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8<sup>th</sup> August 2024

Lichfields  
The Minister Building  
21 Mincing Lane  
London  
EC3R 7AG  
FAO Neil Purvis

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND)  
REGULATIONS 2017**

**SCOPING OPINION ON THE CONTENT OF AN ENVIRONMENTAL IMPACT ASSESSMENT**

**Applicants name:**

**Lichfields**

**Planning application reference:** 24/00003/SCO

**Proposal.** Request for a formal opinion on the scope of an Environmental Impact Assessment (EIA) to be submitted in respect of a proposed residential-led mixed use development

**Location:** Land Parcels 0005 6700 7475 7916 7923 8200 And 9914, Grange Road, Northway, Tewkesbury, Gloucestershire

Dear Mr Purvis,

I refer to your letter of 1st July 2024 requesting a scoping opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as updated by the Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2018 (together, 'the 2017 EIA Regulations').

The Council has the following scoping opinion of the information that should be included in the Environmental Impact Assessment (EIA).

This response takes account of advice from the Council's statutory consultees, as well as various other non-statutory consultees. A copy of the consultation responses received by the Council are attached to this letter for your information.

It should be noted that this letter should not be taken to imply any acceptance of the planning merits of the scheme and simply sets out both Councils' Scoping Opinion as it currently exists. Also it should be noted that the formal EIA scope can change at any time during the EIA should the project change or new information come to light.

The EIA must contain the information specified in Schedule 4 (information for inclusion in Environmental Statements) of the EIA Regulations, as is reasonably required to assess the effects of the proposed development. The statement should in particular contain the following information:

**Cumulative Effects**

In accordance with the EIA Regulations, the EIA must include an assessment of any direct and indirect cumulative effects arising from the inter-relationships between different impacts arising from the proposed development when considered alongside any other developments in the area surrounding the site.

The EIA should identify 'reasonably foreseeable' schemes and the criteria for selection in paragraph 4.16 of the Environmental Impact Scoping Report dated 1<sup>st</sup> July 2024 'Scoping Report' are considered reasonable.

The Local Planning Authority has however identified the following additional development that should also be included as part of the cumulative assessment at the present time.

- 24/00227/APP - Approval of reserved matters relating to layout, scale, appearance, and landscaping (pursuant to outline planning permission ref: 22/00834/OUT) for 238 dwellings, public open space, and associated highway infrastructure at Land south east of Bluebell Road, Wheatpieces, Tewkesbury.

As stated in paragraph 4.19 of the Scoping Report, the situation should be kept under review as the Environmental Statement progresses.

### **Socio-Economics**

The main potential socio-economic effects identified, in broad terms are: -

- Direct economic and employment impact
- Local economic effects including income effects from residents
- Housing effects including affordable housing
- Education including early years childcare
- Health and Welfare
- Open Space

The Local Planning Authority conclude that the Scoping Report correctly identifies the potential impacts which need to be examined in the EIA.

The Scoping Report does not identify effects on playing pitches, sports pitches, built sports facilities and wider community facilities. The impact of a development on sports facilities or activities would not normally fall within the scope of an EIA, however subsequent planning applications should consider the implications for sports and community infrastructure within the supporting documentation.

### **Landscape and Visual**

The Councils' Landscape Consultant has provided detailed comments that are appended to this letter. In terms of the EIA methodology for landscape and visual impacts, principal points to note are:

- Scoping Report Paragraph 6.2: Reference is made to considering sensitive visual receptors. However not just sensitive receptors need to be assessed, and appropriate or agreed visual receptors should be assessed. The applicant should liaise with Local Planning to agree all appropriate receptors prior to preparation of the EIA.
- Scoping Report Paragraph 6.15: A TGN 2/21 valued landscape Table 1 assessment should be undertaken for each of the five character areas to confirm if the applicants consider any reach the threshold of NPPF 2023 paragraph 180a) valued landscape status. Even if they don't reach the threshold an assessment should be undertaken of what factors of the individual character areas are considered more valuable.

- Scoping Report Paragraph 6.17: Views out of Cotswold National Landscape should be clearly identified and consideration be given to the test in NPPF 2023 paragraph 182.
- Scoping Report Paragraph 6.20: It is noted that some of suggested viewpoints from the Council's Landscape Advisor are proposed to be excluded from the assessment. It is strongly recommended that all viewpoints are agreed between the applicant and the Local Planning Authority prior to the preparation of the EIA. The Local Planning Authority would encourage ongoing liaison on this matter prior to the submission of the EIA.

In addition, the **Cotswolds National Landscape Board** 'Board' have provided comments which are appended to this submission. The Board advise that the proposed development would be located in the setting of the Cotswolds National Landscape and would give rise to potential significant adverse effects upon the Cotswolds National Landscape Designation.

The Scoping Report at paragraphs 6.4 does not make reference to the following Board publications:

- Cotswolds National Landscape (CNL) Management Plan 2023-2025
- Cotswolds AONB Landscape Character Assessment particularly, in this instance, with regards to Landscape Character Types (LCT) 19 (Unwooded Vale) and 1 (Escarpment Outliers) from which the site may be visible;
- Cotswolds AONB Landscape Strategy and Guidelines) particularly, in this instance, regards to LCT 19 (link) including Section 19.1 and LCT 1 (link), including Section 1.1; Cotswolds AONB Local Distinctiveness and Landscape Change
- Cotswolds National Landscape Board Position Statements particularly, in this instance, the Development in the Setting of the AONB, Tranquillity Position Statement, and the Dark Skies and Artificial Light Position Statement and its appendices.

These documents are all material considerations in the decision-making process and the Board has a statutory duty prepare and review a Management Plan at five-yearly intervals. Specifically, Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017) 'JCS' also states that proposals are required to be consistent with the Management Plan. The EIA should therefore have full regard to it's policies.

The Board's comments should be considered in full, but specifically it is identified that:

- The EIA Scoping Report outlines at paragraph 6.26 that localised effects on the character and special qualities of the Cotswolds National Landscape are potential significant adverse effects of the proposed development. The Board agrees with this assessment and with the applicant's conclusion that a Landscape and Visual Impact Assessment ('LVIA') should be undertaken in support of this application and this should include a consideration of viewpoints within the CNL including from Bredon Hill and Oxenton Hill. Appendix 2 of the applicant's Scoping Report shows six proposed photoviewpoints located within the CNL or on its boundary (PVPs 7, 11, 13, 21 to the north and northeast and PVPs 12 and 19 to the southeast).
- The Board also recommends an assessment of the impact of the proposal on views from outside of the CNL back towards the CNL, in particular where taller residential or commercial buildings (up to 4 storeys) could potentially block, obscure or intrude on views of the Escarpment or Escarpment Outliers. This is a particular consideration for analysis from PVPs 1, 2, 9, 10, 14, 15, 16 and 17.
- Tranquillity is one of the 'special qualities' of the Cotswolds National Landscape, being one of the features of the Cotswolds that makes the area so outstanding that it is in the nation's interest to safeguard it. The potential impact of the development on the tranquillity of the CNL should be assessed by the applicant within the EIA as residents might potentially use roads around Overbury as a rat-run to avoid the A46 when there is heavy traffic between Aston Cross and the roundabout at Teddington Hands.

