

PLANNING AND REGULATORY COMMITTEE
7 JULY 2020**PROPOSED INSTALLATION OF A NEW TERMINAL PUMPING STATION INCORPORATING A PUMPED STORM OVERFLOW, TO REPLACE THE EXISTING PUMPING STATION AT NEW STREET IN UPTON-UPON-SEVERN, TO IMPROVE CAPACITY AND FLOOD RESILIENCE ON LAND TO THE SOUTH OF NEW STREET, UPTON-UPON-SEVERN, WORCESTERSHIRE**

Applicant

Severn Trent Water Ltd.

Local Member

Mr P Middlebrough

Purpose of Report

1. To consider a County Matter planning application for the proposed installation of a new terminal pumping station incorporating a pumped storm overflow, to replace the existing pumping station at New Street in Upton-upon-Severn, to improve capacity and flood resilience on land to the south of New Street, Upton-upon-Severn, Worcestershire.

Background

2. The proposed development is part of a wider scheme to enhance the performance of the sewerage system in Upton-upon-Severn. The scheme includes the provision of a new pumped storm water overflow, a rising main and diversions of the existing sewers.

3. The applicant states that these works are required to prevent pollution in the nearby River Severn, caused by the inundation of flood water into the sewerage system, and a lack of hydraulic capacity at the existing sewage pumping station. Upton-upon-Severn and the surrounding areas are prone to flooding from the River Severn. Sewer flooding and pollution are identified as a risk to the local environment and may constitute a health hazard. The works are required to protect the sewerage system against flooding, they would reduce these identified risks and help to improve the performance of the system against the increasing risk of flooding in the future.

The Proposal

4. The proposal is for the installation of a new terminal pumping station incorporating a pumped storm overflow.

5. The new pumping station would replace the existing pumping station at New Street, Upton-upon-Severn due to the need for additional capacity.

6. The development would consist of:

- An approximately 9 metres diameter pumping station which would be entirely buried below ground at approximately 9 metres deep.
- Four Bauer connections (mechanical connections that enable a wheeled tanker to make an above ground connection to the permanent works) above ground to allow for maintenance.
- Four underground chambers would be created, consisting of a flowmeter chamber, a valve chamber, an overflow flowmeter chamber and an overflow valve chamber.
- A new motor control centre kiosk would be located above ground, measuring approximately 9 metres long by 4 metres wide by 2.5 metres high would be built to house the controls for the pumping station. This kiosk would be placed on an approximately 1 metre high platform to ensure the controls are protected from flood risk.
- A vent pipe to provide ventilation within the pumping station wet well chamber, would be located above ground, measuring approximately 2.5 metres high.

7. The site is adjacent to the Environment Agency (EA) flood defences including a flood water storage, pumping tank and a flood bund. To ensure the proposed development does not impact upon the structural stability of the flood bund, a retaining wall would be constructed as part of this proposal. The retaining wall would measure approximately 2.25 metres high from ground level. The applicant is proposing to paint the retaining wall 'Holly Green' in colour. Handrailing would be erected along the top of the retaining wall, measuring approximately 1.1 metres high.

8. A wooden stock proof post and rail fence, measuring approximately 1.3 metres high is proposed around the boundary of the site. The fence would be topped with a strand barbed wire and infilled with a stock proof mesh.

9. The existing access to the field at the corner of New Street and the private road running across the site would be altered. Two new gates would be created to allow permanent shared access for the EA and Severn Trent Water Limited (STWL).

10. A pedestrian access gap in existing post and rail fence from the corner of New Street would be provided to allow access to the definitive route of Public Right of Way (Footpath UU-525) that intersects the north-east corner of the site.

The Site

11. The site is located immediately outside, but adjacent to the development boundary of Upton-upon-Severn, which is a small town in the Malvern Hills District to the south of the county.

12. The proposed development is located to the west of the town on existing greenfield agricultural land. The site is bounded by New Street and residential properties to the north; a private track, telephone exchange, existing sewage pumping

station and residential properties to the east; and agricultural land to the west and south.

13. The application site measures approximately 821 square metres in area.

14. A significant part of Upton-upon-Severn is designated as Conservation Area (CA) which also includes the application site. There are a number of listed buildings within Upton-upon-Severn with the closest being '36 New Street' and '18 and 20 New Street', which are Grade II Listed Buildings located approximately 35 and 55 metres north-east and east of the application site, respectively.

15. As stated above, the site is adjacent to the EA flood defences including a flood water storage, pumping tank and a flood bund. The flood bund marks the western and south-western boundary of the site.

16. A number of mature trees and scrub vegetation are present along the existing post and rail metal fence on eastern site boundary. The access to the site currently has a metal gate placed along a stretch of a wooden post and rail fence. The majority of the northern boundary is marked by a wooden fence which divides it from the public right of way.

17. There are three young trees within the site boundary.

18. The application lies approximately 190 metres south-west of the River Severn which is designated as Local Wildlife Site (LWS). The Poole and Mere Brooks LWS is located approximately 300 metres north-west and Stocks Yatt Meadow LWS approximately 450 metres south from the site. The Upton Ham Site of Special Scientific Interest (SSSI) is located approximately 550 metres to the east.

19. The application site lies over 34 kilometres upstream of the Severn Estuary Special Protection Area (SPA) / Special Area of Conservation (SAC) / Ramsar Site. It is also notified as the Upper Severn Estuary Site of Special Scientific Interest (SSSI).

20. The definitive route of Footpath UU-525 runs across north-east corner of the site.

21. The site is located in Flood Zone 3 (1% or greater annual probability of river flooding in any year).

22. The Western Power Distribution's overhead electric lines run across the field to the south of the site.

Summary of Issues

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

- Need for the development
- Location of development
- Residential amenity, visual impact and landscape character
- Historic environment
- Water environment
- Ecology and biodiversity

- Traffic, highways safety and public rights of way

Planning Policy

National Planning Policy Framework (NPPF)

24. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. The NPPF sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

25. The NPPF should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste). 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"*.

26. 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 a well-designed and safe built environment, 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 contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

27. 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.

28. 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.

29. 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.

30. 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 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed 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

31. The National Planning Policy for Waste published on 16 October 2014 is 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

32. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan relevant to this proposal consists of the Adopted Worcestershire Waste Core Strategy and Adopted South Worcestershire Development Plan.

33. 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.

34. 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 Waste Core Strategy Development Plan Document (WCS)

35. The policies that are relevant to the proposal are listed below:

- Policy WCS 1: Presumption in favour of sustainable development
- Policy WCS 3: Re-use and Recycling
- 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

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

- Policy SWDP 1: Overarching Sustainable Development Principles
- Policy SWDP 2: Development Strategy and Settlement Hierarchy
- Policy SWDP 4: Moving Around South Worcestershire
- Policy SWDP 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

Draft Planning Policy

Emerging Worcestershire Minerals Local Plan (Publication Version)

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

38. The Emerging Mineral Local Plan went through four previous stages of public consultation between 2012 and 2019 before the Publication Version of the Minerals Local Plan, which was published on 19 August 2019 for a 6-week consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012) (as amended) to allow representations to be made under Regulation 20, in relation to whether the plan is sound and legally compliant. The Plan was subsequently submitted to the Secretary of State for Housing, Community and Local Government on 17 December 2019 for independent examination.

39. The Secretary of State has appointed Elizabeth Ord LLB (Hons) LLM MA DipTUS and Beverley Wilders BA (Hons) PgDurp MRTPI as independent Planning Inspectors to assess the 'soundness' and legal compliance of the plan.

40. Due to the coronavirus (COVID-19) pandemic, the Local Plan hearings for the Emerging Worcestershire Minerals Local Plan, which were due to take place between 5 to 7 May 2020 and 2 to 4 June 2020 were postponed. The dates for the rescheduled hearings are currently unknown but are considered unlikely to be before late Summer or Autumn 2020.

41. The Emerging Minerals Local Plan has not, therefore, been tested at examination or adopted by the County Council. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Strategic Infrastructure and Economy that the following policies in the Emerging Minerals Local Plan should be given limited weight in development management terms in the determination of this application.

42. The Emerging Minerals Local Plan policy that, for the avoidance of doubt, is of relevance to the proposal is set out below:

Policy MLP 31: Safeguarding Locally and Nationally Important Mineral Resources

Emerging South Worcestershire Development Plan Review (SWDPR)

43. Worcester City Council, Wychavon District Council and Malvern Hills District Council are reviewing the SWDP. The SWDPR will cover the period to 2041. The 'Preferred Options' consultation version of the SWDPR was consulted on from 4 November to 16 December 2019. The next step is to produce a Publication Version of the SWDPR, which is currently programmed for October / November 2020. The SWDPR would then be submitted to the Secretary of State for Housing, Community and Local Government for independent examination. The Secretary of State would then appoint an independent Planning Inspector to assess the 'soundness' and legal

compliance of the plan. Once the plan is adopted it would replace the existing policies in the SWDP. Having regard to the advice in the NPPF, Section 4, as the SWDPR is still at an early stage of preparation, only limited weight should be applied to the policies.

