

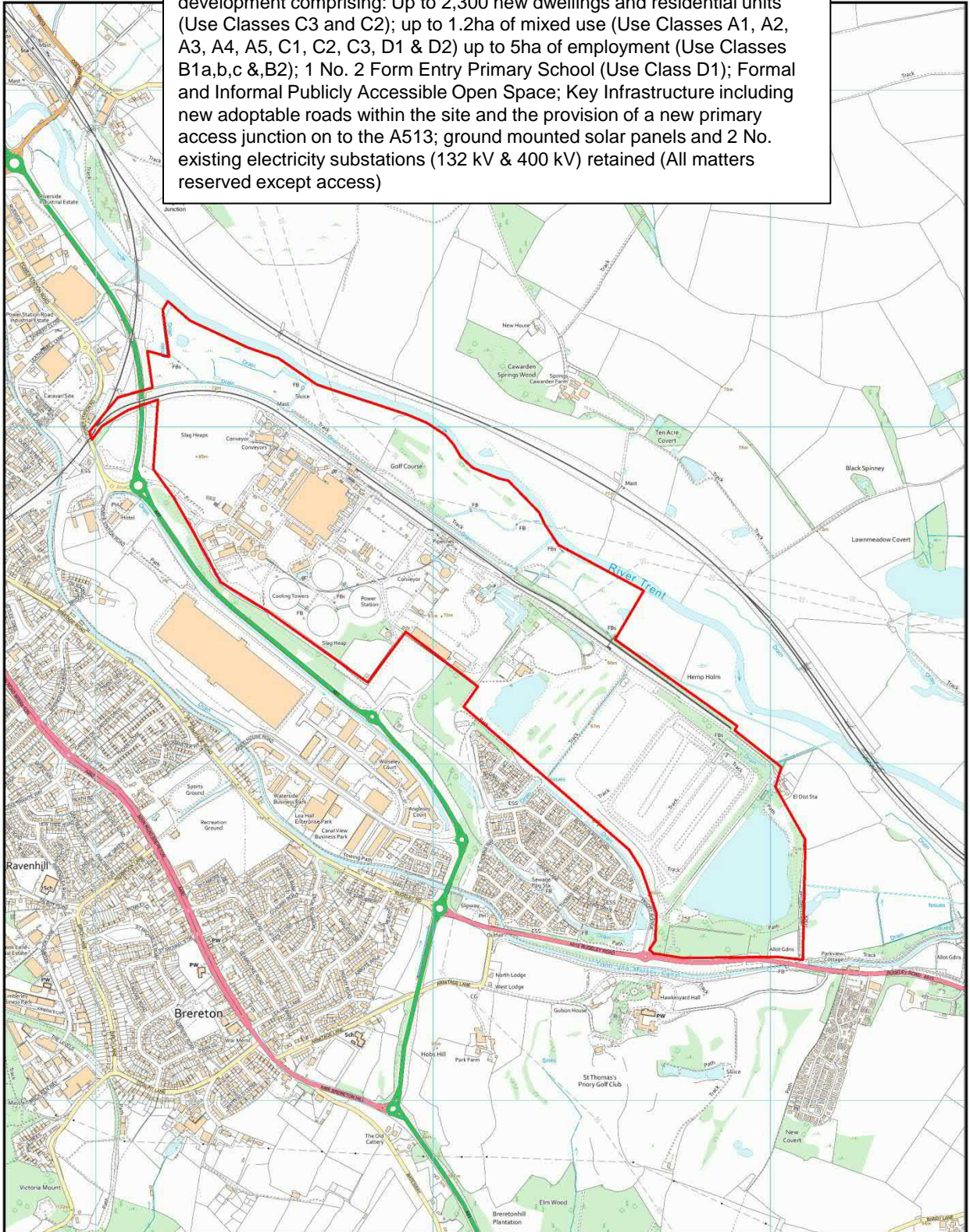
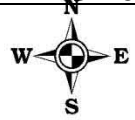


**Application No:** CH/19/201

**Location:** Rugeley B Power Station, Power Station Road, Rugeley, WS15 2HS

**Proposal:** Outline planning application for the creation of development platform and the demolition of existing office building and environmental centre, site clearance, remediation and mixed-use development comprising: Up to 2,300 new dwellings and residential units (Use Classes C3 and C2); up to 1.2ha of mixed use (Use Classes A1, A2, A3, A4, A5, C1, C2, C3, D1 & D2) up to 5ha of employment (Use Classes B1a,b,c & B2); 1 No. 2 Form Entry Primary School (Use Class D1); Formal and Informal Publicly Accessible Open Space; Key Infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513; ground mounted solar panels and 2 No. existing electricity substations (132 kV & 400 kV) retained (All matters reserved except access)

**ITEM NO. 6.1**



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<b>Contact Officer:</b>	<b>David O'Connor</b>
<b>Telephone No:</b>	<b>01543 464 515</b>

**PLANNING CONTROL COMMITTEE**

**15 JANUARY 2020**

<b>Application No:</b>	CH/19/201
<b>Received:</b>	28-May-2019
<b>Location:</b>	Rugeley 'B' Power Station, Power Station Road, Rugeley, WS15 2HS
<b>Parishes:</b>	Brereton and Ravenhill Rugeley
<b>Description:</b>	Outline Planning Application with the points of access included for the creation of a development platform and the demolition of existing office building and environmental centre, site clearance, remediation and mixed-use development of land at the former Rugeley Power Station comprising: up to 2,300 new dwellings and residential units (Use Classes C3 and C2), up to 1.2 ha of mixed-use (Use Class A1, A2, A3, A4, A5, C1, C2, C3, D1 & D2) up to 5ha of employment (Use Classes B1(a, b and c) and B2), 1 No. 2 form entry primary school (Use Class D1), formal and informal Publicly Accessible Open Space, key infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513, ground mounted solar panels with 2 No. existing electricity substations (132 kV & 400 kV) retained
<b>Application Type:</b>	Full Planning Application Major with ES

**RECOMMENDATION:**

Approve subject to the conditions within this report and:

(1) Subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:-

1. On-site affordable housing provision equivalent to 17.6% spread evenly across the site (approx. 405 dwellings total)
2. On-site Sports Provision (including changing facilities and management).
3. On-site Public Open Space Provision (including delivery of Riverside Park, retained and new allotments and public art)

4. Delivery of 2 form of entry primary school on site or £7.9 Million contribution and secondary school contribution of £8 Million
5. Highways and Transport Contributions (Off-site Highway Works costed to approximately £4.6 Million), off site linkage improvements, Trent Valley Station Improvements and canal towpath improvements
6. Public Transport Contribution (approx. £3.345 Million) or equivalent similar provision of public transport
7. Travel Plan Monitoring Sum £50,000
8. Air Quality Mitigation Contribution towards Cannock Chase SAC (£2.387 Million)
9. Provision of on-site Community Building and Healthcare Contribution (between £430-736K)

Note a separate Unilateral Undertaking relating to the payment of £221 per dwelling for the mitigation of visitor pressure on the Cannock Chase SAC is also required.

(2) If the S106 legal agreement / Unilateral Undertaking are not signed/completed by the 13<sup>th</sup> April 2020 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development, without the required contributions and undertakings, as outlined.

(3) And delegated approval to Officers to make minor changes to conditions as may be required

## **Executive Summary**



**Figure 1: Rugeley Power Station Design and Access Statement Extract (Pg 8)**

- 1.1 The revised application seeks outline planning permission with the points of access included for the development of up to 2,300 dwellings, 1.2 ha of mixed-uses and up to 5ha of employment land. The proposal is cross boundary, affecting land within both Lichfield and Cannock Chase Districts. The submissions include a high level illustrative master plan showing how the



resultant site could appear. Matters relating to appearance, the precise layout of the site, landscaping and the scale/ height of the buildings are reserved for subsequent approval and as such do not fall for full determination at this time. However the applicant has provided details for approval in the form of Parameters Plans which convey the broad site layout, density, intended movement framework and building heights amongst others features.

### Environmental Statement

- 1.2 By virtue of the size and scale of the proposed development and the potential for significant effects during the construction and operational phases of the development, an Environmental Statement has been submitted with the application. The Environmental Statement (ES) describes and assesses the likely environmental impacts of the proposed development and proposes various mitigation measures to avoid, remedy or reduce impacts where appropriate.
- 1.3 In terms of the Environmental Impact Assessment, it is considered that the implementation of the mitigation measures referenced within the ES will prevent the proposed development from having any significant adverse environmental effects. However this is not the same as concluding the development would not have any impacts on the local area from a planning perspective. These are explored and explained later in this report.
- 1.4 Therefore, a key issue in the determination of this application is whether the proposed development is acceptable, or can be made acceptable in planning terms with due regard to the relevant local and national planning policies and all other relevant planning considerations, including the proposed planning conditions and Section 106 obligations.

### Principle of Development

- 1.5 The application site straddles the boundary between Cannock Chase District Council and Lichfield District Council. The site as a whole is not identified or allocated for any purpose within the current adopted Local Plan (Part 1) in Cannock Chase District. The closure and redevelopment of the Power Station site was not envisaged in the processes that lead to the production of the Local Plan (Part 1) prior to 2014. Although the Council is working to progress a Local Plan Review, this work is in its early stages and cannot be given substantial weight in determining the current application. The site is also subject to the Rugeley Power Station Development Brief SPD that was jointly produced between the respective Council's and this provides guidance about the wider redevelopment of the site.
- 1.6 The site is allocated for residential development of a minimum of 800 dwellings within the development plan governing the land within Lichfield District Council's administrative area. The Armitage with Handsacre Neighbourhood Plan applies to the area of land around the Borrow Pit Lake, suggesting this should be Protected Open Space. A small development parcel is proposed within the application to the north of the Borrow Pit Lake. This portion of the development runs in conflict with Policy AH4 in the Armitage with Handsacre Neighbourhood Plan, although the general thrust and purpose of AH4 reflects the ambitions of the Rugeley Power Station SPD to retain the Borrow Pit as a landscape/water

feature and promote improved access and recreational use of such assets, which the proposed development achieves.

- 1.7 Spatially the site is located on the edge of Rugeley town and is in part previously developed land (aka Brownfield). The development proposed is considered to be sustainably located with good access to public transport and day to day facilities, which could be further improved as part of the development. Accordingly, in spatial planning policy terms the development is considered acceptable.

#### Design Concept

- 1.8 The site will include a new link to Rugeley town centre via the former rail link into the site. This will provide access from the town to a new neighbourhood centre inclusive of a convenience retail store (up to 500sqm), a community building and other mixed uses, closely associated with the proposed primary school, employment uses, formal sports provision and the proposed 25Ha Riverside Park. Also proposed is a smaller neighbourhood centre close to the Borrow Pit Lake with a more recreation related focus as well as links interconnecting with neighbouring land. Additional sports facilities are to be provided around the location of the former Power Station Social Club. The features will be linked by extensive walkable routes including the 'Riverside Walk' spanning much of the length of the site. The density and scale of development would be up to 4 and 5 storeys in the more accessible western portion of the site and would be largely up to 2.5 to 3 storeys to the eastern portion.

#### Transport

- 1.9 Detailed transport modelling has been carried out to predict the uplift of traffic associated with the site. The predicted uplifts require certain improvements to offsite junctions and the wider pedestrian, cycle and canal towpath network. These improvements would be secured by conditions and S106 as would improvements to access to Rugeley Town and Trent Valley railway stations and local bus services.

#### Socio-economic Considerations

- 1.10 The application includes the provision of an on-site primary school alongside contributions of approximately £8 million to secondary school improvements in line with requests from the County Education Authority. Affordable housing contributions equivalent to 17.6% across the whole site, which following the application of Vacant Building Credit would be policy compliant. Community facilities would be provided in the form of retained and new allotments, a community centre, health contributions comprising an on-site dentist and up to £735k towards the improvement of GP surgeries (to be agreed with the NHS CCG) and formal sports facilities of better quality than those which previously existed on the site. A total of 66Ha of publicly accessible open space is proposed across the site.

#### Landscape

- 1.11 The development proposes a mixture of up to 4 and 5 storey properties with generally a higher density in the more accessible portion of the site closest to

the town centre. These properties have been considered in detail in terms of their integration with Rugeley centre and indicative sections and CGI imagery showing such have been provided. Officers are satisfied with the relationship to the town and its landscape context in light of this imagery.

- 1.12 Development of up to 2.5 to 3 storeys is proposed broadly to the east of the site - with the exception of up to 4 storeys of development on a small portion to the northern edge of the Borrow Pit Lake. Officers have considered this development in terms of its landscape impact and the effect on the Borrow Pit Lake as observed from main public vantage points around the site. Officers consider the level of change proposed would not be significant in landscape terms on the basis of the information provided.

#### Biodiversity

- 1.13 Detailed study of the ecological habitats and species within the site has been undertaken and extensive mitigation proposed. In particular a Habitat Management Plan, Construction Environment Management Plan and Ecological Management Plan would be secured by condition. Subject to these measures, habitats in the immediate vicinity of the site would be protected and an uplift of 20% Biodiversity Net Gain would be secured.
- 1.14 Impacts from increased recreational pressure on Cannock Chase SAC would be addressed by contributions to wider established SAMM measures, which seek to implement projects to mitigate and reduce this pressure. Of particular relevance in this case is the uplift in long term nitrate deposition in Cannock Chase SAC through increased traffic movements when the development is fully operational. Mitigation in the form of habitat creation is proposed to offset this impact and would be secured by contributions via S106. This approach has been the subject of an Appropriate Assessment which follows considerable discussions between the two Councils, the SAC Partnership and has been agreed with Natural England.

#### Heritage

- 1.15 The effects of the development on heritage assets within the context of the site have been considered in detail within the submissions. All impacts on designated heritage assets are suggested to be negligible in EIA terms and are assessed as being at the lower end of less than substantial harm by the Lichfield District Council Conservation Officer. Such harms are required to be weighed against the wider public benefits of the proposals in line with paragraph 196 of the NPPF. In the Officer's view, the identified public benefits outweigh the harm, and by extension the Councils are able to satisfy the duty at Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Air Quality

- 1.16 Detailed air quality modelling has been undertaken as part of the EIA process. This considers both construction phase effects and effects once the development is completed. Subject to conditions to ensure appropriate site management to be agreed with Environmental Health, no significant concerns are raised regarding construction. In relation to long term air quality

considerations, the modelling suggests uplift in nitrogen dioxide, PM2.5 and PM10 concentrations will be moderate to negligible overall, and that no additional mitigation is required because concentrations will remain below relevant standards.

#### Noise and Vibration

- 1.17 The dominant noise sources likely to affect the proposed development are the existing road traffic movements and train movements along the West Coast Mainline. Also of relevance are the potential noise emissions from the proposed employment uses within the site, the retained power infrastructure and sports pitches. Planning conditions will seek to ensure adequate noise attenuation is provided within the design of buildings as part of the phased submission of Reserved Matters.

#### Water Environment

- 1.18 The site where development is proposed is predominantly within Flood Zone 1. Foul drainage capacity in the area is shown to be extensive and capable of accommodating the development. Extensive modelling to accommodate the uplift in surface drainage flows has been produced and in particular consultees in the form of the Environment Agency, Severn Trent and the County Lead Local Flood Authority have been consulted to comment on surface water drainage and flooding matters. No objections have been received subject to provision of further details as the Reserved Matters come forward.

#### Overall Conclusions

- 1.19 The application proposes a residential-led sustainable extension to Rugeley. This broadly accords with both the Lichfield and Cannock Chase Council intentions to secure an appropriate re-use of the site within the adopted SPD. The development proposed accords with the adopted Lichfield Local Plan Allocations Document Policy R1 and broadly accords with the sustainability emphasis within the Cannock Chase Local Plan 2014. The application does in part run in conflict with Policy AH4 within the Armitage with Handsacre Neighbourhood Plan in that it proposes development within the area earmarked for protection to the north of the Borrow Pit Lake. In addition the development results in less than substantial harm to designated heritage assets in the vicinity of the site. Some limited negative effect on the landscape setting of the Borrow Pit Lake is also considered to occur.
- 1.20 These harms must be weighed against the benefits of the proposals, which include the provision of up to 2,300 dwellings, employment land and the remediation and reuse of a large potentially derelict site. The redevelopment would provide a significant amount of new publicly accessible open space, including the early delivery of the Riverside Park, and would overall result in a net gain in biodiversity.
- 1.21 It is also a public benefit that the population associated with the development would be likely to sustain use of the main town and would have good access to a varied means of sustainable transport infrastructure, some of which would be improved and enhanced as part of the proposals. The development significantly



boosts housing supply in the area in a manner consistent with the NPPF ambition. The development provides for these benefits in part on Previously Developed Land, the re-use of which should be afforded substantial weight, as per NPPF paragraph 118(c). The development has been assessed in terms of its Environmental Impact and is shown to be able to come forward, subject to mitigation, without significant impacts on the environment or biodiversity.

- 1.22 When considering the extent of the benefits associated with the proposals versus the identified conflicts or harms above, Officers consider the planning balance weighs substantially in favour of the development. As such the development is recommended for approval on the basis of its broad compliance with policies identified within this report, subject to planning conditions and subject to Section 106 Agreement to secure the identified requirements.

## **Consultations and Publicity (Alphabetical Order)**

### ***External Consultations (in summary form)***

#### Armitage with Handsacre Parish Council

No response received albeit a response is known to have been provided to Lichfield District Council of relevance to the Parish Council's Neighbourhood Plan. This states:

Overall the Parish Council approve of the development. However the councillors have concerns over the borrow pit area and the demolition of the environmental hut. The planned properties on the banks of the borrow pit are not in keeping with it being behind the recreational space where the public will walk and relax. The borrow pit is a barrier from Armitage and it is crucial that we do not allow the development of houses around this area. The environmental centre, we were told it was to be kept and now it is to be demolished. This is a hub for all the recreational groups in the area and would continue to be used, if handed over for the benefit of this purpose.

#### Brindley Heath Parish Council –

#### Comments

1. The Parish Council supports a mixed development comprising employment, housing, leisure, local retail, and education provision.
2. A proportion of the development should be allocated to commercial/business/employment use (such as light industry and service industries). Provision should be made for new businesses to be set up and for existing businesses to expand. To this end, it is worth taking into account the strong possibility that JCB will be vacating their current site which is adjacent to the Rugeley Power Station. Dates and timings should be within reach of Cannock Chase Council.
3. Although this planning application is being considered in isolation of JCB's future business plans, the importance of achieving a good balance of different land uses locally should be recognised. Concern is expressed about allocating too much land to employment use and that incorporating green open spaces and leisure and recreation facilities/opportunities into the development would be preferable. This should include integrating the canal and creating walkways and cycle routes into

the town.

4. Development of the surrounding infrastructure should be included within the plans. The surrounding road network, transport, primary healthcare, education (a secondary school) and shopping opportunities would require expansion in Rugeley as the occupants of the new homes will naturally look to their nearest town for these needs to be served. Rugeley is already stretched to the limit.
5. It is understood that the site will be split with a higher percentage of industrial uses on the Rugeley/Cannock side and a greater number of new homes constructed on the Lichfield side of the development. Councillors would not wish to see a division between property types whereby larger aspirational housing is located only on the Lichfield side and affordable housing and block type/high density accommodation on the Rugeley/Cannock side.

### Brereton & Ravenhill Parish Council

#### Object

Brereton and Ravenhill Parish Council (BRPC) has given this application serious consideration and concluded it is fundamentally defective as a result of its unsustainability. Because of inadequacies in of its employment provision, the essential nature of this development is housing for commuting, most of which will be private motor vehicles.

There should be enough land for both new employment and for existing businesses to expand. Rugeley and Brereton have lost too many businesses to other places. This is especially important on the site of a former major generator of employment and indeed the former largest employer. Regrettably, instead of providing substantial employment land, the site will do little, if anything, to support the economy of the area.

The parameters in the outline application are defective in both providing too little employment land, and in using a wording that would allow the developer to do less than apparently proposed. At least 10 Hectares of employment land should be provided. Making their 5Ha a maximum with the dangerous phrase 'upto' means that it could be far less than the 5Ha apparently proposed.

The result is a proposal that is contrary to Lichfield Core Policies 1 and 3. Far from reducing the need to travel, this motorcar based commuter development on the site of the former largest employer will increase it. In terms of National Policy, conflict with each of three objectives in NPPF (2019) Para 8 is apparent. The proposals fail to limit the need to travel and car use, contrary to Para 103 and 122(c). The proposals hinder the move to a low carbon future contrary to Para 148.

BRPC is also concerned about the consultation process. The applicant has pursued its original intentions, ignoring views contrary to those intentions in report-backs and claiming incorrectly that people at events supported those original intentions when it did not seek the views of most people.

Amended Comments reiterate the employment land quantum concerns and also suggest that B8 uses should be provided within the site. Concerns in relation to a

failure to consider non-designated heritage assets appropriately are also raised albeit, no specific assets are identified within the comments provided.

### British Pipelines

No objection

We are not aware that any of BPA Pipelines apparatus, falls within the vicinity of the above noted location.

### Canal and Rivers Trust

No objections subject to S106

Supportive of the proposed amendments. However, note that the proposed towpath works, which would be a natural continuation of the improvement works currently being undertaken by SCC Highways, do not connect up, with an unimproved area of approximately 230 metres. Request the scheme be extended to include this area and the need for the delivery of the works be detailed within the draft S106 Heads of Terms (21/11/2019).

Previous Comments: The proposed Heads of Terms currently fail to include provision for completion of the off-site towpath enhancement works identified as part of the application. Advise that they are happy for the County Council to undertake these works, thereby negating the need for the Trust to be a signatory of the S106 (07/11/2019).

The towpath in the area adjacent to the application site is not in a condition that can support the additional footfall arising as a consequence of the development. Recommend that the applicant therefore provide a s106 contribution, to upgrade the condition of the towpath and canal public realm, in the vicinity of the development.

Notes that the applicant is proposing to formalise a pedestrian access point to the towpath to the southern edge of the site. Any new access or works to the Trust's land will require an agreement with the Estates Team. The applicant is also suggested to contact the Trust's Sales Team, in order to consider the canal as a water source for heat pumps proposed to be used within the development and also for use for surface water drainage (18/07/2019).

### Cannock Chase AONB Unit

No objection

As you are aware, the AONB is a statutory designated area under the Countryside and Rights of Way Act 2000 (CROW). CROW places a duty on all public bodies (including Parish Councils) to "have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty". The provisions of the Act are:

- “(a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and

- (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty,

but if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a).”

The requirements of the National Planning Policy Framework, and the policies of the adopted Local Plan, will also apply. Cannock Chase Local Plan Core Policy 14 – Landscape Character and Cannock Chase Area of Outstanding Natural Beauty is relevant to this development, though not referred to in the Design and Access Statement (DAS). Additionally, I draw your attention to the Cannock Chase AONB Management Plan 2019 -2024, which sets out policies that seek to reduce negative impacts of recreation on sensitive sites within the SAC and the wider AONB. Policy WN1 seeks to minimise impacts on the condition of the SAC, whilst Policy EE2 seeks: reduce recreational and visitor pressure within the AONB through supporting improvements to the quality and connectivity of existing, and development of new Green Infrastructure and Open Space outside of the AONB boundary.

Site and proposed development:

The proposal is for up to 2300 dwellings and employment uses. The DAS notes that the AONB is 8km from the site, however parts of the AONB such as Chetwynds Coppice lie less than 1.5km of the site. Chetwynds Coppice is already under high pressure from recreational use.

The application site lies on the north eastern edge of Rugeley. There are established areas of housing and employment uses, adjacent to the site. I am satisfied that development of the site would not give rise to direct landscape or visual effects on the AONB or its setting. Therefore, any potential AONB issues relate to:

- Potential for increased user pressure affecting the special qualities of the AONB.
- Adequacy of CIL/S106 for SAC mitigation and other AONB related measures.

We have commented in the past on the Core Strategy and the CIL to the effect that AONB considerations, linked with, but separate, from those of the SAC, should form part of the consideration of infrastructure requirements as development is planned and permitted. Therefore, with reference to Planning Obligations and the use of CIL, should the proposed development proceed, it would be appropriate to direct some funds towards work within the AONB to mitigate potential effects of the new development on the area. Projects that could be considered should relate to the AONB Management Plan, including habitat and access management work. The AONB Joint committee also welcomes provision of recreation facilities that would encourage users to participate in activities outside the AONB, thereby helping to reduce user pressures within the AONB. Enhancing recreational provision on the site and opportunities to link to pedestrian and cycling routes along the Trent Valley and the wider countryside should be therefore be supported.

Provided that any wider impact on the AONB is taken into account and appropriate measures required, the AONB Joint Committee has no objection to this planning application.

### Cannock Chase Clinical Commissioning Group (CCG)

No objection subject to contributions

The development is proposing 1036 **(A)** dwellings within Cannock Chase District which based on the average household size in the area of 2.4 per dwelling would result in an increased patient population of approx. 2486 **(B)** (2.4 x A). Calculations in line with Dept of Health HBN11-01 standards suggest an additional 65 hours of consulting room time and 17.4 hours of treatment room time would be required to service this level of population. The surgeries likely to be affected by the increased population are:

- Brereton Surgery, 88 Main Road, Brereton, Rugeley, WS15 1DU
- Horse Fair Practice Group, Sandy Lane Health Centre, Sandy Lane, Rugeley, WS15 2LB
- Aelfgar Surgery, Church Street, Rugeley, WS15 2AB

The practices listed above are looking to expand/alter their surgeries, or are part of a wider strategic redevelopment, to provide additional patient space to meet the demands of the patients. We request a contribution from the housing development towards the expansion of the above premises. The estimated cost of providing the expansion required is estimated to be £735,974.40 and should be secured by S106. An on site solution is not the CCG's preferred option on the basis it does not reflect the most cost efficient approach to health provision.

### Cannock Chase SAC Group

No objection subject to securing mitigation

The SAC Team agrees with the information submitted by the applicant (Shadow HRA, Nov 2019) that the development is unlikely to result in significant impacts (alone or in combination) on: Pasturefields Saltmarsh SAC; Cannock Extension Canal SAC; & West Midlands Mosses SAC. There is sufficient evidence that these 3 designated sites should be screened-out at stage 1 of the Habitats Regulation Assessment.

The SAC Team agrees with the information submitted by the applicant that the development (alone and in combination) is likely to result in a significant impact upon Cannock Chase SAC due to both increased visitor pressure and increased level of atmospheric deposition of Nitrogen Oxide, Nitrite and Nitrate (NO<sub>x</sub>). Appropriate Assessment (AA) must be undertaken to consider these two impacts upon Cannock Chase SAC; conclude the likely scale of the harm; and determine if the mitigation measures recommended by the applicant are logical, achievable and proportional to the scale of impact.

It is considered that the information provided within the Shadow HRA (Nov 2019) is sufficient to allow the LPA's to complete HRA and that the mitigation schemes suggested by the applicant to address both of their negative impacts to Cannock Chase SAC are robust and proportional to the determined scale of impact.

As such, at this time the SAC Team deems that the LPA's are able undertake and complete HRA for Cannock Chase SAC, discharging their statutory responsibility as per Regulation 63 (1) of the Conservation of Habitats and Species Regulations 2017.

## Coal Authority

No objections

The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

## Environment Agency

No objections subject to conditions

Groundwater and Contamination - The site is located in a sensitive location in relation to 'Controlled Waters'. Our maps and previous site investigations have shown that the underlying geology consists of upto 15m thick Alluvium Clay and River Terrace Deposits over Triassic Sherwood Sandstone. The site has a shallow water table (in general 1.5m to 2m below ground level) and is located adjacent to the River Trent. There are various surface water ponds, drains and channels running straight into the Trent.

The majority of the development area is underlain by old PFA deposits and/or on top of historically landfilled areas. Moreover the current groundwater abstraction license for the previous cooling processes on site is said to be traded with one of the water companies to add the existing bore hole on site to their potable supply network. This will introduce a new Source Protection Zone locally and will increase the sites vulnerability.

Chapter 12 of the Environmental Statement sets out precautions and mitigation measures that are to be put in place during development. Chapter 10 assesses potential impacts from construction and operational phases on surface water quality and water resources (particularly the River Trent). This includes urban diffuse pollutants, WFD assessments, future surface water drainage and SUDS, water quality monitoring.

Past investigations indicate groundwater is known to be already impacted locally (e.g. elevated concentrations of cadmium, copper, manganese and nickel have been recorded near the PFA lagoons). This may increase during construction to the potential for ground disturbance, dewatering and contaminant mobilisation. Therefore additional ground investigation must be undertaken prior to development commencing to enable more encompassing and detailed consideration of risks from potentially contaminative sources. Where risks are deemed significant, detailed remediation strategies and long term monitoring will have to be developed accordingly.



Flood Risk - The site boundary lies within Flood Zone 3 of the River Trent. In section 4.4.1.2 (Additional Modelling Undertaken by AECOM) of the FRA, it has been demonstrated that the ground levels of the railway embankment are between 0.7m and 1.9m above the 1 in 100 year plus 50% climate change flood level and the ground levels within the site are above all modelled flood water levels.

Biodiversity - Chapter 10 of the ES and the Preliminary Water Framework Directive (WFD) by AECOM present possible enhancement opportunities for areas and waterbodies within the site. Currently the River Trent has 'poor' ecological status under the Water Framework Directive and the aim is for all waterbodies to meet 'Good' status by 2027. The provision of a final WFD Enhancement Opportunities Plan secured by condition will ensure opportunities for enhancement are not missed.

Foul Drainage and Water Quality - Section 10.2.45 of the ES suggests spare capacity exists within the Rugeley Waste Water Treatment Plant for approx. 48,984 dwellings. We strongly advise that once the hydraulic assessment and information on the impact of the proposals on the wider network is complete it is submitted for review. We require confirmation on baseline Severn Trent will be using to determine whether there is sufficient capacity within the current network as assessing whether the pipes are big enough to convey flow is potentially different to hydraulic assessment to ascertain the impact on the environment. This is important because the hydraulic assessment determines how often combined sewer overflows overflow and at what volume compared with current spill frequencies. We also note there is a possibility of a foul pumping station. We would expect to see final confirmation that the increased effluent flows would not cause deterioration and promote recovery of existing waterbodies.

Water Resources - Dust suppression and habitat creation are proposed. Depending on the scale of water required for these purposes, they may require abstraction licences. It can take 4 months for a licence. We support the use of water efficiency measures to minimise demand on water resources.

The following conditions in summary form are recommended ( Full condition wording provided elsewhere in this report):

1. Prior to commencement provide site investigation details and remediation details to be provided
2. Prior to commencement verification report to be provided demonstrating completion of the works within the remediation strategy
3. No infiltration of surface water drainage to ground
4. Piling or other foundation designs using penetrative methods shall not be permitted unless agreed
5. Carry out development in line with the Flood Risk Assessment. All built development to be within Flood Zone 1 and no ground raising within Floodplain
6. Submit and agree landscape and ecological management plan
7. Submit and agree Water Framework Directive Enhancement Opportunities plan

#### Health and Safety Executive

No objection

The site area identified does not cross any consultation zones. The area identified does not currently lie within the consultation distance of a major hazard site or major

accident hazard pipeline; therefore at present HSE does not need to be consulted in relation to the development of the site.

Highways England

No objection

Historic England

No objections

The application has assessed the impact upon settings within the 'Built Heritage' chapter of the Environmental Statement. This covers the majority of the assets likely to be impacted and concluded there to be negligible or neutral effects upon significance. As highlighted in the submissions, the removal of the power station is likely to have beneficial impacts upon the settings, removing highly visible and dominant modern structures from the back drop and key viewpoints of a number of designated heritage assets, 'restoring' some of these views to something more akin to the assets' historic surroundings. We welcome this beneficial impact. We also welcome the the development minimises the impact upon the Trent and Mersey Canal Conservation Area with a green buffer between the canal and the new housing in the southeast of the site.

Historic England has no objection to the outline application in principle. We recognise the removal of the existing power station would have a beneficial impact upon the setting of multiple designated heritage assets. It is important that any negative impacts from the new development are fully understood and, where possible, minimised. To that end we previously recommended a more detailed assessment of Castle Ring scheduled monument was undertaken. This additional information has been prepared and it is concluded there are no impacts on the significance of Castle Ring as a consequence of the proposals.

HS2 Ltd

No objections.

Further to the email on 28 June 2019 I can confirm the House of Lords Select Committee Clerks have published their petitioning guidance. The guidance clarifies the petitioning process and, of particular relevance to this proposal is the guidance which relates to additional provisions. I am pleased to confirm that the guidance provides HS2 Ltd with sufficient confidence to confirm that it has no objection to the proposed development. This is on the basis that while the proposed development would affect land currently within the limits of land subject to safeguarding directions for the construction and/or operation of Phase 2A of the railway, the Bill's continued progress through the parliamentary process will confirm that the affected land subject to safeguarding is no longer required for the purposes of constructing and operating the railway.

Lichfield District Council Ecologist

No objections subject to conditions

The Ecology Team is satisfied with the methodologies and the information provided within the submitted Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum, Technical Appendix 9.8, Biodiversity Net Gain and Letter Appendix A – Ecology Correspondence. The Ecology Team concurs with the conclusions of the above documents in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impact upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2016); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) subject to the appropriate suggested measures of avoidance and mitigation as outlined in 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum.

The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its “Biodiversity Duty” (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

Adherence by the applicant to all recommendations and methods of working detailed within Section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum must be made a condition of any future planning approval (i.e. the submission of a Habitat Management Plan (HMP), Ecological Mitigation Strategy (EMS), Construction Environmental Management Plan (CEMP) prior to submission of Reserved Matters and the adoption of Reasonable Avoidance Measures (RAMS) and further surveys as required throughout the phasing of the development.

The Ecology Team is satisfied with the quantitative data submitted by the applicant at this time via the Technical Appendix 9.8, Biodiversity Net Gain dated May 2019.

