

**SHROPSHIRE COUNCIL  
EXAMINATION OF THE SITE ALLOCATIONS & MANAGEMENT OF  
DEVELOPMENT (SAMDev) PLAN**

**LOCAL PLANNING AUTHORITY'S REPOSE**

**Protected Employment Site  
Inspector's additional questions to the Council**

Inspector's Narrative

1. If the land is not existing employment land that can be protected, its inclusion in the SAMDev Plan as part of a Protected Employment site would appear not to be justified.

**IQ5 - If this is the case, but the Council nevertheless maintain that the land should be allocated for employment purposes:**

- **what assessments have been carried out to establish the suitability of the site for employment purposes ?**
- **particularly having regard to –**
  - **its proximity to the historic Battlefield 1403 ?**
  - **any ecological interests on or close to the site ?**

**Background**

2. The Council regards the designation of Greenhills Enterprise Park (GEP) as protected employment land as being sound.
3. This designation of GEP is set out in SAMDev Plan, Policy MD9 and Policies Map S16.1 – Shrewsbury Inset (2014) and in the Annual Monitoring Report (2013) as part of Battlefield Enterprise Park.
4. The Council provided a statement to the Inspector on 23<sup>rd</sup> January (published on the Council's website), responding to the following questions:

IQ1 - Is it (the land at GEP) existing employment land that can be safeguarded?

IQ2 - Were these works (implemented on the land at GEP) carried out lawfully?

IQ3 - What are the implications of these works for the lawful use of the site?

IQ4 - Is this of any relevance to the existing status of the land?

5. The Council concluded in IQ1 that there is sufficient justification for determining that GEP is protected employment land for the following reasons:
  - The land comprises the north east quadrant of Battlefield Enterprise Park, an existing employment area that is appropriately protected in SAMDev Policy MD9;
  - GEP is a significant investment / development opportunity within the sub-regional employment area of Battlefield Enterprise Park;
  - Development on GEP was lawfully completed on Plot 5a in 2007 for the Shropshire Food Enterprise Centre (SFEC) and on Plot 1 in 2014 for a Mercedes dealership;
  - The Council accepts undeveloped plots 2, 3, 4, and 5b require grant of permission based on sound evidence of their suitability for employment use as previous outline permission 02/1429/O has lapsed without approval of any reserved matters;

- The absence of an extant planning permission for these remaining undeveloped plots does not necessarily disqualify GEP from being part of the existing employment area of Battlefield Enterprise Park;
  - The justification for designating GEP as protected employment land is the provision in EV1 the Core Strategy (2011) available at <http://shropshire.gov.uk/media/1059378/EV1-shropshire-core-strategy-2011.pdf> which states that evidence of "existing employment areas" is provided in EV8 the Shropshire Strategic Sites and Employment Areas Study (SEAS) : Phase 1 Report - Shrewsbury and Appendix 1, pages 82 – 87 (2014) available at: <http://shropshire.gov.uk/media/1059471/EV8-Shropshire-Strategic-Sites-and-Employment-Areas-Assessment-Phase1-Shrewsbury-final-report.pdf>;
  - The Council considers that the designation of GEP in Policy MD9 is 'sound' as it is:
    - positively prepared in relation to the Core Strategy including Policies CS13 and CS14 and will support the release of strategic employment allocations in Shrewsbury in Policy CS2;
    - justified in the SAMDev evidence base in the SEAS : Phase 1 study;
    - capable of delivery as 'readily available land' as it is accessed and serviced with established highways, infrastructure and landscaping development;
    - consistent with national policy promoting the delivery of viable and readily available employment land (NPPF, para 173) and avoiding the protection of employment sites with little reasonable prospect of delivery (NPPF, para 22).
6. The Council recognised in IQ2 that applying the 'Whitley' principle to the partial implementation of permission 02/1429/O shows the established development on Plots 2, 3, and 4 was completed 'unlawfully'. The Council invited the Inspector to consider whether sound reasoning and planning judgement had been applied to this assessment.
  7. The Council recognised in IQ3 that the application of a sound legal framework to the partial implementation of permission 02/1429/O leads to the conclusion that, 10 years on, the established development is now 'lawful'. Taking this established development into account with the surrounding developed uses, the physical configuration of the land and the character of GEP, this should assist the Inspector to reach a sound planning judgement on the status and appropriate designation of the undeveloped land at GEP.
  8. The Council further recognised in IQ4 that the previous planning history and the delineation, engineering, servicing and landscaping of plots 2, 3 and 4 on GEP should assure the Inspector that the land is suitable for employment uses. It is accepted that contemporary evidence will provide assurances about the suitability of protecting the land for employment use in Policy MD9 of the SAMDev Plan.
  9. This matter is addressed further in relation to IQ5. The Council recognises that assessing the suitability of GEP might also support the allocation of the undeveloped land at GEP for employment use in Policy MD4. This evidence would also enable the provision of development guidelines in Policy S16.1 to secure the completion of GEP.