44. The SWDPR policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Policy SWDPR 2: The Spatial Development Strategy and Associated Settlement Hierarchy

Policy SWDPR 3: Strategic Transport Links

Policy SWDPR 4: Green Infrastructure

Policy SWDPR 5: Historic Environment

Policy SWDPR 6: Infrastructure

Policy SWDPR 7: Health and Wellbeing

Policy SWDPR 25: Design

Policy SWDPR 26: Biodiversity and Geodiversity

Policy SWDPR 28: Management of the Historic Environment

Policy SWDPR 29: Landscape Character

Policy SWDPR 32: Management of Flood Risk

Policy SWDPR 33: Sustainable Drainage Systems

Policy SWDPR 34: Water Resources, Efficiency and Treatment

Policy SWDPR 35: Amenity

Policy SWDPR 36: Air Quality

Policy SWDPR 37: Land Stability and Contaminated Land

Policy SWDPR 38: Minerals

Emerging Upton-upon-Severn Neighbourhood Plan

45. Upton-upon-Severn Town Council submitted an application to Malvern Hills District Council on 10 December 2014, to designate the parish of Upton-upon-Severn as a Neighbourhood Area. This was subject to consultation between 9 January 2015 and 20 February 2015.

46. On 5 March 2015, the application for the designation of the area defined by the boundaries of Upton-upon-Severn Town Council, as a Neighbourhood Area for the purpose of neighbourhood planning was approved by Malvern Hills District Council.

47. Neighbourhood plans must meet certain 'basic conditions' and other legal requirements, as set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

48. It is noted that whilst the parish of Upton-upon-Severn remains designated as a neighbourhood area, the Town Council have advised Malvern Hills District Council that at the present time they no longer wish to develop a Neighbourhood Plan.

49. The Emerging Upton-upon-Severn Neighbourhood Plan, has not been tested at examination, has not been subject to a referendum or adopted by the District Council. Should the Town Council wish to proceed with the Neighbourhood Plan in the future, then there would be further stages of consultation on the document prior to

submission to the Secretary of State. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Strategic Infrastructure and Economy that the Emerging Upton-upon-Severn Neighbourhood Plan should be given very little weight in development management terms in the determination of this application.

Other Documents

Planning for Health in South Worcestershire Supplementary Planning Document (SPD)

50. The South Worcestershire Planning for Health SPD was adopted in September 2017, and primarily focuses on the principle links between planning and health. The SPD addresses nine health and wellbeing principles, one of which is 'air quality, noise, light and water management'. The SPD 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 (SPD)

51. The South Worcestershire Design Guide SPD 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).

South Worcestershire Water Management and Flooding Supplementary Planning Document (SPD)

52. The South Worcestershire Water Management and Flooding Supplementary Planning Document (SPD) 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.

Consultations

53. **Local County Councillor Paul Middleborough** (Croome Division) supports this proposal, however, he finds this development visually austere.

54. **Upton-upon-Severn Town Council** have recommended the application for approval; however, they have some reservations about the visual impact of the proposal in the Conservation Area (CA) and recommend that a professional Landscape and Visual Impact Assessment is carried out.

55. **Malvern Hills District Council** have no objections to the principle of this development; however, they raise the following comments:

56. They originally stated that the applicant had not provided a justification for the use of this greenfield site in the form of a sequential test. The applicant provided further evidence of their consideration regarding alternative brownfield sites in vicinity. In response Malvern Hills District Council confirmed they had no additional comments.

57. Malvern Hills District Council also raised concerns whether the impact on the CA can be considered negligible as set out within the submitted Archaeology and Heritage Statement. They state, however, that they are content for the County Planning Authority to assess this matter and to consider the benefits of the proposal balanced against any adverse impacts in forming their final recommendation.

Public footpaths and nuisance

58. In view of the nature and location of the development and its proximity to a number of residential properties and Public Rights of Way, the District Council recommended that the Ramblers Association and Worcestershire Regulatory Services are consulted on the application.

Principle of the development

59. The District Council note that the application site is situated on a greenfield site, outside of the Upton-upon-Severn development boundary, as defined by the South Worcestershire Development Plan where development will be strictly controlled and will be limited to development which is specifically allowed by SWDP policies. However, the application explains rationale and need for the development. In view of this, the District Council have no objections to the principle of this development.

Pollution

60. The District Council state that the development would provide benefits to residents and businesses within the Town in terms of protection from pollution and its impact on health, consequently they consider the proposal accords with Policy SWDP 31 of the South Worcestershire Development Plan and paragraph 150 of the NPPF, which seeks to avoid the adverse impacts resultant from climate change. Furthermore, it will provide valuable infrastructure to allow future growth which will also see further social and economic benefits. These matters carry significant weight.

Ecological mitigation

61. The District Council notes the proximity of the proposal to statutory designated wildlife sites and non-statutory designated wildlife sites. Notwithstanding this, they acknowledge the findings of the submitted Preliminary Ecological Appraisal Report (PEA), which considers the impacts upon these wildlife sites is negligible. The District Council notes that the application site includes potentially suitable bat roosting features, and habitats for mammals, birds and reptiles, and that suitable mitigation as appropriate is proposed during construction works. Furthermore, to minimise any potential risk to commuting or foraging bats, the District Council recommend that no night working takes place, and no unnecessary lighting used in the construction or operation of the development.

62. The District Council recommend ecological mitigation and enhancement measures should be secured by planning condition if planning permission is granted, which should include detailed working method statement and subsequent compliance statements to confirm that the necessary mitigation and enhancement measures as recommended by the submitted ecological reports have been provided. Whilst the

District Council notes that the applicant states they do not propose to install any fixed artificial lighting or illumination within the development, given the sensitive nature of this site this matter should be controlled by an appropriate condition.

Waste

63. The submitted details show that waste material would be segregated on site and sent to appropriate disposal and recycling sites. In view of this, the District Council consider that details of the routing and disposal sites should be imposed as a condition to ensure the transportation of waste materials does not adversely impact residential amenity, highways safety and the structural integrity of any historic buildings. Similarly, whilst some details of site operative parking and site management have been submitted it is considered a Construction Environmental Management (CEMP) should be imposed as a condition.

64. In addition, the District Council recommend the imposition of conditions restricting the hours of construction works and related deliveries. Whilst they note that the application states “*during construction work and maintenance would only be carried out during the standard operational hours of 08:30 to 17:30 Mondays to Fridays*”, they recommend that the construction works do not take place on Sundays or Bank Holidays.

Conservation Area

65. The District Council appreciate that the applicant has considered the potential impacts of the development on the CA and that consideration has been given to the detail and finish of the development. In particular, the District Council note that the proposed kiosk is the smallest that can be used and indicates that the details of the development have been chosen to suit the rural location and CA status.

66. Notwithstanding this, the CA is designated for its relatively unaltered historic built form and views of the historic features and surrounding landscape. Due to the nature and location of the proposal, the District Council raise concerns that the proposal would detract from the character and significance of the CA.

67. The Upton-upon-Severn CA Appraisal identifies key views and vistas into and out of the CA, and whilst the submitted Heritage and Archaeological Statement advises the site does not relate to any of these key views, it should be noted that the CA appraisal advises views of St Peters and St Pauls Spire from the south-west from outside of the CA are important, and that the proposal would be visible within such views towards the Spire from the west. Design guidance within the CA states that Key Views into and out of the CA should be maintained.

68. Consequently, the District Council are concerned that the development would detract from the views which are experienced from the open space adjacent to the site towards the spire. In addition, the CA appraisal notes that the west end of New Street has a rural feel which is influenced by the openness of the application site and surrounding field. The CA Appraisal advises that green spaces, such as the application site, contribute positively to the character of the CA and should be protected. In view of this, whilst the proposed kiosk is modest in the height, the works would result in additional built development, and this combined with the proposed planting (to screen the site from New Street) would clearly result in a loss of this openness and, therefore, reduce the contribution the site makes to the character of

the CA. In view of this, the District Council query if the impact on the CA can be considered negligible as set out within the submitted Archaeology and Heritage Statement.

69. Notwithstanding this, the District Council recognise that the proposal would provide significant benefits in terms of the additional protection it would provide to residents and businesses in terms of protection from pollution and its impact on health and would also provide infrastructure to allow future growth and, thus promote further social and economic benefits. Consequently, the harm from this development in terms of the impact on the CA should be carefully weighed against these benefits.

70. Following consultation on the amended plans, the District Council reiterated that should the County Planning Authority be minded to grant planning permission for this development samples should to be provided by the applicant to show the colour, texture and finish of the proposed surfacing, new retaining wall, new boundary treatments, new gates and kiosk either prior to determination or as a condition of any forthcoming consent. The District Council considers that the proposal would impact views into the CA as well as the character of this part of New Street. As such any benefits of the proposal should be weighed against this harm.