The Ecology Team considers that the quantitative data submitted is an accurate depiction of value/s of the habitat current on the site of proposed development (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 398.31 Biodiversity Units (BU). Equally the Ecology Team agrees that the Biodiversity Impact Calculator is accurate in describing the likely achievable biodiversity value of the site post development, as 426.20 Biodiversity Units (BU).

Achievement of both No-Net-Loss to Biodiversity and a sufficient Quantitative net-gain as per the quantitative data submitted is sufficient to provide assurance to the LPA that the current development scheme as described by the Technical Appendix 9.8, Biodiversity Net Gain dated May 2019 and as depicted in the Green Infrastructure Plan and Ecology Environmental Statement is unlikely to result in a net-loss to biodiversity value and as such is deemed to conform to the guidance of paragraphs 9, 109 and the requirements of paragraph 175 of the NPPF 2019.

The Ecology Team welcomes the applicant’s intention to deliver net gains of 27.89 BU

as part of the proposed development scheme. The Ecology Team approves of the new habitats proposed for creation as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map (see Appendix E map 4 of the Biodiversity and Development SPD) and the recently adopted Nature Recovery Network Mapping. As such the development scheme is viewed as likely being able to achieve a 20% net-gain to Biodiversity Value and so complies with both policy NR3 of the Local Plan and the requirements of the Biodiversity and Development SPD.

However, the applicant will need to submit to the LPA a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof) demonstrating a net gain to a value of no less than 27.89 BU. This should be supported by an updated biodiversity metric for the site. The CEMP will also need to contain all information detailed within section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement. This information should be provided via pre-commencement conditions of any future planning approval.

Lichfield District Council Planning Policy Team

No objections in principle subject to assessment.

The site is located to the east of Rugeley Town Centre and traverses the boundary between Cannock Chase District and Lichfield District Council. The site is located adjacent to the East of Rugeley Strategic Development Area and allocated within the emerging Local Plan Allocations for a minimum of 800 dwellings as identified on Inset 18 of the Local Plan Policies Maps. Within Lichfield District, the site is situated within the Armitage and Handsacre Neighbourhood Plan Area.

In summary, there are no policy objections to the principle of the proposed development at the former Rugeley Power Station, which is allocated for the development of a minimum of 800 dwellings in the emerging Local Plan Allocations document. From a policy perspective, the development scheme should seek to deliver 35% affordable housing provision on site however it is noted that this is subject to a vacant building and potential viability assessment. Further, in accordance with Policy AH4 of the Armitage with Handsacre Neighbourhood Plan the education centre should be protected, however I will leave this to the Case Officer to consider and balance as part of the wider proposed scheme.

In response to the amended plans, it is suggested conditions restricting neighbourhood retail provision should be included. It is also noted the proposed locations of centres and development are not in conformity with the principles set out in the Rugeley Power Station SPD, which consider a more central location for retail to be appropriate. In addition, support for the proposed health facilities within the site should be secured from the CCG.

Lichfield District Council Conservation Officer

It is considered that the proposed development would cause less than substantial harm to a number of designated heritage assets. The highest level of harm (but still less than substantial) would be caused to the Trent and Mersey Canal Conservation Area due to the increased noise and movement generated by the development. Also

being affected, but to a lesser degree of harm, is Mavesyn Ridware Conservation Area. It is also considered that the significance of a number of the listed buildings and structures will be harmed by the proposed development and these are identified later in these comments. Where harm is considered to result from the proposed development, in all cases this is considered to be less than substantial.

While there are no demonstrable heritage related public benefits identified as part of the planning application or any mitigation for the harm, there are some potential mitigation works and heritage-related public benefits which are discussed below and which could be explored as part of the application. There are also significant non-heritage related public benefits that will be derived from the proposed development and it is considered that these should be balanced by the decision maker, against the less than substantial harm to the relevant designated heritage assets.

There is concern that the full impact of the development is not being considered by the current application. The proposed development will bring built form much closer to a number of the DHA's and both the construction phase, but more permanently, the occupation will massively increase the level of noise, movement, activity in and around the DHA's, so affecting many of them, some more than others. Further comments are provided.

#### Lichfield District Council Urban Designer

In summary, some concerns remain about the achievability of the high densities proposed even in light of the additional parking, amenity space and refuse storage details. Nevertheless, these are detailed matters for consideration at a later stage and are flagged at this stage for the applicants benefit. Original comments on the submitted proposals were as follows:

#### 1. Access and Movement

- I would continue to reiterate that the provision of a 3<sup>rd</sup> vehicular access would significantly improve the accessibility and sustainability of the site as well as improving its permeability and its integration into the wider area. The Rugeley Power Station Development Brief SPD is clear that 2 access points are the minimum that are required. The two current accesses are around 2.2km apart as the crow flies meaning that there will be significant vehicular journeys through the site. Even if this connection cannot be provided at present; consideration should still be given and provision made for its creation in the future, if land ownership issues or other problems are resolved. This aspect of the development should be future proofed so not to preclude the possibility of a third vehicular access point at a future date.
- Access to the school has been clarified with considerable additional information being provided to demonstrate the various routes that could be taken and their safety. Provision has been made for some parking, as while walking and cycling are encouraged it is inevitable that some parents/guardians will drive so it is welcomed that this potential issue is being addressed at this stage.
- The former railway, which are intended to act as a key pedestrian/cycle route will not serve as such for the full length of the site. The Access and Movement Parameter Plan shows it as a purple dashed line running the whole length of

the 'Rail Way' which is described in the key as 'including sustainable transport routes, pedestrian/cycle routes, drainage elements, planting and occasional vehicular access'. On the masterplan around a third of this 'Rail Way' is shown as a road and potentially even a bus route which is not compatible with a safe pedestrian/cycle route. If, as per the SPD, no built form was proposed to the north of the former railway then this would allow this safe pedestrian/cycle route to be extended for the full length of the former railway and so would solve this aspect of lack of connectivity to the south-eastern corner of the site.

## 2. Land Use Parameter Plan

- The principle of built form in two areas marked on the land use parameter plan which are numbered 5 (adjacent to the Borrow Pit) and 8 (adjacent to the new riverside park) on the Illustrative Masterplan are still of concern.
- Both of the areas are shown as being strategic landscaping in the SPD. Therefore it remains the position that built form in this area should be resisted.
- In terms of policy these comments are based on the RPS SPD. In Figure 4.4 neither the area to the NE of the Railway sidings or adjacent to the Borrow Pit are shown as residential use. In Figure 2.6 Strategic Landscape it is shown as forming part of the strategic landscaping for the site.

## 3. Building Heights Parameter and Density Parameter Plans

- Some clarification has been provided on this parameter plan that in the areas marked as being up-to 5 storey, a maximum of 10% will actually be 5 storey and in the areas marked as being up-to 4 storey and maximum of 20% of the buildings will be 4 storey with the rest being lower. This is welcomed.
- Notwithstanding the fact that the SPD shows no built form in the area north-east of the former railway, in terms of the proposed development, there remains concerns that while the maximum height proposed in this area has been reduced to 3 storey, no clarification has been provided as to how much will be 3 storey and generally this is still considered too high. If any development were to be permitted in this area, it should show a clear reduction in height and density towards the edges of the site and not an increase as is currently shown on this parameter plan.
- Notwithstanding the fact that the SPD shows no built form in the area adjacent to the Borrow Pit, in terms of the proposed development, there remains concerns that the proposed development in this area is shown as having a maximum height of 4 storeys. Again, if any development were to be permitted in this area, this should be considerably lower in height and density given its sensitive location between the Borrow Pit and open countryside.
- Notwithstanding the concerns over the principle of built form in the locations to the north-east of the former railway and adjacent to the Borrow Pit, paragraph 4.58 of the SPD states that lower densities should be proposed towards the southern and eastern edges so that the built edge can be assimilated into the countryside.



- LDC's Sustainable Development SPD states in paragraph 3.53 that, 'The density of a proposed development, expressed through its layout, should be a product of the design process, rather than the driver of it... for development to be sustainable it must also be desirable. As well as integrated movement patterns, new developments should relate positively to the context within which they will sit, and take cues from the local characteristics that are identified as worth emulating.' Paragraph 3.55 also states that, 'It is also necessary for layouts to respect the cultural and natural heritage of the area and landscape within which it sits in order to achieve development which is sustainable in environmental terms.'
- The proposed heights and high densities along the boundary of the proposed developable areas of the site with the open countryside will create a strong hard edge when, if the proposed development were designed to transition comfortably from a built up area to open countryside it would be expected for the development to be no more than 2 storeys in height and a much lower density. Similar schemes have densities of around 20dph at the rural edges.
- The maximum height at the northern entrance to the site has been reduced to 4 storeys (with the same caveat of only 20% being 4 storeys) and this is welcomed.
- There remain some concerns regarding the proposed 5 storey development adjacent to the railway sidings at the north of the site. An amended cross section B-B on drawing 01585\_SK\_056 C shows the Riverside Promenade providing considerable screening. As there will only be 10% of the development at 5 storeys, it would be preferable to see the lower heights being used directly adjacent to the walkway.
- In terms of density, as has been discussed before, the proposed densities are considerably higher than those previously approved on most other allocated. This is not to say that these densities cannot be accommodated but simply that both the LPA's need to be satisfied that this will not be at the detriment of the finished scheme and should not compromise the attractiveness of the development and its desirability as a place to live.

#### 4. Green Infrastructure Parameter Plan

- There are still few, if any, informal, incidental green open spaces within the residential parcels. These would really improve the quality of the residential areas, in particular the high density areas and those areas which are further away from the formal play areas. There is a single LEAP within the large residential area adjacent to the Borrow Pit marked on the Parameter Plan but there are 4 potential locations for surface attenuation ponds and basins. While ponds are design to be permanently in water, basins are designed to be dry for the majority of the time and so could these double up as informal 'kick-about' spaces?
- In the areas of highest residential density there is a concern that these will be overly dominated by hard landscaping, the application needs to show that the green infrastructure will carry on through these heavily developed areas.

- The SPD includes a key principle of the development of the site being the creation of useable, well connected green infrastructure. The Green Infrastructure Parameter Plan shows many elements of the green infrastructure isolated amongst areas of built development. The masterplan shows the primary road as being tree lined, but this is not shown as green infrastructure on this parameter plan. A primary road with green verges and suitable, structural tree planting could contribute towards the desire to create a useable and well connected green infrastructure.
- All structural planting, such as that along a tree lined primary road, or other planting that is needed to achieve the desired quality of development should be in public spaces that are maintained by the Management Company. Additional non-structural planting can be in private gardens and spaces.

## 5. Parking

- The parking strategy should include provision for parking for the facilities that are to be provided. This could include the sports pitches, allotments and Borrow Pit Lake. Some of these facilities may also require some built form such as storage for the allotments of changing facilities for the formal sports pitches so these should be accommodated.
- Rear parking courts, where used, need to be clearly overlooked by neighbouring properties to provide natural surveillance and to deter crime. Ideally the resident should be able to see their parked car from their house.
- The SPD states in paragraph 4.33 that the parking should be integrated into the development in order to limit the impact on visual amenity. To enhance visual interest and break up the streetscene, generous planting will be required where there is surface level parking. The application needs to demonstrate that this can be achieved.

## National Grid

No objection subject to maintaining access rights

National Grid is willing to engage constructively with the applicant to ensure that the development of the site can proceed appropriately without prejudice to the operation and maintenance of pre-existing on-site electricity assets and any assets that require re-location or alteration as a result of the proposed development. It is requested that the Illustrative Masterplan and Parameter Plans are amended prior to any outline planning permission to clarify that National Grid assets will be appropriately accommodated within the proposed development and that appropriately worded conditions and informatives be included on that planning permission such that future developers of the site are clear as to the site constraints and National Grid requirements.

Please note that these representations relate only to electricity assets owned by National Grid, not to any such assets that may be operated in the area by Distribution Network Operators.

## Natural England

No objection subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of the Cannock Chase SAC. In order to mitigate the adverse effects and make the development acceptable, the following mitigation measures should be secured:

- Delivering mitigation for recreational impacts on Cannock Chase SAC by means of the Strategic Access Management and Monitoring (SAMM) measures
- Delivering mitigation for air quality impacts on Cannock Chase by means of the agreed measures when set out in a finalised Appropriate Assessment
- Integrate into the scheme design and construction management plan the proposed mitigation measures for protected species, as outlined in the Environmental Statement dated May 2019.

We advise an appropriate planning condition or S106 is utilised to secure these measures.

The decision taking Authority is required to undertake an Appropriate Assessment in line with the Habitats Regulations (2010 as amended).

Natural England welcomes the strong green infrastructure emphasis shown in the proposed development and the commitment to Net Biodiversity Gain.

## Network Rail

No objections subject to conditions

Construction works and access and egress from the site must not impact any Network Rail infrastructure assets. When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc.) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken.

Transport Assessments should include consideration of the impacts of the proposal on Rugeley Town Railway Station and Rugeley Trent Valley Railway Station. Full developer funding for enhancements should be included within the proposal (either via S106 or CIL) and agreed prior to any planning application decision. Discussion of the impacts of potential increased footfall at the railway stations should be undertaken with Network Rail and the TOC.

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent.

A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement. CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

It is requested the Local Planning Authority adds the following conditions and satisfies themselves that noise will not cause a future issue to prospective occupiers:

- Drainage
- Piling
- Excavation and earthworks
- RAMS
- Lighting within 50m of functional track

#### Planning Casework Support Unit

No comments

We acknowledge receipt of the Environmental Statement. We have no comments to make.

#### Rugeley Town Council

Offer Comments

Amended Comments (20 December 2019)

- The site was previously a large employer. Its closure resulted in the loss of many jobs. Neighbouring developments have not gone far enough to replace the lost employment.
- Temporary employment will be created during construction. Requests are made that recruitment should be targeted at local builders/ tradesman.
- The development could potentially be inward looking. Creating strong physical links between the development and the town facilities is imperative. Such links should be delivered early in the process to promote use by workers during construction.
- Bicycle parking and electric bike charging should be provided for in the town.
- Enhanced disabled access along the canal towpath should be provided.

- A Regeneration Officer should be provided for a period of at least 3 years to promote inward investment in the centre, promote the town at large and encourage new retailers.
- Education capacity in both primary and secondary is a concern
- There are concerns that creating mixed tenure on the site is in fact creating pockets of various tenure, rather than inclusion. The lower density, higher value housing is located near to the Armitage with Handacre boundary and high density flats at the Rugeley end. This should be spread around the site to avoid segregation.
- Concerns regarding the screening of the retained substation

Original Comments:

- When the Power for All community group had spoken with ENGIE, they advised that the application was not a done deal and the community would still have their say. However within the application it was written that community consultation had taken place and they agreed the application.
- The demolition of the buildings and remediation of the land was not seen as an issue
- Of the 137 Ha site, only 5 Hectares is proposed for commercial use. This is low given the scale of the site
- There was concern the lower cost higher density housing was all focussed on one corner of the site. We would prefer to see this spread across the whole site so a mix of tenure was available rather than ghettoization
- The lack of mix of housing tenures means that the council tax banding will be unfairly proportioned across the development site favouring Lichfield. This will have an impact on the CIL allocated to the District Council's to the detriment of the community most impacted by the development i.e. Rugeley and Brereton and Ravenhill.

Severn Trent Water Ltd

No objection subject to conditions

1. Development shall not commence until drainage plans for foul and surface water submitted and approved by LPA
2. The scheme shall be implemented in accordance with the approved details before the development is first brought into use

South Staffordshire Water Plc

No objections

South Staffordshire Water appear to have assets within the application site. Engagement with the developer at an early stage is required if the asset is proposed to be affected by the construction works. The normal process of an application to secure new connections could also look to provide new assets within the site.

Sport England

No objection subject to conditions

Sport England considers that the proposal has the potential to broadly meet Sport England exception policy E4 subject to conditions and an appropriately worded S106 agreement securing the replacement playing field and ancillary provision alongside management arrangements for the site.

Sport England welcomes reference within the submitted draft heads of terms which highlights that a S106 agreement will be utilised to secure the on-site provision of Community Sports Pitches (indicatively including football, all weather pitches, cricket pitch, tennis and bowls), changing facilities and Multi Use Game Area.

Sport England has also held discussions with the applicant regarding the content of the draft S106 agreement and considers that the agreement should include the following:

- set out an appropriate timeframe for the delivery of the sports and ancillary provision;
- set out the quantum of playing field provision at the Rugeley Social site and the minimum area/court provision (at least two tennis courts) for the MUGA and all weather pitch;
- set out the minimum size of the 4 team change pavilion /clubhouse facility (inclusive of female, male and disabled conveniences/ officials rooms/ bar/club area/kitchen/storage area n.b. list not exhaustive) designed in accordance with Sport England's clubhouse design guidance note (or any successor documents) or the relevant pavilions/clubhouse guidance from the national governing bodies whom will be the primary user of the site (i.e. ECB or Football Association/Football Foundation guidance);
- Set out a timeframe for the submission of the sport provision layout plan for example "No occupation of the [ ]<sup>th</sup> Dwelling prior to such a time that the layout of the playing pitches, pavilion/clubhouse changing facility, floodlit bowling green, storage area for bowls, MUGA, 3G pitch and car parking spaces to serve the sport site has been submitted and approved by the local planning authority (following consultation with Sport England)";
- Set out the playing pitches should be constructed in accordance with Sport England's Natural Turf for Sport guidance;
- Ensure that a schedule of playing field maintenance including a programme of implementation, informed by specialist turf consultant and having regard to Sport England's technical design guidance note titled 'Natural Turf for Sport (2011) and relevant National Governing Bodies performance quality standards, is submitted and approved by the Local Planning Authority. Following commencement of use of the development the approved schedule should be complied with in full.

It is noted that the quantum of playing field provision will exceed the amount of playing field at the site. However, to ensure that the same sports are capable of being played at the site to at least the equivalent standard and quality, the following conditions are also considered necessary:

- Floodlighting
- Ball Strike Assessment
- Playing Field Construction
- Pitch construction, "Natural Turf for Sport"



In summary Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception E4 of its Playing Fields Policy subject to an appropriately worded S106 agreement addressing the matters raised above and the above conditions being attached to the decision notice. Should Sport England fail to agree to the S106 agreement relating to the sporting provision or the conditions are not attached, Sport England would wish to raise an objection to this application.

Sport England would therefore wish to have further dialogue regarding the contents of the draft section 106 agreement. In relation to the conditions if you wish to amend the wording or use another mechanism in lieu of the above condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome and it is consulted on any amendments.

#### Staffordshire County Archaeology

No objection subject to condition

The application is supported by a suite of documents including an illustrative Masterplan, an Environmental Statement containing chapters on built heritage, landscape and visual, and an Outline Remediation and Reclamation Strategy.

Whilst it was agreed Archaeology would be Scoped Out of the EIA, this was with the caveat that once the Masterplan had been developed further, any archaeological mitigation could be picked up as a condition of the consent. This was felt appropriate given the level of made ground on the site, the previous uses, predicted levels of the proposed development and the minimal amount of development proposed to the less developed areas. However this is not to say Archaeological potential does not exist. Indeed the Staffordshire Historic Environment Record and associated datasets suggested potential for prehistoric to early medieval archaeological deposits under the alluvium in the area. This is in addition to above and below ground features associated with post medieval water meadows in the area proposed for the public riverside park.

Having considered the the outline proposals, it is noted the creation of the development platform will necessitate the removal of alluvium deposits across the site down to the natural superficial deposits, in this case river terrace deposits. As such there is some potential for previously unknown prehistoric to early medieval deposits to be encountered as part of the reclamation process.

Accordingly a condition requiring archaeological mitigation is likely to be recommended as a condition of planning consent when further information is provided as part of subsequent or reserved matters applications.

In relation to the amendments we welcome the reduction in the scale of the development and the additional information relating to the viewpoint from Castle Ring. In tandem, this information confirms the proposals will not affect the significance of this asset.

#### Staffordshire County Flood Risk Management (SUDS)

No objection subject to conditions

We consider that outline planning permission should only be granted to the proposed development if the following planning condition is imposed as set out below.

#### Condition

Prior to commencement of each phase of the development of a satisfactory water drainage design should be submitted to and approved in writing by, the Local Planning Authority. The drainage design for each phase of the development shall be designed in accordance with the principles set out in the approved Flood Risk Assessment (Report no. WORK\34060387\v.2 Rev 3 dated 14<sup>th</sup> May 2019 compiled by AECOM) and Drainage Strategy Report (WORK\34060242\v.2 Rev 4 dated 15<sup>th</sup> May 2019 compiled by AECOM) and the following measures:

- a) Percolation assessments carried out in accordance with BRE digest 365 to determine infiltration potential.
- b) The assessment of existing outfalls and remediation where required to accommodate flows from the development.
- c) The incorporation of SuDS features including source control, permeable paving, swales and open water features within the drainage design to provide adequate water quality treatment in accordance with CIRIA C753.
- d) Surface water discharge from each Area to be limited to the combined restricted rates for the equivalent return period storms as specified in Appendix A of the Drainage Strategy Report.
- e) The provision of adequate on-site attenuation features across the site to limit the maximum surface water discharge to the combined restricted rates for the equivalent return period storms as specified in Appendix A of the Drainage Strategy Report.
- f) Where attenuation features are allocated to serve multiple phases, they will be constructed and operational to serve the relevant phase.
- g) Finished floor levels are set no lower than 150mm above local surrounding ground levels.
- h) The management of overland flows in the event of exceedance or blockage of the drainage network to ensure no flooding to property.
- i) The details of an achievable and site-specific maintenance plan for each phase of the development including the provision of access and maintenance arrangements for the key features to be retained as specified in section 3.1.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Staffordshire County Council School Organisation

No objections subject to S106 contribution

The application would result in an education contribution of £15,062,040 (index linked) plus a suitable site to be sought from the developer to mitigate the impact on education. The development would be acceptable from an education perspective subject to a Section 106 agreement which meets this requirement.

In determining that this level of contribution is necessary and in accordance with CIL legislation, the requested education contribution is deemed to be:

- a) Necessary to make the development acceptable in planning terms
- b) Directly related to the development, and
- c) Fairly and reasonably related in scale and kind to the development

Based on the location of the proposed development we have considered the impact on school places in Rugeley and the surrounding areas and more specifically Chancel Primary School, Hob Hill CE/Methodist Primary School, Redbrook Hayes Community Primary, The Croft Primary and the Hart School.

To understand the impacts on these schools analysis has been undertaken using the number of pupils on the roll, net capacity/funding arrangements of the schools and pupil projections.

It was calculated that 2300 dwellings would require:

- 104 Early Years Places
- 483 Primary School Places
- 345 Secondary School Places
- 69 Post-16 places

There are projected to be an insufficient number of school places in the local area to accommodate the children generated by the development at both secondary and primary phases of education. In order to mitigate this the developer should provide:

- Primary School: The cost of a 2FE primary school = £7,902,200 plus a suitable site of 2Ha to the a 2FE primary school
- Secondary School: The level of contribution has been calculated based on the cost of providing a 2FE secondary and post 16 places. The contribution will be used to either expand existing secondary provision at Hart School or provide new secondary school provision elsewhere (on/offsite). 2 Form of entry high school places currently cost £8,000,000. Further discussion will be required in terms of on/off site provision.

Based on standard triggers, the development will require payment of the education contribution at the following points:

- 30% on commencement of the development
- 30% on commencement of 30% of the permitted dwellings (i.e. 690 dwellings)
- 40% on commencement of 60% of the permitted dwellings (i.e. 1380 dwellings)

Staffordshire County Council Highways Authority

No objections subject to conditions

No objection. Notes the submission of further information specific to the movement strategy and masterplan, upon which concerns are raised, due to inadequacies in the width of the spine road and design of the community square. However, notes that these details are solely indicative and can therefore be addressed at a later date. Reiterates the need for the conditions as detailed within the response dated 4<sup>th</sup> October 2019.

The S106 agreement is to secure a public transport service contribution of £3,345,068 for bus services and a Travel Plan Framework Monitoring Sum of £50,000 (13/11/2019).

Previous Comments: No objections, subject to conditions requiring the submission and approval, prior to the submission of any reserved matters application, of a detailed phasing program of delivery and implementation for all off-site highway improvements, a public transport strategy for between the site, town centre and local services and, notwithstanding the submitted details, a detailed Masterplan. Prior to the commencement of development, details shall be approved of a Construction Environment Management Plan, a distributor road between the A51 and the A513 and a Pedestrian and Cyclist Connectivity Scheme. Any reserved matters application is to include details of a bus terminus at the community square, to include electric charging facility, shelter, flag, timetable case and Real Time Passenger information display and bus stopping facilities, along both sides of the distributor road, which is to include a shelter, flag, timetable case and bus markings. Before the construction of any buildings, within any phase of development, details of secure cycle facilities are to be agreed. Prior to the first occupation or use of any building, the driveway, parking, servicing and circulation areas to serve such, shall be provided in a bound material and sustainably drained. No occupation of any of the dwellings within phase 2a, 2b or 2c, as shown on the illustrative phasing plan, shall occur until the roundabout access off the A513 has been completed.

The S106 agreement is to secure a public transport service contribution of £3,145,500 for bus services and a Travel Plan Framework Monitoring Sum of £50,000.

Two notes to applicant identified advising the applicant of the need to secure a Highways Works Agreement and Section 7 approval for the proposed highway works (04/10/2019).

10 Conditions governing the following are suggested:

1. Submit and agree Construction and Environmental Management Plan (CEMP)
2. Submit and agree access surface details
3. Before construction of any buildings provide scheme of secure cycle parking for apartments
4. Car parking, servicing and circulation to be suitably drained, hard surfaced and marked out prior to occupation
5. No occupation of Phase 2a, 2b and 2c until roundabout access onto the A513 has been completed
6. Before development commences, submit and agree details of distributor road between the A51 and A513
7. Prior to submission of reserved matters, applicant shall submit a phasing program for delivery and implementation of all off site highways improvements including main affected junctions and wider pedestrian improvements

8. Submit and agree masterplan with movement framework and similar
9. Before development commenced provide details of Pedestrian and cycle connectivity
10. Any reserved matters application to include the following details and be implemented prior to completion of that phase: bus terminus at community sq. to include electric vehicle charging, bus stopping facilities along through access route both sides of road provided with shelter, timetable and bus markings

Staffordshire Fire and Rescue

No objections.

Consideration should be given to ensuring appropriate supplies of water for fire fighting in line with Building Regulations. In addition the Service would advocate consideration of sprinkler systems with all proposed developments.

Staffordshire Police Architectural Liaison Officer

No objections.

Whilst I have no objections this Outline Application, it is important that I take this opportunity to provide the following guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated in this development.

Particular attention must be paid to ensuring that Pedestrian/Cycle Links and Public Open Space are be designed as features of the site and are well overlooked. Those Plots with side and rear boundaries to footpaths and open land must be secure. I support the intention to provide a layout that is primarily outward looking and provides 'back to back' security for the proposed Plots. Particular attention should be applied to promoting natural surveillance over proposed public space. Attention must be paid to the design of boundaries and landscaping where the side and rear boundaries of Plots are facing accessible open land and footpaths.

A number of other recommendations are made regarding:

- Defensive planting
- Minimising climbing aids
- Appropriate lighting of footpaths (BS5489) to promote natural surveillance
- Use of layouts that deter crime e.g. short cul-de-sacs, overlooked footpaths
- Promoting a transition from public to private space (territoriality)
- Gated rear accesses
- Use of CCTV
- Suitable fencing to ground mounted photovoltaics
- Promotion of on plot parking and avoidance of car parking courts
- Use of smart meters to frustrate potential bogus official callers
- Minimising unauthorised access opportunities to apartment blocks

Staffordshire County Council Minerals Team

No objections.

PFA Extraction/Profiling - Information has been provided to the County Council confirming the extraction of PFA from the lagoons and the reprofiling of the adjacent bunds to create a stable platform for the surrender of the Environmental can be carried out under Permitted Development Rights being the site is classed as Operational Land in use by a Statutory Undertaker. These rights would no longer exist if the site is not operational and the planning permission for the redevelopment of the site is implemented. Hence planning permission for works to PFA would be required from the County Council.

Waste Implications - As part of the Development Description Section of the ES (Volume 1), information has been included concerning 'waste'; during the construction phase and the operational phase. This section confirmed that an Outline Waste Management Strategy (Appendix 3.5) has been produced and 'the quantum and composition of waste generated through the demolition of these buildings would be established as part of the design of the detailed demolition programme in the Construction Environmental Management Plan (CEMP) for the relevant construction phase' (paragraph 3.3.60 of the ES (Volume 1)). It is estimated that the Proposed Development could potentially generate:

- up to 48,507 tonnes of waste during construction (not including waste material associated with cut/fill) which would equate to approximately 2,425 tonnes of waste each year from the Proposed Development (Paragraph 3.3.61 of the ES Volume 1);
- approximately 2,185 tonnes of household waste per annum (approximately 42 tonnes per week) should all the residential units be constructed and occupied (Paragraph 3.3.66 of the ES Volume 1); and
- approximately 8,571 tonnes of waste per annum (based on a conservative estimate of 3 tonnes of waste per annum per employee) from the non-residential elements of the Proposed Development.

The Outline Waste Management Strategy provides an introductory section, Waste Legislation, Policy and Guidance; Construction Waste Strategy; Operational Waste Strategy and Summary and Conclusion. The Strategy considers the potential impacts that may arise from waste generated during site preparation, construction and operational phases with the overall aim of developing a strategy for legislative compliance and to establish good practice in the separation, storage, collection, treatment and/or disposal of waste arising.

Conclusion: It is concluded that the Waste Planning Authority has no objections concerning the waste implications of the proposed development subject to conditions to secure the measures described in the Outline Waste Management Strategy and to require a detailed Construction Environmental Management Plan (CEMP) for each phase of the development, including the operations to extract and dispose of PFA, unless these operations are carried out in compliance with an Environmental Permit regulated by the Environment Agency.

Impact on existing waste management facilities - Our records show that there is one permitted waste management facility within the site and one in the vicinity of the site, off the Rugeley Eastern Bypass.

- Planning permission for a road construction waste materials recycling facility within the site was granted in May 2006 (ref. [CH.06/03/736 W](#)). This facility is no

- longer operational; and,
- Planning permission for the storage and crushing of construction waste was granted in November 2015 (ref. [CH.13/10/725 W](#)) [to the north west].

The submitted illustrative Masterplan (dwg no 01585\_MP\_001 Rev D8) and the Land Use Parameter Plan (Figure 3.2) includes an area of open space adjacent to the land where the storage and crushing of construction waste is permitted (ref. [CH.13/10/725 W](#)). The nearest residential properties shown on the Illustrative Masterplan are approximately 120 metres to the south ('Area 4' – 'Medium to high density housing including ENGIE living house typology') of this waste management facility.

Conclusion: Having regard to the policies, guidance and material considerations referred to above, it is concluded that the Waste Planning Authority has no objections concerning the implications for waste management facilities in the vicinity of the site subject to the Councils being satisfied, having obtained confirmation from their Environmental Health Officer and the Environment Agency that There would be no unacceptable adverse impact on people or the environment as a result of the proximity to the neighbouring waste management facility; and, The proposed development would not constrain the continued operation of the neighbouring waste management facility.

Impact on mineral resources - The County Council's Mineral and Waste response indicated that the developer should provide evidence to address the Policy 3.2 of the Minerals Local Plan. Policy 3.2 of the Minerals Local Plan states that:

'Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6 should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.'

Policy 3.3 provides exceptions for the type of development set out in Appendix 6, the policy states:

'Within a Mineral Safeguarding Area, where important mineral resources do exist, except for those types of development set out in appendix 6, non-mineral development should not be permitted unless it has been demonstrated that:

- a) the non-mineral development is temporary and does not permanently sterilise the mineral; or,
- b) the material planning benefits of the non-mineral development would outweigh the material planning benefits of the underlying or adjacent mineral; or,
- c) it is not practicable or environmentally acceptable in the foreseeable future to extract the mineral'.

A Mineral Resource Assessment (MRA) (ref. ST17372 Rev 001 dated May 2019) has been submitted with the outline application. The assessment provides an introductory section; details of the geology (including borehole logs); mineral planning policy and a conclusion.

The MRA confirms that most of the sand and gravel was disturbed during the construction of the power station, which involved constructing large scale underground infrastructure. The backfill used to raise excavation levels back to original levels was a mixture of sand and gravel, Pulverised Fuel Ash (PFA) and construction waste materials. Therefore, the made ground is of no commercial value and backfill is several metres thick across most of the site.

The MRA concludes that it would not be practicable or commercially viable to extract sand and gravel underlying this made ground and the underground infrastructure is still in situ which would obstruct extraction of sand and gravel from the site, so the site fits criterion (c) above, i.e. that it would not be practicable in the foreseeable future to extract the sand and gravel.

Conclusion: Having regard to the policies, guidance and material considerations referred to above, including the MRA, it is reasonable to accept the findings in the MRA that it would not be practicable or commercially viable to extract sand and gravel. The Mineral Planning Authority therefore has no objection concerning mineral safeguarding.

Staffordshire Wildlife Trust

No response received.

The Ramblers Association

No objection.

Friends of Cannock Chase

No response received.

Lichfield & Hatherton Canals Restoration Trust Limited

No response received.

Trent & Mersey Canal Society

No response received.

Landor Society

No response received.

Homes England

No response received.



Woodland Trust

Object

The Woodland Trust object to the plans on account of potential impact to four veteran trees identified T42, T43, T93 and T203. The proposed cycling routes will encroach upon the Root Protection Area of the trees and therefore may lead to root compaction and deterioration of the trees.

The Trust asks that all trees displaying veteran characteristics are adequately protected in line with Natural England’s Standing Advice for Veteran Trees with RPAs calculated at 15x the stem diameter or 5m beyond the canopy.

***Internal Consultations***

Environmental Health

No objections subject to conditions

I have no overall objections to the proposal, other than a matter of detail concerning the proposed B1/B2 area in the centre of the site.