- The Board recommends that the EIA should provide an assessment of the potential impact of traffic generated by the development on the CNL and its tranquillity and the cumulative impact of this and the other developments identified within the EIA Scoping Report. Such an assessment should include projected increases upon:
  - Kinsham Lane where it runs along the CNL boundary near Kemerton
  - The road through Kemerton, Overbury, Conderton and Beckford
  - The B4080 where it runs along the boundary of the CNL near Bredon's Norton.
  - The A46 between Beckford and Ashton under Hill
  - The A435 near Oxenton
  - The B4088 near Toddington

The applicant should also outline the steps that would be taken to try and minimise any increase in vehicle trips into / out of the National Landscape (for example, through the provision of alternative to private car use, such as public transport) and to mitigate the impacts of any increase in vehicle trips into / out of the National Landscape.

The Local Planning Authority also note that the applicant is proposing up to 3 storey for residential dwellings and up to 4 storey for the local centres. It is considered that this does not leave very much flexibility for exploring more dense development and other building typologies, which may be expected in a development of this scale. It is suggested that the Landscape and Visual Assessment considers parameters of up to 4 storey for residential development and up to 5 storey for the local centres which would be more appropriate and allow for greater flexibility in the design approach.

## **Archaeology and Cultural Heritage**

### *Archaeology*

Historic England have been consulted on the application and advise that the site includes a number of Prehistoric, Roman and Medieval settlement sites and the wider area has high potential for archaeological remains from these periods.

The County Archaeologist has also been consulted and the response is appended to this letter. In summary it is advised that:

- There is potential for significant archaeological deposits relating to prehistoric and Roman activity and settlement to be present on the site, but masked from view by the agricultural soils which currently cover the land, particularly in light of the extensive areas of former ridge and furrow in the area. It is considered that the ground works and intrusions required for the proposed development may have an adverse impact on significant archaeological remains.
- It is strongly recommended that full consideration of issues relating to archaeological impact should be included within the EIA. As to the scope of investigation of archaeological issues arising in connection with this development proposal within the EIA it is recommended that the following is undertaken:
  - An initial desk-based assessment, to review the available information relating to the archaeology of the proposed development site and its locality. This study should include an assessment of the impact of the proposed development on the setting of the nearby Scheduled Monument, which should be undertaken in accordance with the guidance issued by Historic England.
  - Detailed geophysical survey of the proposed development site where not already undertaken.
  - Trial-trenching, which should investigate a minimum of 2% of the area of the proposed development site not previously evaluated, targeting any anomalies located during the geophysical work and also areas where no geophysical responses were obtained. A contingency to investigate an additional 2% of the area should also be

allowed for, so as to make provision for resolving any uncertainties arising during the initial stages of trenching. The County Archaeologist has advised that they have had some early contact with a consultant acting on behalf of the proposed developer and understand that not all areas within the redline may be subject to development. The County Archaeologist would be happy to discuss a more targeted programme of trial trenching once further details are available.

- The report on the trial-trenching should include an assessment of the significance of any archaeological remains present within proposed development area, and it should also include outline proposals for mitigation of any development impact.

It is strongly recommended that the archaeologist acting for the developer should agree project specifications with the County Council's Archaeology Service for each phase of the programme in advance of commencement.

### *Other Cultural Heritage*

Historic England have been consulted on the Scoping Report and their response is appended to this letter.

It is advised that this development could, potentially, have an impact upon a number of designated heritage assets and their settings in the area around the site. In line with the advice in the NPPF 2023, Historic England expect the EIA to contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

Historic England's initial assessment has indicated that a number of designated sites, including scheduled ancient monuments (e.g. NHLE sites 1005314; 1005316; 1005321 and 1005311) and listed buildings may be affected by the proposed development. These sites include a number of Prehistoric, Roman and Medieval settlement sites and the wider area has high potential for archaeological remains from these periods.

Historic England are in broad agreement with the approach set in Chapter 7 of the Scoping Report. However it is also advised that:

- The EIA should consider the potential impacts on non-designated (as well as designated) features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place.
- In consultation with the Council's Conservation Officer and the County Archaeologist, consideration should be given to how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.
- The proposed cultural heritage assessment proposes a buffer of 1km and scopes out a number of nationally designated assets (paragraph 7.19). Although provision is allowed for variation of this, the actual analysis justifying exclusion of sites 'in the vicinity', is not presented. The development is likely to be visible across a large area and could, as a result, affect the significance of heritage assets at some distance from this site itself. We would expect the assessment to clearly demonstrate that the extent of the proposed study area is of the appropriate size to ensure that all heritage assets likely to be affected by this development have been included and can be properly assessed.
- It is important that the assessment is designed to ensure that all impacts are fully understood. Section drawings and techniques such as photomontages are a useful part of this.

- The assessment should also take account of the potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area. The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsidence of buildings and monuments.

## **Transport**

National Highways, Gloucestershire County Highways Authority and Worcestershire County Highways Authority have been consulted on the application. The full responses are appended to this letter and a number of matters are raised which are required to be addressed.

National Highways identify that the M5 J9 and the A46 are both heavily trafficked and have been recently improved to accommodate new development. However, there is limited residual capacity on the Strategic Road Network (SRN) locally and the need for a significant upgrade to the M5 J9 and A46 has already been identified, with work being undertaken by Gloucestershire County Council (GCC) to identify either on-line or off-line solution.

This work is ongoing and no preferred scheme has yet been identified, but recently the potential for an online solution has been dismissed.

In respect to the assessment of the EIA Scoping Methodology, **National Highways** advise:

*'The assessment methodology to be included in the TA that will inform the transport chapter of the ES is set out in paragraph 8.11 of the scoping report and is considered to be appropriate. The approach to identifying the potential effects on the sensitive receptors is also considered appropriate.*

*The approach to identifying the magnitude of any effect on the sensitive receptors is set out in Section 15 of the scoping report and follows the common list of significance criteria for EIA set out in Tables 8.5 and 8.6 of the guidelines. However, National Highways consider that in respect of assessment relating to the SRN, the requirements of Circular 01/2022 'Strategic road network and the delivery of sustainable development' should be taken as defining the assessment criteria.*

*In terms of determining the sensitivity of a particular receptor, given the current traffic conditions and committed development impacts yet to be realised, we consider that the SRN should be seen as having 'High' sensitivity.*

*In determining the magnitude of an impact and how this should be applied to the SRN, we would consider that a 'High' magnitude would be the result of queues extending either onto the mainline carriageway of the M5 or through adjacent junctions on the A46. A 'Medium' magnitude would see queues extending to or beyond the start of the 'nosing' white lining on the M5 slip road diverges, or to adjacent junctions on the A46.*

*Cumulative effects are also to be considered as part of the assessment to be undertaken for the Transport Assessment (TA) and a list of known planning applications and consents is set out in Table 4.1 of the scoping report. National Highways would note that this list is not complete and should be updated in consultation with the Local Planning Authority (LPA). Of particular importance are sites south of the A46 that are consented or subject to planning applications for employment and residential use.*

*The need for mitigation and the scale of that mitigation is proposed to be determined using the output from Table 8.6 of the guidelines and the TA and this is considered to be appropriate*