71. **Malvern Hills District Council's Conservations Officer** objects to the development as proposed, stating that the principle of the proposal is acceptable, subject to the details not causing harm to the heritage assets in the locality. The functional nature of such a site is acknowledged, but concern is expressed about the large area of concrete or tarmac hardstanding on the site and the green sheet piling proposed to the west of the site. Also, of concern is the nature of the handrailing proposed to the top of the sheet retaining wall, as this would be visible from a number of views and angles and, therefore, should be sympathetic to the character of the CA and the setting of the listed buildings. The Conservation Officer recommends that the retaining wall needs to be softened in appearance and the handrailing needs to have a more attractive appearance rather than the industrial aesthetic proposed. These elements would be seen against a rural backdrop when looking over the site from the east and should be appropriate for such a vista. Similarly, the swathe of hardstanding could be modified in colour or texture to improve its appearance within the CA.

72. At present the proposal is considered to cause harm to the character and appearance of the Upton-upon Severn CA and to the setting of 36 New Street (grade II listed). The Conservation Officer considers this be less than substantial harm and enacts NPPF, paragraph 196.

73. **Historic England** do not wish to offer any comments on this proposal and recommend that the County Planning Authority seeks the views of their own specialist conservation and archaeological advisers, as relevant.

74. **The County Archaeologist** has no objections to the proposal subject to the imposition of a condition requiring a programme of archaeological works, including an evaluation and watching brief. The County Archaeologist notes that the proposal has the potential to impact archaeology from any period.

75. **The District Archaeologist** has no objections to the proposal, deferring to the advice of the County Archaeologist.

76. **The County Landscape Officer** has no objections and support the County Ecologist's recommendation of the imposition of the conditions relating to CEMP for biodiversity and a Landscape and Ecological Management Plan (LEMP).

77. The County Landscape Officer also originally requested the inclusion of an additional hedgerow on the western boundary, however, the applicant clarified that this may impact the integrity and performance of the EA flood embankment. In response, the County Landscape Officer confirmed he had no objections to the proposal and whilst he was disappointed that there can be no planting along the post and rail fence, he accepted the engineering constraints as set out by the applicant.

78. **The County Ecologist** has no objections to the proposal, subject to the imposition of conditions requiring a CEMP for biodiversity and LEMP. The County Ecologist considers that the proposal would result in a modest net gain for biodiversity.

79. Originally the County Ecologist also recommended the inclusion of an additional hedgerow, however, the applicant provided further clarification on the reason for not including a native hedgerow on the western boundary, as it may impact the integrity and performance of the EA flood embankment. In response the County Ecologist confirmed it was disappointing that a commitment to integrate new hedgerow alongside post-and-rail fencing was not forthcoming, however, as this would be located on private land and would have formed a measurable enhancement (rather than being critical to the scheme's environmental acceptability) the County Ecologist confirmed he had no objections to the proposal.

80. The County Ecologist also sought confirmation that no new external lighting was proposed as part of the scheme. Where lighting is required for user health and safety, confirmation was sought that this would be minimal, directed to the task at hand and operated by user activated timer so as to prevent inadvertent operation for any longer than necessary.

81. **Worcestershire Wildlife Trust** have no objections to the proposal and defer to the opinions of the County Ecologist for all on-site biodiversity considerations.

82. **Natural England (NE)** state that the nature and location of proposed project suggests necessary hydrological connection to a European designated site (also commonly referred to as Natura 2000 sites) and, therefore, has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site lies over 34 kilometres upstream of the Severn Estuary Special Protection Area (SPA) / Special Area of Conservation (SAC) / Ramsar Site. The site is also notified as the Upper Severn Estuary Site of Special Scientific Interest (SSSI).

83. NE recognise the wider benefits of this scheme to enhance the performance of the sewerage system in Upton-upon-Severn which would result in better flood resilience and improved water quality. Natural England support this project.

84. They have no objection and concerns in relation to any impacts on Upton Ham SSSI.

85. In relation to Severn Estuary SPA, SAC and Ramsar site, however, they were originally concerned, with the potential impacts that may arise from the proposal related to the presence of interest features that are located outside the site boundary i.e. migratory fish within the River Severn hydrological catchment. The potential for offsite impacts, therefore, needs to be considered in assessing what, if any, potential impacts the proposal may have on European sites. They advise that initial Habitat Regulations Assessment (HRA) screening is undertaken to consider potential impacts the proposal may have on the migratory fish species present within the River Severn catchment.

86. The applicant submitted additional information on the migratory fish species present within the River Severn catchment in response to these comments.

87. Subsequently, NE considers that the proposed development would not have significant adverse impacts on designated sites and can be screened out from further stages of assessment, and accordingly have no objections.

88. NE also advised that Worcestershire County Council as competent authority have responsibility to produce the Habitat Regulation Assessment (HRA) screening. NE's advice is based on the assumption that the County Planning Authority intends to adopt the applicant's findings to fulfil its duty as competent authority.

89. **The County Highways Officer** has no objections to the proposal.

90. **The County Footpath Officer** has no objection, as the fencing would not obstruct the legal line of Footpath UU-525. The officer also states that should there be any plans to surface the section of the legal line of the footpath then they prefer crushed stone.

91. **The Open Space Society** - No comments received.

92. **The Ramblers Association and Malvern Hills Footpaths Society** have no objections. They are pleased to see that the footpath is shown on the submitted Proposed Site Plan drawing and is annotated that it will be maintained and open throughout the construction period.

93. **The Campaign to Protect Rural England (CPRE)** have no objections.

94. **The Environment Agency (EA)** have no objections to the proposal but recommends that the applicant incorporates flood protection into the design of the infrastructure. They recommend that the proposals should be designed to avoid water damage, where necessary. As such, any flood susceptible electrics / other parts within the motor control centre kiosk are designed to be sited at least 600mm above the 1% flood level plus climate change or flood-proofed to that level, in order to prevent flood risk and associated pollution risk.

95. In response to these comments, the applicant provided further justification for the kiosk housing and proposed design specification to help protect against potential floodwaters, which the EA finds acceptable.

96. **The Lead Local Flood Authority** have no objections to the proposal.

97. **South Worcestershire Land Drainage** have no objections to this proposal. Where it relates to the design of the motor control centre kiosk in relation to flood levels, they defer to the EA comments.

98. **Worcestershire Regulatory Services (Noise and Lighting)** have no objections to the application in terms of noise during the operational phase, and notes that the proposed external operational lighting appears acceptable as the applicant has confirmed that the luminaries would only operate during maintenance visits. They comment that in order to minimise any nuisance from noise, vibration and dust emissions during the construction phase, the applicant should refer to the Worcestershire Regulatory Services' Demolition & Construction Guidance and ensure its recommendations are complied with. They note that sheet piling would be undertaken as part of the proposal, therefore, the applicant should submit a method statement for this activity detailing the proposed times when piling would be undertaken and the noise and vibration mitigation measures to be employed.

99. Worcestershire Regulatory Services consider that the proposed working hours are acceptable.

100. **Worcestershire Regulatory Services (Air Quality and Contamination)** have no objections to the proposal, noting that no relevant issues have been identified in relation to air quality and, therefore, they have no adverse comments to make in this respect.

101. With regard to contamination, Worcestershire Regulatory Services comment that records indicate that a former 'Gas Works' (Gas Manufacture and Distribution) was located adjacent to the boundary of the proposed development site (to the east), which raises potential contamination concerns. The exact location of the former gas works is difficult to identify from the available historical maps but appears to be offsite to the east in the area occupied by various buildings. The area of the proposed development appears largely to have been an undeveloped field / agricultural land. Given the age and location of the adjacent gas works and fact it has been redeveloped for a significant period of time, and the type of development proposed, risks from contamination are considered to be low. Worcestershire Regulatory Services recommend the imposition of a condition in relation to 'unexpected contamination' in order to alleviate the above concerns.

102. **County Council Public Health** - No comments received.

103. **The Hereford and Worcester Fire and Rescue Service** no comments received.

104. **West Mercia Police** - No comments received.

105. **Western Power Distribution** comment that their apparatus is located in the vicinity to the application site (11 kV Overhead Electric Line and underground services); 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

Guidance HS(G)47, Avoiding Danger from Underground Services', and works in the vicinity of overhead lines should be carried out in accordance with the requirements of the Health & Safety Executive guidance: 'GS6: Avoidance of Danger from Overhead Electric Lines'. The applicant should contact Western Power Distribution should any diversions be required.

106. **The County Minerals and Waste Planning Policy Officer** has no objections. The proposed development is within a Minerals Consultation Area (MCA) as proposed in the Emerging Minerals Local Plan, which is currently at examination stage. However, as this application would not introduce additional sensitive receptors into the area, it is considered that this application would be unlikely to sterilise the mineral resource. Therefore, in this instance, no further action is required by the applicant in relation to minerals safeguarding matters.

107. **The County Waste Management Officer** - No comments received.

Other Representations

108. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application has been advertised in the press, on site, and by neighbour notification. To date there have been no letters of representation received commenting on the proposal.

The Head of Strategic Infrastructure and Economy's Comments

109. 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.

The need for the development

110. Severn Trent Water Limited (STWL) is applying for planning permission for the installation of a new terminal pumping station incorporating a pumped storm overflow, to replace the existing pumping station at New Street in Upton-upon-Severn, to improve capacity and flood resilience.