After reviewing the information in the Planning Application Statement and detailed in the Environmental Statement Volumes 1 and 2 my comments are as follows:

Air Quality when Operational - The air quality impact of the operational phase has been modelled and found to be ‘moderate’ to ‘negligible’ and ‘not significant’. As such, the development is acceptable in terms of air quality, but given the scale of development, provision of mitigation measures is entirely appropriate.

A list of measures likely to mitigate to some degree against incremental increase in emissions associated with the operational phase are included within the Environmental Statement. These are:

<b>Measure</b>	<b>Comment</b>
<b>Cycle parking to be provided in line with locally adopted standards</b>	Measures to encourage sustainable, low emission local travel are welcomed.
<b>Network of pedestrian and cycle routes throughout the Site</b>	
<b>Layout to allow for bus penetration on the proposed spine road to enable easy access to public transport services</b>	
<b>A Local Centre</b>	Provision of local community hubs is welcomed as a measure to reduce the need for travel and car dependency.

<b>A School</b>	Provision of a school is welcomed. However, I consider the location is displaced away from the larger portion of proposed and existing residential properties to the south east of the site. In practice it is unlikely that the twice daily round journey will be undertaken by parents on foot. I would consider a school located centrally or to the south east would have the optimal travel distances for residents overall.
<b>Employment Centre</b>	Local employment opportunities are welcomed as a means to reduce the need for travel. It is anticipated that these will be B1 use class in order to minimise the potential for emissions from industrial activities and commercial vehicle movements in close proximity to public exposure.
<b>Provision of electric vehicle charging.</b>	The provision of electric charging stations is welcomed. However, given the government's plans for future vehicle fuelling, I would recommend that all residential properties are provided with EV charging facilities. It is noted that the proposals are to allow provisions for EV charging facilities, which appears to fall short of full provision.
<b>Damage cost calculation</b>	This measure is yet to be undertaken, and will be welcomed in order to determine whether currently planned mitigation measures are proportionate and, if applicable, the extent of further mitigation measures that can be included.

Air Quality During Construction - It is understood that the construction phase traffic is likely to be 'negligible' and 'not significant'. Given the level of vehicle movements and local factors, this appears to be a reasonable conclusion.

Emissions for the construction phase have a greater potential for impact, although readily addressed through management measures. A Construction Environment Management Plan (CEMP) will be developed in order to control the impact of emissions during the construction phase. This is likely to incorporate measures listed in section 7.5 of the Environmental Statement, which appear appropriate. The CEMP should be agreed with Environmental Health.

Noise when Operational - The report demonstrates that localised mitigation measures will be required to protect new residents, and to minimise the impact of new noise sources. The details will need to be provided at reserved matters stage, and will require approval by Environmental Health. In short, these issues are:

- Local mitigation measures such as increased stand off of properties from dominant road sources (road / rail) and close boarded fencing around garden areas as appropriate.
- Properties closest to the western boundary with the A51 will need to be orientated to screen outdoor living spaces.
- Traffic noise will necessitate in enhanced acoustic glazing in living rooms located closest to dominant noise sources, and within direct line of sight of traffic noise.

To allow comfortable living conditions with closed windows, acoustic ventilation will be required in these properties.

- Requirement for acoustic glazing / ventilation will be confirmed on a plot by plot basis to accommodate the complexities of various noise sources and screening effects of buildings.
- An assessment of the impact of proposed new employment areas.
- Completion of a detailed acoustic design statement

The proposed B1/B2 zone will allow industry to be located in close proximity to residential land use. B1 activities, by definition are light industry appropriate in a residential area and are therefore acceptable in this situation. B2 usage allows all other general industrial uses other than incineration, chemical treatment, landfill or other hazardous waste which thereby allows scope for many uses incompatible with residential purposes. It should be borne in mind that whilst noise is probably the most common issue arising from B2 class activities, unfortunately smell, fumes, smoke, etc., can also be features that impact detrimentally on local residential amenity.

I therefore object to the existing proposal for B2 use in immediate proximity to residential areas, but suggest that a compromise may be feasible if the industrial zone is zoned along the lines of the following plan:

It would also be prudent that a noise condition is applied to the industrial zone. However, as the zone is likely to accommodate a number of activities and is currently speculative it would be prudent that it is informed by a specific acoustic survey.

Noise during construction - A construction environment management plan is required to detail the measures needed in order that construction works have a 'negligible' impact and 'not significant'. Construction traffic is predicted to have a 'negligible' impact and 'not significant'.

Contamination - This department has been consulted at various stages regarding land contamination, and liaised with Lichfield DC's Environmental Health Department to ensure a consistent response and support the following comments in relation to contaminated land. One of the outcomes has been an outline Remediation and Reclamation Strategy (RRS), provided in volume 2 of the report. Measures to mitigate against the impact of land contamination are provided in this document, and are to my satisfaction. These measures need to be supplemented by a CEMP to accommodate the construction phase of the development.

The Environment Agency has also had a major role in overseeing the surrender of Environmental Permits and ensuring that controlled waters are not unduly affected. Such measures will assist in making the site fit for the proposed use. Please ensure that the EA are consulted on this application.

### Economic Development

No objections

Economic Development is very supportive of the redevelopment of Rugeley Power Station and would comment that this appears to be an exemplar of what we like to see from an outline application. There are number of positives:

- Community involvement – multiple support sessions have been undertaken to engage with the community
- Reclaim/Reconnect/Recharge – Great to see use of these underlying themes to recognise the importance of the existing environment, the community and the recreational land
- Sustainability – This is a clearly a key theme running through the proposals, with details such as sustainable drainage, transport access to reduce personal vehicle needs (bus stops, train lines, cycle routes) and the inclusion of electric vehicle charging points
- Unit and space sizes – we agree with the planning conclusion that they are most in demand

### Environmental Services

No objections subject to conditions

Amended comments pointing out the illustrative test layout provided suggesting parking arrangements appear tighter than desirable, concerns regarding extent of hard surfacing, communal rear areas. It is acknowledged these are preliminary plans that would be picked up in more detail at the Reserved Matters phase. Concerns regarding wind flows.

### Previous Comments

It is noted that the parameter plans set out key aspects especially in respect of the interaction between heights and densities. In itself this gives more comfort than previous. However these plans do not really take account of the need for access, parking, servicing etc. as well as what can be achieved to ensure sufficient root zones for trees and other vegetation. Ensuring that all the required parameters of distance, space about dwellings etc. can be met will be a key issue and one that will only become apparent at the detailed design stage. Windflow impacts should also be considered.

The production of a detailed design manual will be essential to ensure that the intended design aspects/elements including those discussed, are achieved within all subsequent phases of the development and a consistent standard is achieved throughout. The production of this should be conditioned.

The Landscape Visual Impact Appraisal confirms that long distance views from public accessible locations will have minimal visual intrusion. Short distance views are generally screened by existing structures/features, as noted previously. The likely most prominent view would be of the western end of the site & existing entrance off Power station Road/ A51. Additional information has indicated that with appropriate retention/landscaping this would not have an overall detrimental effect on the general streetscene in that location.

The Environmental Statement notes that in the Landscape Character Assessment for the area states that 'Adjacent built up areas considerably change the character of the landscape.... by visually dominating the landscape feature', the urban edge and modern housing being classed as incongruous features. Protecting the river floodplain from inappropriate urban development and transport links is also noted as well as that 'New development... should support retention of relatively tranquil character of

adjoining rural landscape by continued buffering and management of the urban edge by using appropriate species' With this in mind, the development of housing on and along the eastern end of the railway sidings would have a significant and adverse impact on the adjacent landscape character especially considering the suggested 5 storey developments. Such development would prevent the implementation of any potential buffer/screening compared to the northern part of the site where buildings are set back from the railway. Even if screening/tree planting was achievable its long term retention would be questionable given residents expectations/requirements for views over the adjacent landscape.

The Key issue in development of the site is access and linkage. Access being basically two points N& S ends of the site but to ensure linkage and make the whole design work/function and on a sustainable basis the key will be quick and easy pedestrian/cycle access into and out of the site especially across the A51 but also via the Pippins site. It is suggested that such links are potential future links but these will be key to achieving the aims of the whole scheme and need to be one of the first aspects built and tied to each relevant phase of the development. If not then the development will become isolated and car reliant.

Potential internal linkage for pedestrians and cyclists remains good with a strong emphasis on the former railway sidings although there are missing links and room for improvements. Emphasis is placed on the railway siding providing a car free recreational route? However, this suggested route does not link to the eastern end of the site, being developed for housing along the eastern end of the siding, albeit the Borrow Pit being one of the key recreational areas. The reason for the retention of the existing roadway/development of the railway embankment is however related to the presence of high voltage underground cables. However having a strong clear segregated access route that serves the whole site is essential to allow full and easy connectivity and which would avoid the use of car dominated streets.

The access and movement plan indicates a linkage to the middle of the Pippins site which would be fully appropriate however there also needs to be a linkage to the northern end of the Pippins site from adjacent the northern side of the ornamental lake. This would then link with the key open space and play area of the Pippins site.

The potential location of some areas/features needs further thought in order to relate well, function appropriate and avoid future issues. In particular the location of the Muga within the narrow open space corridor between the school and employment area. This area also contains other play/sports facilities as well as a landscaped open space area. The Muga should be associated with the main open space & play facilities indicated to the west of the school. Putting it and the other open/accessible facilities within a narrow corridor will result in future issues and not just in terms of maintenance and management.

In landscape and design terms the creation of character areas is good but these need to relate and connect well to each other. Whilst there is a relatively large amount of detail relating to the design of key routes and open space areas, there is very little on the detail to the residential areas. This will be essential to ensure that whole scale hard landscape and car dominated areas are not created. Hopefully this would be picked up in a detailed design manual.

Overall and at this outline stage the development of the existing site for residential and mixed use development, considering the above & previous comments would be welcomed.

### Housing Strategy

No objections subject to S106

It has been agreed that the issue of vacant building credit and the calculation of affordable homes will be considered across the site as a whole. A 'blended' approach will therefore be adopted that provides 17.6%, which based on 2,300 dwellings equates to 405 affordable dwellings. This approach is welcomed and provides 182 affordable homes within Cannock Chase. The even spread of affordable homes across the whole site will create a vibrant and sustainable community.

A number of flats are proposed including 2 bedroom which may be for either general needs or over 65's which are required for density/viability reasons. Given the fact that there will be a blended approach across the site to create a sustainable community and the applicant is prepared to test and define future elderly provision at Reserved Matters the broad mix that is proposed at this stage appears acceptable.

### Waste and Engineering

No objections.

No further comments at this time other than a general concern regarding ensuring the use of private roads within developments is minimised.

### Planning Policy

No objection.

The site represents a large windfall development not envisaged in the current adopted Local Plan (Part 1). However, the redevelopment of a brownfield site within an existing urban area of the District is considered to be in broad conformity with the development strategy set out in the Local Plan (Part 1). It is recognised that the development of the Power Station to the scale proposed within this application does 'skew' the proportions of development anticipated across the District's urban areas within the adopted Local Plan (Part 1) particularly in relation to the housing development proposals. However, this plan is now the subject of a review. The proposal does not fully accord with the adopted Rugeley Power Station SPD, mainly in terms of the proportion of employment land provided and the location of community facilities.

The Local Plan Review is at an early stage of production and therefore limited weight can be attached to it and the supporting evidence at present. However, given the scale of the Power Station site and the bearing it could have on the future overall strategy for future housing and employment land development in the District due consideration should be given to the emerging policies and evidence.

A. Employment provision

CCDC planning policy previously submitted comments requesting additional employment land provision to be considered. Applicants contend that 5ha is appropriate provision and do not believe further provision is justified (set out in Employment Land Note). This is on the following basis:

- The proposal has now been amended to remove B8 use classes (typically requiring greater land take) and the emphasis is on the provision of small-medium sized B1a/b/c and B2 units, but with a particular focus on B1a/b uses. Commercial report evidence suggests B8 uses unlikely to be attractive in this location;
- There is unlikely to be significant demand for B1c/B2 units based upon recent trends in completions and the EDNA (2019) analysis. The Council should consider the protection of existing sites and whether this could meet needs, rather than relying on new allocations;
- Provision of B1a/b on site provides for notable proportion of indicative future Local Plan requirements;
- Future employment land requirements are projected to be at a lower level than the current Local Plan requirements;
- The majority of employment land required for the current Local Plan (Part 1) period is already identified. The emerging evidence base for the Local Plan Review (EDNA, 2019) remains untested and can therefore only be afforded limited weight.

The adopted Rugeley Power Station SPD envisaged employment-led redevelopment of the part of the site within CCDC. It was noted that this was subject to further market testing as part of the planning application process.

The applicant has submitted further commercial information to support their proposals. In addition, a Market Intelligence Report (Lichfields, September 2019) produced for CCDC emerging Local Plan Review evidence base identifies that the identification of the site for entirely employment uses is not considered appropriate, purely from a market perspective. Commercial agents were of the view that given the local market and promotion of the site for mixed use redevelopment, B1 uses would be more appropriate in this location at a quantum in the region of 5-10ha (particularly for small-medium scale units). It was identified that employment locations in the south of the District have better connections to the strategic road network, which is reflected in the relatively higher levels of demand (and rental values) and provision of B8 uses in particular (at locations such as Kingswood Lakeside and Watling Street Business Park).

As referred to in the previous policy response the current employment land shortfall for the adopted Local Plan (Part 1) period is around 3ha, which provision at the Power Station would help to address. The recently produced EDNA (2019) identifies a potential range of 30ha-67ha of employment land for the Local Plan Review period. On the basis of the suggested minimum-mid range employment land requirements for the Local Plan Review it is not necessary for the whole of the former Rugeley Power Station site within CCDC to be identified for employment land provision as suggested in the SPD. Other site options for employment land do exist within the District, albeit some of these lie within the Green Belt (i.e. at Kingswood Lakeside and Watling Street Business Park). The Local Plan may also seek to protect existing employment sites in

order to reduce the need for relocated business uses, which contributes to the overall employment land requirements too.

The applicants identify potential jobs figures, which it is recognized are only indicative, based upon the proposals being in outline. Whilst the applicants have not increased the quantum of employment land, the removal of the B8 uses from the proposals enables the retained 5ha to provide for employment uses that provide a relatively higher job density. For example, indicative floorspace required for one employee in a B8 use is 70sqm. For B1a/b uses this is around 12.5sqm and for B1c/B2 uses this is around 45sqm. The proposal indicatively provides for all the minimum net growth in B1a/b employment space in the District for the new Local Plan (as estimated from the minimum employment land requirements in the EDNA). Whilst it is suggested that B1a uses may be prioritised by the site promoters, the proposals retention of a range of B1 and B2 use classes provides flexibility for the market and the Local Plan process. The Market Intelligence Report (2019) identifies that Rugeley (and the District overall) is not a traditional office location; however it is recognized that the proposals form part of an overall masterplan for the site which may amend market demand going forward. It is recognized that the future demand for B1c/B2 uses may be reduced in terms of new job growth; however the site could also accommodate demand for relocated uses from poorer quality employment areas in the District (i.e. retained employment). Paragraph 4.11 of the Rugeley Power Station SPD referred to the potential of the site to accommodate appropriate relocated uses.

In relation to the issues raised on the adjacent 2ha (RE3) of potential employment land the applicants identify future reserved matters applications will be able to take into account the status of the site at the relevant time, and the compatibility of adjacent uses. This provides flexibility to accommodate employment uses on the land in the future.

#### **B. Sequential Test Considerations**

It is agreed that there are no other sites within the town centre that would be capable of accommodating the proposals. Other opportunity sites are identified within the Rugeley Town Centre AAP; however these are being promoted for residential uses. The SHLAA and ELAA identify potential development sites within and around the town centre, however it is recognised that these are being promoted for alternative residential and employment uses.

#### ***Response to Publicity***

A total of 9 No. site notices, a newspaper advertisement and neighbour notification letters were issued to publicise the original planning submissions (30 days) and these processes were repeated for the amended EIA consultation process (a further 30 days). Further minor re-consultation with all parties who expressed an interest in the application was also carried out in response (14 Days). A total of 8 No. public responses have been received and in summary these raise the following matters:

- The development makes insufficient provision for light industrial use that would support SME in Rugeley. The employment zone as now proposed is much smaller than was originally the case. More land should be provided.



- There is no provision for long term HGV parking made within the site. This has been a long term nuisance to the area over a number of years and is exacerbated by the presence of Amazon and Ideal Standard.
- Electromagnetic radiation from retained power infrastructure is a concern.
- The Environment and Education Centre should be retained on the site to promote wildlife education, better mental health and forest schooling. Coordination with Staffordshire Wildlife Trust or the local angling group would also be beneficial.
- Concerns in relation to the 'later living' development proposed around the Borrow Pit Lake.
- Education capacity and choice in the local area is restricted. A secondary school should be provided on the site.
- The canal linkages into town are not suitable for disabled/limited mobility or pushchair access.
- Neighbourhood facilities such as a local shop should be provided within the site.
- Parking provision within the development will need to be carefully considered to ensure a functional arrangement. The application contains little information in this regard.
- The visual impact of 5 storey development will be substantial and will create an eyesore.
- Later living development adjacent the Borrow Pit Lake at 4 storeys will be detrimental to the character of that area.
- A new GP surgery should be provided on the site.
- Bus stop locations and public transport within the site will be an important consideration.
- The development should contribute to investment in the Town Centre. The development should also contribute £150k to cover the cost of providing a Renaissance Manager oversee and coordinate the opportunity for regeneration in the town centre.
- Sport and leisure activities as part of the development will have an essential part to play.
- The iconic 4 towers should be retained.
- The structure of the housing within the development pushes low cost housing closest to Rugeley, middle class housing in the middle of the site and top end housing to the east. This represents socioeconomic stratification and is overdevelopment of the site.
- The increase in traffic will be considerable and the development will be heavily car reliant.
- The planned solar arrays represent a poor use of potential commercial land and the floating array would be an eyesore, which would damage the ecology of the lake.
- A connection to the central roundabout half way along the site should be provided for.

## Relevant Planning History

The planning history that has a significant bearing on the current application includes

- CH/16/218: Lawful Development Certificate for the proposed installation of electrical plant- Approve 08/02/2016.
- CH/17/214: Installation of a battery-based electricity storage facility. Full-Approval with Conditions 08/31/2017.
- CH/18/101: Prior notification for proposed demolition of various structures. Demolition PN-Details Required 03/29/2018.
- CH/18/268: Decommissioning, dismantling and demolition of Rugeley B Power Station. Full - Approval with Conditions 10/19/2018.
- CH/19/033: EIA Scoping application -site remediation and dev. of circa 2,300 dwellings

## 2 Site and Surroundings

- 2.1 The application site is an area of land approximately 1km to the east of Rugeley Town Centre. The land concerned is located across two Local Authority areas, Lichfield District Council and Cannock Chase District Council. The south eastern part of the site falls within Lichfield Council's administrative area whilst the north western part of the site falls within Cannock Chase's Administrative Area as shown in Fig 1. It should be noted that as this is a cross-boundary planning application, this planning committee will consider the acceptability of the elements of the proposal which fall within Cannock Chase District. This is scheduled to follow the determination by Lichfield District Council at their Planning Committee on 13<sup>th</sup> January 2020 for the aspects of the development within their area. Thus, whilst it is appropriate and necessary for members to consider the scheme as a whole, it should be noted that any subsequent permission and the conditions related thereto, will solely relate to the parcels of development that are within Cannock Chase's administrative area unless specified.
- 2.2 The site is approximately 139Ha and was a coal powered power station that provided electricity for transmission to the National Grid. Historically when Rugeley A and Rugeley B Power Station were operational in 1983 the site had approximately 850 employees making it one of the main employers in Rugeley. However this had reduced to 150 employees in 2015/2016 and subsequently the main operation of the site ceased. Much of the infrastructure associated with the site's previous use remains in situ. This includes a rail connection, four cooling towers, a chimney stack, plant buildings and pumping facilities, an electricity substation and switching stations. Following the closure of Rugeley Power Station in June 2016, works to progress decommissioning and demolition of all buildings and structures on the site were consented under Cannock Chase application CH/18/268 and Lichfield Council application 18/01098/FULM.

- 2.3 Demolition works commenced in September 2018 and are expected to be completed by 2021. As part of the decommissioning process and closure of the power station use, the applicant is in the process of a phased surrender of its Environmental Permits relating to consented activities on the site, e.g. combustion activity and on-site disposal of pulverised fuel ash. The permit surrender process, including any remediation works required is exclusively governed by the Environment Agency in accordance with published guidance and is separate to this application governing the redevelopment of the site. As a result, work required to surrender the environmental permits is being undertaken as permitted development and is considered as 'Committed Development' within the ES, alongside the assessment of the impacts resulting from the current development proposals.
- 2.4 The majority of the physical buildings associated with the operation of the Power Station are concentrated to the north westerly section of the site. Open areas and soft landscaping exist in the middle of the site around facilities associated with the former Sports and Social Club building and to the north adjacent the River Trent is the former Golf Course. To the south east of the site a series of Ash Lagoons and the Borrow Pit Lake exist. The A51 runs along the south western boundary of the site as well as an adjacent residential development known as the Hawkesyard (or Pippins), located within Lichfield District. Beyond the A51 lies Towers Business Park that is made of a mixture of commercial and industrial buildings that include an expansive property used by Amazon UK Services Ltd as warehouse premises.

#### Rugeley and the Surrounding Areas

- 2.5 Rugeley has a long history as a market town and has benefited from a prosperous industrial community since the 13<sup>th</sup> Century, encompassing tanning, iron, glass, mining and activities associated with the presence of the Trent and Mersey Canal. The town now functions as a local service centre for the north of Cannock Chase District. In the town centre, Upper and Lower Brook Street and Market Street comprise a pedestrian priority zone linking in to the focal point Market Square.
- 2.6 Rugeley in its position between both Lichfield and Cannock Chase has seen steady population growth in recent years in line with the predicated population projections carried out by the respective Council's. The submissions highlight at the 2001 census the town's population was 22,724, (including the Brereton and Etching Hill wards) increasing to 24,033 at the 2011 Census.
- 2.7 The key services and facilities available within 2km of the site are summarised as follows:
- (i) Schools – Primary – Chancel Primary, Hob Hill CofE / Methodist, St Joseph's Catholic Primary, Churchfield CofE Primary, The Croft Primary
  - (ii) Secondary – The Hart School
  - (iii) Healthcare - Brereton Surgery, Horse Fair Practice, Aelfgar Surgery

- (iv) Dental - Avondale House Dental Practice, Whitecross Dental Care, Serenity Dental Care, Armitage Dental
- (v) Community Buildings – Rugeley Library, Rose Theatre, Rugeley Town Council, Rugeley Market Hall
- (vi) General retail – Tesco, Aldi, Morrisons, Iceland in close proximity to town centre and Co-op Brereton with other smaller retailers also apparent;
- (vii) Rugeley Town Railway Station
- (viii) Rugeley Trent Valley Railway Station
- (ix) Rugeley Bus Station

### 3 Proposal



Figure 2: Illustrative Masterplan Extract Drawing Ref: 015/85 MP-001\_P4

#### Overview and Scope

- 3.1 The amended application seeks outline planning permission with the points of access included for the creation of a development platform, the demolition of existing office buildings, the environmental centre, site clearance, remediation and mixed-use development of land at the former Rugeley Power Station

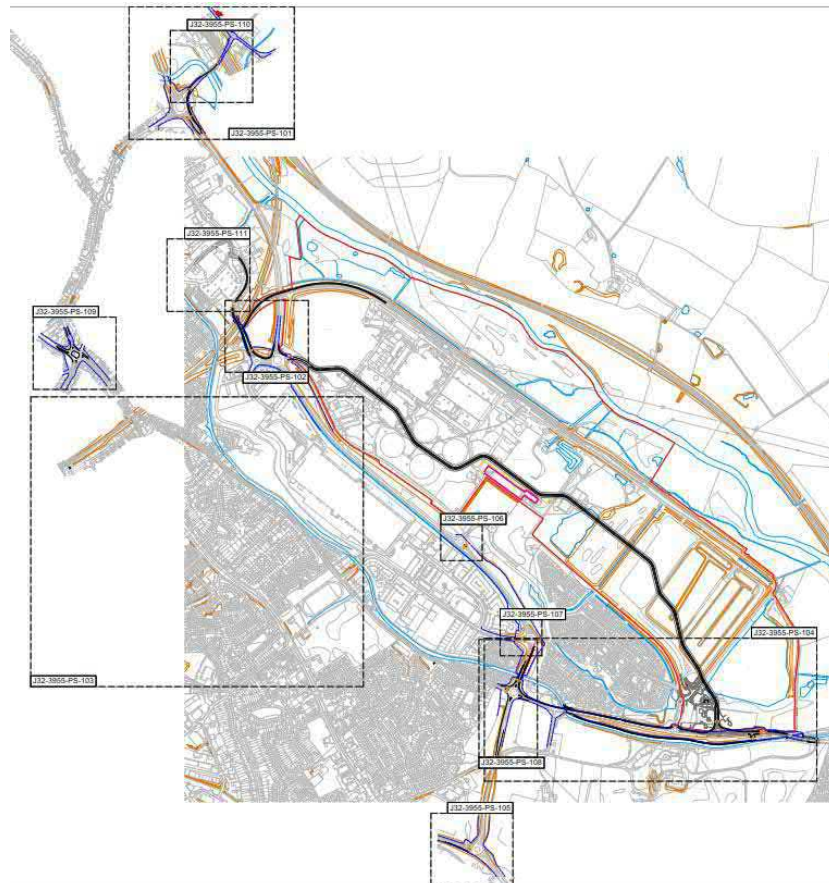
comprising: up to 2,300 new dwellings and residential units (Use Classes C3 and C2), up to 1.2 ha of mixed-use (Use Class A1, A2, A3, A4, A5, C1, C2, C3, D1 & D2) up to 5ha of employment (Use Classes B1(a, b and c) and B2), 1 No. 2 form entry primary school (Use Class D1), formal and informal Publicly Accessible Open Space, key infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513, ground mounted solar panels with 2 No. existing electricity substations (132 kV & 400 kV) retained.

- 3.2 The proposal is made as an outline application with a high level illustrative master plan showing how the resultant site could appear. Matters relating to appearance, the precise layout of the site, landscaping and the scale/height of the individual buildings are reserved for subsequent approval and as such do not fall for full determination at this time. However, the applicant has also provided details in the form of Parameters Plans which do convey some degree of site layout, density and building heights amongst others features. These plans as listed below, form a component of which the planning application seeks formal approval and Members should be clear that such plans seek approval of more detail than may otherwise be the case on an application with Scale and Layout Matters reserved:
- a) Access and Movement (Dwg No. 01585\_PP\_01 Rev P5)
  - b) Land Use (Dwg No. 01585\_PP\_02 Rev P4).
  - c) Building Heights (Dwg No. 01585\_PP\_03 Rev P6).
  - d) Residential Density (Dwg No. 01585\_PP\_05 P5)
  - e) Green Infrastructure (Dwg No. 01585\_PP\_04 Rev P4).

#### Access and Road Network

- 3.3 Primary vehicular access to the proposed development in the west will be provided from the A51 via the existing site access. At the eastern end of the site access will be provided from the A513 utilising the roundabout access consented under Lichfield Council Application 17/00453/FULM. A main spine road running east to west will connect the two access points. The route of this spine road is dictated by the presence of underground constraints and the retained infrastructure within the site such as the electrical substations.
- 3.4 A road corridor of 20m in width is shown in the illustrative plans. This takes account of a carriageway width of 7.3m, two 3m wide footpath cycleways and two 3m wide verges to allow for tree planting along the main boulevard. This road would form the principle access through the site for all traffic including an extended bus route. Access to other development parcels within the site would be formed by lower order roads broadly in accordance with the Access and Movement Parameters Plan. In terms of wider pedestrian movement, the submissions seek to make use of the old rail freight embankment as a means of providing a walking and cycling route separate from traffic within the site. This route would ultimately emerge close to Love Lane to the west of the site. 4 No. additional north south pedestrian and cycle routes are also proposed and intend to link the residential areas within the site to the extensive Riverside Park proposed on the site of the former Golf Course to the north of the rail embankment.





**Figure 3: Extract from Overview Plan showing locations of proposed highway improvement works with corresponding Drawing No. referenced**

- 3.5 In terms of off-site highways improvements and mitigation, 4 No. main alterations are proposed and are intended to be secured via S106 agreement. These include works to:
- a) the Horse Fair Roundabout Highway Works;
  - b) the A51/Wheelhouse Road Roundabout Highway Works;
  - c) the A51/A513 Roundabout Highway Works Contribution; and
  - d) the A51/RWE Access Highway Works Contribution.
- 3.6 Other site connectivity related improvements are also proposed. These include:
- a) Pedestrian and cycle permeability with improved, defined routes between the Site, Rugeley Town Centre, Rugeley Town Railway Station, Rugeley Trent Valley Railway Station and surrounding residential areas to include formal crossing points on key desire lines;
  - b) Canal towpath improvements to link in with wider County Council improvements to the Canal Towpath Network.
  - c) Cycle parking to be provided in line with locally adopted standards;
  - d) Network of pedestrian and cycle routes throughout the Site;
  - e) The layout allows for bus penetration to enable easy access to public transport services. It is envisaged that this will be delivered by either diversion of existing bus routes or provision of new bus route to better

link the Site with key destinations such as Rugeley Town Centre, Rugeley Town Railway Station, Rugeley Trent Valley Railway Station;

- f) Provision of electric vehicle charging; and, Framework Travel Plan to promote and stimulate modal shift – i.e. a wider change in behaviour to promote more sustainable travel choices from users of the development.

### Residential Development

- 3.7 The housing development component of the proposals includes up to 2300 houses and residential units in the form of C2. These are proposed broadly at the eastern and western ends of the site separated by the Green Infrastructure and employment development. The development of the residential properties is expected to commence in 2020 and will partially overlap with the ongoing consented demolition works and Pulverised Fuel Ash Extraction. The residential proposals will be phased over a number of years up to 2040, with an anticipated delivery timescale of approximately 20 years for the entirety of the development.
- 3.8 The housing areas would be constructed to an approximate density of between 35 dwellings per hectare (dph) at the eastern end of the site up to 60dph at the western end of the site closer to the town centre. Also shown in the 'Illustrative Density Plan' are a number of residential properties to the north of Borrowpit Lake and close to the River Trent of densities up to 75dph. These densities equate to 2 or 3 storeys for the lower density aspect and 4 to 5 storey development for the higher densities. The development would offer a mix of properties suitable for first time buyers and larger families. It is proposed to include 17.6% of the dwellings per phase as 'Affordable Dwellings' within the NPPF definition taking account the deductions applicable in light of Vacant Building Credit.



As Proposed: CGI render of example residential street in proposed North Western parcel (View 5)



As Proposed: CGI render of residential street fronting open green space in proposed North Western parcel (View 6)

**Figure 4: Extract from Western Gateway Study documentation showing CGI Imagery of part of the proposed development at the 4 and 5 storey portion of the site**



Additional Development

3.9 The amended application plans indicate the creation of new employment area of 5Ha comprising of B1 offices and light industry and B2 (general industry). This is proposed slightly west of the centre of the site. Beyond this and shown red in Fig 2 is the mixed use development area to include A1-A5 retail uses, D1 uses such as nursery or public hall space, D2 uses such as a gym or other recreational space. Also shown in light purple is the location proposed for the 2 Form of Entry Primary School.

Retained Uses

3.10 The existing 400kv and 132kv substations will be retained as part of the redevelopment. In addition to these, National Grid, Western Power Distribution and Network Rail will still require 24 hour access through the site during the construction period and once the development is complete to their respective facilities. This has been factored into the phasing of the site.



**Figure 5: Proposed Land Use Parameter Plan showing residential development east and west, employment land in purple and showing Riverside Park to the north**

Green Infrastructure

3.11 The green infrastructure strategy for the Site builds upon a comprehensive understanding of the existing character, fabric and ecological value of the site and its surroundings. It has regard to its heritage, edge of settlement context, and connections to the existing settlements (Rugeley, Brereton, Armitage with Handsacre) and the rural hinterland. The proposed green infrastructure areas

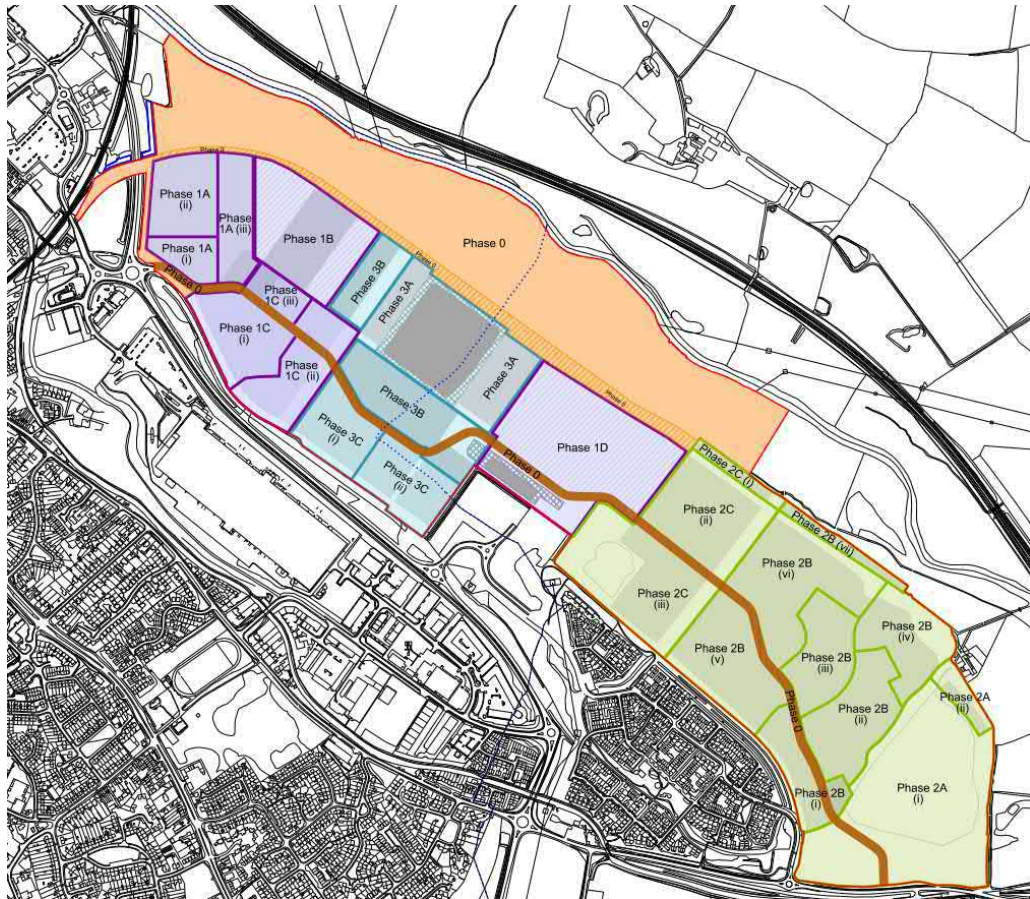


are shown on the submitted 'Green Infrastructure' parameter plan (Drawing 01585\_PP\_04 Rev 4) and more information on the illustrative green infrastructure strategy for this scheme is set out in the LDS. 3.4.19. The proposed green infrastructure comprises:

- a) A riverside park (approximately 26ha) to the north of the site between the proposed built development and the River Trent, this would provide accessible open space and enable connections to the River Trent and wider rural area;
- b) The utilisation of the former railway sidings as a green pedestrian / cycle route connecting the northern and southern ends of the site ('The Rail Way');
- c) Smaller areas of informal public open space on the built development periphery, designed to incorporate ecological enhancement and mitigation in proximity to existing features such as the Borrow Pit Lake;
- d) Central green open space corridors, often combined with sustainable drainage features, which enhance the built character, provide wildlife movement corridors and link the existing and proposed hydrological features within the site;
- e) Formal public open space within the built development to provide landscape/green focal areas and leisure destinations;
- f) Green corridors linking these central spaces to the wider green network beyond the application site boundary;
- g) Two meadow areas under the proposed solar panels in the centre of the site;
- h) Other formal and informal green spaces such as play facilities and the retention of the existing allotments in the south east section of the site.

