.5 metres, connecting to Pershore Road, changing to a pedestrian footpath measuring approximately 2 metres wide and on-road cycle facility northbound on Severn Trent Water access road, just beyond the existing Severn Trent Water access gate.

156. Adjacent to Friars Mead, the access road is proposed to narrow and northbound vehicles would be required to give way to southbound traffic. Just north of Friars Mead, cyclists would be required to exit the carriageway onto a short section of shared-use path on the western side of the Severn Trent Water access road, before crossing over to the shared-use ramp on the eastern side of the Severn Trent Water access road, connecting the access road to the footbridge. A stepped access is also proposed between the Severn Trent Water access road and the existing river footpath on the western side of the river, which also connects to the shared-use ramp.

157. Cyclists travelling southbound on the Severn Trent Water access road would be required to use the on-road facility until just north of the existing Severn Trent Water access gate, where they would join a short, segregated cycle-only path on the eastern site of the Severn Trent Water access road. Cyclists would be required to

give-way at the Hampton Vicarage access and re-join the Severn Trent Water access road.

158. The County Highways Officer notes that the revised proposals for the Severn Trent Water access road do not include parking/waiting restrictions at the Pershore Road junction. However, there is potential for these to be included either as part of the development proposals at detailed design or implemented via the Pershore Road Toucan crossing scheme.

Proposed Development – Highway Safety

159. The County Highways Officer notes that a Stage 1 Road Safety Audit (RSA1) (dated May 2022) complying with the requirements of DMRB GG119 was undertaken and submitted in support of the previous development proposals (operational phase).

160. The revised development proposals comprise changes to the proposed pedestrian and cycle arrangements on the Severn Trent Water access road, proximate to its junction with Pershore Road and a proposed cycle contraflow on the east bank.

161. The County Highways Officer has confirmed that further road safety audits would be undertaken at the detailed design stage should planning consent be granted and include the modifications to the design of the Severn Trent Water access road.

Public Rights of Way

162. The County Highways Officer states that Department of Environment Circular 1/09 (part 7) explains that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and that the grant of planning consent does not entitle developers to obstruct a public right of way.

163. The legal routes of the two Footpaths: EV-581 (west bank) and EV-547 (east bank) would be obstructed by the bridge supports, as depicted by the 'Bridge Elevation and Plan' document. The County Highways Officer acknowledges the aspiration to divert the two Footpaths around the supports, as shown by the 'Public Rights of Way' plan, however, the diversions would require Public Path Order applications under Section 257 of the Town and Country Planning Act (TCPA) 1981. This process is distinct from the planning process and involves a separate public consultation. The County Highways Officer would strongly recommend that the path diversion process begins as soon as possible as the Highways Officer would want the diversions to be at 'Confirmed Order' stage before the existing routes are obstructed.

164. The applicant should also be advised that the off-ramps and feeder paths on either side of the bridge would connect to paths that are not currently Public Rights of Way (as recorded by the Definitive Map and Statement for Worcestershire).

165. It should be noted that, under section 34 of the Road Traffic Act 1988, any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a legal right to do so. The County Council is responsible for maintaining rights of way to a standard suitable for their usual public use. The County Highways Officer then states that the general obligations to Public

Rights of Way should be observed throughout construction and the lifecycle of the scheme. Where possible, the definitive line of public rights of way should be kept open and available for use throughout the construction phase. However, if Public Safety demands a temporary closure, application should be made at least 8 weeks in advance to the County Public Right of Way team.

Construction Traffic Management

166. The County Highways Officer accepts that once operational, the proposed development is unlikely to generate any regular or frequent vehicle trips, although some limited, infrequent vehicular movements may be required for maintenance. It is recognised that the proposed development is likely to have a beneficial impact on maximising the opportunity to travel by sustainable modes in Evesham.

167. No assessment of the forecast number and type of construction traffic movements has been provided in the Planning Statement or Draft Construction Environmental Management Plan previously submitted in support of the planning application. However, the County Highways Officer is satisfied that given the temporary nature of any construction traffic impact generated by the development proposals, it is reasonable that details of the likely volume of traffic movements and any temporary mitigation/traffic management measures necessary to safely accommodate construction traffic can be provided within any Construction Environmental Management Plan and/or Construction Traffic Management Plan, to be agreed with County Highways prior to works commencing.

168. The County Highways Officer notes that the Draft Construction Environmental Management Plan submitted in support of the previous proposals, commits to a review and completion of further detail prior to the commencement of works. The County Highways Officer requests that any updated Construction Environmental Management Plan contains a Construction Traffic Management Plan or is supported by a standalone Construction Traffic Management Plan, which should be secured by planning condition.

169. The County Highways Officer requires that the Construction Traffic Management Plan must include, but not be limited to:

- Quantification of construction traffic two-way movements, by vehicle type (including special or abnormal loads) and time of day throughout the construction phase of the development (including enablement works such as Haul Road construction) to each compound;
- Confirmation of construction traffic access routes;
- Detailed tracking assessments for all vehicle types requiring access to both compounds, performing all entry and exit manoeuvres at the compound access, Haul Road access/junctions and nearby highway junctions;
- Identification of any temporary works or traffic management measures required to safely accommodate construction traffic movements, including the removal and/or relocation of any street furniture and/or highway assets;
- Measures to ensure Public Rights of Way remain unobstructed;
- Measures to ensure that vehicles leaving the site/site compounds do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);

- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- Measures to ensure that large construction vehicles, including HGVs, generated by the development site do not pass each other on the Severn Trent Water access road;
- Details of any temporary construction accesses and their reinstatement;
- A highway condition survey, timescale for re-inspections, and details of any reinstatement; and
- Method(s) of any community engagement required, particularly if the temporary suspension of on-street parking is necessary along Pershore Road.

170. The applicant's attention is also drawn to DMRB GG119 Road Safety Audit, which outlines that any temporary traffic management and temporary changes to the highway not associated with the construction of a public highway scheme, and that last longer than 6 months, are physical changes to the highway and Road Safety Audit compliant with DMRB GG119 would be required. For the avoidance of doubt, any temporary changes or traffic management measures on the surrounding local road network (including connection of the temporary Haul Road) required to safely accommodate construction traffic access to the application site/ site compounds (which is not considered to be a scheme on existing public highway) and lasting longer than 6 months would also require a compliant Road Safety Audit.

Infrastructure Assets including Materials, Structures, Earthworks and Drainage

171. Prior to work commencing on site, Technical Approval would be required from County Highways as Technical Approval Authority in relation to infrastructure assets to be inherited by the Council and maintained at public expense (notably, but not limited to materials, pavement construction, structures, earthworks and drainage assets). A Construction Method Statement would be required as part of the submission to obtain Technical Approval.

172. Further details of the temporary Haul Road should also be submitted to County Highways as the Technical Approval Authority, including materials and construction method statement.

Lighting

173. A Lighting Assessment, as required by Worcestershire's Street Lighting Design Guide and preliminary lighting design has been submitted in support of the revised proposals. However, the County Highways Street Lighting Team requests that a lighting options assessment is provided for the bridge and steps to ensure the preferred solution minimises impacts on sensitive ecology and future asset maintenance requirements.

174. The County Highway Authority is satisfied that lighting requirements can be refined and agreed through the detailed design process, secured by appropriately worded planning conditions.

175. **The County Footpaths Officer** has no objections to this proposal. The County Footpaths Officer state that Evesham Parish Footpaths EV-581 and EV-547 are affected by this development. The legal routes of the two Footpaths; EV-581 (west

bank) and EV-547 (east bank) would be obstructed by the bridge supports, as depicted by the 'Bridge Elevation and Plan' document.

176. The County Footpaths Officer acknowledges the aspiration to divert the two footpaths around the supports, as shown by the 'Public Rights of Way' plan but the diversions would require Public Path Order applications under Section 257 of the TCPA 1981. This process is distinct from the planning process and involves a separate public consultation. The County Footpaths Officer would strongly recommend that the path diversion process begins as soon as possible as we would want the diversions to be at 'Confirmed Order' stage before the existing routes are obstructed. The applicant should note that the off ramps and feeder paths on either side of the bridge would connect to paths that are not currently Public Rights of Way (as recorded by the Definitive Map and Statement for Worcestershire). It should be noted that, under section 34 of the Road Traffic Act 1988, any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. Worcestershire County Council is responsible for maintaining rights of way to a standard suitable for their usual public use.

177. The County Footpaths Officer stresses that the above points are noted and the following general obligations to Public Rights of Way are observed:

- The Public safety of those using the right of way must be ensured at all times.
- There must be no diminution in the width of the rights of way available for use by the public.
- Building materials must not be stored on the rights of way.
- Vehicle movements and parking are to be arranged so as not to unreasonably interfere with the public's use of the rights of way.
- No additional barriers are to be placed across the rights of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.

178. Where possible, the definitive line of public rights of way should be kept open and available for use throughout the construction phase. However, if Public Safety demands a temporary closure, application should be made at least 8 weeks in advance to The Public Rights of Way Mapping Team at Worcestershire County Council. The applicant should note the NPPF which states that "*...planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails*".

179. The applicant should also be aware of the Department of Environment Circular 1/09 (part 7) which explains that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and that the grant of planning consent does not entitle developers to obstruct a public right of way. The County Footpaths Officer would recommend that Public Rights of Way, potentially affected by planned works, are clearly designated on all associated planning maps, diagrams or schematics as a matter of course.

180. The Definitive Map is a minimum record of public rights of way and does not preclude the possibility that unrecorded public rights may exist, nor that higher rights may exist than those shown.

181. **Avon Navigation Trust** have no objections to this proposal. They state that the design of the bridge shows that the navigation width and headroom requirements have been factored into the design. Avon Navigation Trust would like it noted that under the statutory powers of Avon Navigation Trust, any works that may affect the navigation, in, over, under, across or near to (within 4 metres) of the navigation, must have consent from Avon Navigation Trust.

182. This consent must be obtained before any works within the above criteria are started. Therefore, before any works can start either the Worcestershire County Council or the main contractor would need to apply for a Works Consent from Avon Navigation Trust. This is a legal requirement. The consent application can take up to 12 weeks to process therefore this timescale should be taken into consideration to ensure that consent has been granted before works are planned to start.

183. Also, the main contractor would need to apply for a Contractors Permit from Avon Navigation Trust. This should be applied for at the same time as applying for the Works Consent.

184. **Sustrans** no comments received.

185. **Cycling UK, Push Bike and Ramblers Association** have no adverse comments on this proposal.

186. Cycling UK, Push Bike and Ramblers Association originally sought clarification whether the bridge and associated cycleways would be fully compliant with Local Transport Note 1/20, 'Cycle Infrastructure Design' published by Department for Transport in July 2020 (LTN 1/20) They also sought clarification as to whether onward routes would be provided or are planned to be provided to the other areas residential areas in Evesham, otherwise the bridge would be pointless. Cycling UK, Push Bike and Ramblers Association were specifically interested in having information on whether an LTN 1/20 compliant link would be provided to link up to the Red Lane bridleway and NCN 442.

187. Cycling UK, Push Bike and Ramblers Association were disappointed that they were not consulted much earlier in project development and that there was no more involvement from local active travel user groups including ones such as Cycling UK and Ramblers Association.

188. Cycling UK, Push Bike and Ramblers Association are keen to make sure that scarce taxpayers money is not invested on substandard schemes that fail to provide an active travel opportunities that would encourage modal shift.

189. In response to the consultation on additional information provided by the applicant, Cycling UK, Push Bike and Ramblers Association state that based on attendance at a previous virtual meeting and subsequent clarifications from the applicant's consultants, they are pleased to confirm that they have no adverse comments to make on the planning application.

190. **Cycle Evesham Vale** are fully supportive of the plans to build a pedestrian and cycle bridge linking Hampton and Evesham. However, they provide feedback to improve and refine the current plans and help ensure that the right bridge in the right place with the right connections for current and future needs has been provided.

191. Cycle Evesham Vale state that they posted the current bridge proposal on their Facebook page and received a high level of engagement – 1,207 views, 506 opened the link, 18 likes, 20 shares and 11 comments. As such Cycle Evesham Vale represent a strong voice of both cyclists and the community as a whole.

192. Cycle Evesham Vale state that this response has been collated following discussion with officers at public engagement events, with members of Cycle Evesham Vale and with other local stakeholders.

193. Cycle Evesham Vale is 100% in support of a traffic free route from Hampton to Evesham for both cyclists and pedestrians. Cycle Evesham Vale are very excited to see that this bridge offers a direct and safe route to and from Evesham town centre for the increasing number of Hampton residents which would hopefully attract residents into travelling more actively and with less impact on the environment. Having visited both presentations as part of the public engagement exercise.

194. Cycle Evesham Vale comment that the bridge width currently shows it at 3.5 metres which is concerning as it is less than the recommended 4.5 metres in the LTN 1/20 guidelines (Para 6.5.7) in order to provide sufficient space for both pedestrians and cyclists. It is not clear whether this is segregated or fully shared use. Cycle Evesham Vale understand the bridge is not being funded by the Department for Transport so maybe this is why there is no obligation to adhere to the guidance, however they feel very strongly that the width needs to comply with the LTN 1/20 guidelines. A 4.5 metre width would also “future proof” the bridge should cycle lanes have laws attached to them to remain viable. Cycle Evesham Vale would hate for the bridge to be closed to one type of user in the future due to it not being built wide enough at the onset. Therefore, it is better to get it right first time.

195. Cycle Evesham Vale note that the original feasibility study of June 2020 had a 70-metre east approach ramp allowing access directly to the existing river towpath for all users. The design shown at the public engagement exercise now has a causeway on the east approach pushing wheeled traffic (cyclists, buggies/prams and wheelchair users) a considerable distance away from the riverside and towards the leisure centre and new Taylor Wimpey housing estate (planning application pending decision with Wychavon District Council (District Council Ref: W/22/02308/RM)). This seems a long and inconvenient diversion for wheeled users who wish to access the Evesham meadows and to continue along the riverside traffic free to either the town centre or to the Worcester Road commercial areas to the north of the town. Cycle Evesham Vale acknowledge that there is a return route connecting the end of the causeway back to the riverside path, but this is not LTN 1/20 compliant as it is not coherent or direct. The lack of a connection to the riverside path seems like a huge loss as the bridge would only serve those who are continuing on into town.

196. At the public engagement Cycle Evesham Vale were told by a Jacobs representative that one reason for the ramp to causeway change was to be compliant with the new LTN 1/20 guidance in terms of bridge gradient. Surely therefore the

bridge must be built “fully compliant” to LTN 1/20 in all aspects rather than just for its gradient i.e. make the width 4.5 metres as mentioned above.

197. It is not clear on the design what is in place for wheeled traffic to get through the new Taylor Wimpey estate from this causeway. Cycle Evesham Vale would like to know whether Taylor Wimpey are aware/engaged with providing a link within/through their development. Their design plan seems to have an “attenuation pond” in this location and only small footpaths around the pond but no access onto their roadways from the bridge. There are also no cycle lanes shown on their plans. On the bridge proposal, there are north and south arrows on map 2 and a small right-angled link drawn eastwards indicating something would go into this new residential estate, but it is not clear what this is.

198. Furthermore, Cycle Evesham Vale state that the bridge design includes a pedestrian and cyclist crossing on Pershore Road, but it is not clear how this connects to the new housing development in Hampton, especially since the developers are largely funding it. What road and/or path improvements would be put in place for Hampton residents to have a safer, clear and complete route onto the bridge from the development.

199. Under the “proposals” section there is a small paragraph entitled “Construction” which mentions impacts on the environment and residents nearby. However, it does not mention that the bridge would be built on a flood plain and the possibility of flooding during construction. Contingency plans need to be put in place so the build is neither delayed nor become more expensive should flooding happen during construction. Contractors should be aware of this and predict issues. In addition, there should be contingencies built into contracts should there be a problem post-build. They do not want a repeat of these 3 issues which the town experienced when the Abbey Bridge and its viaduct were built. They feel that lessons should be learned from what happened with this project which is less than 1 mile away. For example, the drainage failure on the east side of this viaduct still has not been rectified causing cyclists and pedestrians considerable problems in wet weather.

200. Cycle Evesham Vale would welcome the opportunity to discuss this feedback. Cycle Evesham Vale would like to work with Worcestershire County Council to see these exciting plans come to fruition.

201. Cycle Evesham Vale have been consulted on the revised plans but did not provide any response.

202. **The Open Space Society** no comments received.

203. **Focus Environmental Consultants (on behalf of the County Ecologist)** have no objections to this application on ecology grounds subject to imposition of appropriately worded conditions relating to an invasive non-native species method statement, a Biodiversity Net Gain Management and Monitoring Plan and a Maintenance Environmental Management Plan, ground-based tree assessments, a Method Statement detailing an exclusion and trapping exercise for reptiles, mitigation measures in relation to mammals, birds and fish, a Fish Rescue Method Statement and a Landscape and Ecological Management Plan.

Ecology:

204. Habitats within the site are noted to be of ecological value with some to be lost as part of the development. It is noted that as part of the landscape design, a biodiversity net gain would be achieved and would further ensure that connectivity between existing and retained habitats is maintained long-term.

205. The update species surveys undertaken at the site are welcomed and appropriate mitigation measures and enhancement recommendations have been set out within the corresponding survey reports.

Habitats:

206. The 2023 Habitat Survey Factual Report sets out a detailed habitat survey for the entirety of the site using the UK Habitat Classification methodology. This is a welcome level of detail and provides sufficient clarity on habitat types within the site to be affected by the development.

207. There is inadequate assessment on the potential impacts on the Local Wildlife Sites within the site boundary (River Avon and Clark's Hill). However, the mitigation measures set out within the Ecological Impact Assessment are considered robust enough to avoid any adverse effects on the River Avon, whilst the Biodiversity Net Gain assessment report sets out sufficient measures to mitigate the effects of habitat removal within Clark's Hill Local Wildlife Site.

208. Himalayan balsam was recorded on site during the UK Hab survey undertaken by TACP in 2023 and recommendations for an invasive non-native species method statement were included within the 2023 Habitat Survey Factual Report. An invasive non-native species method statement can be secured by way of an appropriately worded condition.

209. The Biodiversity Net Gain report details a 41.89% net gain of habitat units and a 11.06% net gain of hedgerow units, which is welcomed. Trading rules have been satisfied with the inclusion of the same level or higher distinctiveness habitats as part of the proposed landscape design. A Biodiversity Net Gain Management and Monitoring Plan and a Maintenance Environmental Management Plan can be secured to cover a 30-year period following habitat creation/enhancement by way of condition.

Bats:

210. A ground-based assessment of trees has been undertaken in all areas of the site, where feasibly accessible. Some limitations within the woodland (Parcel 30) on the western side of the River Avon remain, where ground vegetation was too dense to allow full access to potential roost features. Any trees to be lost as part of the development which are considered suitable for roosting bats would need to be assessed prior to removal. Pre-commencement ground-based tree assessments can be secured by way of condition, to cover those trees which were considered to have potential.

211. Bat transect surveys were updated between August 2022 and October 2022 and again between April 2023 and July 2023, in line with guidance available at the time of survey. The survey results indicate that the River Avon is an important corridor, along both sides of the river, for foraging and commuting bats. Combining the results of the surveys undertaken in 2021 and 2022/2023, a total of nine species of bat have been detected within the application boundary (including the lesser horseshoe bat, which is an Annex II species).

212. The list of species within the 2023 report does not correspond with the species illustrated on the associated maps (for example, Nathusius' pipistrelle is illustrated on one of the bat survey maps but not listed within the report text). However, the mitigation measures set out in relation to bats, including the updated lighting strategy, are considered sufficient to mitigate the impacts of the proposed development without the need to update this bat survey information.

213. An updated lighting strategy has been submitted following the additional information request. It is noted and welcomed that the strategy includes a higher level of detail as to the strategies proposed to mitigate the potential impact upon bats using the River Avon. This is of particular relevance to lesser horseshoe bats which are a notably light-sensitive species. It is noted that the light levels are now in line with Bat Conservation Trust/Institution of Lighting Professionals Guidance Note 8 (2023).

Reptiles:

214. An updated reptile survey was undertaken in 2023 following the granting of access to an area previously restricted (land adjacent to Evesham Leisure Centre). No reptiles were recorded within this area during the 2023 surveys, and the previous recommendations of the report still stand.

215. A Reptile Receptor Site Visit report has been produced and outlines the receptor areas, including enhancement, for the translocated population of reptiles present on the western bank of the site. It is noted that the report includes management recommendations for the enhancement of the receptor site.

216. As recommended within the Ecological Impact Assessment, a Method Statement detailing an exclusion and trapping exercise would need to be prepared prior to the commencement of construction activities at the site. This can be secured by way of condition.

Amphibians:

217. The Ecological Impact Assessment states that *'it is considered unlikely that great crested newt could be present within the site or access the site due to limited connectivity...'*. It is noted that there is suitable terrestrial habitat at the site but there is no suitable aquatic habitat. Any mitigation measures to be undertaken for other protected species (such as reptiles) would protect common amphibians within the site. Suitable habitats for amphibians to be created as part of the Biodiversity Net Gain Assessment are welcome.

Badgers:

218. The updated surveys undertaken in 2023 confirmed no setts and no evidence of badger on site. It is noted that the previously recorded potential badger hole on the western bank next to the footpath has been surveyed further, following flailing activity in 2022, and no evidence of badgers or setts were found. The site is considered suitable for foraging badger. Mitigation measures for badgers following potential construction impacts would be set out as part of a Construction Environmental Management Plan, which can be secured by way of a condition.

Other mammals:

219. No evidence of hazel dormice has been found during survey work undertaken for this species at the site. Evidence of otter has been recorded on the banks of the

river during survey work, and it is considered likely that the site supports hedgehogs. Suitable mitigation measures have been detailed within the Ecological Impact Assessment. For those recommendations to form an enforceable part of the planning permission, a condition would need to be applied to any permission given to this application.

Birds:

220. A marsh harrier was purportedly observed during the initial site survey. The marsh harrier is a Schedule 1 species (as listed on the Wildlife and Countryside Act, 1981 (as amended)). The update 2023 Ecological Impact Assessment states that no suitable breeding habitat is present at the site and no nesting activity or behaviour other than flying and perching was recorded.

221. On-site vegetation including scrub and woodland offers foraging and nesting opportunities for a range of common bird species. Vegetation clearance activities would need to be timed to avoid the bird nesting season (March - August) inclusive. Suitable mitigation measures have been detailed within the Ecological Impact Assessment. For those recommendations to form an enforceable part of the planning permission, a condition should be applied to any permission given to this application.

Fish:

222. Mitigation measures set out within the Ecological Impact Assessment and the Statement to Inform an Appropriate Assessment are welcomed, and it is noted that measures for both sensitive timing and construction have been included. Details of mitigation measures can be secured by way of condition of an updated Construction Environmental Management Plan prior to commencement of construction.

223. As part of the mitigation measures set out in the Ecological Impact Assessment and Statement to Inform an Appropriate Assessment, a Fish Rescue Method Statement is recommended to avoid potential impacts during flood events and would also include enhancement measures for the fish refuge to the south-east of the Site. This can be secured by way of Condition.

Landscaping:

224. Landscaping plans have been produced, which show clear opportunities to incorporate new planting (species-rich grassland, flood compensation areas, tree, and woodland edge mixes) into the scheme. Details on how this would be achieved, along with an appropriate management regime would be critical for securing the long-term future of new, and existing / retained habitats and features of Ecological Importance. This can be secured by way of condition for a specific Landscape and Ecological Management Plan.

Construction Environmental Management Plan:

225. A draft Construction Environmental Management Plan has been produced and submitted as part of this application. The Construction Environmental Management Plan would require updating prior to commencement of construction, which can be secured by way of Condition. It is noted that this document would be a working document to allow flexibility in slight change of construction methods, if necessary. The ecology information set out within the Statement to Inform an Appropriate Assessment and within the Ecological Impact Assessment is sufficient to inform the planning decision.

Fish Rescue Method Statement

226. In relation to the submitted by the applicant Fish Rescue Method Statement, Focus Environmental Consultants state that it is a comprehensive stand-alone document to be referred to in the case of a flood event. A suitably worded planning condition should be included to ensure that works are carried out in accordance with the Fish Rescue Method Statement.

227. Focus Environmental Consultants state notes that details of the fish embargo period are set out in this document, and this is welcomed. It is noted and welcomed that an Ecological Clerk of Work during the salmonid spawning period is referenced (typically 1st October to 14th January inclusive).

228. It is noted and welcomed that a variety of methods have been set out in this document which would be determined on a case-by-case basis following a case-specific risk assessment. The inclusion of applying for appropriate consents and authorisations where necessary (over and above discharge consents) is welcomed. It is also noted that specialist consultants would be consulted on the proposed fish rescue method, if required. A post-flood event review has been included, either by a suitably qualified ecologist or a specialist consultant, which is welcome.

229. Focus Environmental Consultants state that the document makes it clear which pools would be suitable for electrofishing and that this method would be used on a case-by-case basis following an event specific risk assessment.

230. Focus Environmental Consultants accept that enhancement measures for the fish refuge immediately adjacent to the site boundary is not possible as part of this application, as the fish refuge is outside the site boundary and land ownership.

Habitats Regulations Assessment:

231. Focus Environmental Consultants on behalf of the County Planning Authority as the competent authority, have carried out a Habitats Regulations Assessment screening assessment to identify whether the proposal would result in likely significant effects upon European sites. The Habitats Regulations Assessment screening assessment concludes that impacts from non-toxic contamination and water quality could result in a likely significant effect on the Severn Estuary Ramsar/Special Protection Areas/Special Area of Conservation. Therefore, these effects require further consideration at the Habitats Regulations Assessment Appropriate Assessment stage to determine whether, in light of any mitigation and avoidance measures, they would result in adverse effects on the integrity of the above site, either alone, or in combination with other plans and projects.

232. Focus Environmental Consultants on behalf of the County Ecologist have carried out a Habitats Regulations Assessment Appropriate Assessment, which concludes that taking into account both the distance between the scheme and the European sites, and the temporary and isolated / intermittent nature of the likely significant effects, subject to the proposed mitigation measures outlined in the draft Construction Environmental Management Plan, Statement to Inform an Appropriate Assessment, Environmental Impact Assessment and Fish Rescue Method Statement are implemented, it can be concluded that an adverse effect on the integrity of the qualifying features of a European sites would be avoided as a result of the scheme or in-combination effects with other plans and projects.

233. **Wychavon District Council's Landscape and Natural Heritage Officer** has no objection on ecology grounds to this proposal, subject to the imposition of conditions relating to landscape, lighting, Construction Environmental Management Plan and Landscape and Ecological Management Plan conditions.

234. Wychavon District Council's Landscape and Natural Heritage Officer comments that the Ecological Impact Assessment and various documents submitted with this application make appropriate recommendations to address any ecology related concerns.

Lighting:

235. Wychavon District Council's Landscape and Natural Heritage Officer notes that the lighting design includes measures which reduce impacts on bats. Wychavon District Council's Landscape and Natural Heritage Officer wonders if there is any scope to reduce impacts even further as highly light sensitive bat species, such as barbastelle and lesser horseshoe bat have been recorded both during the 2019 and 2021 surveys. Wychavon District Council's Landscape and Natural Heritage Officer asks whether there is any scope to use red lighting in the most sensitive areas, i.e. across the river corridor, for example. This may well have been discussed with the County Ecologist already and Wychavon District Council's Landscape and Natural Heritage Officer defers to his expertise on this. In any case, Wychavon District Council's Landscape and Natural Heritage Officer would recommend that monitoring surveys are carried out post construction to evaluate the impact on local bat populations and inform the need for necessary adjustments.

Reptiles:

236. Wychavon District Council's Landscape and Natural Heritage Officer notes that a number of sites in relatively close proximity to the site have been put forward as receptor sites for reptiles. Wychavon District Council's Landscape and Natural Heritage Officer asks whether any of the assessments / subsequent reptile surveys have been undertaken to help make a judgement on their suitability and ensure that appropriate enhancement measures are put in place ahead of the start of the project.

Mitigation / enhancement:

237. Wychavon District Council's Landscape and Natural Heritage Officer has not checked the proposed landscape scheme but would recommend that it is designed to ensure continuous cover for bats is provided along the river corridor. Wychavon District Council's Landscape and Natural Heritage Officer is pleased to see that a range of enhancement suggestions are included in the Ecological Impact Assessment, which can hopefully all be included in the scheme, with further details provided in the Landscape and Ecological Management Plan.

238. In response to the consultation on additional/revised information, Wychavon District Council's Landscape and Natural Heritage Officer states that submitted information is sufficient to address their previous concerns.

239. **Natural England** have no objections to this proposal subject to mitigation measures mitigating the impact of this development on the Severn Estuary Special Area of Conservation and Ramsar are secured through planning conditions. These measures include mitigation specified in the Construction Environmental Management Plan, the Ecological Impact Assessment and the Statement to Inform an

Appropriate Assessment, a production of Fish Rescue Method Statement and the employment of an Ecological Clerks of Works.

Mobile species and 'functionally linked land'

240. Natural England state that Special Areas of Conservation are designated for rare and vulnerable habitats and species, whilst Special Protection Areas are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats may be used by Special Protection Areas / Special Areas of Conservation populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining Special Protection Areas / Special Areas of Conservation species populations, and proposals affecting them may therefore have the potential to affect the European site.

241. It should be noted that some of the potential impacts that may arise from the proposal relate to the presence of (Special Areas of Conservation / Ramsar Site) interest features that are located outside the site boundary. The relevant species are migratory fish designated as part of the Severn Estuary Special Areas of Conservation and Ramsar Site. The recent judgement (Case C-461/17 Holohan v An Bord Pleanála 7/11/18) highlighted the importance of consideration, as part of the Habitat Regulatory Assessment, of potential implications for relevant habitat types and species outside the boundaries of European designated sites, those implications being liable to affect the conservation objectives of the site. Natural England advise that the potential for offsite impacts should be considered in assessing what, if any, potential impacts the proposal may have on European sites.

Habitats Regulations Assessment

242. In relation to Habitat Regulatory Assessment screening assessment, Natural England state that they welcome the production of report to check for the likelihood of significant effects on the Severn Estuary Special Protection Areas / Special Areas of Conservation / Ramsar site.

243. Natural England note the Habitat Regulatory Assessment screening assessment does not include consideration of the potential impacts on the Severn Estuary migratory fish species. The Severn Estuary migratory fish species, subject to obstacles to their passage, travel upstream through the River Severn and its tributaries, spending part of their life cycle in the wider Severn hydrological catchment. Natural England note that Table 9 – Fish species with records within 2 kilometres of the site (NBN Atlas, 2021) in the Ecological Assessment Report (May 2022) include records of European Eel, Sea Trout and Brook Lamprey.

244. The County Planning Authority may wish to amend the Habitat Regulatory Assessment screening report to include migratory fish theme. Natural England are a statutory consultee at the appropriate assessment stage of the Habitat Regulatory Assessment process. Natural England require to be consulted on the Appropriate Assessment stage.

245. In relation to the consultation on additional/amended information, Natural England state that, the application could have potential significant effects on Severn Estuary Special Area of Conservation, Special Protection Area and Ramsar Site. Natural England require further information in order to determine the significance of these impacts and the scope for mitigation.

246. In response to the Habitat Regulatory Assessment Appropriate Assessment, Natural England comment that the Appropriate Assessment concludes that Worcestershire County Council as a responsible authority is able to ascertain that the proposal would not result in adverse effects on the integrity of the Severn Estuary Special Area of Conservation and Ramsar. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advise that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

247. Natural England further advise that to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- Mitigation measures should be in line with the Construction Environmental Management Plan, the Ecological Impact Assessment and the Statement to Inform an Appropriate Assessment.
- A fish rescue method statement to be secured via condition to mitigate against potential impacts of a flood event on the migratory fish species.
- The employment of an Ecological Clerk of Works during the construction phase to avoid any impacts on the migratory fish species of the River Avon and Severn Estuary Special Area of Conservation /Ramsar.

248. Natural England have no specific comments to make in relation to the applicant's Fish Rescue Method Statement.

249. **Worcestershire Wildlife Trust** have no objections to this proposal, subject to the imposition of conditions relating to lighting, sustainable drainage scheme, Construction Environmental Management Plan and Landscape and Ecological Management Plan.

250. Worcestershire Wildlife Trust note the contents of the various associated documents and in particular the findings and recommendations set out in the Ecological Impact Assessment. Worcestershire Wildlife Trust also note that the bridge spans the River Avon Local Wildlife Site and may have impacts on both bankside vegetation and the capacity for wildlife to move along the watercourse and its associated corridor. The wider works may also lead to adverse impacts on the Clark's Hill Local Wildlife Site.

251. Worcestershire Wildlife Trust state that mitigation and compensation for works within Local Wildlife Site would usually be expected to deliver 4:1 (by area) habitat enhancement in recognition of the high importance of the sites and complexities inherent in creating replacement habitats. While there is welcome information regarding mitigation set out in the application documents there appears to be relatively little on biodiversity enhancement and so additional information on losses and gains, perhaps using the Biodiversity Net Gain metric to provide clarity, would be helpful. Worcestershire Wildlife Trust would welcome the chance to discuss this matter in more detail with the council and applicants if that would be helpful.

252. Worcestershire Wildlife Trust continue to state that it seems likely that there would be considerable potential for biodiversity net gain in the flood compensation

areas that will be required. This should be fully worked up so as to deliver complementary environmental benefits wherever possible.

253. In terms of proposed mitigation Worcestershire Wildlife Trust welcome the commentary set out in the Ecological Impact Assessment. However, Worcestershire Wildlife Trust recommend that more details regarding silt management is included. The proposals require considerable earthworks with the potential for some of these to mean working below the water table, so control of pumped-out water and any silt mobilized would be essential. In addition, Worcestershire Wildlife Trust recommend working up further details on control of light spill from the column lighting on the approaches to the bridge, especially in relation to bats.

254. Contingent on the various ecological issues being effectively dealt with and provided that appropriate steps are taken in line with the documents mentioned above to mitigate for ecological impacts, protect nearby ecological features and prevent pollution during construction Worcestershire Wildlife Trust do not think that there would be any overriding ecological constraints and Worcestershire Wildlife Trust do not wish to object to the application. However, in order to protect and enhance biodiversity and to meet planning policy expectations and the Council's legal obligations, Worcestershire Wildlife Trust would strongly recommend that the County Planning Authority append the following conditions:

- Construction Environmental Management Plan – to include protection for retained ecological features and prevention of pollution during construction, especially in relation to any direct harm, runoff or silt mobilisation, noise, extraneous light or dust risks to the Local Wildlife Sites, nearby habitats, retained trees and hedgerows. Appropriate consideration for protected species would also be needed.
- Lighting – To ensure that the development, both during construction and once operational, does not cause harm to nocturnal wildlife using the River Avon Local Wildlife Site, and commuting to and from nearby habitats.
- Sustainable drainage – to ensure that long-term drainage of the site does not cause harm to receiving waterbodies or nearby habitats and delivers biodiversity enhancements in line with good practice guidance.
- Landscape and Ecological Management Plan – to include biodiversity enhancement in line with planning policy and recommendations in the submitted Ecological Impact Assessment, together with long term management of that enhancement where required. The Landscape and Ecological Management Plan here would be an essential consideration in delivering policy compliant development and so the relevant condition should be carefully worded and robustly enforceable.

255. In response to the consultation on further information submitted by the applicant, Worcestershire Wildlife Trust comment that in light of the commentary set out in the application documents, including the recent updates, they do not wish to object to the proposed development. Worcestershire Wildlife Trust are content to defer to the opinions of the County Council's Ecologists for all on-site biodiversity considerations and refer the County Planning Authority to their previous submissions for recommended conditions.

256. **The Environment Agency** have no objections to this proposal, subject to the imposition of conditions relating to flood storage compensation and limits on structures within floodplain.

257. The Environment Agency originally commented that based upon the Flood Map for Planning the development site falls within Flood Zone 3 and is at high risk of flooding from the River Avon (Main River). The area is also designated a Local Wildlife Site.

Flood Risk Assessment

258. The Environment Agency state that the Flood Risk Assessment identifies that the majority of the proposed development is located in Flood Zone 3. The Flood Risk Assessment states that the vulnerability classification is 'essential infrastructure' according to the NPPF Technical Guidance, and find the above conclusions to be acceptable, regarding the Flood Zone and Vulnerability definitions.

Design Flood Level

259. The Environment Agency comment that they would expect the bridge to be designed with a soffit level no lower than the modelled 1 in 100 year (1% Annual Exceedance Probability (AEP)) flood level plus an appropriate allowance for climate change. This is known as the Design Flood Level.

Hydraulic modelling

260. The Environment Agency note from the Flood Risk Assessment that detailed hydraulic modelling has been undertaken to support the Flood Risk Assessment. The modelling is derived from the existing River Avon hydraulic model by Halcrow and JBA (2010). The modelling undertaken in support of the Flood Risk Assessment provides the 1% AEP flood level of 24.17 metres Above Ordnance Datum (AOD), which includes a 32% climate change allowance. This is in line with our most recent climate change guidance which was published in August 2021. The Environment Agency therefore consider that 24.17 metres AOD should be taken as the Design Flood Level.

Bridge soffit level

261. The Flood Risk Assessment state that the soffit level of the bridge is proposed to be set at a level of 26.0 metres AOD. This provides a freeboard allowance of around 1.8 metres. The highest historic flood level and the 0.1% Annual Exceedance Probability flood level are around 24.35 metres AOD. The Environment Agency note that the proposed soffit level still provides more than 1.5 metres of freeboard above these levels.

262. The Environment Agency note from the Flood Risk Assessment that the soffit is at a lower level of 24.5 metres AOD at the eastern abutment where it slopes down to join elevated cycle and walkway access, which is still elevated above the flood levels.

Impact on flood risk

263. A hydraulic modelling report, entitled Hampton Evesham Initial Modelling Results Technical Note by Burroughs (2021) was submitted to support the Flood Risk Assessment. The report concludes that any water level rises as a result of the development are predicted to be negligible, stating that the difference in flood levels is estimated to be within 0.01 metres. This does not take into account the loss of

floodplain storage as a result of the development, or the proposed floodplain storage compensation scheme.

264. In summary, the Environment Agency are satisfied that the Flood Risk Assessment demonstrates that there would be no significant impact on flows and no increase in flood risk elsewhere.

Floodplain storage compensation

265. Section 2.3 of the Flood Risk Assessment sets out that the proposals entail ground raising in some locations to facilitate ramped access arrangements, thus resulting in some loss of floodplain storage. Section 4.6 of the Flood Risk Assessment sets out a floodplain storage compensation scheme. The Environment Agency note that it is acknowledged that the floodplain storage compensation scheme is based on a volume for volume arrangement only. The Flood Risk Assessment indicates that it was not possible to provide level for level compensation because of the topography of the site and limited space available.

266. The floodplain storage compensation scheme sets out that the volume of floodplain storage provided is 900 cubic metres compared to 620 cubic metres floodplain storage lost as a result of the scheme. Given that the overall impact on third parties regarding flood levels as a result of the development have been shown to be negligible. The Environment Agency consider that the Flood Risk Assessment includes appropriate mitigation proposals with regard to the loss of floodplain storage.