*The only impact that has been scoped out of the assessment relates to hazardous loads which are not expected to be found in either the construction or operational stages of this development proposal. This is agreed as an area that does not need to be investigated.*

*We are content that the proposed approach to undertaking the EIA is appropriate to meet National Highways requirements and properly inform the decision-making process. We have recommended some assessment criteria in respect of the impacts that we consider to be appropriate for defining the scale of impact and understanding how any proposed mitigation will address the impacts’.*

**Gloucestershire County Council Highways Authority** have also been consulted and their response is appended. It is advised that:

#### *‘Extent of Study Area*

*The scope proposes the full extent of the study area and the scope of assessment for EIA purposes will be defined by two rules, in line with the IEMA Guidelines:*

- Highway links where traffic flows will increase by more than 30% (or the number of heavy goods vehicles will increase by more than 30%); and*
- Highway links of high sensitivity where traffic flows have increased by 10% or more.*

*It should be noted that this criteria may not be appropriate for some impacts, and it is generally accepted by regulators and practitioners that it should not be applied to assessments of air quality, noise, road safety and driver delay. For these impacts, a separate study area and assessment criteria should be agreed with the A46 Working Group.*

#### *Transport Assessment Cumulative Impacts and Area of Impact*

*A transport assessment and Travel Plan will be required as part of the planning application process. However, the cumulative impacts of the proposals, plus any committed developments and live planning applications will also need to be considered.*

*The A46 Working Group have considered the scale and complexity in determining the proposal and will require modelling to test the impacts of the development.*

*As noted above, the thresholds assumed within the scope may require further consideration due to the sensitivities of some routes within the network. The A46 Working Group will need to consider alternative thresholds, along with tipping points to identify an Area of Impact that would be appropriate for the Planning Authority to consider.*

#### *Sustainable Development*

*The proposal with associated infrastructure, including active travel and public transport improvements offers the potential to reduce the impact on the congested A46 and limit the impacts on M5 Junction 9. The details of these elements will need to be carefully considered and the modelling work will need to replicate these proposals in its scenario testing.*

#### *Impacts on Cycling Walking and Highway Safety*

*Gloucestershire County Council is concerned regarding the potential impacts of the development caused by increased traffic delays which would result in re routing of traffic within the area and beyond. The modelling would identify these areas, however, of particular concern is the increase in traffic that would impact on cycling that would require interventions to align with LTN1/20 guidance. The proposals could also impact on Highway Safety, only small increases in traffic on narrow rural lanes without Footways and lighting could have a significant impact.*

*An assessment of existing accidents would be required, however, the potential for accidents even in areas with a low accident rate would need to be assessed, particularly in respect of vulnerable road users.*

*Although the impacts of the proposal may not necessarily result in accidents, the perception of accidents could deter active travel users leading to an increase in vehicle trips above that considered in any vision scenarios.*

### *Phasing*

*The impacts of phasing of the proposals and associated infrastructure will need to be appraised in further detail. This could result in short to medium term unacceptable impacts. However, this should be considered and potentially controlled by the Planning Authority.*

### *Construction*

*The construction period for the whole application site could extend over many years. A construction management plan will be required, however, this should be clearly understood within the EIA and methods to control and ameliorate the effects of construction and construction traffic on adjacent receptors implemented.'*

**Worcestershire County Council Highways Authority** have also been consulted and their response is appended. It is advised that:

### *'Transport Assessment*

*NPPF 2023 paragraph 117 outlines that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a Transport Statement or Transport Assessment (TA) so that the likely impacts of the proposal can be assessed.*

*WCC Highways continues to engage with the North Ashchurch Consortium and their appointed transport consultant, i-Transport, at preapplication stage to help determine the scope and methodology of the required TA. Given the scale, nature and location of the development proposals, the TA process is likely to be technically complex and require a suite of transport modelling software (including Gloucestershire's GC3M model and microsimulation) to test a range of development scenarios, identify highway impacts and the necessary transport strategy (including transport infrastructure and interventions) to deliver the development vision and ensure that severe and/or unacceptable highway safety impacts do not arise.*

*WCC Highways will also require that a cumulative assessment is undertaken, including any proximate committed developments and development proposals subject to a live planning application that influence the A46 and M5 J9.*

*At Table 4.1 of the EIA Scoping Report, developments to be considered as part of the EIA cumulative assessment are set out in accordance with the criteria outlined at paragraphs 4.16 and 4.17. Whilst WCC Highways notes that the selection criteria and sites subsequently listed in Table 4.1 may meet the 2017 EIA Regulations, it is likely that the sites which need to be taken into account as part of any committed development assessment and sensitivity assessment within a TA supporting a planning application submission will need to be revisited and agreed with the relevant highway authorities, including WCC. In addition, WCC Highways will require that as part of any TA supporting a planning application submission for the Site/first phase, an assessment is undertaken of the total quantum of development of the North Ashchurch Masterplan area (around 4000 dwellings). This is to ensure that the necessary transport strategy required to successfully and sustainably deliver the wider site, such that unacceptable highway safety and severe congestion impacts do not arise within Worcestershire, can be identified along with the thresholds for the delivery of those interventions triggered by the realisation of the early phase (the Site).  
**Sustainable Transport Strategy Including Travel Plan***

*WCC Highways continues to engage with the North Ashchurch Consortium and i\_Transport in respect of the Sustainable Transport Strategy which will underpin a Vision\_led approach to development planning and the TA assessment scenarios. It is understood that a Travel Plan will be*

*submitted in support of any future planning application for the Site as part of the Sustainable Transport Strategy.*

### *Vehicular Access*

*The EIA Scoping Report outlines that vehicular access is proposed to be taken from Hardwick Bank Road to the west of the Site, the B4079 north of Aston Cross and the A46 to the east of the Site. All three of the proposed access locations are within Gloucestershire.*

*As part of any future planning application submission, vehicular access proposals must demonstrate that sufficient highway capacity is provided to accommodate the traffic demands of the development proposals and Masterplan area such that severe congestion or unacceptable highway safety impacts do not arise within Worcestershire.*

### *Highway Safety*

*Personal Injury Collision (PIC) data for the most recently available 5-year period within South Worcestershire should be obtained directly from WCC Highways at [TrafficAndAccidentData@worcestershire.gov.uk](mailto:TrafficAndAccidentData@worcestershire.gov.uk).*

### *Construction Traffic Management*

*The construction phase for a strategic-scale mixed use development is likely to be extended and generate significant vehicle movements, which should be assessed within any ES and supporting Transport Assessment. A Construction Traffic Management Plan (CTMP) should be provided as part of the Construction Environmental Management Plan for any future planning application submission.*

### *Summary*

*WCC Highways has undertaken a review of the EIA Scoping Opinion request. Whilst we have no comments on whether the scope of the proposed Transport and Access chapter meets the requirements for an Environmental Statement pursuant to the procedures set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, it is requested that any future planning application takes account of the above points as part of the supporting submission.'*

### **Railway Infrastructure**

**Network Rail** have also been consulted on the Scoping Report. They identify that whilst it is stated in paragraph 8.2 that a review will include local walking cycling, public transport and highway network characteristics in the surrounding area, including PRow, the Scoping Report fails to initially identify the 3 level crossings known as Ashchurch 2, Ashchurch 13 and Northway Level Crossing. These crossings are all within close proximity of the site and must be assessed by the development in terms of predicted usage.