### Illustrative Phasing

- 3.12 It is anticipated that the construction of the Proposed Development will commence in 2020 and continue to 2041. It is expected that development may be undertaken on a rolling programme of site preparation and construction, allowing earlier phases to be completed and occupied while subsequent phases are constructed.



**Figure 6: Illustrative Phasing Plan extract (Drawing Ref: 01585\_pp\_06 P4)**

- 3.13 An illustrative Phasing Plan (Drawing 01585\_PP\_06 D3) has been submitted with the application. It demonstrates that the residential parcels in the northern and southern most parts of the site are expected to be delivered first. The proposed riverside park (Phase 1A) and primary school (Phase 1B) are also proposed to be delivered at the earliest opportunity, subject to viability considerations, to ensure that the social, green and recreational infrastructure is in place to serve the new residents as early as practically possible.
- 3.14 The proposed employment and residential parcels in the centre of site (Phases 3A – 3C) are expected to be the last parcels delivered due to the significant constraints in this area of the site (retained substations and ground conditions).

### Public Consultation

- 3.15 In addition to statutory consultation undertaken by the Council in connection with this Application, the applicants (when ENGIE UK publicly announced their intent to redevelop the site and centred initially on a Community Planning Weekend (CPW) held in November/ December 2018 which was supported by a period of Community Animation. Since these events, there have been two Renaissance forums and a series of update exhibitions. These included:
- Tuesday 20 November 2018 - Rugeley Rose Theatre
  - Community Animation November 2018 - Various locations
  - Community Planning Weekend - Friday 30 November to Tuesday 04 December 2018 Mansefield House

- d) Report Back Presentation Tuesday 04 December 2018 Mansefield House
- e) First Renaissance Forum / Exhibition Wednesday 30 January 2019 - Brereton & Ravenhill Parish Hall
- f) Second Renaissance Forum / Exhibition Wednesday 20 March 2019 - Rugeley Rose Theatre
- g) Update Exhibitions Wednesday 20 March 2019 Rugeley Rose Theatre
- h) Friday 22 March 2019 Brereton & Ravenhill Parish Hall
- i) Saturday 23 March 2019 Armitage with Handsacre Parish Hall

3.16 A separate engagement programme is ongoing for demolition related activities at the power station. Demolition Contractor Brown & Mason is leading on the engagement activity to inform the public of progress and key events as the demolition of the power station and remediation of the site progresses and ends in 2021.

#### Amendments Post Submission

3.17 During the course of the application, additional information has been submitted in response to matters raised by Officers and wider consultees. The information was subject to further 30 day re-consultation and necessitated the production of an Environmental Statement Addendum to the original submissions. In summary the main changes included:

- (i) Variation to the development description to omit B8 uses amongst other matters aimed at ensuring a consistent wording between the respective Council areas.
- (ii) Updated Parameters Plans to reflect changes to the site layout and a reduction in the scale and density of development proposed.
- (iii) Further information relating to consideration of nitrate deposition within the Cannock Chase SAC.
- (iv) Provision of additional ecological surveys.
- (v) Additional information relating to the on site school, allotments, health infrastructure and heritage viewpoints.
- (vi) Confirmation of the proposed % of the affordable housing.

3.18 A second series of minor amendments was also received relating to the following matters. This was subject to public consultation for 14 days but did not influence the assessment or the conclusions drawn in the EIA process. Hence full 30 day re-consultation was not judged to be required.

- i) Details in relation to retail and office premises proposed including details relating to sequential assessment of main town centre uses.
- ii) Details regarding air quality and Cannock Chase SAC.
- iii) Illustrative test layouts at 60dph.
- iv) Updated planning obligations Heads of Terms document.
- v) Clarification regarding health and dentistry infrastructure.

**4 Planning Policy**

- 4.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 4.2 The proposal needs to be considered in the context of national and local planning policy. The development plan for Cannock Chase District consists of the Local Plan (Part 1), adopted Neighbourhood Plans and the Staffordshire County Council Waste and Minerals Local Plans. As the application is cross boundary, also of relevance to the consideration of the application is Lichfield District Council Local Plan, the Armitage with Handsacre Neighbourhood Plan and the views of Staffordshire County Council as the Waste and Minerals Planning Authority are considered specifically elsewhere within this report.

**National Planning Policy**

National Planning Policy Framework

National Planning Practice Guidance

National Design Guide

National Policy for Waste

Manual for Streets

**Cannock Chase Council Local Plan Part 1 (2014)**

Policy CP1 – Strategy

Policy CP2 – Developer Contributions for Infrastructure

Policy CP3 – Chase Shaping – Design

Policy CP4 – Neighbourhood-Led Planning

Policy CP5 – Social Inclusion and Healthy Living

Policy CP6 – Housing Land

Policy CP7 - Housing Choice

Policy CP8 – Employment Land

Policy CP9 – A Balanced Economy

Policy CP10 – Sustainable Transport

Policy CP11 - Centres Hierarchy

Policy CP12 - Biodiversity and Geodiversity

Policy CP13 - Cannock Chase Special Area of Conservation (SAC)

Policy CP14 – Landscape Character and Cannock Chase Area of Outstanding Natural Beauty

Policy CP15 - Historic Environment

Policy CP16 - Climate Change and Sustainable Resource Use

Policy RTC1 – Regeneration Strategy

Policy RTC2 – Town Centre Land Uses

Policy RTC3 – Urban Design Principles

**Lichfield District Council Local Plan Strategy (Adopted 2015)**

Core Policy 1 – The Spatial Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development

Core Policy 3 – Delivering Sustainable Development

Core Policy 4 – Delivering our Infrastructure

Core Policy 5 – Sustainable Transport

Core Policy 6 – Housing Delivery

Core Policy 7 – Employment and Economic Development

Core Policy 8 – Our Centres

Core Policy 10 – Healthy & Safe Lifestyles

Core Policy 11 – Participation in Sport and Physical Activity

Core Policy 13 – Our Natural Resources

Core Policy 14 – Our Built and Historic Environment

Policy SC1 – Sustainability Standards for Development

Policy SC2 – Renewable Energy

Policy IP1 – Supporting & Providing our Infrastructure

Policy ST1 – Sustainable Travel

Policy ST2 – Parking Standards

Policy H1 – A Balanced Housing Market

Policy H2 – Provision of Affordable Homes

Policy HSC1 – Open Space Standards

Policy HSC2 – Playing Pitch & Sport Facility Standards

Policy NR1 – Countryside Management

Policy NR3 – Biodiversity, Protected Species & their Habitats

Policy NR4 – Trees, Woodland & Hedgerows

Policy NR5 – Natural & Historic Landscapes

Policy NR6 – Linked Habitat Corridors & Multi-functional Green spaces

Policy NR7 – Cannock Chase Special Area of Conservation

Policy BE1 – High Quality Development

### **Lichfield Local Plan Allocations Document**

Policy NR10: Cannock Chase Area of Outstanding Natural Beauty

Policy BE2: Heritage Assets

Policy R1: East of Rugeley Housing Land Allocations

Appendix E: Rugeley Power Station Concept Statement

## **5 Determining Issues**

- 5.1 The National Planning Policy Framework states “Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions” (para. 2).
- 5.2 The structure of this report is dictated by the need to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, and the material considerations that apply specifically to this planning application. Accordingly this assessment adopts the following structure

### 6. Conformity with the adopted Development Plan comprising

- i. Cannock Chase Local Plan 2014

- ii. The Rugeley Power Station Supplementary Planning Document (adopted 2018)

7. Conformity with the Emerging Local Plan

- i. Housing Growth Requirements and Strategy
- ii. Employment Growth Requirements and Strategy

8. Conformity with the National Planning Policy Framework

- i. Sequential Test Considerations

9. Conformity with relevant neighbouring authority policies

- i. Lichfield District Local Plan
- ii. the Armitage with Handsacre Neighbourhood Plan

10. Key Issues Description

11. Design Considerations, Concept and Linkages

12. Transport and Highways Considerations

13. Socio Economic Considerations including:

- Economic Considerations
- Housing Delivery, Affordable Housing and Mix
- Education
- Health
- Sport and Leisure Provision

14. Landscape and Visual Impact Assessment

15. Biodiversity and SAC considerations

16. Built Heritage and Archaeology

17. Air Quality

18. Noise and Vibration

19. Water Environment

20. Ground Conditions

21. Other Relevant Planning Considerations

- Waste Management
- Retained power infrastructure and Electromagnetic Radiation
- HS2
- Wind flow impacts
- HGV Parking

- Renaissance Manager and Contributions
- Central 'Third' Access
- Veteran Trees
- Model Railway
- Angling Club
- Requiring the use of local tradesman

22. Other Matters

23. Planning Obligations

24. Planning Conditions

## **6 Conformity with Adopted Local Plan**

- 6.1 Paragraph 2 of the NPPF says that the planning system is plan-led and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Cannock Chase District comprises the Cannock Chase Local Plan 2014 and this forms the starting point for a decision on this application.
- 6.2 The Local Plan (Part 1) was adopted in June 2014. As the Local Plan (Part 1) was adopted more than five years ago it is now the subject of a review to consider what updates may be required. The emerging Local Plan is discussed separately within a proceeding section of this report.
- 6.3 The site as a whole is not identified or allocated for any purpose within the current adopted Local Plan (Part 1). The closure and redevelopment of the Power Station site was not envisaged in the processes that lead to the production of Local Plan (Part 1). A proportion of the site to the north of the former rail sidings (largely constituting the former golf course) is allocated as part of the Green Space Network under Local Plan Policy CP5. This is retained and enhanced as open space within the application. The only other references to the Power Station are in the supporting text to Local Plan (Part 1) and relate to its potential to diversify energy generation on site and consideration to be given to the need for a site specific policy in Part 2 of the Local Plan (paragraph 4.109). However Part 2 of the Local Plan has not commenced and a wider Local Plan Review is instead favoured. Therefore the site essentially represents a large 'windfall' development site which must in the first instance be assessed in general terms against the emphasis within the policies in Local Plan (Part 1).
- 6.4 In overarching spatial planning terms, Policy CP1 sets out the development strategy for the District, which is to focus the majority of development in sustainable locations within the existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and green infrastructure. Policy CP1 suggests the urban areas are to accommodate most of the District's new housing and employment developments, distributed broadly in proportion to the existing scale of the settlement, with urban extensions (including to the east of Rugeley/Brereton on another part of the former power station and now completed). In spatial policy terms the proposal



is considered to broadly accord with this policy as the site exists within or at worst on the edge of Rugeley's urban extent.

- 6.5 Policy CP4 outlines the Council's approach to neighbourhood planning. The site lies within the designated Brereton and Ravenhill Neighbourhood Area. The Parish Council have undertaken evidence base work and local consultations to inform their emerging neighbourhood plan, however no detailed plan has been produced for full public consultation to date. The Neighbourhood Plan is therefore still in its early stages and there is no publicly available draft plan to reference in relation this planning application to date.

### Housing

- 6.6 Policy CP6 Housing Land addresses the housing development needs of the District. It outlines that the proportion of development across the District's urban areas is expected to be broadly in line with their existing size, with the addition of urban extensions to each settlement. This proposal would result in the urban area of Rugeley/Brereton taking a greater proportion of housing development than envisaged in the Local Plan (Part 1), but this is not necessarily in conflict with the wider strategy. The policy also outlines a positive approach to the consideration of windfall sites which is of relevance to the current proposals. Policy CP6 sets out that the release of land for housing will be managed to achieve the re-use of previously developed land within the built up areas of towns and will be informed by monitoring, via the annual Strategic Housing Land Availability Assessment (SHLAA) and Authority Monitoring Report (AMR). This site is partially previously developed land and would in part be consistent with the emphasis on reusing such land.
- 6.7 The most recent SHLAA (2018) identifies that there is sufficient supply to meet current Local Plan (Part 1) requirements and that the Council is able to demonstrate a five year housing land supply (as at March 2018). Updates to this evidence for 2019 are ongoing and will be reported to Planning Committee as soon as available but the above represents the most up to date position available at the time of the production of this report. Nevertheless, a five year housing land supply does not negate the need for additional supply to be considered, particularly in the context of the Emerging Local Plan Review which is discussed further in this report.

### Employment

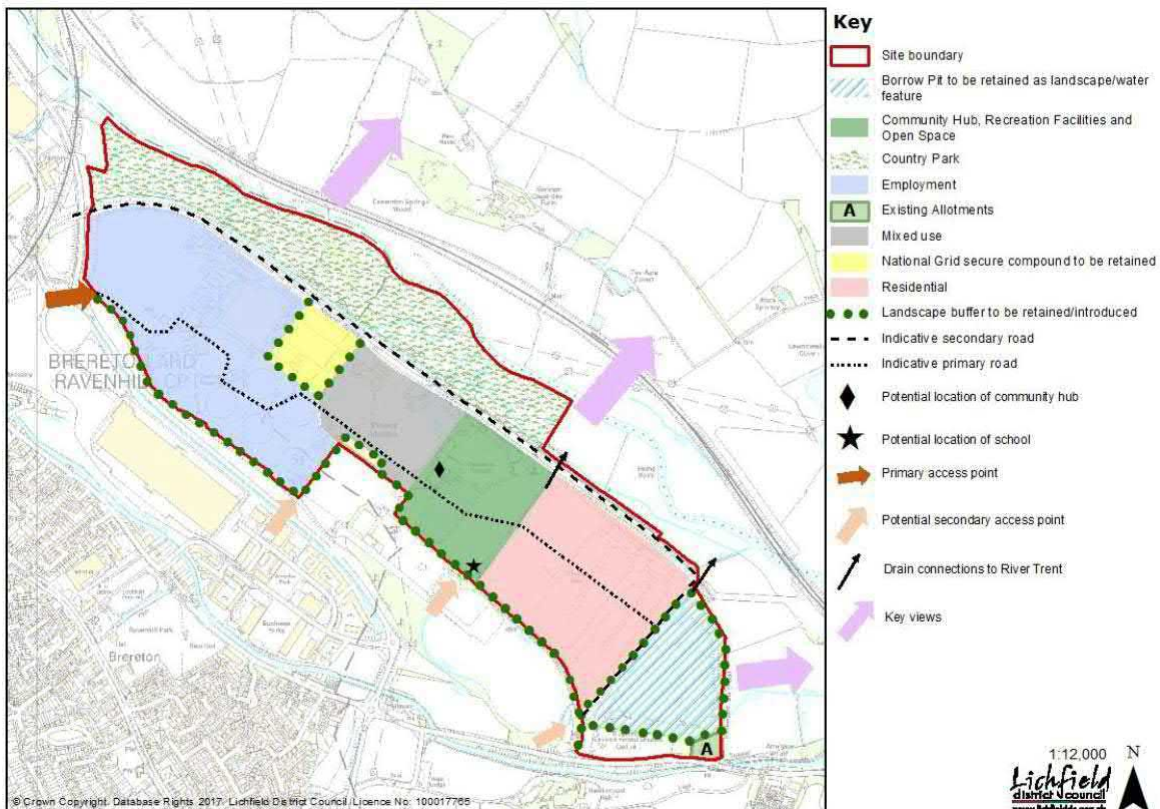
- 6.8 The Council's Adopted Local Plan would usually allocate under Policy CP8 Employment Land that is intended to address or continue to meet the needs of the District. However the site is not an allocated employment site under the extant Local Plan. This proposal would result in the urban area of Rugeley/Brereton taking a slightly greater proportion of employment development than envisaged in the Local Plan (Part 1) although not to the same degree as the housing development. There has been a shortfall identified in employment needs as set out in the most recent Employment Land Availability Assessment (2018) of around 2ha in employment land. Monitoring also identifies that there are very limited opportunities for new employment land within the Rugeley/Brereton area given the near completion of Towers Business Park with almost 10 years of the current local plan period remaining. Opportunities are therefore likely to be limited to 'windfall' redevelopment sites

which cannot be readily identified at present. The policy identifies that should shortfalls in high quality employment land arise then consideration will be given to further provision at Kingswood Lakeside (to sites currently lying within the Green Belt).

- 6.9 Policy CP8 provides a criterion based approach to considering the loss of employment land to other uses. Whilst the site did provide some employment opportunities, given it's very specific function it is not considered to be an employment site in the context of Policy CP8 i.e. it was not able to offer accommodation for a range of businesses or those that could be re-used by alternative occupants upon it being vacated by the power station operation. The site also lies in close proximity to the 'strategic high quality employment site' of Towers Business Park. The potential for the development to contribute to and enhance the high quality employment opportunities within the area is therefore considered positive and in accordance with the broad emphasis of CP8.
- 6.10 Policy CP9 promotes a 'balanced economy' within the District via a range of means, including supporting high quality job opportunities and measures to support upskilling of the local workforce. The proposals would align well with this aspect of the policy.

#### Supplementary Planning Documents and Developer Contributions

- 6.11 The Rugeley Power Station Supplementary Planning Document (adopted 2018) provides a development brief for the site to give guidance on layout, form and quality of development on the site. Para 1.5 states:
- 'the overall aim for the site is to create a well-designed mixed use development which incorporates market housing, affordable housing, self build housing, employment provision, education provision and open space and recreational facilities.'
- 6.12 The SPD provides a site analysis; policy context; and development principles. The site analysis provides a range of useful information on the key site features to take into consideration including natural and historic environment features. Figure 4.4 Design Parameters provides an indicative land use plan as well as access points.



**Figure 7: Extract from Design Parameters Figure 4.4 of Rugeley Power Station Development Brief SPD produced jointly by Lichfield and Cannock Chase Councils**

- 6.13 It is noted that the proposed scheme aligns with a number of these parameters including the main residential area within Lichfield District; retention of the Borrow Pit as a landscape/recreation feature; provision of a park to the north of the site; and overall provision of mixed uses and community facilities. However, the proposal does differ in terms of the quantum of employment land provision indicated by the SPD and the community facilities are more focused towards the western part of the site, rather than centrally.

#### Overall Local Plan (Part 1) and adopted guidance conclusions

- 6.14 Overall, the site is not an allocated site for any purpose under Local Plan Part 1. It is recognised that the development of the Power Station to the scale proposed within this application does alter the proportions of development anticipated across the District's urban areas within the adopted Local Plan (Part 1) particularly in relation to the housing development proposals. However, Local Plan Part 1 is now the subject of a review.
- 6.15 It is also relevant the proposal does not entirely accord with the adopted Rugeley Power Station SPD, mainly in terms of a lesser proportion of employment land being provided in favour of housing and the location of community facilities is different.
- 6.16 Nevertheless, development of a brownfield site closely associated with an existing urban area of the District is considered to be in broad conformity with the development strategy set out in the Local Plan (Part 1), particularly Policies CP1 and CP6. Whilst the site is not specifically allocated for housing, it

represents a large windfall development which is consistent with the wider aims of policies within the extant Local Plan Part 1, providing housing and employment development to meet local needs. The site is a substantial area of previously developed land that is permitted to be demolished and is in the process of being cleared and remediated. It is positioned in close proximity to the existing town and would bring significant planning and sustainability benefits (such as the delivery of housing, employment land, a neighbourhood centre and primary school) without wider spatial planning policy conflicts. As such the development proposed is judged to broadly accord in principle with the emphasis within Local Plan Part 1 and the associated SPD for the site.

## **7 Conformity with the Emerging Local Plan**

- 7.1 The Council is in the process of reviewing the adopted Local Plan (Part 1). The most recent consultation was on the Issues and Options stage of this process (May-July 2019). The plan is still in the early stages of production and therefore limited weight can be attributed to it and the associated evidence at this stage. However, the Issues and Options document highlights strategic issues that will need to be considered via the Local Plan Review, and given the scale of the development in this case, are of particular relevance to this application.

### Emerging Housing Growth Requirements and Strategy

- 7.2 Under section 'Objective 3: Provide for Housing Choice' the document outlines that the District's housing growth requirements will need to be updated along with the housing development strategy i.e. where new developments should be located within the District. As part of the options for housing growth requirements the Council is considering a range of options including meeting its own minimum housing needs of 5,112 dwellings (for the period 2018-2036) and a range of scenarios for helping to contribute to the wider housing market area shortfall. These options consider a range of 5,612 dwellings up to 7,612 dwellings.
- 7.3 In terms of the Districts' capacity to meet these growth requirements, the Issues and Options document outlines that there are various strategic development options to consider:
- a) These include 'Option A' which utilizes the existing housing supply identified within the urban areas (circa 3,200 dwellings) and then seeks to identify any additional sites or supply (e.g. via higher densities) to maximize the contribution made from development within the urban areas. But this option alone is not likely to meet the District's minimum housing needs and therefore 'Option A' has to be considered in combination with other options.
  - b) 'Option B' constitutes the potential redevelopment of Rugeley Power Station. Given its scale this site has the potential to influence the overall development strategy for the District. The consultation suggests two options which are for housing-led development (circa 800 dwellings within Cannock Chase District) or employment/mixed use-led development. The development generated by the site would then influence what 'shortfalls' in capacity there may be for housing growth in the rest of the District. The

current planning application aligns with the housing led regeneration option identified for Rugeley Power Station.

- c) 'Options C1-C3' represent the Green Belt site suggestions across the District. The document outlines that these Green Belt sites will only be considered once all other options for meeting housing growth have been explored.

- 7.4 Therefore the scale of development within the urban areas (Option A) and at Rugeley Power Station (Option B) will help determine what need there may be for consideration of Green Belt sites (Option C). Therefore if Members were minded to grant the current application, they would effectively be permitting Option B in advance of the Emerging Issues and Options consultation conclusions. Whilst this is the case, Officers do not assess such a decision to be premature in policy formation terms. This is because Para 49 of the NPPF states a limited range of circumstances where prematurity could potentially be justified. In this case, whilst the site is substantial, the emerging plan is not at an advanced stage. Hence the NPPF would suggest that arguments of prematurity in this case would not be justifiable.

#### Emerging Employment Land Growth Requirements and Strategy

- 7.5 Under 'Objective 4: Encourage a vibrant local economy and workforce' the document outlines the updates required to Local Plan policies for employment land. It is suggested the District's employment land growth requirements will need to be updated along with the employment development strategy i.e. where new developments should be located within the District. As part of the updated evidence base for the Local Plan Review (Economic Development Needs Assessment 2019) there is a range of employment growth scenarios for the Council to consider. At the low end the conservative predictions suggest 30ha of employment land (for B class uses) are required and at the higher end 67ha of employment land (for the period 2018-2036). The consultation document also outlines a potential shortage of employment land within the wider region, namely arising from the Black Country authorities at present which may require further consideration within the review.
- 7.6 In terms of the District's capacity to meet these growth options, the document outlines that there are various strategic development options to consider. These include 'Option A' which utilises the existing employment supply identified within the urban areas (circa 25ha) and then seeks to identify any additional sites or supply (e.g. via higher densities) to maximize the contribution made from development within the urban areas. However, the existing capacity of 25ha is suggested as a 'maximum' estimate of supply at this stage as some of those sites have also been suggested for alternative uses, as well as employment land.
- 7.7 The Emerging document recognises that should housing-led redevelopment of the Power Station be proposed then this leaves very few options for additional employment land supply within the Rugeley and Brereton area for the next plan period (2018-2036). The main options for employment land supply for the future are focused around the Cannock and Norton Canes areas (particularly along the A5 corridor and at Kingswood Lakeside). Given its constrained nature by virtue of surrounding physical development there is no potential for

the highest quality employment site, Towers Business Park, to expand. The document also recognises that the type of employment land required will influence the most appropriate sites for future development i.e. access to the strategic highway network is of particular importance to the distribution sector, and this is less apparent in Rugeley.

- 7.8 Originally, the Council's Planning Policy Team raised some concerns the proposals do not make adequate enough provision for future employment land on the basis of emerging evidence used to inform the future planning policy strategy for the district. However it is also accepted that in light of the market evidence presented within the application, the original ambition to promote the whole of the Cannock Chase Council portion of the RPS site for employment, was unlikely to be successful.
- 7.9 In response the applicant suggests the removal of B8 uses from the proposals would serve to provide greater surety of the level of employment to be provided by removing B8 uses that tend to provide less employment numbers for their area of land take. In addition the applicants have provided an Employment Land Technical Note which suggests:
- 4.1 The context for employment land needs is set by the extant local plan requirement for 88ha of employment land over the period 2006 to 2028 of which 60.98ha had been delivered by end 2017/18, leaving 27.02ha of which 24.97ha (92%) is available supply.
  - 4.2 For the emerging plan, the EDNA 2019 recommends that the rate of employment land supply should reduce from an average annual extant rate of 4ha per annum to 1.7ha to 3.7ha per annum (30 to 67ha in total) over the period 2018 to 2036.
  - 4.3 The EDNA 2019 recommendations are made in the context of a forecast employment growth that is significantly lower than the rate of growth experienced in the past 20 years, implying weaker underlying demand than that which has supported the current trend rate of provision; a trend that informs the top end of the recommended employment land range.'
- 7.10 In particular the applicants highlight the Council's Economic Development Needs Assessment 2019 evidence is not tested and should not be given full weight in the assessment of the application. The applicants also go on to argue the evidence shows a reduced need for B1c (Light Industry) and B2 uses within the district than previously was the case and that further land allocations for such uses would not be justifiable taking account of the land (25Ha) that is shown to be available. Most notably the applicants suggest their intention is to provide for B1a (Office) and B1b (Research and Development) uses that align with the envisioned future character and status of the development. It is said these uses provide for a higher density of employment than B2 uses for example. The applicants point out that solely with such uses, the proposals as tabled at 5Ha would provide for 30% of the identified needs within the district as a whole, equating to 2155 jobs from offices and 409 jobs from wider industry.
- 7.11 In response Planning Policy Officers accept that whilst the applicants have not increased the quantum of employment land, the removal of the B8 uses from

the proposals enables the retained 5ha to provide for employment uses that provide a relatively higher job density. For example, indicative floorspace required for one employee in a B8 use is 70sqm. For B1a/b uses this is around 12.5sqm and for B1c/B2 uses this is around 45sqm. The proposal indicatively provides for all the minimum net growth in B1a/b employment space in the District for the new Local Plan (as estimated from the minimum employment land requirements in the EDNA). Whilst it is suggested that B1a uses may be prioritised by the site promoters, the proposals retention of a range of B1 and B2 use classes provides flexibility for the market and the Local Plan process. The Market Intelligence Report (2019) identifies that Rugeley (and the District overall) is not a traditional office location; but it is recognized that the proposals form part of an overall masterplan for the site which may amend market demand going forward given the 15-20 year delivery timeframe. Indeed the site could also accommodate demand for relocated uses from poorer quality employment areas in the District (i.e. retained employment) which is referred to in Paragraph 4.11 of the Rugeley Power Station SPD.

- 7.12 In relation to the issues raised on the adjacent 2ha (RE3) of potential employment land the applicants identify future reserved matters applications will be able to take into account the status of the site at the relevant time, and the compatibility of adjacent uses. Officers propose conditions to address this matter as part of this decision. This provides flexibility to accommodate employment uses on the land in the future.

Weight to be Attributed to Emerging Local Plan Evidence

- 7.13 The Emerging Local Plan is in its early stages of preparation with the work to date being heavily focussed on evidence gathering as opposed to policy formation. The Council has not selected a corporate approach to employment land provision that takes account of the competing demands of preserving the openness of Green Belt land whilst at the same time delivering sufficient land supply for predicted future growth. At the same time, the SPD for the site is now considered to be overly ambitious in its delivery of employment uses in the context of market demand. This is proven within the submissions and accepted by the Council's Planning Policy Section.
- 7.14 Conversely the development represents an imminently available proposal that will provide housing and employment land. The site is proposed for development ahead of formal allocation and is substantial enough in terms of its proposed level of employment provision that it meets current unmet need of 3Ha, with provision of 5Ha in total that can be secured by conditions relating to the Parameter Plans. This in turn, in combination with housing, sports facilities, school provision etc., underpins the site's wider sustainability credentials. Indeed the determination of this proposal will have a substantial bearing on the Emerging Local Plan strategy going forward.
- 7.15 Paragraph 48 of the NPPF states that Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) 'the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);' - Officers note that in this instance no formal policies are apparent. The evidence is in its

early stages having not been tested and the assumptions around economic forecasting convey a range of need scenarios.

- b) 'the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);' - Officers consider this is not relevant because the policies have not yet been formed or consulted upon
- c) 'the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)'. – Officers assess that in this case the development does provide for 5Ha employment land, approx. 2500 jobs and as a standalone proposal, would achieve a balanced and sustainable community.

### Overall Emerging Local Plan Conclusions

- 7.16 The Local Plan Review is at an early stage of production therefore limited weight can be attached to it, and the supporting evidence produced to date, as part of the determination of the current application. Whilst it is accepted the RPS SPD suggests a greater level of employment development is envisaged, it is now accepted by the applicant and Officers this was overly ambitious in the face of updated market demand evidence. Officers therefore consider the site does provide a reasonable level of employment development proportionate to the housing proposed, sufficient to underpin the urban extension as a sustainable community and meet 3Ha of unmet need with some to spare. Albeit some evidence exists that a higher level of need is apparent, this evidence is not tested, has limited formal status and is not overwhelmingly clear given the broad range of untested need scenarios presented. Accordingly it is judged there are no significant conflicts with Emerging Local Plan and there would be no significant basis to dispute the proposed level of housing or employment land.

## **8 Conformity with National Planning Policy Framework (NPPF)**

- 8.1 Aside from policies in the adopted Local Plan, a wide range of national policies within the NPPF are material to the assessment of this application. In the first instance, the NPPF suggests "economic, social and environmental gains should be sought jointly and simultaneously through the planning system." Such factors include but are not limited to providing employment, housing, education and community facilities and other public services alongside the often competing ideals of maintaining biodiversity, avoiding impacts upon heritage assets and utilising an approach to the distribution of development that reduces the use of non-renewable sources of energy.
- 8.2 It is material to the assessment of the application that the adopted Cannock Chase District Local Plan did not take account of the closure of Rugeley Power Station and its longer term effects upon the town as a whole. Although the Council can demonstrate a 5 year supply of housing, it is clear the long term approach to meeting the development needs of the area and dealing with the potential for negative impacts as a consequence of what could be a long term large scale redundant brownfield site, is a pertinent issue. The Council



therefore needs to take account of the opportunities that the redevelopment of Rugeley Power Station could bring in order to promote or assist with the sustainable growth of Rugeley.

8.3 The National Planning Policy Framework (NPPF para 11) states development proposals that accord with an up to date development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Relevant wider spatial paragraphs of relevance include:

- (i) Chapter 5 of the NPPF seeks to deliver a sufficient supply of homes and paragraph 59 reiterates the Government's objective of significantly boosting the supply of homes. Paragraph 72 states that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as significant extensions to existing towns providing they are well located and designed, and supported by the necessary infrastructure and facilities. A large scale development of the type proposed is considered to align well with this NPPF objective.
- (ii) Chapter 6 relates to building a strong, competitive economy and paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The applicant argues the proposals provide employment land of the type required in this area following detailed market study. This is broadly accepted by Officers as is the evidence demonstrating increased employment numbers associated with both the construction of the site and its future operation. These benefits are reported in detail in the socio-economic section of this report but are notably consistent with the strong economic emphasis within the NPPF.
- (iii) Chapter 7 provides for the vitality of town centres and paragraph 85 states 'planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.' Officers note the development of largescale housing in the manner proposed will support local shops and services and it is assessed the proposals are designed or can be improved to maximise access to established shopping, recreational and cultural facilities within the main centre by walking, cycling and public transport.
- (iv) Chapter 8 promotes healthy and safe communities and paragraph 91 outlines that planning decision should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 92 encourages planning policies and decisions to 'plan positively for the

provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments' as well as other key criteria. Officers consider the proposals align with this ambition by providing on site neighbourhood scale facilities. Paragraph 94 outlines the importance of ensuring sufficient choice of school places is available. This is considered in detail within the Socio-economic section of this report, but the development proposes to fulfil its requirements.