111. The proposed development would be part of a wider scheme to enhance the performance of the sewerage system in Upton-upon-Severn. The wider scheme includes the provision a new pumped storm water overflow, a rising main and diversions of the existing sewers.

112. The applicant states that these works are required to prevent pollution in the nearby River Severn, caused by the inundation of flood water into the sewerage system, and a lack of hydraulic capacity at the existing sewage pumping station. Upton-upon-Severn and the surrounding areas are prone to flooding from the River Severn. Sewer flooding and pollution are identified as a risk to the local environment and may constitute a health hazard. The works are required to protect the sewer system against flooding, they would reduce these identified risks and help to improve the performance of the system against the increasing risk of flooding in the future.

113. Section 11 paragraph 122 (c) of the National Planning Policy Framework (NPPF) states that “*planning policies and decisions should support development that makes efficient use of land, taking into account (...) the availability and capacity of infrastructure and services – both existing and proposed*”. Additionally, Section 14, paragraph 150 (a) of the NPPF states that “*new development should be planned for in ways that (...) avoid increased vulnerability to the range of impacts arising from climate change*”. Policy SWDP 31 of the South Worcestershire Development Plan states (SWDP) that “*development proposals must be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones*”.

114. Malvern Hills District Council have been consulted, and in their response they acknowledged that the proposed development would benefit residents and businesses within the Town in terms of protection from pollution and its impact on health, consequently it is considered to accord with Policy SWDP 31 and paragraph 150 of the NPPF which seeks to avoid the adverse impacts resultant from climate change. The response continued that it would provide valuable infrastructure to allow future growth which would also see further social and economic benefits. Malvern Hills District Council is of the view that these matters carry significant weight.

115. In view of the above, the Head of Strategic Infrastructure and Economy considers that the proposed development would create necessary sewerage infrastructure that is flood resilient and provides improvements to the public sewerage system and ensures continuing supply of services. As such, it is considered that the proposal is in accordance with Sections 11 and 14 of the NPPF and Policy SWDP 31 of the South Worcestershire Development Plan.

Location of the development

116. The Worcestershire Waste Core Strategy 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.

117. Policy WCS 3 of the Waste Core Strategy requires waste water treatment facilities to be permitted at all levels of the geographic hierarchy.

118. Policy WCS 6 of the Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs enclosed or unenclosed waste water treatment facilities, such as this to land which includes existing or allocated industrial land; contaminated or derelict employment land; redundant agricultural or forestry buildings or their curtilage; sites with current use rights for waste management purposes; and, where strongly justified, on greenfield land.

119. Policy SWDP 2 of the 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*” and seeks to strictly control development in the open countryside for a number of limited uses. Additionally, “*encouragement is given to the redevelopment of brownfield sites under this policy*”. It needs to be noted, however,

that Policy SWDP 2 generally refers to developments such as housing, employment or retail and it does not specifically mention infrastructure developments (except for renewable energy projects).

120. The development site lies outside, but immediately adjacent to the development boundary of Upton-on-Severn, as such it needs to be classed as located within the open countryside as defined by Policy SWDP 2. It is also located on greenfield land.

121. The applicant has submitted evidence of all available options considered to inform their site selection. The assessment outlines four options with two within and two, including the existing development site, outside the development boundary. The assessment demonstrates that there are no practical 'brownfield sites' in the vicinity of the existing sewage pumping station that could be used, unless existing amenity land (local car parking, leisure facilities, etc.) were to be negatively impacted in both the short and long-term.

122. The applicant explains that the key consideration for the choice of the development site was proximity to the existing sewage pumping station, which is located approximately 20 metres to the south-east of the proposal. Additionally, the location is driven by the need to connect to the gravity system from the existing terminal pumping station and the context of the hydraulic capacity and sewer network.

123. The applicant also explains that if larger pumps and deeper sewers had to be installed at some distance away from the existing terminal pumping station then construction and maintenance health and safety risks would inevitably increase. The risks of a distant location would include:

- disruption caused from blocking access routes, due to a requirement for significant temporary working space for construction, within an urban area bounded by residential and commercial properties; and
- the poor ground conditions, when sinking a large shaft, would generate a risk of compromising the stability of adjacent structures.

124. The proposed development is required to prevent pollution in the nearby River Severn, caused by the inundation of flood water into the sewer system, and a lack of hydraulic capacity at the existing sewage pumping station. The works are also required to protect the sewer system against flooding. As such, it is considered that the proposal would provide clear benefits of reduced pollution and health hazards to Upton-upon-Severn and surrounding areas which suffer with severe flooding issues. It would also help to meet necessary infrastructure requirements for the local area and facilitate future growth in the area.

125. Malvern Hills District Council originally sought further justification in relation to a sequential test and developing on brownfield land. However, following the applicant providing the rationale and need for the development, the District Council confirmed they had no additional comments.

126. Whilst the proposal is located in the open countryside, as defined by Policy SWDP 2 of the South Worcestershire Development Plan, the Head of Strategic Infrastructure and Economy notes that sewage pumping stations are not explicitly referred in this policy. Furthermore, it is noted that policy support is given in Policy

SWDP 2 to infrastructure schemes, such as this proposal, as Upton-upon-Severn is classed as 'Urban Areas Other Towns'. 'Policy Implementation' for this category states that "*provisions will need to be made to meet necessary local infrastructure requirements*".

127. The Head of Strategic Infrastructure and Economy considers that there are clear reasons for the proposed location of the development and the proposal would provide significant benefits to the local area and its residents. As such it is considered that this development would be 'strongly justified' for the purposes of Policy WCS 6 of the Waste Core Strategy.

128. In view of the above, the Head of Strategic Infrastructure and Economy considers that proposed development is in accordance with Policies WCS 3 and WCS 6 of the Waste Core Strategy and would be sited in an appropriate location.

Residential amenity, visual impact and landscape character

129. The development site is located to the west of Upton-upon-Severn on existing greenfield agricultural land. The site is bounded by New Street to the north with residential properties and the River Severn beyond; an unnamed private track, telephone exchange and existing sewage pumping station and residential properties to the east; and agricultural land to the west and south.

130. The nearest property would be located approximately 13 metres to the east of the proposal.

131. The proposed development would involve the construction of a sewage pumping station and associated motor control centre kiosk (measuring approximately 9 metres long by 4 metres wide by 2.5 metres high mounted on a plinth measuring approximately 1 metre high). The kiosk would be located at the southern end of the site. The facility would be constructed to the east of the EA flood defences, would cut into the bank of the flood bund and would require the construction of a sheet piled retaining wall. The piled wall would be capped by a concrete beam which would be surmounted by a metal hand railing to provide edge protection (measuring approximately 1.1 metres high). The height of the retaining wall would be approximately 2.25 metres in height and would be painted green. The development would include a vent pipe at approximately 2.5 metres high above final ground level. All other equipment would be below or at ground level.

132. Access to the site would be provided by a double gate from New Street. The site would include a permanent road surface to allow access to the facility by service vehicles and to maintain access to the EA storage facility.

133. The vegetation along the existing service track would be removed in part at the northern end and be replaced by a post and rail fence. The vegetation along the eastern boundary would also be removed and replanted with a length of hedgerow containing a mix of native species to replace any lost biodiversity and screen the development from views.

134. It is considered that the siting of the development bounded by the development areas to the east and the EA flood bound to the west and mature vegetation to the north would assist with providing visual screening of the site from most of the

directions. The exception being the views from New Street when looking towards the site across the gate and views from Public Right of Way (Footpath UU- 525).

135. As such, whilst relatively well screened from some directions, the site would be readily visible to a number of properties along New Street located to the north and north-east from the site. Nevertheless, the visual impact would be mitigated with the on-site design options which include the minimal size and the location of the kiosk to the south-east away from the immediate views, the softening of the appearance of the retaining wall through the application of green finishes, the reinstatement and supplementary planting of vegetation along the eastern border of the site, and following discussions with officers, the applicant has confirmed they would if required construct a grasscrete surface or similar material, rather than the proposed concrete hardstanding and paint the proposed metal handrail matt black.

136. Whilst it is considered that there would be a minor increase in traffic during the construction phase, this would be temporary and would not have a significant impact on air quality or noise. During the construction phase, works would only be carried out between the hours of 08:30 to 17:30 Mondays to Fridays, inclusive. During operation of the site, infrequent access would be required for maintenance and emergency works. Operational maintenance would also only take place between the hours of 08:30 to 17:30 Mondays to Fridays, however, access in the event of an emergency would be required at any time.

137. Malvern Hills District Council comment in respect of the construction working hours, recommending that the hours should do not include Sundays or Bank Holidays. The District Council also recommend the imposition of conditions requiring a CEMP, lighting details, samples colour, texture and finish of the proposed surfacing, retaining wall, boundary treatments, gates and kiosk. Conditions are recommended to this effect.

138. There are three sources of light proposed on site; lighting column at the north edge of the site, lighting column to provide light over the tank and in front of kiosk and lighting mounted on kiosk. During operation, lighting would be used only for health and safety purposes during infrequent maintenance visits taking place during the standard operational times set out above. The applicant also confirmed that all lighting on-site would be task specific and operator controlled.