As such, Network Rail advise that the application is required to be accompanied by a Transport Assessment that fully assesses the impact the development may have on Ashchurch 2, Ashchurch 13 and Northway Level Crossing. The Transport assessment needs to acknowledge the PRow network that surrounds the development and make comment in relation to the predicted number of users of the level crossings. The Transport Assessment must reflect the scale of the development and the extent of the transport implications of the proposal.

All 3 level crossings will be impacted by the proposals and therefore the change in character and usage of the crossings need to be taken into account with appropriate mitigation to be funded by the developer.

Network Rail advise it has a strong policy to guide and improve its management of level crossings, which aims to; reduce risk at level crossings, reduce the number and types of level crossings, ensure level crossings are fit for purpose, ensure Network Rail works with users / stakeholders and supports enforcement initiatives. Without significant consultation with Network Rail and if proved as

required, approved mitigation measures, Network Rail would be extremely concerned if any future development impacts on the safety and operation of any of the level crossings within Tewkesbury. The safety of the operational railway and of those crossing it is of the highest importance to Network Rail.

## **Air Quality and Dust**

The Council's Environmental Health Officer (EHO) has been consulted on the application and the response is appended.

The EHO has advised that the methodology to assess air quality in the Scoping Report is acceptable and Environmental Health will assist with requests for up to date background monitoring data to provide input data. Due to the size and length of the development the EHO would request that the development includes funding for long term monitoring of the impact on the air quality surrounding the site and main roads. Proposals should be included in the main application.

In respect to air quality, **Natural England** also advise that:

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts on air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)). Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
- Ammonia assessment for agricultural development  
[https://www.gov.uk/guidance/intensive\\_farming-risk-assessment-for-your-environmental-permit](https://www.gov.uk/guidance/intensive_farming-risk-assessment-for-your-environmental-permit)
- Environment Agency Screening Tool for industrial emissions  
[https://www.gov.uk/guidance/air\\_emissions-risk-assessment-for-your-environmental-permit](https://www.gov.uk/guidance/air_emissions-risk-assessment-for-your-environmental-permit)  
[1] Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>

In respect to construction impact from noise and dust etc, it is acknowledged that the Scoping Report identifies that a Construction and Environmental Management Plan will be submitted to address these issues. It is advised that this needs to be a comprehensive document particularly relating to the phasing of works and the likely impacts on residents as they move onto the development due to the length of the overall project. This will need to be a living document subject to review. Communications with the Environmental Health Service should be established from an early period and maintained as identified for baseline and operational matters.

In respect to odour, it noted that odour impacts are not included in the scope of the EIA and will be a standalone report appended to the EIA. The applicant should note that an odour assessment is required to satisfy the planning validation requirements, however, Environmental Health is not aware of current sources of odour which would impact on the development and concurs with the Scoping Report.

## **Noise and Vibration**

The Council's Environmental Health Officer has advised that the proposed approach to noise impact is acceptable. Noise has been identified as an impact due to the M5, A46 and railway line and site

specific noise impact reports along with mitigation to the recognised standards and good acoustic design will be required. The proposed approach for baseline locations to be agreed with the Local Planning Authority is acceptable. The boundary with the Ministry of Defence site will similarly require detailed investigation

Within 15.10 of the Scoping Report, the structure and format of the Environmental Statement, it is unclear as to where the Noise and construction impacts will be addressed. This requires clarification.

## **Biodiversity**

**Natural England** have been consulted on the Scoping Report, and the full response is appended to this Letter. In summary, Natural England advise:

### *'General Principles*

*The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the assessment. Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. Guidelines have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).*

### *Nationally designated sites*

*The development site is within or may impact on the following Site of Special Scientific Interest:*

- *Severn Ham Site of Special Scientific Interest (SSSI)*

*The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are interest features of the SSSI, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a site, for example by being linked hydrologically or geomorphologically.*

### *Regionally and Locally Important Sites*

*In addition, to assessing potential impact on this nationally designated site, the ES should also consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or other local group and protected under the NPPF 2023 (paragraph 180 and 181). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks.*

### *Protected Species*

*The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.*

*The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact*

*assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.*

*Natural England has adopted standing advice for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required*

#### *District Level Licensing for Great Crested Newts*

*District level licensing (DLL) is a type of strategic mitigation licence for great crested newts (GCN) granted in certain areas at a local authority or wider scale. A DLL scheme for GCN may be in place at the location of the development site. If a DLL scheme is in place, developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys. By demonstrating that DLL will be used, impacts on GCN can be scoped out of detailed assessment in the Environmental Statement.*

#### *Priority Habitats and Species*

*Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found here. Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.*

*Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to download. Further information is also available here.*

*An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.*

*The Environmental Statement should include details of:*

- Any historical data for the site affected by the proposal (e.g. from previous surveys)*
- Additional surveys carried out as part of this proposal*
- The habitats and species present*
- The status of these habitats and species (e.g. whether priority species or habitat)*
- The direct and indirect effects of the development upon those habitats and species*
- Full details of any mitigation or compensation measures*
- Opportunities for biodiversity net gain or other environmental enhancement*

#### *Ancient Woodland, ancient and veteran trees*

*The ES should assess the impacts of the proposal on any ancient woodland, ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.*

*Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. The wood pasture and parkland inventory sets out information on wood pasture and parkland.*

*The ancient tree inventory provides information on the location of ancient and veteran trees. Natural England and the Forestry Commission have prepared standing advice on ancient woodland, ancient and veteran trees.*

## *Biodiversity net gain*

*Paragraph 180 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Biodiversity Net Gain is additional to statutory requirements relating to designated nature conservation sites and protected species.*

*Proposals for mandatory biodiversity net gain should be in line with the Environment Act 2021 and supporting regulations. Further information on biodiversity net gain, including draft Planning Practice Guidance, can be found [here](#)*

*The statutory biodiversity metric, together with ecological advice, should be used to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.*

*The metric should be used to:*

- assess or audit the biodiversity unit value of land within the application area*
- calculate the losses and gains in biodiversity unit value resulting from proposed development*
- demonstrate that the required percentage biodiversity net gain will be achieved*

*Biodiversity Net Gain outcomes can be achieved on site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies. Opportunities for wider environmental gains should also be considered.'*

In regard to biodiversity the **Environment Agency** also advise that the following features should be taken into consideration within the ecology section of the EIA. This list does not specify all potential risks and more ecological elements may be identified at a later stage.