- (v) Chapter 11 seeks to make effective use of land and paragraph 118 states that planning decisions should give substantial weight to the value of using suitable brownfield land for homes and other identified needs. Paragraph 122 addresses the issue of densities and requires developments to make efficient use of land taking into account a range of considerations e.g. the local market and development character. Officers note the densities proposed within the development seek to provide higher densities in brownfield accessible locations within the site which are considered to make efficient use of this land.

#### Sequential Assessment Considerations

8.4 Under the NPPF para 86 (and Local Plan policy CP11) Main Town Centre uses such as Office accommodation and mixed use developments such as retail and leisure require local planning authorities to apply a sequential test to planning applications for Main Town Centre Uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.

##### A. Retail and Local Centre Uses

8.5 In the case of the retail elements of the scheme, these would be located outside the obvious Rugeley town centre. It is considered the proposed main Local Centre (Centre 1) would be in accordance with Local Plan Policy CP11 in that the uses proposed constitute the formation of a new development specific neighbourhood centre - provided they are of a neighbourhood scale. Particularly in the case of the retail uses proposed, conditions can secure this. The submissions confirm the following is proposed in the main 'Centre 1' on the site to the northwest:

- a) no greater than 500sqm gross external retail floorspace including a convenience store
- b) a D1 Use Class GP surgery or similar of approximately 1,000sqm
- c) an element of flexible 'community floorspace' such as a D1 Use Class Community Centre that would be up to 1,672sqm
- d) Regarding 'Centre 2' to the southwest, it is suggested a family restaurant / pub such as Table, Harvester, Hungry Horse etc. and/or café could be provided (A3/A4) typically between 278sqm and 557sqm gross.

- 8.6 The applicant has provided a sequential assessment for the above facilities. It is suggested such facilities would require land of approximately 1.2Ha. Setting aside that it would be difficult to disaggregate most of the above uses from the wider development, it nevertheless is a requirement to consider if more centrally located sites exist to accommodate development of this type. The applicants have provided a sequential assessment that considers the main Rugeley centre and available sites such as those highlighted within the Area Action Plan policies RTC6-8. The conclusions drawn are that none of these available sites were suitable, (being of the wrong size in the case of the land that remains from following development of the Tesco store) and in the case of the Markets and Bus Station, were considered to have significant barriers to redevelopment.
- 8.7 As the areas proposed are below the relevant retail impact thresholds contained within the NPPF, it is considered the proposals need not be subject to a formal retail impact assessment.

#### **B. Office Development B1a**

- 8.8 A similar exercise was undertaken for the proposed office development (B1a). In order to provide 20000-24000sqm of Office development, a site of approximately 5 Ha would be required and would need to include space for parking, suitably located public transport connectivity and not be subject to flooding. Of the main available sites, all were not suitable in terms of size and scale, availability and in the case of the Markets and Bus Station would have required relocation of these uses.
- 8.9 Accordingly in the case of both the retail (and associated community uses) and the B1a office Main Town Centre Uses proposed, it is considered there are no sequentially preferable sites to those proposed and thus the sequential test is passed.

#### **Overall NPPF Conclusions**

- 8.10 The application proposes a significant level of housing development and moderate amount of economic development in a spatially accessible location that is capable of being well connected to the main nearby centre. The development makes use of predominantly previously developed land to significantly boost the local housing supply in the area in a manner consistent with the desire in the NPPF. The development will include local shopping, education and community facilities of a neighbourhood scale when no alternative spatially preferable sites are known to exist for such uses. The development will utilise higher densities in the most accessible areas of the site and will provide for lower densities in areas less well connected. Overall the development is considered to accord with the main spatial considerations within the NPPF.

### **9 Conformity with Neighbouring Authority Policies**

- 9.1 The Local Plan Strategy for Lichfield District was adopted 17th February 2015 and provides up to date policies for the neighbouring District. The Local Plan Strategy replaces a number of the saved policies of the 1998 Lichfield District

Local Plan, the remaining saved policies were updated through the Local Plan Allocations document (as set out in Appendix J of the Local Plan Strategy).

- 9.2 Lichfield District Council adopted its Local Plan Strategy in 2015 and adoption of its Local Plan Allocations Document occurred in July 2019. The application development is allocated within the Local Plan Allocations Document for a minimum of 800 dwellings (Site Reference: R1).
- 9.3 Policy R1: East of Rugeley Housing Land Allocations outlines key development considerations for the development of the site. Appendix E of the Local Plan Allocations Document then goes on to provide a detailed concept statement for the former Rugeley Power Station. The key considerations are listed as follows:
- a) Development proposals should have consideration to the Rugeley Power Station Concept Statement (Appendix E) and guided by the Rugeley Power Station Development Brief Supplementary Document.
  - b) Potential ecological impacts should be considered including potential for priority protected species / habitats.
  - c) Rugeley benefits from its location on both the West Coast Main Line and Chase Line. Steps should be taken to encourage journeys to be made by rail, for example providing bus links, and walking and cycling routes.
- 9.4 The application is for up to 2,300 dwellings of which the planning statement sets out that approximately 1,295 dwellings will be within Lichfield District. Whilst this is an increase in units above the 800 which have been allocated, the allocation is a minimum and therefore from a policy perspective there is no objection in principle to an increase in units providing other policy aspects such as Policy BE1: High Quality Development are met.
- 9.5 The applicant is proposing affordable housing on site with a tenure split of 65% social rent and 35% intermediate in accordance with Policy H2. This is supported by Lichfield Planning Policy as is the position regarding the overall number of affordable units proposed taking account the deduction in line with vacant building credit. Whilst it is noted that this is an outline application, Table 8.2 in the Lichfield Local Plan Strategy sets out an indicative housing mix for schemes which includes 5% one beds, 42% two beds, 41% three beds and 12% four plus beds. Therefore, a scheme which reflects the mix outlined above would further be supported.
- 9.6 Saved Policy NA.13 Rugeley Power Station of the Lichfield District Local Plan June 1998 applies to this application. Policy NA.13 states that Rugeley Power Station will be redeveloped for a mixture of employment and recreation uses. However, Policy NA.13 was scheduled to be deleted once the emerging Local Plan Allocations document is adopted. Therefore no weight should be given to this previously saved policy.
- 9.7 Overall it is considered there is broad support for the development proposed in spatial planning terms and it is clear the ambition to redevelop the application site as proposed aligns with Policy R1 of the Lichfield Plan Allocations.

Armitage with Handsacre Neighbourhood Plan

- 9.8 The Armitage with Handsacre Neighbourhood Plan was made in October 2018 and therefore forms part of the Development Plan for Lichfield District. Of relevance to this land allocation is Policy AH2- Conserving and Enhancing the Local Natural Environment which states that development proposals should seek to protect areas for their local natural environmental resource value including the Trent and Mersey Canal and the Borrow Pit, including the allotments and Environment Centre.
- 9.9 Policy AH2 states that “development proposals that would otherwise affect the neighbourhood area’s natural environmental assets will only be supported where they would:
- “Protect, enhance, restore and implement appropriate conservation management of the biodiversity or geodiversity value of the land of buildings concerned, or those listed in the first part of this policy in particular; and/or
  - Minimise fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats; and/or
  - Incorporate beneficial biodiversity and geological conservation features; and/or
  - Deliver a net gain for biodiversity and/or geodiversity in the neighbourhood area”.
- 9.10 Policy AH2 includes criteria which provide for circumstances where development within protected areas will be permitted. Thus development within the area surrounding the Borrow Pit could be considered acceptable against the requirements of Policy AH2 if the development is able to demonstrate suitable management for the remainder of the site, maximise opportunities for wider environmental enhancement and improve the site’s biodiversity value. These matters are discussed in greater detail within the Biodiversity Section of this officer’s report, but it should be noted that the scheme will deliver a waterside park, in addition to 20% uplift in on-site biodiversity value. The area will be managed going forward by a maintenance management company, to ensure its on-going conservation, whilst the recreational use of the Borrow Pit itself will be maintained and expanded through the development and become more widely usable to all of the community. Thus, it is reasonable to conclude the natural environment will not be adversely affected by the proposals and that the development meets some or all of the exception criteria in Policy AH2.
- 9.11 The proposed application seeks to retain the Borrow Pit and allotments which accords well with both policies AH2 and AH4. However the Environment Centre will be removed once the demolition works are complete. Whilst this aspect of the proposal is contrary to the neighbourhood plan policy AH2, the removal of the Environment Centre has already been permitted via a previous demolition application across both respective Council areas and the work associated with clearance of the site is well underway. As such this aspect of the conflict with the policy can be given little weight in the context of the fall-back position.

- 9.12 Policy AH4: Protected Open Spaces lists open spaces that will be protected and this includes the Borrow Pit and a parcel of land adjacent to the north of the Borrow Pit Lake as indicated on Map 8b shown below. This land is in part proposed for development as shown on the Land Use Parameter Plan. Paragraph 6.15 which informs Policy AH4 states that the identified Open Spaces “serve a number of different functions for the local community providing spaces to play, relax, walk dogs and carry out more formal recreation activity”. The Policy was therefore created in order to ensure that recreation could be undertaken within the protected spaces.

**Map 8b - Armitage with Handsacre Policies Map – Borrow Pit**



**Figure 8: Armitage with Handsacre Neighbourhood Plan extract MAP 8b showing protected land governed by policy AH4 Protected Open Spaces**

- 9.13 The Planning Statement submitted argues that this area is contaminated (Asbestos) and in order to mitigate this, removal and creation of a level development platform would be appropriate because development in this area would not result in a reduction in the gap between Armitage and the development site owing to the retention of the lake. Officers recognise the scheme as a whole would offer some positives that align with the recreational

emphasis in line with Policy AH4, through formalising community use and access to the space and enhancing its use for recreational activities. However it is considered the development as tabled does conflict with Policy AH4 of the Armitage with Handsacre Local Plan and these factors in themselves do not override the conflict with Policy AH4 that is apparent. Such conflict would need to be considered in the wider balance of planning benefits associated with the proposals.

- 9.14 Also of relevance is Policy AH5: Better Design which requires new residential development to be of good quality design and where appropriate development should take account of the character of the historic village centre, their proximity and accessibility to the Trent and Mersey Canal Conservation Area and their location in relation to open spaces and plan and recreational facilities. Officers consider most of the detailed design considerations will need to be considered at a later stage once the individual phases of development come forward at Reserved Matters. In the case of access to the canal, the development proposes to make contributions to enact improvements at the southern end of the site.

#### Neighbouring Authority Policy Conclusions

- 9.15 The site is a development allocation within the Lichfield Local Plan Allocations document under Policy R1. Spatially the development of the site is considered to align with the allocation as does the provision of a minimum of 800 dwellings. Hence no obvious wider conflicts with relevant Lichfield Local Plan Policies are apparent. The proposals do represent conflict with the Armitage with Handsacre Neighbourhood Plan in that development north of the Borrow Pit Lake is proposed within the area identified for protection by Policy AH4 Protected Open Spaces.

#### Overall Local and National Spatial Policy Conclusions

- 9.16 It is assessed that whilst the site is not allocated in for any purpose under Cannock Chase Local plan Part 1, development of a brownfield site closely associated with an existing urban area for housing is in conformity with the development strategy, notably Policies CP1 and CP6. The Emerging Local Plan Review is at an early stage of production therefore limited weight can be attached to it, and the supporting evidence produced to date, as part of the determination of the current application. Whilst it is accepted the RPS SPD suggests a greater level of employment development is envisaged, it is now accepted by the applicant and Officers this was overly ambitious in the face of updated market demand evidence.
- 9.17 Officers therefore consider the site does provide a reasonable level of employment development proportionate to the housing proposed, sufficient to underpin the urban extension as a sustainable community and meet 3Ha of unmet need for the wider district with some to spare. Accordingly it is judged there are no significant conflicts with Emerging Local Plan and there would be no reasonable basis to dispute the proposed level of housing or employment land.

- 9.18 The development makes use of predominantly previously developed land to significantly boost the local housing supply in the area in a manner consistent with the desire in the NPPF. The development will include local shopping, education and community facilities of a neighbourhood scale when no alternative spatially preferable sites are known to exist for such uses. The development will utilise higher densities in the most accessible areas of the site and will provide for lower densities in areas less well connected. Overall the development is considered to accord with the main spatial considerations within the NPPF.
- 9.19 The site is a development allocation within the Lichfield Local Plan Allocations document under Policy R1. Spatially the development of the site is considered to align with the allocation as does the provision of a minimum of 800 dwellings. Hence no obvious wider conflicts with relevant Lichfield Local Plan Policies are apparent. The proposals do represent conflict with the Armitage with Handsacre Neighbourhood Plan in that development north of the Borrow Pit Lake is proposed within the area identified for protection by Policy AH4 Protected Open Spaces. In the context of the wider development and taking account of the recreational benefits associated, this conflict is comparatively minor and must be assessed in the wider Planning Balance of the proposals once all respective detailed considerations have been examined and the wider significant impacts of the proposals explored.
- 9.20 Therefore overall, the development of housing in this location is considered to be broadly compliant with adopted Local and National Planning Policies. Therefore subject to further detailed assessment of site specific matters and assessment of Environmental Impacts, the development is considered acceptable in principle.

## **10 Key Issues Description**

In light of the above conclusions regarding wider spatial policies, the remaining key issues in the determination of the current application concern resolution of the environmental matters covered in the Environmental Statement accompanying this application, which are namely:

11. Design Considerations, Concept and Linkages

12. Transport and Highways Considerations

13. Socio Economic Considerations including:

- Economic Considerations
- Housing Delivery, Affordable Housing and Mix
- Education
- Health
- Sport and Leisure Provision

14. Landscape and Visual Impact Assessment

15. Biodiversity and SAC considerations



16. Built Heritage and Archaeology

17. Air Quality

18. Noise and Vibration

19. Water Environment

20. Ground Conditions

21. Other Relevant Planning Considerations

- Waste Management
- Retained power infrastructure and Electromagnetic Radiation
- HS2
- Wind flow impacts
- HGV Parking
- Renaissance Manager and Contributions
- Central 'Third' Access
- Veteran Trees
- Model Railway
- Angling Society
- Requiring the use of local tradesman

22. Other Matters

23. Planning Obligations

24. Planning Condition

## **11 Design Considerations, Concept and Linkages**

- 11.1 Policy CP3 provides detailed considerations for the design of new developments, and links to the Districts Design Supplementary Planning Document (2016) . In addition Local Plan (Part 1) contains an Area Action Plan for Rugeley Town Centre of which the principal aim is to regenerate the town via a series of development 'opportunity sites' and public realm enhancements funded predominantly by the permitted Tesco superstore development. Policy RTC1 Regeneration Strategy and RTC3 Urban Design sets out how the town centre will be improved by a series of complementary regeneration measures, including the development of key Site Policies RTC4-8, wider improvements to the existing urban fabric, public realm and enhanced links to the canal.



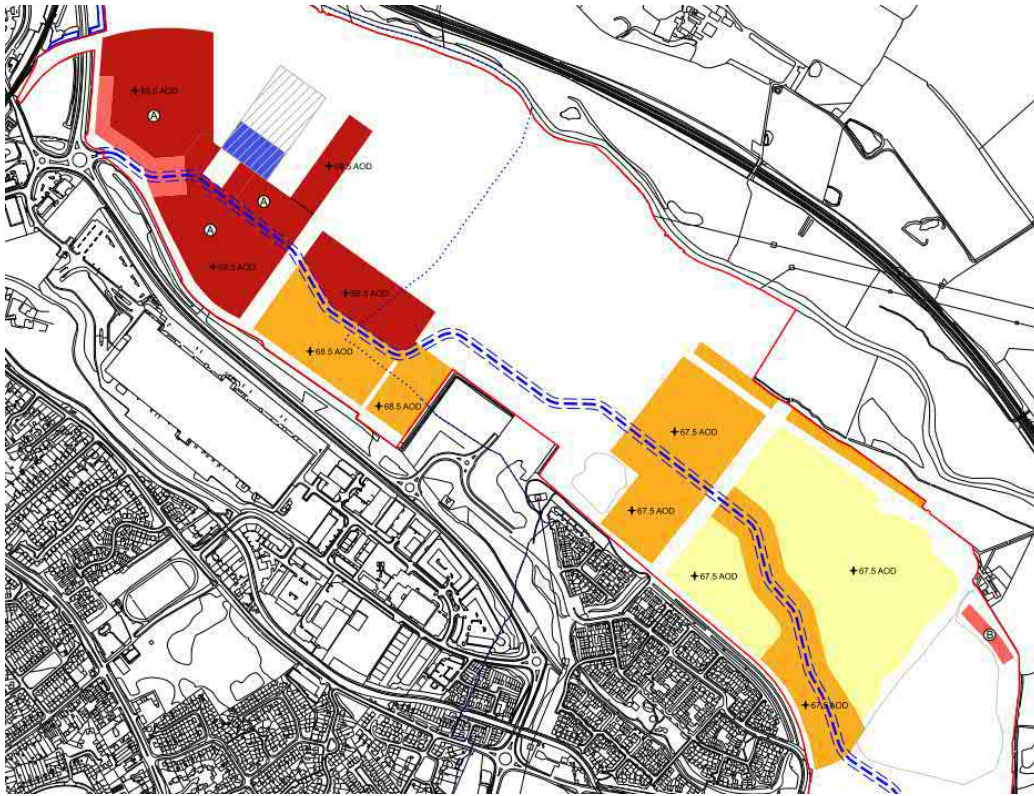
**Figure 9: Design and Access Statement Extract Showing Local Amenities in Rugeley and relevant walking distances.**

11.2 The submitted Planning Statement summarises the applicant's main ambitions for the development of the site to be as follows:

- a) Establishing pedestrian, cycle, and vehicular links including public transport to ensure a well-connected and permeable new neighbourhood.
- b) Providing the community of Rugeley with an accessible Riverside Park that forms part of the town's amenity as well as public formal sports area positioned centrally in the location of the former Rugeley Social.
- c) Defining appropriate uses for various parts of the site in response to the retained infrastructure and natural elements on site.
- d) With two neighbourhood focal areas, establishing a new living and working community as a place that has a purpose and identity as well as one that complements the existing infrastructure of the town.
- e) Defining this new place as a collection of differentiated neighbourhoods that are interconnected through a network of green spaces and routes; that integrate with the existing neighbourhoods; and that provide attractive environments where people will want to live, work, socialise and relax.

### Parameter Plans

- 11.3 As described in the 'Proposal' section of this report, the proposal is made as an outline application with a high level illustrative master plan showing how the resultant site could appear. Matters relating to appearance, the precise layout of the site, landscaping and the precise scale/height of the buildings are reserved for subsequent approval and as such do not fall for full determination at this time. However the applicant is seeking formal approval of the submitted Parameters Plans which illustrate the approach to the development of the site. Members should be clear that such plans seek approval of more detail than may otherwise be the case on an outline application with Scale and Layout Matters reserved. The Parameters Plans include:
- a) Access and Movement (Dwg No. 01585\_PP\_01 Rev P5)
  - b) Land Use (Dwg No. 01585\_PP\_02 Rev P4)
  - c) Building Heights (Dwg No. 01585\_PP\_03 Rev P6)
  - d) Residential Density (Dwg No. 01585\_PP\_05 P5)
  - e) Green Infrastructure (Dwg No. 01585\_PP\_04 Rev P4)
- 11.4 Broadly the Access and Movement Plan shows a key 'Rail Way' route along a portion of the former rail connection into the site. This is proposed to span the length of the site and link in to Power Station Road, providing pedestrian access to Love Lane and the wider centre. Also shown is the main spine road spanning the length of the site and utilising the existing power station access roundabout arm at the northern end and the already consented new access onto A513 Rugeley Road within Lichfield District.
- 11.5 The Land Use Parameter Plan (as shown at Fig 4 in the Description of Development section of this report) shows the dominant use of the site will be housing with employment uses to the centre of the site creating a stand off around the retained switching stations. Also shown are two respective Mixed Use areas, the main being the Neighbourhood Square to the west and a smaller leisure focussed centre in close proximity to the Borrowpit Lake.
- 11.6 With regard to Building Heights and Density the plans show a transition from 'up to 5 storeys' and 'Up to 75 dwellings per hectare' to the west of the site - down to 2.5 storeys and 35 dwellings per hectare in the eastern portion. A general reduction in scale from west to east is proposed, with the exception of a slightly taller 4 storey building at the eastern end of the site that is closely associated with the Borrowpit Lake.



**Figure 10: Building Heights Parameter Plan extract showing higher building heights up to 5 storeys at the north western end and up to 2.5 storeys at the eastern end. Additional criteria are also included within the plans to ensure building heights in these areas show variety**

- 11.7 Finally the Green Infrastructure Plan indicates a large Riverside Park, formal open space such a sports playing pitches to the centre of the site and in proximity to the school, Open Space to the centre of the site to include allotments, community gardens and play areas and various linking greenways that could include cycleways, footpaths and similar.

### Neighbourhood Square

- 11.8 One the most significant aspects of the proposals located in the Cannock Chase portion of the site is the proposed Neighbourhood Square. This is suggested to be a focal point at the western gateway into the site that is directly accessible to the new community and the wider community of Rugeley. It comprises of a large multi-functional community square faced by higher density mixed use buildings, potential space for a healthcare facility, a two-form entry Primary School, flexible community space, convenience store and other mixed uses. This mix of uses around one space seeks to create opportunities where a range of people gather for different purposes, providing a platform for integrating new and existing communities. The submissions go on to state:

‘The square itself would provide opportunities for occasional events, market days or celebrations, furthering its role as a point of community focus and interaction. The square is traffic free except for emergency vehicles and deliveries. A diagonal route through the open space leads to the ‘Riverside Park’ and the ‘Rail Way’ through the public open space ‘Langley Common’ providing additional activity and purpose.’





**Figure 11: Extract from Design and Access Statement (Pg121) showing Artist Impression of Community Sq.**

### Riverside Park

- 11.9 A significant component of the proposed development is the opening up for wider public use of 25Ha of land adjacent to the river. This land is the former golf course and it is proposed to be a large recreational and wildlife resource for the town brought into use early in the construction programme. The existing woodland blocks, waterbodies and grassland habitats are proposed to be enhanced support areas of lowland meadow, native woodland, marshy grassland and wetland habitats. It is suggested within the submissions that interconnected habitats of this type would provide a significant biodiversity benefit and will also provide for public footpaths and cycleways to promote leisure opportunities within the site such as walking, running and cycling in a naturalised, riverside setting.



**Figure 12: Landscape Design Statement Extract from Page 28 showing Riverside Park and nearby biodiversity and community related features**

### Rugeley Social – Sports and Play Facilities

- 11.10 Proposed in broadly the same location as the former Power Station Social Club in the centre of the development, Rugeley Social is proposed to provide public sports and play facilities in an accessible location. This will include a multifunctional hub serving as a sports pavilion.



**Figure 13: Extract from submitted Landscape Design Statement (pg. 51)**

### The Harbour – Borrow Pit Lake

- 11.11 The application proposes to retain the Borrow Pit Lake and acknowledges the area is an amenity and ecological asset. It is proposed to provide a leisure hub in close proximity to the lake which will function as a base for watersports and waterside attractions such as fishing and kayaking. This will be provided adjacent to a small neighbourhood centre which is intended to have a leisure and food drink focus, likely to accommodate a family restaurant / pub, which is likely to have a typical floor area of between 278sq m and 557sq m. It is also identified that there may be a boathouse or similar kiosk, associated with the potential leisure use of the lake, which may contain a small area of D2 Floorspace and ancillary retail or café facility.

### Officer Assessment

- 11.12 The site exists in the context of a number of constraints and opportunity features. Some of the constraints are associated with its previous use such as on-site power related infrastructure, some are natural constraints such as alluvium clay or nearby flood zones and others that are man made such the adjacent main road or the large block of development occupied by Amazon Warehouse. Officers are pleased to note the development tabled follows extensive community consultation and configuration in the context of these constraints. Officers also consider the Design and Access Statement and

Landscape Design Statement documentation seek to make the most of the connectivity opportunities and the natural/semi- natural assets within the site, in a manner that promotes effective and efficient use of land with access to varied means of transport.

11.13 As part of the consideration of the application, consultation with the Lichfield District Council Urban Designer and the Council's own Environmental Services Department have been undertaken. These consultees too highlight the positive engagement and creative processes that have fed into the proposals. However whilst acknowledging these positives, some of the key functional design matters such as the following are suggested to be lacking:

- a) Conformity with adopted parking standards and wider practicality concerns
- b) Conformity with adopted separation and garden size requirements
- c) Concerns regarding refuse storage arrangements

11.14 Officers would suggest that all references to the delivery of the ultimate number of dwellings should be taken to mean 'up to' the number of dwellings proposed as is implied in the development description. This permits flexibility to reduce the overall number of dwellings to ensure that the Council's standards can be met at the Reserved Matters stage. Furthermore, the Parameters Plans provided are at a high level, not showing detailed layouts throughout the site. The plans will serve as a guide and set the maximum extent of density and building heights. A lesser density however could still be permitted if required to accord with the relevant standards which are intended to be written into a formal Design Code for the site and each respective major phase. Whilst an example of a detailed layout was provided and this marginally departs in some areas from relevant standards, this is not the only way of carrying out the layout. Instead Officers consider the conditions proposed that require provision of a Site Wide Design Code and Phase Specific Design Codes which specify separation distances, garden sizes and parking arrangements will provide the Council with the opportunity to ensure such matters are addressed in line with an agreed standard.

11.15 Accordingly subject to conditions to assure consideration of detailed considerations and urban design matters, Officers are satisfied the design rationale behind the proposals is acceptable and would be in accordance with Cannock Chase Local Plan Policies CP6 and CP3, Lichfield Local Plan Strategy Core Policy 14, Policy BE1 and Section 12 (Design) of the NPPF.

## **12 Transport and Highways Considerations**

12.1 Policy CP10 promotes sustainable transport within the District and wider design policies such as CP3 promote connectivity between areas and services that attract the public. Policy CP16 sets out policy provisions for tackling climate change and ensuring the sustainable use of resources. Positive consideration will be given to proposals that help address these including those that contribute to improved accessibility of service and sustainable transport links; energy efficiency improvements and renewable and low carbon energy generation; assist adaptation to climate change; reduce and mitigate all forms

of pollution; contribute to use of land sustainably, including the preference for brownfield land. Similar ideals are set out in NPPF policies.

- 12.2 The applicant has carried out in depth analysis of traffic data collected during 2018 in a manner agreed with Staffordshire County Council Highways Authority (SCC Highways). This data has been modelled and increased to a 2023 forecast year for the purposes of construction traffic assessment and 2029 for the purposes of occupation traffic assessment and includes committed developments in the vicinity of the site.

#### Construction Impacts

- 12.3 Following the completion of this modelling work, in general the construction phase impacts associated with the development are deemed to be negligible and can be addressed with relatively minor mitigation measures to be implemented through the Construction and Environmental Management Plan. In addition a cumulative assessment of the proposed construction activity running concurrently with the removal of Pulverised Fuel Ash has also been carried out. This concludes no further mitigation above that already identified is required.

#### Occupation Impacts

- 12.4 During the occupation and use of the development, the changes in traffic flows for all links within the study area have been assessed. In particular Wolsley Road, Sandy Lane and Station Road were the main links that triggered a requirement for detailed assessment of specific traffic related impacts. However, it is concluded that the magnitude of change in terms of traffic flow is typically likely to result in only negligible impacts. The exception to this is the effect of severance and pedestrian delay on Station Road where moderate adverse impacts are forecast if no improvements are made.
- 12.5 An assessment of junction capacities to establish the potential for driver delay is carried out within the submissions and uses peak hour (worst case) traffic flows at junctions. A total of four junctions are forecast to require mitigation following the introduction of occupation levels of traffic and mitigation schemes are proposed in the following locations:
- Horse Fair/A460 Sandy Lane/A460 Western Springs Road/B5013 Elmore Lane roundabout;
  - A51 Rugeley Eastern By-Pass/A51/Wheelhouse Road roundabout;
  - A51/A513 Rugeley Road/A513 Armitage Road roundabout; and,
  - A51 Rugeley Eastern By-Pass/RWE Access roundabout
- 12.6 In addition to junction capacity improvements the proposed mitigation package includes as a range of sustainable transport infrastructure and travel planning initiatives. A summary of the sustainable transport mitigation package is as follows:
- a) Pedestrian and cycle permeability with improved, defined routes between the Site, Rugeley Town Centre, Rugeley Town Railway Station, Rugeley



Trent Valley Railway Station and surrounding residential areas to include formal crossing points on key desire lines;

- b) Canal towpath improvements to link in with wider County Council improvements to the Canal Tow path Network;
- c) Cycle parking to be provided in line with locally adopted standards;
- d) Network of pedestrian and cycle routes throughout the Site;
- e) The layout allows for bus penetration to enable easy access to public transport services. It is envisaged that this will be delivered by either diversion of existing bus routes or provision of new bus route to better link the Site with key destinations such as Rugeley Town Centre, Rugeley Town Railway Station, Rugeley Trent Valley Railway Station;
- f) Provision of electric vehicle charging; and, Framework Travel Plan to promote and stimulate modal shift – i.e. a wider change in behaviour to promote more sustainable travel choices from users of the development.

12.7 The ES states that following the delivery of the proposed mitigation package development impacts across the majority of the study area are forecast to continue to be negligible.

#### Officer Assessment

12.8 Staffordshire County Council Highway Authority have been formally consulted on the application to consider if the methodology utilised in assessing the impacts are robust, and to assess whether the results and mitigation proposed go far enough to address the envisaged impacts. In their formal comments to the Council it is stated that having assessed the submitted information, there is no objection to the principle of the development subject to conditions. In particular the Highway Authority comment:

“The TA has analysed the impact from any future vehicles generated by new uses on the site, this has been carried out using industry standard techniques and provides a very robust scenario with no allowance made for any reductions gained through enhancements of the sustainable transport facilities.

The TA has also looked at the proximity to Rugeley and other local facilities and has highlighted deficiencies that could prevent any future occupants being able to make their journeys on foot or bicycle. To this end there are various improvements recommended to the network such as controlled crossings and widening of footways which is to be welcomed. The site also benefits from a former railway bridge into the site which spans the A51, which has the potential to create a car free access without a need to cross the A51. It is important that any reserved matters or masterplan takes full advantage of this facility as it has real potential to reduce vehicular trips and integrate the site into Rugeley.

The other important element in sustainable travel is the provision passenger transport, which is currently poor for site. There are real opportunities here for future journeys to be made via buses, whether this is just one stage of a journey to the train stations and bus station, which in turn provide access to the wider areas such as Stafford, Lichfield and Birmingham or just travelling to the town centre.

This element of the transport improvements to be funded by the developer will need to be well planned to ensure the site has the right facilities delivered at the right time to ensure value for money and a realistic travel choice. This will need to be secured in the section 106 with amounts and timing of such payments to be agreed.”

12.9 Highways England and Network Rail were consulted. Highways England offer no objection to the proposals on the basis of the submitted information. Network Rail’s original comments on the application predominantly related to matters of rail infrastructure protection given the close proximity of part of the site to the functional rail network and noise. Such matters are dealt with by suitably worded conditions, and in the case of noise are addressed in the noise section of this report. In relation to wider transport considerations, Network Rail suggest the effects of increased footfall at Rugeley Town and Trent Valley Stations should be considered. In this regard the applicant’s propose transport mitigation improvements at Power Station Road and Armitage Road shown on the following drawings. In light of these proposals Network Rail have offered no further comments or objections:

- J32-3955-PS-100 Rev D – Overall Drawing Location Key
- J32-3955-PS-101 Rev D – Colton Road approach to RTV
- J32-3955-PS-101A – Trent Valley Approach give way draft (discounted option)
- J32-3955-PS-102 Rev D – Northern Site Access and Bottom half of Power Station Road cycle improvements
- J32-3955-PS-108 Rev B– Armitage Road Roundabout
- J32-3955-PS-111 Rev A – Power Station Road onto Leathermill Lane cycle improvements
- J32-3955-PS-113 Rev B – Canal towpath improvements

12.10 The package of off-site highway works drawings as referenced in conditions includes junction and other improvements which will improve the pedestrian / cycle connectivity and sustainability of the proposed development. The overall off-site package for the redevelopment of the power station has been agreed in principle with the Highway Authority and will be secured via Section 106 Agreement. Included are improvements to the canal towpath which have been agreed on-site with the Highway Authority and Canal and River Trust. These works connect to a section of the towpath west of this, which is the subject of committed improvements which are due to be carried out by the Highway Authority’s contractor; these works were secured and paid for by an unrelated development(s) and Section 106 Agreement(s). The Highway Authority and Canal and River Trust have identified a potential shortfall in funding for a 230m approx. section of this towpath. The applicant has agreed to provide an additional £15,000 to assist with the early delivery of these committed works,

and discussions about this are likely to continue as part of the process of securing the improvement via S106.

### Transport and Highways Conclusions

- 12.11 Cannock Chase Officers consider the modelling and analysis carried out reflect good practice in terms of the approach to estimating the uplift in resultant traffic and required mitigation. To secure off site junction improvements and enhancement, a S106 is required and this would also secure the required contributions to transport service enhancements for fee paying passengers and the travel plan for the site. Until such time as the S106 is agreed, conditions are recommended by the Highway Authority to ensure delivery of these improvements. With these conditions in place the development proposed would be in compliance with Cannock Chase Local Plan Policy CP10, Lichfield Local Plan Strategy CP3 & CP6 and the NPPF Para 109 regarding the promotion of sustainable transport.