139. No letters of representation commenting on the proposal have been received.

140. Upton-upon-Severn Town Council have recommended the application for approval; however, they have some reservations about the visual impact of the structure in the Upton-upon Severn Conservation Area (CA) and asked for a professional Landscape Visual Impact to be carried out. However, it is noted that the applicant submitted an Archaeology and Heritage Statement, which assessed the impact of the proposal upon the CA. This is discussed in more detail in the 'Historic Environment' Section of this report.

141. It is also noted that the County Landscape Officer has raised no objections to the proposal, subject to the imposition of the conditions relating to Construction Environmental Management Plan (CEMP) for biodiversity and a Landscape and Ecological Management Plan (LEMP). Conditions are recommended to this effect.

142. Worcestershire Regulatory Services (Air Quality and Contamination) have been consulted, and they have raised no objections to the proposal in respect of air quality and contamination, subject to the imposition of a condition in the event of unexpected contamination as a precaution. A condition is recommended to this effect.

143. Worcestershire Regulatory Services (Noise, Dust, Vibration and Lighting) have also raised no objections to the proposal in terms of noise, dust, vibration and lighting, subject to the imposition of a condition requiring method statement detailing appropriate mitigation measures for the proposed sheet piling activity. They also consider that the proposed working hours are acceptable.

144. In view of the above, the Head of Strategic Infrastructure and Economy considers that, subject to the imposition of appropriate conditions, the proposed development would not cause an unacceptable impact in terms of visual impact, landscape character and residential amenity due to its design, size and location.

Historic environment

145. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings and conservation areas 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"*.

146. With regard to heritage assets, paragraph 190 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"*.

147. Paragraphs 193 and 194 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 the highest significance, notably scheduled monuments...grade I and II* listed buildings...should be wholly exceptional"*.

148. Paragraph 195 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”* or all the criteria listed in a) to d) of paragraph 195.

149. Paragraph 200 of the NPPF states that *“local planning authorities should look for opportunities for new development within Conservation Areas ...and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

150. The application site is located within the Upton-upon-Severn CA. There are no designated heritage assets within the application site. There are two Scheduled Monuments within 1-kilometre search radius of the site ('Tower of Old Church' and 'Upton Cross in Old Churchyard'), three Grade II* listed buildings and 112 Grade II listed buildings: these are predominantly located within the centre of the town to the east. The closest listed buildings are '36 New Street' and '18 and 20 New Street', which are Grade II Listed Buildings located approximately 35 and 55 metres north-east and east of the application site, respectively

151. 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”*.

152. The Government's Planning Practice Guidance (PPG) at Paragraph Ref ID: 18a-013-20190723 states that *“...the extent and importance of setting is often expressed by reference to the 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”*.

153. The proposed development would involve the construction of a sewage pumping station and associated kiosk (measuring approximately 9 metres long by 4 metres wide by 2.5 metres high mounted on a plinth, measuring approximately 1 metre high). The kiosk would be located at the southern end of the site. The facility would be constructed to the east of the EA flood defences and would cut into the bank of the flood bund and would require the construction of a sheet piled retaining wall. The piled wall would be capped by a concrete beam which would be surmounted by a

metal hand railing to provide edge protection (measuring approximately 1.1 metre high). The height of the retaining wall would be approximately 2.25 metres in height and would be painted green. The proposal would include a vent pipe at approximately 2.5 metres above final ground level. All other equipment would be below or at ground level.

154. Access to the site would be provided by a double gate from New Street. The site would include a permanent road surface to allow access to the facility by service vehicles and to maintain access to the EA flood defences.

155. The vegetation along the existing service track would be removed in part at the northern end and be replaced by a post and rail fence. The vegetation along the eastern boundary would also be removed and replanted with a length of hedgerow containing a mix of native species to replace any lost biodiversity and screen the development from views.

156. Malvern Hills District Council's Conservation Officer has objected to the proposal, stating that the application site lies within the Upton-upon-Severn CA and in the setting of several listed buildings. The principle of the proposal is considered acceptable subject to the details not causing harm to the heritage assets in the locality. The functional nature of such a site is acknowledged, but concern is expressed about the large area of concrete or tarmac hardstanding on the site and the green sheet piling proposed to the west of the site. Also, of concern is the nature of the handrailing proposed to the top of the retaining wall. The location would be visible from a number of views and angles and, therefore, should be sympathetic to the character of the CA and the setting of the listed buildings. It is suggested that the retaining wall needs to be softened in appearance and the handrailing needs to have a more attractive appearance rather than the industrial aesthetic proposed. These elements would be seen against a rural backdrop when looking over the site from the east and should be appropriate for such a vista. Similarly, the swathe of hardstanding could be modified in colour or texture to improve its appearance within the CA.

157. The Conservation Officer goes on to state that at present the proposal is considered to cause harm to the character and appearance of the CA and to the setting of 36 New Street (Grade II Listed Building). This would be less than substantial harm and enacts paragraph 196 of the NPPF.

158. The Malvern Hills District Council comment that the applicant has considered the potential impacts of the development on the CA and that consideration has been given to the detail and finish of the development. Notwithstanding this, they note that the CA is designated for its relatively unaltered historic built form and views of the historic features and surrounding landscape, and in view of the location and detail of the proposed development there is concern that the proposal would detract from the character and significance of the CA. Design guidance within the CA states that key views into and out of the CA should be maintained. In addition, the CA appraisal notes that the west end of New Street has a rural feel which is influenced by the openness of the application site and surrounding field. The CA Appraisal advises that green spaces, such as the application site, contribute positively to the character of the CA and should be protected. In view of this, the District Council query if the impact on the CA can be considered negligible as set out within the submitted Archaeology and Heritage Statement. Notwithstanding this, the District Council is content for the

County Planning Authority to assess this matter and to consider the benefits of the proposal balanced against any adverse impacts in forming their final recommendation.

159. Upton-upon-Severn Town Council have been consulted and have some reservations about the visual impact of the structure in CA, but they recommended the application for approval.

160. Following consultees comments and discussions with officers, the applicant has confirmed they would if required incorporate alterations to the site design in order to minimise the impact on heritage assets. These include the replacement of the concrete hardstanding with a grasscrete surface or similar material to allow a strong hardstanding surface that meets the appropriate Severn Trent Water Limited standards, while providing a permeable surface that would help to blend the site into the surroundings and painting the handrail matt black to reduce any reflection from the handrail and, therefore, reduce any visual impact.

161. The applicant explains that any additional mitigation of the impact of the retaining wall such as a planted wall or a gabion wall would not be possible, as it would not protect the structural integrity of the flood defences as a long-term solution and the significant space constraints of the site would mean that in order to accommodate a gabion wall, the design and layout of the site may have to be reconsidered. A redesign of the constrained site area to remove the wall or add width to the wall, when considering the necessary design layout of site equipment, apparatus and the shaft tank would be required which would lead to an increased footprint for the works to accommodate the proposals.

162. The proposed development has potential to be visible from a number of views and angles within and towards the CA. In particular, the development may interfere in views towards the Schedule Monument and Grade II* Listed Building of 'Tower of Old Church', the top of which is visible above the trees when looking from the edge of the field / CA across the site in north-easterly direction. However, the positioning of the site next the existing EA flood bund would provide an element of screening from the views looking across the site with only the top of the retaining wall including the railing and kiosk visible when viewed across the site towards the CA and the above mentioned Scheduled Monument. Mature vegetation would screen the site from the wider views from the north, it would be, however, visible to the users of the Public Right of Way (Footpath UU- 525). Whilst the site is located on a greenfield area, it is immediately adjacent to the built-up area. The main development feature of the kiosk is tucked in between the line of shrubs and mature trees to southernly corner of the site which would provide screening. Additionally, its green colour would help to blend in the structure against the backdrop of vegetation.

163. In addition, the applicant proposes the following mitigation measures to minimise the impact upon the CA:

- the design of the kiosk of dimensions the smallest it can be to perform its function;
- the location of the kiosk to the south of the site so as not to be visible in views westwards along New Street;

- the softening of the appearance of the retaining wall through the application of sympathetic coloured materials rather than untreated sheet piling;
- the reinstatement and supplementary planting of vegetation along the eastern border of the site to visually screen the proposed built development from views westwards along New Street;
- a grasscrete surface or similar material across all areas previously proposed be concrete hardstanding; and
- painting the handrail matt black reduce any reflection.

164. It is considered that the siting of the development bounded by the development areas to the east and the EA flood bound to the west and mature vegetation to the north means that only glimpses of the site would be visible from most of the directions. The exception being the views from New Street when looking towards the site across the gate and views from the Public Right of Way (Footpath UU- 525). As demonstrated above, a number of mitigation measures would assist with integrating the site into its setting.

165. In view of the above, and having regard to the advice of the District Council and Conservation Officer, the Head of Strategic Infrastructure and Economy considers that the proposal would result in less than substantial harm to the significance of the designated heritage assets of the CA, the setting of the Listed Buildings located along New Street, in particular the Grade II Listed Building of '36 New Street' and the setting of the Schedule Monument and Grade II* Listed Building of 'Tower of Old Church'.