## **Purpose**

10. The Council will explore 'in principle', the suitability of the undeveloped land at GEP for the development of Class B employment uses or other appropriate uses as identified in SAMDev Policies MD9 (para 4.83) and MD4 (para 4.33). This has two implicit effects.
11. Firstly, an 'in principle' assessment will determine whether the undeveloped land at GEP may reasonably be developed for these uses. This assessment is without prejudice to the subsequent determination of development proposals by the Council.
12. Secondly, certain matters relating to 'suitability' may best be determined on receipt of a specific development proposal and so, do not need to be determined at this time.

13. The Council would consider the following matters on determination of an application to develop Plots 2, 3, 4, and 5b of GEP:

- Environmental Impact Assessment – subject to the size of the buildings proposed to include agricultural land quality subject to the effects of previous earthworks;
- Heritage Assessment – due to proximity to the Registered Battlefield;
- Landscape and Visual Impact Assessment - subject to the degree of elevation of proposed buildings into the local and strategic landscape surrounding GEP;
- Phase 1 Habitat Survey, detailed surveys / mitigation – to protect biodiversity;
- Flood Risk and Drainage Assessment – due to the presence of Battlefield Brook;
- Hazardous Installations Assessment – due to proximity to heavy Class B2 uses;
- Planning Statement and Policy Appraisal;
- Design and Access Statement;
- Transport Assessment;
- Travel Plan.

14. The Council considers that an 'in principle' assessment may reasonably consider the following matters to justify the proposed designation and preferred use(s) of the land:

- Policy Appraisal;
- Sustainability Appraisal;
- Heritage Assessment;
- Bio-diversity Assessment;
- Flood Risk and Drainage Assessment;
- Hazardous Installation Implications;
- Development Potential and Infrastructure Investment.

15. This 'in principle' assessment is set out below. The assessment is generally summarised by the Sustainability Appraisal using the three stage methodology for the SAMDev Plan. The Stage 1, 2a and 2b assessment forms are attached as **Appendix 1**.

### **Policy Appraisal**

16. GEP originated as a series of windfall proposals adjoining the proposed allocations of Battlefield Enterprise Park (21ha) and Rear of Stadco (6.5ha) in the saved Shrewsbury Local Plan (2001) : Policy EM1 – Allocated Employment Sites, pages 111 and 119 now referenced as CD20 at <http://shropshire.gov.uk/media/851371/SABC-local-plan-chapter-4-employment.pdf>.

17. The windfall precursors to the current GEP designation comprised:

- A small parcel of land preceding the now completed Energy Recovery Facility (ERF). This land received permission for some low value edge of centre uses to be relocated within Shrewsbury to facilitate the regeneration of a mixed commercial area;
- A larger parcel of land extending westwards into GEP received permission for Class B2 use to relocate a local company which was subsequently allocated in the saved Shrewsbury Local Plan (2001) : Policy EM1 – Allocated Employment Sites, page 120;
- The land at GEP within the A5124 (but excluding the waste management facility) was granted outline permission 02/1429/O as a departure to the saved Local Plan.

18. The Submission SAMDev Plan is considered to be sound with GEP designated within Battlefield Enterprise Park as a Protected Employment Area. This designation in Policies MD9, S16.1 and Policies Map was determined through a staged process to provide proportionate evidence to support the employment policies in both the Core Strategy (Policies CS13 and CS14) and the SAMDev Plan (Policies MD4 and MD9).