267. The Environment Agency advise that any new works within the channel and any storage of materials within its floodplain or within 8 metres of the top of the bank of the Main River would require a Flood Risk Activity Permit. They recommend the applicant contact the Environment Agency to consult on this further.

Geomorphology

268. The Environment Agency have no objection to the current application in terms of geomorphology. The current application would appear to maintain good conveyance both beneath the main bridge and across the functional floodplain. This is important as any obstruction to flows in the wider floodplain has the potential to cause increased erosion and scour within the river itself. The elevated viaduct design of the bridge and the elements in the floodplain allow close to a full floodplains width of flow which reduces the risk of fluming/constriction of flows as well as any local flood risk.

269. The Environment Agency recommend that the construction of the footings for the main abutments for the arch bridging the River Avon should seek to minimise any weakening of bank integrity/resilience immediately adjacent to the river. This is important in terms of the riverbank habitat and continuity and in terms of the resilience of the footings and foundations of the bridge structure itself.

Wet Habitat

270. The Environment Agency comment that it is good to see that opportunities have been proposed to create new wet habitat. For the creation of the wet meadows in the flood compensation areas, we would recommend planting of native emergent vegetation (such as flag iris, sedges, rushes, etc) and native wet grassland seed mix.

Protected Species

271. The Environment Agency are pleased to see that all mitigation has been considered (including ensuring there is an Ecological Clerk of Works on site, covering any excavations, restrictions on night working, timings of the works etc.) to avoid any potential damage to protected species in the area.

Informative - Otters

272. The Environment Agency recommend that the applicant ensures that on the handrail of the bridge, there is a bar spacing of 150 millimetres plus to allow free passage of adult otters and to ensure they do not become trapped.

Enhancements

273. The Ecological Impact Assessment outlines good enhancement options, and the Environment Agency very much encourage you to follow all of those listed, wherever practicable. The Environment Agency recommend the reinstating of a pond and creation of habitat piles to the west of the River.

274. The Environment Agency state that it is disappointing that 13 individual trees (including 4 moderate quality trees) and a section of one hedgerow would be removed. These should be replaced on a 1 to 5 ratio with only native species of local provenance.

Biosecurity

275. The Environment Agency are pleased to see that Invasive Non-Native Species have been considered following our previous comments. However, the Environment Agency would like to ensure that clear biosecurity instructions (including carrying out strict 'Check, Clean and Dry' policies) are adopted in the Invasive Non-Native Species Management Plan.

Biodiversity Net Gain

276. Although Biodiversity Net Gain is not currently a requirement, the applicant makes reference to the submitted Biodiversity Net Gain assessment. The Environment Agency notice that there are several plans for engineering on the riverbanks and riparian zone which would require the Biodiversity Net Gain encroachment matrix to be applied. To compensate for the works in the riparian zone the Environment Agency recommend setting the outfall headwall back which would serve a number of benefits including:

- By setting back the headwall from the bankside this would likely decrease erosion and as such the maintenance required on the headwall.
- By setting back the headwall from the bankside there would be less encroachment in the Biodiversity Net Gain metric and therefore less impact.
- The creation of a swale from the headwall to the river Avon could be considered. This would act as a backwater feature increasing river habitat benefits and improve the river condition assessment. The swale would also help to filter out any nutrients meaning there will be cleaner water quality entering the River Avon.

277. The Environment Agency also note the conclusions of the above referenced Biodiversity Net Gain assessment that the proposed scheme would have an expected positive effect on local biodiversity. The Environment Agency welcome the reference

to a management, monitoring, and maintenance plan to be submitted at the detailed design stage.

Fish

278. Section 7.1.34 of the Amended Ecological Impact Assessment in relation to fish states that *“The potential indirect construction impacts would be mitigated through the implementation of the general construction measures detailed in Section 7.1.1, as well as the implementation of an embargo period (January 15th to June 15th).”* In the Environment Agency’s previous comments (dated July 2022), they state that this watercourse is of cyprinid designation and that activities are required to be undertaken outside of the period of 15th March to 15th June, recognising the inclusion of this and agreeing with the updated embargo period included.

279. Alternatively, Section 5.1.24 of the Amended Ecological Impact Assessment in relation to fish states that *“The opportunities for fish are abundant within the Site due to the River Avon bisecting the site. There are a number of records of migratory fish, which is also supported by the presence of recreational fishing at times of the year indicative of use by migratory cyprinid fish. Additionally, the fish refuge is specifically engineered to provide opportunities for young migratory species. As such the Site is considered to have Regional importance for fish.”* The existing fish refuge on the Eastern boundary of the River Avon located near the site has been poorly maintained post construction. This has resulted in report of a fish mortality in 2022, contradicting the above statement and regrettably potentially limiting opportunities for young migratory species. The Environment Agency recommend that this is better maintained in order to prevent further fish mortality.

280. In response, to the above comments, the applicant submitted the Fish Rescue Method Statement which covers the above comments. In relation to that, the Environment Agency has no further comments to make.

Habitat Risk Assessment and Drainage Plans

281. The Environment Agency originally commented on the inclusion of 3 fish scrapes in Flood Zone 2, identifying no clear pathway for fish to return to the river post flooding, recommending that the plans are amended to include a suitable pathway/mechanism to enable fish to return to the river.

282. In response to the additional information submitted by the applicant, the Environment Agency state that they are satisfied with the changes proposed for the flood compensatory sites and recognise that a clearer pathway/mechanism has been introduced for fish to return to the river post flooding.

283. The Environment Agency note that the flood compensation areas are linked to field drains discharging into the fish refuge. These field drains would need to be maintained to ensure that the gradient is upheld, and they remain free from blockages that could trap fish. The need for inspection and maintenance of these sites post project completion is highly important, the applicant should ensure that after flooding all fish are rescued as described in the method statement by a suitable person.

284. The same applies to the fish refuge and the channel that links the refuge to the River Avon. The Environment Agency would like to bring attention to the reported mortality (small number of minor species) at this refuge in the summer of 2022, with the channel that links the refuge to the River Avon having a depression that trapped

fish and prevented them from escaping, highlighting the need for improved maintenance.

285. In relation to Habitat Regulatory Assessment Appropriate Assessment undertaken by Focus Environmental Consultants, the Environment Agency state that they are satisfied that their comments have been considered and incorporated in the assessment.

286. **The Lead Local Flood Authority** have no objections to the proposal, subject to imposition of conditions relating to a surface water run off drainage scheme and a drainage maintenance plan.

287. The Lead Local Flood Authority state that they are content with the broad-scale principles set out in the 'Preliminary Drainage Strategy Report'. Noting that it is a preliminary report, and that the report's surface water run-off-related hydraulic calculations are subject to change during detailed design and the acquisition of further site survey information, the Lead Local Flood Authority request that the surface water run off drainage scheme and a drainage maintenance plan conditions are attached to any permission that might be granted.

288. The Lead Local Flood Authority request that an informative is included on the planning permission to state that:

- For ease of maintenance and to minimise disruption to path users, access chambers and catch pits should, wherever possible, be positioned outside of the footprint of the path.
- Care would be needed with the design of the proposed channel drains (on the bridge deck and on the access ramps) where they cross any expansion joints to ensure that the drains function properly and can be maintained and to ensure that the function of the expansion joint is not compromised.

289. **South Worcestershire Land Drainage Partnership** no comments received.

290. **The County Emergency Planning Team** have no objections to this proposal, subject to the imposition of an appropriate condition requiring to a Construction Environmental Management Plan. The Construction Environmental Management Plan should include a section on water management specifically addressing any pollution and silt generated by the construction works and details of flood response arrangements.

291. **Severn Trent Water Limited** have no objections to this proposal. They comment that the proposal would have minimal impact on the public sewerage, therefore, a drainage condition is not required.

Severn Trent Water Limited advise that there is a public 350 millimetre pressurised combined sewer and a public 375 millimetre pressurised combined sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. The applicant is advised to contact Severn Trent Water Limited to discuss the proposals. Severn Trent Water Limited would seek to assist in obtaining a solution which protects both the public sewer and the building.

Severn Trent Water Limited stress that there is no guarantee the applicant would be able to build over or close to any Severn Trent Water's sewers, and where diversion is required, there is no guarantee that the applicant would be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or is not permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that the applicant contacts Severn Trent Water Limited at the earliest opportunity to discuss the implications of their assets crossing your site.

292. **National Grid (Electricity) (formerly Western Power Distribution)** comment that damage to underground cables and contact with overhead lines can cause severe injury or may prove fatal. Any excavation on site in the vicinity of either NGED Electrical apparatus or NGT Telecoms apparatus must comply with the requirements of Health and Safety Executive's guidance 'HS(G)47, Avoiding Danger from underground services' and Electricity at Work Regulations 1989, Health and Safety Act 1974, CDM Regulations 2015.

293. National Grid comment that the use of mechanical excavators in the vicinity of their plant should be kept to a minimum. National Grid Telecoms ducts contain fibre cables, which are expensive to repair. Therefore, extreme care must be taken whilst working in the vicinity of these ducts, hand digging methods being used to determine their precise position. If there are overhead lines crossing the application site and the proposal involves building works which may infringe the clearance to National Grid overhead system, then the applicant should contact National Grid for advice. Where overhead lines cross the site, the applicant must comply with the requirements of Health and Safety Executive's guidance 'GS6, Avoidance of Danger from Overhead Electric Lines'.

294. **Wales and West Utilities** have no planning objections to this proposal.

295. Wales and West Utilities advise that safe digging practices, in accordance with Health and Safety Executive's guidance 'HS(G)47 - Avoiding Danger from underground services', must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the operator's responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. Safe working procedures should be defined and practiced.

296. Wales and West Utilities reserve its position completely to enforce the terms of any existing easement against the landowner, even if this results in any planning permission granted not being able to be fully implemented.

297. Wales and West Utilities state that the applicant must not build over any of our plant or enclose our apparatus. Wales and West Utilities' apparatus may be at risk during construction works and should the planning application be approved, then they would require the applicant for this proposal to contact Wales and West Utilities directly to discuss their requirements in detail. Should diversion works be required these would be fully chargeable.

298. **Hereford and Worcester Fire and Rescue Service** have no comments to make at this time.

299. **West Mercia Police** have no objections to this proposal.

300. **Sport England** have no objections to this proposal.

301. Sport England state that they assessed the application against Sport England's Objectives and the NPPF.

302. Sport England state that the proposal is to construct a new bridge over the River Avon for pedestrians and cyclists to connect west Evesham (Hampton area) to the remainder of the settlement. This would provide the Hampton area with direct connectivity to Evesham Leisure Centre that is located a short distance to the east of the river. The supporting statements explain that the quality of experience for pedestrians and cyclists using Pershore Road, is compromised by heavy vehicular traffic along this route, and with a lack of space to provide dedicated facilities. The proposed new route is intended to provide a safer and higher quality experience for pedestrians and cyclists to encourage a modal shift for local journeys. There would be an added benefit of reducing walking times by 5-10 minutes by providing a more direct route across the river, which may also influence the communities travel choices as walking and/or cycling would be a more attractive alternative to motorised forms of transport.

303. Given the qualitative benefits as well as reduced active travel journey times, Sport England is supportive of the proposal. In particular, they note that this would bring improved connectivity by active means of travel to Evesham Leisure Centre, an important community facility for sport and physical activity that includes two swimming pools, a sports hall, two studios and a health and fitness suite. In addition, there are several other sports facilities in close proximity to the leisure centre that would also benefit from providing enhanced accessibility for walking and cycling across the river, including Evesham Rugby Club to the north, and Evesham Rowing Club and Abbey Park to the east. The proposed development would therefore have the potential to generate positive outcomes for increased opportunities for physical activity, both directly and indirectly, and is therefore to be commended.

304. As such, Sport England consider that the application is consistent with the following policy objective(s) to Provide and Enhance. This being the case, Sport England offers its support to this application.

305. **Vale of Evesham Civic Society** state that comments they made at the public consultation stage were generally taken into account and they do not consider that further comments are necessary. They look forward to the work taking place as soon as possible, as this should be a very valuable and well-used addition to the cycling/walking network in town.

306. **Vale of Evesham Commerce & Tourism Association** no comments received.

307. **Worcestershire Local Enterprise Partnership** no comments received.

308. **The County Minerals and Waste Policy Team** state that as the proposed development only intersects the mineral resource within the boundary of the adopted South Worcestershire Development Plan allocation SWDP50/7, this application is exempt from the requirements of Policy MLP 41 of the adopted Worcestershire Minerals Local Plan under the exemption set out in Table 7.1 part a)i).

Other Representations

309. The applicant states that prior to the submission of the planning application, the applicant undertook two public consultation events between November 2020 to December 2021, one in Evesham and one in Hampton. The proposal was also promoted in print media, on social media, on the project website and 1,800 letters were delivered to residential properties and business addresses within the Hampton area of Evesham.

310. Approximately 174 people attended two drop-in events. Feedback on the scheme was encouraged via a mobile free-text service to the Worcestershire County Council's Major Projects Team Analysis. In total 62 responses were received to the pre-application public consultation, of these, 40 expressed support for the scheme, 5 expressed opposition and a further 16 made comments. The applicant states that comments included concerns about the Severn Trent Water access, the provision of the steps and ramps, the bridge linking residential area and workplaces, safety for the users of the bridge and anti-social behaviour, the bridges width and segregation between pedestrians and cyclists, impacts including lighting on wildlife and surrounding properties and that ferry service should be supported instead. Some comments included support to the project as the bridge would bring benefits such as fewer car journeys, improved health and wellbeing and provision of safer walking and cycling routes.

311. The application has been advertised in the press, on site and by neighbour notification. To date 16 letters of representation have been received. This includes 3 letters of representation objecting, 9 letters of representation supporting and 4 letters of representation commenting on the proposal. These letters of representation were made available to Members of the Planning and Regulatory Committee upon request. Their main comments are summarised below:

Support

- The bridge would make the journey into Evesham centre easier, safer and more enjoyable for pedestrians, cyclists and mobility scooter users.
- Provide recreational benefits.
- Improved links with homes, work and schools.
- Support over the fact that the bridge would be usable even when it floods.

Objections and comments:

- Impact on nature and wildlife including wildlife within gardens of properties along the entrance and first section of the Severn Trent Water access road.
- Loss of privacy and impact of noise and lighting on neighbouring properties, in particular properties along the entrance and first section of the Severn Trent Water access road.
- Ensuring that all dedicated paths are designated as Public Right of Way.
- Ensuring that the existing Public Right of Way is maintained and extended and that they link to the closest bridleway (Red Lane).
- Impacts of additional litter and the provision of dog bins.
- The proposal would interrupt the natural and peaceful appearance of the

area.

- The construction would encourage antisocial behaviour by providing cover underneath the bridge.
- Improvements to footpaths outside of the red line boundary such as the link between the Severn Trent Water access road towards School Road and Caravan Park.
- Location of the Toucan crossing planned as part of the wider improvements in the area.
- It should be a feature bridge with a unique design.
- The bridge would be narrower at tree line making it a dangerous pinch-point.
- The bridge and ramps compliance with LTN 1/20 guidance.
- How the funding gap for the bridge construction would be met.
- Further public consultation should have been undertaken by the applicant in relation to the additional/revised information submitted.

The Development Management Team Manager's Comments

312. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

Residential Amenity, Landscape Character, and Visual Impacts

313. Letters of representation have been received commenting and objecting to the proposal on the grounds of the bridge design, adverse noise, lighting, air pollution and visual impact including loss of privacy due to overlooking, in particular in relation to properties along the entrance and first section of the Severn Trent Water access road.

314. There are a number of residential properties within the vicinity of the application site, as outlined within 'The Site' section of this report. The closest residential properties include:

- Residential properties immediately west of the Severn Trent Water access road (60a, 60, 62, 64 and 66 Pershore Road (Thacher's End), 60 to 68 Parklands Drive, Avon Bangalow and Avon House)
- 3 properties located immediately east to the proposed development (Friar's Mead, Appletreewick and Springbank)
- Properties along Pershore Road
- 2 static caravan sites situated within 500 metres of the proposed development:
 - Hampton Ferry Caravan Park – located approximately 320 metres north of the proposed bridge main structure and approximately 50 metres north-east of the development boundary.
 - Avon Riverside Park – located approximately 370 metres south-east of the proposed bridge main structure and approximately 150 metres south of the development boundary.

315. Policy SWDP 31: 'Pollution and Land Instability' of the adopted South Worcestershire Development Plan states under Part A that *“development proposals must be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones, on any of the following:*

- *Human health and wellbeing.*
- *Biodiversity.*
- *The water environment.*
- *The effective operation of neighbouring land uses.*
- *An Air Quality Management Area (AQMA)”.*

316. In terms of nuisance such as noise and vibration, the Development Management Team Manager considers that there might be short-term increases associated with the construction work during the construction stage of the development. The sources of noise would include the construction of the bridge foundations, crane operations, excavation works, construction traffic moving around and general construction activities. However, these would be temporary and would be managed through construction best practice measures included specified in Construction Environmental Management Plan.

317. The applicant states that construction would *“be carried out in accordance with British Standard (BS) guidance. Noise management measures would be included in the Construction Environmental Management Plan and would follow Worcestershire Regulatory Services Code of Best Practice for Demolition and Construction Sites (2nd Edition, September 2020). This plan would also detail responsibilities for noise monitoring, noise control and reporting. Vibration is not considered to be a significant issue for the construction or operation of the Scheme. Foundation works are designed to be outside of the river, in order to reduce impact on fish species”.*

318. The applicant's Draft Construction and Environmental Plan states that construction working hours would be between 07:30 hours to 18:00 hours Mondays to Fridays and 07:30 hours to 17:00 hours on Saturdays and Sundays. The applicant confirms that no construction work is expected on Bank and Public Holidays. Any work to be undertaken outside of these hours would be done with prior agreement from Worcestershire Regulatory Services.

319. Worcestershire Regulatory Services have been consulted in respect of noise, dust, vibration, air quality and land contamination impact and have raised no objections to the proposal, subject to the imposition of conditions relating to a revised Construction Environmental Management Plan and a scheme of remediation of land contamination.

320. Worcestershire Regulatory Services state that the submitted draft Construction Environmental Management Plan appears to adequately cover the monitoring and mitigation of noise, vibration and dust emissions during the construction phase. Additionally, the proposed working hours are acceptable.

321. In terms of land contamination, Worcestershire Regulatory Services state that the desk study report (Preliminary Sources Study Report and Ground Investigation Scope Report Hampton Bridge), makes several recommendations for soil and controlled water testing as part of the wider ground works and site investigation.

Worcestershire Regulatory Services agree with the report proposals and state that these could be secured via a planning condition regarding a scheme of remediation of land contamination.

322. A Health Impact Assessment Screening Assessment accompanied the application submission which concluded that a full Health Impact Assessment was not required. The County Public Health Officer has been consulted and raises no objections to this proposal. The County Public Health Officer states that the bridge aims to reduce congestion and improve air quality and any potential health implications would be related to air quality during construction. The County Public Health Officer recommends that appropriate mitigation measures are put in place to limit any potential effects on human health during this period. A condition requesting a submission of the revised and final Construction Environmental Management Plan is recommended to this effect.

323. The Development Management Team Manager considers that the scheme would have a long-term positive impact in terms of health and where negative impacts have been identified, these are short-term (during construction) and can be mitigated through relevant planning conditions. As such, the Development Management Team Manager is satisfied that the submitted Health Impact Assessment Screening Assessment is comprehensive and concurs with the conclusions that a full Health Impact Assessment is not required in this instance.

324. With regard to the design of the proposal, Section 12 'Achieving well-designed and beautiful places' of the NPPF at Paragraph 131 states *"the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities..."*.

325. Policy SWDP 21: 'Design' of the adopted South Worcestershire Development Plan states at Part A) that *"all development will be expected to be of a high design quality. It will need to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets and their settings. New and innovative designs will be encouraged and supported where they enhance the overall quality of the built environment"*.

326. With regard to landscape character and visual impacts, Policy SWDP 25: 'Landscape Character' of the adopted South Worcestershire Development Plan Part B states *"a Landscape and Visual Impact Assessment (LVIA) will be required for all major development proposals...The Landscape and Visual Impact Assessment should include proposals to protect and conserve key landscape features and attributes and, where appropriate, enhance landscape quality"*.

327. The proposal would consist of a new walking and cycling bridge connected with a raised causeway to the existing pedestrian footpath along River Avon on the eastern bank and with a ramp to a newly created footpaths on the western bank.

328. The bridge would have below deck arch design to ensure that the structure is in keeping with other nearby bridges along the River Avon as well as to create a low-lying, modest structure to limit visual impact in the setting. The applicant states that

“this optimises views from the bridge while minimising its impact on existing key vantage points including the nearby listed buildings”. The steelwork of the main bridge span and approach ramps would be constructed from weathering steel which would weather and over several years developing a rust-like appearance. This would allow the structure to blend in into the landscape.

329. In terms of dimensions, the main span of the bridge would measure approximately 84 metres long by 3.5 to 3.8 metres wide at the deck level. The structure above deck at approximately 4.25 metres would be slightly wider due to the width of the handrails and their supports. At its highest point, the deck would measure approximately 7.3 metres above the River Avon’s typical summer water level, with a parapet extending about 1.5 metres above this. To the east, an elevated ramp would extend about 129 metres, with a width of about 3.5 metres and gradient of 1%. The elevated ramp would have a parapet extending about 1.5 metre above its deck for its full length. The approach ramps would be supported on steel single-column piers. It is envisaged that the piers would be at approximately 12 metres. The height of the causeway varies from approximately 5 metres at the stairs from deck level to ground level, reducing to the east to approximately 2.7 from the deck level to ground level.

330. The application was accompanied by a Landscape and Visual Impact Assessment, which states that the application site *“is considered to be of moderate to low landscape sensitivity i.e., a local landscape areas local and medium importance with ability to accommodate change. There are no statutory landscape designations within the study area. However, the local landscape character is strongly defined by the presence of the mature Lime avenue alongside the River Avon and the extensive open grassed parkland and amenity space of Corporation meadow and Hampton Meadow. The established vegetation cover along River Avon corridor forms an important landscape feature and is of high amenity value”*.

331. The Landscape and Visual Impact Assessment states that the most significant impacts during construction would arise from the losses of vegetation in the immediate vicinity of the proposed bridge (western riverbank and avenue trees), and the introduction of uncharacteristic construction features and activity into the wider public open space. This has been assessed as resulting in Large to Moderate Adverse impacts during construction. It states that impacts would reduce over the course of the operational phase with mitigation replacement planting on the western riverbank and new avenue tree planting and landscape mitigation in the form of the flood compensation area enhancing the existing character and forming an important new green infrastructure asset. The proposal would reinforce local landscape character and providing a more visually cohesive treatment across the development.

332. In term of long-term impacts, the Landscape and Visual Assessment also states that would be a permanent irreversible change to the visual context and landscape character in the introduction of a new built element in the southern extent of the study area and River Avon corridor. Views in close proximity to the bridge and associated infrastructure from Avon House and properties at Parklands Park would undergo a permanent change with only limited opportunity for mitigation. This is reiterated through the affected properties assessment which illustrates that the development would have a relatively narrow corridor of visual influence with the most significantly affected properties being those closest to the proposed route or where elevation would provide more open views to the proposed structure.

333. In conclusion, the Landscape and Visual Impact Assessment states that visual impacts would be *“confined to a relatively local scale and are not considered to have a wide visual or landscape impact. Where individual properties and receptors are affected, mitigation planting and the use of visually recessive materials in construction and a low-profile bridge structure contained within the well vegetated river corridor all go to minimise landscape and visual impacts”*.

334. In terms of trees, the most significant and important arboricultural feature at the site is the avenue of lime trees growing either side of the footpath along the east bank of the river. The trees are a visually dominant, formal landscape feature that frame views along the river and make strong contribution to the character of the local area. To the west, there are some high-quality yew trees growing in the gardens adjacent to the site. Trees along the west side of the Severn Trent Water access road near the junction with Pershore Road are tall and visually prominent as viewed from the road but are largely made up of ash so their longevity may well be impacted by the prevalence of ash dieback in the future.

335. The Arboricultural Impact Assessment states that 15 trees in total would require removal to accommodate the development with the highest impact causing the removal of 3 lime trees from the avenue feature east of the river. The applicant confirms that the Landscape Mitigation includes 63 replacement individual trees – a ratio of 4.2 trees planted to each one lost. The applicant also states that of the 15 individual trees lost, only 4 are considered to be locally characteristic individual/avenue trees. The Landscape Mitigation includes 23 replacement locally characteristic individual/avenue trees – a ratio of 5.75 trees planted to each one lost.

336. The Arboricultural Impact Assessment concludes that *“The proposal is feasible from an arboricultural perspective, and if carefully implemented according to an approved arboricultural method statement there would be a low negative impact on the retained trees. The removal of 15 trees, one group and a section of hedgerow can be compensated for through new tree planting on or near to the site. Depending on the number and species of new trees planted and the scheme of maintenance to ensure that they become established, this could either compensate or even enhance the value of the overall arboricultural resource at the site”*.

337. A number of mitigation measures have been undertaken by the applicant in order to minimise the visual impact and integrate the proposed development better within the landscape. The applicant demonstrated that the proposed below deck arch bridge structure would be the most appropriate bridge form in this location as it would *“optimise views from the bridge while minimising its impact on existing key vantage points including the nearby listed buildings”*.

338. The steelwork weathering steel of the of the main bridge span and approach ramps, as it weathers and darkens, would further blend the structure into the landscape.

339. In relation to lighting, including impacts on properties along the start of the Severn Trent Water access road, the Preliminary Lighting Report and a Streetlighting Assessment have been undertaken by the applicant. A preliminary lighting design has been developed for the proposed scheme to provide a consistent level of lighting for the visually impaired, and to satisfy general safety concerns while not being excessively lit to reduce disturbance to the local ecology, neighbouring properties or

drivers. The proposed lighting design comprises of low energy light-emitting diode (LED) handrail lighting for the bridge and causeway that utilise a suitable luminaire for to minimise overspill into the river corridor, and at a colour temperature to reduce impact on bats and riparian habitat (2200k). The shared use footway on the eastern and western extents would include low energy LED luminaires mounted on 5-metre columns located on the verge adjacent to the footway, with shielding to minimise impact on wildlife and properties. To ensure lighting pollution would be kept to a minimum, LED luminaires would be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability (at 30%). Given the river corridor is intrinsically dark, it is proposed that all lighting output would be dimmed 22:00 hours to 05:30 hours.

340. Based on the above parameters, the submitted Streetlighting Strategy demonstrates that the light spill from the column LED luminaires would not directly affect the properties stretching along the Severn Trent Water access road. This would be further reduced overnight when dimming is applied.

341. The Development Management Team Manager acknowledges that that the removal of trees would expose the new bridge structure to views, however, this would be minimised once the newly planted trees become established. The mitigation measures proposed by the applicant include replacement tree planting to the western part of the site and new tree planting alongside the proposed elevated causeway which would help to soften its appearance and help to 'tie' it into the wider landscape. The creation of a flood compensation area with associated species rich grassland would create a new landscape feature.

342. In terms of residential amenity and overlooking, the Landscape and Visual Impact Assessment states that an assessment of the impacts on residential properties in close proximity (less than 250 metres) to the scheme have been undertaken.

343. The Landscape and Visual Impact Assessment indicates that indicates that of all properties assessed the majority would suffer no visual impact by year 15 from the opening of the scheme. The only properties affected would be those closest to the scheme and with a direct view of the bridge and associated infrastructure. By summer of year 15 from the opening of the scheme only numbers 66, 67 and 68 Parklands Drive and Avon House would have a moderate impact from the proposed development.

344. The applicant clarifies that the bridge itself is positioned lower than the Severn Trent Water access road and the bridge users would not overlook any properties. At the bridge location, the Severn Trent Water access road is at a level of approximately 29.9 metres, whereas the bridge landing is at a level of approximately 27.5 metres, so the start of the bridge is approximately 2.4 metres lower in elevation than the access road and properties adjacent to the Severn Trent Water access road.

345. The applicant states that a panel fence measuring approximately 2 metre high is proposed along the northern side of the Severn Trent Water access road to the boundary between the footway and the properties to further reduce risk of loss of privacy. The fence runs on the north side from near to Pershore Road (where the properties are below the Severn Trent Water access road) until the pedestrian and cycle crossing of the Severn Trent Water access lane near property at number 66

Parklands, beyond which the Parkland properties are elevated above the Severn Trent Water access road.

346. In light of the above, the Development Management Team Manager considers that due to the elevation of land, there would not be overlooking from the bridge's main structure. There is potential for some overlooking due to removal of existing vegetation along the Severn Trent Water access track, however, the proposed panel fence would screen views from the affected properties. As such, it is considered that on balance the impact of overlooking and loss of privacy would be minimal.

347. The County Landscape Officer has no objections to this proposal, subject to the imposition of conditions relating to a Construction Environmental Management Plan, in order to ensure appropriate environmental protection measures during the groundworks and construction phases, including tree and root zone protection methods, and a Landscape Ecological Management Plan to secure the detailed landscaping scheme and habitat creation, its monitoring, management and aftercare. The County Landscape Officer also recommends that the use of weathering steel (as proposed) is secured by appropriate planning condition.

348. Wychavon District Council's Landscape Officer has no objections to this proposal, subject to the imposition of a planning condition requiring details of planting/seeding to be agreed prior to commencement of works on site (species, sizes, numbers, locations) and for any failures within 5 years of first planting to be replaced and a planning condition requiring a Landscape Ecological Management Plan.

349. In relation to tree planting, Wychavon District Council's Landscape Officer would not recommend planting lime adjacent to domestic gardens due to problems associated with sticky 'honeydew' (although 'clean' varieties are available) and ultimate size.

350. The Development Management Team Manager notes that details of planting/seeding including species, sizes, numbers and locations would be imposed through a condition relating to a Landscape Ecological Management Plan.

351. In relation to amenity and landscape, Wychavon District Council state that the proposed surface finish for unpainted steelwork to provide a rust appearance would blend in more successfully into the landscape than a light colour. The use of low energy lighting to minimise light spill to the river corridor and its surroundings and for it to be dimmed during night hours would be welcomed with regard to biodiversity implications.

352. Wychavon District Council note the arboricultural and ecological impacts specified within the Planning Statement. There should be adequate mitigation and enhancement measures and compensatory tree planting to ensure that the landscape features still appear visually dominant. A Construction Environmental Management Plan and Landscape Ecological Management Plan conditions are recommended to this effect.

353. A member of the public raised an issue of the lack of waste bins in the area. This matter has been brought to the attention of the applicant. The applicant states

that the street furniture for waste facilities is currently being discussed with Wychavon District Council.

354. In view of the above matters, on balance, the Development Management Team Manager considers that the scale, massing and design of the proposed development would not have an unacceptable adverse impact upon the character and appearance of the local area and would be in accordance with Section 12 of the NPPF and Policies SWDP 21, SWDP 25 and SWDP 31 of the adopted South Worcestershire Development Plan. Furthermore, on balance, it is considered that the development would not cause unacceptable overbearing, overshadowing or overlooking implications that detract from residential amenity due its design, size and location, subject to the imposition of appropriate conditions, including detailed design, materials (including weathering steel for the bridge structure), Construction Environmental Management Plan and Landscape Ecological Management Plan.

Historic Environment

355. There are no designated heritage assets within the development site boundary. There are a number of designated heritage assets within the setting of the application site, as set out within 'The Site' section of this report, in particular, the Grade II* Listed Church of St Andrew located approximately 70 metres south-west of the development site as well as Grade II Listed Buildings of Friar's Mead located immediately to the west of the development site and Avon House approximately 20 metres north-west of the development site. Additionally, the Scheduled Monument of 'Abbot Chyryton Wall, Boat Lane' is located approximately 100 metres east of the application red line boundary, on the eastern side of the river.

356. There are two undesignated heritage assets within the application site; the former line of the Midland Railway at the western edge of the application site and the location of the former abbey precinct of Evesham Abbey within which the eastern part of the site falls.

357. Policy SWDP 6: 'Historic Environment' of the adopted South Worcestershire Development Plan states that *"Part A) development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest, subject to the provisions of SWDP 24. Their contribution to the character of the landscape or townscape should be protected in order to sustain the historic quality, sense of place, environmental quality and economic vibrancy of south Worcestershire. Part B) Development proposals will be supported where they conserve and enhance the significance of heritage assets..."*.

358. Policy SWDP 24: 'Management of the Historic Environment' of the adopted South Worcestershire Development Plan states at Part A *"development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance"*.

359. 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"*.

360. With regard to heritage assets, Paragraph 200 of the NPPF states that *"in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."* Furthermore, Paragraph 201 of the NPPF states that *"local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal"*.

361. Paragraphs 205 and 206 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of: ...a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of highest significance, notably schedule monuments...grade I and II* listed buildings...should be wholly exceptional"*.

362. Paragraphs 207 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss..."*.

363. The PPG at Paragraph Ref ID: 18a-018-20190723 states *"whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting..."*.

364. 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. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting..."*.

365. The PPG at Paragraph Ref ID: 18a-013-20190723 states that *"the extent and importance of setting is often expressed by reference to visual relationship between the asset and the proposed development and associated visual / physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell 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..."*.

366. The applicant's Heritage Impact Assessment states that *"known archaeological assets survive within the application site and comprise deposits of high palaeoenvironmental potential occupying one or more former channels adjacent to the river, the former line of the Midland Railway to the west, and the location within the former outer precinct of the abbey in the east. There is also the potential for the survival of further archaeologically significant deposits of multiple periods that could be disturbed or destroyed by groundworks associated with the scheme, with those of Bronze Age or medieval date assessed as most likely to be present"*. As such, the Heritage Impact Assessment recommends that a programme of archaeological investigations should be carried out. Should the results of the evaluation works establish that significant archaeological remains survive within the application site and are at risk of disturbance or destruction through the construction programme, further stages of archaeological mitigation, to preserve the deposits by record, would be required.

367. In terms of designated assets, the Heritage Impact Assessment concludes there would be no change on the setting of St Andrew's Church (Grade II*) as the building is screened from the development by trees lining the northern and western edges of the graveyard and in the garden of the Vicarage to the north. This is also the case for the tomb of John Martin, a fragment of a 14th century cross and the Hampton War Memorial which are all Grade II listed. Additionally, there would be no change in the setting of the Grade II listed Nos. 3, 5 and 6 Brookside, Hampton House, School Road, The Pool, 11-16 Alexandra Road, Cherry Tree Cottage, The Cottage, Malins Hill Road as there is no intervisibility between these buildings and the proposed development. In terms of the Grade II listed No. 64 Pershore Road, Evesham, modern houses stand between this building and the proposed bridge location, and it is not considered that the adoption of the path as a pedestrian and cycle route would have an impact on the setting of this building if the trees lining the west side of the path are retained.

368. The Heritage Impact Assessment continues that Friars Mead, Church Road, a Grade II listed timber framed 17th century house stands approximately 75 metres to the south of the proposed bridge location, and immediately to the east of the Severn Trent Water Access Road, almost at the highest part of the steep bank rising from the river. It has views both onto the Severn Trent Water Access Road and to the north-east in the direction of the proposed location of the bridge. The house is surrounded

by a mature garden the borders of which are mostly tree lined and in the light of this it is considered that, once construction is complete, the proposed scheme would have a negligible adverse (NPPF: less than substantial harm) effect on the setting of this asset in the alteration of the view and increase in pedestrian and cycle traffic on the proposed path.

369. Avon House, a Grade II listed building stands immediately to the north-west of the application site, on the western side of the Severn Trent Water access road. It is an early 19th century two-storey house with large sash windows, a bow window and balconies to the south which afford a view south-east toward the river. This view would be considerably altered by the construction of the bridge, access ramps and the increased pedestrian and foot traffic in the vicinity. The Heritage Impact Assessment considers that the view, though altered with the addition of the bridge and access ramps, would retain the aspect of an urban riverine environment in keeping with the existing amenity land on the east side of the river. The impact would also be offset to some degree by the design of the bridge which would feature an under-arch to reduce visual impact from the properties on the west bank. The proposed level of the approach ramp to the west would allow the bridge to be entirely below the level of the Severn Trent Water access road which would further reduce the visual impact from the direction of Avon House. It is therefore considered that, once construction is completed, the scheme would have a minor adverse (NPPF: less than substantial harm) effect on the setting Avon House. Furthermore, the increased traffic on the pedestrian and cycle path would, to some degree, reinstate the route as an artery through this part of Hampton following the closure of the railway which carried passengers through much of the span both of Avon House and Friar's Mead. The impact is identified as moderate adverse by Year 15 in the submitted Landscape and Visual Impacts Assessment, when both the heritage setting, and residential receptors are considered.

370. The increased traffic on the pedestrian and cycle path would, to some degree, reinstate the route as an artery through this part of Hampton following the closure of the railway which carried passengers through much of the span both of Avon House and Friar's Mead.

371. In terms of the scheduled Abbot Chryton's Wall, it is situated on the south side of Boat Lane approximately 300 metres north of the application site. Southwards from this monument the view is currently uninterrupted open landscape from the river at Hampton Ferry as far as the Leisure Centre. The open nature of this area is in keeping with its former function as part of the Abbey Precinct and provides a contrast with the urban vista eastwards towards the town, reflecting their former ecclesiastical and secular functions. The addition of the bridge, in particular the access ramp linking the higher ground towards the Leisure Centre, would interrupt this unbroken view to some extent, but it is considered that this would be mitigated to a large degree by the distance and the design of the bridge which would sit low in the landscape. The sense of the open nature of this part of the former Abbey Precinct would be relatively unaffected as a large expanse of open ground would still dominate the foreground and the line of lime trees which line the river as it curves eastwards would be visible beyond. The Heritage Impact Assessment, therefore, considers that the scheme would have a negligible adverse (NPPF: less than substantial harm) effect on the setting of the wall. It is also considered that the provision of a footbridge in this location and the consequent pedestrian and cycle traffic could serve to enhance the

amenity value of this part of Evesham particularly if coupled with viewable information about the historic environment through the provision of information boards or similar.