## **13 Socio and Economic Considerations Including:**

### Economic and Employment Opportunity Considerations

- 13.1 The submitted ES states the employment rate in LDC in the year to September 2018 stood at 75%, and in CCDC stood at 78%. Both local authorities have a higher employment rate than that of the West Midlands (73%). The employment rate in LDC is 1% lower than the national employment rate (76%), and the employment rate of CCDC is 2% higher (ONS Annual Population Survey). Stoke-on-Trent and Staffordshire LEP employment rate stood at 76% in the above period and the LEP had 463,000 jobs in 2017 with 24,000 jobs in the construction sector (ONS Business Register and Employment Survey, 2018). In both districts, wholesale and retail trade, and repair of vehicles is the largest employment sector with 7,000 and 10,000.
- 13.2 Unemployment rates within the LDC for the working age population (16+) in the year to September 2018 stood at 3%, and in CCDC stood at 4%, which are both lower than that of the West Midlands (5%). The unemployment rate in LDC is lower than the national unemployment rate (4%), and CCDC is consistent with the national average.
- 13.3 The construction of the proposed development would help support construction firms operating in the region, and provide jobs in the industry. The development would lead to the creation of new direct and indirect jobs, through supply chain benefits and new expenditure introduced to the local economy. Table 6.18 within the ES states that an anticipated 89 direct construction jobs per annum would be created during the development process, and in total 129 jobs per annum (over approx. 20 years) including supply chain related benefits (and relevant deductions).
- 13.4 In terms of direct employment at table 6.19 within the ES it is anticipated. 2857 FTE jobs would be created by the development once it is fully constructed and operational, i.e. the office uses, healthcare uses, retail etc. provided as part of

the proposals. With adjustments and off site jobs this rises to 2931 FTE jobs once the development is fully operational.

- 13.5 In Environmental Impact Assessment terms this is considered to be a moderate beneficial impact long term that aligns well with the positive economic objectives set out within the Cannock Chase Local Plan.

#### Housing Provision, VBC and Affordable Housing

- 13.6 The development will provide for up to 2300 dwellings, a significant proposal that contributes to a large proportion of both Lichfield's and Cannock Chase's Housing Need over the next 15-20 years. Indeed as is reference by the Council's Planning Policy Team, providing for housing in this location makes efficient use of land, easing pressure for Green Belt release elsewhere in the district. Paragraph 4.6 of the Rugeley Power Station SPD advises that "the site is suitable for a range of house typologies and it is anticipated that LDC and CCDC will seek to achieve a balanced mix of housing and apartment typologies. The housing mix is flexible and will be agreed at the time of submission, informed by consideration of local policies, housing market dynamics and the needs arising within Rugeley".
- 13.7 Policy CP7 of Cannock Chase's Local Plan Part 1 seeks on site provision of a minimum of 20% affordable housing units for schemes of 15 or more units. Further discussion regarding housing mix, including affordable housing tenures are detailed within that Council's Developer Contributions and Housing Choices Supplementary Planning Document (2015). For Lichfield, the site is over the threshold for the provision of affordable housing as required by Lichfield Local Plan Strategy Policy H2. The on-site affordable housing provision required by Policy H2, is 35%. Policy H2 also recommends that of the affordable housing provided within a site, 65% should be social rented and managed by a registered provider, with the remaining 35% intermediate. Cannock Chase District Council policies require 80% of affordable units be social rented and 20% intermediate.

#### a) Vacant Building Credit (VBC)

- 13.8 Paragraph 63 of the NPPF states that "To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount". This matter is expanded upon within paragraph 026 of the Planning Obligations NPPG, which states "where a vacant building is... demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace".
- 13.9 In essence the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan (i.e. 20%). A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being demolished as part of the scheme, and this should be deducted from the overall

affordable housing contribution calculation. The purpose of the policy as suggested by Government is that it:

‘is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.’

13.10 In this case, this is a Brownfield site, where it has been determined that in the context of the NPPG guidance that the buildings have not been made vacant to facilitate the site’s redevelopment, rather, such has arisen due to national targets to reduce carbon emissions, resulting in the closure of coal fired power stations nationwide. Demolition within the site has commenced and continues. Thus, consideration has to be given to at what point the calculation of existing floorspace should be calculated. Following consideration of equivalent schemes elsewhere within the country and discussions between relevant parties, it has been determined that the suitable date from which to calculate existing floor space within the site, is the date of validation, namely the 7th June 2019.

13.11 In terms of proposed floor area within the site, given this is an outline application, where such is yet to be formalised, it has been determined that the suitable process to determine such is to use the national average for a dwellings floor space and multiply such by the number of dwellings proposed to be erected within each District (1,264 in LDC and 1,036 in CCDC).

13.12 An Affordable Housing Proposal document has been submitted with this application, which details the applicant’s offer to each of the two Councils. Applying the floorspace at the time of submission, the following calculations are undertaken and show there were more buildings in Cannock Chase’s portion of the site:

	<b>Lichfield District Council</b>	<b>Cannock Chase District Council</b>
Area of Vacant buildings	16,326 sq. m	78,686 sq. m
Proposed new development floor space	110,074 sq. m	90,827 sq. m
Net increase in Floor space	93,748 sq. m	12,141 sq. m

13.13 Therefore the above table evidences that the VBC applicable within Cannock Chase District is far greater than within Lichfield District. In fact, as a consequence of the application of VBC, the policy compliant provision falls from 207 dwellings (20%) to 28 dwellings (2.7%), an overall reduction of 179 affordable dwellings taking account the VBC discount required by the NPPF. Applying CCDC’s required tenure mix results in 22 social rented dwellings and 6 dwellings for intermediate tenures.

13.14 At the same time applying the VBC against the total number of affordable dwellings in Lichfield results in a reduction in the number of affordable units, from the policy compliant level (35%) of 442, down to 377 units an overall reduction of 65 dwellings, bringing the total provision within Lichfield District to 29.7%. Applying the tenure mix required by Policy H2, this results in a social rent provision of 245 dwellings and 132 dwellings for other tenures.

b) Affordable Housing

13.15 The application following the application of VBC would result in the above noted levels of affordable housing being applicable (377 Lichfield, 28 Cannock Chase). However, during the course of the application Lichfield Officers have accepted that owing to the significantly low level of affordable housing provision in CCDC's area such an approach would run contrary to the aim of creating inclusive and mixed communities. To address this point, the applicant following dialogue with respective Housing Managers, has produced a blended figure, where the affordable housing levels are spread proportionally across the site to accord with the level of overall delivery.

13.16 This results in an overall site wide provision of 17.6% or 405 dwellings. After applying a proportional principle of housing development within the scheme (Lichfield District will have 55% of the dwellings, Cannock Chase District 45%), the respective authorities would receive a total of 223 and 182 affordable dwellings, with the tenures being policy compliant for each authority.

13.17 It should be noted that VBC is a vehicle supplied by the Government in order to encourage development on Brownfield Sites, where usually remediation and mitigation costs are high. As such, the applicant is not in any way seeking to reduce inappropriately, the level of affordable housing within the scheme, rather utilising the allowance permitted via national planning policy. Thus, the above noted figures, although lower than the affordable housing levels identified within the respective Authorities affordable housing policies, remain policy compliant in the wider sense.

13.18 It is felt such an approach is a positive outcome for Cannock Chase District and secures more affordable housing than potentially could have been the case if Lichfield District had opted to take a harder line to effectively 'sharing' the split of affordable dwellings. It does mean that Lichfield District receive less than would otherwise have been the case and it is clear, this was an Officer agreement that would need to be reviewed by Lichfield Council's Planning Committee. Nevertheless, assuming no change, 17.6% affordable housing can be secured via S106.

13.19 Regarding the wider mix of affordable dwellings, further information from the applicants has been received confirming a revised position which states:

**Revised Affordable Mix – blended across whole site**

<b>Bedrooms</b>	<b>Social Rent/Affordable Rent</b>	<b>Shared Ownership/Other Tenures</b>	<b>Total</b>	<b>Percentage</b>
1 bed flat	70	0	<b>70</b>	<b>17.3%</b>
1 or 2 bed flat	30	25	<b>55</b>	<b>13.6%</b>
2 bed house	95	45	<b>140</b>	<b>34.6%</b>
3 bed house	62	58	<b>120</b>	<b>29.6%</b>
4 bed house	10	10	<b>20</b>	<b>4.9%</b>
<b>Total</b>	<b>267</b>	<b>138</b>	<b>405</b>	<b>100%</b>

13.20 This has been subject to review by the Council's Housing Officer and equivalent from Lichfield Council. In their view the overall level of affordable housing delivery is policy compliant taking account the VBC deduction for removed buildings. The tenure split (given this originates from predominantly the Lichfield portion of the housing) is also policy compliant. The Council generally would encourage a housing mix that contains a high proportion of 2 and 3 bed houses, and less flats. However given the higher density apparent in this proposal, delivery of a higher number of flats is inherently linked to the delivery of higher density housing, particularly in the Cannock Chase portion of the site. Hence higher numbers of 1 bed flats are proposed than set out in the adopted SPD standard. This standard states:

Cannock Chase SPD Compliant Affordable Housing Mix –

10% 1 Bed, 60% 2 bed, 25% 3 bed and 5% 4 bed

The affordable housing proposed will be secured by Section 106 which will include reference to the mix proposed being in accordance with the most up to date affordable housing needs evidence. Conditions will also require that affordable housing is spread across each phase of the development equally. Subject to securing the affordable housing, tenure and mix via these mechanisms, it is considered the level of affordable housing proposed is policy compliant (despite being less than 20% for the reasons set out above) with both Policy CP7 Cannock Chase and Lichfield Local Plan Policy

### Education

13.21 Policy CP5 outlines how the Council will work with public, private and third sector partners to ensure that appropriate levels of infrastructure are provided to support social inclusion and healthy living. This includes facilities for health, education, sports and recreation, cultural and community uses, and local shopping amongst others. Similar ambitions are provided for in NPPF paragraph 20, 94 and 104.

13.22 Based on the location of the proposed development the County Education Authority consider 2300 dwellings would require:

- 104 Early Years Places
- 483 Primary School Places
- 345 Secondary School Places
- 69 Post-16 places

13.23 There are projected to be an insufficient number of school places in the local area to accommodate the children generated by the development at both secondary and primary phases of education. In order to mitigate this the developer should provide:

- Primary School: The cost of a 2FE primary school = £7,902,200 plus a suitable site of 2Ha to the a 2FE primary school
- Secondary School: The level of contribution has been calculated based on the cost of providing a 2FE secondary and post 16 places. The contribution will be used to either expand existing secondary provision at Hart School or provide new secondary school provision elsewhere (on/offsite). 2 Form of entry high school places currently cost £8,000,000. Further discussion will be required in terms of on/off site provision.

13.24 Therefore subject to securing the above on site provision of the primary school and the above monetary contribution towards enhancement of secondary schooling provision in Rugeley via S106, the County Education are satisfied the proposals would meet with their expectations in terms of education provision for the area. Thus the development is in compliance with CP5 regarding education infrastructure provision.

#### Health

13.25 Much in the same way as for education, the Cannock Chase Clinical Commissioning Group (CCG) are responsible for planning and coordinating health infrastructure within the area. As Health Contributions within Lichfield District are picked up under CIL as part of wider contributions, the proportion of dwellings in their area must be deducted from the starting number of dwellings that contribute to the uplift in need. Therefore when calculating the additional need for health facilities that results from the development, the starting figure of 1036 dwellings is used.

13.26 The CCG then use the average household size in the area of 2.4 people per dwelling to estimate that the proposals would result in an increased patient population of approx. 2486 (for roughly half the size of the site). A Dept. of Health HBN11-01 standard is then applied which estimates an additional 65 hours of consulting room time would be required and 17.4 hours of treatment room time would be required to service this level of population. The CCG confirm the surgeries likely to be affected by the increased population are:

- Brereton Surgery, 88 Main Road, Brereton, Rugeley, WS15 1DU
- Horse Fair Practice Group, Sandy Lane Health Centre, Sandy Lane, Rugeley, WS15 2LB
- Aelfgar Surgery, Church Street, Rugeley, WS15 2AB

13.27 The CCG suggest the practices listed above are looking to expand/alter their surgeries, or are part of a wider strategic redevelopment coordinated by the Dept. of Health and the CCG. This project aims to provide additional patient space to meet the demands of the patients in the area. Accordingly a request for a contribution from the housing development towards the expansion of the above premises is made by the CCG. The estimated cost of providing the



expansion required is estimated to be £735,974.40 and is recommended to be secured by S106 (subject to review of the building costs utilised within the calculation).

- 13.28 Members should note that from the start of the application process, the CCG have advocated adaptation of existing surgeries to treat the population that arises from the new development as opposed to new on site provision. An on-site solution is not the CCG's preferred option on the basis it does not reflect the most cost efficient approach to health provision. Whilst Officers and the developer are aware of the previous public consultations that suggest an on-site surgery could be provided, this is not the approach favoured by the body coordinating wider health investment in the area. Therefore whilst the Council can still grant planning permission for the on-site surgery as part of this consent, it is not likely to come forward in terms of the Department of Health's wider strategy. Instead the preference, and as such the approach Officers propose to take forward, is to secure funds from this development to adapt existing surgeries.
- 13.29 Whilst Members could in theory take a different view and require on-site provision by condition, this approach would be market dependent and would hinge upon a GP provider taking forward the use on the site with potentially no incentivisation by the CCG. The danger of not aligning the approach to that advocated by the CCG is that the proposals for health delivery on site do not come forward. Much like the education approach, if the Council do not adopt a view that accords with the wider envisaged strategy, this creates a risk the health provision for the community is put under undue stress through oversubscription. Hence Officers would not recommend deviating from the approach advocated by CCG.

### Sports Facilities

- 13.30 Facilities for sport and recreation will be focussed around the centrally located public open space referred to as 'Rugeley Social' in the LDS, which will provide formal sports pitches for football, rugby, cricket, running track and bowls as well as a sports pavilion to replace those lost as part of the development. A proposed Multi Use Games Area (MUGA) located east of the proposed primary school would offer additional opportunity for football, tennis and hockey. The Borrow Pit Lake will become a focal point for recreational water sports, encouraging activities such as swimming, fishing and kayaking. Additionally, there will be a series of on-site recreational trails for walking, cycling and running, achieved through the country park trail, the lakeside trail and the site wide internal trail with an opportunity to tap into the wider public rights of way.
- 13.31 NPPF Paragraph 97 seeks to protect existing sports facilities and in cases where playing fields are lost as part of a development Sport England are a Statutory Consultee. To ensure accordance with Para 97 and other relevant policies from Sport England (e.g. Policy Exception E4 – equivalent or better replacement provision), it is proposed to replace all of the existing sports provision (apart from the Golf Course) in a broadly similar location to the previous facilities.

- 13.32 Sport England confirm the proposal has the potential to broadly meet Sport England exception policy E4 subject to conditions and an appropriately worded S106 agreement securing the replacement playing field and ancillary provision alongside management arrangements for the site, and no objection is raised.
- 13.33 Relevant conditions are suggested as part of this decision and subject to S106 to secure the replacement provision, Officers are satisfied the proposals are compliant with NPPF Para 97(b).

#### Community Facilities, Allotments & Community Centre

- 13.34 The application proposes to deliver a considerable amount of informal open space through a variety of open space typologies such as natural and semi-natural greenspace, formal parks, existing woodland and the Borrow Pit Lake, creating a range of environments and recreational experiences. The application would also provide a variety of play spaces throughout the proposed development. These will include formal equipped areas for play through the NEAP's (Neighbourhood Equipped Areas for Play) and LEAP's (Local Equipped Areas of Play) as shown on the Green Infrastructure Parameter Plan.
- 13.35 The submitted LDS sets out open space and sport provision requirements of both LDC and CDDC (LPS Policy HS C1 and CCDC's Developer Contributions and Housing Choices SPD). In total, the estimated population yield (5,152 people) of the proposed development will generate a requirement for 46.32ha of formal and informal open space. This planning application is proposing to deliver a total of 66.79ha of open space therefore the proposals will provide over 20ha more open space than required by LDC and CCDC policy.
- 13.36 There are existing allotments to the south east of the site which will be retained and a new lease will be agreed with the allotment society in early 2020. In addition, new allotments will be provided elsewhere in the site. This is shown at the centre of the site at No.22 on Figure 12 within the Landscape Design Statement, although this is indicative and will be subject to a reserved matters submission. Both the existing and new allotments will be secured and retained through the Section 106 Agreement.
- 13.37 A community centre will provide a flexible building for community based activities within the mixed-use neighbourhood centre to the north of the site. The community facilities will be secured and retained for this purpose through the Section 106 Agreement and will be offered to CCDC for management in the first instance, or otherwise a management company. The Section 106 Agreement will require agreement on a range of details in relation to the community building, including design and phasing. The design will also be the subject of reserved matters, which will need to be consistent with the Design Codes to be agreed.

#### Socio-economic Conclusions

- 13.38 The application development would provide for moderate economic and employment related benefits. The development would provide for a substantial level of housing development that would contribute to wider needs within both Lichfield and Cannock Chase. The proposals would provide for a policy

compliant level of affordable housing on the site at an appropriate tenure and mix that can be fully secured via S106. The development would provide for on site primary education within a new 2 form of entry primary school and would provide contributions to health facilities in the area to align with the approach advocated by the CCG who coordinate health infrastructure provision within the area. Sports facilities on the site will be re-provided to achieve better provision than previously was the case and the level of on site community facilities, allotments and public open space would meet or exceed the level of provision required within the Council's adopted policies. Accordingly the development is judged to accord with Local Plan Policies CP1, CP2, CP3, CP5, CP6, CP8, CP9, and CP10 and Lichfield Local Plan Strategy Policies H1, H2, CP7, ST1, HSC2 and IP1.

## **14 Landscape and Visual Impact**

- 14.1 Policy CP14 sets out policy provisions for the protection, conservation and enhancement of the District's landscape character, particularly the Cannock Chase Area of Outstanding Natural Beauty (AONB). The site is not in the immediate vicinity of the AONB. However, given the scale of the site and levels of development proposed the relationship of the site to its own and the wider landscape character setting should be considered.

### Process of Assessment

- 14.2 The applicants have produced a detailed ES and ES Addendum that considers the wider landscape in the context of National Landscape Character Areas and more localised townscape vantage points. The quality and interest associated with the landscape, the visibility of the site by particular receptors and examines visibility of the site from key assets in the context of the wider landscape such as Cannock Chase AONB, Trent and Mersey Conservation Area and Castle Ring Scheduled Ancient Monument, the highest vantage point within the AONB. In particular use of Wireline diagrams are included from a number of public vantage points as are 3D visual montages showing an individual's perspective as if the development had taken place.
- 14.3 With regards to the quality of the landscape, the site is not subject to any national or regional landscape designations. The Landscape and Visual Impact Assessment (LVIA) states:

"13.4.57 The Site has undergone a substantial change since the 1950's. The development of Rugeley Power Stations A and B during the 1960's resulted in the loss of the majority of landscape features. However, as part of the power station development a number of landscape features have been created within the main Site as part of the leisure facilities. An 18 hole golf course was created within the Site, starting within the centre, to the immediate north of the ornamental lake. From here the first 5 holes are located to the south of the internal railway line, the remaining 13 holes lie within the flood plain. Since the Site has ceased operations, the maintenance of this facility has lapsed, with the area of the course lying within the flood plain becoming subject to a degree of natural

regeneration. However, the raised trees and lines of vegetation that defined each fairway and their greens are still visible.

13.4.58 The area around the serpentine waterbody, which also includes remnants of a miniature railway, contains a mature woodland block that serves as a localised landscape feature. This area will be retained as part of the development proposals. There is a substantial area of woodland planting to the southern site boundary around Borrow Pit Lake and tree belts adjacent to the northern edge of the internal railway line, these provide a mature vegetated edge to the former power station site, therefore, overall the landscape quality of the Site is of Low value.”

- 14.4 Discussion within the submissions continues stating the site does not contain any particular characteristics or features considered to be rare or distinctive. As a large brownfield site the conservation value attributable is low and as there is currently no public access to the site, its recreational value is low. Overall the submissions make the case the demolition and remediation of the site itself have resulted in a landscape that does not reflect the wider surroundings such as the rural openness to the north or the townscape to the south and west.
- 14.5 The submissions at Para 13.4.69 of the ES do acknowledge since the construction of both ‘A’ and ‘B’ power stations, the cooling towers have been a landmark feature in views from the surrounding landscape, overlooking the settlements of Rugeley, Brereton and Ravenhill, Armitage with Handsacre as well as in glimpsed views and vistas from the Cannock Chase AONB. However it should be noted the demolition of the cooling towers is already permitted. Furthermore detailed assessment of the uniqueness of the towers (amongst other matters) was considered by Historic England as part of the process of seeking immunity from listing. This is described in more detail in the Heritage section of this report. As such Members should consider the starting point for the current application should be on the basis that the towers will be demolished.

#### Consideration of Wider Landscape Impacts

- 14.6 The site is located on a low lying landform adjacent to the River Trent. Vantage points exist with views over the site to the northeast, but in the majority views over the site are possible from Brereton and Ravenhill to the west. The site is bounded by mature vegetation to the south and eastern boundaries which provide screening from between the site and Armitage with Handsacre to the east. Much of the main features of interest within the site, such as the golf course and woodland belts around the Borrowpit Lake will be retained as part of the development.
- 14.7 There are close, medium and long range views possible towards and over the Site. Officers have examined the view from Castle Ring and wider vantage points to the north and south/southwest of the site. In the majority, the visible development in wider landscape terms will be observed in close association with established development of the town. From the majority of vantage points the site is viewed in the context of the wider settlement edge and within the site and immediate landscape there are several existing visual detractors. The retained 400Kv and 132KV switching stations and associated high voltage

overhead power lines, pylons, rail line and the adjacent commercial development namely the large Amazon warehouse, mean the overall landscape sensitivity is low.

- 14.8 In the views that are apparent, it is inevitable that there will be some minor adverse impacts as the development process progresses across the site. However once the proposed landscape mitigation has established (for example in 10 -15 years) the effects are likely to be much reduced and represent a negligible effect.
- 14.9 Indeed, there are no objections from the AONB consultee and no significant concerns about wider landscape visibility from the Council Environmental Services team. Officers therefore consider in the context of this site, there is no significant impact from the development proposed in wider landscape terms.

#### Key Vantage Points in the Officer's View

- 14.10 As part of their review of the proposals, Officers requested additional detail regards main local vantage points from both the eastern (town side) and western (north of Borrowpit Lake) sides of the development. In particular Officers were mindful of the scale of development sought by the applicant initially. In response and within the ES Addendum documentation the applicant has provided visual montage imagery, site sections and additional Wire Line diagrams to convey the scale of the resulting. The two main areas of interest are views towards the site from the existing roundabout entrance to the power station site (broadly in an easterly direction) and in views south from public footpaths to the north of Borrow Pit Lake.
- a) West of Site – Integration with Rugeley Town
- 14.11 In response to the queries around the scale of development at the main existing entrance to the site when viewed from Power Station Road, the Building Heights parameters plan has been updated to contain a reference that permits no more 10% of the buildings (Gross External Area) to be at the maximum height of 5 storeys. I.e. the majority of the buildings would be 4 storeys.



As Existing: Google Street View along Power Station Road looking North East towards the A51



As Proposed: CGI render along Power Station Road looking North East towards the A51

**Figure 14: Existing and Proposed CGI photomontage considering 4 and 5 storey development visibility - Extract from Western Gateway Study No. 2**

- 14.12 In addition the applicants have provided CGI imagery which contrasts the existing outlook versus the proposed outlook from various locations to try and convey the resulting scale of the buildings. To assist with assessing wider landscape views, additional Wireline Imagery has been provided and case studies of proposed densities have been provided alongside a proposed site section.
- 14.13 The Wirelines, Sectional Drawing and Western Gateway Study imagery predominantly show the scale of the buildings would not be particularly prominent from Power Station Road and beyond - taking account existing screening. Moreover in the case of the development shown in the following image extract looking east along Power Station Road, the difference between the existing and proposed development is most striking. A clear new entrance character is formed to the estate, the scale of the proposals is not significantly overbearing or prominent to the wider views from the town, and in the context of this particular application replaces a large industrial scale power generation development observed in the context of the again larger Amazon warehouse building. As such Officers are satisfied the proposals, at this outline stage and in the context of the Parameters Plans provided, would integrate successfully with the wider town. Further opportunity for review and consideration of the precise design would be apparent at Reserved Matters stage.
- 14.14 Therefore in the Officers opinion, whilst the scale of development proposed is different to that within the traditional existing centre of Rugeley, the effects



resulting are not substantial. Indeed it is considered the proposals represent an efficient use of land that should be maximised to encourage walkable communities in this location.



As Existing: Google StreetView along Power Station Road looking East towards the Western Gateway and site entrance



As Proposed: CGI render along Power Station Road looking East towards the Western Gateway and site entrance

**Figure 15: Extract from Western Gateway Study examining view east from Power Station Road**

- 14.15 The Lichfield District Council Urban Designer has raised concerns regarding the scale of the development proposed within the Building Height Parameter Plan when the land to the north of the most north-east most portion of the site is predominantly a rural landscape. The plans also propose up to 4 storeys in the location immediately adjacent the Borrow Pit Lake which is not consistent with the wider reduction in scale of development east-west and arguably is less desirable at the junction of the edge of the new town with the countryside.
- 14.16 In order to attempt to address these concerns the applicants propose to again use a form of maximum cap so that no more than 20% of the Gross External Area of the buildings around the Borrow Pit Lake would be 4 storeys. I.e. mainly 3 storeys. In addition Wireline imagery showing effectively a worst case analysis of the buildings (as if they were all constructed at 4 storeys in one block) is also provided from the main public vantage points around the site. In addition imagery from Castle Ring is included as is artist's impression CGI imagery showing 'The Harbour' area.



Figure 16: ES LVIA Extract showing Wireline Viewpoint B from south of site



Figure 17: ES LVIA Extract showing Wireline Viewpoint C from north of the site towards the Borrowpit Lake (left of image)



Figure 18: Extract from submitted Landscape Design Statement (Pg 53) showing artists impression of the leisure area around the Borrow Pit Lake with the 3 / 4 storey block in the back drop



- 14.17 In vantage points from footpaths to the north of the site looking back towards the development (illustrated in Fig.16), the existing topography results in the scale of the development proposed not being prominent or breaching the skyline in those views. In addition existing man made development such as the rail embankment, over head lines and pylons, conveys a degree of influence upon the area, that erodes its countryside character. Concerns from the Council's Environmental Services Officer raise the issue of further development impacting the wider character of the landscape. In your Officer's opinion, provided care is taken in the final design of the development, in landscape terms the effects will be comparatively minor and impacts confined to a limited number of vantage points. Indeed it is assessed the proposals would constitute a beneficial improvement in landscape terms compared to views of the derelict power station site as could otherwise have become the case.
- 14.18 However in views from within the site, particularly such as those towards the blocks across the lake as conveyed in the above imagery, it could be argued that development in an otherwise undeveloped vista adversely impacts the lake's character. Indeed noting the protection afforded to the lake within the Armitage with Handsacre Neighbourhood Plan partly on the basis of its character and leisure contribution, members will need to consider this effect in amongst the wider benefits associated with the development, in particular the benefits to the wider landscape brought about by the demolition of the power station and redevelopment of a derelict site.
- 14.19 In conclusion, the development of the site in the manner proposed is not considered to have significant wider landscape impacts. Noting the scale of the development proposed in the submitted Parameters Plans, the effects and integration of the scale of development with Rugeley town is judged to be acceptable in this particular context. There are some concerns about the integration between the multi-storey development on the edge of the site and the rural land beyond. Of most concern is the effect of the development of the character of Borrow Pit lake.
- 14.20 In isolation from the wider development, such effects could constitute a reason for refusal, however in the context of the wider leisure offer which supports the use of the lake as a resource and the benefits highlighted elsewhere in this report, it is the Officer's view that the proposal, on balance, is acceptable and in accordance with Policy CP3, CP13 and CP14 as well as Lichfield Local Plan Strategy Policy NR5, CP2 and CP3.

## **15 Biodiversity & SAC Considerations**

- 15.1 Policy CP12 promotes the protection, conservation and enhancement of the District's biodiversity and geodiversity assets generally whilst Policy CP13 is primarily concerned with the Cannock Chase Special Area of Conservation (SAC). Ecology was scoped in to the ES documentation because given the scale of the site, the presence of habitats such as the River Trent in close proximity and the wider SAC habitats at Cannock Chase SAC and Pasturefields SAC, detailed consideration is warranted in line with the Council's duties under Conservation of Habitats and Species Regulations 2017, as amended (the

Habitats Regulations), the Wildlife and Countryside Act 1981 (as amended) and the Natural Environment and Rural Communities Act 2006 (NERC Act).

- 15.2 As part of the Environmental Impact Assessment process detailed desk study of known ecological records within the site has been undertaken as well as numerous field surveys covering an array of species. Historically the site owners have undertaken ecological surveys as far back as 2010 in order to ensure a continued understanding of ecology within the site. In 2015-2019 surveys sought to establish the presence of protected species, particular habitats and establish habitat suitability. Specific habitat assessments relating to breeding and wintering birds, bats, dormice, otter, water vole, badger, reptiles and invertebrates have been undertaken and since the submission of the first ES, further survey has been carried out and is reported in the ES Addendum document.

#### Potential Impacts

- 15.3 The results of these surveys have been utilised to inform the baseline starting position regarding protected species and habitats within the site and facilitate understanding of key potential impacts. Further work involving consideration of Statutory Designated Habitats within 5km-10km and non-statutory Designated Sites within 2km of the development has also been undertaken and potential impacts have been predicted. A number of potential impacts are seen not to be significant within the ES. But of those which are highlighted as potentially 'Significant Impacts' at Section 9.6 of the ES these are:
- a) Effects on Pasturefield SAC from construction traffic movements and nitrate deposition
  - b) Effects on the ornamental pond in the centre of the site through the construction of the new spine road
  - c) Impacts on Little Ringed Plover pairs on the Ash Lagoons and Coal Stock Yard during clearance and development
  - d) Impacts on 3 potential Badger Setts in areas proposed for development during ground works, or habitat fragmentation post development
  - e) Impacts on Cannock Chase SAC through increased recreational pressure and from elevated nitrate deposition through increased traffic movement post occupation
  - f) Impacts on ground nesting birds through public disturbance post occupation, disturbance by dogs, predation by domestic cats or road casualties
  - g) Impacts on bat foraging through increased lighting post occupation

#### Inherent Mitigation within the Development

- 15.4 In order to avoid the above potential impacts, the ES considers aspects of the proposal that are inherent to the application development and as such could offset or avoid the above impacts. For example the former golf course alongside the River Trent would be retained for biodiversity as well as providing a resource as a Riverside Park for occupants of the proposed development and the wider Rugeley town. Opportunities for habitat creation have been designed into the Site layout and include Sustainable Urban Drainage Systems (SUDS) that create above ground waterbodies linked into green corridors to support

damp/wetland habitats. Good practice construction measures are intended to be employed during the site clearance and construction phases via a Construction Environment Management Plan (CEMP). This will include but not be limited to best practice measures for pollution prevention of watercourses/waterbodies, fencing (e.g. Heras or similar) of areas not subject to works in order to protect habitats/species present, daytime working, covering of excavations and/or provision of ramps to avoid trapping wildlife and no use of overnight lighting near habitat features.

- 15.5 The applicants also point to the emphasis placed on the siting of development in areas of the site which have previously been worked or have an industrial history. Therefore development is focussed in the west of the Site where the former A and B power stations were located, as well as on the ash lagoons and former ash lagoon beneath the small golf course. In these areas, habitat losses are largely limited to areas where they are unavoidable from an engineering perspective in association with closure of the Site and permit surrender works.
- 15.6 There are no development works taking place in the former golf course alongside the River Trent. The site design has avoided effects on the River Trent and its banks, which is a Salmonid watercourse and migratory route. The retention of the former golf course alongside the River Trent is intended to protect species there from development effects, such as breeding birds, bats and badger. All trees identified to have the potential to support bat roosts (medium and high potential) have been retained in accordance with the submitted Arboricultural Impact Assessment. In addition the development will be a phased build over a period of approximately 21 years, commencing in 2020. As such, the effects of the development of the site will be staggered and not all occurring simultaneously.

#### Additional Proposed Mitigation

- 15.7 In addition to the mitigation inherently linked to the development, additional steps in the form of the following measures are proposed within the ES to try and minimise or offset resultant harms to Biodiversity:
- a) Cannock Chase SAC SAMM Measures –The Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017) is a common approach to housing development in the district that increase recreational pressure on the protected habitat. To mitigate this effect, developments contribute a monetary sum to a package of works termed 'Strategic Access Management and Monitoring Measures' (SAMMM) aimed at avoiding impacts on the protected habitat.
  - b) Cannock Chase SAC Nitrate Deposition Offsetting – In short a monetary sum to provide for habitat enhancement is proposed to deal with the predicted increase of nitrate deposition within the Cannock Chase SAC arising from the increase in vehicle emissions in proximity of the SAC.
  - c) Provision of Habitat Management Plan (HMP) – Larger Areas of habitats will be managed via a HMP and would be secured by planning condition. The main areas are likely to include the Riverside Park, the Ornamental Pond, the aquatic and woodland habitats around the Borrow Pit Lake,

Rugeley Social Area, Landley Common and the green corridors throughout the site.

- d) Ecological Mitigation Strategy – A 20% Biodiversity net gain across the site is proposed. In tandem within the HMP, the Ecological Mitigation Strategy will seek to coordinate and secure measures within the site to achieve the biodiversity uplift and mitigate the potential impacts cited. For example require submission of a lighting scheme to protect bat foraging, measures to facilitate badger foraging without needing to cross roads, potential creation of replacement setts. The strategy would also provide for a range of nesting opportunities for birds, nesting rafts for water fowl, creation of gravel substrate nesting for Little Ringed Plover and Lapwing in thee Riverside Park and the provision for hedgehogs to move unhindered through the site including underneath garden fences, provision of wild corners and log piles for hibernation.
- e) Construction and Environmental Management Plan – Will set out site clearance and construction works in each of the phases of the development and will include management of silt pollution, further survey relevant to that phase and the time of year and include mitigation specific to that phase of the development.
- f) Reasonable Avoidance Measures – During construction measures will be put in place for all species identified as being potentially impacted. For breeding birds, checks by an ecologist before vegetation clearance will take place, precautionary management of habitats for reptiles will take place in the area of the former golf course, management of ponds undertaken to avoid breeding amphibians and waterfowl, further water vole survey, invasive species within the site subject to eradication (e.g. New Zealand pygmyweed in Pond 13 and Himalayan Balsam in along Brereton Brook).

