

INFORMATION RECEIVED SINCE PREPARATION OF REPORT

Application number	TWC/2015/0057
Site address	Land South of Springfield Industrial Estate, Station Road, Newport, Shropshire
Proposal	Outline application for the erection of up to 120 dwellings with associated open space, infrastructure works and access of Station Road with all other matters reserved
Recommendation	Outline Grant

Since the preparation of the Information Report, additional information has been received from the following and summarised below:-

Robin Mager of Shropshire Wildlife Trust (received 19 Feb)

- Have received comments from just under half the LSP members and from these it would appear that the preference would be to not adopt the Black Butts site as LWS at the current time due to the uncertainty of the waxcap records.
- A specific survey in the autumn to clarify whether the site meets the criteria has been suggested and seems a good way forward. Until further survey information is available the site would be considered as a candidate site.
- Would be very grateful if you could all let me know whether you are in agreement with this approach and feel that it is in line with the 'Guidelines for the Selection of Local Sites in Shropshire'.
https://www.shropshirewildlifetrust.org.uk/sites/default/files/wildlife_site_selection_criteria_-_december_2014.pdf

Chetwynd Aston and Woodcote Parish Council Clerk

- It's has been bought to the attention of Chetwynd Aston and Woodcote Parish Council that the application TWC/2015/0057 for 120 houses south of Newport will unexpectedly go before the planning committee on Wednesday 28th February.
- As a Parish Council we have previously objected to all proposed development on the green field land between Chetwynd Aston and Newport. We request that the planning committee decision is deferred until Shropshire Wildlife Trust are able to send a representative to address the committee, as we feel that they have important environmental issues that the committee needs to be made aware of.
- Furthermore, your report states the land is situated within the boundary of Newport. We wish to make it clear that this is not correct, it falls within the boundary of Chetwynd Aston and Woodcote Parish Council.
- The Parish Council hopes the comment is taken into consideration.

Mr Daniel Nicholas

- I am writing to you to clarify my qualifications in response to the questioning of the reliability of my observations regarding the presence of numerous waxcap fungi species on land relevant to the planning applications TWC/2015/0057 and TWC/2011/0871.
- I hold a First Class Honours Degree (Bachelor Of Science) in Wildlife Ecology and Conservation Science, a course accredited by the Institute of Environmental Sciences. During my degree I completed a final year project on Waxcap conservation methods as

well as compiling a taxonomic collection which involved collecting, identifying and writing scientifically about over 60 species of fungi.

- My previous objections to development on the site were based on the poor standard of the ecological surveying which was carried out on the site; something which was later called in to question and if I remember correctly reassessed due to concerns from the planning board. I am undeniably against the proposed site developments but my objections have always been fundamentally based around the ecological value of the site. I also don't see the relevance of other members of my family objecting to plans as a means of questioning my independence as an ecologist.
- As you may be aware, Fungi are notoriously difficult to accurately sample, typically requiring repeat visits over a number of months over a number of years to get an accurate picture of what is on a site. Unlike plants, the sporomes (what we think of as a mushroom!) may not appear every year- some of the most sensitive waxcap species may only be visible for a number of days once every few years.
- If I am to still be considered an unreliable source then the most appropriate solution I can see is for a LPA approved ecologist, ideally someone with a specialty in mycology to make a number of repeat visits to the site from late summer to early winter to at least give a single year's representation of what fungi assemblages are on the site- although not ideal, this can be compared to the well-known classification of waxcap grasslands (RALD 1985) to establish the site's importance. Details of this can be found in the attached Natural England assessment of UK waxcap sites.
- I hope this helps to clarify the authenticity of my records

Newport & District Civic Society

A) In relation paragraphs 4.5 and 5.1 of your report to Plans Committee, you refer a number of times to the absence from the Newport NDP of any reference to the land identified in the plans submitted by SWT attached to your report. However, the 'Plan 1 Newport Neighbourhood Plan Boundary' contained in the Newport NDP on the T&W website, clearly shows that the land identified by SWT is outside the red line shown on the Plan 1 as the Neighbourhood Plan Boundary for Newport i.e. it would not, therefore, be part of the Newport NDP.

Would you please issue a written explanation and clarification for consideration by Plans Committee members as this is a fundamental point.

B) Re. your reference to the adopted Local Plan 2011-2031, T&WC Plans Committee meetings held August 2017, took place when the public consultation period on the Major Modifications issued by the Local Plan Inspector was only part way through. After the consultation period expired, even though the Inspector was aware that T&WC officers had recommended outline planning approval for houses on the H13 site and Plans Committee had followed the officer recommendation, the Inspector nevertheless, in his final Major Modifications that were adopted by T&WC Full Council on 11th January 2018, excluded site H13 and 3 other sites from the T&WC housing site allocations list.

Per the reasons set out in his note to T&WC of 30th March 2017, the Inspector said that T&WC had included sites owned by T&WC to the exclusion of sites in private ownership and that he could find no support for this in the NPPF.