372. Historic England in their response to the consultation on this proposal, provides a useful advice regarding Scheduled Monument of 'Abbot Chyryton Wall', Boat Lane and the location of the former abbey precinct of Evesham Abbey. They explain that *"the land enclosed by the loop of the River Avon to the south of Evesham town is an important historic landscape associated with Evesham Abbey, which was founded in the 8th century AD. The core of the abbey buildings are located on the east side of the loop of the river. The standing buildings and buried remains of the abbey are designated heritage assets for their national importance. Extending west from the core of the abbey was the outer precinct boundary, which extended fully across the loop of the river to where the Hampton Ferry operates. It is defined by the remains of Abbot Chyryton Wall and the alignment of Boat Lane.*

373. *All the land to the south of the precinct boundary, within the loop of the river, was the Abbey lands. This area contained their agricultural and industrial activities. Evidence of these activities will be preserved below the ground and will contribute to the understanding and significance of Evesham Abbey and its designated heritage assets. Of particular interest in relation to the proposed development will be evidence of how the abbey used the river as a resource for power and processes in its food production and industrial activities. The remains of water management systems and structures such as mills are likely to have been present around the loop of the river, particularly near the base of the slope on the inward edge of the floodplain.*

374. *In addition to the physical evidence of the abbey's operations, the area is likely to retain palaeo-environmental evidence that will provide an insight into the character of the landscape and the agricultural regimes that existed throughout the abbey's existence.*

375. *As such, the proposal has the potential to impact on buried archaeological remains, through its associated ground works. In particular, groundworks associated with the creation of flood compensation areas and pile locations".*

376. The applicant submitted the 'Programme of archaeological work' report as recommended by the Heritage Impact Assessment which includes details of archaeological investigation on the applicant site. The report summarised that 6 evaluation trenches, each 30 metres long and 1.8 metre wide, and geotechnical boreholes were planned on the eastern bank of the river, along the footprint of the proposed pedestrian footbridge, path and ancillary works. Due to the wet weather and flooded ground conditions, it was only possible to excavate three of the trenches, on the slope of the hill over the floodplain, and three of the boreholes.

377. They revealed a boundary ditch of medieval date, together with modern ceramic land drains, and evidence of modern landscaping and disturbance. No peat deposits were identified. The medieval ditch is considered to be a boundary feature delineating the contour of the slope to the floodplain. It is unclear currently what it relates to beyond this.

378. Historic England have concerns regarding the application on heritage grounds. They provide some limited advice to assist with the delivery of the project in a manner that minimises harm to heritage assets in accordance with the NPPF. However, they

advise that the views of the County Planning Authority's specialist archaeological and conservation advisers should be sought regarding this proposal.

379. Historic England originally recommended additional archaeological work to that outlined in the Heritage Impact Assessment to ensure adequate understanding of potential impacts and minimisation of harm in accordance with the NPPF. This archaeological work should be undertaken at the pre-determination stage to ensure that the approved designs are in compliance with the NPPF. The archaeological work should include geophysical survey and targeted field evaluation and be informed by the views of your specialist archaeological adviser.

380. In relation to the further information that has been submitted by the applicant, Historic England state that the programme of archaeological work partly addresses their earlier comments. Historic England note that the archaeological work was not fully completed due to weather and ground conditions and the recording of a probable medieval ditch in trench 3 on a northwest-southeast alignment following the contour of the slope. The extent of this feature, its relationship to the wider landscape of the abbey lands associated with Evesham Abbey and significance is not fully understood.

381. Historic England encourage this work to be completed as guided by the specialist archaeological advisers at Worcestershire County Council to meet the requirements of Paragraph 200 of the NPPF and the information to be used to inform amendments to the design and your determination in accordance with the requirements of Paragraph 201 of the NPPF.

382. The County Archaeologist has no objections to this proposal, subject to the imposition of planning conditions relating to a Written Scheme of Investigation(s) and the site investigation and post investigation assessment.

383. The County Archaeologist is content that enough fieldwork has been done to indicate that the complex archaeology to the north is unlikely to extend into the development area. The County Archaeologist also notes that is the view of the archaeological report submitted by Worcestershire Archaeology. The proposed bridge is outside the abbey outer precinct, and the County Archaeologist considers it is likely that the complex medieval archaeology would be confined to within the precinct. Prehistoric archaeology, however, is known from close to the leisure centre and this could extend across the flood plain. The County Archaeologist considers that this is more likely to be confined to the higher ground towards the leisure centre, but notes river levels have changed considerably since prehistory, so it is not certain.

384. The trenching and the geotechnical work to-date indicates that there are palaeo-environmental remains within the development area, and probably some archaeological features (as evidenced by the medieval ditch uncovered in one of the trenches). This archaeology would need to be mitigated, as per the recommended conditions on the grant of consent.

385. However, the County Archaeologist states that it does not appear that there is highly complex archaeology, based on existing evidence. It is a higher risk strategy not having all the trenching completed. The construction is going to need to programme in contingency and time to deal with anything uncovered. The County Archaeologist considers that the risk of complex and highly significant archaeology is

low and, therefore, advises that the application is determined subject to planning conditions as specified above.

386. Wychavon District Council's Archaeologist has no objections to the proposal. Wychavon District Council's Archaeologist states that the evaluation report is accepted and defers to the County Archaeologist regarding further mitigation at the site.

387. In view of the above matters and based on the advice from the County Archaeologist and Wychavon District Council's Archaeologist, the Development Management Team Manager considers that the risk of complex and highly sensitive archaeology on the site is low, and sufficient information has been submitted to meet the requirements of Paragraphs 200 and 201 of the NPPF, and that, subject to the imposition of appropriate conditions relating to a Written Scheme of Investigation(s) and the site investigation and post investigation assessment, would not have an unacceptable impact on heritage assets with archaeological interest.

388. Paragraph 208 of the NPPF states *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.

389. The PPG at Paragraph Ref ID: 18a-020-20190723 confirms that *"public benefit may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF (Paragraph 8). 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, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit"*.

390. The Development Management Team Manager considers that proposal would provide a new east-west walking and cycling link across the River Avon to serve people living in Hampton. It would provide safer and more direct link to Evesham town centre and support all walking and cycling users, including commuters, shoppers, wheelchair users, families and cyclists. It is considered it would assist with facilitating a step change in the levels of cycling and walking in Hampton and Evesham, improving accessibility and transport choices.

391. Having given special attention to the desirability of preserving the Listed Buildings or their setting or any features of special architectural or historic interest which they possess (Section 66), and paragraph 208 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.

392. Wychavon District Council's Conservation Officer has no objections to the proposal. Wychavon District Council's Conservation Officer comments that the applicant's Heritage Impact Assessment prepared by Worcestershire Archaeology (December 2023) states that the proposal would have a less than substantial harm on the setting heritage assets.

393. Wychavon District Council's Conservation Officer agrees with the low to moderate levels of less than substantial harm indicated by the aforementioned report. As such, Wychavon District Council's Conservation Officer recommends that this is taken into account within the planning balance.

394. In view of the above matters and advice from Wychavon District Council's Conservation Officer, the Development Management Team Manager considers that the proposals would lead to 'less than substantial' harm to the significance of the designated heritage assets of Grade II* St Andrew's Church, Grade II listed Nos. 3, 5 and 6 Brookside, Hampton House, The Pool, 11-16 Alexandra Road, Cherry Tree Cottage, The Cottage, No. 64 Pershore Road, Friars Mead, Avon House and scheduled Abbot Chryton's Wall.

395. Paragraph 209 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 directly or indirectly affect 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*". In view of this and based on the advice of Wychavon District Council's Conservation Officer, the County and District Archaeologists, the Development Management Team Manager considers that on balance, the impact upon the non-designated heritage assets is not of such significance as to constitute a refusal reason in this instance.

396. In view of this, the Development Management Team Manager considers that the proposed development would not have an unacceptable adverse impact upon the historic environment, including designated and non-designated heritage assets and heritage assets with archaeological interest, in accordance with Section 16 of the NPPF and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan, subject to the imposition of appropriate planning conditions, including a programme of archaeological work and site investigation and post investigation assessment.

Traffic, Highway Safety and Public Rights of Way

397. Letters of representation have been received commenting on the proposal in relation to highways, including that all proposed paths should be designated and maintained as Public Rights of Way and that the bridge should be linked to the closest bridleway. Additionally, words of support have been received stating that the proposed bridge would make the journey into Evesham town centre easier and more enjoyable for pedestrians, cyclists and users of mobility scooters.

398. Policy SWDP 4: 'Moving Around South Worcestershire' of the adopted South Worcestershire Development Plan states at Part D "*priority will be given to improving public and community transport provision, walking and cycling infrastructure during the plan period...*". Part G of Policy SWDP 4 identifies the most significant for the successful implementation of the South Worcestershire Development Plan transport schemes within the Worcestershire Local Transport Plan. They include "*urban transport packages for the towns of Malvern, Tenbury Wells, Upton-upon-Severn, Pershore, Evesham and Droitwich Spa*".

399. Paragraph 96 of the NPPF states that "*planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which...c) enable and support healthy lifestyles, especially where this would address identified*

local health and well-being needs – for example through...layouts that encourage walking and cycling”.

400. Paragraph 108 of NPPF states that *“transport issues should be considered from the earliest stages of plan-making and development proposals, so that...c) opportunities to promote walking, cycling and public transport use are identified and pursued”*. The NPPF goes on to state at Paragraph 110 that *“planning policies should...d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as cycle parking...”*.

401. It is noted that Paragraph 115 of the NPPF states *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

402. The applicant states that the scheme links to existing Public Rights of Way and public highways. It also forms a part of the Evesham Local Walking and Cycling Infrastructure Plan, to provide improved access for active travel across Evesham and the surrounding areas. A draft Local Cycling and Walking Infrastructure Plan for Evesham identifies the significance of a bridge across the river.

403. In terms of wider links, the closest National Cycle Route (NCR) is located approximately 1.4 kilometres south-east of the proposed scheme (NCR.41) along the A46 Cheltenham Road. Worcestershire County Council are currently undergoing works to deliver a local stretch of the NCR 41 through Evesham. The intended route would connect Bristol, Gloucester, Stratford-upon-Avon and Rugby. The proposed bridge would become part of the NCR proposed route.

404. The applicant states that the existing pedestrian/cycle connection between Hampton and Evesham requires users to travel along Pershore Road and pass over the Abbey Road bridge which is approximately 650 metres from the current proposal. Both Pershore Road and Abbey Bridge currently have a high level of vehicle traffic and low level of active travel users.

405. Additionally, there is a historic manually operated pedestrian ferry crossing to the north of the proposed bridge crossing location, connecting to Boat Lane. The Hampton Ferry is generally considered to be impractical for regular commuting, due to the small capacity of the ferry and its operating hours limited to daylight hours/throughout the day and on a seasonal basis. The applicant states that this has been demonstrated through a Walking and Cycling Feasibility Report commissioned by Worcestershire County Council in 2021.

406. The bridge would be for the use of cyclists and pedestrians only (including those with pushchairs, wheelchairs, hand cycles etc.). Cyclists and pedestrian would access the improved Severn Trent Water track along the new footpath on the left-hand-side of the concrete track and cyclists to progress along the access road. Cyclists would be guided onto a shared-use uncontrolled crossing to link onto the approach ramps. Users would proceed along the new footbridge across the River Avon or utilise the new stairs to link onto the Public Right of Way on either side of the bridge.

407. The applicant states that the proposed bridge and ramps have been designed in accordance with the LTN 1/20 guidance. The bridge would be designed to a width of

approximately 3.5 metres with shallow gradients to provide adequate space and comfort for users across the River Avon. The shared-use footpaths would narrow down to approximately 3 metres with a minimum of approximately 250 millimetres verge on either side to maintain a clear width of approximately 3.5 metres. The approximately 3-metre-wide surfaced footpath would stretch between the separate river connection footpath (which branches off to the main footpath) and Evesham Leisure Centre.

408. It should be noted that, a future shared-use path would be connected to the main footpath on the eastern extent, for users to advance onto Evesham town centre. Improvements to the tactile paving and assessment would be carried out to ensure there is adequate directional signage provided to connect users to the wider network, refer to signage drawings below. Additionally, there are plans for a Toucan crossing across Pershore road however, this is outside of the scope of this project.

409. The applicant states that *“the full requirement of tactile surfaces has been proposed for the scheme, pertaining to shared-use extents and warning for steps etc. to support users with visual impairment, whilst dropped-crossings and appropriate gradients have been implemented to support users with mobility impairment, wheelchairs, prams etc. Clear coherent routes are proposed to support users with learning difficulties and disability”*.

410. As described in ‘The Site’ section of this report, there are existing Public Rights of Way on both sides of the river. The path on the eastern side (EV-547) is made of compacted gravel and experience high numbers of pedestrians, runners, dog walkers and cyclists. The west bank path (EV-581) is narrower and cuts through tall vegetation, at some point in time of year it becomes impassable and is not heavily used.

411. The existing concrete the Severn Trent Water access road runs parallel to the west bank of the River Avon. The existing track is approximately 6 metres width from the access gate and expands to 7 metres at the existing lay-by area. The road narrows down to a 3.5 metres wide one-lane track and continues onto the Severn Trent Water treatment plant with intermittent vehicle lay-bys. In addition, the concrete track provides access to users of the existing caravan park located slightly north of the Hampton Ferry. There is no provision for walking and cycling along the existing Severn Trent Water road.

412. Letters of representation have been received commenting on the quality of the existing footpaths as well as connectivity of the bridge with the wider walking and cycle paths. A comment has also been received in relation to lighting of the footpath linking the Severn Trent Water access road and School Road.

413. The applicant states the proposal includes a footpath link on the west side of the Severn Trent Water concrete road to link to the School Road / Clarks Hill Rise Public Right of Way. This area of the path is not proposed to be lit. The lighting for the scheme ends at the northern extent of the bridge. The applicant confirms that lighting would be included there for cyclists and pedestrians sharing facilities and for the extent from Pershore Road to the proposed bridge.

414. A comment has been received from the member of the public regarding the Public Right of Way provision for horses. In relation to that, the applicant states that

“consideration has been given to the local bridleway network and linkages to this project. It is appreciated there is a bridleway from Charlton to the Clarks Hill area of Hampton and bridleways to the south and east of Evesham, however, the work necessary to provide the ‘missing links’ between the networks is outside the scope of this project and as such the significant additional cost of designing the bridge to be suitable for use by horse riders could not be justified”.

415. Further comments have been made in relation to walking and cycling paths outside of the red line boundary, which have been brought to attention of the applicant, however, it is noted that the provision and quality of paths outside of the red line application boundary is outside of the scope of this proposal.

416. In terms of the impact of the proposal on the river traffic, the bridge has been designed with approximately 4.3 metres high and 21 metres wide clearance between the underside of the bridge and the typical summer river level. The applicant states that Avon Navigation Trust have been consulted regarding the movement of boats along the River Avon. The applicant confirms that disruptions to river traffic would be kept to a minimum during the construction phase, however, the river channel would require a complete closure during the erection of the arched bridge.

417. Avon Navigation Trust have no objections to this proposal. They state that the required navigation width and headroom have been factored into the design.

418. In relation to construction, the applicant states that the proposed construction work is anticipated to interfere with the existing Public Rights of Way running parallel both sides of the river. A suitable temporary diversion would be installed locally to minimise disruptions to pedestrians. Any proposed temporary diversion of Public Rights of Way would be discussed with the Public Rights of Way Officer and all involved stakeholder groups and access would be restored on completion of the construction works.

419. A permanent diversion of the riverside Public Rights of Way (EV-547 and EV-581) is proposed to accommodate the bridge foundations and link them to the new paths. The diversion is required to achieve a minimum headroom clearance to the bridge structure (2.4 metres). The applicant states that an application would be made should the scheme be granted planning permission.

420. The applicant states that there would be two site compounds. The main site compound would be in a car park to the south of Evesham Leisure Centre/Evesham Fire Station, whilst a satellite compound would be installed on the western extent of the application site, directly north of Friars Mead and at the summit of the riverbank.

421. Access for construction would be required from both banks. The Severn Trent Water access route would be used for construction traffic on the west bank. A newly constructed temporary access road through the floodplain on the east bank would be required for access to the east bank.

422. The applicant also states that HGV delivery for certain elements of the construction is likely to be via the Abbey Road to suit the desired location of the materials on site. HGV delivery would be completed outside of peak hours and in consultation with Evesham Leisure Centre and Evesham Fire Station to avoid any distributions.

423. The applicant submitted the Draft Construction and Environmental Plan. The Plan addresses the potential disruption caused by increased traffic and highlight control measures to minimise the impact. These include:

- Delivery vehicles whenever practical would avoid peak public traffic hours.
- To avoid construction traffic congestion and nuisance to the surrounding area all suppliers and contractors would be made aware of traffic routes.
- Site entrances would be maintained and kept clean and clear.
- There would be a road sweeper in operation when required and in line with the works activities to ensure no mud is left on the live highway as a direct result of the works.
- All materials would be loaded within the site compound/boundary of the working zone to minimise congestion.
- For environmental and road safety all materials containers leaving site would be appropriately covered to avoid soiling of the roads and highway. Engines of all vehicles, mobile and fixed plant on site would be not left running unnecessarily.
- Only a limited number of car and HGV construction movements would typically occur during the peak hours. The working hours of most operatives would not coincide with the network peak, construction processes would be programmed to avoid reliance on deliveries of concrete and bituminous materials during the more congested periods.

424. A member of the public commented in relation to the location of the Toucan crossing across Pershore Road that is proposed as part of the wider improvements in the area. In response to these comments, the applicant states that the proposed Toucan crossing is not part of the planning application, and if constructed would be undertaken separately. The applicant states that the location of the potential crossing is to be moved further east along Pershore Road.

425. The County Highways Officer has no objections to this proposal, subject to the imposition of conditions relating to detailed scheme works for Hampton Footbridge and its connections to Pershore Road, a detailed design to modify the Severn Trent Water Access Road and connect Evesham Leisure Centre to Hampton Footbridge, pedestrian and cycle access, Public Rights of Way, detailed lighting scheme, Lighting Scheme Optioneering Assessment, Construction Traffic Management Plan, Road Safety Audit, Construction Method Statement.

426. The County Footpaths Officer have no objections to this proposal. The County Footpaths Officer acknowledges the aspiration to divert the two footpaths, EV-581 (west bank) and EV-547 (east bank), around the bridge supports. The County Footpaths Officer advised that they require Public Path Order applications under Section 257 of the TCPA 1981, the process which is distinct from the planning process and involves a separate public consultation. The County Footpaths Officer would strongly recommend that the path diversion process begins as soon as possible as they would want the diversions to be at 'Confirmed Order' stage before the existing routes are obstructed.

427. Sustrans have been consulted but provided no comments on this proposal.

428. Cycling UK, Push Bike, Ramblers Association and Cycle Evesham Vale broadly support this proposal. However, originally, they raised a number of issues in relation to the proposed bridge.

429. They questioned whether the bridge and associated links are LTN 1/20 Cycle Infrastructure Design (Para 6.5.7) compliant in terms of their widths. They recommended that bridge is 4.5 metres rather than the proposed 3.5 metres width.

430. In response to that the applicant clarified that LTN 1/20 recommends a width of 4 metres based upon use of 300 pedestrians/cyclists per hour. It is expected that significantly lower number than 300 pedestrians/cyclists an hour would use the proposed Hampton Bridge. LTN 1/20 paragraph 6.5.7 suggests a minimum of 3 metres for up to 300 cyclists and 300 pedestrians an hour. Future demand for Hampton Bridge is forecasted as 1,100 pedestrians per day (278,300 per year) and 100 (25,300 per year) cyclists each day. This is comparable to 324,00 pedestrians and 62,000 cyclists estimated to have used Diglis Bridge stretching across River Severn in Worcester in 2018. The Department for Transport has been consulted by the applicant regarding the Hampton bridge deck width, and consider that a 3.5 metre bridge deck width is acceptable in the spirit of the guidance (LTN 1/20) under lower user flow conditions.

431. The clearance below the bridge structure on the alignment of the existing footways is a minimum of 2.4 metres to allow for them to become shared use in the future. The height is in line with LTN 1/20 guidance for the width of the bridge structure.

432. Cycle Evesham Vale also comments that it is not clear how the design connects with the Taylor Wimpey development (planning application pending decision with Wychavon District Council (District Council Ref: W/22/02308/RM)).

433. Additionally, in relation to the above, Wychavon District Council comments that whilst it is noted that discussions have been held with Taylor Wimpey with regard to providing provision for future links and a shared-use connection onto the main footpath on the east to provide a shorter link to the town centre, it is unclear how these connections would be provided. Wychavon District Council remains of the opinion that the development needs to facilitate pedestrian and cycle routes from the Hampton area of Evesham more directly towards the north-east and the town centre of Evesham in order to promote sustainable and active modes of travel.

434. Furthermore, Cycle Evesham Vale state that the bridge design includes a pedestrian and cyclist crossing on Pershore Road, but it is not clear how this connects to the new housing development in Hampton, especially since the developers are largely funding it. What road and/or path improvements would be put in place for Hampton residents to have a safer, clear and complete route onto the bridge from the development.

435. Cycle Evesham Vale note that the original feasibility study of June 2020 had a 70-metre east approach ramp allowing access directly to the existing river towpath for all users. The design shown at the public engagement exercise now has a causeway on the east approach pushing wheeled traffic (cyclists, buggies/prams and wheelchair users) a considerable distance away from the riverside and towards the leisure centre

and new Taylor Wimpey housing estate (planning application pending decision with Wychavon District Council (District Council Ref: 22/02308/RM)). This seems a long and inconvenient diversion for wheeled users who wish to access the Evesham meadows and to continue along the riverside traffic free to either the town centre or to the Worcester Road commercial areas to the north of the town. Cycle Evesham Vale acknowledge that there is a return route connecting the end of the causeway back to the riverside path, but this is not LTN 1/20 compliant as it is not coherent or direct. The lack of a connection to the riverside path seems like a huge loss as the bridge would only serve those who are continuing on into town.

436. In relation to the above comments, the applicant states that the bridge forms part of the Evesham's Local Walking and Cycling Infrastructure Plan for wider connectivity to other routes in the area, and the scheme links to the public highways network at Pershore Road on the west and Abbey Road on the east of the scheme.

437. The applicant clarifies that in the early designs for the bridge and its links, an option was considered to have the east side of the bridge ramp down on a causeway directly to the riverside path on the east bank of the river Avon. However, this would have been adversely affected during flood events as the riverside path is within the flood zone, so the causeway link was redirected to the east to link to the higher ground towards the Evesham Leisure Centre. This ensures the bridge is usable during all river levels. A pathway back down to the riverside path from the end of the causeway is included in the scheme, to link up to the riverside path and onward to Boat Lane when flood levels allow. There is also a set of stairs from the east side of the bridge directly to the riverside path for those able to use stairs.

438. The applicant also states that the adjacent site subject to pending planning application with Wychavon District Council (District Council Ref: 22/02308/RM) has not yet been decided, so there is no direct link shown to the potential development. The design of the scheme, however, allows for the potential to connect the new development to the constructed walking and cycling network at the point where the end of the causeway and the ramp down to the riverside path meet. The proposed location for the link is to allow people easy access to the Evesham Leisure Centre, the riverside path, the proposed bridge and the adjacent development.

439. It is also noted that drawing number 22664/PL/11C, Rev C, titled 'Planning Layout', dated 7 April 2022 submitted to Wychavon District Council as part of pending planning application (District Council Ref: 22/02308/RM) for land at Land Off Boat Lane Evesham, illustrates the 3-metre-wide shared used path linking the development with the bridge structure.

440. Cycling UK, Push Bike, Ramblers Association question whether any provision has been proposed to link up the bridge to the Red Lane bridleway and cycling route NCN 442 and whether these linkages would be LTN 1/20 compliant.

441. The applicant confirmed that the western boundary of the bridge scheme would be at the Pershore Road at the end of the Severn Trent Water access road, it would not extend on directly to NCN 422 or to the Red Lane bridleway.

442. In response to the consultation on additional information provided by the applicant, the Cycling UK, Push Bike and Ramblers Association have no adverse

comments on this proposal. Cycle Evesham Vale have been consulted on the revised plans but did not provide any response.

443. The Development Management Team Manager considers that the scheme would encourage sustainable and active travel, improving transport options for local residents and encouraging further local leisure trips, facilitating a step change in the levels of cycling and walking and helping to contribute to improved health and wellbeing. Access to open space would be improved, particularly to residents of Hampton on the east side of the River Avon and the scheme would provide another crossing over the river, thus improving transport resilience.

444. In view of the above, the Development Management Team Manager is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, in accordance with Section 9 of the NPPF and Policy SWDP 4 of the adopted South Worcestershire Development Plan, subject to the imposition of appropriate conditions relating to a detailed scheme of works for Hampton Footbridge and its connections to Pershore Road, a detailed design to modify the Severn Trent Water Access Road and connect Evesham Leisure Centre to Hampton Footbridge and the temporary Haul Road, pedestrian and cycle access, Public Rights of Way, detailed lighting scheme, Lighting Scheme Optioneering Assessment, Construction Traffic Management Plan, Road Safety Audit and Construction Method Statement.

Ecology and Biodiversity

445. Letters of representation have been received commenting and objecting to this proposal based on the impact on nature and wildlife including wildlife within gardens of properties along the entrance and first section of the Severn Trent Water access road.

446. Policy SWDP 22: 'Biodiversity and Geodiversity' of the adopted South Worcestershire Development Plan states at Part A "*development which would compromise the favourable condition of a Special Area of Conservation (SAC) or other international designations or the favourable conservation status of European or nationally protected species or habitats will not be permitted*". Part B of this Policy states "*development likely to have an adverse effect on a Site of Special Scientific Interest (SSSI) will not be permitted, except where the benefits of the development at that site clearly outweigh both its likely impact on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs*". This Policy goes on to state at Part F that "*development should, wherever practicable, be designed to enhance biodiversity and geodiversity (including soils) conservation interests as well as conserve on-site biodiversity corridors / networks. Developments should also take opportunities, where practicable, to enhance biodiversity corridors / networks beyond the site boundary*".

447. Section 15 of the NPPF, Paragraph 180 states that "*planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...*".

448. As described in 'the Proposal' section there are no statutory designated Special Areas of Conservation, Special Protection Areas or Sites of Special Scientific Interest within 2 kilometres of the proposed site. There are eight Local Wildlife Sites located within 1 kilometre of the proposed site. Including River Avon Local Wildlife Site over which the proposed development site would cross and Clark's Hill Local Wildlife Site located directly to the west of the site.

449. The applicant undertook a Phase 1 habitat survey followed by bat, dormouse, and reptile surveys during 2021, 2022 and 2023 to support the preparation of an Ecological Impact Assessment. Species of note identified during these surveys include grass snakes and slow worms, toads and frogs, birds, birds of prey, badger, otter, and kingfisher. The latter three were likely commuting and foraging only as no evidence of refuge (setts / holts / burrows) were noted during the surveys. A number of bat species were recorded, particularly commuting along the River Avon. However, no roosts were found.

450. The Ecological Impact Assessment concludes that the measures incorporated into the proposed scheme's design along with additional landscape mitigation adequately mitigate impacts to the species and habitats identified. Method Statements would be required during construction to detail approaches and timing of works in order to manage impacts to protected species and habitats. Reptile translocation might be required depending on the management of source habitat by existing landowners prior to construction; a Reptile Management Plan would be prepared to support this and a suitable receptor area identified. A Landscape and Ecological Management Plan would be required to ensure mitigation installed is managed throughout construction and aftercare.

451. Enhancements would include management of the woodland to the west, adding bat boxes and bird boxes, reinstating a pond, and creating habitat piles to the west of the river, and adding scrapes and sensitive planting / management to the far eastern aspects of the site.

452. The Arboricultural Impact Assessment states that 15 trees in total would require removal to accommodate the development. Further detail regarding trees can be found in 'Residential Amenity, Landscape Character, and Visual Impacts' Section.

453. In relation to lighting, the Preliminary Lighting Report and a Streetlighting Assessment have been undertaken by the applicant. A preliminary lighting design has been developed for the proposed scheme to provide a consistent level of lighting for the visually impaired, and to satisfy general safety concerns while not being excessively lit to reduce disturbance to the local ecology, neighbouring properties or drivers. The proposed lighting design comprises of low energy light-emitting diode (LED) handrail lighting for the bridge and causeway that utilise a suitable luminaire for to minimise overspill into the river corridor, and at a colour temperature to reduce impact on bats and riparian habitat. The shared use footway on the eastern extent would include low energy LED luminaires mounted on 5-metre columns located on the verge adjacent to the footway, with shielding to minimise impact on bats and properties. To ensure lighting pollution would be kept to a minimum, LED luminaires would be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability. Given the river corridor is intrinsically dark, it is proposed that all lighting output is to be dimmed between the hours of 22:00 hours to 05:30 hours.

454. The applicant submitted the Biodiversity Net Gain Assessment. The assessment states that as a baseline the proposed development contains:

- approximately 4.69 hectares of habitat including grassland, heathland and shrub, urban, woodland and forest. This equates to 20.97 biodiversity units.
- approximately 500 metres of hedgerow including native hedgerow, line of trees and line of trees associated with bank or ditch. This equates to 2.15 biodiversity units.
- The proposed development contains approximately 90 metres of priority habitat watercourse. This equates to 2.48 biodiversity units.

455. With the implementation of the proposed scheme, approximately 2.34 hectares of existing habitat would be retained, equating to 7.26 biodiversity units. There would also be a loss of approximately 2.34 hectares of habitat including grassland heathland and shrub, urban woodland and forest. This equates to 13.71 biodiversity units.

456. Following the on-site biodiversity enhancements, the proposed development would include:

- approximately 3.60 hectares of habitat creation including broad habitat types of grassland and heathland and shrub. This equates to 22.50 biodiversity units.
- approximately 460 metres of existing hedgerow retention, equating to 1.98 biodiversity units. There would also be a loss of approximately 40 metres of hedgerow including native hedgerow, line of trees and line of trees associated with bank or ditch. This equates to 0.17 biodiversity units.
- Approximately 52 metres of species rich native hedgerow creation. This equates to 0.41 biodiversity units.
- The retention of the entire watercourse. No impact is anticipated on the River Avon, with minor works, sheet piling and drainage planned. Therefore, no on-site post intervention is required.

457. The Biodiversity Net Gain Assessment concludes that the total Biodiversity Net Gain achieved for habitats and hedgerows is 11.06% which surpasses the target of 10% [for applications submitted on or after 12 February 2024]. No impact is anticipated on the River Avon, with minor works including sheet piling on the eastern and western embankments around the bridge piers and an outfall headwall for the drainage planned for the western embankment to the south of the bridge.

458. Focus Environmental Consultants on behalf of the County Ecologist have no objections to this application on ecology grounds, subject to imposition of appropriately worded conditions relating to an invasive non-native species method statement, a Biodiversity Net Gain Management and Monitoring Plan and a Maintenance Environmental Management Plan, ground-based tree assessments, a Method Statement detailing an exclusion and trapping exercise for reptiles, mitigation measures in relation to mammals, birds and fish, a Fish Rescue Method Statement and a Landscape and Ecological Management Plan.

459. Wychavon District Council's Landscape and Natural Heritage Officer have no objection on ecology grounds to this proposal subject to conditions relating to landscape, lighting, Construction Environmental Management Plan and Landscape and Ecological Management Plan conditions. Wychavon District Council's Landscape and Natural Heritage Officer comments that the Ecological Impact Assessment and various documents submitted with this application make appropriate recommendations to address any ecology related concerns.

460. In terms of impacts of lighting on bats, Wychavon District Council's Landscape and Natural Heritage Officer queries whether there is any scope to reduce impacts even further as highly light sensitive bat species, such as barbastelle and lesser horseshoe bat have been recorded both during the 2019 and 2021 surveys.

461. The applicant responds that the proposed lighting colour temperature is a 'warm orange' colour of 2200k, which is a warmer light colour than the minimum recommended to reduce impact for bats and other light sensitive species (Guidance Note 8 Bats and Artificial Lighting from the Institution of Lighting Professionals recommends a lighting of 2700k (warm white) or lower). This lighting is also proposed to be dimmed during night hours as described above.

462. Wychavon District Council have no objections to this proposal, but comment that the arboricultural and ecological impacts within the Planning Statement are noted. There should be adequate mitigation and enhancement measures and compensatory tree planting to ensure that the landscape features still appear visually dominant.

463. Worcestershire Wildlife Trust have no objections to this proposal, subject to the imposition of conditions relating to lighting, sustainable drainage, Construction Environmental Management Plan and Landscape and Ecological Management Plan. Worcestershire Wildlife Trust are content to defer to the opinions of the County Council's ecologists for all on-site biodiversity considerations.

464. Natural England have no objections to this proposal, subject to mitigation measures mitigating the impact of this development on the Severn Estuary Special Area of Conservation and Ramsar are secured through planning conditions. These measures include mitigation specified in the Construction Environmental Management Plan, the Ecological Impact Assessment and the Statement to Inform an Appropriate Assessment, a production of Fish Rescue Method Statement and the employment of an Ecological Clerks of Works.

465. The Environment Agency do not object to this proposal, subject to the imposition of a planning condition relating to flood storage compensation and design flood level.

466. The Environment Agency, however, make several ecology related comments which are outlined below.

467. The Environment Agency state that it is good to see that invasive non-native species have been considered. However, the Environment Agency would like to ensure that clear biosecurity instructions (including carrying out strict 'Check, Clean and Dry' polices) are adopted in the Non-Native Species Management Plan.

468. In respect of invasive non-native species, Focus Environmental Consultants state that Himalayan balsam was recorded on site during the UK Habitat survey undertaken by TACP in 2023 and recommendations for an invasive non-native species method statement were included within the 2023 Habitat Survey Factual Report. Focus Environmental Consultants recommend an invasive non-native species method statement to be secured by a planning condition. A planning condition is recommended to this effect.

469. The Environment Agency also state that the Ecological Impact Assessment, outlines good enhancement options. The Environment Agency recommend the reinstating of a pond and creation of habitat piles to the west of the River.

470. The Environment Agency state that it is disappointing that a number of individual trees and a section of one hedgerow would be removed. These should be replaced on a 1 to 5 ratio with only native species of local provenance.

471. The Environment Agency also state that although Biodiversity Net Gain is not currently a requirement, the applicant makes reference to the submitted Biodiversity Net Gain Assessment. The Environment Agency notice that there are several plans for engineering on the riverbanks and riparian zone which would require the Biodiversity Net Gain encroachment matrix to be applied. To compensate for the works in the riparian zone, the Environment Agency would recommend setting the outfall headwall back which would serve a number of benefits including:

- By setting back the headwall from the bankside this would likely decrease erosion and as such the maintenance required on the headwall.
- By setting back the headwall from the bankside there would be less encroachment in the Biodiversity Net Gain metric and therefore less impact.
- The creation of a swale from the headwall to the river Avon could be considered. This would act as a backwater feature increasing river habitat benefits and improve the river condition assessment. The swale would also help to filter out any nutrients meaning there will be cleaner water quality entering the River Avon.

472. The Environment Agency also note the conclusions of the above referenced Biodiversity Net Gain assessment that the proposed scheme would have an expected positive effect on local biodiversity. The Environment Agency welcome the reference to a management, monitoring, and maintenance plan to be submitted at the detailed design stage.

473. As stated earlier in this section, the Biodiversity Net Gain Assessment submitted by the applicant concludes that the total Biodiversity Net Gain achieved surpasses the target of 10%. No impact is anticipated on the River Avon, with minor works including sheet piling on the eastern and western embankments around the bridge piers and an outfall headwall for the drainage planned for the western embankment to the south of the bridge.

474. Furthermore, in relation to the above the applicant clarifies that the proposed headwall location is required to accommodate the existing Public Right of Way so as not to impede the use of the Public Rights of Way network. The relative position of the

headwall to the riverbank would be considered as part of the detailed design post planning permission.

475. In relation to the above, the County Planning Authority consulted Focus Environmental Consultants on this matter. They state that the Biodiversity Net Gain report details a 41.89% net gain of habitat units and a 11.06% net gain of hedgerow units as part of the development, which exceeds the expected 10% net gain requirement [for applications submitted on or after 12 February 2024]. Focus Environmental Consultants conclude that trading rules have been satisfied with the inclusion of the same level or higher distinctiveness habitats as part of the proposed landscape design.

476. In relation to the tree replacement ratio, the 15 trees required to be removed are proposed to be replaced with 63 individual trees at a ratio of 4:1. Focus Environmental Consultants have no objection to this approach. Additionally, the applicant informs that the detailed landscaping scheme is likely to include increased number of the replacement trees (approximately 70) bringing the tree replacement ratio closer to 5:1.

477. The Environment Agency recommend that the applicant ensures that on the handrail of the bridge, there is a bar spacing of 150 millimetres plus to allow free passage of adult otters and to ensure they do not become trapped.

478. In relation to this, the applicant confirms that the bridge parapets have a stainless-steel mesh rather than bars, which reduces risk of entrapment of otters. For areas with timber handrails, the spacing to the bottom bar exceeds 150 millimetres.

479. The Environment Agency comment that section 7.1.34 of the Amended Ecological Impact Assessment in relation to fish states that "*The potential indirect construction impacts would be mitigated through the implementation of the general construction measures detailed in Section 7.1.1, as well as the implementation of an embargo period (January 15th to June 15th).*" In the Environment Agency's previous comments, they state that this watercourse is of cyprinid designation and that activities are required to be undertaken outside of the period of 15th March to 15th June, recognising the inclusion of this and agreeing with the updated embargo period included. The Development Management Team Manager notes these comments and a planning condition is recommended to this effect.

480. In relation to fish, the Environment Agency state that Section 5.1.24 of the Amended Ecological Impact Assessment states that "*The opportunities for fish are abundant within the Site due to the River Avon bisecting the site. There are a number of records of migratory fish, which is also supported by the presence of recreational fishing at times of the year indicative of use by migratory cyprinid fish. Additionally, the fish refuge is specifically engineered to provide opportunities for young migratory species. As such the Site is considered to have Regional importance for fish.*" The existing fish refuge on the Eastern boundary of the River Avon located near the site has been poorly maintained post construction. This has resulted in report of a fish mortality in 2022, contradicting the above statement and regrettably potentially limiting opportunities for young migratory species. The Environment Agency recommend that this is better maintained in order to prevent further fish mortality.

481. In relation to this applicant states that the fish refuge is outside of the red line boundary. The works would not have adverse impact on the fish refuge.

482. The Environment Agency previously made comments upon the Habitat Risk Assessment on the inclusion of 3 fish scrapes in Flood Zone 2, identifying no clear pathway for fish to return to the river post flooding, recommending that the plans are amended to include a suitable pathway/mechanism to enable fish to return to the river.

483. In response, to the above comments, the applicant submitted the Fish Rescue Method Statement and amended Drainage Plan replacing piped drainage on the flood plain with swales for fish return paths and maintenance.

484. The applicant confirms that in addition to activities only being undertaken outside of the period from 15th March to 15th June inclusive, they are aware of other species and would take care during potential Salmonid spawning periods when carrying out works outside the agreed embargo period, and generally take appropriate precautions when undertaking works on the riverbank or on the flood plain.

485. The applicant also confirms that they would make an 'Application for authorisation to use fishing instruments other than rod and line in England' for the scheme in advance of the works commencing, so that we have suitable permission in place in advance to promptly undertake a fish rescue should the need arise.

486. The bridge and its foundations have been designed to limit the working period required on the riverbank, with the bridge structure lifted into place by crane onto foundations set back from the edge of the river on both sides. There are no bridge supports required in the river itself. When the river is in flood and 'out of bank', the applicant would remove plant from within the flood area.

487. In relation to that, the Environment Agency state that they are satisfied with the changes proposed for the flood compensatory sites and recognise that a clearer pathway/mechanism has been introduced for fish to return to the river post flooding.