19. The Core Strategy, Policy CS14 – Managed Release of Employment Land (2011) seeks to deliver a strategic supply of 290 hectares of employment land from 2006 to 2026. The evidence base for the Core Strategy identified the significance of this strategic objective in the site assessments and analysis of supply in the Employment Land Review (2011) referenced as EV7 at <http://shropshire.gov.uk/media/1059468/EV7-Employment-land-review.pdf>.
20. Policy CS14 introduced the key policy definition of 'readily available land' as defined in the Core Strategy Glossary (page 145).
21. The SAMDev Plan addresses this strategic objective through three principal means:
- allocating and maintaining a portfolio of employment land in Policy MD4;
  - delivering the land portfolio using a managed reservoir of readily available land;
  - supporting the land portfolio by protecting existing strategic employment land and premises under SAMDev Policy MD9, as the primary source of readily available land.
22. The significance of this definition in the economic strategy of the Local plan is highlighted in the Council's response to Inspector's Question IQ4. The definition of 'readily available land' contains four tests of 'suitability': planning 'approval', physical condition, infrastructure capacity and active marketing and this definition (and tests) are included in SAMDev Policies MD9 and MD4. The Council is satisfied that GEP meets the condition, capacity and marketing tests although it still requires planning permission.
23. This process is also supported by the evidence for the SAMDev Plan in:
- **Strategic Sites and Employment Areas Study : Phase 1 Shrewsbury (2014)** – this addresses the NPPF requirement (para 22) to deliver viable sites which is recognised in Core Strategy Policy CS14 para 6.20: "*...the need to ensure an adequate supply of land and premises will be addressed through specific allocations and by protecting the existing supply of strategic employment sites whose continuing viability will be assessed and shown in the SAMDev Plan*". This Phase 1 Study assessed GEP as an identifiable part of Battlefield Enterprise Park which have common boundaries and a shared highway network. The Site Proforma for Battlefield Enterprise Park (Appendix 1, page 83) identifies undeveloped plots 2, 3, 4, and 5b on GEP as a significant development opportunity in this locality and that '*GEP is a key strategic employment site in Shropshire, and the only large source of readily available employment land in Shrewsbury*'. The Proforma further advises that '*the remaining undeveloped employment land off Vanguard Way/ Battlefield Road should be protected for B1, B2 and B8 office, industrial and warehouse uses. This is necessary to maintain a full range of new development opportunities in Shrewsbury*'.
  - GEP is included in EV the Annual Monitoring Report (AMR) as part of the supply of protected employment land in Policy MD9, Table 9.1. GEP is designated with Battlefield Enterprise Park as a Sub-Regional Site reflecting the significance of the land. The AMR is available at <http://shropshire.gov.uk/media/1059480/EV10-shropshire-council-amr-2013.pdf>.

## **Sustainability Appraisal**

### **SA - Overview**

24. The evidence to support the employment policies in the Local Plan may be strengthened using the Sustainability Appraisal undertaken for the SAMDev Plan (in **Appendix 1**).

25. The Stage 1 assessment did not identify any significant constraints to developing GEP but recognised the proximity of the Registered Battlefield. The implications of this significant heritage asset for the development of GEP required further investigation.
26. The Stage 2a assessment showed that the greater proportion of the sustainability indicators were neutral in their effect as poor access to a primary school, children's play area, young person's recreational area and an area of natural / semi-natural open space are not critical to the proposed employment use of the land.
27. In contrast, the location has good access to bus transport, public open land (at the Battlefield Picnic / Viewing Area) and access to amenity green space to help create accessible and healthy working environments. The development potential of GEP could be affected by agricultural land quality, flood risk and proximity to the Registered Battlefield, with a small parcel of the Battlefield adjoining Plot 4 of GEP to the south of the A5124, which all required further investigation through the planning process.
28. The overall sustainability of GEP is regarded as fair provided that the small parcel of the Registered Battlefield close to the employment area is safeguarded from development. Further, any applications to develop plots 2, 3, 4, and 5b should be accompanied by site specific assessments for flood risk along Battlefield Brook and from surface and groundwater sources and an Heritage Assessment (with Heritage Visual Appraisal) of development including buildings or structures over 7 metres in height.

### **SA – Critical Investigations**

29. The development of plots 2, 3, 4, and 5b of GEP may require a Scoping Appraisal for an Environmental Impact Assessment subject to the scale of the proposed developments. This Scoping Appraisal may include a Flood Risk Assessment, Heritage Assessment / Visual Appraisal to assess key design principles, a broader Landscape and Visual Impact Assessment for larger building formats with significant structures, elevations, roofscapes and ancillary roof structures. An Appropriate Assessment and Heritage Assessment may be supported by detailed assessments for proposed uses at GEP to assess any potential impacts from their operations or processes (e.g. noise, odour, vibration or dust).
30. A Phase 1 Habitat Survey and protected species surveys are required to include a known population of Great Crested Newts which uses the pond and territory to the north-east of GEP. These investigations may indicate the need for mitigation measures. Land uses within the site may be constrained by a known hazardous installation in the locality. Planning Statements, Environment Statements and Design and Access Statements should be used to justify any proposed developments. This might include justification for any 'exceptional circumstances' for larger building formats close to the Registered Battlefield. Design and Access Statements might also address the functionality of the existing infrastructure and services that have been implemented for some time.