*'Species:*

*Populations of protected Freshwater White Clawed Crayfish *Austropotamobius pallipes*, Tubular Water-Dropwort *Oenanthe fistulosa*, and Shining ram's-horn snail *Segmentina nitida* were recorded 1.3 km north of proposal in Kemerton lake.*

*White Clawed crayfish were recorded on the River Swilgate south of Tewkesbury (located approximately 5 km away from the site) on a location that is hydrologically connected via the Tirlle Brook. This record is also hydrologically connected to the Carrant Brook, therefore there may be a requirement to determine the presence of White Clawed Crayfish on the Carrant Brook.*

*Numerous populations of Depressed River mussel *Pseudanodonta complanata* were recorded in the area including sites near Bredon (approximately 2 km north of the site), Bredon Hardwick (1.2 km west of the site).*

*Water vole *Arvicola amphibius* have been recorded on the western outskirts of Alderton (SO9935433201) on a tributary of the Carrant Brook (approximately 3 km away from the confluence and 6.8 km away from the crossing of the Carrant Brook and the B4079).*

*Brown/Sea Trout *Salmo trutta*, European Eel *Anguilla Anguilla* and Bullhead *Cottus gobio* have been recorded on the Carrat's Brook and the Tirlle Brook and both rivers are designated European Eel migratory routes.*

*Invasive non- native species present:*

- *Winter Heliotrope Petasites fragrans*
- *Canadian Waterweed Elodea canadensis*
- *Nuttall's Water-Weed Elodea nuttallii*
- *Giant Hogweed Heracleum mantegazzianum*
- *Northern River Crangonyctid Crangonyx pseudogracilis/floridanus*

*New Zealand Pigmyweed Crassula helmsii* was also recorded nearby at Kemerton Lake. Although this record is located 1.3 km north of the site, the likelihood of the spread of this species (through vectors that may or may not be associated with this proposal), and potential damage the spread of this species could cause, warrants the need to identify and highlight this record as particular concern.

It would be good to see biosecurity measures such as 'Check, Clean, Dry' stated on the control measures. We would also recommend that INNS and biosecurity information is delivered in the Toolbox Talk (mentioned in the Method Statement) to ensure all staff are cleaning their boots, waders and equipment before entering site and leaving site to minimise the risk of spreading INNS in the area. More information can be found on INNS can be found the NNSS website: Check Clean Dry » NNSS ([nonnativespecies.org](http://nonnativespecies.org)). As well as notifying the EA, INNS should be recorded on the INNS mapper app: INNS Mapper.

It is often the construction phase itself than can have significant impact on biodiversity, and we will need to see a detailed method of working to be satisfied that risk can be adequately managed.

*Habitats:*

Until the crossing with the B4079, both the Carrant Brook and the Tirlle Brook are designated as Statutory Main Rivers, Salmonid Rivers, WFD water bodies sensitive to sediment management, and WFD water bodies sensitive to gravel removal under the Water Environment Regulations 2017 (formerly known as the Water Framework Directive). Through this legislation these waterbodies are protected against deterioration that may occur due to degradation of habitat or impact to water quality.

Therefore, it is a key requirement that the Environment Agency be aware of potential impact on watercourses/floodplains, water quality and groundwater interactions that will be caused by physical activities during and after the construction phase.

The Severn Estuary Special Protection Area (SPA) and Severn Estuary Ramsar site is located 56 km downstream of the site of operation on the Carrant Brook. This site is hydrologically connected and therefore susceptible to deterioration caused by changes in water quality. During the construction phase it is imperative that efforts be undertaken to ensure that surface flows are prevented from washing into either the Tirlle or Carrant Brook.

The Scoping Report states that no part of the site is located within a statutory designated site, however the Carrant Brook LWS, which lies within the red line boundary, is locally designated as a Local Wildlife Site which are recognised in the NPPF. The Long Meadow Local Wildlife Site (SO9378735019, 31541.5 m<sup>2</sup>) is located on the northern bank of the Carrant Brook on the eastern boundary of Aston Mill Cottages. The special feature that the Carrant Brook is designated for is "Open Water – Flowing", therefore the geomorphic and hydrological characteristics of the Brook are protected under local planning policies. Long Meadow LWS is recognised for "Grassland" as its special protected feature, through which the same protections apply.

Although no SSSI sites are located within red line boundary, the site is located within a pollution impact risk zone of the Upham Meadow and Summer Leasow SSSI for any industrial development with a floorspace exceeding 500 m<sup>2</sup>.

Additionally, any activity that could potentially impact local groundwater levels (for example, through reducing infiltration through the construction of hard surfaces) is listed under section 14 of "Operations likely to damage the special interest" of the SSSI citation feature at Dixon Wood SSSI

and the Upham Meadow and Summer Leasow SSSI. Both are designated sites that may lie within an area of groundwater influence.

Multiple protected deciduous woodland sites are located within the red line boundary (followed by area in m<sup>2</sup>) at the following locations:

- SO 92881 33567 (6068.8 m<sup>2</sup>)
- SO 92864 33727 (4362.08 m<sup>2</sup>)
- SO 93709 34276 (12257.5 m<sup>2</sup>)
- SO 92363 34972 (1941.2 m<sup>2</sup>)
- SO 91865 34779 (4946.5 m<sup>2</sup>)

Multiple lowland meadow sites were recorded within proximity of the proposal at the following locations:

- SO 93171 35016 (29333.6 m<sup>2</sup>)
- SO 93798 35057 (31797.7 m<sup>2</sup>)

Multiple sites containing coastal and floodplain grazing marsh are located downstream of the proposal (SO 90213 33280 and SO 90410 32348) and is hydrologically connected via the Carrant Brook and the Tirl Brook respectively.

Habitats that are protected but not included in screening for permits that are located either within or in proximity to the proposal include:

- Traditional orchard – SO 94288 33664 (5730.5 m<sup>2</sup>)
- Traditional orchard – SO 94441 34434 (5159.2 m<sup>2</sup>)
- Traditional orchard – SO 94139 34505 (1845.7 m<sup>2</sup>)
- Traditional orchard – SO 94170 34663 (17116.3 m<sup>2</sup>)
- Traditional orchard – SO 93315 35120 (20208.2 m<sup>2</sup>)
- Traditional orchard – SO 92269 34955 (7816.6 m<sup>2</sup>)
- Traditional orchard – SO 92144 34872 (2501.7 m<sup>2</sup>)
- Traditional orchard – SO 92041 34834 (2208.3 m<sup>2</sup>)
- Traditional orchard – SO 91915 34812 (3143.3 m<sup>2</sup>)

## Summary

*This is a significant, strategic development which will require both an EIA as well as a detailed method of working to allow us to determine the potential Biodiversity impacts associated with this proposal. There is also significant opportunity for biodiversity enhancement linked to the river and floodplain corridors.'*

The Council have also appointed **Engain Consultants** to provide ecological advice on the proposals. Their full response is appended and in summary it is advised:

### *'Methodological Approach*

*The proposed approach will follow the relevant best practice guidelines including the CIEEM guidelines for ecological impact assessment. These guidelines note that matrix-based approaches to ecological impact assessment should be avoided without suitable justification. The proposed methodology does not mention a matrix-based approach, but it is often the case that ecological impacts are put into a matrix format in order to achieve consistency across environmental disciplines. Where this is the case then we would advise that sufficiently detailed explanation is given within the biodiversity chapter for scales of impact etc. and that these may be different depending on the receptor.*

*The scoping report lists the relevant legislation and policy in paragraph 11.3 (although this is titled 'policy and guidance' it also includes legislation). In addition to mention of The Environment Act 2021 it may be useful to include reference in the chapter to the subsequent legislation relating to*

*Biodiversity Net Gain and how these relate to the proposals, particularly in respect of phased development.*