488. The Environment Agency note that the flood compensation areas are linked to field drains discharging into the fish refuge. These field drains would need to be maintained to ensure that the gradient is upheld, and they remain free from blockages that could trap fish. The need for inspection and maintenance of these sites post project completion is highly important, the applicant should ensure that after flooding all fish are rescued as described in the method statement by a suitable person.

489. The same applies to the fish refuge and the channel that links the refuge to the River Avon. The Environment Agency would like to bring the applicant's attention to the reported mortality (small number of minor species) at this refuge in the summer of 2022, with the channel that links the refuge to the River Avon having a depression that trapped fish and prevented them from escaping, highlighting the need for improved maintenance.

490. Focus Environmental Consultants have been consulted in relation to the submitted by the applicant Fish Rescue Method Statement. They state that it is a

comprehensive stand-alone document to be referred to in the case of a flood event and recommend that it should be secured by a suitably worded planning condition.

491. The Government's PPG provides advice and guidance planning applications which may impact upon European sites, stating *"all plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the 'Habitats Regulations Assessment (HRA) screening' – should take into account the potential effects both of the plan / project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of overriding public interest and if the necessary compensatory measures can be secured"* (Paragraph Ref ID: 65-001-20190722).

492. The PPG goes on to state that *"if a proposed plan or project is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site's conservation objectives, must be undertaken (Part 6 of the Conservation of Habitats and Species Regulations 2017)...A significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site's conservation objectives. A risk or a possibility of such an effect is enough to warrant the need for an appropriate assessment. The conservation objectives relate to each of the habitats and species for which the site was designated and will be provided in more detail by Natural England. A competent authority must consult Natural England for the purposes of the assessment and must have regard to any representations that Natural England may wish to make within a reasonable time (as specified by the competent authority)"* (Paragraph Ref ID: 65-002-20190722).

493. Focus Environmental Consultants on behalf of the County Planning Authority as the competent authority have carried out a HRA screening assessment to identify whether the proposal would result in likely significant effects upon European sites. The HRA screening assessment concludes that impacts from non-toxic contamination and water quality could result in a likely significant effect on the Severn Estuary Ramsar / Special Protection Areas / Special Areas of Conservation. Therefore, these effects require further consideration at the HRA Appropriate Assessment stage to determine whether, in light of any mitigation and avoidance measures, they will result in adverse effects on the integrity of the above site, either alone, or in combination with other plans and projects.

494. Focus Environmental Consultants on behalf of the County Planning Authority have carried out a Habitat Regulatory Assessment Appropriate Assessment, which concludes that taking into account both the distance between the scheme and the European sites, and the temporary and isolated / intermittent nature of the likely significant effects, subject to the proposed mitigation measures outlined in the draft Construction Environmental Management Plan, Statement to Inform an Appropriate

Assessment, Ecological Impact Assessment and a Fish Rescue Method Statement are implemented, it can be concluded that an adverse effect on the integrity of the qualifying features of a European sites would be avoided as a result of the scheme or in-combination effects with other plans and projects.

495. In response to the Habitat Regulatory Assessment Appropriate Assessment, Natural England comment that the Appropriate Assessment concludes that Worcestershire County Council as a responsible authority is able to ascertain that the proposal would not result in adverse effects on the integrity of the Severn Estuary Special Area of Conservation and Ramsar. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advise that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

496. Natural England further advise that to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- Mitigation measures should be in line with the Construction Environmental Management Plan, the Ecological Impact Assessment and the Statement to Inform an Appropriate Assessment.
- A fish rescue method statement to be secured via condition to mitigate against potential impacts of a flood event on the migratory fish species.
- The employment of an Ecological Clerk of Works during the construction phase to avoid any impacts on the migratory fish species of the River Avon and Severn Estuary Special Area of Conservation /Ramsar.

497. In response to the Habitat Regulatory Assessment Appropriate Assessment, the Environment Agency state they are satisfied that their comments have been considered and incorporated in the assessment.

498. In response to letters of representation commenting and objecting to this proposal based on the impact on nature and wildlife including wildlife within gardens of properties along the entrance and first section of the Severn Trent Water access road, the applicant demonstrated that whilst there would be some localised negative impact of the proposal caused by the removal of vegetation and disruption to wildlife habitats during the bridge construction, intensified use of the Severn Trent Water access road and introduction of lighting, the proposal overall would result in approximately 41.89% Biodiversity Net Gain of habitat units and approximately 11.06% Biodiversity Net Gain of hedgerow units and individual trees replaced at a ratio of 4.2 trees planted to each one lost. Additionally, the applicant would undertake a number of mitigation measures such as ensuring that protected species are protected, introduce directional handrail lighting to the bridge structure, using a warm spectrum of lighting and dimming of all lighting during the night.

499. In view of the above, the Development Management Team Manager considers that subject to the imposition of conditions relating to ground-based tree assessments for bats, a Reptile Method Statement, Construction Environmental Management Plan, a Fish Rescue Method Statement, a Pollution Prevention and Control Plan, an Invasive Non-Native Species Method Statement, a Biodiversity Net Gain Habitat Management Plan and Maintenance Environmental Management Plan and mitigation measures set out in the Ecological Impact Assessment, that the proposed

development would have no unacceptable adverse impacts on the ecology and biodiversity of the site or the surrounding area, including European sites, and would enhance the application site's value for biodiversity, in accordance with Section 15 of the NPPF and Policy SWDP 22 of the adopted South Worcestershire Development Plan.

Water Environment and Flood Risk

500. A Flood Risk Assessment accompanied the application, as required by Paragraph 173 and Footnote 59 of the NPPF. The proposed development is located predominantly within Flood Zone 3 as identified on the Environment Agency's Indicative Flood Risk Map (both Flood Zone 3a 'high probability of flooding' and Flood Zone 3b 'the functional floodplain' as identified in South Worcestershire Strategic Flood Risk Assessment), with small parts of the site located within Flood Zone 2 (medium probability of flooding) and Flood Zone 1 (low medium probability of flooding).

501. Paragraph 165 of the NPPF states that *"inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere"*.

502. Paragraph 173 of the NPPF states that *"when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) *the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*
- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan"*.

503. Paragraph 168 of the NPPF states that *"the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding"*.

504. Policy SWDP 28: 'Management of Flood Risk' of the adopted South Worcestershire Development Plan outlines at Part B what Flood Risk Assessment should address, this includes ensuring that a level for level, volume for volume flood compensation where necessary; ensuring no increase in flood risk or harm to third parties; ensuring that development is safe from flooding for its lifetime; and providing satisfactory Evacuation Management Plans, where necessary, including consultation with the Emergency Services and Emergency Planners.

505. Policy SWDP 29: 'Sustainable Drainage Systems' of the adopted South Worcestershire Development Plan states *"to minimise flood risk, improve water quality and groundwater recharge and enhance biodiversity and amenity interest, all development proposals (as appropriate to their nature and scale) will be required to: i) Demonstrate through a Water Management Statement that site drainage and runoff will be managed in a sustainable and co-ordinated way that mimics the natural drainage network. ii) Manage surface water through Sustainable Drainage Systems (SuDS). SuDS schemes must protect water quality and, wherever practicable, reduce the risk of diffuse pollution by means of treating at source and following the management train approach. iii) Secure the long-term maintenance of SuDS schemes"*.

506. Policy SWDP 30: 'Water Resources, Efficiency and Treatment' of the adopted South Worcestershire Development Plan states at Part E *"proposals that would result in an unacceptable risk to the quality and / or quantity of a water body or water bodies will not be permitted"*.

507. Policy SWDP 31: 'Pollution and Land Instability' of the adopted South Worcestershire Development Plan states at Part A development proposals must be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones, this includes the water environment.

508. The purpose of the proposal is to provide a cycle / pedestrian river crossing which would deliver improved connectivity between Hampton and Evesham. Taking into account the width of the floodplain associated with the River Avon through Evesham, locating the proposal within Flood Zone 1 would require an exceptionally long span that would be impractical and uneconomic for a cycle / footbridge. In view of this, it is considered that the sequential test is passed.

509. The submitted Flood Risk Assessment states that baseline flood risk has been established by updating the existing model and running it for a range of return periods ranging from the 50% AEP to 0.1% AEP flood event. Floodplain depths adjacent to the proposed scheme reach 3.0 metres in the 1.0% AEP plus 32% allowance for climate change event.

510. The Flood Risk Assessment states that the scheme has been developed with mitigation measures to minimise any potential increase in flood risk. These 'built-in' mitigation measures were included within the design before undertaking any hydraulic modelling as one of the aims of the design is to develop a scheme with no unacceptable impacts.

511. The 'built-in' mitigation measures include:

- Setting the soffit level of the bridge to a minimum of 26 metres AOD, thus providing significantly more than the standard 600 millimetres freeboard above the 1.0% hydraulic capacity flood level of 24.2 metres AOD.
- The soffit level of the elevated cycle and walkway access across the floodplain then slopes down until it reaches the eastern abutment, where the lowest soffit level of the proposed scheme is 24.5 metres AOD, providing a 300 metres freeboard above the 1.0% hydraulic capacity flood level of 24.2 metres AOD.

- Locating the western earthworks and the western abutment outside of the left bank flood extent.
- Providing an elevated cycle and walkway across the right bank flood plain, supported by columns to minimise impacts on conveyance and storage and to avoid the need for significant earthworks or large structural access ramps in the floodplain near the riverbank.
- Locating eastern earthworks and the eastern abutment on the margins of the flood plain to minimise potential impacts.

512. Overall, the Flood Risk Assessment concludes that the modelling has shown that the proposed scheme results in no significant impact on flood risk.

513. The NPPF at Paragraph 169 states that *"if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3."*

514. The proposed development is considered to be classified as 'essential infrastructure', as identified by Annex 3 of the NPPF. Table 2: 'Flood risk vulnerability and flood zone 'incompatibility'" of the PPG (Paragraph Reference ID: 7-079-20220825) identifies that 'essential infrastructure' development located within Flood Zones 2 is appropriate. However, in accordance with Table 2, 'essential infrastructure' development located within Flood Zones 3a is required to provide an Exception Test and should be designed and constructed to remain operational and safe in times of flood. The 'essential infrastructure' development located within Flood Zones 3b would be permitted where it is has passed the Exception Test is required to provide an Exception Test.

515. Paragraphs 170 and 171 of the NPPF state that *"to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) 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 exception test should be satisfied for development to be allocated or permitted."*

516. In terms of Exception Test, the Flood Risk Assessment states that the proposed scheme would provide improved cycling and pedestrian connectivity between Hampton and Evesham, promoting a healthier lifestyle for residents. Additionally, it states that *"the hydraulic modelling shows that the proposed scheme has no significant impact on flood risk for events ranging from the 50% through to the 0.1% AEP flood event"*.

517. The provision of compensatory storage is proposed to compensate for the loss in floodplain storage caused by the presence of the earthworks. This would provide other biodiversity and amenity benefits in the provision of a combined storage/wetland feature. Viable locations for the storage locations have been identified that would provide all of the required storage on a volume for volume basis. However, the final form of the storage/wetland feature and the total volume provided would be confirmed

during the detailed design stage of the scheme and agreed upon with the Environment Agency.

518. A Preliminary Drainage Strategy Report has been submitted by the applicant. The overall site is approximately 5.17 hectares within the site boundary and the additional impermeable hardstanding area as a result of the development would be approximately 0.41 hectares. If improperly managed, this may increase surface water runoff volumes, discharge rates to the existing downstream drainage networks, and make the surrounding area more susceptible to surface water flooding during exceedance rainfall events.

519. As such, a Drainage Strategy with Sustainable Drainage Systems attenuation and infiltration features has been proposed to mitigate the effects of the increased impermeable area. The proposed surface water drainage design would include a combination of bridge deck channel drains, carrier pipes, filter drains, soakaway features and flow control devices. A range of Sustainable Drainage Systems features have been incorporated into the design including soakaway, attenuation ponds and shallow swales to ensure surface water would be managed at source, prior to discharge to the downstream network. In line with the current emphasis on sustainability, the proposed Sustainable Drainage Systems design would strive to provide improved water quality, green space, biodiversity and amenity within the scheme area. As far as practically possible, the drainage design should infiltrate surface water to the ground, rather than discharge to a surface water body or existing surface water network, and any flows from site would be attenuated before discharge.

520. Cycle Evesham Vale express concerns that cyclists and local residents may be affected by flooding during construction and when the bridge is built.

521. The applicant responds that the bridge causeway is elevated above the floodplain on the eastern side of the river to ensure the route is not affected by flooding and provides year-round access. A ramp from the end of the causeway links down to the eastern riverbank of Corporation Meadow from the point where the causeway meets the earthwork embankment. While this is a greater length for a cyclist looking to link from the west of the river to the east riverside paths, it provides a direct level access between the highways network at each end, and to the leisure centre, on paths not affected by flooding.

522. Additionally, the applicant's Planning Statement states that "*prior to undertaking construction works, Flood Risk Activity Permits would be obtained after consultation with the Environment Agency to consider and mitigate the potential flooding impact to the Proposed Scheme and the water environment during construction and operation, particularly the River Avon and properties bordering the river*".

523. The Environment Agency have no objections to this proposal, subject to the imposition of conditions relation to flood compensation storage and design flood level.

524. The Environment Agency comment that they would expect the bridge to be designed with a soffit level no lower than the modelled 1 in 100 year (1% AEP) flood level plus an appropriate allowance for climate change. This is known as the Design Flood Level. A planning condition is recommended to this effect.

525. Nevertheless, the applicant clarifies that *“a freeboard of 0.6 metres has been allowed for in the clearance envelope for the bridge soffit in accordance with the worst case between the design flood level of 1-in-200 year event and the 1-in-100 plus climate change”*.

526. The Environment Agency state that Section 2.3 of the Flood Risk Assessment sets out that the proposals entail ground raising in some locations to facilitate ramped access arrangements, thus resulting in some loss of floodplain storage. Section 4.6 of the Flood Risk Assessment sets out a floodplain storage compensation scheme. The Environment Agency note that it is acknowledged that the floodplain storage compensation scheme is based on a volume for volume arrangement only. The Flood Risk Assessment indicates that it was not possible to provide level for level compensation because of the topography of the site and limited space available.

527. The floodplain storage compensation scheme sets out that the volume of floodplain storage provided is 900 cubic metres compared to 620 cubic metres floodplain storage lost as a result of the scheme. Given that the overall impact on third parties regarding flood levels as a result of the development have been shown to be negligible. The Environment Agency consider that the Flood Risk Assessment includes appropriate mitigation proposals with regard to the loss of floodplain storage.

528. The Environment Agency advise that any new works within the channel and any storage of materials within its floodplain or within 8 metres of the top of the bank of the Main River would require a Flood Risk Activity Permit. They recommend the applicant contact the Environment Agency to consult on this further.

529. In response, the applicant states that the flood balance ponds are to remove an equivalent volume of material from the flood plain for the materials utilised in the construction. In detailed design, the applicant would seek to further reduce the volume of materials, and the volume may be reduced from the initial 900 cubic metres. The volume of material would be included in Flood Risk Activity Permits for the permanent works.

530. The Local Lead Flood Authority have no objections to the proposal, subject to conditions relating to infiltration tests, Sustainable Drainage Management Plan and Design Strategy. The Lead Local Flood Authority comments they are pleased to see the use of surface features including swales and attenuation basins.

531. South Worcestershire Land Drainage Partnership have been consulted but no comments have been received to date.

532. Severn Trent Water Limited have no objections to this proposal. They comment that the proposal would have minimal impact on the public sewerage therefore a drainage condition is not required.

533. Focus Environmental Consultants, Worcestershire Regulatory Services and Wychavon District Council's Landscape and Natural Heritage Officer have no objection to this proposal subject on water environment grounds. Worcestershire Wildlife Trust have no objections to this proposal, subject to conditions, including a requirement for sustainable drainage scheme.

534. The County Emergency Planning Team have no objections to this proposal, subject to the imposition of a condition relating to a Construction Environmental Management Plan.

535. In view of the above, and in light of the advice of the Environment Agency, the Development Management Team Manager considers that the proposal has passed the Exception Test as outlined and the proposal would not result in a net loss of floodplain storage, would not impede water flows, would not increase flood risk elsewhere from any source and would remain operational in times of flood, and in times of extreme flood events the applicant has demonstrated that measures would be in place to ensure the safety of users.

536. Based on the advice of the Environment Agency, Lead Local Flood Authority, Severn Trent Water Limited and the County Emergency Planning Team in particular, the Development Management Team Manager considers that there would be no unacceptable adverse effects on the water environment, subject to the imposition of appropriate conditions relating to infiltration tests, a Sustainable Drainage Management Plan and Design Strategy for the final design of the flood storage compensation area and design of a soffit level to allow for flood level plus an allowance for climate change. The Development Management Team Manager considers that the proposed development accords with Section 14 of the NPPF and Policies SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the adopted South Worcestershire Development Plan.

Other matters

Green Space

537. The majority of the application site is located on land classed as 'Green Space' on the Policies Map of the adopted South Worcestershire Development Plan.

538. Policy SWDP 38: 'Green Space' of the adopted South Worcestershire Development Plan states that "*development of Green Space will not be permitted unless the following exceptional circumstances are demonstrated:*

- i. The proposal is for a community / recreational use that does not compromise the essential quality and character of the Green Space; or*
- ii. An assessment of community and technical need (using recognised national methodology where appropriate) clearly demonstrates that the Green Space is surplus to requirements; or*
- iii. Alternative / replacement Green Space of at least equivalent value to the community has been secured in a suitable location".*

539. During construction, compounds would be placed on both sides of the river. The main site compound would be located to the east and directly adjacent to Evesham Leisure Centre, on an existing area of hardstanding which is outside of the Green Space designation. In addition, a satellite compound would be located on the western extent of the River Avon in close proximity to the works. Once construction is complete, the land would be reinstated to mixed scrub habitat.

540. The Development Management Team Manager considers that the proposal would be for community / recreational use, and once operational the proposal would not compromise the essential quality and character of the designated Green Space, albeit that there would be some loss of Green Space due to the footprint of the

proposal (approximately 682 square metres) including 84 square metres below bridge on western bank and 598 square metres below bridge, and causeway metres on eastern bank. Additionally, there is a reinforced earth embankment footpath stretching approximately 198 metres to link onto Evesham Leisure Centre. Once operational the proposed development would provide improved connectivity for cyclist and pedestrians and enable improved access between Hampton and Evesham Leisure Centre and further towards Evesham City Centre. The development would also encourage further use of Green Space including for walking, cycling, dog walking and other recreational uses.

541. Wychavon District Council have been consulted and have no objections on ground of the proposed development contributing to loss of Green Space. In view of the above, it is considered that the proposal would not have an unacceptable adverse impact upon the designated Green Space, in accordance with Policy SWDP 38 of the adopted South Worcestershire Development Plan.

Minerals

542. The application site falls within the Minerals Safeguarding Area for Terrace and Glacial Sand and Gravel and Minerals Consultation Area for Sand and Gravel as identified on the Policies Map of the adopted Worcestershire Minerals Local Plan.

543. Policy MLP 41: 'Safeguarding Locally and Nationally Important Mineral Resources' of the adopted Worcestershire Minerals Local Plan states that *"the locally and nationally important mineral resources within the Mineral Safeguarding Areas defined on the Policies Map will be safeguarded against sterilisation by non-mineral development. A level of technical assessment appropriate to the proposed development and its potential impact on sterilising mineral resources, both within and beyond the boundary of the proposed development, will be required for all non-exempt development proposed within or partially within the Mineral Consultation Areas defined on the Policies Map."*

544. Policy SWDP 32: Minerals of the adopted South Worcestershire Development Plan states that proposed development in Minerals Consultation Areas would be required to assess the scope for minerals extraction before development takes place. Policy SWDP further states that planning permission would not be granted for non-mineral development that would lead to the unnecessary sterilization of mineral resources within a Minerals Safeguarding Area unless the applicant can demonstrate that the mineral concerned is no longer of any value or potential value, the mineral can be extracted satisfactorily prior to the development taking place; or the development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed.

545. Table 7.1 'Types of development exempt from minerals safeguarding requirements' of the adopted Worcestershire Minerals Local Plan includes a list of exemptions from Policy MLP 41. As one of the exceptions the table specifies:

"a) sites allocated in adopted Local Plans, where:

i. safeguarding requirements have been ruled out during plan preparation and this is clearly stated as part of the site allocation".

546. The County Minerals and Waste Policy Team have been consulted and comments that as the proposed development only intersects the mineral resource within the boundary of the site allocated under Policy SWDP50/7 of the adopted South Worcestershire Development Plan, this application is exempt from the requirements of Policy MLP 41 of the adopted Worcestershire Minerals Local Plan under the exemption set out in Table 7.1 part a)i).

547. Based on the advice of the County Minerals and Waste Policy Team, the Development Management Team Manager is satisfied that the proposed development would not sterilise minerals resources within and beyond boundary of the proposed development, in accordance with Policy MLP 41 of the adopted Worcestershire Minerals Local Plan and Policy SWDP 32 of the adopted South Worcestershire Development Plan.

Consultation

548. In relation to a resident comment that the applicant should have made further efforts to consult the local community on additional/amended information, the Head of Planning and Transport Planning notes that additional/further information, which predominantly related to technical detail of the scheme, was subject to a second public consultation and was made available on the Worcestershire County Council website and residents were informed of this via advertising in the press, on site and by neighbour notification.

Crime and Safety

549. Section 8 of the NPPF states at Paragraph 96 that "*planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which...b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-deigned, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas*".

550. Policy SWDP 21: 'Design' of the adopted South Worcestershire Development Plan states that "*opportunities for creating a safe and secure environment and providing surveillance should be included, principally through the layout and positioning of buildings, spaces and uses. Where appropriate, development should incorporate measures for crime reduction that are consistent with those recommended by the Secured by Design guides...*".

551. Letters of representations have been received from local residents objecting to the proposal due to concerns regarding potential increase of crime and anti-social behaviour taking place under the bridge due this area being screened away from the main footpath and lacking the level of surveillance.

552. In response to this, the applicant confirms that the proposed bridge has been planned and designed to reduce the risk of antisocial behaviours. It has been achieved by following guidance of Department for Transport "Manual for Streets", CABE Space, titled "Decent parks? Decent behaviour? - The link between the quality of parks and user behaviour", BS5489:2020 Road Lighting Code of Practice, and Worcestershire County Council "Street Lighting Design Guide". The bridge and walkway have been designed to be open and airy, which in addition to the benefits of lower materials use and reduced impact on river flows, provides greater visibility of

people around the bridge structure than a traditional masonry bridge or more solidly massed steel structure.

553. The bridge would cross over a Public Right of Way on both banks. There would also be steps and pathways linking to the riverside Public Right of Way and paths to the leisure centre. The improved links, as well as providing improved access for local residents to amenities and increased public usage, would therefore give increased public surveillance.

554. There are also riverbank fishing pegs nearby with regular users of these. Having the paths in close proximity to the structure and avoiding having areas hidden behind the structure compared to fencing off reduces risk of anti-social people trying to get into excluded areas. The foundations would be kept clear of vegetation for maintenance, and the public would be able to get close to the structure, so there would not be any enclosed area where anti-social persons may try and break into or hide behind.

555. The applicant also confirms that while it is not intended to include Closed Circuit Television (CCTV) from the outset as the measures taken in the design are intended to reduce risk of anti-social behaviour, communication and lighting ducts would be included as part of the proposed bridge which would allow for integration of CCTV if it was seen as beneficial in the future.

556. West Mercia Police have been consulted and raise no concerns or objections to the proposal. Based on the advice of West Mercia Police it is considered that the proposal is acceptable in terms of its impact upon crime and antisocial behaviour, in accordance with Section 8 of the NPPF and Policy SWDP 21 of the adopted South Worcestershire Development Plan.

Utilities

557. A Utilities Assessment formed part of the application submission. This Assessment confirms that apparatus from Severn Trent Water, Severn Trent Foul and Surface Water, BT Openreach; Wales and West Utilities and Western Power Distribution (NG) are located within or adjacent to the application site. In addition, the County Planning Authority has carried out a 'Line Search' review online which led to standard guidance provided by Wales and West Utilities and Western Power Distribution.

558. The Utilities Assessment states that the key statutory undertaker that may require potential diversion is Severn Trent Water. Their existing pipeline assets within the Corporation Meadow may pass below the proposed alignment of the bridge approach ramps and detention basins. A Ground Probing Radar Survey has been undertaken for the existing pipe alignment to enable trial holes to confirm locations during detailed design, along with early engagement with Severn Trent Water.

559. The Utilities Assessment states that during detailed design a comprehensive drainage survey would be undertaken to confirm the existing underground utilities layout. would be undertaken as part of the topographical survey. Hand dug trenches would be carried out before construction commences.

560. Severn Trent Water Limited have no objections to this proposal. They comment that the proposal would have minimal impact on the public sewerage, therefore, a drainage condition is not required.

561. The 'Line Search' review online identified Wales and West Utilities and National Grid (Electricity) as the utility providers affected by this proposal. Both Wales and West Utilities and National Grid (Electricity) (formerly Western Power Distribution) raise no objections to this proposal.

562. In view of this, the Development Management Team Manager is satisfied that the proposed development would not have an unacceptable impact upon utilities.

Human Rights Act 1998

563. 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.

564. 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.

565. 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

566. The proposal would consist of walking and cycling provision between Hampton and Evesham and would be comprised of the following features to the west:

- New shared-use footbridge spanning over the River Avon
- New shared-use and pedestrian only footpaths along the west of the existing Severn Trent Water access road
- A new ramp connecting the Severn Trent Water access road and new bridge
- A staircase with a shorter desire line. The new stairs would provide a connection between pedestrians approaching from the new Clarks Hill Rise footpath, the new footbridge and the existing Public Right of Way river path

567. To the east of the River Avon, the scheme would consist of the following:

- A raised causeway linking the new footbridge to the new footpath
- An earthwork embankment with a footpath proceeding to Evesham town centre via Evesham Leisure Centre
- Connection to the Public Right of Way river towpath via a new staircase and a separate footpath branching off the earthwork embankment path.

568. Subject to technical review and detailed design, the main span of the bridge would measure approximately 84 metres long by 3.5 to 3.8 metres wide at the deck level. The structure above deck at approximately 4.25 metres would be slightly wider due to the width of the handrails and their supports. To the east, an elevated ramp would extend about 129 metres, with a width of about 3.5 metres and gradient of 1%.

569. In terms of materials, the steelwork of the main span and approach ramps would be in weathering steel. The bridge would have below deck arch design to ensure that the structure is in keeping with other nearby bridges along the River Avon as well as to create a low-lying, modest structure to limit visual impact in the setting.

570. Based on the advice from the County Landscape Officer, Worcestershire Regulatory Services, Wychavon District Council's Landscape Officer and Wychavon District Council in particular, the Development Management Team Manager considers that the scale, massing and design of the proposed development would not have an unacceptable adverse impact upon the character and appearance of the local area and would be in accordance with Section 12 of the NPPF and Policies SWDP 21, SWDP 25 and SWDP 31 of the adopted South Worcestershire Development Plan. Furthermore, on balance, it is considered that the development would not cause unacceptable overbearing, overshadowing or overlooking implications that detract from residential amenity due its design, size and location, subject to the imposition of appropriate conditions, including detailed design, materials (including weathering steel for the bridge structure), Construction Environmental Management Plan and Landscape Ecological Management Plan.

571. In light of the advice from Wychavon District Council's Conservation Officer, the Development Management Team Manager considers that the proposals would lead to 'less than substantial' harm to the significance of the designated heritage assets of Grade II* St Andrew's Church, Grade II listed Nos. 3, 5 and 6 Brookside, Hampton House, The Pool, 11-16 Alexandra Road, Cherry Tree Cottage, The Cottage, No. 64 Pershore Road, Friars Mead, Avon House and scheduled Abbot Chryton's Wall.

572. Paragraph 209 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 directly or indirectly affect 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*". In view of this and based on the advice of Wychavon District Council's Conservation Officer and the County and District Archaeologists, the Development Management Team Manager considers that on balance, the impact upon the non-designated heritage assets is not of such significance as to constitute a refusal reason in this instance.

573. In light of the advice from Wychavon District Council's Conservation Officer and the County and District Archaeologists, the Development Management Team Manager considers that the proposed development would not have an unacceptable adverse impact upon historic environment, including designated and non-designated heritage assets and heritage assets with archaeological interest, in accordance with Section 16 of the NPPF and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan, subject to the imposition of appropriate planning conditions, including the programme of archaeological work and site investigation and post investigation assessment.

574. The Development Management Team Manager considers that the scheme would encourage sustainable and active travel, improving transport options for local residents and encouraging further local leisure trips, facilitating a step change in the levels of cycling and walking and helping to contribute to improved health and wellbeing. Access to open space would be improved, particularly to residents of Hampton on the east side of the River Avon and the scheme would provide another crossing over the river, thus improving transport resilience.

575. Based on the advice of the County Highways Officer and the County Footpaths Officer in particular, the Development Management Team Manager is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, in accordance with Section 9 of the NPPF and Policy SWDP 4 of the adopted South Worcestershire Development Plan, subject to the imposition of appropriate conditions relating to a detailed scheme of works for Hampton Footbridge and its connections to Pershore Road, a detailed design to modify the Severn Trent Water Access Road and connect Evesham Leisure Centre to Hampton Footbridge, pedestrian and cycle access, Public Rights of Way, detailed lighting scheme, Lighting Scheme Optioneering Assessment, Construction Traffic Management Plan, Road Safety Audit and Construction Method Statement.

576. Based on the advice from Focus Environmental Consultants (on behalf of the County Ecologist), Natural England, the Environment Agency, Wychavon District Council's Landscape and Natural Heritage Officer and Worcestershire Wildlife Trust in particular, the Development Management Team Manager considers that subject to the imposition of conditions relating to ground-based tree assessments for bats, a Reptile Method Statement, Construction Environmental Management Plan, a Fish Rescue Method Statement, a Pollution Prevention and Control Plan, an Invasive Non-Native Species Method Statement, a Biodiversity Net Gain Habitat Management Plan and Maintenance Environmental Management Plan and mitigation measures set out in the Ecological Impact Assessment, that the proposed development would have no unacceptable adverse impacts on the ecology and biodiversity of the site or the surrounding area, including European sites, and would enhance the application site's value for biodiversity, in accordance with Section 15 of the NPPF and Policy SWDP 22 of the adopted South Worcestershire Development Plan.

577. In light of the advice of the Environment Agency, the Development Management Team Manager considers that the proposal has passed the Exception Test as outlined and the proposal would not result in a net loss of floodplain storage, would not impede water flows, would not increase flood risk elsewhere from any source and would remain operational in times of flood, and in times of extreme flood events the applicant has demonstrated that measures would be in place to ensure the safety of users.

578. Based on the advice of the Environment Agency, Lead Local Flood Authority, Severn Trent Water Limited and County Emergency Planning in particular, the Development Management Team Manager considers that there would be no unacceptable adverse effects on the water environment, subject to the imposition of appropriate conditions relating to infiltration tests, a Sustainable Drainage Management Plan and Design Strategy for the final design of the flood storage compensation area and design of a soffit level to allow for flood level plus an allowance for climate change. The Development Management Team Manager considers that the proposed development accords with Section 14 of the NPPF and

Policies SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the adopted South Worcestershire Development Plan.

579. In summary, taking into account the provisions of the Development Plan and in particular Policy MLP 41 of the adopted Worcestershire Minerals Local Plan and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 7, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30 and SWDP 31, SWDP 32, SWDP 33, SWDP 34, SWDP 37, SWDP 38, SWDP 40, SWDP 50 and SWDP 51 of the adopted South Worcestershire Development Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

580. The Development Management Team Manager recommends that planning permission be granted for Hampton Pedestrian and Cycling Bridge to span the River Avon with associated active travel improvements on land between Pershore Road in Hampton on the west side of the River Avon and Evesham Leisure Centre on the east side of the River Avon, Evesham, Worcestershire, subject to the following conditions:

Commencement

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.**
- 2) The developer shall notify the County Planning Authority of the start date of commencement of the development hereby approved in writing within 5 working days following the commencement of the development.**

Approved Drawings

- 3) The development hereby approved shall be carried out in accordance with the following drawings, except where otherwise stipulated by conditions attached to this permission:**
 - Drawing number: HFB-COW-HFB-ALL-DR-CB-1010, Revision P01, titled: General Arrangement Site Plan, dated: 4 August 2023;**
 - Drawing number: HFB-COW-HFB-ALL-DR-CB-1015, Revision P01, titled: General Arrangement Developed Elevation, dated: 4 August 2023;**
 - Drawing number: HFB-COW-HFB-ALL-DR-CB-1020, Revision P01, titled: General Arrangement Cross Sections – Main Span, dated: 4 August 2023;**
 - Drawing number: HFB-COW-HFB-ALL-DR-CB-1021, Revision P01, titled: General Arrangement Cross Sections – Ramp, dated: 4 August 2023;**
 - Drawing number: 2928-BUR-HGT-HFB-DR-C-0603, Revision P2.0, titled: SERIES 600 – Earthworks Proposed Cut & Fill GA Hampton Footbridge Sheet 1, dated: 17 August 2023;**
 - Drawing number: 2928-BUR-HGT-HFB-DR-C-0604, Revision P2.0, titled: SERIES 600 – Earthworks Proposed Cut & Fill GA Hampton Footbridge Sheet 2, dated: 17 August 2023;**

- Drawing number: 2928-BUR-HDG-HFB-DR-D-0501, Revision P5.0, titled: SERIES 0500 – Drainage General Arrangement Hampton Footbridge Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HDG-HFB-DR-D-0502, Revision P7.0, titled: SERIES 0500 – Drainage General Arrangement Hampton Footbridge Sheet 2, dated: 9 January 2024;
- Drawing number: 2928-BUR-HGT-HFB-DR-C-0601, Revision P5.0, titled: SERIES 600 – Earthworks General Arrangement Hampton Footbridge Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HGT-HFB-DR-C-0602, Revision P5.0, titled: SERIES 600 – Earthworks General Arrangement Hampton Footbridge Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-XX-DR-C-0125, Revision P3.0, titled: SERIES 100 – Preliminaries Existing Site Plan General Arrangement, dated: 10 August 2023;
- Drawing number: 2928-BUR-HFE-XX-DR-C-0350, Revision P6.0, titled: SERIES 300 – Fencing Standard Details Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HFE-HFB-DR-C-0301, Revision P5.0, titled: SERIES 300 – Fencing General Arrangement Hampton Footbridge Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HFE-HFB-DR-C-0302, Revision P5.0, titled: SERIES 300 – Fencing General Arrangement Hampton Footbridge Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-HFB-DR-C-0101, Revision P6.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-HFB-DR-C-0102, Revision P5.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-XX-DR-C-0100, Revision P6.0, titled: SERIES 100 - Preliminary Scheme Overview General Arrangement, dated: 10 August 2023;
- Drawing number: 2928-BUR-HKF-HFB-DR-C-1150, Revision P4.0, titled: SERIES 1100 – Kerbs, Footways & Paved Areas Hampton Footbridge - Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HKF-XX-DR-C-1151, Revision P5.0, titled: SERIES 1100 – Kerbs, Footways & Paved Areas Standard Details - Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-HKF-HFB-DR-C-1101, Revision P5.0, titled: SERIES 1100 – Kerbs, Footways & Paved Areas General Arrangement - Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HKF-HFB-DR-C-1102, Revision P5.0, titled: SERIES 1100 – Kerbs, Footways & Paved Areas General Arrangement - Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-HPV-HFB-DR-C-0750, Revision P4.0, titled: SERIES 700 – Road Pavements Hampton Footbridge Pavement Construction Details, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-XX-DR-C-0127, Revision P3.0, titled: SERIES 100 – Preliminaries Public Right of Way General Arrangement, dated: 10 August 2023;

- Drawing number: 2928-BUR-GEN-XX-DR-C-0121, Revision P4.0, titled: SERIES 100 – Preliminary Red Line Boundary General Arrangement, dated: 10 August 2023;
- Drawing number: 2928-BUR-HMK-HFB-DR-C-1202, Revision P5.0, titled: SERIES 1200 – Road Markings Hampton Footbridge Sheet 2, dated: 7 August 2023;
- Drawing number: 2928-BUR-HMK-HFB-DR-C-1201, Revision P5.0, titled: SERIES 1200 – Traffic Signs & Road Markings Hampton Footbridge - Sheet 1, dated: 7 August 2023;
- Drawing number: 2928-BUR-HPV-HFB-DR-C-0701, Revision P5.0, titled: SERIES 700 – Road Pavements General Arrangement Hampton Footbridge Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HSC-HFB-DR-C-0201, Revision P2.0, titled: SERIES 200 – Site Clearance General Site Clearance Hampton Footbridge Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HSC-HFB-DR-C-0202, Revision P2.0, titled: SERIES 200 – Site Clearance General Site Clearance Hampton Footbridge Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-XX-DR-C-0128, Revision P3.0, titled: SERIES 100 – Preliminaries Site Lines to Properties General Arrangement, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-XX-DR-C-0124, Revision P4.0, titled: SERIES 100 – Preliminaries Site Location Plan, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-XX-DR-C-0129, Revision P2.0, titled: SERIES 100 – Preliminaries Site Lines to Properties General Arrangement, dated: 10 August 2023;
- Drawing number: 2928-BUR-HSN-HFB-DR-C-1201, Revision P5.0, titled: SERIES 1200 – Traffic Signs General Arrangement Hampton Footbridge Sheet 1, dated: 7 August 2023;
Drawing number: 2928-BUR-HSN-HFB-DR-C-1202, Revision P5.0, titled: SERIES 1200 – Traffic Signs General Arrangement Hampton Footbridge Sheet 2, dated: 7 August 2023;
- Drawing number: 2928-BUR-HGT-XX-DR-C-0650, Revision P5.0, titled: SERIES 600 – Earthworks Typical Cross Section Sheet 1, dated: 10 August 2023;
- Drawing number: 2928-BUR-HGT-XX-DR-C-0651, Revision P3.0, titled: SERIES 600 – Earthworks Typical Cross Section Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-HGT-XX-DR-C-0652, Revision P3.0, titled: SERIES 600 – Earthworks Typical Cross Section Sheet 3, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-XX-DR-C-2700, Revision P2.0, titled: SERIES 2700 – Utility Services Existing Utilities General Arrangement, dated: 10 August 2023;
- Drawing number 2928-BUR-GEN-HFB-DR-C-0103, Revision P5.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 3, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-HFB-DR-C-0104, Revision P3.0, titled: SERIES 100 – Preliminary Hampton Footbridge Temporary Works - Sheet 1, dated: 10 August 2023;

- Drawing number: 2928-BUR-GEN-HFB-DR-C-0105, Revision P3.0, titled: SERIES 100 – Preliminary Hampton Footbridge Temporary Works - Sheet 2, dated: 10 August 2023;
- Drawing number: 2928-BUR-GEN-XX-DR-C-0123, Revision P2.0, titled: SERIES 100 – Preliminaries Topographic Survey General Arrangement, dated: 10 August 2023;
- Drawing number: 2928-BUR-HSN-HFB-DR-C-1203, Revision P1.0, titled: SERIES 1200 – Traffic Signs General Arrangement Hampton Footbridge Sheet 3, dated: 7 August 2023;
- Drawing number: APPENDIX B, Revision B, titled: Lighting Strategy, dated: 12 September 2023;
- Drawing number: APPENDIX H, Revision A, titled: Lighting Strategy Post-Curfew Dimming, dated: 13 September 2023;
- Drawing number: 61019-DWG-FIG_1.5A, Revision P2, titled: FI: Final, dated: 14 August 2023;
- Drawing number: 61019-DWG-FIG_1.5B, Revision P4, titled: FI: Final, dated: 17 August 2023;
- Drawing number: 61019-DWG-FIG_1.5C, Revision P4, titled: FI: Final, dated: 17 August 2023;
- Drawing number: 61019-DWG-FIG_1.5D, Revision P4, titled: FI: Final, dated: 17 August 2023;
- Drawing number: 2928-BUR-HML-HFB-DR-C-0701, Revision P5, titled: Series 700 - Road Geometry General Arrangement Hampton Footbridge Sheet 1, dated: 17 August 2023;
- Drawing number: 2928-BUR-HML-HFB-DR-C-0702, Revision P4, titled: Series 700 - Road Geometry General Arrangement Hampton Footbridge Sheet 2, dated: 23 May 2022;
- Drawing number: 2928-BUR-HML-XX-DR-C-0710, Revision P5, titled: Series 700 - Road Geometry Road Geometry Longsections - Sheet 1, dated: 23 May 2022; and
- Drawing number: 2928-BUR-HML-XX-DR-C-0711, Revision P5, titled: Series 700 - Road Geometry Road Geometry Longsections - Sheet 2, dated: 23 May 2022.