### **SA – Detailed Assessment**

31. The Stage 2b assessment of GEP recognises the following characteristics of the site.

#### Context

32. The pronounced downward landscape gradient which extends southward into Shrewsbury is now altered significantly within GEP, by land profiling and development. The greenfield land adjoining the railway does maintain this natural slope, but the land within GEP is flat and level except for gentle changes in level from west to east. This is evidence firstly, along Battlefield Brook which crosses the land in this direction and secondly from the 'developed' topography on plots 2, 3 and 4 which are now engineered to elevations between 70m and 73m AOD, above the natural site drainage.

33. This 'developed' topography delineates these plots, assists drainage and will fragment the roofline of the remaining proposed development. GEP has existing structural landscaping with highway bunding to the west and to the north along the A5124 to a point where the A5124 descends into the cutting below the viaduct for the Shrewsbury – Crewe rail line. To the north of the A5124 is the open land of the Registered Battlefield.

#### Heritage Assessment

34. The A5124 Battlefield Link Road is the current boundary to the development of north Shrewsbury separating the existing town from the Registered Battlefield. Land levels in GEP are now re-engineered significantly below the surrounding natural topography to help compensate for views from the rising land of the Registered Battlefield. The structural landscaping north and west of GEP along with the elevated route of the Shrewsbury – Crewe rail line also encloses the land within Battlefield Enterprise Park.

35. EV112, English Heritage Risk Assessment for Shrewsbury Battlefield (LEN: 1000033) is available at <http://shropshire.gov.uk/media/1299656/EV112-Shrewsbury-Battlefield-English-Heritage-Risk-Assessment.pdf>. This identifies the Registered Battlefield as 'vulnerable' but not at 'risk' but development in the setting of the Battlefield has the potential to affect the significance of this important heritage asset. English Heritage outlined their position in relation to these risks to the Registered Battlefield in a memo to the Council on 16<sup>th</sup> December 2014 attached as **Appendix 2**.

36. GEP is of low landscape sensitivity but the built elevations of proposed developments at any point around the Battlefield, could have a visual impact on this heritage asset. In addition, a small area of the Registered Battlefield crosses the A5124 into the greenfield land adjoining the north-east edge of GEP and this area should be excluded from any employment designation of GEP.

37. The Council is currently preparing a Planning Guidance Note to manage the impacts of further development within the setting of the Registered Battlefield to help secure the significance of this important heritage asset. The Council summarises the purpose and objectives of this Planning Guidance Note later in this response.

#### Bio-diversity Assessment

38. There are known protected species on site and the three test Habitats Regulation Assessment would be required under the Habitats Directive. The HRA (Appropriate Assessment) would also need to screen the development for potential airborne pollution and likely impacts on known European sites within 10km of GEP. Battlefield Brook should be specifically protected as a green corridor and a protected habitat (along with trees, hedgerows and the green margins of the site) with an appropriate buffer to the watercourse.

39. The site is within the Environmental Network and any development should contribute to protecting, enhancing, expanding or connecting this Network through the site design and landscaping in line with Policy CS17. In addition to Battlefield Brook, pond located to the north east of GEP should also be protected as the breeding pond with surrounding terrestrial territory for a known colony of great crested newts.

40. Applications for development should be accompanied by appropriate surveys: extended Phase 1 Habitat Survey and detailed assessments for Great Crested Newts, otter, bats, voles, white clawed crayfish, reptiles and other protected species.

41. The landowner commissioned and submitted a Preliminary Ecological Appraisal (Wardell Armstrong: February 2015) the findings of which are summarised later in this response.