166. Paragraph 196 of the NPPF states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.

167. The Government's PPG at Paragraph Ref ID: 18a-020-20190723 confirms that *“public benefits 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 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”*.

168. It is considered that the development would provide substantial public benefits, in that the proposal is required to prevent pollution in the nearby River Severn, caused by the inundation of flood water into the sewer system, and a lack of hydraulic capacity at the existing sewage pumping station. The works are also required to protect the sewerage system against flooding. As such, the proposal would provide clear benefits of reduced pollution and health hazards to Upton-upon-Severn and surrounding areas which suffer with severe flooding issues. It would also help to meet necessary infrastructure requirements for the local area and facilitate future growth in the area.

169. In view of this, having given special attention to the desirability of preserving or enhancing the character or appearance of the CA (Section 72) and having special regard to the desirability of preserving the Listed Buildings and Structures or their setting or any features of special architectural or historic interest which they possess (Section 66), and paragraph 196 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.

170. The Worcestershire Historic Environment Record (HER) identifies earthwork remains of possible post-medieval water management systems at the site. Other entries relate to the medieval and post-medieval development of the Town of Upton-upon-Severn and its agricultural setting.

171. The applicant states that archaeological works have been previously undertaken in part of the site in association with the construction of the EA flood defences. These investigations did not reveal any archaeological features but recovered some post-medieval and modern ceramics and glass.

172. The County Archaeologist has been consulted and has raised no objections to the proposal, subject to the imposition of an appropriate condition. The District Archaeologist wishes to defer to the County Archaeologist advice on this proposal.

173. Following the consultee comments, it has been established with the applicant that no 'shallow / surface' archaeological works is envisaged to be required as the potential presence of features had previously been mitigated for during the construction of the flood protection bund in 2011.

174. In regard to the deeper Pleistocene / Palaeolithic potential of the gravels, an element of work to mitigate for the impact upon these deposits would be required as it is not possible, upon current knowledge, to better assess the potential of these deposits. As such, a geoarchaeological watching brief or an element of geoarchaeological evaluation in advance via the excavation of a trial pit to evaluate the deposits would be required.

175. Paragraph 197 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 the County and District Archaeologists, the Head of Strategic Infrastructure and Economy 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.

176. In view of the above, the Head of Strategic Infrastructure and Economy considers that the proposed development would not have an unacceptable impact upon the historic environment, subject to the imposition of appropriate conditions, and would be in accordance with the NPPF, Policy WCS 9 of the Worcestershire Waste Core Strategy and Policies SWDP 6 and 24 of the South Worcestershire Development Plan.

Ecology and biodiversity

177. The application lies approximately 190 metres south-west from the River Severn which is designated as Local Wildlife Site (LWS). The Poole and Mere Brooks LWS is located approximately 300 metres north-west and Stocks Yatt Meadow LWS approximately 450 metres south from the site. The Upton Ham Site of Special Scientific Interest (SSSI) is located approximately 550 metres to the east.

178. A number of mature trees and scrub vegetation are present along the post and rail metal fence on eastern site boundary. A strip of vegetation forms the eastern boundary and consists largely of nettle, bramble and non-native butterfly bush also known as *Buddleia davidii*. This would need to be removed to facilitate construction. The removed vegetation would be replanted with a length of hedgerow containing a mix of native species to replace any lost biodiversity and screen the development from view.

179. Three immature trees are also present within the site. They were found to be of low ecological value and to have low roosting potential for bats. They would also need to be removed to facilitate construction and operation of the site.

180. The applicant submitted a Preliminary Ecological Appraisal Report to support this application. The report states that Amenity Grassland and Semi-improved Grassland were identified as the dominant habitats on site. There were also areas of scrub and trees bordering the site. No sensitive or interesting habitats were identified.

181. No notable species were identified on the proposed development site. However, potentially suitable bat roosting features, and habitats for mammals, birds and reptiles were identified nearby. The Appraisal concludes that provided suitable mitigation is considered during construction, there is unlikely to be any significant negative impacts on protected species.

182. The Preliminary Bat Roost Appraisal was also produced and identified that there is very limited potential for adverse impacts to any protected species or habitats during the works. The Appraisal did not recommend any further surveys. In order to minimise any potential risk for commuting or foraging bats, no night working would take place, and no unnecessary lighting would be used in construction or operation.

183. The applicant states that it would make efforts to avoid vegetation clearance during bird nesting season. If this cannot be avoided the contractor would undertake appropriate mitigation and preparations to reduce the risk of any harm to birds or other species in the vegetation.

184. Natural England have raised no objections to the proposal in respect to any impacts on the Upton Ham SSSI. Due to the proximity of the proposal to LWSs, Worcestershire Wildlife Trust were also consulted, and they have raised no objections to the proposal and defer to the opinions of the County Ecologist for all on-site biodiversity considerations.

185. The County Ecologist has no objections to the proposal, subject to the imposition of conditions requiring a CEMP for biodiversity and LEMP. Originally the County Ecologist recommended the inclusion of an additional hedgerow along the western

boundary of the site. The County Ecologist also originally sought confirmation that no new external lighting was proposed as part of the scheme, or where lighting is required confirmation was sought that this would be minimal, directed to the task at hand and operated by user activated timer so as to prevent inadvertent operation for any longer than necessary.

186. In response to the County Ecologist, the applicant provided further clarification stating they are not proposing any planting along the western boundary of the site along the flood bund as this may impact the integrity and performance of the flood embankment. The applicant also confirmed in respect of lighting that lighting would be used only for health and safety purposes during infrequent maintenance visits taking place during the standard operational hours of 08:30 to 17:30 Mondays to Fridays, and all lighting would be task specific and operator controlled.

187. The application site lies over 34 kilometres upstream of the Severn Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European sites. The site is also notified as a Ramsar Site (of international importance) and at a national level as the Upper Severn SSSI.

188. Natural England (NE) in their original comments on the application identified that the nature and location of proposed project suggests hydrological connection to a European designated site (also commonly referred to as Natura 2000 sites) and, therefore, has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

189. NE recognised the wider benefits of this scheme to enhance the performance of the sewerage system in Upton-upon-Severn which would result in better flood resilience and improved water quality. They support and welcome this project, however, in relation to Severn Estuary SPA, SAC and Ramsar site, they originally raised concerns, with the potential impacts that may arise from the proposal relate to the presence of interest features that are located outside the site boundary i.e. migratory fish within the River Severn hydrological catchment. They considered that the potential for offsite impacts, therefore, needs to be considered in assessing what, if any, potential impacts the proposal may have on European sites. They advise that an initial Habitat Regulations Assessment (HRA) screening is undertaken to consider potential impacts the proposal may have on the migratory fish species present within the River Severn catchment.

190. The Government's PPG provides further advice and guidance on HRA, 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 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 over-riding public interest and if the necessary compensatory measures can be secured” (Paragraph Ref ID: 65-001-20190722).

191. 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)

192. To assist the County Planning Authority, as the competent authority in undertaking an HRA screening, the applicant provided further information reasonably necessary to assess the likelihood and significance of the potential affects upon European designated sites, and therefore, whether an ‘appropriate assessment’ is required. Natural England were re-consulted on this further information and commented that in their opinion the proposed development would not have significant adverse impacts on European designated sites and have no objections to the proposal, subject to the County Planning Authority undertaking an HRA screening.

193. The County Planning Authority have undertaken an HRA screening, which has considered the qualifying objectives of the Severn Estuary SPA, SAC and Ramsar site, namely:

- 1) To ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:
 - The extent and distribution of qualifying natural habitats and habitats of qualifying species;
 - The structure and function (including typical species) of qualifying natural habitats;
 - The structure and function of the habitats of qualifying species;
 - The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
 - The populations of qualifying species; and
 - The distribution of qualifying species within the site.
- 2) Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:
 - The extent and distribution of the habitats of the qualifying features;

- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

194. The County Planning Authority have considered the individual qualifying features of the Severn Estuary SPA, SAC and Ramsar site, and in relation to the qualifying features of sandbanks which are slightly covered by sea water all the time; subtidal sandbanks; estuaries; mudflats and sandflats not covered by seawater at low tide; intertidal mudflats and sandflats; reefs; and Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*), it is considered that there would be no effects and the proposed development is not directly connected to the management or conservation objectives of the European site.

195. In relation to the qualifying features of sea lamprey (*Petromyzon marinus*); river lamprey (*Lampetra fluviatilis*); twaite shad (*Alosa fallax*); and migratory fish species including allis shad, salmon, sea trout and eel. The County Planning Authority consider that the application site is hydrologically linked to this European site, and there is the potential for migratory fish, and birds which utilise the SAC to be linked to the proposed development works, however, it is considered that the proposed development would not require any works to take place within the river, and is not likely to result in any disturbance to riverine habitats or species. As the proposed development would lead to an overall reduction in pollution and would as a result not require any works within the river habitats, there is unlikely to be any significant negative impacts on the qualifying migratory fish species which use the River Severn for spawning. Indeed, during operation it is considered that the proposed development would provide positive effects compared to current baseline conditions.