- 4) The bridge, elevated approach ramp and parapet supports hereby approved shall be constructed from weathering steel, with stainless steel infill and handrails in accordance with Drawing number: HFB COW HFB ALL DR CB 1020, Revision P01, titled: General Arrangement Cross Sections – Main Span, dated: 4 August 2023 and Drawing number: HFB COW HFB ALL DR CB 1021, Revision P01, titled: General Arrangement Cross Sections – Ramp, dated: 4 August 2023.
- 5) Details of any new or alterations to existing fences, gates, walls and other means of enclosure to be erected or altered at the site shall be submitted to and approved in writing by the County Planning Authority prior to being erected or altered. Thereafter, the development shall be carried out in accordance with the approved details.

Construction Environmental Management Plan

- 6) Notwithstanding the submitted details, prior to commencement of development hereby approved, excluding vegetation clearance and translocation of reptiles, a Construction Environmental Management Plan

(CEMP), in accordance with Worcestershire Regulatory Services "Code of Best Practice for Demolition and Construction Sites" shall be submitted to and approved in writing by the County Planning Authority. The approved CEMP shall be implemented for the duration of the construction works. The CEMP shall include the following:

Hours of Working

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

Lighting

- ii. Details of the proposed construction lighting;

Dust and Air Quality

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

Noise and Vibration

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

Water Environment

- v. Measures to be undertaken to ensure that any pollution and silt generated by the construction works shall not adversely affect groundwater and surface waterbodies;
- vi. Details of flood response arrangements, including emergency evacuation arrangements for construction staff; and

Contamination

- vii. A Method Statement for the control of unexpected contamination.

Highways

- 7) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding vegetation clearance and translocation of reptiles, a detailed scheme of works, including a Construction Method Statement/phasing which ensures highway safety is maintained at all times, for Hampton Footbridge and its connections to Pershore Road (via Severn Trent Water Access Road) and Evesham Leisure Centre, which are broadly in accordance with Drawing number: 2928-BUR-GEN-XX-DR-C-0100, Revision P6.0, titled: SERIES 100 – Preliminary Scheme Overview General Arrangement, dated: 10 August 2023, Drawing number: 2928-BUR-GEN-HFB-DR-C-0101, Revision P6.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 1, dated: 10 August 2023, Drawing number: 2928-BUR-GEN-HFB-DR-C-0102, Revision P5.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 2, dated: 10 August 2023 and Drawing number 2928-BUR-GEN-HFB-DR-C-0103, Revision P5.0, titled: SERIES 2700 – Preliminary General Arrangement Hampton Footbridge - Sheet 3, dated: 10 August 2023, shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- 8) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding vegetation clearance and translocation of reptiles, the detailed design to modify the Severn Trent Water Access Road and connect Evesham Leisure Centre to Hampton Footbridge (eastern ramp) shall be submitted to and approved in writing by the County Planning Authority. These works shall be generally in accordance with the proposed arrangement shown on Drawing number: 2928-BUR-GEN-XX-DR-C-0100, Revision P6.0, titled: SERIES 100 - Preliminary Scheme Overview General Arrangement, dated: 10 August 2023, Drawing number: 2928-BUR-GEN-HFB-DR-C-0101, Revision P6.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 1, dated: 10 August 2023, Drawing number: 2928-BUR-GEN-HFB-DR-C-0102, Revision P5.0, titled: SERIES 100 – Preliminary General Arrangement Hampton Footbridge - Sheet 2, dated: 10 August 2023 and Drawing number 2928-BUR-GEN-HFB-DR-C-0103, Revision P5.0, titled: SERIES 2700 – Preliminary General Arrangement Hampton Footbridge - Sheet 3, dated: 10 August 2023, subject to any necessary changes identified during the detailed design, Technical Approval and Road Safety Audit processes. Thereafter, the development shall be carried out in accordance with the approved details.
- 9) Notwithstanding the submitted details, prior to the erection of any permanent lighting, a detailed lighting scheme for Hampton Footbridge and its connections to Pershore Road (via Severn Trent Water Access Road) and Evesham Leisure Centre shall be submitted to and approved in writing by the County Planning. Thereafter, the development shall be carried out in accordance with the approved details.
- 10) Prior to any detailed design submission for the Hampton Bridge lighting scheme, as required by Condition 9) of this permission, a Lighting Optioneering Assessment for Hampton Bridge, particularly the pedestrian steps at the eastern and western tie-ins, shall be submitted to and approved in writing by the County Planning Authority. The detailed lighting scheme shall then be designed in full accordance with the approved option.
- 11) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding vegetation clearance and translocation of reptiles, a Construction Traffic Management Plan shall be submitted to and approved in writing by the County Planning Authority. This shall include, but not be limited to the following:
- i. Quantification of construction traffic two-way movements, by vehicle type (including special or abnormal loads) and time of day throughout the construction phase of the development (including enablement works such as Haul Road construction) to each compound;
 - ii. Confirmation of construction traffic access routes;
 - iii. Detailed tracking assessments for all vehicle types requiring access to both compounds, performing all entry and exit

- manoeuvres at the compound access, Haul Road access/junctions and nearby highway junctions;
- iv. Identification of any temporary works or traffic management measures required to safely accommodate construction traffic movements, including the removal and/or relocation of any street furniture and/or highway assets;
 - v. Measures to ensure Public Rights of Way remain unobstructed or a suitable alternative temporary diversion route is in place;
 - vi. Measures to ensure that vehicles leaving the site/site compounds do not deposit mud or other detritus on the public highway;
 - vii. Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
 - viii. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
 - ix. Measures to ensure that large construction vehicles, including HGVs, generated by the development site do not cause obstruction of the Severn Trent Water Access Road, unless closure periods are agreed with Severn Trent Water Limited and the campsite operator;
 - x. Details of any temporary construction accesses and their reinstatement;
 - xi. A highway condition survey, timescale for re-inspections, and details of any reinstatement at locations to be approved in writing with the County Planning Authority; and
 - xii. Method(s) of any community engagement required, particularly if the temporary suspension of on-street parking is necessary along Pershore Road.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved, in writing, by the County Planning Authority.

- 12) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding vegetation clearance and translocation of reptiles, a detailed scheme of works, including a Construction Method Statement which ensures highway safety is maintained at all times, for the temporary Haul Road(s), which is broadly in accordance with Drawing number: 2928-BUR-GEN-HFB-DR-C-0104, Revision P3.0, titled: SERIES 100 – Preliminary Hampton Footbridge Temporary Works - Sheet 1, dated: 10 August 2023 and Drawing number: 2928-BUR-GEN-HFB-DR-C-0105, Revision P3.0, titled: SERIES 100 – Preliminary Hampton Footbridge Temporary Works - Sheet 2, dated: 10 August 2023, shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Ecology

- 13) Prior to the removal of any suitable trees for bat roosting as detailed in the Ecological Impact Assessment, produced by TACP, dated September 2023,

pre-commencement ground-based tree assessments for bats shall be undertaken. Any further survey or mitigation measures required following pre-commencement survey shall be undertaken prior to vegetation removal. A pre-commencement bat survey report detailing appropriate measures shall be submitted to the County Planning Authority for approval in writing.

14) Notwithstanding the submitted details, prior to vegetation clearance, translocation of reptiles and commencement of the development hereby approved, a Reptile Method Statement detailing protection measures, translocation arrangements, exclusion methods, timings of works, creation or enhancement of habitats and features, related aftercare management, monitoring, and contingency measures, shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

15) Notwithstanding the submitted details, prior to vegetation clearance, translocation of reptiles and commencement of the development hereby approved, a detailed Construction Environmental Management Plan (CEMP) for biodiversity shall be submitted to and approved in writing by the County Planning Authority. The CEMP for biodiversity shall include the following:

- i. Risk assessment of potentially damaging construction-type activities;
- ii. Identification of “biodiversity protection zones” and areas where invasive species have been identified;
- iii. Inclusion of or reference to details for implementation of method statements required for reptiles, invasive species, and migratory fish, as well as mitigation measures;
- iv. Practical measures (both physical and sensitive working practices) to avoid or reduce impacts during construction;
- v. Mitigation measures specifically relating to badger;
- vi. The location and timing of sensitive works to avoid harm to biodiversity features;
- vii. The times during construction when specialist ecologists need to be present on site to oversee works; and
- viii. The roles and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.

Thereafter, the development shall be carried out in accordance with the approved details.

16) The development hereby approved shall be carried out in accordance with the submitted Fish Rescue Method Statement produced by TACP, dated January 2024.

17) 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 for approval in writing to the County Planning Authority. The content of the LEMP shall include the following:

- i. Description of habitat features set out as part of the landscape plans;
- ii. Ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii. Details of the body or organization responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures;
- ix. Reference to the Biodiversity Net Gain (BNG) Habitat Management Plan and Maintenance Environmental Management Plan; and
- x. An updated planting scheme to include native species of local provenance, locations, numbers, densities, spacing and planting sizes for the development hereby approved. The scheme shall be implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of areas of the development sufficient to commence landscaping. 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 the same species.

Thereafter, the development shall be carried out in accordance with the approved details.

18) Notwithstanding the submitted details, excluding vegetation clearance and translocation of reptiles, a Pollution Prevention and Control Plan, shall be submitted to and approved in writing by the County Planning Authority. The Pollution Prevention and Control Plan shall detail procedures to avoid pollution incidents, with particular focus on habitat and wildlife features at the site. Contingency / emergency measures for accidents and unexpected events including the following shall be detailed in the Pollution Prevention and Control Plan:

- i. Pollution incidents, e.g. use of spill kits with machinery;
- ii. Dealing with previously unrecorded protected species found during construction / implementation;
- iii. Unexpected bad weather;
- iv. Other unforeseen causes of delay; and
- v. Repair of damaged areas and features.

Thereafter, the development shall be carried out in accordance with the approved details.

- 19) Notwithstanding the submitted details, prior to vegetation clearance and the commencement of the development hereby approved, excluding translocation of reptiles, an Invasive Non-Native Species (INNS) Method Statement to cover containment, control, and removal of invasive non-native species (in particular Himalayan balsam) at the site, as well as biosecurity measures as part of construction works, shall be submitted to, and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 20) Within 6 months of the commencement of the development hereby approved, a Biodiversity Net Gain (BNG) Habitat Management Plan (HMP) and Maintenance Environmental Management Plan (MEMP) shall be submitted to the County Planning Authority for approval in writing. The BNG HMP and MEMP shall include the following:
- i. Description of habitat features set out as part of the landscape plans where specifically included for biodiversity net gain;
 - ii. Ecological trends and constraints on site that might influence management over a 30-year period;
 - iii. Aims and objectives of management;
 - iv. Appropriate management options for achieving aims and objectives, including long-term management options;
 - v. Prescriptions for management actions over a 30-year period;
 - vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period);
 - vii. Details of the body or organization responsible for implementation of the plan; and
 - viii. Ongoing monitoring and remedial measures, to include appropriate condition assessments undertaken in accordance with UK Habitat Classification condition assessment criteria for a period of 5 years.

A 5-yearly review and report detailing management changes required and the management, monitoring and remedial measures undertaken to ensure habitats are maintained / working toward target condition as set out in the Biodiversity Net Gain Assessment, produced by TACP, dated August 2023 shall be submitted to the County Planning Authority for approval in writing.

- 21) The development hereby approved shall be carried out in accordance with the mitigation measures set out in Section 7: 'Mitigation' of the Ecological Impact Assessment, produced by TACP, dated September 2023.

Archaeology

- 22) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding vegetation clearance and translocation of reptiles, a programme of archaeological work including a Written Scheme of Investigation(s) shall be submitted to and approved in writing by the County Planning Authority. 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; and
- vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Thereafter, the development shall be carried out in accordance with the approved details.

- 23) Within 2 years of completion, the site investigation and post investigation assessment must be completed in accordance with the programme set out in the Written Scheme of Investigation(s) approved under Condition 22) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Water Environment

- 24) Within 3 months of the commencement of the development hereby approved, a drainage strategy shall be submitted to the County Planning Authority for approval in writing, and site works related to the drainage scheme shall not commence until the drainage scheme has been approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 25) The development hereby approved shall not be brought into use until a drainage maintenance plan has been submitted to and approved in writing by the County Planning Authority. The maintenance plan shall include a schedule of all of the maintenance tasks that will be required to keep the drainage scheme functioning as intended for the lifetime of the development, and it shall take account of how such maintenance tasks can be undertaken safely and conveniently, both with the users of the development and the maintenance operatives in mind. Thereafter, the development shall be maintained in accordance with the approved drainage maintenance plan.
- 26) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, excluding vegetation clearance and translocation of reptiles, a detailed design of the flood storage compensation area shall include the proposed final levels, topography and volume (to include a minimum of 900 cubic metres of flood plain storage) and a timetable for its implementation shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 27) The structure hereby approved shall be designed with a soffit level no lower than the modelled 1 in 100 year (1% Annual Exceedance Probability) flood level plus an appropriate allowance for climate change.

Condition - Tiered Investigation

28) No development shall commence, other than vegetation clearance, reptile translocation and development to be carried out as part of an approved scheme of remediation, until Parts i) to v) below have been complied with:

- i. A preliminary risk assessment (a Phase I desk study) submitted to the County Planning Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the County Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance;**
- ii. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the County Planning Authority prior to any development taking place;**
- iii. Where the site investigation identified remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the County Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;**
- iv. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation; and**
- v. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the County Planning Authority prior to the use of the development hereby approved.**

29) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the County Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in

writing of the County Planning Authority prior to the use of the development.

Contact Points

Specific Contact Points for this report

Case Officer: Marta Dziudzi-Moseley, Principal Planner - Development Management:

Tel: 01905 846794

Email: mdziudzimoseley@worcestershire.gov.uk

Steven Aldridge, Team Manager – Development Management

Tel: 01905 843510

Email: saldrige@worcestershire.gov.uk

Background Papers

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

The application, plans and consultation replies in file reference 22/000029/REG3, which can be viewed online at: www.worcestershire.gov.uk/eplanning by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.

Legend
Local Wildlife Sites



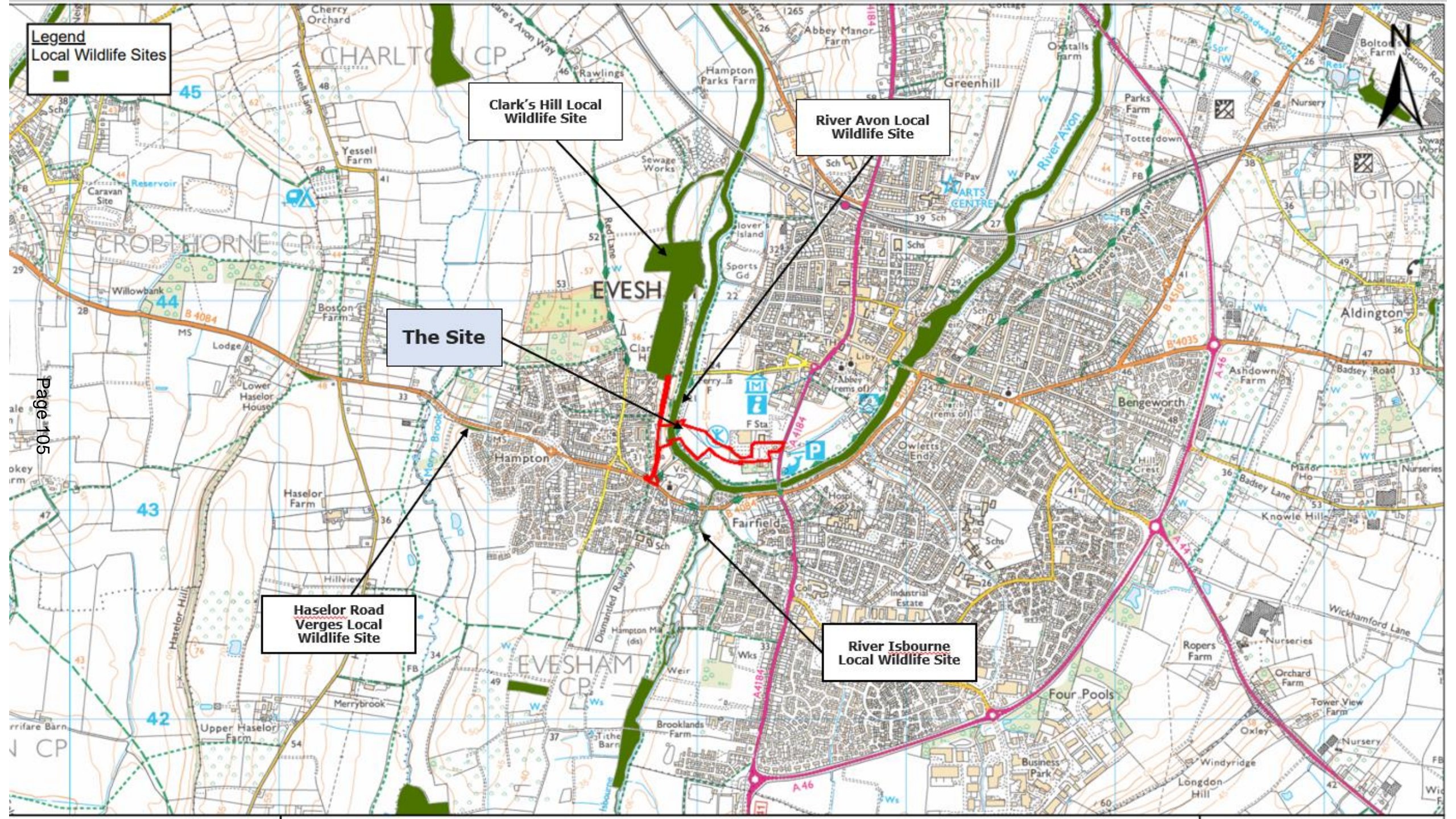
Clark's Hill Local Wildlife Site

River Avon Local Wildlife Site

The Site

Haselor Road Verges Local Wildlife Site

River Isbourne Local Wildlife Site



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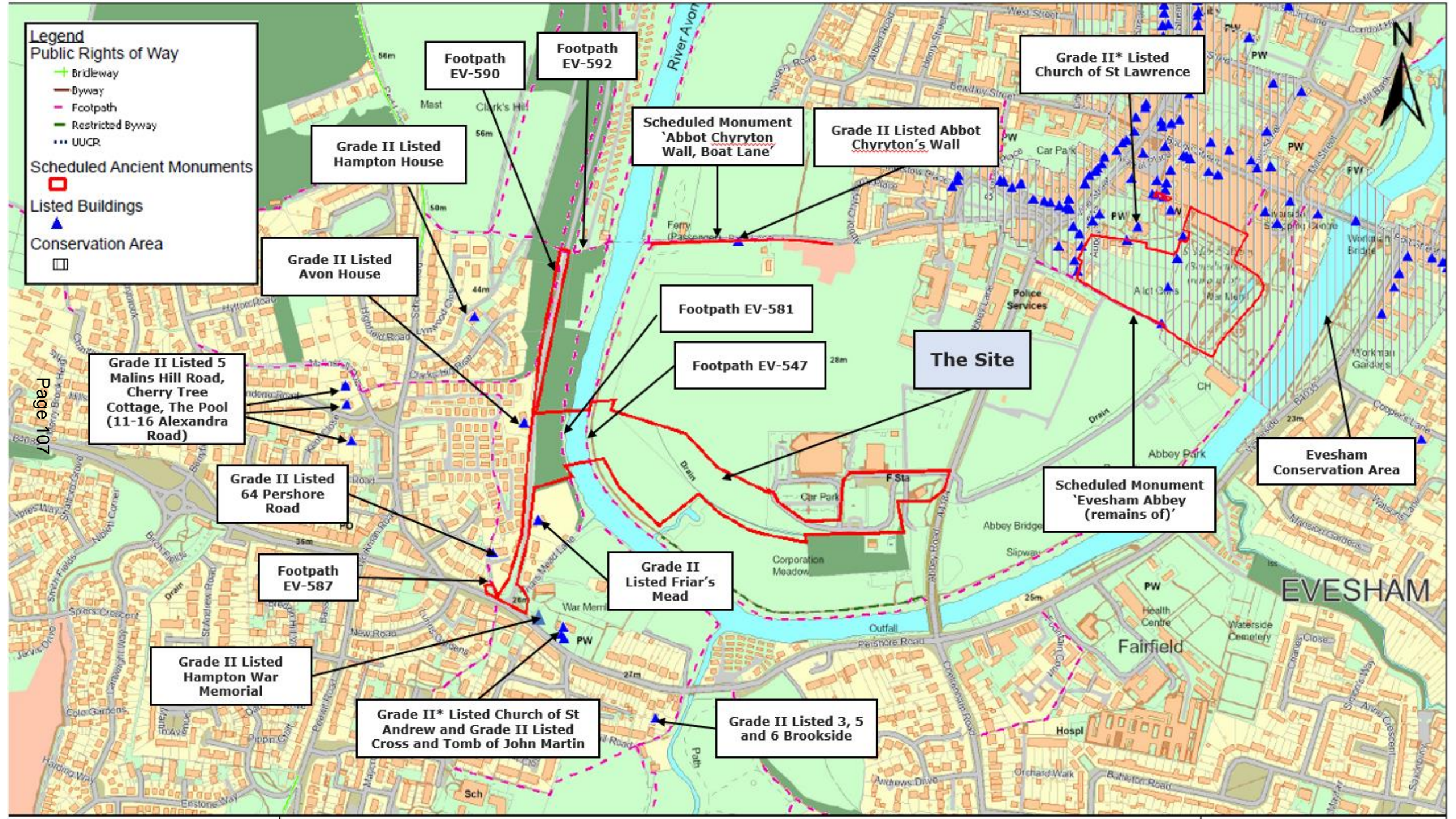
Legend

Public Rights of Way

- Bridleway
- Byway
- Footpath
- Restricted Byway
- UUCR

Scheduled Ancient Monuments

- Listed Buildings
- Conservation Area



Footpath EV-590

Footpath EV-592

Grade II* Listed Church of St Lawrence

Grade II Listed Hampton House

Scheduled Monument 'Abbot Chrynton Wall, Boat Lane'

Grade II Listed Abbot Chrynton's Wall

Grade II Listed Avon House

Footpath EV-581

Footpath EV-547

The Site

Grade II Listed 5 Malins Hill Road, Cherry Tree Cottage, The Pool (11-16 Alexandra Road)

Grade II Listed 64 Pershore Road

Scheduled Monument 'Evesham Abbey (remains of)'

Evesham Conservation Area

Footpath EV-587

Grade II Listed Friar's Mead

Grade II Listed Hampton War Memorial

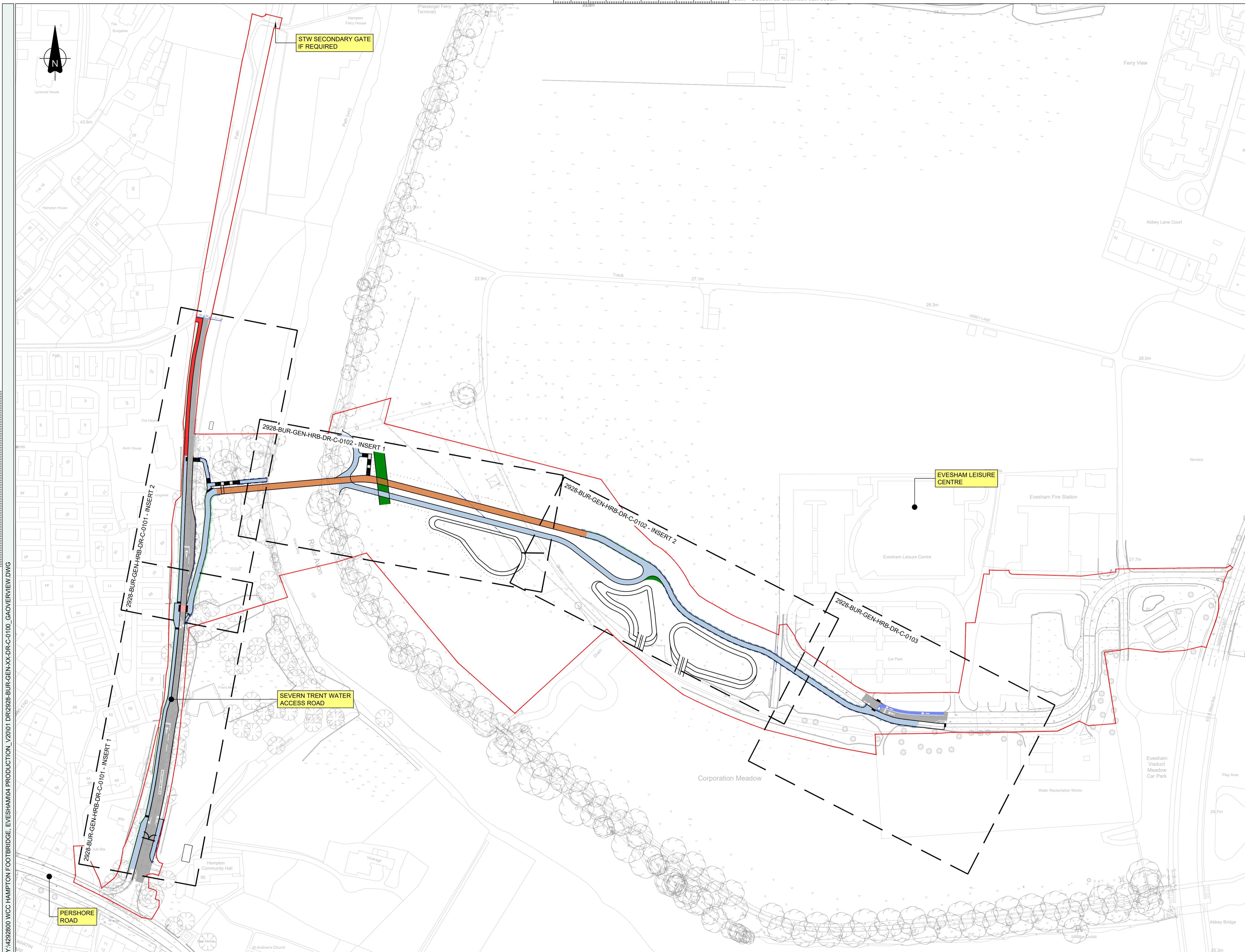
Grade II* Listed Church of St Andrew and Grade II Listed Cross and Tomb of John Martin

Grade II Listed 3, 5 and 6 Brookside

EVESHAM

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601 - 10cm - Caution as distortion can occur.



Designer:
Burroughs
 COWI TACP WRS
 Client:
worcestershire county council
GRIFFITHS
 civil engineering and construction

Project:
WCC HAMPTON FOOTBRIDGE, EVESHAM

- DRAWING NOTES:
 1. FOR GENERAL ARRANGEMENTS REFER TO DRAWING:
 • 2928-BUR-GEN-HFB-DR-C-0101
 • 2928-BUR-GEN-HFB-DR-C-0102

- LEGEND:
- SITE BOUNDARY
 - CARRIAGEWAY
 - VERGE
 - FOOTWAY
 - PEDESTRIAN CROSSING BUFF
 - PROPOSED CORDUROY PAVING BUFF
 - PROPOSED SHARED USE BRIDGE DECK
 - PROPOSED STAIR SURFACING
 - PROPOSED GRASSCRETE
 - UNBOUND FOOTWAY CONSTRUCTION
 - PROPOSED ROAD MARKINGS
 - EXISTING ROAD MARKINGS
 - EXISTING CONCRETE CARRIAGEWAY TO REMAIN
 - PROPOSED FENCING
 - T4 PROPOSED GATE
 - PROPOSED HANDRAIL
 - PROPOSED TIMBER POSTS
 - PROPOSED KERBING
 - POTENTIAL RETAINING WALL SECTION
 - PROPOSED TRAFFIC SIGN
 - PROPOSED BOLLARD
 - SEVERN TRENT WATER LAND BOUNDARY

ALL CIVIL DIMENSIONS ARE IN METRES - ALL STRUCTURAL DIMENSIONS ARE IN MILLIMETRES - ALL LEVELS ARE IN METRES.
 Checked By: [] Date: []
 Drawn By: [] Date: []
 Approved By: [] Date: []

REV	DESCRIPTION	DATE	DRW	CHK
S4-P6.0	ISSUED FOR PLANNING	10/08/21	IQ	MG
S4-P5.0	ISSUED FOR PLANNING	23/05/21	TP	MG
S4-P4.0	ISSUED FOR RSA1	22/04/21	TP	MG
S3-P3.0	LAYOUT UPDATED FOLLOWING COMMENT	04/02/21	TP	MG
S2-P2.0	LAYOUT UPDATED FOLLOWING COMMENT	02/02/21	TP	MG
S0-P1.0	ORIGINAL ISSUE	17/08/21	IQ	MG

Drawing Title:
SERIES 100 - PRELIMINARY SCHEME OVERVIEW GENERAL ARRANGEMENT

Burroughs Project No.: 4292800 Scale: 1:1000 Original Paper Size: A1

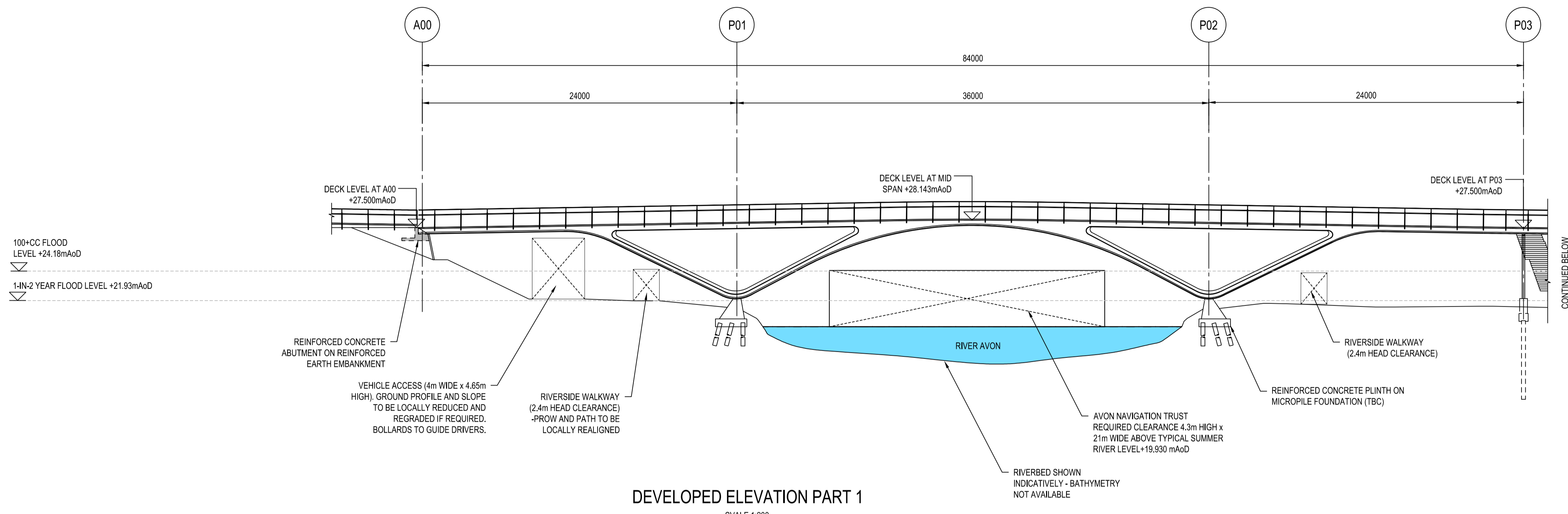
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2928-BUR-GEN-XX-DR-C-0100

Status: S4 - FOR STAGE APPROVAL
 Revision: P6.0 - ISSUED FOR PLANNING

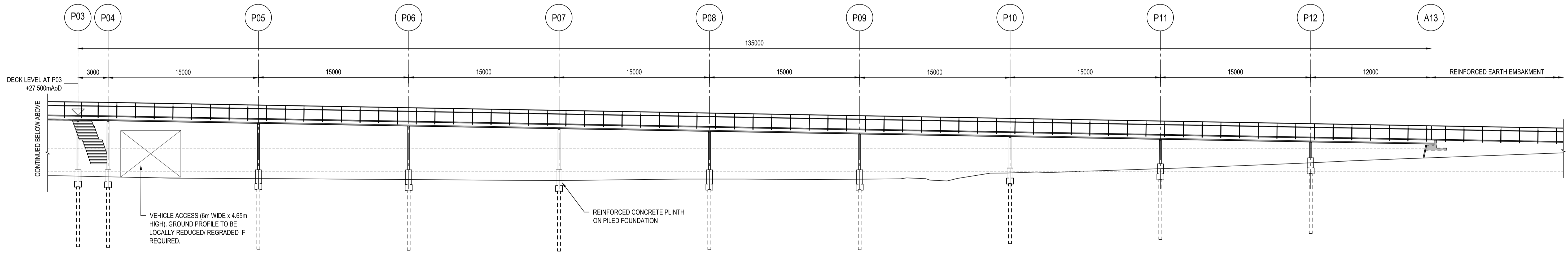
This document is copyright of Burroughs Ltd. Use figured measurements only! DO NOT SCALE FROM DRAWING. Verify all dimensions prior to construction. Immediately report any discrepancies to Burroughs and if in doubt ASK. This drawing should be read in conjunction with all other associated project information

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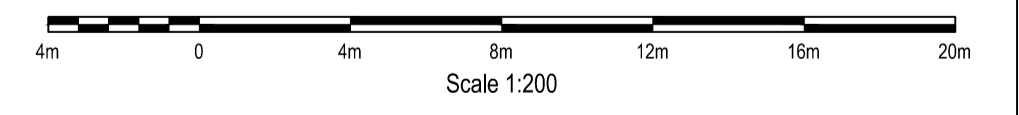
10cm - Caution as distortion can occur.



DEVELOPED ELEVATION PART 1
SCALE 1:200



DEVELOPED ELEVATION PART 2
SCALE 1:200



NOTES
1. FOR GENERAL NOTES REFER TO DRAWING HFB-COW-HFB-ALL-DR-CB-1005.