### Flood Risk and Drainage Assessment

42. Battlefield Brook is a 'main river' watercourse which should be maintained in its current form (i.e. no further culverting). The brook carries a risk of flooding and the functional floodplain should be maintained to ensure adequate flood storage capacity along its corridor. The floodplain comprises 0.5ha of Flood Zone 3b largely affecting the south-eastern edge of plot 4 in GEP. This flood risk may have been resolved by permission 02/1429/O but needs to be re-assessed against improvements in flood datum.
43. There is a risk of surface water flooding to 0.15ha in a 1 in 30 year event rising to 0.2ha in 1 in 100 years and to 0.32ha in 1 in 1000 years. Re-engineering of plots 2, 3, and 4 is expected to control the impact of this flood risk. There is a nominal risk of ground water flooding.
44. The landowner submitted a Flood Risk and Drainage Constraints assessment (Wardell Armstrong: February 2015) the findings of which are summarised later in this response.

### Hazardous Installation Implications

45. GEP is located near to a known hazardous installation in a large Class B2 use in this locality. Undeveloped plots 2, 3, 4, and 5b are close to the Health and Safety Executive notification zone. The implications for GEP are identified later in this response.

### Economic Investment Potential

46. In the Employment Land Review, it is recommended that the allocation of an additional 35 ha of employment land in Shrewsbury is a high priority. The majority of this provision should provide land to support the sub-regional site at the Shrewsbury Business Park with the remaining land (10-15 ha) used for general industrial uses to address a shortfall in the town.
47. To provide flexibility in the land supply in Shrewsbury specifically for general industrial uses, the scale of provision in north Shrewsbury is given particular consideration. The protection of GEP represents a significant contribution to the flexibility of the land supply. This also contributes to the range and choice of available sites to offer larger plot sizes, which are accessed and serviced, extending Battlefield Enterprise Park in a high quality, investment location with potential to satisfy sub-regional demands.
48. The protection of GEP is supported by evidence in the Strategic Sites and Employment Areas Study. GEP will supply general industrial land in the period before the allocations of employment land on the two Sustainable Urban Extensions are marketed.
49. GEP is an accessible business location in north Shrewsbury. It extends Battlefield Enterprise Park as an important employment location within the local and regional markets. GEP is accessible to the local road network and transport services with ready access to the A53/A49/A5/M54 strategic and motorway networks. GEP also offers access to supply chain businesses in other employment areas and to labour and services in Shrewsbury and other centres in Shropshire, The Marches and West Midlands region.
50. GEP provides accessed and serviced employment land offering estate road access, street lighting and all utility services to the boundaries of undeveloped Plots 2, 3, 4 and 5b which are re-engineered to level sites and are actively marketed. GEP therefore offers suitable and available employment land for Class B uses and other commercial developments and the landowners are seeking to satisfy demand from suitable end users who require bespoke building solutions to suit their business needs.

## Sustainable Location

51. The implementation of the proposed uses on GEP will complete the development of north Shrewsbury within its existing physical highway and rail line boundaries. GEP is the final quadrant of Battlefield Enterprise Park and along with Lancaster Road Industrial Estate and linked industrial areas comprise the significant industrial core of north Shrewsbury. This industrial core is complemented by food superstores, mixed retail / commercial / leisure areas, municipal leisure / waste / service facilities and public transport / park and ride services of north Shrewsbury. This accessible location with its mix of industrial, commercial, leisure and municipal uses serves the residential communities of north Shrewsbury, the wider needs of the town and contributes to the employment and services offered by Shrewsbury as the County town and a significant sub-regional centre.

## **Heritage Assessment**

52. The English Heritage Risk Assessment for Shrewsbury Battlefield (LEN: 1000033) is regarded as 'vulnerable' but not 'at risk' partly because the majority of the Registered Battlefield is still in agricultural use and there only two principal landowners (including the Council) both of whom appreciate the significance of this heritage asset.
53. The Council is also revising its planning guidance (previously an Interim Planning Guidance Note) to manage development in the setting of the Registered Battlefield. This guidance will be amended to closely reflect English Heritage guidance in 'The Setting of Heritage Assets' (2011) and 'Seeing the History in the View' (2011). The amended Planning Guidance Note will then be included in the proposed Historic Environment SPD to the SAMDev Plan, Policy MD13.
54. The amended Planning Guidance Note will address applications for development at all locations within the setting of the Registered Battlefield. In GEP, Battlefield Enterprise Park and Battlefield Road (to the east) development over 7 metres in height on topographical plains which are visible from the Registered Battlefield will be required to respect the setting, openness, tranquillity and inter-visibility of the heritage assets.
55. Applicants will be required to manage the design (including building height, scale, massing, orientation, layout and materials), lighting, landscaping and visual impact of their proposed developments. Heritage Assessments and Heritage Visual Appraisals will be required for all significant developments and 'exceptional circumstances' justification will be required where developments might cause harm to the Registered Battlefield.
56. These material considerations will equally be applied to proposed development within the open aspects of the countryside to the north and west of the Registered Battlefield but without any height threshold for applying the guidance.
57. This amended Planning Guidance seeks to ensure that sufficient weight is afforded to the protection of the Registered Battlefield in the Local Plan and that inappropriate development is not permitted in the setting of the Battlefield. The Council and English Heritage met to review this draft, amended Planning Guidance and to further consider the treatment of the Registered Battlefield in the SAMDev Plan. This meeting, on 26<sup>th</sup> February 2014, sought to address the interim position set out by English Heritage in their email dated 16<sup>th</sup> December 2014 (in Appendix 2).
58. English Heritage have further explained their position in relation to the designation of GEP for employment use in the SAMDev Plan as follows:

- English Heritage are concerned 'in principle' to protect the Registered Battlefield as a significant heritage asset of national importance as set out in NPPF para 132;
- To protect the setting of the Registered Battlefield it is necessary to carefully manage the scale, elevation and design of development in the setting of the Battlefield;
- English Heritage provisionally supported the draft, amended Planning Guidance and will submit further revisions by 13<sup>th</sup> March 2015 with a view to the Council finalising the guidance for public consultation in April 2015;
- English Heritage are content that the Planning Guidance will enable them to withdraw any objection to the employment designation of GEP subject to the following modifications to the SAMDev Plan:
  - Policy MD13 requires clarification that Heritage Assessments required to determine applications for development may require Heritage Visual Appraisals. The Council attach minor modifications to Policy MD13 as Appendix 3;
  - Policy S16.1 in relation to the existing minor modification for cross references in the policy to the Interim Planning Guidance be amended to refer to the Planning Guidance in the Historic Environment SPD and include an explanation of the design principles to be considered for development in the setting of the Registered Battlefield. The proposed modifications to Policy S16.1 will be submitted to the Council by English Heritage by 13<sup>th</sup> March 2015 with the revisions to the guidance.

### **Bio-diversity Assessment**

59. A Preliminary Ecological Appraisal (Wardell Armstrong : February 2015) submitted by the landowners supported the bio-diversity assessment in the Sustainability Appraisal.

60. The submitted ecological assessment identified the following significant habitats:

- Trees –the site boundary should be retained and any tree specimens lost should be replaced with native species of wildlife value;
- Hedgerows – the structural landscaping investment should be protected and any specimens lost should be replaced with woody species of local provenance;
- Battlefield Brook – to be protected as a green corridor to conserve its nature conservation value with a riparian buffer either side of the brook with strengthened herb / shrub planting to increase biodiversity;
- Pond – to the east of the survey area be protected to secure a great crested newt (GCN) colony unless it is translocated to ensure the future well-being of the colony;
- SSSI - development of GEP is not expected to affect other SSSI sites (including Sundorne Pool LWS) located within 2km of the site.

61. Further development of GEP should require ecological enhancement of habitats, where possible in accordance with NPPF and BSI 42020:2013. The purpose of these enhancements is to produce a net gain in biodiversity in relation to the scale of the proposed development and the magnitude of the perceived impacts. A potential translocation of the GCN colony may be a reasonable option as there are other ponds within 500 metres of the site and land surrounding GEP is in public ownership with limited public accessibility.

62. The submitted ecological assessment identified the following species using the site:

- Bats – GEP is a medium sized site with medium quality habitat requiring further bat activity transects and bat roosting surveys to evaluate a variety of potential foraging and commuting habitats and potential for roosting by a number of bat species;
- Birds – further assessment for ground nesting bird species is necessary and any development should proceed outside the nesting season;
- Hedgehog – potential for foraging, nesting and hibernation along hedgerow boundaries should be strengthened to support the use of the site following clearance of habitat from developable plots;

- Great Crested Newts (GCN) – the colony should be protected around the pond on the site or translocated to secure the future health and well-being of the colony;
- Otter – further survey is required to investigate otter movements around the Brook;
- Water Vole – a full water vole survey is required focusing on the Brook and corridor;
- White Clawed Crayfish - full survey of crayfish habitat is required to inform the protection and riparian buffer to the Brook with evidence of otter or water vole.