*The impact assessment will be supported by a large body of survey data. Differences in the methodology and timing of the surveys will present a challenge for interpretation and presentation of the data, but as long as these are overcome then the body of evidence is likely to be sufficient to underpin a robust and compliant ecological impact assessment.*

#### *Designated Sites*

*There are unlikely to be direct impacts on any designated sites, as the proposed development site does not overlap with the boundary of any designated sites. There are however potential pathways of ecological effects, and these are for the most part covered in the scoping report. In addition to the information presented in the scoping report, it would be useful to set out in the chapter:*

- Clarification as to whether the potential for impacts on the Severn Estuary should be considered. The site falls within the Severn river basin district and there is a potential hydrological connection via the Carrant Brook, albeit the site is some distance from the Severn.*
- Consideration of whether there may be impacts on nearby designated sites via hydrological changes or other such pathways, such as Long Meadow Local Wildlife Site, and whether any avoidance or mitigation measures will be necessary*

#### *Other Important Ecological Features*

*The list of important ecological features set out in the scoping report is comprehensive, however, it may also be useful to consider:*

- The extent to which birds are included in the list of important ecological features i.e. whether the scale of impacts is likely to be high enough to affect the conservation status of any species or assemblage. The scoping report suggests that the site is used by an assemblage of birds that is typical of sites such as this one, albeit there is later mention of skylarks. If the site does support breeding populations of ground nesting birds in areas where there would be development then it may be that particular species or groups should be included in the ecological impact assessment, and that commoner species and groups can be excluded.*
- Whether species or groups associated with rivers and streams require a more detailed consideration than is indicated in the scoping report. Otters and water voles are appropriately scoped-in, and white-clawed crayfish are scoped out. Eels, bullhead, brown trout, depressed river mussel inter alia may also be vulnerable to direct or indirect impacts and it may be useful to expand upon their inclusion or exclusion in the ecological impact assessment.*
- Whether any detailed botanical surveys are necessary. There are records of *Oenanthe fistulosa* from floodplain meadow habitats nearby, for example. A Phase 1 Habitat Survey and BNG condition assessment may not on their own be sufficiently targeted to pick up notable species from the grassland or watercourses.*

#### *Potential Impacts*

*The scoping report provides a list of potential impacts that cover the aspects of the project most likely to have potential to lead to significant effects. The mention of the potential positive impacts of the project is welcomed, and it will be useful to include within the chapter (or associated documents as appropriate) sufficient detail of the proposed approach to achieving long-term net gains on site through habitat creation, restoration and management. This is particularly relevant in relation to the Carrant Brook and other watercourses and the potential for restoration of ecological function on the floodplain. Consultation with relevant local wildlife groups at this stage may assist in understanding the potential for future biodiversity management, in terms of local capacity and resources for*

*example. It may also assist with local knowledge of the current and potential future distribution or importance of ecological receptors. Details of any such consultation can be included in the ecological impact assessment’.*

## **Water Environment/Flooding**

The **Environment Agency** has been consulted on the Scoping Report and their response is appended. In respect to flood risk, the Environment Agency advise they have the following comments on flood risk with reference to Chapter 12 of the Scoping Report:

*‘The development will contain mixed uses that will fall into the categories of more vulnerable, less vulnerable and water compatible uses as defined in Annex 3 of the National Planning Policy Framework (NPPF).*

*The applicant will need to ensure that the proposed development is safe from flood risk, however the proposal also offers significant opportunity to deliver flood risk betterment to existing and future communities. It is essential that the TGC takes this unique opportunity to deliver this betterment.*

*The starting point to achieving this is to undertake quality modelling work to support the design proposals, Flood Risk Assessment and EIA process. In spatial planning terms, the way in which flood risk betterment is likely to be delivered is by making space for water, restoring historic floodplain and watercourse meanders, and ensuring exemplar SuDS are incorporated throughout the site.*

*We therefore have some concerns at the current delineation of the redline boundary as it excludes the northern arm of the Carrant Brook, and only goes up to the southern bank/mid-line of the watercourses it bounds. We appreciate this will be to do with where the Administrative boundary of Tewkesbury Borough falls (indeed the historic line of the watercourse can be seen by the District/County boundary which shows a ‘wiggly’ line, as opposed to sections of current watercourse which are much more linear as they have been straightened historically). Nevertheless, we would advise the applicant/Consortium gives consideration to whether the red line can be altered to incorporate these watercourses and adjacent land fully so that re-meandering can be delivered. If the redline does not change then we will be advocating for the use of a Section 106 legal agreement to deliver offsite works from the outset, and it may be less complicated to reach an agreement / ways of working / Memorandum of Understanding regarding the boundary with Wychavon District and Worcestershire County Councils, particularly if the only ‘development’ in their administrative boundaries would be watercourse improvement works. We comment on this theme further in the Water Quality and Biodiversity sections of our letter below, including the useful link to the side by side georeferenced map showing the historic course of the Carrant Brook in the Biodiversity section of this letter.*

### *Paragraph 12.4 (methodology)*

*This outlines the methodology to be undertaken for the EIA; clarification/agreement should be sought with the Environment Agency as to the extent set for the last three points of this paragraph.*

*As the development could have impacts downstream on existing communities adjacent to the Carrant Brook, Northway Brook and Tirlle Brook (including the tributary above the A46), the areas should be clearly identified/agreed prior to commencing the EIA.*

### *Paragraph 12.5 (modelling)*

*The production of Flood Risk Assessments (FRA) to support the EIA have been identified.*

*To inform these FRAs it is quoted that site specific modelling will be undertaken. The scope of this work needs to be agreed with the Environment Agency to enable it to link into the above points made. The baseline modelling will also need to be submitted for review and sign off by the Environment Agency prior to the completion/submission of the EIA/Environmental Statement and any supporting FRA.*

*The application of Local Planning Policy INF2 from the current Joint Core Strategy should in effect minimise any direct impact that the development layout will have on the local fluvial flood plain regime, irrespective of watercourse designation.*

#### *Paragraph 12.6 (SuDS)*

*In our strategic overview role for Sustainable Drainage, we welcome the reference to The SuDS Manual and expect that the key fundamental principles contained within this document are adopted to the highest standards.*

*The Sustainable Drainage Report (SDR) should result in the provision of a linked system incorporating all available techniques to provide a high-class network that delivers on all the three key principles of attenuation, treatment, and biodiversity enhancement to compliment the ideology of garden communities.*

*Failure to do so would be seen as a significant detriment in relation to current national and local planning policy and not meeting environmental principles at the core of the delivery of a garden community.*

#### *Paragraph 12.15 (data / historic flooding)*

*The baseline should also take account of historical events and any associated data to support any theoretical modelling works. We are aware of historic flooding of the M5 motorway during the July 2007 flood event in the vicinity of the western edge of the site. The A46 has also previously suffered from flooding in the vicinity of the southern edge of the site.*

#### *Paragraph 12.20 (modelling)*

*As highlighted above any hydraulic modelling undertaken will need to be undertaken in two parts, firstly a baseline model and then secondly a development model, where the proposals may directly impact on any flood plain areas.*