REFERENCES
HFB-COW-HFB-ALL-DR-CH-1010 GENERAL ARRANGEMENT SITE PLAN
HFB-COW-HFB-ALL-DR-CH-1020 GENERAL ARRANGEMENT MAIN SPAN CROSS SECTION
HFB-COW-HFB-ALL-DR-CH-1021 GENERAL ARRANGEMENT CROSS SECTION - RAMP

LEGEND

<p>Designers: Burroughs WHS</p> <p>Client: worcestershire county council</p> <p>COWI TACP</p> <p>GRIFFITHS civil engineering and construction</p>	<p>Project: HAMPTON FOOTBRIDGE</p> <p>Drawing Title: GENERAL ARRANGEMENT DEVELOPED ELEVATION</p>	<p>Project No.: A232226 Scale: 1:200 Original Paper Size: A1</p> <p>Drawing Number: Project: HFB -COW- HFB - ALL - DR - CB - 1015 Status: S3 - SUITABLE FOR REVIEW AND COMMENT Revision: P01 - FIRST ISSUE</p> <p>Use figured measurements only! DO NOT SCALE FROM DRAWING. Verify all dimensions prior to construction. Immediately report any discrepancies to Engineer and if in doubt ASK. This drawing should be read in conjunction with all other associated project information</p>
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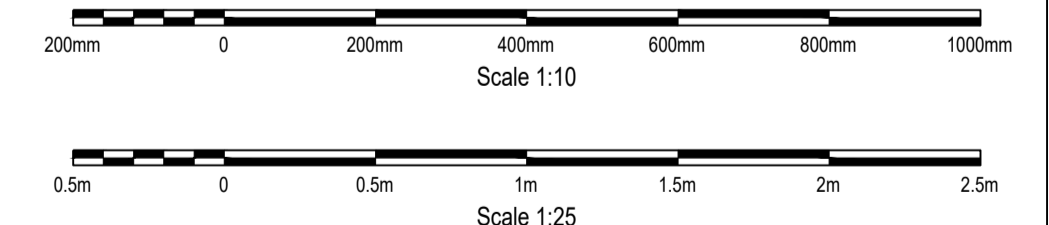
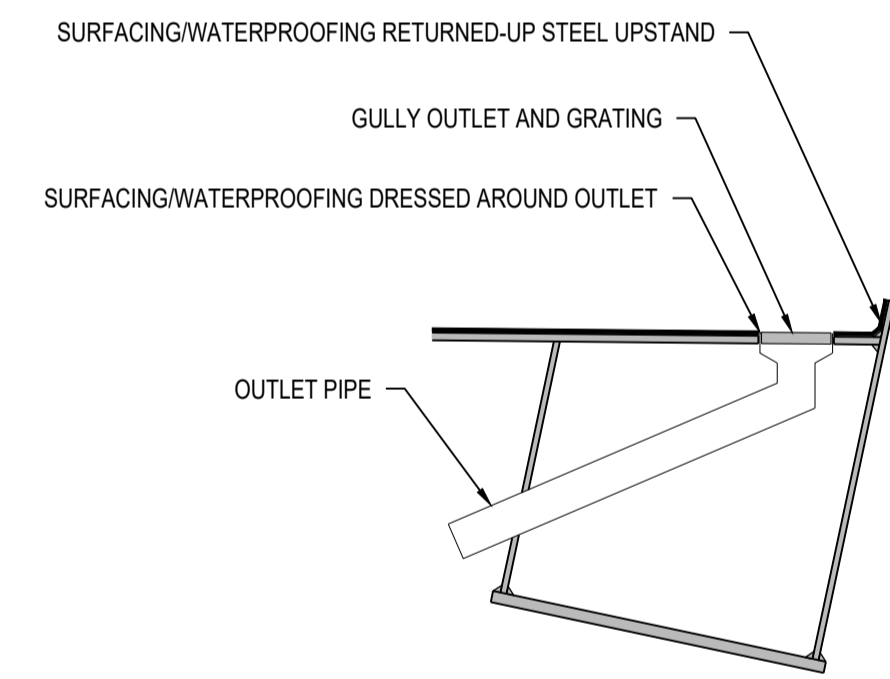
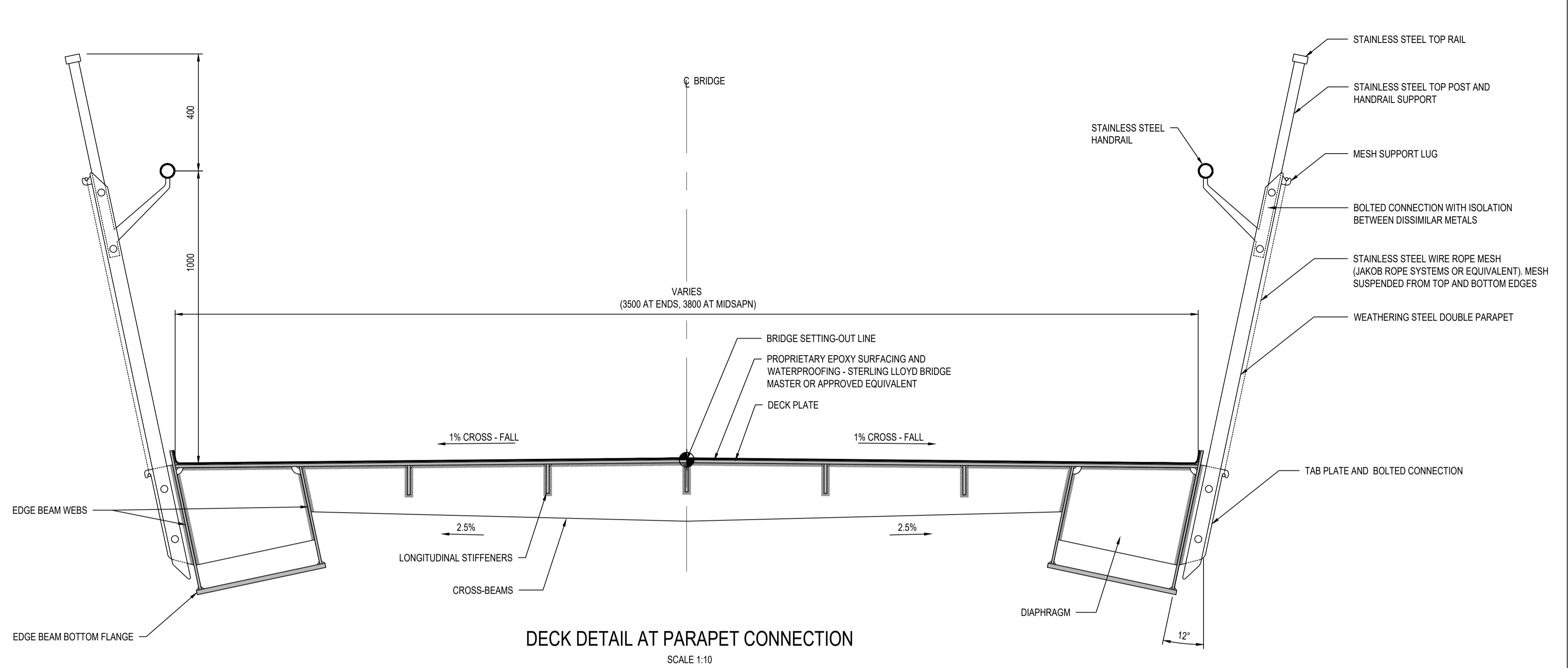
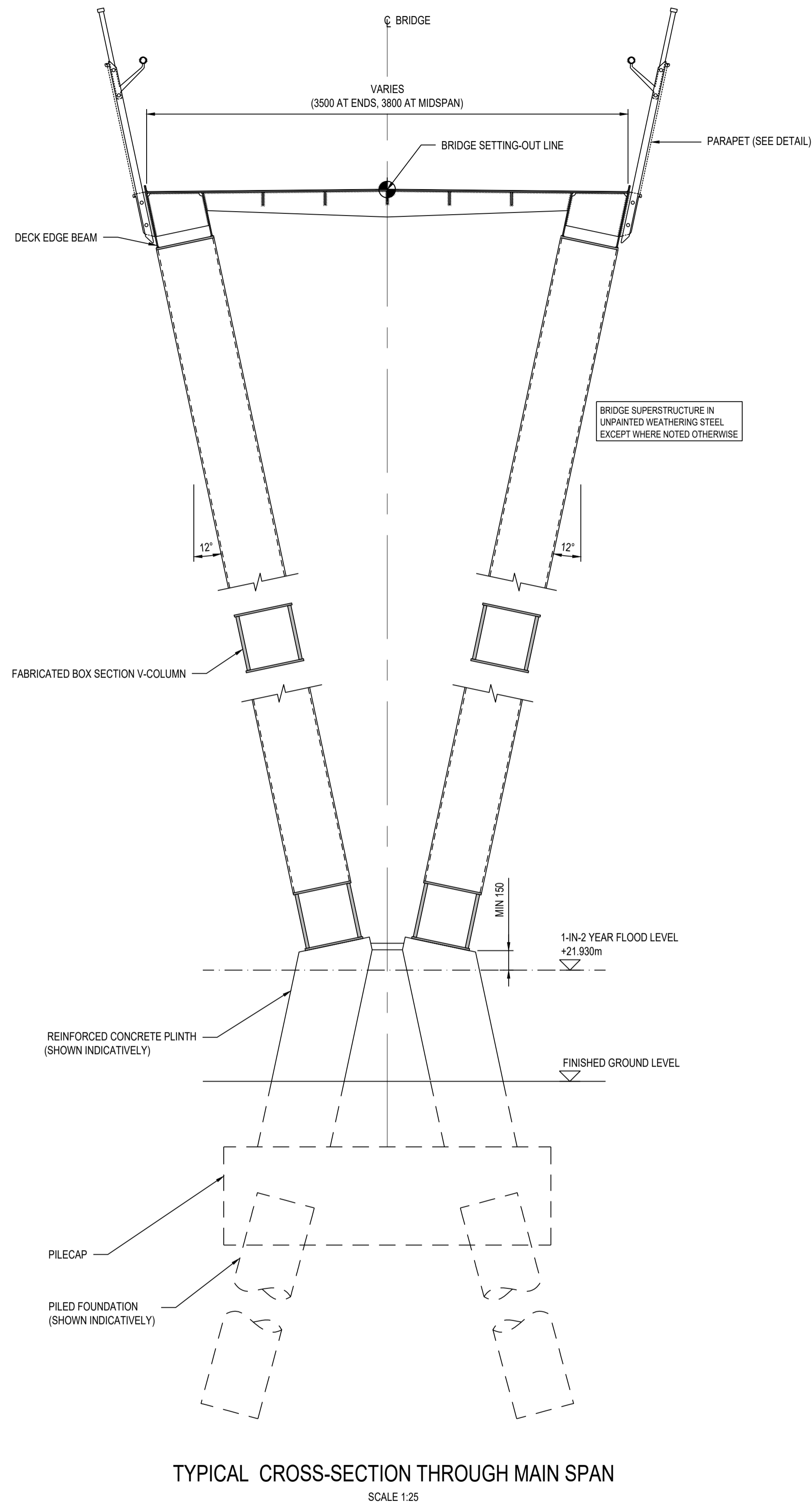
P01	FIRST ISSUE	04/08/23	JA	BC
REV.	DESCRIPTION	DATE	DRW.	CHK.

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NOTES
1. FOR GENERAL NOTES REFER TO DRAWING HFB-COW-HFB-ALL-DR-CB-1005.

REFERENCES
HFB-COW-HFB-ALL-DR-CH-1010 GENERAL ARRANGEMENT SITE PLAN
HFB-COW-HFB-ALL-DR-CH-1015 GENERAL ARRANGEMENT DEVELOPED ELEVATION
HFB-COW-HFB-ALL-DR-CH-1021 GENERAL ARRANGEMENT RAMP CROSS SECTION

LEGEND
● SETTING OUT POINT (SOP)



Project: HAMPTON FOOTBRIDGE
Drawing Title: GENERAL ARRANGEMENT CROSS SECTIONS - MAIN SPAN

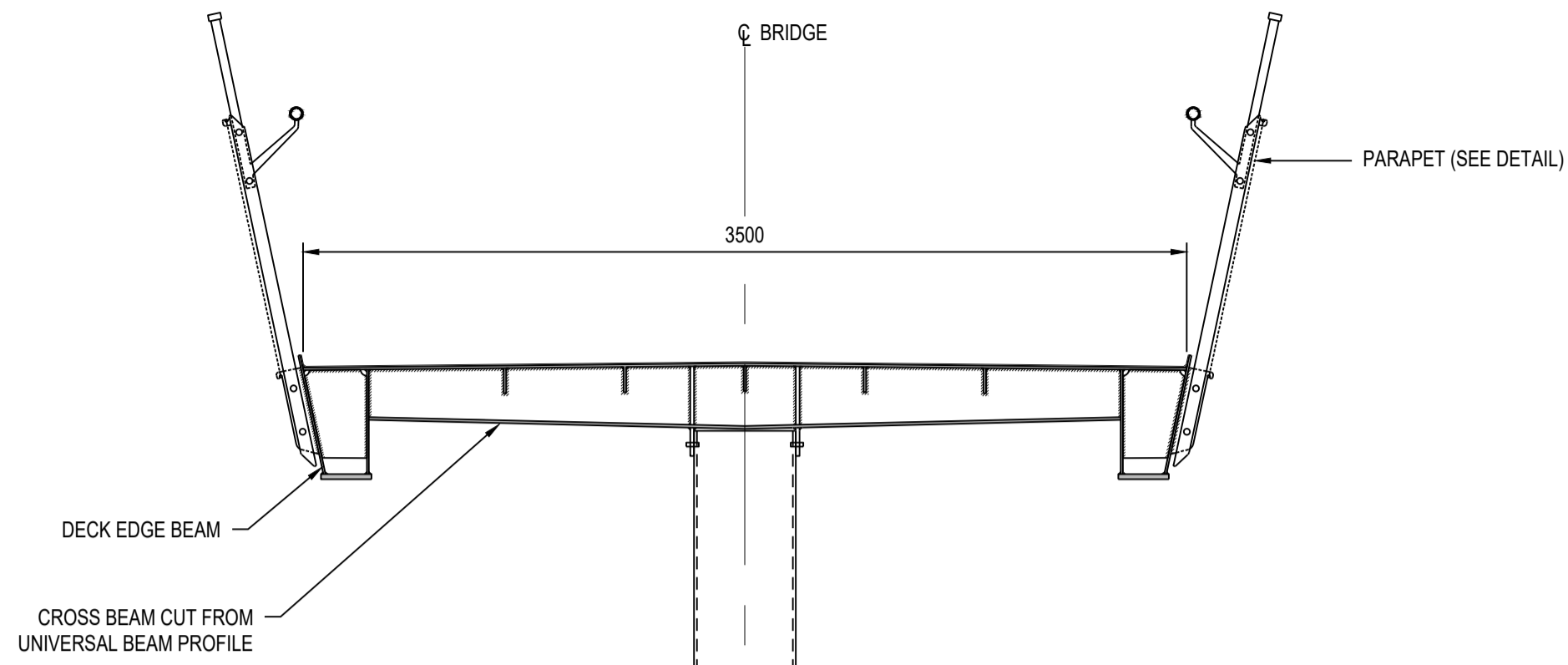
Project No.: A232226
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Status: S3 - SUITABLE FOR REVIEW AND COMMENT
Revision: P01 - FIRST ISSUE
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REV.	DESCRIPTION	DATE	DRW.	CHK.
P01	FIRST ISSUE	04/08/23	JA	BC

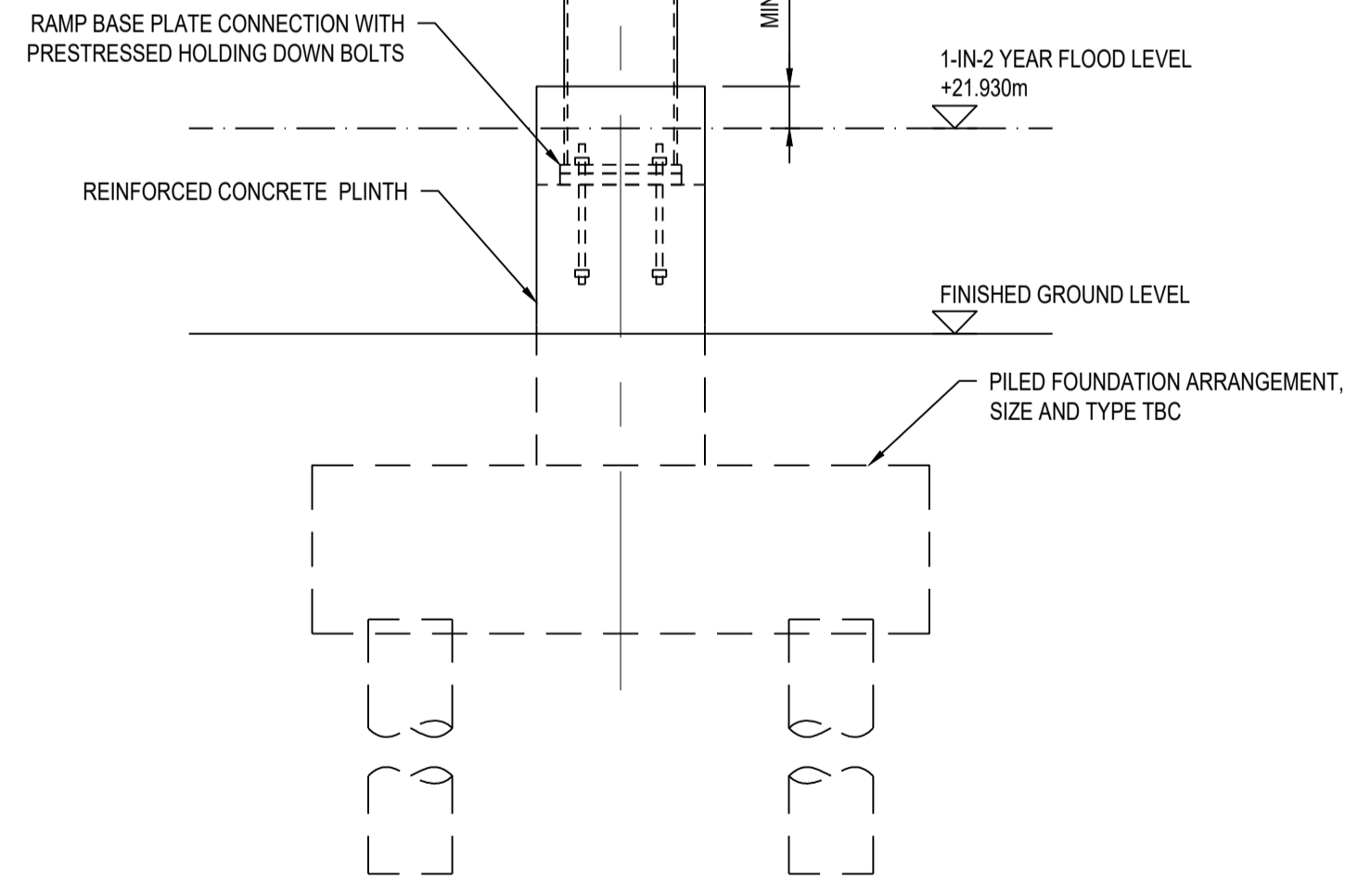
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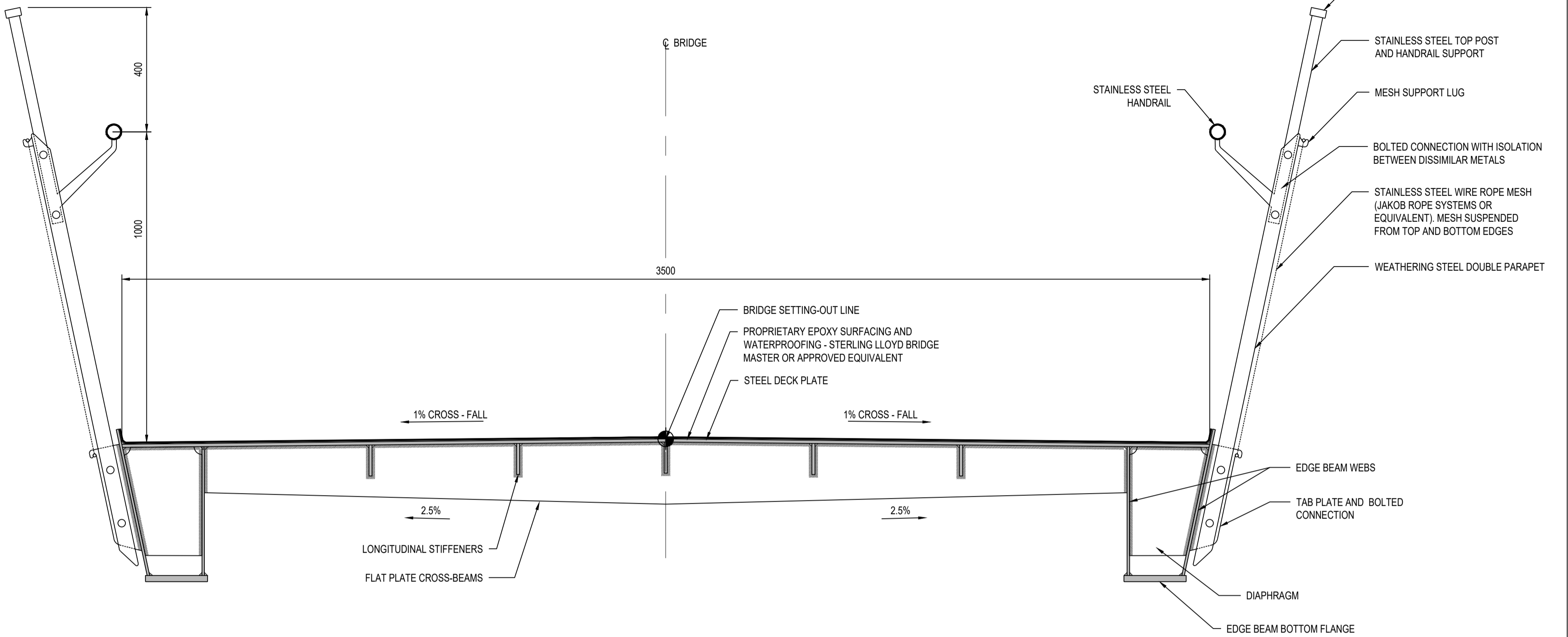
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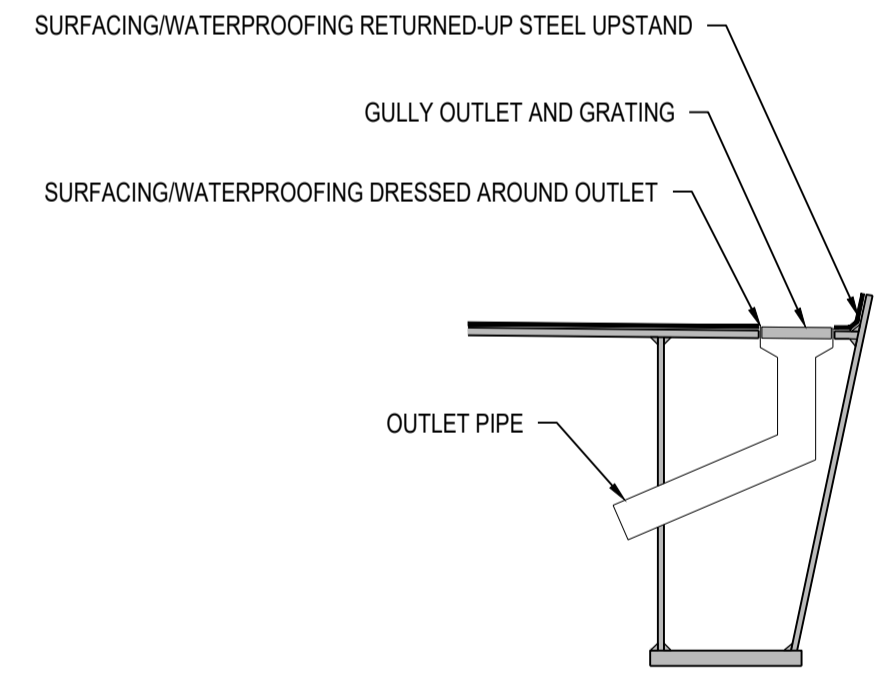
BRIDGE SUPERSTRUCTURE IN UNPAINTED WEATHERING STEEL EXCEPT WHERE NOTED OTHERWISE



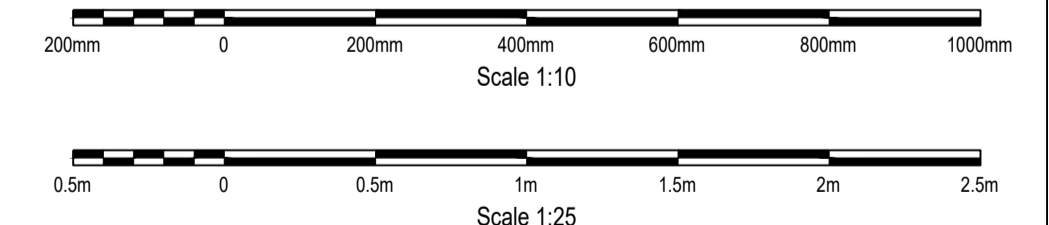
TYPICAL CROSS SECTION THROUGH RAMPS AT COLUMN
SCALE 1:25



TYPICAL CROSS SECTION THROUGH RAMPS AT STANDARD CROSS-BEAM
SCALE 1:10



DETAIL AT DRAINAGE OUTLET
SCALE 1:10



NOTES
1. FOR GENERAL NOTES REFER TO DRAWING HFB-COW-HFB-ALL-DR-CB-1005.

REFERENCES
HFB-COW-HFB-ALL-DR-CH-1010 GENERAL ARRANGEMENT SITE PLAN
HFB-COW-HFB-ALL-DR-CH-1015 GENERAL ARRANGEMENT DEVELOPED ELEVATION
HFB-COW-HFB-ALL-DR-CH-1020 GENERAL ARRANGEMENT MAIN SPAN CROSS SECTION

LEGEND
⊕ SETTING OUT POINT (SOP)

Designers: **Burroughs** **WHS**

Client: **worcestershire county council**

COWI **TACP** **GRIFFITHS** civil engineering and construction

Project: **HAMPTON FOOTBRIDGE**

Drawing Title: **GENERAL ARRANGEMENT CROSS SECTIONS - RAMP**

Project No.: **A232226** Scale: **AS SHOWN** Original Paper Size: **A1**

Drawing Number: **HFB -COW- HFB - ALL - DR - CB - 1021**

Status: **S3 - SUITABLE FOR REVIEW AND COMMENT**

Revision: **P01 - FIRST ISSUE**

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P01	FIRST ISSUE	04/08/23	JA	BC
REV.	DESCRIPTION	DATE	DRW.	CHK.

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PLANNING AND REGULATORY COMMITTEE
19 MARCH 2024**PROPOSED AMENDMENTS TO THE ARTIFICIAL LIGHTING
AND CCTV SCHEME FOR SECURITY AND SAFETY
PURPOSES OF THE EXISTING ENERGY FROM WASTE
PLANT (PART-RETROSPECTIVE) AT WASTE
INCINERATION UNIT, HANGMAN'S LANE, HANLEY
CASTLE, WORCESTERSHIRE**

Application Reference Number

23/000014/CM

Applicant

Clinitek (Malvern) LLP

Local Member

Councillor Tom Wells

Purpose of Report

1. To consider a County Matter application for proposed amendments to the artificial lighting and CCTV scheme for security and safety purposes of the existing Energy from Waste Plant (Part-Retrospective) at Hangman's Lane Waste Incinerator Unit, Hanley Castle, Worcestershire, WR8 0AJ.

Background

2. The Incinerator was constructed in 1970 / 71. No direct evidence has been found to confirm that planning permission was granted for the Incinerator. It is likely that deemed consent was granted by the then Ministry of Housing and Local Government, in association with the loan sanction, pursuant to the Town and Country Planning Act 1962. Worcestershire County Council sold the site at auction in 2007.

3. An application for a Certificate of Lawfulness of Existing Use or Development for Use of a Waste Incinerator was refused by the County Planning Authority (CPA) on 22 December 2015 (CPA Ref: 15/000025/CL) but granted on appeal on 11 October 2016 (Appeal Ref. APP/E1855/X/16/3147848).

4. More recently an application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for the replacement of plant within an existing building, replacement of existing oil tanks, a small ancillary extension and external refurbishment (CPA Ref: 18/000033/CLP) was made by Modern Waste Solutions Ltd. This incorporated several elements of upgrading work that they wanted to carry out in

support of reopening the facility. This CLOPUD was refused by the CPA on 7 December 2018 for the following reasons:

- a) *"On the basis of the information before them the County Planning Authority are not satisfied of the lawfulness, at the time of the Application, of the operations described in the Application.*
- b) *The County Planning Authority has adopted a Screening Opinion, dated 7 December 2018 under Regulation 6 of Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that the proposed operations would constitute Environmental Impact Assessment development. This is determined on the basis that the proposed use is to incinerate hazardous waste as defined in Article 3 (2) of Directive 2008/98/EC and the operations involve a change and extension to the existing incinerator facility, and all comprise essential or necessary elements of the waste disposal installation for the incineration of waste, particularly the construction of a new stack directly linked to the replacement incinerator equipment, thus the proposal falls under Schedule 1 (24) by reference to Schedule 1 (9) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
- c) *Therefore, in accordance with Article 3 (11) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the proposed development would not constitute permitted development and would, therefore, not be lawful".*

5. The applicant stated, in relation to the refused CLOPUD (18/000033/CLP), *"that the development, specifically the replacement of the existing stacks with a single smaller stack, was not acceptable under the terms of the CLOPUD. This was due to the fact that that this was considered to trigger the need for an Environmental Impact Assessment and, therefore, did not benefit from Permitted Development rights. However, the narrative for the refusal of the CLOPUD confirmed that many of the aspects of the proposed refurbishment did not in fact require further consent, and as such can proceed. Other aspects have been revised by the applicant to reflect the decision. The only outstanding matter for which the applicant requires clarification is that of the proposed small extension to the existing site for the undercover storage and washing of bins. It is to this matter only that this application for a CLOPUD relates".*

6. Consequently, the applicant made an application for a CLOPUD under reference 18/000064/CLP in relation to the proposal described as 'the erection of an extension to the existing incinerator buildings. The extension was to be approximately 12 metres long by 8 metres wide by 8.7 metres high, with a flat roof and clad in sheet metal to match the existing structure'. The CPA were satisfied that this was permitted development and issued the Certificate on 12 February 2019.

7. Following discussions between the CPA and the applicant, an agreement was reached on a program of refurbishment for the facility where elements fell under

permitted development rights or required no further consent. This work included the following:

- Glazing;
- Brickwork openings;
- Brickwork repairs;
- Internal plant;
- Oil tanks; and
- Cladding.

8. In May 2020, planning permission was granted (CPA Ref: 20/000004/CM) for the alteration of the existing incinerator plant in the Hangman's Lane waste facility building (on land certified by Certificate reference APP/E1855/X/16/314748 dated 11th October 2016, and as extended pursuant to certificate reference 18/000064/CLP dated 12th February 2019) by the removal of one of two flues, and the installation of a replacement flue.

9. In February 2021, planning permission was granted (CPA Ref: 20/000044/CM) for ancillary development to include the addition of areas of concrete providing foundation pads for small scale electrical plant and equipment including a transformer compound, substation cabinet and a helix steam driven generator, containerised secure storage, and the addition of a 4-metre-high acoustic fence (retrospective) located between the existing building and the southern boundary.

10. In August 2021, retrospective planning permission was sought for the retention of lighting and CCTV provision (CPA Ref: 21/000030/CM) at the Energy from Waste Plant. The planning application was subsequently withdrawn 10 February 2023 due to fundamental amendments required to the lighting scheme as recommended by the CPA and consultees during the consideration of the planning application and on the basis that a new planning application would be resubmitted. CPA Ref: 23/000014/CM was submitted to the CPA on 3 April 2023 accompanied by a revised Lighting Impact Assessment, following consultation further amendments to the Lighting Impact Assessment were undertaken by the applicant to resolve fundamental concerns raised by statutory consultees and a further revised Lighting Impact Assessment was submitted November 2023, which is now the subject of this report.

11. The applicant states that in order to address the immediate concerns of the nearest sensitive receptors and concerns / objections raised as part of the previous planning application (CPA Ref: 21/000030/CM), that the existing external lighting provision at the site would be decommissioned and subject to the grant of planning permission a new external lighting scheme installed.

12. The facility has been issued with a Bespoke Environment Permit (BEP) by the Environment Agency, which requires the site to be operated in a safe and secure manner.

The Proposal

13. The current planning application seeks part-retrospective consent to amend the existing external safety and security lighting provision and to regularise CCTV provision across the site at Hangman's Lane Energy from Waste Facility.

14. The applicant has confirmed that in order to address concerns raised by the nearest sensitive receptors and prior to the determination of the planning application that light levels at the site have been reduced as low as possible whilst maintaining operational safety.

15. The applicant states that all current lighting at the site would be decommissioned and replaced with the lighting scheme as specified within the amended Lighting Impact Assessment.

16. The current on-site lighting provision at the site consists of a total of No. 25 lighting units comprising of No. x 9 (200-watt) 8-metre-high street lighting columns, No. x 9 (50 watt) 9-metre-high floodlights, the remaining No. x 7 consist of bulkhead lighting units.

17. The amended Lighting Impact Assessment states that the proposed lighting scheme would consist of a total of No. x 15 lighting units comprising of No. x 3 Isaro Pro (15 watt) 6-metre-high street lighting columns and No. x 12 Piazza II LED (25 watt) downward facing wall / fence lights mounted at varying heights from between 2.8 metres to 6 metres, they would be fitted with deflectors and / or have inbuilt deflectors, consist of a colour temperature of 2,700 (amber lighting) and be IDA approved. Lighting columns would be fitted with backplates which would be downward facing, and wall / fence mounted lighting would be downward facing to comply with International Dark-Sky Association (IDA) guidance.

18. Lights would be fitted with Passive Infra-Red (PIR) motion sensors. Approximately half of the non-essential proposed lights would be switched off between the hours of 23:00 to 07:00, whilst the remaining lights would always be on and be dimmed to 50% except when activated by motion sensors when they would operate at 100% to assist with the operation of onsite CCTV requirements. Lighting in close proximity to the building would need to be brighter for CCTV purposes. Proposed lighting at the site would be approximately 10 lux when all of the lights are on and 2.5 lux when the lights are at 50% capacity, which is in accordance with Secured by Design Lighting Guidance for external commercial areas in rural locations.

19. The amended Lighting Impact Assessment states that modelling of impacts considered a worst-case scenario of 24-hour operation. The amended Lighting Impact Assessment refers to light sensitive receptors as being both residential and ecological.

20. The amended Lighting Impact Assessment states that the lighting design would include the following mitigation measures:

- Lighting solutions will be selected to reduce light pollution, specifically, designed luminaires would be selected to minimise the upward spread of light. The optics in the lanterns would control the distribution of light to avoid overspill, sky glow and glare;
- Glare would be kept to a minimum by ensuring the main beam angle of all lights directed towards any potential observer is not more than 85 degrees. Higher mounted heights allow lower main beam angles, which can assist in reducing glare;
- Lighting would be restricted to the task area using horizontal cut-off optics and zero tilts; and
- A curfew would be operated, and the duration of any lighting will be minimised (switch off or part night dimming).

21. A total of No. x 20 CCTV cameras are currently located on site, some of which are mounted on the building and some of which are mounted on columns. CCTV provision would remain unchanged. CCTV is monitored by a private security person.

The Site

22. The application site is located within a predominantly rural area approximately 5 kilometres south-east of Great Malvern and approximately 10.6 kilometres south of Worcester.

23. The application site measures approximately 1.2 hectares, of which 0.2 hectares consists of the refurbished three storey building and stacks, constructed during the 1970s. The facility fell into disuse for approximately 23 years before being bought by the current owner and undergoing refurbishment for use as a small-scale waste management facility.

24. The building is situated centrally within the site and surrounded by hardstanding surfacing utilised for car parking and circulation space. A 4-metre-high close boarded acoustic fence is located along the majority of the southern boundary, which then steps up onto an earth embankment, causing a kink in the fence line, with the remaining three perimeters bordered by a green chain link fence. Grassed areas with mature deciduous trees are located around the site's boundaries, beyond which lies predominantly open countryside and scattered residential properties.

25. The topography of land surrounding the site is generally flat with far ranging views over low lying hedgerows, scattered mature trees and agricultural land. The Malvern Hills National Landscape (Area of Outstanding Natural Beauty [AONB]) can be seen approximately 3.6 kilometres to the west of the site.

26. The site is accessed from Hangman's Lane / Sink Lane (U61605), located to the south and adjacent to the application site. The roads located in the immediate vicinity are classed as 'quiet rural' and 'single carriageway' and contain no major sources of light. Land located to the north, east and west of the site have been classified as Grade 3 agricultural land and consist of no major sources of light.
27. The Institute of Lighting Professionals Guidance Note 01/21: (for the reduction of obtrusive light) specifies Environmental Zones. For the purposes of this planning application, Environmental Zone E1 (Natural - relatively uninhabited rural areas, National Parks, AONB, International Dark Skies buffer zones etc.) would be considered applicable.
28. Public Right of Way Footpath HK-515 runs north to south immediately to the west of the site. Footpath HK-516 adjoins the southern side of Hangman's Lane / Sink Lane, running broadly north to south-east.
29. There are no statutory wildlife designated sites within 2 kilometres of the proposal, with the nearest being Brotheridge Green Disused Railway Line Site of Special Scientific Interest (SSSI) located approximately 3 kilometres south of the site. Brotheridge Green Meadows SSSI is located approximately 3.1 kilometres south of the site; Ashmoor Common SSSI is located approximately 3.2 kilometres north-east of the site; and The Malvern Hills SSSI is located about 5.2 kilometres west of the site.
30. The site and surrounding land lie within the Malvern Chase with Laugherne Valley Biodiversity Delivery Area.
31. Pool & Mere Brooks Local Wildlife Site (LWS) is located approximately 150 metres north of the site, beyond which is located Highfield Farm Meadows LWS approximately 600 metres to the north of the site. Guarlford Green & Rhydd Green LWS is located approximately 1.1 kilometres north of the site; Dripshill Wood LWS is located approximately 1.4 kilometres north of the site; South Wood LWS is located approximately 1.7 kilometres north of the site; The Cliffey Wood & Cliffs LWS is located approximately 1.4 kilometres north-east of the site, beyond which is the River Severn LWS located approximately 1.6 kilometres north-east of the site; and Chestnuts Farm Meadows LWS is located approximately 1.9 kilometres south of the site.
32. The following Grade II Listed Buildings include the Lychgate at the Church of Our Lady and St Alphonsus; the Presbytery adjacent to the Church of Our Lady and St Alphonsus; the Roman Catholic Church of Our Lady; and St Alphonsus with attached covered way (Grade II* Listed) all lie within approximately 1.25 kilometres south-west of the site. Grade II Milestone is located approximately 1.5 kilometres east of the site. Grade II Listed Horton Manor Farmhouse and Northend Farmhouse are located approximately 1.25 kilometres south and 1.4 kilometres south-east of the site, respectively.

33. Walnut Lodge is the nearest residential property located approximately 35 metres opposite the application site directly south of the site entrance on Hangman's Lane with Broadacres Farm lies approximately 220 metres further south of the site across the intervening Acres Farm Road. Sink Farm is located approximately 380 metres east of the site and The Orchards is located approximately 440 metres south-west of the site.

34. Further residential properties are located to the rear of the site beyond relatively flat intervening agricultural land and an unnamed single carriageway road and include Blackmore End Farm and Blackmore End Farmhouse both located approximately 580 metres north-west of the site; Blackmore End Cottage is located approximately 370 metres north and to the rear of the site; Honeypot Farm and Priestfield Farm are located approximately 440 metres and 470 metres north of the site, respectively.

35. The application site is situated within Flood Zone 1 (low probability of flooding).

Summary of Issues

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

- Location of the development
- Residential amenity, landscape character and visual impact
- Historic environment
- Ecology and biodiversity.
- Highways and Public Rights of Way
- Climate change

Planning Policy

National Planning Policy Framework (NPPF)

37. The National Planning Policy Framework (NPPF) was revised in response to the Levelling-up and Regeneration Bill: reforms to national planning policy consultation on 19 December 2023. This revised NPPF replaces the previous NPPF published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023. The government expect the National Model Design Code to be used to inform the production of local design guides, codes and policies.

38. The revised NPPF sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes). Annex 1 of the NPPF states that "*The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication*".

39. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

40. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

41. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

42. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

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

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed and beautiful places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

National Planning Policy for Waste

44. The National Planning Policy for Waste was published on 16 October 2014 and replaces “Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management” as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

The Development Plan

45. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan that is relevant to this proposal consists of the adopted Worcestershire Waste Core Strategy Development

Plan Document, the adopted South Worcestershire Development Plan and the 'made' (adopted) Hanley Castle Parish Neighbourhood Development Plan.

46. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF and National Planning Policy for Waste are material considerations in this planning decision.