As T&WC were unable to provide evidence as to how the various sites had been selected or rejected, the Inspector requires T&WC to produce a Sites Allocation Local Plan in due course to provide evidence of any further housing need and any additional sites over and above those in the current sites allocation list plus to seek to justify the inclusion of H13 and the 3 other sites.

T&WC have said they are unlikely to go through this Sites Allocation Local Plan process until past 2020 at the earliest.

Would you please also issue a written explanation and clarification for consideration by Plans Committee members as this is also a fundamental point.

C) As regards your extensive criticism of SWT in your report to Plans Committee, as we understand that the CEO of SWT is out of the country at present, we would ask that consideration of this matter is deferred to the next Plans Committee meeting to allow the SWT CEO to respond to each of your points concerning SWT. Our request is made, in part, as we understand that the CEO met with James Dunn a few weeks ago.

Officer Response

a) SWT comments (19 Feb)

In light of officers' concerns about the lack of survey evidence and data, officers welcome the recent comments from the SWT that the Local Sites Partnership has decided to "not adopt the Black Butts site as LWS at the current time due to the uncertainty of the waxcap records".

The SWT email confirms that, until a specific survey is undertaken to clarify whether the site meets the criteria and until further survey information is available, the site can only be considered as a 'candidate' site. This reaffirms the officers' position that little or no weight can be given to the site being made a 'candidate' site for designation as a local wildlife site and for the reasons set out in the Information Report.

b) Defer for SWT to be present

Both Chetwynd Parish Council and Newport & District Civic Society request that the matter be deferred as the CEO of SWT is not in the country/SWT should be present.

It is a fact that SWT have sought to get part of the 120-dwelling site designated as a Local Wildlife Site and the Council as land-owner has been consulted. The Council wrote in response (summarised in the Information Report) so SWT are fully aware of the Council's position. Furthermore SWT have responded (see this update) and have acknowledged there is uncertainty about waxcap records; that specific survey is needed to clarify whether the site meets the criteria and until further survey information is available the site would be considered as a 'candidate' site.

Members have sufficient information and advice in the Information Report, so there is no need to defer the matter or to wait for a representative of SWT to be present.

c) Site in Chetwynd Aston & Woodcote Parish

The PC refer to the site being in their parish and not Newport. There is no dispute with this. The officer's reference to the site being within Newport is a planning policy distinction, not a parish one, as the site lies within the amended built up boundary of Newport as shown and defined on the recently adopted Telford & Wrekin Local Plan Policies Map.

d) *Information from Mr Daniel Nicholas*

Officers thank Mr Nicholas for providing his qualification of his authority to assess waxcap fungi. Whilst he may be a qualified Ecologist with a particular expertise in waxcap fungi, it is officers' understanding that his surveys were not done as part of a formal survey/data collection process and not necessarily with the landowner's permission. Therefore his observations are noted, but cannot be regarded as a definitive survey/evidence base. This is further confirmed by SWT (see comments in this update) who have now acknowledged "uncertainty of the waxcap records" and that further "specific survey" needs to be done to "clarify whether the site meets the criteria".

e) *Site not in Newport Neighbourhood Plan*

Newport & District Civic Society draw attention to the 120-dwelling site not being in the Newport Neighbourhood Plan (NNP). Officers acknowledge that part of the application site TWC/2015/0057 (the part subject to the candidate Local Wildlife Site) falls outside the boundary of the NNP, which explains why there are no policies referring to the site. However, the western half of the site TWC/2015/0057 does fall within the NNP boundary, but there are still no policies. However, as has already been stated, the NNP has limited weight at its current stage of preparation.

f) *Removal of housing allocation H13 in Local Plan*

The Newport & District Civic Society refer to the Local Plan inspector who advised that Council-owned sites be removed as housing allocations. The Council has done this and removed the purple housing allocation and annotation "H13" from the adopted Local Plan Policies Map.

This, however, does not prevent the site from being considered for housing, and a planning application was submitted before the Local Plan process began. The site lies within the amended built up area boundary for Newport in the recently adopted Telford & Wrekin Local Plan and hence is "white" land such that any development proposal can be considered for development against local and national policies and on the merits of the scheme. This issue was raised and discussed in the committee report to members back in August 2017, when the Local Plan was in process and the Inspector's likely Main Modifications were known.

SWT further comments (received 27 February 2018)

We would like to correct a number of statements in the officer's report.

(a) Local Wildlife Sites are not designated solely by Shropshire Wildlife Trust (SWT). The decision to 'adopt' a Local Wildlife Site lies with the **Local Sites Partnership** (LSP) which is made up of representatives from Natural England, the Environment Agency, Forestry Commission, Shropshire Geological Society, ecologists from Telford and Wrekin Council and from Shropshire Council as well as two independent ecologists.

(b) We contest that the assertion that the selection process was not followed properly (see flow diagram below).