63. This is a 'naturalising' brownfield site on the built edge of the town with a range of potential ecological constraints. The Preliminary Ecological Assessment (attached as **Appendix 4**) has identified the presence and indicated the degree, of these constraints and recommended further detailed surveys and where possible, appropriate mitigation measures. It is recognised in the short term that, development with mitigation may affect some of these species but in the longer term, habitat protection and enhancement may provide support for a greater abundance and diversity of wildlife.

### **Flood Risk and Drainage Assessment**

64. A Flood Risk and Drainage Constraints Assessment (Wardell Armstrong: February 2015) from the landowners supported the drainage assessment in the Sustainability Appraisal. The Flood Risk and Drainage Constraints Assessment is attached as **Appendix 5**.

65. This report provides a desk based assessment of flood risk and drainage and indicates possible mitigation measures. The report draws on evidence submitted for other developments approved and / or completed on or around GEP.

66. Battlefield Brook (a 'main river' watercourse) is the only watercourse. The brook is open except for three culverted sections at the site boundaries and passing below the established highway serving Plots 2, 3 and 4. The brook has the potential to flood the adjoining land with floodplain in both Flood Zones 2 and 3 reflecting the varying risk. The greater risk affects the greenfield land adjoining the railway to the east of GEP and also affects the south-east margins of Plot 4.

67. The site lies predominantly in Flood Zone 1. The known re-engineered levels of plots 2, 3 and 4 before any construction of building footplates indicates ground levels of 70m to 73m AOD in an area of predominantly within Flood Zone 1. A ground level of 73m AOD on Plot 4 is only marginally affected (at 69.99m AOD) by flooding from the brook.

68. It is expected that flood risk across the site can be managed effectively:

- known modelling of the site predicts flood levels for 1 in 100 year floods at between 69.84m AOD at the western boundary and 69.33m AOD at the eastern boundary;
- indications about development suggest that floor levels should exceed a minimum of 69.7m AOD and be finished to a minimum of 150mm above the existing ground level of the development plot especially to avoid overland flooding;
- Flood modelling compared with topographical surveys of the site show a minimum of 2.9m between ground levels and modelled flood levels and the Environment Agency has no record of past flooding at the site;
- indications are that re-engineering of plots 2, 3, and 4 under permission 02/1429/O have already effectively removed the risk of flooding but further development impacts on floodplain / storage capacity may still need to be addressed;
- Surface water flooding is negligible with a risk of less than 0.1m in a 1 in 1000 year event but topographical depressions around culverts to the brook require further assessment of possible significant localised events (1 metre in a 1 in 75 year event);
- risks of localised flooding may be minimised, in part, by the requirement for an 8m easement in the vicinity of the brook as advocated by the Environment Agency;
- GEP is outside areas at risk of groundwater flooding but with ground water approximately 4m below ground level but there may be issues with deep basements;

- Sewers along the southern bank of the brook (300mm) and below the established access road (675mm and 225mm) lie within the recommended gauge for adoptable sewers and, subject to the 5 metre building stand off from any sewer route, the risk of flooding from sewers is likely to be absorbed by the existing hydrology of the site.

### **Hazardous Installation Implications**

69. GEP is located close to a known hazardous installation within one of the large, heavy Class B2 uses located in this locality. The undeveloped plots 2, 3, 4, and 5b are located just outside the buffer zone requiring notification to the Health and Safety Executive.
70. The location of GEP close to a known hazardous installation makes the site suitable only for non-residential uses. The need for any actions in relation to the hazardous installation would also be managed more effectively in an industrial or commercial environment. Residential uses are therefore unsuitable due to the constraints imposed by existing (and potential future) land uses in the locality which could have a detrimental impact on the health and well-being of potential residents. The establishment of industrial and commercial uses ensures that any environmental impacts within tolerated levels may be managed effectively in this locality.
71. It is also noted there are no known contaminated land issues affecting this site.