47. With regard to the weight to be given to existing policies adopted prior to the publication of the NPPF, Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

Worcestershire Waste Core Strategy Development Document

48. The Waste Core Strategy was adopted in November 2012 and sets out planning policies against which applications for waste development in the county must be judged. The Waste Core Strategy policies relevant to the proposal are:

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 4: Other recovery

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

South Worcestershire Development Plan

49. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP was adopted in February 2016. 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 5: Green Infrastructure

Policy SWDP 6: Historic Environment

Policy SWDP 8: Providing the Right Land and Buildings for Jobs

Policy SWDP 12: Employment in Rural Areas

Policy SWDP 21: Design

Policy SWDP 22: Biodiversity and Geodiversity

Policy SWDP 23: The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)
Policy SWDP 24: Management of the Historic Environment
Policy SWDP 25: Landscape Character
Policy SWDP 27: Renewable and Low Carbon Energy
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

Hanley Castle Parish Neighbourhood Development Plan

50. The Hanley Castle Parish Neighbourhood Development Plan (NDP) covers the Parish of Hanley Castle and was 'made' (adopted) on 22 January 2019. The NDP policies that are of relevance to the proposal are set out below:

Policy MnGR 8: Siting of Local Businesses
Policy RE 1: Sympathetic Design
Policy RE 2: Settlement Identity
Policy RE 3: Replacing Natural Features Lost Through Development
Policy BHN 3: Preserving Ancient Trees, Woodland, Trees, Hedges
Policy Des 1: General Building Design Principles
Policy Des 2: Renewable and Low Carbon Energy
Policy Trf 1: Highways and Traffic Principles
Policy Trf 2: Footpaths/Bridleways/Cycle paths

Draft Planning Policy

Emerging South Worcestershire Development Plan Review

51. Worcester City Council, Wychavon District Council and Malvern Hills District Council are reviewing the South Worcestershire Development Plan. The South Worcestershire Development Plan Review will cover the period to 2041. On 27 September 2023, the South Worcestershire Development Plan Review was submitted to the Secretary of State for independent examination in public under Regulation 22 of the Town and Country Planning (Local Planning) England Regulations, 2012 (as amended). The dates for the examination in public are not yet known.

52. Having regard to the advice in the NPPF, Section 4, as the South Worcestershire Development Plan Review is still at an early stage of preparation, only limited weight should be applied to the policies.

53. The emerging South Worcestershire Development Plan Review policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

- Draft Policy SWDPR 01: Climate Change Mitigation and Adaption
- Draft Policy SWDPR 03: The Spatial Development Strategy and Settlement Hierarchy
- Draft Policy SWDPR 05: Design and Sustainable Construction
- Draft Policy SWDPR 06: Transport

- Draft Policy SWDPR 07: Green Infrastructure
- Draft Policy SWDPR 08: Historic Environment
- Draft Policy SWDPR 10: Health and Wellbeing
- Draft Policy SWDPR 26: Design
- Draft Policy SWDPR 27: Biodiversity and Geodiversity
- Draft Policy SWDPR 28: The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)
- Draft Policy SWDPR 29: Management of the Historic Environment
- Draft Policy SWDPR 30: Landscape Character
- Draft Policy SWDPR 31: Amenity
- Draft Policy SWDPR 33: Renewable and Low Carbon Energy
- Draft Policy SWDPR 34: Management of Flood Risk
- Draft Policy SWDPR 37: Air Quality

Emerging Hanley Castle Parish Neighbourhood Development Plan (2016-2030)

54. The Hanley Castle Parish Neighbourhood Development Plan (NDP) is undergoing review and consultation as part of a Regulation 14 submission (2024). The emerging policies that would be of relevance to the proposal once the NPD has been adopted are set out below:

- Policy MnGR 8: Siting of Local Businesses
- Policy RE 1: Sympathetic Design
- Policy RE 2: Settlement Identity
- Policy RE 3: Replacing Natural Features Lost Through Development
- Policy BHN 3: Preserving Ancient Trees, Woodland, Trees, Hedges
- Policy Des 1: General Building Design Principles
- Policy Des 2: Renewable and Low Carbon Energy
- Policy Trf 1: Highways and Traffic Principles
- Policy Trf 2: Footpaths/Bridleways/Cycle paths

Other Documents

Waste Management Plan for England (2021)

55. The Government, through Defra, published the latest Waste Management Plan for England in January 2021. The Waste Management Plan for England is required to fulfil the requirements of the Waste (England and Wales) Regulations 2011 and together with its associated documents, local authorities' waste local plans and, combined with the equivalent plans produced by the devolved administrations in Scotland, Wales and Northern Ireland, and Gibraltar, it ensures that waste management plans are in place for the whole of the UK and Gibraltar. It supersedes the previous Waste Management Plan for England (2013).

56. While the Our Waste, Our Resources: A Strategy for England (2018) sets out a vision and a number of policies to move to a more circular economy, such as waste prevention through policies to support reuse, repair and remanufacture activities, the Waste Management Plan for England focuses on waste arisings and their management. It is a high-level, non-site specific document. It provides an analysis of

the current waste management situation in England and evaluates how the Plan will support implementation of the objectives and provisions of the Waste (England and Wales) Regulations 2011. It will be supplemented by a Waste Prevention Programme for England, which will set out the Government's plans for preventing products and materials from becoming waste, including by greater reuse, repair and remanufacture supported by action to ensure better design to enable this to be done more easily.

Our Waste, Our Resources: A Strategy for England (2018)

57. This Strategy is the first significant government statement in relation to waste management since the 2011 Waste Review and the subsequent Waste Prevention Programme 2013 for England. It builds on this earlier work, but also sets out new approaches to long-standing issues like waste crime, and to challenging problems such as packaging waste and plastic pollution. The Strategy is guided by two overarching objectives:

- To maximise the value of resource use; and
- To minimise waste and its impact on the environment.

58. The Strategy sets five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable plastic waste over the lifetime of the 25 Year Environment Plan;
- To double resource productivity by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

59. It contains 8 chapters which address: sustainable production; helping consumers take more considered action; recovering resources and managing waste; tackling waste crime; cutting down on food waste; global Britain: international leadership; research and innovation; and measuring progress: data, monitoring and evaluation.

60. Chapter 3 – 'Resource Recovery and Waste Management' is the most relevant chapter to this proposal. This states that whilst recycling rates in construction have improved since 2000, from 2013 onwards recycling rates have plateaued. The government wishes to drive better quantity and quality in recycling and more investment in domestic recycled materials markets. The government wants to promote UK-based recycling and export less waste to be processed abroad.

61. The government seeks to:

- Improve recycling rates by ensuring a consistent set of dry recyclable materials is collected from all households and businesses;
- Reduce greenhouse gas emissions from landfill by ensuring that every householder and appropriate businesses have a weekly separate food waste collection, subject to consultation;
- Improve urban recycling rates, working with business and local authorities;

- Improve working arrangements and performance between local authorities;
- Drive greater efficiency of Energy from Waste (EfW) plants;
- Address information barriers to the use of secondary materials; and
- Encourage waste producers and managers to implement the waste hierarchy in respect to hazardous waste.

The Government Review of Waste Policy in England 2011

62. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re- use, recycling, other types of recovery (including energy recovery) and last of all disposal.

South Worcestershire Renewable and Low Carbon Energy Supplementary Planning Document (SPD)

63. The South Worcestershire Renewable and Low Carbon Energy SPD sets out guidance on how the requirements in Policy SWDP 27 (Renewable and Low Carbon Energy) of the SWDP should be applied. It includes guidance on what must be provided in Energy Assessments; issues that need to be considered when examining the potential for decentralised energy and heat networks in large scale development proposals to comply with SWDP 27(B); the various renewable and low carbon energy technologies and the planning issues associated with each technology that will need to be addressed.

Planning for Health in South Worcestershire Supplementary Planning Document (SPD)

64. The South Worcestershire Planning for Health SPD was adopted in September 2017, and primarily focuses on the principal links between planning and health. The SPD addresses nine health and wellbeing principles, one of which is focussed on air quality, noise, light and water management. The SPD presents guidance on how these matters can be improved via the planning process, including ‘designing development proposals to avoid significant adverse impact from pollution ...’.

Malvern Hills Area of Outstanding Natural Beauty (AONB) Management Plan (2019 – 2024)

65. The Malvern Hills AONB was designated in 1959 and covers an area of 105 square metres and includes parts of Herefordshire, Worcestershire and Gloucestershire. The purpose of the Management Plan sets out to conserve its special qualities, manage the pressures of these qualities and where possible, improve the AONB for current and future generations of people who live in and visit the area.

66. The extent of the setting of the AONB has not been defined but is not fixed and is likely to vary depending on issues being considered. If the quality of the setting declines, then the appreciation and enjoyment of the AONB diminishes. There may even be a detrimental effect on the purposes for which the area has been designated or the special qualities that define it. Section 85 of the Countryside and Rights of Way

Act (CRoW) requires public bodies to consider whether any activities outside the AONB may affect land within it.

67. The AONB Management Plan contains 12 policies each grouped within three themed sections; the natural and cultural environment; community life; and enjoying and understanding. The key policies applicable to this application are considered to be Policies BDP2 & BDP5 - Light Pollution, which states that there are 3 types of light pollution;

- skyglow – the pink or orange glow we see for miles around towns and cities, spreading deep into the countryside, caused by a scattering of artificial light by airborne dust and water droplets
- glare – the uncomfortable brightness of a light source
- light intrusion – light spilling beyond the boundary of the property on which a light is located, sometimes shining through windows and curtains.

68. The AONB Management states that the need for external lighting for buildings, car parks and recreation grounds need careful assessment on a case-by-case basis. Planning policies should aim to minimise the impact of light pollution from artificial light inside the AONB but should also address sources of pollution that originate outside of the area and affect the designation.

Malvern Hills Area of Outstanding Natural Beauty (AONB) Guidance on Lighting

69. This guidance document has been produced to help implement this policy and to help deliver the Malvern Hills AONB Management Plan which ‘formulates local authority policy for the management of the AONB and for the carrying out of their functions in relation to it’ (Section 89 of the Countryside and Rights of Way Act, 2000). The AONB Management Plan is a material consideration in relation to development control and forward planning. The purpose of the document is to promote good practice in external lighting and to reduce light pollution.

70. This guidance document has been produced to help implement Policy BDP5: Lighting: of the Malvern Hills District AONB Management Plan, states that “*Lighting schemes should be kept to a minimum and only installed where absolutely necessary. Light pollution should be avoided through adherence to good design and practice, for example, dimming or turning light off wherever possible*”.

Hanley Castle Parish Building Design Guide 2017

71. The Hanley Castle Parish Building Design Guide aims to ensure that new development meets the requirements set out in the NPPF and the SWDP. Policies of that of relevance to the proposal are set out below:

Section 10. Lighting

Consultations

72. Worcestershire County Council carried out public consultation on the planning application between 21 April and 16 May 2023. Following consideration of comments received, the applicant submitted a revised Lighting Impact Assessment which the CPA considered would be material to the determination of the planning application and undertook further public consultation between 17 November and 11 December 2023.

73. **Local County Councillor Tom Wells** no comments received.

74. **Hanley Castle Parish Council** object to the amended Lighting Impact Assessment (the subject of this report) and the previously submitted and now superseded Lighting Impact Assessment on the same grounds. They state that they support original comments and concerns raised by Malvern Hills District Council submitted during the first consultation which took place between 21 April and 16 May 2023.

75. Hanley Castle Parish Council state that their major concern relates to unnecessary light pollution from the site being situated in a rural area where there is no apparent street lighting or such like, to diminish the impact of the site being illuminated. They state that the applicant has not considered Hanley Castles Adopted Neighbourhood Plan as part of the submission, specifically Design 1 – General Building Design Principles, which requires developments to minimise, wherever possible, light pollution and that the applicant has not considered Section 10 – Lighting, of the Hanley Castle Parish Building Design Guide which sets out that non-essential lighting should be switched off at night and that hoods or shields should be fitted to external lights to minimise light spillage.

76. Hanley Castle Parish Council state that they are concerned about lighting a site that is not currently operational and consider that motion sensors would be more appropriate and would reduce the unnecessary lighting of the site. Motion detection would enable the site to remain secure whilst minimising the impact on neighbouring properties and request that they are fitted throughout the site and not just located on the south of the site as proposed.

77. Hanley Castle Parish Council state that they continue to support Malvern Hills District Council's original comments, in which they requested a revised lighting plan showing light spill and Lux levels which would have enabled the impact of the proposed lighting scheme to be properly considered.

78. Hanley Castle Parish Council also reiterate Malvern Hills District Council's original request that should the County Council be minded to grant planning permission and to minimise impact on the surrounding area that lighting should be switched off between 18:00 and 07:00 hours with no lighting of the site on Saturdays, Sundays and Bank Holidays and that motion detector lighting should be used outside

of those proposed hours. Hanley Castle Parish Council request that a boundary fence is installed around the whole site of sufficient height to reduce light spill during the winter months when there is minimal tree cover. Hanley Castle Parish Council state that ideally the fence should be acoustic to reduce noise from machinery should the site become operational.

79. **Guarlford Parish Council (Neighbouring)** no comments received.

80. **Malvern Hills District Council** have not commented with regard to the amended Lighting Impact Assessment and subsequent public consultation which took place between 17 November and 11 December 2023.

81. Malvern Hills District Council provided comments made in respect of the superseded Lighting Impact Assessment recommending deferral of the application and requesting further information. Their original comments are set out below:

82. Malvern Hills District Council stated no objection to the principal of CCTV cameras or the external emergency lighting essential for workers safety.

83. Malvern Hills District Council noted that CPA Ref: 20/000004/CM stated that *“there will be no lighting associated with the proposed development”*, therefore, Malvern Hills District Council stated that they were disappointed that once planning permission was granted lighting was subsequently installed.

84. Malvern Hills District Council stated that local residents were concerned about the amount of unnecessary night-time lighting given the minimum level of outside activity and yet the site remains illuminated. Malvern Hills District Council note that lighting hoods and / or deflectors are not installed which had been observed by the Councils Portfolio Holder after visiting the site.

85. Malvern Hills District Council note that the planning statement does not refer to the Hanley Castle Parish Neighbourhood Plan (adopted 22 January 2019), specifically Des 1 - General Building Design Principles, which sets out that development should minimise, wherever possible, light pollution. They state that consideration should also be given to Section 10 – Lighting of the Hanley Castle Design Guide which sets out that non-essential lighting should be switched off at night and that hoods or shields should be fitted to external lights to minimise light spillage and should be taken account of in proposed developments to ensure that the tranquillity and rural character of the landscape is retained. Consideration should be given to limiting the impact of lighting on ecology, in particular bats, which were identified to be present in the building and surrounding area.

86. Malvern Hills District Council state that the (superseded) Lighting Impact Assessment provided a table of the proposed lighting and Lux levels but they noted that the proposed lighting was shown in Lumens which made comparison of the existing and proposed lighting scheme impossible to ascertain. On that basis Malvern Hills District Council requested further information with regard to design and whether

hoods / shields would be fitted to reduce light spill; the proposed Lux levels of each light; during what hours the lighting would be operational; whether motion detectors would be installed; and methods provided to reduce light spill.

87. Malvern Hills District Council stated that should the County Council be minded to grant planning permission that lighting is conditioned to be switched off between 18:00 and 07:00 hours, with no lighting on Saturdays, Sundays and Bank Holidays to minimise impact on the surrounding area and that should access be required outside of the proposed hours that motion detection sensors are installed.

88. Malvern Hills District Council acknowledged that the proposed lighting scheme would ensure the safe and continued use of the site and associated economic impacts but considered that further consideration should be given to the impacts of the proposal / scheme on the location of the site in accordance with the Hanley Castle Parish Neighbourhood Plan. They stated that any comments received from consultees and local residents should be taken into consideration and satisfactorily addressed prior to the determination of the application.

89. **The County Highways Officer** has no objection.

90. **The County Ecologist** has no objection to the amended Lighting Impact Assessment and notes and welcomes the removal of Eterna bulkhead lighting and the introduction of Thorn's dark sky compliant lanterns. The County Ecologist states that the use of 2,700 kilowatt Correlated Colour Temperature (CCT) and 0% Upward Light Ratio should offer a comparative reduction in skyglow contribution and should also reduce the levels of blue-light output from the site. The deactivation of half these units at night, between the hours of 07:00 and 23:00, is a welcomed approach, as is the use of motion-triggered sensors within the remaining lanterns, the uplift from 50% output to 100% should provide bright illumination only 'as-and-when' night-time operations require, which is compliant with design principles set out in Institute of Lighting Professionals Guidance Note 8/23.

91. The County Ecologist considers that based on the revised modelling outputs, the selection of ecological receptors identified, and in light of the additional mitigation measures proposed, that they concur that adverse impacts to biodiversity in the locality from effects of artificial-light-at-night are likely to be minimised to an acceptable level.

92. The County Ecologist recommends that post-installation, a verification inspection should be undertaken by a suitably competent lighting engineer to ensure that operational light levels are compliant with modelled expectations as set out in the amended Lighting Impact Assessment. This could be secured by a requirement for the scheme to be undertaken in accordance with the amended Lighting Impact Assessment and by imposition of a condition requiring a Statement of Conformity within 6 months of commencement of development for approval by the CPA. The Statement of Conformity should verify that illumination and luminance across the scheme function as proposed and approved, which would accord with Paragraphs 55,

56 and 185c of the National Planning Policy Framework and Policy SWDP 22 of the South Worcestershire Development Plan.

93. **Worcestershire Regulatory Services (Contaminated Land)** have no objection.

94. **Worcestershire Regulatory Services (Light Nuisance)** have no objection to the amended Lighting Impact Assessment in terms of light nuisance, advising that it appears satisfactory and predicts that the proposed scheme should not adversely impact on the nearest sensitive receptors.

95. Worcestershire Regulatory Services note that the Lighting Impact Assessment states that luminaire intensity at receptor R1 (at first floor level) would be compliant with Institute of Lighting Professionals guidance. Worcestershire Regulatory Services consider that it would not be compliant with the Institute of Lighting Professionals guidance due to the recommended post-curfew hours of 23:00 hours limit of zero, however, Worcestershire Regulatory Services state that this is to be expected and would at any rate, operate at a very low level. Worcestershire Regulatory Services advised that the statement should be updated to reflect their comments and subsequent revised Lighting Impact Assessment sought. Taking into account their previous recommendations and with regard to the updated Lighting Impact Assessment Worcestershire Regulatory Services state that the amended Lighting Impact Assessment (revision B) now correctly states that the post curfew luminaire intensity at receptor R1 (first floor) would be above the recommended limit due to the need for external lighting provision at the site to be operational during the night (post curfew hours).

96. In response to a letter of representation objecting to the proposal on the grounds that the number of receptors used for data analysis within the amended Lighting Impact Assessment is insufficient and that six receptors located approximately 400 metres to the north of the site should have been included within the amended Lighting Impact Assessment and conclude that further assessment should be undertaken. Worcestershire Regulatory Services state that at a distance of approximately 400 metres and being located behind the site that they do not consider that the receptors being referred to would be adversely impacted and advise the CPA that they would not alter or amend their consultation comments outlined above as a result of the inclusion of the six receptors within a further amended Lighting Impact Assessment.

97. In conclusion, Worcestershire Regulatory Services advise that all of the recommendations of the amended Lighting Impact Assessment should be implemented.

98. **The County Archaeologist** has no archaeological concerns.

99. **Wychavon and Malvern Hills District Councils Archaeology** defer to the recommendations of the County Archaeologist.

100. **The County Landscape Officer** has no objection to the amended Lighting Impact Assessment on landscape grounds.

101. The County Landscape Officer states that the amended Lighting Impact Assessment sets out details of revisions to the lighting scheme and an assessment of impacts to local residential receptors, ecological receptors, and the Malvern Hills National Landscape (AONB). They state that the previous consultation for the now superseded Lighting Impact Assessment (May 2023) raised concerns with regard to potential visual impacts effecting Honeypot Farm, which they consider have now been addressed by the amended Lighting Impact Assessment. The County Landscape Officer considers that the revised Lighting Impact Assessment demonstrates that the proposed lighting scheme would lead to a reduction in the quantity and height of proposed lighting on the north facing elevation of the scheme which would be supported by partial night-time dimming.

102. The County Landscape Officer acknowledges that they do not have technical knowledge of lighting but consider that the proposed amendments would reduce the level of adverse visual impact from the proposed lighting scheme and would represent a fair compromise when balanced against the need to securely illuminate the facility.

103. With regard to a letter of representation received objecting on the grounds that noise levels have been high and noticeable at night when the site is operational and that the installation of an acoustic fence erected along the boundary of the site would reduce noise and also contain light spillage. The County Landscape Officer states that if it can be quantified that the installation of an acoustic on the southern boundary has been effective in reducing noise then it would seem reasonable and proportionate to request a similar feature along the northern boundary to deliver similar benefits. With regard to light spillage, the County Landscape Officer advises that an acoustic fence would not be sufficiently tall enough to shield light from high-level lighting, however reduction from low level lighting might result in cumulative reduction and overall benefit. However, the County Landscape Officer considers that the amended Lighting Impact Assessment has reduced lighting on the north façade of the facility and introduced partial dimming of lighting and considers the amended Lighting Impact Assessment to be a fair compromise balancing night-time impact with the need to operate a safe site.

104. With regard to concerns that the amended Lighting Impact Assessment omitted six receptors located approximately 400 metres north and north-west of the site, the County Landscape Officer considers that residential properties located to the north of the site would benefit from intervening vegetation and that with regard to the remaining receptors that the applicant should justify why these remaining receptors were not included in the amended Lighting Impact Assessment.

105. In conclusion, the County Landscape Officer considers that they maintain no objection to the proposal on landscape grounds.

106. **Historic England** have no comments to make, recommending that the CPA seeks the views of its specialist conservation and archaeological advisors.

107. **Natural England** - no comments received.

108. **The Environment Agency (EA)** state that they have no comments to make on the proposed lighting scheme, noting that the current Environmental Permit allows 24-hour operation of the site and that the Environmental Permit does not cover lighting provision. As such, matters of lighting are for the consideration of the CPA.

109. **The Gardens Trust** - no comments received.

110. **Hereford and Worcester Gardens Trust** - no comments received.

111. **The Campaign to Protect Rural England (CPRE)** do not wish to comment on the application and state that they presume that the CPA would consider the amenities of any neighbours.

112. **The County Public Rights of Way Officer** has no objection. The officer notes that the site is coincident with Footpath HK-515 and has been incorrectly drawn on the site location plan submitted as part of the planning application. The Public Rights of Way Team have no objection provided that the following legal obligations are followed.

113. Under s137 Highways Act 1980, it is an offence to obstruct public access along any highway. Building materials and equipment associated with the works must not be stored on the right of way and work undertaken should not obstruct the footpath at any time.

114. However, if public safety demands a temporary closure, application should be made at least 8 weeks in advance to The Public Rights of Way Mapping Team.

115. It should be noted that, under section 34 of the Road Traffic Act 1988, any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the works, has a right to do so. Additionally, the applicant should ensure they adhere to their obligations towards the public rights of way.

116. **The Ramblers Association** have no objection.

117. **The Open Space Society** no comments received.

118. **The Malvern Hills National Landscape Team** have no objection to the amended Lighting Impact Assessment, subject to the imposition of a condition that should planning permission be granted, the approved lighting scheme should be

installed within three months of the decision date. The Malvern Hills National Landscape Team recommend that a further condition is attached which would require that post installation checks and verification of illuminance are undertaken at regular intervals to ensure that any possibility of exceedance in lighting provision at the facility is avoided and to ensure that remedial works could take place in a timely manner. The Malvern Hills National Landscape Team consider that the proposed conditions would meet the six tests set out at paragraphs 55 and 56 of the NPPF.

119. The Malvern Hills National Landscape Team state that the site is situated within the setting of the Malvern Hills National Landscape, which is designate as an AONB, designated as such, for its outstanding national landscape. They note that paragraph 182 of the NPPF recognises that great weight should be given to conserving and enhancing landscape and scenic beauty within AONB which have the highest status of protection, along with National Parks. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within this designated area should be limited, while development within the setting of AONB should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

120. They consider that the existing lighting arrangements at the site are causing considerable light pollution in the immediate area and beyond and as such, is currently adversely affecting the setting of the Malvern Hills National Landscape where the visual effect of sky glow domes are taken into account. As recognised within the Malvern Hills Areas of Outstanding Natural Beauty Management Plan 2019-2024, one of the 'Special Qualities' of the Malvern Hills AONB is '*a sense of remoteness and tranquillity, underpinned by dark night skies and limited noise and disturbance*'. Special Qualities are those aspects of natural beauty, wildlife, and cultural heritage, that make the area distinctive and are valuable, particularly at a national scale, and why AONB designation has been established.

121. They acknowledge amendments to the current Lighting Impact Assessment including the revised Planning Statement, Lighting Layout Plan, CCTV Plan, Lighting Impact Assessment, and new Dark Skies Assessment and generally concur with the comments which Darkscape Consulting have raised in their Dark Skies Assessment Letter of 31 October 2023, which principally addresses their previous reservations. They note the proposed recommendations put forward within the Planning Statement in relation to the lighting scheme in terms of the colour correlated temperature now being 2,700 kilowatts and proposed PIR sensors.

122. The Malvern Hills National Landscape Team recommend that the CPA take into account the above, and that the relevant publications and guidance referred to in their previous comments are considered in the determination of the application.

123. The Malvern Hills National Landscape Team stated that they are in the process of reviewing their Lighting Guidance and note Policy BDP2 of the Malvern Hills Areas of Outstanding Natural Beauty Management Plan 2019-2024, that development in the Malvern Hills Areas of Outstanding Natural Beauty and its setting should be in

accordance with good practice guidance, including that produced by the Areas of Outstanding Natural Beauty Partnership.

124. As such, they requested that the amended Lighting Impact Assessment should be reviewed by Dan Oakley on their behalf, who is a Lighting Consultant with over 25 years professional experience including working as Dark Skies Officer for the South Downs National Park Authority, to formally review the submitted Lighting Impact Assessment from a technical and professional perspective.

125. Darkscape Consulting (Dan Oakley) have no objection to the amended Lighting Impact Assessment and states that in terms of reducing light pollution there would be little more that the design could offer in reducing impact without undermining the safety and security of the site.

126. Darkscape Consulting state that they had previously provided comments on the now superseded Lighting Impact Assessment on behalf of Malvern Hill Area of Outstanding Natural Beauty Team and determined that there was a justifiable need for lighting at the site but recommended additional improvements to the Lighting Impact Assessment specifically in terms of luminaire illuminance levels, colour temperature and provision of timers.

127. With regard to the amended Lighting Impact Assessment, Darkscape Consulting state that all aspects previously raised (as above) have now been appropriately mitigated in accordance with dark sky compliant lighting scheme. Which includes the use of compliant luminaires that provide 10 lux at 2,700 CCT, in combination with adaptive illuminance which shows that the scheme has minimised the impact of light pollution and has sufficient regard for dark skies and which should be verified post installation.

128. Darkscape Consulting consider that an unavoidable residual level of lighting from the facility would remain, and which cannot be avoided without removing all lighting from the site which would not be a feasible option due to justifiable security and safety concerns. Furthermore, as discussed in the previous May 11th assessment residual impact could be mitigated with appropriate luminaires and controls which have been included within the amended Lighting Impact Assessment. The current lighting scheme has minimised residual impact and would reduce any visible sky glow domes observed from the surrounding countryside. Darkscape Consulting consider that some remaining residual impact must be accepted.

129. Darkscape Consulting state that the proposed development is located within an E1 ambient lighting zone as referenced in the Institution of Lighting Professionals Guidance on Obtrusive Light. In this respect, of particular importance would be compliance to the upward light ratio, which should be zero in E1 zones, and the remaining residual impacts which would contribute to the overall landscape impact within the Malvern Hills AONB. In addition to the lighting plans assessment against Institute of Lighting Professionals Guidance Note No.1 and Institute of Lighting Professionals Guidance Note No 4 (Lighting Impact Assessments), the sites lighting

plan would be assessed against the Malvern Hills Guidance on Lighting which encapsulates current best practice in dark skies.

130. With regard to illuminance, British Safety Standards recommend that 10 Lux site illuminance is appropriate, the amended Lighting Impact Assessment confirms that the proposed lighting conforms with British Safety Standards in this respect. Darkscape Consulting state that the amended Lighting Impact Assessment confirms that illuminance levels are reduced to 2.5 lux on 50% power between 11pm to 7am. Darkscape Consulting considers that the requirement for brighter levels for CCTV is justified and considers that the amended Lighting Impact Assessment demonstrates that illuminance levels are appropriate and show appropriate mitigations for adaptive controls throughout the night.

131. With regard to luminaires, Darkscape Consulting state that the use of Isaro Pro and Piazza II LED luminaires operated at 2,700 kilowatts is welcomed and that they are dark sky compliant and listed as Dark Sky International Fixture Seal of Approval and that as such, they are an improvement from the existing lighting at the site, with particular emphasis on the proposed Eterna Bulkhead.

132. Darkscape Consulting state that the proposed level of intensity, spill and sky glow have been minimised and would be compliant with the Institute of Lighting Professionals Obstructive Lighting Guidance Note No.01 23. The use of Dark Sky International compliant luminaires minimises the spill into adjacent areas and ecological receptors and removes the generation of sky glow directly from the luminaire. Any resultant sky glow would be caused by the illuminance of the surfaces (residual) which has also been minimised by appropriate lux levels and additional adaptive controls.

133. Darkscape Consulting state that the removal of dusk till dawn sensors in preference to adaptive illuminance controls with timers and PIR sensors is welcomed and that the additional mitigations are deemed appropriate for time and need.

134. Darkscape Consulting state a level of residual pollution would remain, and cannot be avoided, however, the generation of sky glow would be limited to the scattering from illuminated surface. The amended Lighting Impact Assessment has shown that all steps to reduce residual impact have been given and some level of artificial light presence must be accepted so as not to undermine safety or security concerns.

135. In conclusion, Darkscape Consulting state that in terms of reducing light pollution at the site the amended Lighting Impact Assessment has minimised the impact of lighting provision by appropriate design, shown sufficient regard for dark skies and would result in an improvement as compared to the existing lighting provision. Dark Sky International compliant luminaires have reduced spill, source intensity and sky glow by appropriate illuminance and colour temperature. Residual impacts notwithstanding, the design complies with British Standards and Institute of Lighting Professionals guidance and would be dark sky compliant.

136. Darkscape Consulting state that little more could be achieved to reduce the impact of lighting at the site without undermining security and / or safety requirements.

137. **Worcestershire Wildlife Trust** have no comments to make and defer to the opinion of the County Ecologist.

138. **Hereford and Worcester Fire and Rescue Service** have no comments to make.

139. **West Mercia Police** have no concerns or objections.

140. **South Worcestershire Land Drainage Partnership** have no comments to make.

141. **Severn Trent Water** state that the proposal would have no effect on the public sewerage system and therefore have no comment to make.

142. **The Lead Local Flood Authority (LLFA)** have no objection or comment to make.

143. **Western Power Distribution** (On-line Comments) show that their apparatus (11kV overhead power line) is located on and adjacent to the site. The applicant must comply with the requirements of Health & Safety Executive's guidance: GS6, 'Avoidance of Danger from Overhead Electric Lines'. They state that the use of mechanical excavators in the vicinity of their apparatus should be kept to a minimum. Any excavations in the vicinity of their apparatus should be carried out in accordance with the document titled: Health & Safety Executive's guidance: HS(G)47, 'Avoiding Danger from Underground Services'. The applicant should contact Western Power Distribution should any diversions be required.

Other Representations

144. The application has been advertised on site, in the press and by neighbour notification. With regard to both the superseded and the amended version of the planning application and Lighting Impact Assessment, to date, a total of 6 letters of representation have been received (with regard to the superseded version 5 letters of representation have been received consisting of three objections and two comments and with regard to the amended version 1 letter of representation received objecting to the proposal) some of which are from the same respondents. Their main comments are summarised below:

Letters of representation received with regard to the Superseded Lighting Impact Assessment and Planning Application

Comments

- The classification of the site has been updated to an Environmental Zone E1 which better reflects the environment of the site.
- The application plans are extremely difficult to assess.
- The superseded Lighting Impact Assessment acknowledges that the existing external lighting provision at the site causes concern and a major impact on the neighbours in the vicinity of the facility.
- Proposed amendments to the current lighting provision at the facility are appreciated, such as the isolation of external higher-level lighting and replacement with low level bulkhead lighting and to replace lamppost lighting provision with low level bulkhead lighting on the southern wooden fence, which would provide adequate lighting provision.
- Concern that the existing 8 metre and 9-metre-high lighting columns which currently causes the greatest impact are being retained.
- Appears from the plans that the existing wall mounted LED floodlights are to be retained.
- The superseded Lighting Impact Assessment is unclear, and its intentions are difficult to understand.
- Trees located on the boundary of the application site are deciduous and would therefore not provide adequate screening during the winter months.
- The Lighting Impact Assessment was undertaken during the summer months when the deciduous trees on the boundary of the application had not shed their leaves.
- Should the CPA be minded to grant planning permission, a condition should be imposed requiring the installation of an acoustic fence on all boundaries of the application site, which would have the added benefit of reducing noise levels when the site is operational.
- Consider that should the acoustic boundary fence be extended around the whole site and high mounted building lights eliminated, then the proposal would be appropriate and sympathetic to the environment.

Objections

- Object on the grounds that the high mounted lighting has not been eliminated from the application.
- Concern that the current lighting provision at the site is adversely impacting wildlife.
- All lighting at the site should be changed to motion sensors, not just on the southern boundary.
- Object to the current planning application but would support the application subject to amendments.

Letters of representation received with regard to the Amended Lighting Impact Assessment and Planning Application

Objections

- Note that there have been improvements to the lighting scheme, however, they state that they still wish to object.
- State that the Amended Planning Statement does not refer to or include No. x 6 residential receptors which are located approximately 400 metres north of the application site.
- Concern that the conclusion of the amended Lighting Impact Assessment which states “*that no residential receptors surrounding the site would exceed the luminous intensity criteria*” cannot be substantiated without further assessment of the impact of the scheme on the missing No. x 6 receptors.
- Reiterate that an acoustic fence should be erected along the site boundary to mitigate noise when the site is operational, specifically at night and to limit light spill.
- State that Hanley Castle Parish Council have also requested the installation of an acoustic fence, but the request has been ignored by the applicant.

The Head of Planning and Transport Planning’s Comments

145. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

Location of the Development

146. National Planning Policy for Waste seeks to drive waste management up the waste hierarchy, and to secure the re-use of waste without endangering human health or harming the environment. Section 5 includes criteria for assessing the suitability of sites for new or enhanced waste management facilities and Appendix B sets out locational criteria. The Worcestershire Waste Core Strategy is broadly in accordance with these principles and the National Planning Policy for Waste.

147. The Waste Core Strategy (WCS) sets out a geographic hierarchy for waste management facilities in Worcestershire. The hierarchy takes account of patterns of current and predicted future waste arisings and resource demand, onward treatment facilities, connections to the strategic transport network and potential for the future development of waste management facilities. The hierarchy sets out 5 levels with the highest level being Level 1 'Kidderminster zone, Redditch zone and Worcester zone'.

148. The application site is located within level 5, the lowest level of the geographic hierarchy. Part c) of Policy WCS 4 states that:

“Planning permission will not be granted for 'other recovery' facilities in level 3, 4 or 5 except where it is demonstrated that:

- i. the proposed development cannot reasonably be located in levels 1 or 2 of the geographic hierarchy, and*

- ii. *the proposed location is at the highest appropriate level of the geographic hierarchy*".

149. As the proposal relates to an existing facility, the principle of the location of the development has already been established by the granting of a certificate of lawful use (Appeal Ref: APP/E1855/X/16/3147848). The Head of Planning and Transport Planning considers that the proposed location is, therefore, at the highest appropriate level of the geographic hierarchy, as the proposal relates to ancillary development. It is also noted that the National Planning Policy for Waste states that Waste Planning Authorities should *"drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities"*, and considers that, on balance, the proposal would comply with Policy WCS 4 of the Worcestershire Waste Core Strategy.

150. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs 'enclosed facilities' such as this, to land which includes existing or allocated industrial land; contaminated or derelict employment land; sites with current use rights for waste management purposes, and redundant agricultural or forestry buildings or their curtilage where strongly justified.

151. This planning policy direction is also reflected in the National Planning Policy for Waste, which states *"waste planning authorities should...consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities...give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages"*.

152. The application site benefits from a certificate of lawful use for 'Sui Generis: Waste treatment/incineration'. The site is previously developed land and considered to be land that is in employment use, although the applicant has confirmed that the site is currently not operational.

153. Policy SWDP 2 of the adopted South Worcestershire Development Plan sets out a Development Strategy and Settlement Hierarchy, these are based on a number of principles including *"safeguard and (wherever possible) enhance the open countryside"*. Policy SWDP 2 c) defines the 'open countryside' as *"land beyond any development boundary"*. Therefore, the application site is located within the open countryside. Policy SWDP 2 c) goes on to state that in the open countryside, development will be strictly controlled and will be limited to a number of defined types of developments and uses including employment development in rural areas and refers to Policy SWDP 12 of the adopted South Worcestershire Development Plan.

154. Policy SWDP 12 b) seeks to protect existing employment sites in rural areas stating, *"to help promote rural regeneration across South Worcestershire, existing employment sites in rural areas that are currently or were last used for B1, B2,*

B8...purposes will be safeguarded for employment-generating uses during the plan period".

155. Whilst the proposal is located in the open countryside, as defined by Policy SWDP 2 of the adopted South Worcestershire Development Plan, it is noted that the site constitutes an existing employment site and benefits from lawful use rights (Appeal Ref: APP/E1855/X/16/3147848).

156. Since the South Worcestershire Development Plan was adopted and the Hanley Castle Parish Neighbourhood Development Plan was 'made', the Town and Country Planning (Use Classes) Order 1987 was amended so that Use Class B1 Business was revoked and replaced on 1 September 2020 with the new Class E(g), including Class E(g)(iii) Industrial processes. Notwithstanding that Use Class B1 Business no longer exists, the thrust of Policy SWDP 12 b) of the adopted South Worcestershire Development Plan and Policy MNGr 8 of the 'made' Hanley Castle Parish Neighbourhood Development Plan remains a relevant material consideration in the determination of the application. Furthermore, it is noted that the proposal lies within the original boundary of Hayler's End Incinerator, as shown on Map 8 of the 'made' Hanley Castle Parish Neighbourhood Development Plan where it states that proposals for industrial / commercial development will be supported.

157. Malvern Hills District Council and Hanley Castle Parish Council have made a number of comments as set out under the 'Consultations' section of the report, including, but not limited to, that the planning application submission has not referred to the policies set out in the Hanley Castle Parish Neighbourhood Development Plan and / or the Hanley Castle Parish Building Design Guide 2017. The Head of Planning and Transport Planning can confirm that the amended Lighting Impact Assessment and associated planning application documents have assessed the proposed lighting and CCTV provision at the site in accordance with relevant lighting guidance having regard to the location of the site within Environmental Zone E1, which is defined as a village or relatively dark location with low district brightness.

158. The Head of Planning and Transport Planning considers that the principal of the existing facility in this location, as set out above, has been established and is in accordance with Policies WCS 4 and WCS 6 of the adopted Worcestershire Waste Core Strategy, Policies SWDP 2 and SWDP 12 of the adopted South Worcestershire Development Plan, and Policy MnGr 8 of the made Hanley Castle Parish Neighbourhood Development Plan, and that determination of the current planning application can only relate to the remit of the current proposal and the provision of an authorised lighting and CCTV scheme at the site.