*Any modelling will need to be reviewed and signed off by the Environment Agency prior to its use within the evidence base to support the development proposals such as FRAs or the EIA which these are proposed to support.*

*The Environment Agency has received an initial request for us to review modeling work under our Cost Recovery Service. However the request relates to only one portion of the site area, and to date we have 'pushed back' on accepting this approach. As highlighted in the introduction of this letter, evidence base needs to be undertaken in a holistic and strategic way. Therefore, the modeling undertaken for the development needs to include all of the site boundary and beyond to be effective and appropriate.*

*We would therefore advise the applicant/Consortium that all parties need to work together to produce this work, in line with what would be expected under the EIA Regulations. They will need to contact us under our Cost Recovery Service for detailed technical advice on what would be expected so as to avoid delays in the planning process and ensure the best design proposal is put forwards from the outset.*

#### *Figure 12.2 (local watercourses)*

*This figure has omitted the presence of the Northway Brook that drains an area south of Aston Fields Lane that we believe falls within the development site boundary discharging west below the railway line, through Northway to join the Tirlle Brook upstream of the M5. Even if this watercourse falls outside the redline boundary, it is important to understand the nature of water features and flood risk in the vicinity, not just within the redline boundary, as mitigation measures may still be required within the site as well as betterment opportunities that may sit outside the current redline boundary.*

### Figure 12.3 (flooding from surface water mapping)

*This will provide initial evidence relating to the smaller watercourses upon the site and the potential associated fluvial flood risk. It should be noted that the smaller watercourses/tributaries are likely to be unmapped in our mapping program for the Flood Map For Planning due to their catchment area being below 3km. Mapping of these through the flood modeling work will be required. In the meantime, the applicant should be mindful that the 1 in 30 year surface water flooding map may well provide a good indication of areas susceptible to 1 in 30 year fluvial flood risk, which would be a good proxy for the functional floodplain, Flood Zone 3b, until detailed modeling has been produced. Only Essential Infrastructure and Water compatible development types can be located in the functional floodplain, as per Table 2 of the Flood and Coastal Change section of the NPPG.*

*Climate change allowances/uplift figures*

#### Paragraph 12.31

*We welcome the commitment to assess the potential impacts of climate change this work should form part of the initial baseline modelling as previously highlighted.*

#### Paragraph 12.32

*The Environment Agency are unaware of any advice being sort on this matter, the applicant should ensure that the climate change uplift figures for the Severn River Basin are used for this site and not those set out for the Avon catchment.*

*This is because the key dynamics that drive flood risk directly around Tewkesbury are more akin to those of adjacent catchments such as the River Swilgate, Dean Brook, River Chelt and Gloucester Tributaries which also have upland catchments along this local section of the Cotswold escarpment that produce similar responses to common rainfall patterns.*

*These are also clearly reflected within past historical events of all magnitudes, including that of July 2007.*

#### Paragraph 12.35 (sequential approach)

*As highlighted in our comments relating to paragraph 12.5 this approach should align both to national and specific local policies to inform an appropriate sequential approach to the development layout and design.*

#### Table 12.6

*The reference to the Tirl Brook is misleading as the work refers specifically to the Tirl Brook tributary. It is also possible that work will need to be done for the Northway Brook as well which is not listed as its catchment covers part of the site drainage area.*

#### Summary

*It is essential that the TGC development resolves existing infrastructure issues and delivers wider flood risk benefit to the area. There is the potential to reduce flooding to Tewkesbury town centre and other downstream areas by providing more space for water at the site to hold flood water back during times of peak flooding. In order to do this then early discussion with us over the modelling work needs to be undertaken as well as ensuring the modelling covers the whole area and beyond the site, as it is not possible to do this properly in piecemeal parcels or by setting the parameters too narrowly. Similarly, the redline boundary should be altered to take in the surrounding watercourses and adjacent land fully to allow for re-meandering of them as a core part of the development strategy and design.'*

The **Lead Local Flood Authority** as a statutory consultee for surface water flood risk and

management and have been consulted and made the following observations.

*'The development does have the potential to adversely impact flood risk elsewhere through the introduction of impermeable surfaces that will increase the rate and volume of surface water produced on site. The site is in flood zones 2 and 3 and the Risk of Flooding from Surface Water maps show there is a risk of surface water flooding on the site. These maps can be seen here: See flood risk on a map - Check your long term flood risk - GOV.UK (check-long-term-flood-risk.service.gov.uk).*

*Surface water flood risk can be addressed by a Flood Risk Assessment (FRA) and Drainage Strategy, and the EIA scoping report states that these will be submitted alongside the EIA. These should be completed in line with the Environment Agency's guidance (Flood risk assessments: applying for planning permission - GOV.UK (www.gov.uk)) and with reference to the CIRIA SuDS Manual C753, the Non-statutory technical standards for sustainable drainage and the latest Environment Agency guidance on climate change.*

*The LLFA is a statutory consultee for surface water flood risk and management only and there may be other impacts to the water environment, outside of the LLFA's remit, that may need to be considered in the context of an EIA.'*

## **Water Quality**

In respect to water quality the Environment Agency have advised as follows:

*'Water Framework Directive (WFD)*

*We note paragraph 12.24 refers to the Carrant Brook regarding baseline condition of water bodies. However the Tirlle Brook is not included, and this is also relevant as the site area includes tributaries of the Tirlle Brook and will also drain to that catchment.*

*The two watercourses either side of the proposed development are the Carrant Brook and the Tirlle Brook. The Carrant brook is classed as Moderate status with macrophytes, phosphate and dissolved oxygen being the failing determinants for not meeting Good Ecological Status. The Tirlle Brook has been assessed as Poor status due to failing ecology, phosphates and invertebrates. Both watercourses have been straightened and over deepened by dredging. As indicated in the flood risk section above, the development should improve the geomorphology of the two watercourses having a strategy of naturalisation (re-meandering) and improving continuity with the flood plain. We would like to see tree planting along the riparian corridor to provide shading for fish. Any proposed crossings should be bridges and not culverts that diminish water quality.*

*There is a significant opportunity for the TGC to improve the water quality in the area and contribute towards Good Ecological Status as required under the WFD.*

*Sustainable Drainage Systems (SuDS)*

*The full use of the SUDS hierarchy to treat the site runoff, including highway drainage, must be addressed. It is important that this is considered at the earliest opportunity and not an after-thought of the development. Highway drainage can include pollutants from tyres and vehicle emissions and contaminants including oils and metals. We would expect this drainage to be treated using exemplar SUDS techniques throughout the site.'*

*Foul sewerage / sewage treatment works infrastructure*

*Severn Trent Water must be contacted at the earliest stage. Their current infrastructure has experienced failures due to age and capacity and there is no proposal in their improvement programme to uprate the sewers, rising mains, pumping stations and sewage works. The number of pollution incidents from these assets has been increasing due to lack of investment and urban development including from pumping station sewage spills.*

*The SLP will need to address this through evidence, specifically a Water Cycle Study. However it is expected that the applicant will also need to demonstrate that sufficient capacity exists, or if not will be delivered, and when, within the sewerage network as well as at the receiving treatment works themselves. As indicated above there is currently insufficient 'headroom' at the treatment works for environmentally safe discharges within the Environmental Permits/Discharge Consents held by the water company, therefore to accommodate this level of growth upgrades will be required. The developer needs to engage in meaningful discussion with Severn Trent Water to ascertain what this means for their development in terms of phasing and delivery. It will not be sufficient to simply rely upon the 'right to connect' as that gives no certainty that this current infrastructure and environmental problem will be adequately addressed.*