#### Officer Assessment

- On site Habitats and Species

15.8 The Council has worked closely with the Lichfield Council Ecologist whose response confirms the methodologies and information provided within the submitted Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum, Technical Appendix 9.8, Biodiversity Net Gain and Letter Appendix A – Ecology Correspondence follows best practice. The Ecologist concurs with the conclusions of the above documents in that it is considered unlikely that the proposed works would negatively impacting upon a European Protected Species, a protected or priority species or habitats subject to the appropriate suggested measures of avoidance and mitigation as outlined. The Ecologist recommends adherence by the applicant to all recommendations and methods of working detailed must be made a condition of any future planning approval (i.e. the submission of a Habitat Management Plan (HMP), Ecological Mitigation Strategy (EMS), Construction Environmental Management Plan (CEMP) prior to submission of Reserved Matters, and the adoption of Reasonable Avoidance Measures (RAMS) and further surveys as required throughout the phasing of the development.

- Biodiversity Net Gain

15.9 The submitted 'Technical Appendix 9.8, Biodiversity Net Gain' document has assessed the site's biodiversity value. The Ecologist considers that the quantitative data within this document is an accurate depiction of value/s of the habitat currently on the site (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 398.31 Biodiversity Units (BU). In addition, it is considered that the applicant's Biodiversity Impact Calculator is accurate, in describing the likely achievable biodiversity value of the site post development, as 426.20 BU.

15.10 The applicant's intention is therefore to deliver net gains of 27.89 BU as part of the proposed development scheme. The Ecologist approves of the new habitats proposed for creation in order to deliver these net gains, as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map (see Appendix E map 4 of the Biodiversity and Development SPD) and the recently adopted Nature Recovery Network Mapping. As such, the development scheme is viewed as likely being able to achieve a 20% net-gain to Biodiversity Value and so complies with the requirements of the NPPF in this regard.

- Recreational Impacts on SAC

15.11 The Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017) adopt a common approach to housing development in the district. In circumstances where increased recreational pressure on the protected habitat would be apparent from a development, the approach is to mitigate the potential pressure by requiring developments contribute a monetary sum to a package of works termed 'Strategic Access Management and Monitoring Measures' (SAMMM) aimed at avoiding impacts on the protected habitat. Officers have been in discussions with the Cannock Chase SAC Partnership who enact the improvement. It is confirmed that sufficient capacity exists within the series of SAMM measures to permit the same approach as would usually be the case despite the development being above the level of housing anticipated in Cannock Chase Local Plan Part 1.

15.12 The strategy for mitigating harm arising from recreational impacts from occupants of new residential development on the Cannock Chase Special Area of Conservation (SAC) is set out in Policy NR7 in Lichfield District Council's Local Plan Strategy and Policy CP13 within the Cannock Chase Local Plan. The Policy requires that before development is permitted, it must be demonstrated that in itself, or in combination with other development, it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC, having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.

15.13 Therefore prior to issuing any positive decision for this site, the applicant must therefore agree to a Unilateral Undertaking for a sum of £178.60 per dwelling, within Lichfield District, and £221 within Cannock Chase District.

15.14 Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been consulted on the intention to address the recreational impacts in this manner. Natural England have concurred with both Lichfield and Cannock's AA on recreation impact and therefore they have offered no objections to proposal. On this basis, it is concluded that the LPA have met its requirements as the competent authority.

- Nitrogen Oxide Deposition in SAC's

15.15 The effects arising from nitrate deposition through road traffic emissions are considered in detail within the submitted Shadow Habitat Regulations Assessment. This document identifies that during and post construction roads that pass through or near to the Cannock Chase SAC will experience an uplift in traffic as a direct consequence of this development, given that a total of 414.37ha of the SAC is within 200m of a road (33.4% of the entire SAC area).

15.16 In terms of the impact of the proposal upon the West Midlands Mosses, Cannock Extension Canal and Pasturefields SACs, the HRA Assessments completed by Cannock and Lichfield Council's consider the sensitivity of the sites affected. It was determined that the impact of the development would not exceed the thresholds set out in the document titled, 'Natural England's approach to advising competent authorities on the assessment of road traffic emission under the Habitats Regulations (2018)', given that the Transport Assessment and Air Quality Assessment both demonstrate that nitrogen oxide emissions, resulting from increased vehicular movements, do not exceed critical loads by more than 1%. As a consequence the need to progress to AA for these SACs was determined to be unnecessary.

15.17 Cannock Chase SAC is recognised for its 'North Atlantic Wet Heaths with Erica tetralix' and for 'European Dry Heaths'. The applicant's study suggests that Cannock Chase SAC may be subject to an increase of more than 1% of its critical load (2.39% in total) of kgN/ha/yr. This uplift is therefore above an assumed 'Environmental Benchmark', where effects below 1% are considered to have an imperceptible effect on the habitat and effects above are to be considered more fully.

15.18 In this case, the issue highlighted within the Shadow HRA submission, is that nitrate deposition from road traffic emissions deposited on the site could result in amongst other impacts:

- modification of the chemical status of the soils/substrate;
- accelerating or damaging plant growth (e.g. promoting bramble and grass growth);
- decline in recognised species and lichens, mosses and other species richness; and;
- the increased coverage of certain grass and sedge species, which exhibit a positive relationship with nitrogen deposition. Such growth would be at the expense of the protected wet and dry heath species.

- 15.19 As a consequence of the above, the proposed development would result in a predicted loss of species richness of between -0.6 (sum of lowest range), 0.86 (median) and -1.12 (sum of highest range). The impact of the development and harm arising, based on a worse case approach, is thereafter calculated to be 242 Biodiversity Units.
- 15.20 The shadow HRA therefore models and seeks to quantify the effects of the likely uplift in nitrate deposition within the protected SAC area. The Shadow HRA in the first instance proposes avoidance measures, not initially incorporated into the baseline figures, to combat this uplift. The avoidance measures detailed within the Shadow HRA, in brief, are; increased use in electric vehicles, which is to be secured via the installation of infrastructure to allow for each property to install EV charging points and for residential visitor spaces and publically accessible parking such as the local centre and employment uses, 5% provision for active infrastructure and 15% passive; the increased use of buses, to be secured via a financial contribution to bus service provision; the application of a Framework Travel Plan and the provision of high speed internet connections for all residential units.
- 15.21 Following application of the avoidance measures, which have been considered appropriate by Lichfield District Council's Ecologist, the Cannock Chase SAC Partnership and Natural England the harm arising to the Cannock Chase SAC has been quantified to be 191 Biodiversity Units (a reduction in impact of 21%). The avoidance measures will be secured via condition and in the case of bus provision via the s106 agreement. In order for the development to mitigate for the remaining Biodiversity Units, further mitigation or offsetting measures are required.
- 15.22 The Shadow HRA details the mitigation options considered for this development and seeks to justify why certain options were not pursued. The document details that the mitigation measure pursued relates to the creation of a buffering habitat area for the SAC. This means the creation of new heathland within the Heathland Opportunity Area, which for Lichfield District Council, is detailed within the Lichfield District Nature Recovery Network (2019) document. The Heathland Opportunity Area seeks to provide a heathland link between the Cannock Chase SAC and the Sutton Park Site of Special Scientific Interest, which, in addition to buffering the Cannock Chase SAC, will also increase habitat connectivity (which accords with the measures outlined in the Natural England's, Cannock Chase SAC Supplementary Nature Conservation Objectives for connecting the heathland network). To mitigate for 191 BU it is necessary to secure either:
- The conversion of low value arable land to high value heathland in good condition:  
approximately 32 ha of land; or
  - The restoration of high value habitat in poor condition to good condition:  
approximately 41 ha of land
- 15.23 The timescale for the habitat to be created/restored and thereafter managed and maintained is for a period of 25 years, which based on NO<sub>x</sub> deposition trends and the increased adoption of greener technologies, accords with the

time where the NOx levels are anticipated to be reducing and therefore will no longer require mitigation.

- 15.24 To deliver a financial provision to secure the required level of mitigation the applicant proposes to follow the Defra net gain tariff, as set out in their December 2018 consultation document. This proposes an upper limit of £15,000 per Biodiversity Unit for a maximum of a 30 year period, which equates to £500 per unit, per year. For a 25 year period therefore, on the basis of the above calculations, the financial contribution is: (£500 x 191 BU) x 25 years = £2,387,500.00. In order to deliver the mitigation measures, the above noted sum will be secured via the s106 agreement and subsequently delivered by Lichfield District Council's Ecologist in coordination with Cannock Chase SAC Partnership.
- 15.25 The approach as proposed, is a relatively novel one and has therefore been subject to extensive dialogue with Natural England and Cannock Chase SAC Partnership. Natural England have endorsed this mitigation strategy and therefore they have offered no objections to the proposal, subject to the avoidance measures and mitigation works and the costs associated with such, being secured via conditions and s106 agreement. Cannock Chase and Lichfield Council's have therefore completed Appropriate Assessment (AA) stages of the Habitats Regulations process and consulted Natural England. No objections have been received. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the above noted Regulations and relevant policies CP12 and CP13 within the Cannock Chase Local Plan and Lichfield Local Plan Strategy Policy NR3 and NR7.

## **16 Built Heritage and Archaeology**

- 16.1 Policy CP15 along with Section 16 of the NPPF (specifically paragraphs 189-202) promote the protection, conservation and enhancement of the historic environment assets. Policy CP15 sets out that the local decision making process will be based upon an assessment of significance of any heritage assets including information from the Historic Environment Record. Sites of archaeological interest or with potential interest should undertake an appropriate level of assessment to inform decision making. The site lies in proximity to the Trent and Mersey Canal, a designated Conservation Area at its northern edge (nearby Rugeley Town Centre) and at its southern edge, within Lichfield District. Policy CP15 states that the heritage contribution of the District's canal network will be strengthened and promoted and that support will be given to schemes that help to promote wider understanding and enjoyment of the historic environment.
- 16.2 The Rugeley Town Centre Area Action Plan also identifies the potential role of the canal in helping to promote enhanced pedestrian and cycle linkages to the town centre from the surrounding environs (see Policy RTC1 and RTC10). A Conservation Area Appraisal and Management Plan are available for the Trent and Mersey Canal (both 2019). A viaduct over the canal is also Grade 2 listed (approx. 500m west of the site).



### Consented Site Clearance and Demolition

16.3 The site was formerly a coal fired power station until 2016 and until recently when demolition works within the site were commenced, much of the infrastructure associated with this use remained. These demolition works do not form a component of the current application and were originally consented under Cannock Chase application CH/18/268 and Lichfield Council application 18/01098/FULM.

16.4 Demolition works commenced in September 2018 and are expected to be completed by 2021. As part of this previous application for demolition, the power station was considered for listing by Historic England. A Certificate of Immunity from Listing was issued by Historic England in 2017. The main reasons stated within the Historic England determination were:

‘Lack of architectural interest: the power station is architecturally indistinguished and based on standard designs, whilst the planning of the site is not particularly notable for the period.’

Lack of technological interest: the power station is one of a generation of similar sites and is not considered to carry major technological innovations.

Rarity: the buildings, including the cooling towers, are of relatively common types which survive at many power stations of this generation across the country.’

16.5 In recognition of the contribution the power station made to England’s energy needs and in order to document the building, a Level II Historic Building Recording was carried out in 2018 prior to any demolition. The report includes photographic records, written and graphic records and documentary research in order to provide a record of the building and its context in the landscape.

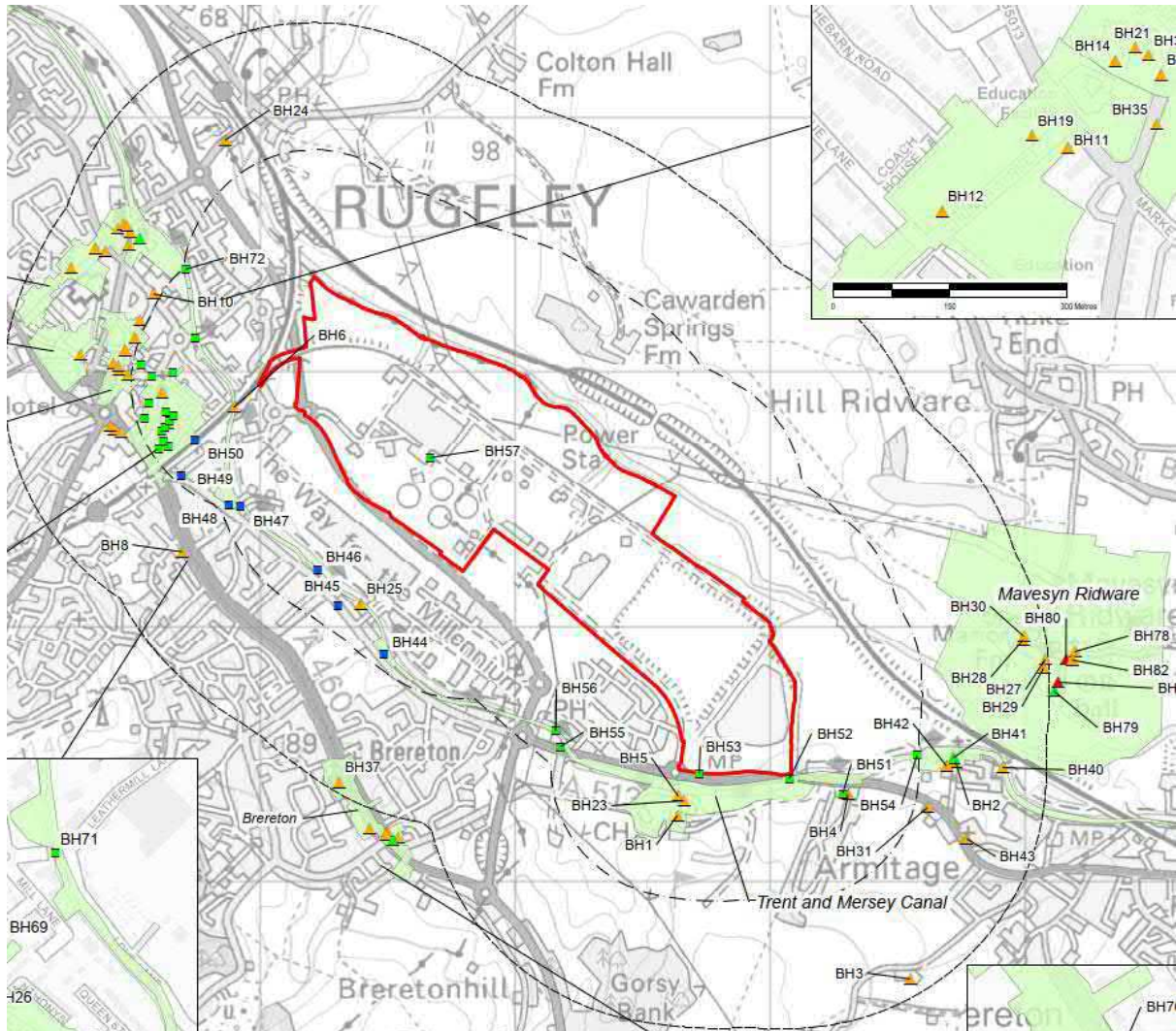
16.6 Therefore in the context of the discussions about the historic importance of the power station, Members should be aware that the clearance of the site is already permitted and well underway. Reasonable steps to document the building and its relevant history have already been undertaken and therefore, discussion about the demolition of the site should not form a major component of the assessment of the current application for redevelopment of the site.

### Main Historic Assets Affected by Proposed Development

16.7 There are no designated heritage assets within the application site area. The Rugeley Power Station Development Brief SPD highlights various historic assets in the vicinity of the site that could potentially be affected by the development. These include:

- (i) The Trent and Mersey Canal Conservation Area
- (ii) Viaduct over Trent and Mersey Canal (Grade II)
- (iii) Manor House (Scheduled Monument)
- (iv) Moated Site of Handscare Hall (Scheduled Monument)
- (v) Castle Ring (Scheduled Monument)
- (vi) Circular Earthwork (Scheduled Monument)

- (vii) Bridge Number 64 off Armitage Road (Grade II)
- (viii) Spode House and attached Coach House, Hawkesyard Priory (Grade II)
- (ix) St Thomas Church (Grade II)
- (x) Former Summerhouse west of Spode House (Grade II)
- (xi) The Old Farmhouse Restaurant (Grade II)



**Figure 19 - Extract from Fig 8.1 to ES showing the location of respective heritage assets around the site**

- 16.8 In total there are five scheduled monuments within 5km of the site. There are 43 listed buildings within a 1km study area defined in Fig. 8.1. There are 7 No. locally listed buildings within 500m of the site and there are 22 No. non designated historic buildings. A total of 7 No. Conservation Area that fall wholly or partly within the site study area are apparent. Additionally there are two Historic Environment Character Zones (HECZ) within Cannock Chase Council's Area that fall within 500m of the application site. These comprise the Trent Valley HECZ and the North of Brereton HECZ. In the Lichfield Area, the southern end of the site is located within Lichfield HECZ 11 – Land around Armitage with Handsacre.
- 16.9 The above historic assets are considered specifically within the submitted Environmental Statement. The effects are assessed in terms of construction

impacts (whilst the physical works are enacted) and occupation impacts (once the development is in use). In all cases the submitted Environmental Statement highlights negligible or neutral impacts upon the above mentioned designated heritage assets. Taking a few of the main examples assessed within the ES:

“Construction Impacts and Effects

- 8.6.5 The Trent and Mersey Canal Conservation Area extends along the length of the canal, running to the south of the site ... Due to the close distance of the site to the Conservation Area, it is expected there will be some aural and visual intrusion during the construction phase as a result of increased construction traffic and noise ... This increased traffic and noise will detract to some extent from the suburban setting of parts of the Conservation Area to the south of the site. The magnitude of these temporary construction impacts is considered to be low. The asset is of medium value and thus the effect will be negligible.
- 8.6.6 The listed buildings and other historic buildings and structures within the Trent and Mersey Canal Conservation Area form part of its significance. Individually the buildings and structures will not be affected by the proposed development as their significance lies in their physical form and relationship to the canal. Whilst the Conservation Area will be impacted, the impact of this on the understanding and appreciation of the assets is no change, resulting in a neutral effect. Exception [to this] comprises Spode House, associated buildings and parkland that although are associated with the canal, due to their proximity to the site, they will experience some noise and visual intrusion during the construction phase... The proposed development will have a very low magnitude of impact upon Spode House and associated buildings and parkland...
- 8.6.8 The Mavesyn Ridware Conservation Area is located approximately 700m to the east of the site. The setting of the Conservation Area is predominantly rural. It includes the surrounding open farmland and part of the River Trent to the south of the settlement. There is a sense of seclusion within the settlement. The site is visible in some panoramic views from the Conservation Area. During the construction of the proposed development, these views are going to be affected to some extent by construction traffic and movement resulting in some visual intrusion to some parts of the Conservation Area. This will affect the rural setting of the Conservation Area to some extent. The construction phase of the Proposed Development will result in very low magnitude of impact on the setting of this asset. The Conservation Area is of medium value and thus the effect is negligible ... The construction phases of the proposed development will result in a neutral effect on the setting of the church.

8.6.11 The Castle Ring (SM1) is located approximately 4.5km to the south of the site. The asset has high archaeological interest due to its type, it was built on a commanding position that dominates the surrounding landscape. During the Construction Phase of the proposed development there will be some visual intrusion to views from the asset towards the site, However the asset will continue to dominate the surrounding landscape and its significance will not be affected. The construction phase of the proposed development will not have an impact upon the ability to understand and appreciate the asset resulting in a neutral effect.

#### Occupation Impacts and Effects

8.6.15 Higher elements of the Proposed Development will be visible from some areas of the Trent and Mersey Canal Conservation Area in views to the north. These elements will be of varying heights and no more than five storeys high. The setting of the conservation area has been eroded to some extent by the construction of the Towers Business Park and associated buildings and infrastructure and the Hawkesyard Development (known locally as 'The Pippins'). The Proposed Development will further erode that setting to some extent. However, due to the nature of the development (residential and mixed-use) and the height of the buildings, it is considered that upon completion, the proposed Development will only have a low magnitude of impact on this asset of medium value. Thus the effect will be negligible.

8.6.17 The Spode House, associated buildings and parkland although fall within the Trent and Mersey Conservation Area, due to their close proximity to the Site, they will experience some visual intrusion. However, it is proposed to retain the south-eastern part of the Site as an informal open space, retaining most of the trees that will continue to provide screening and a green buffer. Therefore, the Proposed Development will have a very low magnitude of impact upon Spode House and associated buildings and parkland. These assets are of medium value thus the effect will be negligible

8.6.19 The setting of Mavesyn Ridware Conservation Area is predominantly rural while there is a sense of seclusion within the settlement. The Proposed Development will be visible in some panoramic views from the conservation area. It will introduce a new built-up area to the north-eastern edge of Rugeley however the new development will mostly appear as a continuation of the existing settlement. The Proposed Development will be visible but due to its nature and height it is not going to dominate the landscape. The Proposed Development will result in a very low magnitude of impact on the significance of this asset. The conservation area is of medium value thus the effect is negligible.

8.6.20 The new buildings will be visible from some parts of the Castle Ring (SM1) however, the asset will continue to dominate the surrounding landscape and its significance will not be affected.

The occupation phase of the Proposed Development will not have an impact upon the ability to understand and appreciate this asset resulting in a neutral effect.”

- 16.10 The submitted ES goes on to assess the cumulative effects of the permitted demolitions on the site alongside the resulting impacts from the development. The ES at Para 8.9.2 highlights the approved demolition works will result in the removal of a number of highly visible and intrusive modern structures such as the cooling towers and chimney stack. Views towards the site from Mavesyn Ridware Conservation Area, Rugeley Town Centre and the Trent and Mersey Canal Conservation Area would be restored to what could be considered a more historic norm which in turn would provide a minor beneficial effect on the historic environment in Environmental Impact terms.

#### Archaeology

- 16.11 Archaeology was previously agreed to be Scoped Out of the EIA process on the basis any archaeological mitigation could be picked up as a condition of the consent. This was considered to be appropriate by the Staffordshire Archaeologist given the level of made ground on the site, the previous uses and the minimal amount of development proposed to the less developed areas. However this is not to say Archaeological potential does not exist. Indeed the Staffordshire Historic Environment Record and associated datasets suggested potential for prehistoric to early medieval archaeological deposits under the alluvium in the area. This is in addition to above and below ground features associated with post medieval water meadows in the area proposed for the public riverside park.
- 16.12 Having considered the outline proposals the Archaeologist suggests there is some potential for previously unknown prehistoric to early medieval deposits to be encountered as part of the reclamation process. Accordingly a condition requiring archaeological mitigation is recommended when further information is provided as part of subsequent or reserved matters applications.

#### Officer Assessment of Heritage Impacts

- 16.13 The Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are the principal statutory provisions governing these assets. In particular S66 of the above 1990 Act places a duty on Local Planning Authorities to have regard to the desirability of preserving the building or its setting or any features of archaeological importance. S72 of the 1990 Act states that with respect to building or land within a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 16.14 In this case the ES suggests there would be no significant impacts upon the historic assets in EIA terms and that the resultant harms have no greater than negligible to neutral effects. Nevertheless the Conservation Officer highlights there will still be some adverse effects upon the setting of designated heritage assets, such as the Trent and Mersey Canal Conservation Area, Mavesyn Ridware Conservation Area and the setting of nearby listed buildings by virtue of wider setting impacts from the new development in close association with the

assets, noise and movement associated with the development. These effects are classed as 'Less than substantial harm' and in discussions with the Officer, it was confirmed the resultant harm was suggested to be at the lower end of the scale of less than substantial harm. In light of this it is necessary to consider whether the benefits associated with the development are capable of offsetting the 'less than substantial harm' to heritage assets cited.

- 16.15 Both respective Council's have adopted policies (CP15, RTC1, NR5) governing developments affecting heritage assets and the NPPF (Para 196) provides an overarching approach to decision taking and heritage assets which includes balancing public benefits associated with a proposal against the harm to significance. This balancing exercise is addressed in the executive summary of this report which takes into account all relevant material considerations. In light of these summary conclusions it is assessed the less than substantial harm to the heritage assets resulting from this development is clearly outweighed by the public benefits of the proposal which provide for the remediation of a derelict site and provide for housing and employment needs of the respective Districts.

## **17 Air Quality**

- 17.1 The submitted Environmental Statement specifically assesses the potential impacts associated air quality. It assess effects during site clearance and construction activities, committed developments nearby including HS2, in tandem with the construction and occupation phases of the development and considers vehicular traffic and emissions from stationary plant associated with the Proposed Development . The assessment focuses on air pollutants that are likely to arise from the construction and occupation of the development such as nitrogen oxide (NOx), nitrogen dioxide (NO2), particulate matter (PM10 and PM2.5) and dust for human receptors and Nitrogen Deposition (N) for ecological receptors.
- 17.2 The ES utilises existing baseline data in the form of desktop information collection and on site diffusion tube monitoring. In the case of the desktop study, data from Lichfield Council and Cannock Chase Council Air Quality Review and Assessment Reports is utilised alongside DEFRA background mapping data for the above oxide and particulate matter concentrations. In terms of specific site assessment, a review of past monitoring undertaken by the Councils' respective Environmental Health teams was undertaken as well as further short term diffusion tube monitoring along the A51. Diffusion tubes were also positioned at Cannock Chase SAC, Pasturefields Salt March SAC and West Midland Mosses SAC.

### Construction Phase Impacts

- 17.3 Air quality effects resulting from construction dust are known to be a main source of potential release of Particulate Matter (PM10, PM2.5). Sources include:
- a) Generation of airborne dusts from exposure and movement of soils and construction materials;

- b) Generation of fumes on-site by plant and tools during construction;
  - c) Increase in vehicle emissions potentially as a result of slow moving vehicles should local congestion ensue;
  - d) Re-suspension of dust through vehicle tyres moving over dusty surfaces.
- 17.4 To assess these matters, in line with the Institute of Air Quality Management Guidance (2014), as there are a large number of human receptors within 350m of the site boundary a construction dust assessment has been undertaken.. It is also noted that the SAC's within 8km of the site are in excess of 500m from the site such that they will not be affected by construction phase impacts and can be scoped out of further assessment.
- 17.5 To minimise the risks from the above processes mitigation steps are proposed within Appendix 7.5 of the ES. The steps suggested include:
- a) Communication - Develop and implement a stakeholder communications plan that includes community engagement before work commences on site; Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environment manager/engineer or the site manager;
  - b) Site Management – effectively record any complaints, make complaints available to local authority, record exceptional incidents and the action taken in a logbook, hold regular liaison meetings with other high risk sites in the vicinity and coordinate/understand their interactions of off-site transport and deliveries that may use the same road network. Avoid bonfires and waste burning;
  - c) Monitoring – undertake daily on site and offsite inspections including dust soiling checks of surfaces such as street furniture and cars within 100m of site boundary, with cleaning provided if necessary;
  - d) Preparing and maintaining the site – plan layout to locate dust causing activities away from receptors, erect solid screens around dusty activities, avoid site water or mud run off, remove materials with high dust potential or cover to prevent wind whipping;
  - e) Operation of vehicle/machinery – ensure no idle vehicles, use mains electricity as far as possible to minimise diesel generators, impose speed limits to reduce dust throw, cutting, grinding and sawing equipment to have suitable dust suppression, ensure adequate water supply, use enclosed chutes, conveyors and covered skips.
- 17.6 The ES suggests that subject to the implementation of the above mitigation, air quality impacts through construction dust would not be significant.

#### Operational Phase Impacts – Human Receptors

- 17.7 To assess the potential air quality impacts associated with nitrogen dioxide (NO<sub>2</sub>), PM<sub>10</sub> and PM<sub>2.5</sub> upon existing and future human receptors and



ecological receptors, detailed assessment has been undertaken based upon EPUK & IAQM (2017) guidance. At para 7.2.77 the submitted ES states:

‘Air quality at specified receptor locations have been predicted using the industry recognised ADMS-Roads (v4.1) dispersion model. The model is recognised and validated for this type of assessment. The model uses advanced algorithms for the height-dependence of wind speed, turbulence and stability to produce improved predictions of air pollutant concentrations. It can predict long-term and short-term concentrations, including percentile concentrations. The use of the ADMS-Roads model was agreed with the air quality Environment Health Officers at CCDC and LDC.’



**Figure 20: Receptor Location as identified within 7.1 of the submitted Environmental Statement**

- 17.8 Existing concentrations of nitrogen dioxide, (NO<sub>2</sub>), PM<sub>10</sub> and PM<sub>2.5</sub> have been modelled at each of the existing receptor locations shown in Figure 20 above. The model is then utilised to predict concentrations of oxides of nitrogen, (NO<sub>x</sub>) and particulate matter, (PM<sub>10</sub> & PM<sub>2.5</sub>), based upon vehicle flow, composition and speed data. A number of scenarios were modelled but the most crucial scenario of relevance within the model is Scenario 4 and Scenario 7 which takes account of the proposed uplift in air quality impact resulting from the development, in tandem with similar additional impacts resulting from committed developments in the vicinity in the years 2023 and 2029 respectively. In particular these committed developments include:



- (i) The permitted demolition of the power station;
- (ii) Development at Tupperhurst Lane;
- (iii) Development at Pear Tree;
- (iv) Rugeley Quarry;
- (v) Construction traffic associated with HS2;
- (vi) Traffic movements associated with PFA removal within the site.

17.9 The results consider long term nitrogen dioxide, Particulate Matter 2.5 and 10. For human receptors the predicted change at existing and future receptors in 2023 for the peak of the proposed development's construction traffic in conjunction with the above committed developments, would be moderate to negligible in EIA terms, with no additional mitigation considered necessary. In respect to human receptors longer term once the development is fully operational, similarly the effects are predicted to be moderate to negligible with no additional mitigation being considered necessary for the operational phase.

#### Officer Assessment

17.10 The Council Environmental Health Officer shares the view that emissions from the construction phase have a greater potential for impact, although such impacts are readily addressed through site management measures. A Construction Environment Management Plan (CEMP) will be developed in order to control the impact of emissions during the construction phase. This is likely to incorporate measures listed in section 7.5 of the Environmental Statement such as dust management, consideration of traffic routing and similar. This CEMP will be agreed with Environmental Health. Officers therefore consider that subject to conditions to secure a formal Construction and Environmental Management Plan condition which will bring together the above measures with similar management steps to address other site issues, the proposals would not result in significant impacts from construction activities.

17.11 In relation to long term air quality considerations, the modelling suggests uplift in nitrogen dioxide, PM2.5 and PM10 concentrations will be moderate to negligible overall, and that no additional mitigation is required. This conclusion is not disputed by either Council's Environmental Health department and as such Officers consider that air quality impacts should not be a barrier to the development. Accordingly the proposal is considered to comply with the amenity requirements of Cannock Chase Local Plan Policy CP3 and pollution considerations within Policy CP16, as well as relevant policies in the Lichfield Local Plan Strategy and NPPF Para 127(f).

## **18 Noise and Vibration**

18.1 The Rugeley Power Station Development Brief - Supplementary Planning Document was adopted in February 2018 by both LDC and CCDC. Paragraph 4.56 states:

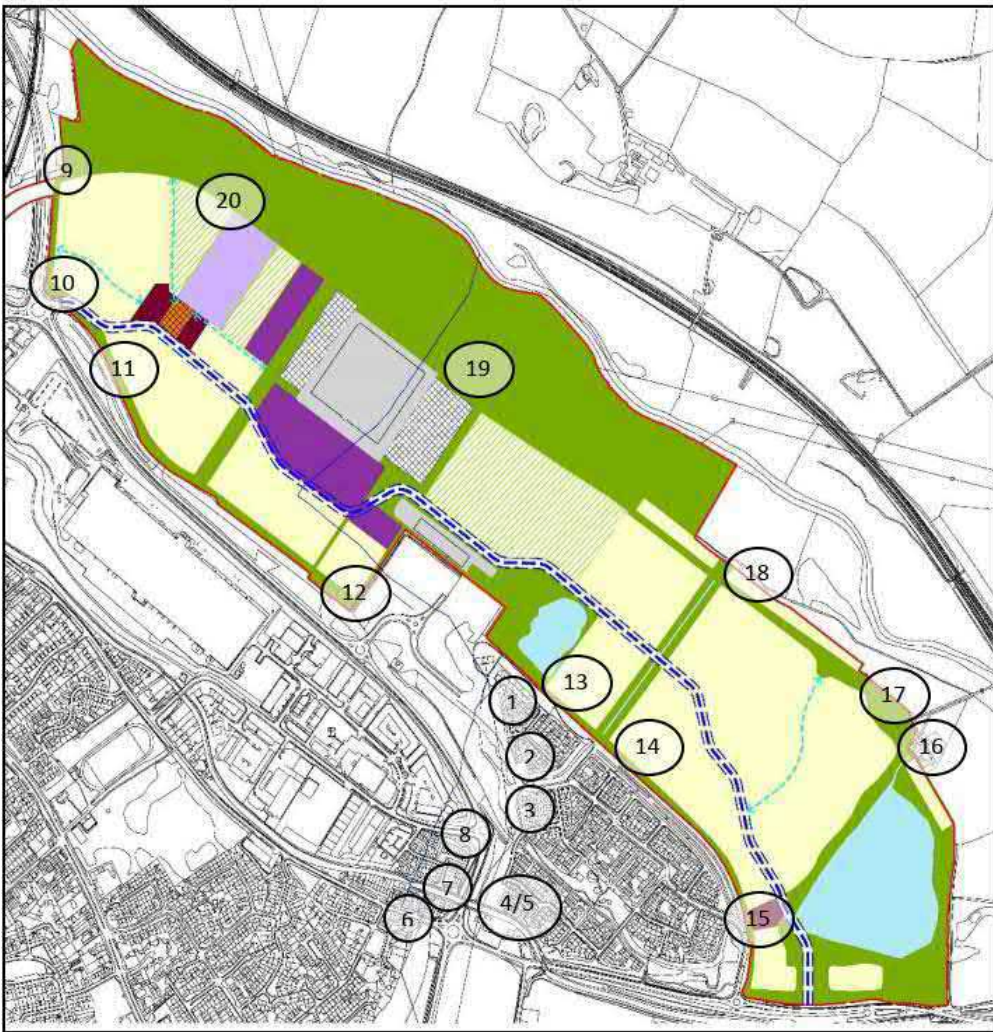
“Depending on the end layout and employment use types, part of the residential elements of the scheme may be in a noise environment; in these instances, an Acoustic Design Statement will be required as set out in the new ProPG document which is available online. The Councils

Environmental Protection services will need to approve Annual Status Reports (ASRs) prior to development to ensure that residents and occupiers of employment units do not suffer intolerable noise levels.”