Residential Amenity, Landscape Character and Visual Impact

159. As set out in the 'Other Representations' section of the report and with regard to the amended Lighting Impact Assessment letters of representation object to the proposal on the grounds that No x 6 residential receptors located approximately 400 metres north of the application site have not been included and that the conclusion of the amended Lighting Impact Assessment cannot be substantiated without the

inclusion of the missing No. x 6 receptors; they reiterate the need for an acoustic fence to be located along the site boundary to mitigate noise and reduce light spill specifically at night when the site is operational; concern about retention of any high lighting columns and wall mounted LED floodlights; state that all on-site lighting should be changed to motion sensors; that the Lighting Impact Assessment was undertaken during the summer months when deciduous trees located on the boundary of the application site had not shed their leaves; deciduous trees located on the boundary of the site would not provide adequate screening of the site during the winter months; and that an acoustic fence should be erected along the site boundary to limit light spill.

160. As set out in the 'Consultations' section of the report Hanley Castle Parish Council have objected to both the superseded and the amended versions of the Lighting Impact Assessment on the grounds of adverse impact on residential amenity. Hanley Castle Parish Council recommend methods for the control of lighting provision at the site; that the facility causes unnecessary light pollution in a rural area; that the made Hanley Castle Parish Neighbourhood Development Plan and Section 10: Lighting of the Hanley Castle Parish Building Design Guide have not been considered within the applicant's submitted documents; concern regarding lighting provision at a facility that is not currently operational; and recommend that an acoustic fence should be installed around the perimeter of the site.

161. Malvern Hills District Council have not commented on the amended version of the Lighting Impact Assessment. Malvern Hills District Council previously objected to the superseded version of the Lighting Impact Assessment on the grounds of adverse impact on residential amenity. They previously stated that lighting should be conditioned to be switched off between 18:00 and 07:00 hours, with no lighting on Saturdays, Sundays and Bank Holidays to minimise impact on the surrounding area and that motion detection sensors are installed. Malvern Hills District Council previously objected to the superseded version of the Lighting Impact Assessment on the grounds that the made Hanley Castle Parish Neighbourhood Development Plan and Section 10 – Lighting of the Hanley Castle Parish Building Design Guide have not been considered within the applicant's submitted documents. Malvern Hills District Council requested further information with regard to design, whether hoods / shields would be fitted to reduce light spill; the proposed Lux levels of each light; hours the lighting would be operational; and whether motion detectors would be installed.

162. Paragraph 182 of the NPPF states that "*great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas...*".

163. Paragraph 191 of the NPPF states that "*planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions*

and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

C) *Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*".

164. Paragraph 205 of the NPPF states that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*".

165. Policy WCS 9: 'Environmental assets' of the adopted Worcestershire Waste Core Strategy seeks to consider the effect of the proposal on designated and non-designated heritage assets and their setting. Policy WCS 12: 'Local characteristics' of the adopted Worcestershire Waste Core Strategy seeks to permit waste management facilities where it is demonstrated that they would contribute positively to the character and quality of the local area.

166. Policy WCS 14: 'Amenity' of the adopted Worcestershire Waste Core Strategy seeks to consider impacts on or of visual intrusion and light pollution.

167. Policy SWDP 21: 'Design' of the adopted South Worcestershire Development Plan sets out, amongst other elements, that "*Development proposals must complement the character of the area*". Policy SWDP 23: 'The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)' of the adopted South Worcestershire Development Plan sets out, that "*Development that would have a detrimental impact on the natural beauty of an AONB...will not be permitted*". Policy SWDP 25: 'Landscape Character' of the adopted South Worcestershire Development Plan sets out, amongst other factors, that development proposals and their associated landscaping schemes must demonstrate that they are appropriate to, and integrate with, the character of the landscape setting and that a Landscape and Visual Impact Assessment (LVIA) is required.

168. Policy Des 1: General Building Design Principles of the Hanley Castle Parish Neighbourhood Development Plan states that light pollution should, wherever possible, be minimised.

169. Section 10. 'Lighting' of the Hanley Castle Parish Building Design Guide 2017 states that with regard to lighting provision within the dark skies of Hanley Castle Parish and in order to maintain a sense of tranquillity and the rural character of the landscape that the following issues should be considered:

- External lighting should only be installed where necessary and should be kept to an absolute minimum. Any non-essential lighting should be switched off at night;
- Lighting should be kept low to the ground wherever possible;

- Permanently lit outside lights are unlikely to be acceptable. Consider the use of motion sensors so that lights are only on when necessary;
- Use low level wattage bulbs. A 150 watt outside security light is recommended;
- Angle external lighting downwards to avoid illuminating neighbouring buildings; and
- Fit hoods or shields to external lights to minimise light spillage.

170. Policy BDP2 and BDP5: 'Lighting' of the Malvern Hills District AONB Management Plan, states that "*Lighting schemes should be kept to a minimum and only installed where absolutely necessary. Light pollution should be avoided through adherence to good design and practice, for example, dimming or turning light off wherever possible*".

171. As set out in 'The Site' section of the report the application site is located within a predominantly rural area approximately 5 kilometres south-east of Great Malvern and approximately 10.6 kilometres south of Worcester. The Malvern Hills National Landscape can be seen approximately 3.6 kilometres to the west of the site.

172. The site is located within Environmental Zone E1 which is defined in the Institute of Lighting Professionals Guidance Note 01/21: For the Reduction of Obtrusive Light (2021) as "*relatively uninhabited rural areas, National Parks, Areas of Outstanding Natural Beauty, International Dark Sky buffer zones etc*" and regarded as having a lighting environment of "dark".

173. As set out in the 'The Site' section of the report, the nearest residential property Walnut Lodge is located approximately 35 metres opposite the application site directly south of the site entrance on Hangman's Lane / Sink Lane and Hills Farmhouse is located immediately beyond. Broadacres Farm is located approximately 220 metres south of the site, Sink Farm is located approximately 380 metres east of the application site and The Orchards House is located approximately 440 metres south-west of the application site. Honeypot Farm is located approximately 440 metres north of the application site.

174. The building is located centrally within the site and surrounded by hardstanding surfacing utilised for car parking and circulation space. A 4-metre-high close boarded acoustic fence is located along the majority of the southern boundary, which then steps up onto an earth embankment with the remaining three perimeters bordered by a green chain link fence. Grassed areas with mature deciduous trees (predominantly mature Poplars) are located periodically along the boundary of the site, beyond which lies open countryside with far ranging views over low lying hedgerows, scattered mature trees, agricultural land and scattered residential properties. Views into the site are limited, including from Public Right of Way Footpath HK-515 located to the west and north of the site.

175. The amended Lighting Impact Assessment states that the new lighting layout would replace the existing lighting on site and that all previous issues raised as part of

the previous consultation responses have been taken into consideration with respect to baseline conditions in the area, quantitative assessment of the potential effects of the proposed lighting scheme on the surrounding sensitive receptors and consideration of mitigation measures to reduce potential light spill affecting neighbouring properties, upward light (which can create sky glow) and visual source intensity (glare). The amended Lighting Impact Assessment states that with regard to concerns previously raised by Malvern Hills District Council the current on-site lighting includes 200 watt street lighting columns and 50 watt floodlights whereas the proposed lighting scheme would consist of 15 watt street lighting columns and low level 25 watt floodlights which would result in a significant reduction in on site lighting levels.

176. The Environment Agency state that they have no comments to make on the proposed lighting scheme but note that the current Environmental Permit allows for the 24-hour operation of the site but that it does not cover lighting provision and state that they consider that lighting provision at the site is for the consideration of the CPA.

177. Malvern Hills District Council comments with regard to the superseded Lighting Impact Assessment requested that lighting should be conditioned to be switched off between 18:00 and 07:00 hours, with no lighting on Saturdays, Sundays and Bank Holidays to minimise impact on the surrounding area and that should access be required outside of the proposed hours that motion detection sensors are installed. The amended Lighting Impact Assessment states that lights would be fitted with PIR motion sensors and that half of the lights would be switched off between the hours of 23:00 to 07:00 hours whilst the remaining on-site lighting would always be lit but would be dimmed to 50% power when not activated by the motion sensors and once activated rise to 100%, which would be required for the necessary and successful function of the on-site CCTV provision. For safety and security reasons lighting on site would be required to be operational 7 days a week. Darkscape Consulting concur with the recommendations of the amended Lighting Impact Assessment stating that it demonstrates that illuminance levels are appropriate and show appropriate mitigations for adaptive controls throughout the night.

178. In response to Hanley Castle Parish Council's concerns and requests for further mitigation measures to be incorporated into the lighting scheme, the applicant states that the lighting columns would be fitted with backplates and would be downward facing to reduce light spill and the wall / fence mounted lights are downward facing and International Dark Sky compliant so would result in minimal light spill. The applicant reiterates the need for some lighting on site due to the need for CCTV, but states that some of the lighting onsite would be switched off post-curfew with the remaining lights staying on but with a 50% output, which would reduce light during the night, comply with the need for CCTV and not result in further light nuisance to nearby residents with lights switching on and off through the night.

179. The Amended Lighting Impact Assessment states that modelled levels of source intensity of the proposed lighting scheme indicate that no residential receptors surrounding the site would exceed the pre-curfew luminous intensity criteria. The

Amended Lighting Impact Assessment goes on to state that post-curfew luminous intensity criteria for zone E1 is 0 (zero) and that modelled levels of source intensity indicate that the first floor window of the closest receptor (R1- Honeypot Farm) would receive levels over the post curfew criteria, however, the Amended Lighting Impact Assessment states that the model did not include the location of the intervening trees / vegetation between the site and R1 as mitigation and that in conclusion considers that luminous intensity would be sufficiently reduced to the recommended criteria for zone E1 being 0.

180. Worcestershire Regulatory Services have no objection to the amended Lighting Impact Assessment in terms of light nuisance, advising that it appears satisfactory and predicts that the proposed scheme should not adversely impact on the nearest sensitive receptors.

181. With regard to letters of representation received which object to the proposal on the grounds that No. x 6 residential receptors located approximately 400 metres north of the application site have not been included and that the conclusion of the amended Lighting Impact Assessment cannot be substantiated without the inclusion of the missing No. x 6 receptors. The applicant states that the amended Lighting Impact Assessment considered the receptor located approximately 400 meters north of the application site, referred to as R2 within the Lighting Impact Assessment, but accepts that the submitted Planning Statement and Lighting Impact Assessment did not include every property in or near to that location, in a similar methodology to a Noise Assessment, it would not consider every sensitive receptor, but instead adopts a worst-case scenario location. The applicant states that location R2 is representative of a receptor location as opposed to an attempt to identify each individual property in that location. Worcestershire Regulatory Services have been consulted with regard to the inclusion and / or omission of the No. x 6 residential receptors and have confirmed that this approach is acceptable, and that the inclusion of the No. x 6 residential properties would not alter their consultation comments or no objection as a result of the possible inclusion of the additional six receptors. In view of Worcestershire Regulatory Services comments, the Head of Planning and Transport Planning considers that the methodology of the amended Lighting Impact Assessment are appropriate and satisfactory.

182. With regard to objections received from Malvern Hills District Council and Hanley Castle Parish Council stating that the made Hanley Castle Parish Neighbourhood Development Plan and Section 10: Lighting of the Hanley Castle Parish Building Design Guide have not been included within the superseded version of the Lighting Impact Assessment, the amended Lighting Impact Assessment has been updated to consider and reflect these documents, and now confirms that *“in accordance with Section 10: Lighting of the Hanley Castle Design Guide, non-essential lighting would be switched off or reduced during post-curfew hours and lights would be fitted with deflectors or have inbuilt deflectors due to their design such as Piazza II Led units.”*

183. With regard to letters of representation received commenting on and objecting to the proposal on the grounds that the Lighting Impact Assessment was undertaken during the summer months when deciduous trees located on the boundary of the application site had not shed their leaves and that deciduous trees located on the boundary of the site would not provide adequate screening of the site during the winter months. In addition, they request that an acoustic fence is installed along the perimeter of the site to reduce light spill. The County Landscape Officer has been consulted and raises no objections to the amended Lighting Impact Assessment. The County Landscape Officer considers that the amended Lighting Impact Assessment has taken into consideration previous consultation responses which required amendments to previous submissions with regard to partial night dimming, the use of timers and that the proposed lighting scheme would lead to a reduction in the quantity and heights of lights on the north facing elevation. The County Landscape Officer considers that the lighting scheme has been amended sufficiently and that overall would result in a reduction in the level of adverse visual impact and would represent a fair compromise when balanced against the need to illuminate the facility for safety and security reasons.

184. The amended Lighting Impact Assessment states that the amount and height of the proposed lighting provision which would be located on the northern side of the building (facing Honeypot Farm) would be reduced and would also include part night dimming which would reduce the impact on surrounding views. The County Landscape Officer considers that previous concerns with regard to potential visual impacts effecting Honeypot Farm have now been addressed by the amended Lighting Impact Assessment.

185. With regard to letters of representation which reiterate the need for an acoustic fence to be located along the site boundary to mitigate noise and further reduce light spill specifically at night when the site is operational which is supported by consultation comments received from Hanley Castle Parish Council. The applicant has confirmed that in order to provide assurances and meet the recommendations of statutory consultees and local residents, that an additional 4-metre-high acoustic fence shall be installed along the northern perimeter of the site to further limit potential light spill and noise. A condition is recommended to this effect.

186. The Malvern Hills National Landscape Team considered that the existing lighting arrangements at the site cause considerable light pollution in the immediate area and beyond and adversely affect the setting of the Malvern Hills National Landscape where the visual effect of sky glow domes are taken into account. The Malvern Hills National Landscape Team previously objected to the superseded Lighting Impact Assessment stating that the (superseded) Lighting Impact Assessment lacked adequate supporting information and that further clarification would be needed in order to resolve their concerns.

187. The Malvern Hills National Landscape Team have been re-consulted on the amended Lighting Impact Assessment and have no objection, subject to the imposition of a condition which would require the installation of lighting at the site in

accordance with the amended Lighting Impact Assessment to be installed within 3 months from determination of the planning application. The applicant has confirmed that the intention is to implement the schemes within 3 months of the planning permission being granted.

188. The Malvern Hills National Landscape Team request that a condition be attached requiring that post installation checks and verification of illuminance should be undertaken at regular intervals to ensure that exceedance in lighting provision at the site is in accordance with the Lighting Impact Assessment. The Head of Planning and Transport Planning concurs with their concerns, but notes that the Lighting Impact Assessment, together with a verification report would be conditioned and that any future exceedances would be reported to the CPA by local residents at which point the County Monitoring and Enforcement Officer would undertake a site visit to ensure that any exceedances have not been breached and take remedial action should that be necessary.

189. With regard to the superseded Lighting Impact Assessment, the Malvern Hills National Landscape Team commented that once an amended version of the Lighting Impact Assessment had been submitted to the CPA for further consultation that it should be reviewed by the Dark Skies Consultant on their behalf to assess (prior to further consultation) whether the amended version had sufficiently resolved the outstanding issues and addressed the need for further information.

190. As set out in the 'Consultations' section of the report, Darkscape Consulting have no objection to the amended Lighting Impact Assessment and state that in terms of reducing light pollution emanating from the site that little more could be amended to the design to reduce impact without undermining the safety and security of the site. In conclusion, Darkscape Consulting state that in terms of reducing light pollution at the site the amended Lighting Impact Assessment has minimised the impact of lighting provision by appropriate design, shown sufficient regard for dark skies and would result in an improvement as compared to the existing lighting provision. Dark Sky International compliant luminaires have reduced spill, source intensity and sky glow by appropriate illuminance and colour temperature. Residual impacts withstanding, the design complies with British Standards and Institute of Lighting Professionals Obstructive Lighting Guidance Note No.01 23 and would be dark sky compliant.

191. The amended Lighting Impact Assessment states that predicted skyglow (consisting of upward light spill and indirect upward light) would meet the criteria limitations of Environmental Zone 1 and would not adversely impact the dark sky landscape.

192. Darkscape Consulting consider that appropriate luminaires and controls have been included within the amended Lighting Impact Assessment and that the amended lighting scheme would minimise residual impact and reduce any visible sky glow domes observed from the surrounding countryside. Darkscape Consulting consider that some remaining residual impact must be accepted.

193. Based on the advice of Worcestershire Regulatory Services, the Environment Agency, the County Landscape Officer, and the Malvern Hills National Landscape Team, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon residential amenity or that of human health and would not adversely impact upon the character, appearance or setting of the local area, including the Malvern Hills National Landscape (AONB), in accordance with the NPPF and Policies WCS 9, WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, Policies SWDP 21, SWDP 23 and SWDP 25 of the adopted South Worcestershire Development Plan, and Policy Des 1 of the made Hanley Castle Parish Neighbourhood Development Plan.

Ecology and Biodiversity

194. As set out in the 'Other Representation' section of the report letters of representation have been received objecting to the proposal on the grounds that the current lighting provision at the site is adversely impacting wildlife.

195. As set out in 'The Consultations' section of the report Malvern Hills District Council have not commented on the amended version of the Lighting Impact Assessment. Malvern Hills District Council previously objected to the now superseded version of the Lighting Impact Assessment on the grounds of adverse impact on ecology and biodiversity and that consideration should be given to limiting the impact of lighting on ecology, in particular bats, which were identified to be present in the building and surrounding area.

196. Section 15 of the NPPF, Paragraph 180 states that "*planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...*".

197. Policy WCS 9: 'Environmental Assets' of the adopted Worcestershire Waste Core Strategy, includes ensuring that proposals, will have no unacceptable adverse impacts on international, national or locally designated or identified habitats, species or nature conservation sites.

198. Policy SWDP 22: Biodiversity and Geodiversity of the adopted South Worcestershire Development Plan states "*development likely to have an adverse effect of a Site of Special Scientific Interest (SSSI) will not be permitted, except where the benefits of the development at that site clearly outweigh both its likely impact on the features of the site that make it of special scientific interest and any broader impacts of the national network of SSSIs*".

199. As set out in 'The Site' section of the report, there are no statutory wildlife designated sites within 2 kilometres of the site. There are three SSSIs located approximately 3 kilometres from the site, including Brotheridge Green Disused

Railway Line SSSI, Brotheridge Green Meadows SSSI, Ashmoor Common SSSI. The Malvern Hills SSSI is located approximately 5.2 kilometres west of the site.

200. The nearest LWS is Pool & Mere Brooks LWS which is located approximately 150 metres north of the site, beyond which is Highfield Farm Meadows LWS located approximately 600 metres to the north of the site. In summary, there are five LWS located within 2 kilometres of the site, including Guarlford Green & Rhydd Green LWS, Dripshill Wood LWS, South Wood LWS, River Severn LWS and Chestnuts Farm Meadows LWS.

201. The site and surrounding land lie within the Malvern Chase with Laugherne Valley Biodiversity Delivery Area. The amended Lighting Impact Assessment states that due to the site being located within the Biodiversity Delivery Area, all on-site lighting would have a colour temperature of 2,700 kilowatts which would lower any potential for adverse impact on the local insect population by lowering the amount of blue light.

202. The amended Lighting Impact Assessment has taken into account previous consultation comments from the County Ecologist and the Malvern Hills National Landscape Team and confirm that the Isaro Pro and Piazza II LED down lighters which would be 2,700 kilowatts amber lighting (Guidance Note 8 Bats and Artificial Lighting from the Institute of Lighting Professionals recommends that 2,700 kilowatts (warm white) or lower) would lower the impact of light spill into the night sky and reduce impact on local invertebrate populations. Due to the lighting colour, they are considered to be International Dark-Sky approved. This lighting is also proposed to be dimmed during night hours as outlined previously.

203. With regard to ecological receptors, the amended Lighting Impact Assessment considers that the nearest trees located on the northern perimeter of the site would be the closest ecological receptor and, therefore, modelling of potential impacts is based on a height of approximately 3 metres from ground level. The amended Lighting Impact Assessment states that modelling of significant impacts would be based on predicted vertical illuminance exceeding 1 lux. Results indicate that lux levels would not be exceeded, being below 1 lux.

204. With respect to the County Ecologist's previous concerns and comments regarding the superseded Lighting Impact Assessment as outlined at paragraph 87 'Consultation' section of the report, the County Ecologist has been re-consulted on the amended Lighting Impact Assessment and considers that based on the revised modelling outputs, the selection of ecological receptors identified, and in light of the additional mitigation measures proposed, that they concur that adverse impacts to biodiversity in the locality from effects of artificial-light-at-night are likely to be minimised to an acceptable level.

205. The County Ecologist has no objection to the amended Lighting Impact Assessment, subject to the imposition of a Statement of Conformity that should

planning permission be granted that within 6 months of commencement of development post-installation verification should be undertaken by a suitably qualified engineer to ensure that the operational light levels are in accordance with modelled expectations as set out in the amended Lighting Impact Assessment.

206. Worcestershire Wildlife Trust have no comments to make and defer to the opinion of the County Ecologist.

207. Based on the advice of the County Ecologist and Worcestershire Wildlife Trust, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, subject to the imposition of a condition requiring a Statement of Conformity requiring post installation verification of illuminance at the site, in accordance with the amended Lighting Impact Assessment, in accordance with the NPPF, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 22 of the adopted South Worcestershire Development Plan.

Historic Environment

208. The Lychgate at the Church of Our Lady and St Alphonsus (Grade II Listed), the Presbytery adjacent to the Church of Our Lady and St Alphonsus (Grade II Listed), and the Roman Catholic Church of Our Lady and St Alphonsus with attached covered way (Grade II* Listed) all lie approximately 1.25 kilometres, broadly to the south-west of the site. Horton Manor Farmhouse (Grade II Listed) is located approximately 1.25 kilometres, broadly to the south of the site. Northend Farmhouse (Grade II Listed) is located approximately 1.4 kilometres, broadly to the south-east of the site.

209. Policy WCS 9: 'Environmental assets' of the adopted Worcestershire Waste Core Strategy seeks to consider the effect of the proposal on designated and non-designated heritage assets and their setting.

210. With regard to heritage assets Policy SWDP 6: 'Historic Environment' of the adopted South Worcestershire Development Plan relating to the historic environment states that "*development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest, subject to the provisions of Policy SWDP 24. Their contribution to the character of the landscape or townscape should be protected in order to sustain the historic quality, sense of place, environmental quality and economic vibrancy of south Worcestershire. Development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting*". Policy SWDP 24: 'Management of the Historic Environment' of the adopted South Worcestershire Development Plan in relation to management of the historic environment confirms that "*development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance*".

211. Paragraph 201 of the NPPF states that "*local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this*

into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".

212. Paragraphs 205 and 206 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: ...a) grade II listed buildings... should be exceptional; b) assets of highest significance, notably schedule monuments...grade I and II* listed buildings...should be wholly exceptional"*.

213. Paragraph 207 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss..."*

214. The Planning Practice Guidance (PPG) at Paragraph Reference ID: 18a-018-20190723 states *"whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting"*.

215. 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..."*.

216. The PPG at Paragraph Ref ID: 18a-013-20190723 states that *"the extent and importance of setting is often expressed by reference to visual relationship between the asset and the proposed development and associated visual / physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell*

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...”.

217. Historic England have been consulted but do not wish to offer advice on the merits of the application.

218. The County Archaeologist has been consulted and has no archaeological concerns, and Wychavon and Malvern Hills District Councils Archaeologist defers to the recommendations of the County Archaeologist.

219. In view of the above, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon the historic environment, in accordance with the NPPF and Policy WCS 9 of the adopted Worcestershire Waste Core Strategy and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.

Traffic, Highway Safety and Public Rights of Way

220. Paragraph 115 of the NPPF states that: *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*

221. The proposal relates to an existing facility. The County Highways Officer has been consulted and has no objection.

222. The County Public Rights of Way Officer have no objection and note that the site is coincident with Footpath HK-515 and that it has been incorrectly drawn on the site location plan submitted as part of the planning application. The Public Rights of Way Officer has no objection, provided that the legal obligations and matters outlined are followed and drawn to the attention of the applicant. The Head of Planning and Transport Planning considers that the proposal would not infringe or impact upon the definitive route of Footpath HK-515.

223. Based on the above, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable adverse impact on traffic, highway safety and / or public rights of way in accordance with the NPPF.

Climate Change

224. Policy WCS 1: ‘Presumption in favour of sustainable development’ of the adopted Worcestershire Waste Core Strategy sets out a presumption in favour of sustainable development and how it should be applied locally.

225. Policy WCS 11: ‘Sustainable design and operation of facilities’ of the adopted Worcestershire Waste Core Strategy states that *“waste management facilities will be permitted where it is demonstrated that the design of buildings, layout, landscaping and operation of the facility, and any restoration proposals take account of*

sustainable development practices and climate change mitigation and resilience through: a) the re-use of existing buildings where appropriate and the minimisation of the use of primary materials in construction of new buildings and alterations; and b) reducing water demand where possible and considering water efficiency in the design and operation of all new built development; and c) reducing energy demand where possible and considering energy efficiency in the design and operation of all new built development...e) the consideration of land stability and subsidence; and f) landscaping which enhances, links and extends natural habitats, reflects landscape character or acts as a carbon 'sink'".

226. Policy WCS 12 of the adopted Waste Core Strategy requires the consideration of climate change mitigation in the design of buildings, layout, landscaping and operation of the facility...the objectives of Policy WSC 12 state that mitigation measures are expected to be commensurate with the scale of the development.

227. In relation to climate change the NPPF states that *"the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure"* (paragraph 157).

228. Achieving sustainable development is a fundamental objective of the NPPF. Paragraph 8 of the NPPF states:

"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy".*

229. Paragraph 9 of the NPPF goes onto state that *“These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area”*.

230. The proposed amended lighting scheme has reduced Lux levels to be within the remit of national and local policy guidance with regard to lighting provision within Environmental Zone E1. Glare and upward / vertical light spill has been significantly reduced in accordance with the recommendations of statutory consultees. The scheme has reduced lighting provision, hours of permanent lighting provision and has limited the scheme to an as required basis to ensure that security and safety of the site is still maintained.

231. Based on the above, the Head of Planning and Transport Planning considers that appropriate and commensurate mitigation of the lighting scheme has duly considered climate change, in accordance with the NPPF and Policies WCS1, WCS 11 and WCS 12 the adopted Worcestershire Waste Core Strategy.

Other Matters

Human Rights Act 1998

232. 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.

233. 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.

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

Conclusion

235. The applicant seeks planning permission (part-retrospective) for proposed amendments to the existing external artificial lighting and CCTV scheme for security and safety purposes of the existing Energy from Waste Plant at Hangman’s Lane Waste Incinerator Unit, Hanley Castle, Worcestershire.

236. The Head of Planning and Transport Planning considers that the principal of the existing facility in this location has been established and is in accordance with Policies WCS 4 and WCS 6 of the adopted Worcestershire Waste Core Strategy, Policies SWDP 2 and SWDP 12 of the adopted South Worcestershire Development Plan, and Policy MnGr 8 of the made Hanley Castle Parish Neighbourhood Development Plan, and that determination of the current planning application can only relate to the remit of the current proposal and the provision of an authorised lighting and CCTV scheme at the site.

237. Based on the advice of Worcestershire Regulatory Services, the Environment Agency, the County Landscape Officer, and the Malvern Hills National Landscape Team, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon residential amenity or that of human health and would not adversely impact upon the character, appearance or setting of the local area, including the Malvern Hills National Landscape, in accordance with Policies WCS 9, WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, Policies SWDP 21, SWDP 23 and SWDP 25 of the adopted South Worcestershire Development Plan, and Policy Des 1 of the made Hanley Castle Parish Neighbourhood Development Plan..

238. Based on the advice of the County Ecologist and Worcestershire Wildlife Trust, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, subject to the imposition of a condition requiring a Statement of Conformity requiring post installation verification of illuminance at the site in accordance with the amended Lighting Impact Assessment, in accordance with Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 22 of the adopted South Worcestershire Development Plan.

239. Based on the advice of Historic England and the County Archaeologist, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon the historic environment, in accordance with Policy WCS 9 of the adopted Worcestershire Waste Core Strategy and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.

240. The Head of Planning and Transport Planning is satisfied that the proposal would not have any adverse impact on traffic, highway safety and / or public rights of way in accordance with the NPPF.

241. With regard to impacts upon climate change. the Head of Planning and Transport Planning considers that appropriate and commensurate mitigation of the lighting scheme has duly considered climate change in accordance with Policies WCS1, WCS 11 and WCS 12 the adopted Worcestershire Waste Core Strategy.

242. Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 4, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 14 and WCS 15 of the adopted Worcestershire Waste Core Strategy,

Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 8, SWDP 12, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 27, SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the adopted South Worcestershire Development Plan, and Policies MnGR 8, RE 1, RE 2, RE 3, BHN 3, Des 1, Des 2, Trf 1 and Trf 2 of the 'made' Hanley Castle Parish Neighbourhood Development Plan, it is considered that the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

243. The Head of Planning and Transport Planning recommends that planning permission be granted for proposed amendments to the artificial lighting and CCTV scheme for security and safety purposes of the existing Energy from Waste Plant (part retrospective) at Hangman's Lane Waste Incinerator Unit, Hanley Castle, Worcestershire, subject to the following conditions:

Approved

- 1) The development hereby permitted shall be carried out in accordance with the following drawings, except where stipulated by conditions attached to this permission:**
 - **Drawing Number: W2-11-21-1, titled: `Site Location Plan`, dated: 09/08/2021;**
 - **Drawing Number: 28112_100_02_01, Rev A, titled: 'Lighting Layout', dated: 28/09/2023; and**
 - **Drawing Number: 180607 CWN-XX-XX-DR-E-2701 Revision T3, titled: 'M&E External Site Services Layout', dated: 06/01/2020.**

- 2) The existing street lighting columns and bulkheads / floodlights as shown on Drawing Numbered: 28112_100_02_01, Rev A, titled: 'Lighting Layout' contained in 'Appendix D – Proposed Lighting Lux Plot', shall be disconnected from the existing electricity supply and removed from site within 6 months of the date of this permission.**

- 3) The development hereby approved shall be carried out in accordance with the submitted Lighting Impact Assessment produced by MEC Development Technical Consultants, Report Ref: 28112-LIGH-0401 Rev B, dated: September 2023.**

- Lighting**
- 4) Notwithstanding the provisions of Condition 3) of this permission, the lighting scheme shall be operated in accordance with the following specifications, to include:**

- i) On-site lighting units (Isaro Pro and Piazza II LED luminaires) shall not exceed 10 lux illuminance at 2,700 kelvin Colour Correlated Temperature (CCT);
 - ii) Vertical illuminance levels shall not exceed 1 lux illuminance;
 - iii) Upward Lighting Ratios shall not exceed 0.0%;
 - iv) Column mounted Isaro Pro lighting units shall be positioned to be downward facing, fitted with backplates and shall not exceed 15 kilowatts;
 - v) Wall and fence mounted lighting shall be positioned to be downward facing;
 - vi) Low level floodlighting shall not exceed 25 kilowatts;
 - vii) Piazza II LED down lighting units shall be fitted with deflectors and / or have inbuilt deflectors;
 - viii) Passive Infra-Red (PIR) Motion sensors shall be fitted to all of the indicated lighting units as shown on Drawing Numbered: 28112_100_02_01, Rev A, titled: 'Lighting Layout', dated: 28/09/2023; and
 - ix) 50% of the on-site lighting provision shall be switched off between 23:00 hours and 07:00 hours seven days a week. The remaining 50% of the onsite lighting provision shall be dimmed to 2.5 lux on 50% power between of 23:00 hours and 07:00 hours seven days a week. If activated by PIR motion sensors the remaining 50% onsite lighting provision may rise to 100% power and shall be returned to 50% power when no longer activated.
- 5) Within 6 months of the date of this permission, a lighting management and maintenance plan shall be submitted to the County Planning Authority for approval in writing. The lighting management and maintenance plan shall set out the measures to ensure that operational illumination and luminance at the site continues to function as approved. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

Acoustic Fencing

- 6) Within 3 months of the date of this permission, details of a 2-metre-high close boarded acoustic fence to be erected on the northern boundary of the application site and a timetable for its erection shall be submitted to the County Planning Authority for approval in writing. Thereafter, the acoustic fencing shall be installed in accordance with the approved plan and shall be maintained for the duration of the development.

Biodiversity

- 7) A Statement of Conformity shall be submitted to the County Planning Authority for approval in writing within 6 months of the completion of the development confirming that the lighting scheme has been implemented in accordance with the Lighting Impact Assessment produced by MEC Development Technical Consultants, Report Ref: 28112-LIGH-0401 Rev B, dated: September 2023. The Statement of

Conformity should be undertaken by a suitably qualified lighting engineer to verify that operational illumination and luminance at the site functions as approved.

Contact Points

Specific Contact Points for this report

Case Officer: Joanne O'Brien, Senior Planning Officer

Tel: 01905 844345

Email: jobrien@worcestershire.gov.uk

Steven Aldridge, Team Manager – Development Management

Tel: 01905 843510

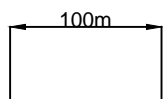
Email: saldridge@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Head of Planning and Transport Planning) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference: 23/000014/CM, which can be viewed online at: www.worcestershire.gov.uk/eplanning by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.

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Key and Notes

Clinitek (Malvern) LLP

**Land at
Waste Incinerator Site
Hangmans Lane
Hanley Castle
WR8 0AJ**

W2-11-21-1 Site Location Plan

09-08-2021

1:5000 at A4

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All dimensions must be verified on site. Figured dimensions override those scaled. Areas indicated on this drawing are for guidance only and should be checked on site.
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NOTES:

- DO NOT SCALE THIS DRAWING.
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH REPORT 28112-10H-0401.

STREET LIGHTING KEY

PROPOSED DOWNLIGHT
 LANTERN MANUFACTURER: THORN LIGHTING
 LANTERN NAME: PAVZA LED
 QUANTITY: 12
 WATTAGE: 1W
 OPTIC: 2.74xLM

PROPOSED STREET LIGHTING COLUMN
 COLUMN HEIGHT: 6m
 COLUMN FINISH: ANTI-GRIT TOP
 LANTERN MANUFACTURER: THORN LIGHTING
 LANTERN NAME: ISO PRO SMALL
 WATTAGE: 350mA EWR
 LAMP TYPE: 12LED 2700K AMBER WHITE
 OPTIC: 350mA EWR

7.50 LUX ISO CONTOUR
 5.00 LUX ISO CONTOUR
 2.00 LUX ISO CONTOUR
 1.00 LUX ISO CONTOUR

CLIENT: CLINTEK (MALVERN) LLP

DRAWING NUMBER: 28112_100_02_01

REVISION: - SHEET SIZE: A1 SCALE: 1:250

STATUS: FOR INFORMATION / APPROVAL

FOR INFORMATION / APPROVAL
 Telephone: 01690 204723
 Email: sales@mecon.co.uk
 Website: www.mecon.co.uk
 Registered in England
 Registered Office: 10000868

MFC
 Consulting Development Engineers



LIGHTING SETTING OUT SCHEDULE

COLUMN REF.	X	Y	DIMMING OUTSIDE OF OPERATIONAL HOURS (0400-1700)
LP01	382356.81	244156.79	0FT
LP02	382372.07	244167.70	50%
LP03	382374.65	244174.76	50%
LP04	382350.09	244153.73	50%
LP05	382358.01	244140.76	50%
LP06	382403.03	244146.50	50%
LP07	382423.92	244161.92	50%
LP08	382433.52	244166.43	50%
LP09	382400.88	244172.21	50%
LP10	382396.14	244182.16	50%
LP11	382413.31	244185.74	50%



LIGHTING SPECIFICATION:

- STREET LIGHTING TO BS EN 12464-2:2014, MAIN AREA LIT TO 10 LUX (UNIFORMITY >0.20), EXACT POSITIONS ARE TO BE AGREED ON SITE BY THE ENGINEER BEFORE ERECTION WORKS COMMENCES.
- ONLY RECOGNISED LIGHTING CONTRACTORS SHALL BE USED FOR STREET LIGHTING AND ILLUMINATED SIGN AND BALLASTS INSTALLATION WORKS. THEY SHALL BE APPROVED BY THE OVERSEEING ORGANISATION/CLIENT. THEY MUST BE PROVIDED WITH THE OVERSEEING ORGANISATION/CLIENT PRIOR TO APPROVAL OF THE PROPOSED LIGHTING CONTRACT. OPERATIVE TO BE CSW TRAINED AND HAVE KNOWLEDGE OF IDENTIFICATION OF OVERHEAD LINE VOLTAGE CABLES. THE APPROVED LIGHTING CONTRACTOR SHALL NOT SUB-CONTRACT ANY PART OF THE WORKS.
- ALL MATERIALS SHALL BE TO THE RELEVANT BRITISH STANDARD AND SHALL ALSO CONFORM TO:
 - THE ELECTRICITY AT WORK REGULATIONS (1989)
 - THE HEALTH AND SAFETY REGULATIONS (1988)
 - CHAPTER 8 OF THE TRAFFIC SIGNS MANUAL
 - THE CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH REGULATIONS 1988
 - THE CONSTRUCTION (DESIGN MANAGEMENT) (CDM) REGULATIONS 2007
 - NATIONAL JOINT UTILITIES GROUP (NJUG) STANDARDS ON POSITIONING OF UNDERGROUND UTILITIES APPARATUS
- ERECTION AND INSTALLATION WORKS SHALL COMPLY WITH THE CURRENT ISSUE AND AMENDMENTS OF BS7671: PART 517. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL NECESSARY ELECTRICAL OPERATIONS AND THE CODE OF PRACTICE FOR THE ERECTION OF STREET LIGHTING PUBLISHED BY THE ASSOCIATION OF STREET LIGHTING ELECTRICAL CONTRACTORS.
- COLUMNS: 6m TUBULAR STEEL GALVANISED WITH GLASS FLAKE ROOT COLUMN WITH POST TOP MOUNT. REQUIREMENTS: GLASS FLAKE ROOT TO 150mm ABOVE GROUND, MINIMUM DOOR SIZE 500mm X 100mm. PLANTING DEPTH 100mm(Gr) or 120mm(Gr).
- LANTERNS: THORN LIGHTING PAVZA II WALL MOUNTED LED 2700K 2.74m AND ISO PRO SMALL 12 LED 350mA EWR OPTIC 2700K 1.87m.
- PROJECT MAINTENANCE FACTOR 1.00.
- LUMINAIRES TO BE SUPPLIED COMPLETE WITH C.I.D. ENABLED BALLAST WITH ONE COMPATIBLE LED DRIVER C.I.D. ENABLED WITH DALI TELESEA ONE NODE WHITE FLEXIBLE 3-CORE 1.5mm CABLE TO BE USED TO CONNECT THE LUMINAIRE.
- CONTROL: 7-PIN NEVA SOCKET & EPS ENABLED NEW DIMMING TELECELL
- OPERATIONAL HOURS: ALL LIGHTS WILL BE ON 0400-1700 WORKING HOURS. DIMMING HOURS OF LOW INTENSITY LIGHTING TO BE IN PLACE 0400-1700 OUTSIDE WORKING HOURS FOR SECURITY AND CITY REASONS (SEE SETTING OUT SCHEDULE), MOSTLY EXPECTED TO BE USED DURING LATE WINTER MONTHS.

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