*This issue links to the WFD requirements as well, and certainly could give rise to significant environmental effects, so these water quality issues need to be scoped fully into the EIA'*

**Severn Trent** have also responded to the Scoping Opinion Report and advised:

*'Due to the known sewerage capacity issues within the area, we will be looking to work closely in unison with yourselves (Tewkesbury Borough Council) to help us develop a strategy to reinforce our sewerage network to accommodate the proposed new development. Whilst it is appreciated that Development Enquiries are to be submitted, these alone cannot be relied upon to provide an overall solution to the known issues as, from experience, individual Development Enquiries for a large development can become disjointed, Therefore we will be looking to liaise with yourselves to implement a holistic approach to accommodate the development.*

*We will look to follow the same approach for water supply although less issues are anticipated'*

### **Groundwater and Contaminated Land**

The Environment Agency have advised that they **do not agree that Ground Conditions should be scoped out of the EIA, as they consider there is the potential for significant environmental effects in relation to this aspect.** The reasons for this and what is required in the EIA as set out by the Environment Agency and explained below. Due to these identified issues, contaminated land, including impacts on ground water, should be included in the EIA.

#### *'Site setting*

*Reference to the 1:50,000 scale geological map indicates that the site is located on the Charmouth Mudstone Formation, which is an unproductive aquifer. Superficial deposits on site include the Wasperton Sand and Gravel Member, which is designated as a Secondary A aquifer. The site is not within a source protection zone. The Carrant Brook, a main river, flows north of the site. There are also sections of ordinary watercourse within the site area, which are tributaries to the Tirlle Brook.*

#### *Risk Assessment*

*The applicant should submit a preliminary risk assessment which includes a desk study, conceptual model and initial risk assessment. This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.*

#### *Historic land uses and potential contamination*

*As mentioned in the Scoping Report, the Ministry of Defence (MOD) site (known as the 'Ashchurch Camp'), is located immediately to the south and west boundaries of the Site and has been the subject of separate planning applications. MOD sites are a known potential source of extensive contamination, and a pathway may exist between the site and the MOD site through superficial deposits, therefore, there is a potential for significant contamination on site. Specifically, we have recently become aware that the Ashchurch MOD site has been linked with PFAS contamination (Per- and polyfluoroalkyl substances, known as "forever chemicals"). We therefore recommend that*

*this potential contaminant pathway is scoped into any ground investigation scheme in order to protect the controlled water receptors.*

## **Summary**

*In summary, to safeguard controlled waters underlying and adjacent to the site, we recommend that the applicant completes a preliminary risk assessment and ground investigation in order to identify any previous contaminative uses and to determine if the nearby PFAS contamination on the MOD site has migrated onto site via pollution pathways in the superficial deposits. We consider this needs to be scoped into the EIA.*

## **Advice to Applicant**

*We wish to provide the following information to the applicant. The applicant should note that in accordance with Government policy detailed in the National Planning Policy Framework (paragraph 189), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore, should any significant contamination subsequently become apparent then responsibility will remain with these parties.*

## **Model Procedures and good practice**

*We recommend that developers should:*

- *Follow the risk management framework provided in LCRM – Land Contamination Risk Management when dealing with land affected by contamination.*
- *Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, such as human health.*
- *Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.*
- *Refer to the contaminated land pages on GOV.UK for more information.*

## **'The Environment Agency's approach to groundwater protection'**

*We would like to refer the applicant/enquirer to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available here: Groundwater protection position statements - GOV.UK ([www.gov.uk](http://www.gov.uk)) This publication sets out our position for a wide range of activities and developments, including:*

- *Waste management*
- *Discharge of liquid effluents*
- *Land contamination*
- *Ground source heat pumps*
- *Cemetery developments*
- *Drainage*

*To conclude, we would expect the issues highlighted above to be scoped into an EIA. It is noted that the Scoping Report currently scopes out contaminated land which is a concern.*

## **Climate Change**

The approach to assessing climate change is considered broadly acceptable. The Environment Agency and Natural England in their consultation response have provided general guidance on this matter, and the EIA should also consider this guidance.

Paragraph 13.7 notes the importance of assessing whole life carbon of the development which is encouraged. However, it is noted that embodied carbon is not included within this assessment, although vehicle movements and offsite indirect emissions are noted.

It is suggested that there is an opportunity for the EIA to include consideration of embodied carbon within construction materials and how this can be included within the design of the scheme.

### **Environmental Aspects to be Scoped Out**

**Ground Conditions** – The Scoping Report proposes to scope out Ground Conditions. However, it has recently become known that the Ashchurch MOD site has been linked with PFAS contamination (Per- and polyfluoroalkyl substances, known as “forever chemicals”).

Due to the nearby PFAS contamination risks identified at the adjacent MOD base, it is considered that the scoping out of ‘Ground Conditions’ from the Environmental Impact Assessment Scoping Report is premature since there are potentially significant ground contamination risks at the adjacent MOD site that have not been fully assessed yet. It will be necessary for the developer and their agents to take this into account and a revised Scoping Document produced.

It is therefore advised that ground conditions should be included in the EIA, so this potential contaminant pathway is scoped into any ground investigation scheme in order to protect the controlled water receptors. Potential impacts on **human health** should also be considered.

**Minerals and Waste** – It is noted that waste is scoped out of the EIA in it’s own right. Gloucestershire County Council do not object to this, but advise that the site is covered by a minerals resource area for sand and gravel, and therefore if significant building work is to take place, then consideration will have to be given to policy MS01 - Non-mineral developments within MSAs of the adopted Minerals Local Plan. Finally, a Waste Minimisation Statement should accompany the planning application with consideration of Policy SR01- Maximising the use of secondary and recycled aggregate of the adopted Minerals Local Plan.

**Agricultural Land** – The approach to assessing agricultural land is noted. On the basis of the available information, the Local Planning Authority accept that this topic can currently be scoped out of the EIA. However, if the Agricultural Land Assessment identifies the presence of Best and Most Versatile Land then this opinion may need to be revisited based on the more up-to-date information which is available. It is recommended that the applicant provide the Local Planning Authority with a copy of the detailed Agricultural Land Assessment prior to the preparation of the EIA.

**Other Matters** – The Local Planning Authority concur that risk of accidents/disasters; daylight, sunlight and overshadowing; wind environment and light pollution as a standalone topic should be scoped out of the EIA. However, as set out in the Scoping Report, light pollution must be considered as part of the landscape/visual impacts and biodiversity topics.

It is confirmed that in accordance with the EIA Regulations, a copy of this letter has been placed on the appropriate register.

At the time of preparing this letter, the Local Planning Authority are awaiting a consultation response from Wychavon District Council on the Scoping Opinion request. We will forward the consultation response once received on advise if there are any implications arising on the matters set out above.

Yours faithfully

*Paul Instone*

For Associate Director - Planning  
Tewkesbury Borough Council