- Traditionally verbal land owner permission has been considered adequate. In this case verbal permission was granted by Telford & Wrekin Council's Ecologist. Prior to that, the site is accessible by a public footpath and has been used as an area of informal local green space by local residents by a number of years.
- The **Local Sites Partnership** was presented with the facts regarding the site and background information, including the planning history.
- Selection criteria are based on expert advice, in this case from the Shropshire Fungi Group, and based on comparable criterion used in other counties.
- Telford & Wrekin Council has been aware of the waxcap interest for some time, at least from the Local Sites Partnership meeting in January 2016 when this issue was first raised. However the Council has not taken the opportunity to clarify the situation with further survey in either the autumn of 2016 or 2017 to assess the waxcap interest. A synopsis of the value of waxcap fungi is appended.

(c) In line with DEFRA guidance the **Local Sites Partnership** wrote to Telford & Wrekin Council to notify them of the decision and offer the opportunity for a response. Additional time was given due to the Christmas break and a Telford & Wrekin Council response was received by the LSP on the 31st January 2018.

(d) Unfortunately the Local Sites Partnership has not as yet had time to coordinate and make a formal reply to Telford & Wrekin Council, but the consensus view is that given the concerns relating to the survey data *the most reasonable solution would be for a further survey in the autumn undertaken by a suitably qualified ecologist chosen by Telford & Wrekin Council.*

Natural England is also offering the services of a waxcap fungi specialist if this would assist. While a single season may not give the best means of evaluating fungi interest it would at least enable a more informed decision to be made.

The **Local Sites Partnership** accepts that a 'candidate' site does not have formal protection and is not necessarily a 'material consideration'. It does however indicate that the site is considered very likely to have ecological interest of at least a county level and the council does have a duty to take this into account.

However, this does not affect the views and comments of the Shropshire Wildlife Trust who wish to re-state our objections to this scheme in its present form. Not only would the proposed development destroy a site which may have a high value for wildlife, but it will remove one of the few remaining areas of green space within the Newport area. In fact two separate studies commissioned by Telford & Wrekin Council including the original PPG17 study in 2008 make specific mention of the site in regard to it being one of the few sites of natural green space in the area.

Officer response to SWT's latest submission (27 Feb)

In relation to b) and following procedure, the Council would contend that practices have not been followed, especially in regards lack of further evidence/survey data, which is why the Council considers little or no weight can be attached the 'candidate' local wildlife site.

- 1st bullet point of b) about getting permission for site survey, the Council is not aware of permission being verbally given or of any formal request to the Council as landowner. Furthermore, there would be limited visibility from the public footpath of fungi fruiting. Any informal use of the land by local residents is trespass. This all serves to illustrate the lack of additional proper survey.*
- In relation to 4th bullet point of b), the Council did not need to clarify the wax cap situation further, as wax caps were not a site selection criteria, as was confirmed at the LSP meeting in January 2016. This fact was also reported to the Planning Committee for the 120-dwelling site in August 2017 (and see also paras 3.2 and 3.3 of the current Information Report). This interest in wax caps does not appear to have prompted the SWT or the LSP to undertake or commission any further survey work/evidence about the presence of wax caps. Furthermore, during the Local Plan Inquiry in January-February 2017, SWT did not present any evidence as to any enhanced nature conservation value of the site. And even now, when considering the site as a 'candidate' site in November 2017, SWT have not been able to provide evidence/data beyond what was already known.*

In relation to c) and giving the Council additional time to respond because of Christmas does not reflect the full reason for this extension of time.

- 2 Nov 2017 - SWT initially consult the Council notifying of the proposed designation and giving 28 days for observations.*
- 13 Dec 2017 – Council's Ecologist contacts SWT to ask for copies of survey data, landowner permission, what consents have been to use 3rd party data, a plan showing extent of proposed designation, confirmation of consultation date and whether any other sites now qualified (in light of changed criteria for site selection).*
- 13 Dec 2017 – SWT confirmed that consultation period would run until 10 Jan 2018.*
- 15 Dec 2017 – SWT provided location plan showing extent of proposed designation.*
- 18 Dec 2017 – SWT wrote to say that given Christmas break and that they were trying to meet various other deadlines that they would like to extend the consultation deadline until 31 Jan 2018.*
- 4 Jan 2018 – SWT wrote to say they were unable to provide the Council with all the information requested.*
- 31 Jan 2018 – The Council, as landowner, formally responded to SWT about the proposed designated (see summary in para 3.4 of Information Report).*
- 31 Jan – 19 Feb 2018 The Local Sites Partnership provide further information to the Local Authority and consult internally on the designation process.*

This endorses the Council's view that the procedures have not been duly followed SWT's continued objection to the development of the 120-dwelling site is noted and was reported to members when the application was determined last August.

CONCLUSION

In light of the above information, there is no need to defer the matter and there is no change to the officer's conclusion, namely outline planning permission can continue to be granted for both the 120-dwelling application (TWC/2015/0057) and the 350-dwelling scheme (TWC/2011/0871)