### **Development Potential and Infrastructure Investment**

72. GEP is the north-east quadrant of Battlefield Enterprise Park and lies within the strategic road and rail routes of the A5124 Battlefield Link Road (north) and the Shrewsbury – Crewe rail line (east) on the northern edge of Shrewsbury.
73. GEP is delineated by Battlefield Way (west) and Vanguard Way (south) within Battlefield Enterprise Park and adjoins a separate area of greenfield land along the rail line (east) and the integrated waste management facility adjoining Vanguard Way.
74. GEP currently accommodates the existing developments of a Mercedes dealership and the Shropshire Food Enterprise Centre (SFEC) with undeveloped plot 5b. These developed plots (with plot 5b) adjoin Vanguard Way and form part of the frontage development within Battlefield Enterprise Park. These frontage developments are accessed from an estate road off Vanguard Way and the SFEC provides a linking access with services into the adjoining, undeveloped plot 5b.
75. GEP extends north from Vanguard Way along a fully serviced estate road to the re-engineered plots 2, 3 and 4. This estate road provides highway access and the full range of utility services to the boundaries of plots 2, 3 and 4. These plots (with plot 5b) are currently marketed as accessed and serviced Class B employment land to complete the development of Battlefield Enterprise Park. Plots 2, 3, 4, and 5b are considered suitable because the land is readily available being accessed, serviced and marketed.

### **Conclusion**

76. The Council regards the designation of Greenhills Enterprise Park (GEP) as protected employment land as being sound in SAMDev Policies MD9, the Policies Map and the Annual Monitoring Report 2013.
77. The Council has previously recognised that the previous planning history and the delineation, re-engineering and servicing of plots 2, 3 and 4 on GEP should assure the Inspector that the land will support employment uses.

78. It is considered that evidence will provide assurances about the suitability of designating the land for employment use in the SAMDev Plan and this response identifies the following matters (including contemporary evidence) for consideration by the Inspector:

- The Council regards the designation of Greenhills Enterprise Park (GEP) as protected employment land as being sound in Policy MD9 of the SAMDev Plan (2014);
- It is also recognised that assessing the suitability of GEP might also support the allocation of the undeveloped land at GEP for employment use in Policy MD4;
- The Council has explored 'in principle', the suitability of the undeveloped land at GEP for Class B employment or other appropriate uses as identified in SAMDev Plan;
- The broad Sustainability Appraisal was regarded as fair. There were no significant strategic constraints to developing GEP and the broad sustainability indicators were largely neutral in effect as they were not critical to an employment use of the land;
- however, the heritage and biodiversity impacts, flood risks, and economic and social benefits of developing GEP do require further 'in principle' assessment;
- GEP may require a Scoping Appraisal for a detailed Environmental Impact Assessment as a consequence of the scale of the proposed developments;
- the location of GEP in Battlefield Enterprise Park, close to a known hazardous installation, would make the site suitable for non-residential uses only;
- English Heritage regard the Registered Battlefield as 'vulnerable' but not 'at risk' due to its character, ownership and inherent protection. The Council with the support of English Heritage, is preparing Planning Guidance and modifications to Policy MD13 and S16.1 to ensure sufficient weight is given in the Local Plan to protecting the Registered Battlefield and managing development in its setting;
- It is recognised that this site, as a 'naturalising' brownfield site situated on the built edge of the town, will have a range of potential habitats and ecological constraints;
- a Preliminary Ecological Assessment has identified the presence and potential degree, of these constraints and recommended further detailed surveys with appropriate potential mitigation measures;
- GEP is predominantly Flood Zone 1 and risks on the site can be managed effectively;
- Battlefield Brook is the only watercourse comprising an open 'main river' with three culverted sections. The brook and floodplain lie in Flood Zone 2 and 3 due to localised topographical depressions requiring further investigation;
- surface water, groundwater and sewer flooding risks are nominal or localised;
- GEP offers suitable and available employment land for Class B uses and other commercial developments and the landowners wish to satisfy demand from suitable end users who require bespoke building solutions to suit their business needs;
- implementation of the proposed uses on GEP will complete the development of north Shrewsbury within its existing physical highway and rail line boundaries;
- GEP is the final quadrant of Battlefield Enterprise Park and along with Lancaster Road Industrial Estate and linked industrial areas comprise the significant industrial and service core of north Shrewsbury offering access to other supply chain businesses;
- North Shrewsbury with its accessible location and mix of industrial, commercial, leisure and municipal uses serves the residential communities of the area, the wider needs of the town and contributes to the employment and services offered by Shrewsbury as the County town and a significant sub-regional centre.

79. The Council advocates that the outstanding issues in Matter 8 : Employment relating to the designation of the undeveloped land at Greenhills Enterprise Park should be determined by the Council and the Inspector. The Council invites the Inspector to consider whether sound reasoning and sound planning judgement have been applied to this assessment of Greenhills Enterprise Park.

Liam Cowden  
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Shropshire Council

2 March 2015