196. The County Planning Authority notes that the current outfall to the river would not be changed in any way from the existing situation. The applicant has confirmed that the contractor would connect the new rising main into the existing manhole chamber directly upstream of the existing outfall. It is understood that a bar screen is currently installed at the existing outfall and there are no proposals to make any changes to this current situation. The pumped storm sewage outfall would be above river level under normal conditions and would only be submerged when the river is in flood, in which case when in operation the pump rate is 125l/s. In view of this, it is considered that the level of the outfall and rate of pumps would not have an adverse impact on European eels as a result of this scheme.

197. In relation to the qualifying features of water bird species including dunlin, redshank, shelduck, gadwall, European white-fronted goose and Berwick's swan; and migratory bird species and waterfowl it is considered that the migratory and wetland birds which are designated features of the Ramsar and SPA are unlikely to be impacted by the proposed development, given the physical distance between the proposed development and the designations and the small scale of proposed development within the wider landscape. The habitats within the designated sites are unlikely to be affected due to the significant distance from the proposed works, and the construction of the proposal would not lead to a loss in habitat for the bird species. Furthermore, the bird species are considered highly unlikely to make use of the predominantly peri-urban habitats in which the scheme would be undertaken. In view of this, it is considered that the proposed development does not contradict the

conservation objectives for the designated sites as it would not prevent the sites achieving favourable conservation status or achieving the aims of the Wild Birds Directive.

198. Taking into account Natural England's comments, the HRA screening concludes that the project would not be likely to have a significant effect on any European site, either alone or in combination with any other project or plan (in light of the definition of these terms in the European Court of Justice Case C-127/02 (the 'Waddenzee' judgement)) and, therefore, an appropriate assessment is not required in this instance. In reaching the conclusion of the HRA screening, the County Planning Authority took no account of measures intended to avoid or reduce the potentially harmful effects of the project in accordance with the People Over Wind and Sweetman ruling (Case C-323/17).

199. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that, subject to the imposition of appropriate conditions, the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

Water environment

200. The site is located in Flood Zone 3 (1% or greater annual probability of river flooding in any year). The development benefits from the Environment Agency (EA) flood bund and defences which are located on the southern boundary of the site.

201. According to the EA's Long-Term Flood Risk Map, the fluvial flood risk at the site is considered to be low, this means that each year the area has a chance of flooding of between 0.1% and 1% Annual Exceedance Probability (AEP). The same flood risk map does not predict the site to be prone to surface water.

202. Policy SWDP 28 of the South Worcestershire Development Plan requires that all development proposals, other than those allocated in the plan, must clearly demonstrate that the Sequential Test has been satisfied, development proposals, other than those allocated in this Plan, must also satisfy the Exception Test in all applicable situations as set out in the latest version of the Strategic Flood Risk Assessment.

203. Part C. of Policy SWDP 28 applies to areas of high flood risk (Flood Zones 3a and 3b) including Upton-upon-Severn and states that development within functional floodplain (called the 'Blue Zone') will not be permitted.

204. Paragraph Ref ID: 7-019-20140306 of the Government's PPG provides details of the Sequential Test stating that "*only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required*".

205. Paragraphs 159 to 161 in Section 14 of the NPPF states that "*if it is not possible for development to be located in zones 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 national planning guidance. The application of the exception test should be informed by a strategic or site-specific flood risk assessment". The NPPF goes on further to state that for the exception test to be passed two elements should be demonstrated and satisfied:

- the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- 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.

206. The application is accompanied by a site-specific Flood Risk Assessment (FRA). The assessment states that the Strategic Flood Risk Assessment (SFRA) shows the site to be within the 'Blue Zone' and states that *"development will not normally be permitted here. Exceptions may be water-compatible developments and essential infrastructure, but these must be accompanied by a detailed Flood Risk Assessment"*.

207. The proposed location for the development is considered necessary due to the proximity of the site to existing infrastructure. The location is driven by the need to connect to the gravity system from the existing terminal pumping station and the context of the hydraulic capacity and sewerage network that serves Upton-upon-Severn. Therefore, it is not possible for the site to be located within Flood Zone 1 or 2.

208. According to the EA's Flood Map for Planning, the site is located within the Flood Zone 3, but also benefits from the EA's flood defences. The proposed development is considered to be 'water-compatible development' according to Table 2: 'Flood risk vulnerability classification' of the Government's PPG (Paragraph Ref ID: 7-066-20140306). In view of the above it is considered the development passes the Sequential Test.

209. Table 3: 'Flood risk vulnerability and flood zone 'compatibility'' of the Government's PPG (Paragraph Ref ID: 7-067-20140306) identifies water compatible development as appropriate development within Flood Zone 3, and the Exception Test is not relevant to this category of development. However, it does highlight that water compatible development within Flood Zone 3b (functional floodplain) should be designed and constructed to:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage; and
- not impede water flows and not increase flood risk elsewhere.

210. As the proposed development is to provide a new terminal pumping station to replace the existing sewage pumping station, the works are required to protect the sewerage system against flooding. It is considered that this clearly demonstrates the benefit to the community of Upton-upon-Severn.

211. The applicant states that the impermeable area of the site would marginally increase as a result of these works, however as the site is protected by flood defences and it is not predicted to be at risk from surface water flooding. As the flood defences have been updated more recently than the EA flood maps in this area, the flood risk mapping might be at odds with the effect that new flood defences may have

on risk of flooding on the development site. As such, it is not expected that the proposed development would negatively impact the existing flood defences or increase flood risk in the local area.

212. It is noted, however, that the EA defences only defend to 1% flood level and any structure in the flood plain would have some level of impact. Although, given the size of this structure, it is considered that this impact would be minimal.

213. The EA have been consulted, and raise no objections to the proposal, but recommends that the applicant incorporates flood protection into the design of the infrastructure. They recommend that the proposals should be designed to avoid water damage, where necessary. As such, any flood susceptible electrics / other parts within the kiosk are designed to be sited at least 600mm above the 1% flood level plus climate change or flood-proofed to that level, in order to prevent flood risk and associated pollution risk.

214. In response to these comments, the applicant provided additional information to demonstrate that the EA flood bund provides protection to the site area, as well as consideration of the topography of the area and additional adjacent EA storm tank provision. As such, the design of the plinth associated levels and evidence of flood risk to the area, as well as the protection of the electrical equipment inside the kiosk unit, provide evidence that any flood susceptible electrics/other parts within the kiosk are flood-proofed to an acceptable level. Whereas a design criterion of 600mm above the 1% flood level plus climate change would not be appropriate in this location for the above reasons.

215. The EA have been consulted on this additional clarification and have confirmed they have no objections.

216. South Worcestershire Land Drainage Partnership have no objections to the proposal. Where it relates to the design of the kiosk in relation to flood levels, they defer to the EA comments.

217. The Lead Local Flood Authority have no objections to the proposal.

218. In view of the above, the Head of Strategic Infrastructure and Economy considers that proposed development would remain operational and safe for users in times of flood; result in no net loss of floodplain storage; and not impede water flows and not increase flood risk elsewhere, is in accordance with Section 14 of the NPPF, Policy WCS 10 of the Worcestershire Waste Core Strategy and Policy SWDP 28 of the South Worcestershire Development Plan, and would be acceptable in terms of impacts on the water environment.

Traffic, Highways Safety and Public Right of Way

219. It is noted that Paragraph 109 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*".

220. The existing access off the unnamed private track leading to the field would be used to access the site. The access would need to be widened to allow delivery vehicles and machinery to access the site during construction.

221. During construction there would be a minor increase in traffic to the area, however, this would be on a temporary basis. During operation, the sewage pumping station would be managed remotely, and traffic would consist of occasional visits for maintenance and upkeep.

222. Construction parking would be within the proposed construction compound to be located at the existing Severn Trent Water Limited operational sewage treatment site which is located approximately 500 metres to the south-west of the site. Any construction traffic would travel from the sewage works along New Street to the site.

223. The County Highways Officer has been consulted and has no objections to the proposal.

224. The legal route of Public Right of Way (Footpath UU-525) intersects the north-east corner of the site. The public footpath would be accessed via pedestrian access gap in existing post and rail fence from the corner of New Street and continue across the site to connect the with the wider footpath through pedestrian access gap in existing fence line. The footpath would be separated from the operational part of the site with the post and rail fence.

225. The County Footpath Officer has been consulted and have no objections on this proposal as the fencing would not obstruct the legal line of the Footpath UU-525. The officer advised that should there be any plans to surface the section of the legal line of the footpath then they prefer crushed stone.

226. Taking into account the consultees comments and above assessment, the Head of Strategic Infrastructure and Economy considers that the proposal would be acceptable in terms of traffic, highways safety and public rights of way, subject to the imposition of a condition regarding a CEMP requiring measures to prevent mud and detritus being deposited on the public highway; the hours that delivery vehicles would be permitted to arrive and depart, and arrangements for unloading and manoeuvring.

Other matters:

Minerals

227. The proposed development is within a Minerals Consultation Area (MCA) as proposed in the Emerging Minerals Local Plan (MLP) Publication Version, which is currently at examination stage. Draft Policy MLP 31: 'Safeguarding Locally and Nationally Important Mineral Resources' states that:

228. "The locally and nationally important mineral resources identified in Mineral Safeguarding Areas 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 identified Mineral Consultation Areas*** (...)"*

229. It is also noted that paragraph 204 c) of the NPPF states *that “planning policies should...safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked)”*. Paragraph 206 of the NPPF states that: *“local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working”*.

230. The County Minerals and Waste Planning Policy Officer have been consulted, and comments that whilst the proposed development is within the MCA, it would not introduce additional sensitive receptors into the area and it would be unlikely to sterilise the mineral resource. Therefore, in this instance, no further action is required by the applicant in relation to minerals safeguarding matters.

231. In view of this, the Head of Strategic Infrastructure and Economy considers that the proposed development would not be in conflict with the Draft Policy 31 of the Emerging Minerals Local Plan and would be acceptable in terms of impacts upon mineral resources.

Conclusion

232. The proposal is for the installation of a new terminal pumping station incorporating a pumped storm overflow. The new pumping station would replace the existing pumping station at New Street due to the need for additional capacity.

233. The Head of Strategic Infrastructure and Economy considers that the proposal would accord with the Development Plan in terms of the need for and location of the development, residential amenity and landscape character, traffic, highways safety and Public Right of Ways and minerals, subject to the imposition of relevant conditions. A key consideration relates to impact of the development on the Upton-upon-Severn Conservation Area and associated heritage assets. In this regard, the Head of Strategic Infrastructure and Economy considers that the mitigation to the site design provided by the applicant and recommended to be secured by condition, and the substantial public benefits that this development would provide, outweigh the less than substantial harm to the heritage assets. In view of this, it is considered that the proposed development would not have an unacceptable impact upon the historic environment, in accordance with relevant historic environment policies.

234. With regard to impacts upon ecology and biodiversity at the site and in the surrounding area. It is noted that the application site lies over 34 kilometres upstream of the Severn Estuary SPA and SAC which are European sites. The site is also notified as a Ramsar Site (of international importance) and at a national level as the Upper Severn SSSI. Due to the nature and location of proposed project, the Head of Strategic Infrastructure and Economy considers that the proposal is hydrological connected to this European designated site and, therefore, has the potential to affect its interest features. In view of this, it falls to the County Planning Authority, as the competent authority to undertake an HRA screening to determine if this proposed project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it.

235. The County Planning Authority have undertaken an HRA screening, which concludes that having taken Natural England's comments into account, the project would not be likely to have a significant effect on any European site, either alone or in combination with any other project or plan (in light of the definition of these terms in the European Court of Justice Case C-127/02 (the 'Waddenzee' judgement)) and, therefore, an appropriate assessment is not required in this instance. In reaching this conclusion, the County Planning Authority took no account of measures intended to avoid or reduce the potentially harmful effects of the project in accordance with the People Over Wind and Sweetman ruling (Case C-323/17). In view of this, and based on the advice of Natural England, Worcestershire Wildlife Trust and the County Ecologist, it is considered that, subject to the imposition of appropriate conditions, the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

236. In view of the above, and taking in to account the provisions of the Development Plan and in particular Policies WCS 1, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WSC11, WCS 12, WCS 14 and WCS 15 of the Worcestershire Waste Core Strategy 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, SWDP 31 and SWDP 32 of the 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

237. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the proposed installation of a new terminal pumping station incorporating a pumped storm overflow, to replace the existing pumping station at New Street in Upton-upon-Severn, to improve capacity and flood resilience on land to the south of New Street, Upton-upon-Severn, Worcestershire, subject to the following conditions:

Commencement

- a) **The development must be begun no later than the expiration of three years beginning with the date of this permission;**

Details

- b) **The development hereby permitted shall be carried out in accordance with the details shown on the following submitted Drawings Numbered: A6S-11881-001, Rev 03; A6S/11881-PA00100, Rev A; A6S/11881-PA00101, Rev B; A6S/11881-PA00102, Rev B; A6S/11881-PA00103, Rev A; A6S/11881-PA00110, Rev D; A6S/11881-PA00111, Rev C; and A6S/11881-PA00112, Rev C, except where otherwise stipulated by conditions attached to this permission;**

Construction Hours

- c) **Construction works shall only be carried out on the site between hours of 08:30 to 17:30 hours on Mondays to Fridays inclusive, and 08:00 to 13:00**

hours on Saturdays, with no construction work on Sundays, Bank Holidays, or Public Holidays;

Construction Environmental Management Plan (CEMP)

- d) Notwithstanding the submitted details, prior to the commencement of the development thereby approved, a Construction Environmental Management (CEMP), in accordance with Worcestershire Regulatory Services 'Code of Best Practice for Demolition and Construction Sites' shall be submitted to the County Planning Authority for approval in writing. The approved CEMP shall be implemented for the duration of the construction works. The CEMP shall address the following:

Biodiversity

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of "biodiversity protection zones";
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to be provided as a set of Method Statements for Pollution Prevention and Incident Control, Invasive Species, Badgers, Bats, Great Crested Newts and Reptiles;
- iv. The location and timing of sensitive works to avoid harm to biodiversity features;
- v. The times during construction when specialist ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. Use of protective fences, exclusion barriers and warning signs;
- viii. Details of all tree and vegetation clearance;
- ix. On completion of the ecological mitigation and enhancement works, a statement of conformity shall be submitted to the County Planning Authority confirming their successful implementation;

Noise, Dust and Vibrations

- x. A scheme to minimise and mitigate the impacts of noise, dust and vibrations;
- xi. A method statement for sheet piling, detailing the proposed times when piling will be undertaken and the noise and vibration mitigation measures that will be implemented;

Lighting

- xii. Details of the proposed construction lighting;

Water Environment

- xiii. Measures to be undertaken to ensure that any pollution and silt generated by the construction works shall not adversely affect groundwater and any surface waterbodies;

Highways

- xiv. The hours that delivery vehicles shall be permitted to arrive and depart, and arrangements for unloading and manoeuvring; and

- xv. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus onto the public highway;

Site Waste Management Plan

- e) Within 1 month of the commencement of the development hereby approved, a Site Waste Management Plan shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;

Materials

- f) Notwithstanding the submitted details, within 1 month of the commencement of the development hereby approved, a schedule and/or samples of the materials, colours and finishes of the development hereby approved, including the motor control centre kiosk, retaining wall and railings shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall not be carried out other than in accordance with the approved details;

Surfacing

- g) Notwithstanding the submitted details, prior to laying of any hard surfacing, details and a specification of all new and replacement hard surfacing within the application site, including the depth of hard surfacing to be laid shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall be carried out in accordance with the approved details;

Boundary Treatments

- h) Notwithstanding the submitted details, within 1 month of the commencement of the development hereby approved, details of all new boundary fences, walls and other means of enclosure shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall be carried out in accordance with the approved details;

Lighting

- i) Details of any new lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include:-
- i. Height of the lighting posts;
 - ii. Intensity of the lights;
 - iii. Spread of light (in metres);
 - iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;
 - v. Any measures to minimise the impact of lighting upon protected species and habitats; and
 - vi. Times when the lighting would be illuminated;
- Thereafter, the development shall be carried out in accordance with the approved details;

Ecology and Landscape

- j) All existing trees, shrubs and hedgerows indicated to be retained shall be protected by suitable fencing in accordance with BS5837:2012. In the event of any trees, shrub or hedgerow being damaged or removed by the development, it shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;
- k) Notwithstanding the submitted details, within 1 month of the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for approval in writing. Thereafter the LEMP shall be implemented in accordance with the approved details. The LEMP shall include the following:
- i. Description and evaluation of ecological features to be created and managed;
 - ii. Ecological trends and constraints on site that might influence management;
 - iii. Aims and objectives of creation and 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. Measures of success, ongoing monitoring, trigger thresholds and remedial measures; and
 - ix. Details of any legal and funding implementation of the LEMP will be secured by the applicant with the management body(ies) responsible for its delivery;

Archaeology

- l) Notwithstanding the submitted details, prior to the commencement of the development thereby approved, a Written Scheme of Investigation shall be submitted to the County Planning Authority for approval in writing. The scheme shall include an assessment of significance and research questions; and:
- i. The programme and methodology of site investigation and recording;
 - ii. The programme for post investigation assessment;
 - iii. Provision to be made for analysis of the site investigation and recording;
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

- m) The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition l) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured;

Unexpected Contamination

- n) 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 immediately to the County Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, until requirements below have been complied with:

- i. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the County Planning Authority prior to any further development taking place;
- ii. Where identified as necessary, 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;
- iii. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation; and
- iv. Following completion of measures identified in the approved remediation scheme a verification 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 development hereby approved being brought into use; and

Cessation

- o) **On the decommissioning of the facility all the equipment shall be removed from the site and the land restored in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority.**

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 20/000007/CM, which can be viewed online at: <http://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.