- 18.2 Amongst other guidance, the ES references guidance published in 2017 known as Professional Practice Guidance on planning and noise: New Residential Development (ProPG). In summary Table 11.2 within ES suggests the following appropriate noise standards for a residential scenario:
- 18.3 Further guidance is also referenced in relation to vibration in the form of BS:6472 - Guidance on Human Exposure to Vibration in Buildings (2008). This suggests a range of Vibration Dose Values that increasingly would result in adverse comment within residential buildings.

#### Potential Impacts & Location of Sensitive Receptors

- 18.4 The Proposed Development has the potential to produce noise and vibration impacts from several different sources. Broadly speaking, these comprise:
- a) Noise and vibration that may occur during construction
  - b) Operational noise including vehicles associated with the site impacting on existing and prospective users of the site
  - c) Commercial and industrial noise and noise from existing substations
  - d) Vibration and noise impacts from nearby rail line
- 18.5 In particular the Noise and Vibration chapter within the ES seeks to establish the potential ‘Sensitive Receptors’ that could be subject to noise and vibration impacts. The broad areas indicating the location of respective receptors is shown below in Fig 21.



**Figure 21: Noise Sensitive Receiver Locations taken from Fig 11.8 within the submitted Environmental Statement**

- 18.6 Detailed consideration of the following areas is considered within the submitted ES:
- a) Rail Vibration impacts
  - b) Construction Vibration
  - c) Construction Traffic Noise
  - d) Operational Development Traffic on Existing Receptors
  - e) Operational Development Traffic on Prospective Future Receptors
  - f) Rail Noise at Proposed Receptors
  - g) External Amenity Noise
  - h) Noise from the existing 400 kV and the 132kV
- 18.7 Overall in relation to construction impacts the ES suggests that the specific impacts will be monitored and controlled under the site specific CEMP and any adverse impacts will be minimised to ensure that the overall effects of the demolition and construction activity are considered to be negligible.
- 18.8 The dominant noise source affecting the proposed development site is road traffic on the surrounding road network and train movements on the West Coast Mainline. It is suggested the results of the noise survey and assessment indicate that the proposed outdoor living areas across the majority of the Proposed Development Site will achieve the guideline value of 50dB<sub>L</sub>A<sub>eq</sub> (16

Hour). Local mitigation measures such as an increased standoff and close boarded fencing around garden areas will be required in proposed residential areas located nearest to the dominant sources of noise. Proposed outdoor living areas located closest western boundary with the A51 will need to be located on the screened side of dwellings. The implementation of standard thermal double glazing should ensure that internal noise levels are met in living rooms and bedroom areas across the majority of the development with the windows closed. Acoustic glazing would need to be installed in some living rooms located closest to, and with a direct line of sight of the traffic noise, to ensure that internal guideline levels are met with windows closed.

- 18.9 The facades of the properties further into the site would be screened by intervening buildings. Acoustic ventilation would not necessarily need to be installed in the living rooms and/or bedrooms of these properties. However, the requirement for glazing and acoustic ventilation will be confirmed, on a plot by plot basis, at the reserved matters stage. Mitigation measures will be incorporated in the detailed design to ensure that noise impacts from the proposed premises are reduced to acceptable levels at the existing and proposed sensitive receptors. With the proposed mitigation measures in place, the effect will be “Lowest Observed Effect” at all proposed sensitive receptors. With regards noise within the site and from proposed employment uses, the ES proposes assessment utilising the BS:4142 guidance to support a Reserved Matters planning application.

#### Officer Assessment

- 18.10 Environmental Health raise no significant concerns with impacts upon neighbouring users in close proximity to the site provided localised mitigation as described is provided for and detailed consideration of noise and vibration (where relevant) is apparent for at each Reserved Matters stage. Conditions are proposed to secure this approach.
- 18.11 An objection is raised by the Environmental Health Officer (EHO) and relates to the proposed residential uses being provided in proximity to the proposed B2 employment uses. The EHO suggests that B2 uses by definition would be inappropriate and could cause disturbance by virtue of smell, fumes, smoke, noise or similar despite site design processes potentially being tailored to the uses proposed and secured by condition. The EHO, as a compromise, suggests the employment area could be zoned, in order to create a buffer of less intensive uses closer to the residential element and the more intensive uses closer to the retained substation.
- 18.12 Your Officers consider that to preclude B2 uses outright from the site would erode the flexibility of the site’s employment offer. It is also noteworthy the applicant’s ambitions for the site include predominantly B1 uses from offices through to light industrial uses. Conditions are included that require for each phase of the development to provide details of noise attenuation measures and noise issues are acknowledged as being the most likely of nuisance complaints associated with B2 uses. Whilst Officers accept the EHO’s view that fumes and odours could in theory arise from a prospective future user, the planning process cannot be expected to pre-empt every eventuality. In the circumstances therefore, whilst the concerns are noted, Officers adopt the view

that the most likely incidence of nuisance are addressed by the proposed conditions and separate pollution control legislation exists to protect occupiers from wider pollution aspects that could potentially arise in the lifetime of the development.

- 18.13 Accordingly, subject to conditions governing noise and vibration as proposed, it is assessed the application is in accordance with Cannock Chase Local Plan Policy CP3 and CP16, relevant Lichfield Local Plan Strategy Policies and NPPF paragraph 127(f).

## **19 Water Environment**

- 19.1 The site is located in a sensitive location in relation to 'Controlled Waters'. Environment Agency Maps and previous site investigations have shown that the underlying geology consists of up to 15m thick Alluvium Clay and River Terrace Deposits over Triassic Sherwood Sandstone. The site has a shallow water table (in general 1.5m to 2m below ground level) and is located adjacent to the River Trent. There are various surface water ponds, drains and channels running straight into the Trent. The majority of the development area is underlain by old Pulverised Fuel Ash deposits and/or on top of historically landfilled areas.
- 19.2 Chapter 12 of the Environmental Statement sets out precautions and mitigation measures that are to be put in place during development. Chapter 10 assesses potential impacts from construction and operational phases on surface water quality and water resources (particularly the River Trent). This includes urban diffuse pollutants, Water Framework Directive assessments, future surface water drainage and SUDS, water quality monitoring.
- 19.3 The Environment Agency confirm past investigations indicate groundwater is known to be already impacted locally (e.g. elevated concentrations of cadmium, copper, manganese and nickel have been recorded near the PFA lagoons). This may increase during construction due to the potential for ground disturbance, dewatering and contaminant mobilisation. Therefore additional ground investigation must be undertaken prior to development commencing to enable more encompassing and detailed consideration of risks from potentially contaminative sources. Where risks are deemed significant, detailed remediation strategies and long term monitoring will have to be developed accordingly.

### Flood Risk

- 19.4 The site is located predominantly within Flood Zone 1. Flood Zone 1 is defined by the Environment Agency as land that has a low probability of flooding (<0.1% Annual Exceedance Probability [AEP]). Land to the north and north east of the site between the River Trent and the railway is located in Flood Zone 2 (medium probability of flooding 1% - 0.1% AEP) and Flood Zone 3 (high probability of flooding > 1% AEP).
- 19.5 As part of the process of formal Flood Risk Assessment (FRA), the applicant has provided information which considers the potential sources of flooding at

the site and utilises modelling data to predict anticipated flood levels + 20% climate change. In addition, for robustness, the FRA also calculates a +50% climate change scenario. The report confirms at 4.5 that the River Trent in the area to the north and east of the railway embankment represents the most significant source of flooding.

- 19.6 The FRA assesses ground levels within the existing site are currently higher than the modelled flood water levels for all modelled return period flood events, and that these will be raised further as part of the formation of the proposed development platform in some areas. Therefore the risk of flooding from the River Trent will remain low. Indeed based on the modelled +50% climate change water levels, the applicant's additional modelling has shown that the railway embankment is not integral to the safe development of the site as the ground levels of the railway embankment are between 0.7m and 1.9m above the 1 in 100 year plus 50% climate change flood level and the ground levels within the site are above all modelled flood water levels.

#### Drainage

- 19.7 The submissions confirm there are several key surface water features on site that will be retained as part of the proposed drainage strategy for the site. These include:

- Brereton and Ravenhill Parish Council Drains (2 x 48" dia. pipes) the 'Town Drain' – located towards the north of the Site. This drainage run is going to be retained during the redevelopment to ensure the correct operation of the existing drainage system and the upstream flood risk is not increased.
- Brereton Brook – retained because its primary function is to convey flows from the wider catchment and the Hawkesyard Estate to the River Trent.
- North Drain – currently provides a drainage system for surface water run-off and allows discharge in to the River Trent. The North Drain forms part of the proposed surface water drainage strategy.
- Kidney ponds – this feature will be retained forming part of the proposed drainage strategy as attenuation.
- The Borrow Pit and Ornamental Lakes - will be retained but at this outline stage are excluded from the proposed drainage strategy in terms of providing additional attenuation.
- Existing culverts under the railway embankment associated with existing surface water discharge from the Site.

#### Surface water drainage design

- 19.8 The proposed development will utilise an independent surface water network to drain the Site. Storm water will be captured via roof gutters and downpipes, gullies and linear drains where required. Permeable paving and swales will be incorporated upstream of the main attenuation which will assist in improving the water quality and reduce the runoff to the downstream attenuation.
- 19.9 A below ground pipe network will convey storm water to a proposed pond or where space is limited underground Geocellular/ modular storage will be utilised to mitigate any additional storage requirement. An approximate

attenuation storage volume of 24,107 m<sup>3</sup> is envisaged within the Flood Risk Assessment. The attenuation will be located at appropriate locations throughout the proposed development and will discharge at a controlled rate, with flow rates will be controlled by a vortex flow control (Hydro-brake® or similar) located after each attenuation feature. The final attenuation feature which will discharge to the existing waterbodies or watercourses which currently discharge in to the River Trent. The existing outfalls have been utilised eliminating the need to create new outfalls to the River Trent.

### Foul Drainage

- 19.10 As the existing site and the surrounding drainage network is currently drained via rising mains it will be necessary to pump foul water from the Site. The submissions suggest the development of the site will be split into catchments, generally following the phasing plan, with each catchment drained to the lowest point and then pumped and discharged in to the Severn Trent Water network.
- 19.11 Severn Trent Water is the main asset operator for both surface and foul water drainage in the vicinity of the Site. Severn Trent have confirmed there remains more than enough capacity available for the proposed development at Rugeley Waste Water Treatment Plant. Subject to further agreement and Hydraulic Assessment as recommended by the Environment Agency, overflows to existing waterbodies can be minimised. Conditions are recommended to this effect.

### Officer Assessment

- 19.12 Consultees in the form of the Environment Agency, Severn Trent and the County Lead Local Flood Authority have raise no objections to the proposals. Conditions are recommended by these consultees which to some extent overlap with one another and similar conditions relating to ecology. Nevertheless subject to these conditions, it is considered the development would be in accordance with the NPPF Para 170, 174-177, 178-183, Cannock Chase Policy CP16 and relevant Lichfield Local Plan Strategy Policies. As such the development would not present a significant risk to the water environment in the context of the site, subject to the proposed precautionary mitigation.

## **20 Ground Conditions**

### Land Stability

- 20.1 The submissions suggest the site is underlain by Alluvium (clay, silt, sand and gravel) and River Terrace Deposits (sand and gravel). The site is also underlain by the Helsby Sandstone Formation. The site is not within a defined High Coal Mining Risk Area and predominantly is not within a designated Flood Plain.
- 20.2 Mitigation as part of the design has been considered for the Proposed Development. For example, the development proposals have taken due account of the ground conditions by minimising built development over alluvium deposits which are known to contain compressible deposits such as Peat, thus

minimising the need for prior removal and stabilisation of such material which in some areas is substantially thick.

- 20.3 Construction techniques would be used which seek to minimise the need for dewatering as far as reasonably practical. Where dewatering is required, water will be stored in ponds, undergo chemical testing and treated if necessary before discharging to foul sewer or a watercourse, subject to obtaining a Trade Effluent Consent or WDA-EP. Flood risk and drainage are considered in detail in Chapter 10 (Water Environment) of the submitted ES.
- 20.4 Foundation design, particularly taking account site constraints such as PFA is not yet fully progressed. Should piling be required to extend below the groundwater level, to reduce the risk of creating pathways from the surface to the underlying groundwater bodies, non-displacement piling construction methods (i.e. where the soil is removed rather than displaced) could be used. Should piling be required, a piling risk assessment will be undertaken and agreed with the Environment Agency. Officers see no reason to disagree with the approach suggested and conditions are included to secure provision of details relating to foundations and ground disturbance.

#### Contamination

- 20.5 A Human Health Risk Assessment has been carried out within the submissions to using chemical test results obtained from soil samples recovered from the site. A total of 87 samples were tested for a range of substances. In addition site wide groundwater sampling was undertaken with 68 samples site wide. In both cases evidence of contamination was found in the majority of areas.
- 20.6 A formal Remediation and Reclamation Strategy has been prepared for the site by AECOM and is based upon excavation and testing of the site substrate. Remediation and engineered use of site-won materials, treatment of hydrocarbon-impacted materials, removal of segregated asbestos material, risk management of arsenic and beryllium containing site materials and physical modification or stabilisation of wet soils to allow compaction, and a cut-to-fill operation to provide the development platform is proposed. The objective of the works, subject to assessment of ground gas monitoring data from the proposed ground investigation works, is to ensure that the ground gas risk ranking is no greater than Amber 2 (NHBC Traffic Light System) for residential areas and CS3 for commercial areas.
- 20.7 The Council's Environmental Health has been consulted at various stages by the applicant regarding land contamination, and liaison with Lichfield DC's Environmental Health Department has been undertaken to ensure a consistent response. Measures to mitigate the impact of land contamination are provided in the Remediation and Reclamation Strategy and it is confirmed these proposals are to the satisfaction of the respective Environmental Health Officers. Therefore Officers are satisfied the approach proposed to contamination, subject to conditions to secure compliance, is reasonable and appropriate in the context of the specific site circumstances. As such the development would comply with Local Plan Policy CP16 and NPPF paragraphs 178-183.



**21 Other Relevant Considerations**Waste Management

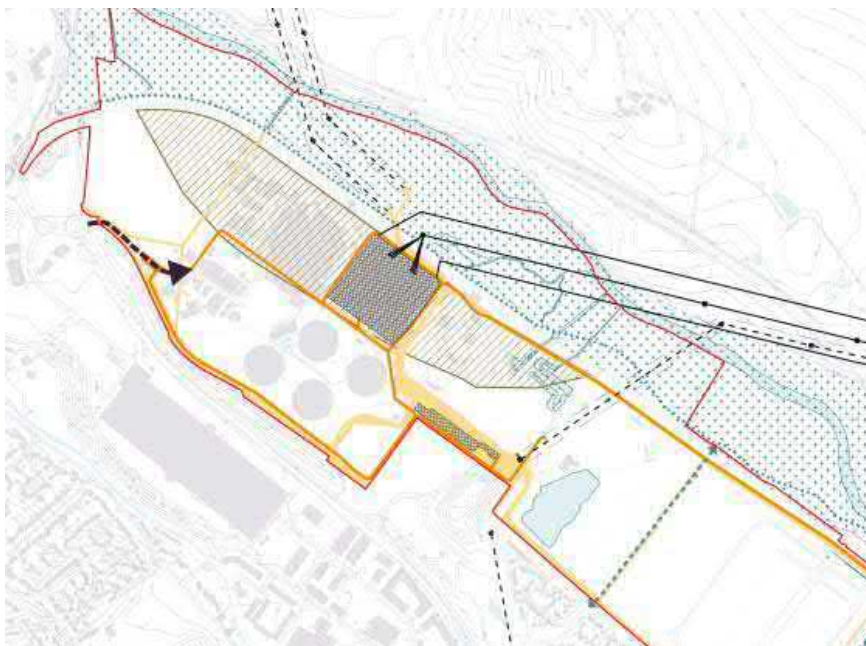
- 21.1 Policy 1.2 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan, as supported by paragraph 8 of the National Planning Policy for Waste requires the better use of waste associated with non-waste related development, where all 'major development' proposals should:
- i) Use / Address waste as a resource;
  - ii) Minimise waste as far as possible;
  - iii) Demonstrate the use of sustainable design and construction techniques, i.e.: resource efficiency in terms of sourcing of materials, construction methods, and demolition;
  - iv) Enable the building to be easily decommissioned or reused for a new purpose; and enable the future recycling of the building fabric to be used for its constituent material;
  - v) Maximise on-site management of construction, demolition and excavation waste arising during construction;
  - vi) Make provision for waste collection to facilitate, where practicable, separated waste collection systems; and
  - vii) Be supported by a site waste management / waste audit if the development is likely to generate significant volumes of waste.
- 21.2 The application is accompanied by a Waste Audit and Waste Management Strategy ('the Strategy'). In respect of ground modelling and earthworks/excavation calculations, it is stated that a net fill of approximately 33,000m<sup>3</sup> (approximately 45,000 tonnes) will be required to level the site. Approximately 8,000m<sup>3</sup> (approximately 12,000 tonnes) of construction waste is also estimated from the development. The Strategy sets out that waste minimisation would be part of the overall sustainable design of the project and up to 80% of construction waste could be designed out. Also a construction material recycling facility could be developed at the start of the project and used as a hub for storing used construction material and a centre for recycling for further use on the project.
- 21.3 The Staffordshire and Stoke-on-Trent Joint Waste Local Plan contains the relevant waste planning policy considerations for the infill process identified for this development. Policy 1.4 (Use of Waste for landscaping, screening, engineering purposes or for the improvement of agricultural or forestry land) emphasises the importance of ensuring that the amount of material is reasonable and necessary and that the proposals are comprehensive, detailed, practicable and achievable within the proposed timescales. Policy 4.2 (Protection of environmental quality) identifies the matters that may be relevant to protect environmental quality, including the effects on people, local communities, and the highway network. Paragraph 6.4 provides a list of the type of matters that may be controlled by condition, which include a condition to define the duration of the development. Assuming an average HGV payload of 20-tonnes the fill required equates to a total of approximately 2,250 HGV loads

or 4,500 two-way HGV movements. It is also important to limit the duration of temporary operations, in order to minimise the effects on local amenity, the environment and the highway network.

- 21.4 Having regard to the policies, guidance and observations referred to above, the application will be policy compliant, subject to the inclusion of a condition to define the duration of the infill operations and ongoing monitoring of waste materials generated and reused on site.

#### Retained Power Infrastructure & Electromagnetic Radiation

- 21.5 National Grid currently operate, and will continue to operate a 400kv switching facility within the centre of the application site. There are no known future plans for closure or relocation of this facility. The facility comprises an open air grid of frames (up to 20m in height) and transformers enclosed by a wire fence. Existing wayleaves and utilities surrounding the substation provide an informal stand-off/ buffer to the substation. However, a physical and visual buffer will assist in improving the visual amenity of the structure. Access to the substation needs to be provided at all stages of construction and in the final redevelopment of the site and detailed discussions and layout considerations have been undertaken with National Grid in this regard.
- 21.6 A second 132kv switching station also exists within the centre of site. This is operated by Western Power Distribution (WPD) on a sub-lease from National Grid. The operational substation equipment is housed within a large footprint red brick building. It is approximately 16m in height with a flat roof and high level windows. An associated external 'open-air' substation is situated adjacent, enclosed by a steel security palisade fence. As above, access to the 132kv substation needs to be provided at all times and discussions have been undertaken with Western Power to assure both sides of their respective expectations and requirements.



**Figure 22: Figure 19: Design and Access Statement Extract showing retained substations within the site (Hatched Grey - 400kv centre of image, 132kv south of main image)**

- 21.7 The intended retention of the Switching Stations is acknowledged in Section 4.4.24 of the EIA Screening submissions in relation to Electromagnetic Radiation. These submissions confirmed “the highest likely EMF levels were below UK/European recommended health and safety limits for the general public and would allow the reliable operation of standard communication equipment within any homes that may be built at the residential development.’ Accordingly ‘Scoping Out’ Electromagnetic Radiation as a detailed matter for consideration within the current application was previously agreed on the above basis.
- 21.8 It is noted that National Grid have requested a number of conditions to secure their routes through the site and ensure that the internal road networks be designed so as to have due regard to the location of cables, super grid lines and fibre optic cables, which run through the site. A condition to secure an appropriate design to have regard to these matters is therefore recommended.
- 21.9 Given the above assessment, it is considered that subject to the recommended conditions, the amenity of existing and future residents will be adequately protected and therefore, the proposal will be compliant with the requirements of the Development Plan and NPPF in this regard.

#### HS2 Safeguarding

- 21.10 The Council has been informed by the statutory consultees from HS2 Ltd that The House of Lords Select Committee Clerks have published their petitioning guidance. The guidance clarifies the petitioning process and, of particular relevance to this proposal is the guidance which relates to additional provisions. Following this guidance HS2 Ltd has sufficient confidence to confirm that it has no objection to the proposed development. This is on the basis that while the proposed development would affect land currently within the limits of land subject to safeguarding directions for the construction and/or operation of Phase 2A of the railway, the Bill’s continued progress through the parliamentary process will confirm that the affected land subject to safeguarding is no longer required for the purposes of constructing and operating the railway. Hence HS2 does not pose a constraint to this development.

#### Wind Flow Impacts

- 21.11 Ground surface friction results in wind speed generally increasing with height. As such, impacts arising as a result of wind are typically associated with tall buildings over 11 storeys in height, through windward vortexes in which the wind blows perpendicular to the building and is diverted down towards ground level. Given that the proposed development proposes buildings up to a maximum of 5 storeys, which is further limited by the parameter plan restriction of 10% of buildings up to 5 storeys within a parcel, Officers would not anticipate wind to present an issue within the development so as to warrant specialist detailed assessment.

#### HGV Parking

- 21.12 HGV parking in the context of Rugeley Town Centre is mentioned in some of the responses received, with one suggesting the site should make provision for

parking of this type. It is clear such parking proposals do not form part of the current application. It is also clear the Council has no policies which would require this site to specifically make provision of this type. Thus in the first instance, this matter is not considered to be substantially impacted by the proposals either way.

21.13 However, as a component of the enhancement works to the connectivity around the site as requested by the Staffordshire County Council, it is noted the HGV parking layby on Power Station Road near to the Severn Trent Water facility is proposed to be removed. This is in order to make space for a proposed Toucan Crossing as shown on drawing reference J32 – 3955 – PS – 102 D (Proposed Pedestrian and Cycle Infrastructure Improvements – Northern Site Access).

#### Renaissance Manager and Contributions

21.14 Regarding a requirement for the development to provide monetary contributions or additional benefits to the town (above and beyond the existing financial and infrastructure improvements proposed), there is no clear policy basis for this type of request. This is because in order to be justifiable planning obligations must meet the relevant tests for Planning Obligations. These are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

21.15 These tests are set out as statutory tests in regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.

21.16 Whilst Officers note the reference to Mill Green in some correspondence, this was in the context of the development creating trade diversion from the main centre and hence was a potential identifiable impact. In the case of the Power Station, the development proposes housing that is likely to support the centre, proposes junction improvements to the sum of £4.6 million approx., proposes a primary school (approx. £8 million) and secondary contributions to improve existing school facilities (approx. £8 million), canal towpath improvements, health contributions and more to mitigate its effects. Accordingly Officers assess a net benefit to long term economic performance of Rugeley centre, and do not consider a policy basis exists for further requests of this type.

#### Central 'Third' Access

21.17 A number of respondents including the Lichfield Council Urban Designer suggest the provision of a 3rd vehicular access would significantly improve the accessibility and sustainability of the site as well as improving its permeability and its integration into the wider area. The applicant is aware of this factor and is in negotiations to secure the land of relevance to this additional step. However this is not owned by Engie at this time, and the application proposes only two access points. The Highway Authority have considered this from a safety and accessibility point and deem the two accesses to be acceptable

subject to relevant off-site improvement for the scale of development resulting. Therefore whilst it is recognised a third access would be of benefit, it is not essential to the accessibility and highway safety of the development.

- 21.18 The Rugeley Power Station Development Brief SPD is clear that 2 access points are the minimum that are required. The two current accesses are around 2.2km apart as the crow flies meaning that there will be significant vehicular journeys through the site. Even if this connection cannot be provided at present; consideration should still be given and provision made for its creation in the future, if land ownership issues or other problems are resolved. This aspect of the development should be future proofed so not to preclude the possibility of a third vehicular access point at a future date.

#### Veteran Trees

- 21.19 The Woodland Trust make the observation that veteran trees T42, T43, T93 and T203 could be impacted by a future cycle link. The cycle and pedestrian route mentioned is that to the north of the site within the Riverside Park. The detailed layout for the area around the trees has not yet been established. Measures that avoid ground disturbance potentially could be utilised in this location to avoid impacts to the root area associated with the trees which are stated as being retained. More detail would need to be provided once a more thorough layout and defined cycle route are provided at Reserved Matters stage.

#### Model Railway

- 21.20 The applicant has agreed lease terms for temporary use of the site with the Rugeley Power Station Society of Model Engineers (RPSME). However the Society needs to appoint trustees in order to sign the lease a process yet to be completed. The applicant anticipates the RPSME will be back on site early in 2020.

- 21.21 Notwithstanding the above, it should be noted that the demolition consent previously permitted the removal of the miniature train structures from the site and as such, this facility can be removed from the site at any point. The applicant, as described above, is willing however, to allow for the Society to continue to use the site currently. Thus, whilst the long term retention of this facility does not form part of the proposals, this does not make the application unacceptable in planning terms in the Officer's view taking account the fall-back position already approved.

#### Angling Club

- 21.22 The applicant advises that the lease for use of the Borrow Pit is substantially agreed, including health and safety rules. The applicant needs however to confirm that they are satisfied with the status of the club trustees, who will be signing the agreement. Once the lease is signed, there are issues to be addressed prior to the anglers being back on-site, including gaining approval to remove some small self-setting trees from the fishing pegs. Remediation work is also required to the north of Borrow Pit Lake, but the applicant anticipates that the anglers will be back on site in January 2020.

21.23 The applicant is proposing to retain the Borrow Pit and other blue infrastructure within the site and utilise such for water sports, recreation and landscape play. Further details of the exact make up of these uses will be determined within subsequent reserved matter applications.

Requiring the use of Local Tradesman

21.24 Rugeley Town Council suggest that recruitment of construction personnel should be targeted at local builders/ tradesman. The Council's Policies and National Policies contain no guidance or requirements to justify conditions or S106 requests of this type.

## **22 Planning Obligations**

Community Infrastructure Levy (CIL)

22.1 Whilst the proposal is for outline planning consent it should be noted that as a residential development scheme the proposal is CIL (Community Infrastructure Levy) liable and the level of contribution required will be determined at the reserved matters stage once detailed floor space figures are available.

22.2 In relation to the 'in-use' building credit that may be relevant to this application, the CIL Regulations (2010, as amended) provide a clear set of circumstances for when any discounts to CIL arising from in-use buildings on site may apply. There are clear provisions for what is considered to be a 'in-use building' namely that it is a relevant building and it contains a part that has been in lawful use for a continuous period of at least 6 months within the period of 3 years ending on the day planning permission first permits the chargeable development. The Regulations provide a clear definition of relevant buildings (e.g. excludes buildings into which people do not normally go). Regulations also define when planning permission first permits development in the context of CIL i.e. the approval of the last of the reserved matters, or in the case of pre-commencement conditions when the last of these has been discharged. It may be useful at this stage to consider any implications for the CIL charges arising from such issues.

22.3 Planning Obligations:

1. On-site affordable housing provision equivalent to 17.6% spread evenly across the site (approx. 405 dwellings total)
2. On-site Sports Provision (including changing facilities and management).
3. On-site Public Open Space Provision (including delivery of Riverside Park, retained and new allotments and public art)
4. Delivery of 2 form of entry primary school on site or £7.9 Million contribution and secondary school contribution of £8 Million
5. Highways and Transport Contributions (Off-site Highway Works costed to approximately £4.6 Million), off site linkage improvements, Trent Valley Station Improvements and canal towpath improvements
6. Public Transport Contribution (approx. £3.345 Million) or equivalent similar provision of public transport
7. Travel Plan Monitoring Sum £50,000

8. Air Quality Mitigation Contribution towards Cannock Chase SAC (£2.387 Million)
9. Provision of on-site Community Building and Healthcare Contribution (between £430-736K)
10. Note a separate Unilateral Undertaking relating to the payment of £221 per dwelling for the Cannock Chase SAC SAMM measures is also required.

**23 Planning Conditions**

In light of the above assessment, the following would also be required in the interests of the proper planning of the local area and to make the development acceptable in planning terms:

1. The development hereby approved shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of twenty years from the date of this permission.
2. The first reserved matters application shall be made within 3 years of the date of this planning permission.
3. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
4. This is an outline planning permission and no phase of development shall be commenced (excluding works identified as “exempt development” in the Schedule of Definitions) until details of layout of the site, including the disposition of roads and buildings; existing and proposed ground level and finished floor level; the design of all buildings and structures; the external appearance of all buildings and structures including materials to be used on all external surfaces; boundary treatments; housing mix; surfacing treatments; the means of pedestrian and cycle access and parking layout; and the landscape and planting of the site (except the approved access to the A513, through Lichfield District Council application number 17/00453/FULM) for that phase have been submitted to and approved by the Local Planning Authority by way of reserved matters application(s).

**CONDITIONS to be complied with PRIOR to the submission of any Reserved Matters applications:**

5. Before the submission of the first Reserved Matters application (with the exception of the Western Gateway and the Riverside Park), pursuant to Condition 4, a scheme for the phasing of the development of the entire site (to be broadly in accordance with the Illustrative Phasing Plan reference 01585\_PP\_06 Revision P4), shall be submitted to and approved in writing by



the Local Planning Authority. The development shall thereafter be undertaken in broad accordance with the approved phasing plan.

**CONDITIONS to be complied with PRIOR to the commencement of development hereby approved:**

6. a: The first application for Reserved Matters (with the exception of the Western Gateway or the Riverside Park), pursuant to Condition 4, shall be accompanied by a Site Wide Design Code, to include a Regulating Plan, for the development of the site for approval in writing by the Local Planning Authority. The Site Wide Design Code will be broadly in accordance with the Design and Access Statement and Landscape Design Statement submitted with the application and shall include the following, where relevant:

Built form

- (i) Character areas;
- (ii) Principles of building forms and housing mix;
- (iii) Development parcel access locations; and
- (iv) Detail of key nodes / building groupings.

Public realm

- (i) A movement framework including street types, road hierarchy, street layout and character, and measures to restrain the speeds of vehicles to 20mph and to give consideration to the need to accommodate access for oversize / wide-load vehicles;
- (ii) Landscape design principles;
- (iii) Detail of key green infrastructure elements (location, size, function and character);
- (iv) Footpath and cycle networks;
- (v) Connections to the surrounding area for all transport modes; and
- (vi) Connections through the site for all transport modes.

- b: The submission of any Reserved Matters for a phase of development (with the exception of the Western Gateway or the Riverside Park), pursuant to Condition 4, shall be accompanied by a Design Code, to include a Masterplan, for the development of that phase, or phases, for approval in writing by the Local Planning Authority. The Design Code will be broadly in accordance with the Site Wide Design Code and shall include the following, where relevant:

Built Form

- (i) Principles of corner treatment;
- (ii) Principles of elevational design;
- (iii) Principles for placement of entrances;
- (iv) Building materials palette;
- (v) Principles of energy efficiency;
- (vi) Principles of service arrangements;

- (vii) Continuation in use of existing substations (including access for vehicles where necessary);
- (viii) Consideration of housing mix, with reference to the Parameter Plans pursuant to Condition 3 and the latest evidence on need; and
- (ix) Principles of dwelling garden sizes, parking standards and separation distances / daylight standards.

Public Realm

- (i) Boundary treatments;
- (ii) Surface materials palette;
- (iii) Planting palette;
- (iv) Ecological design principles;
- (v) Parking strategy including the provision of secure cycle parking facilities for all uses on site;
- (vi) The locations, layout and specifications of public open space and SUDs; and
- (vii) The location, proposed uses and layout of the Neighbourhood Square in the Northern Mixed Use Area.

c: The submission of any Reserved Matters for a phase of development relating to the Western Gateway (comprising approximately 300m of spine road from the A51 access) or the Riverside Park, pursuant to Condition 4, shall be accompanied by a Design Brief, to include a Masterplan, for the development of that phase, or phases, for approval in writing by the Local Planning Authority. The Design Brief will be broadly in accordance with the Design and Access Statement and Landscape Design Statement submitted with the application and shall include the following:

- (i) A movement framework, including the approach for connecting the site to enable sustainable movement through the site for all transport modes;
- (ii) Detailed landscape design; and
- (iii) Detail of key green infrastructure elements (location, size, function and character).

7. Each application for the approval of Reserved Matters, pursuant to Condition 4, shall be accompanied by a statement that demonstrates that such details of reserved matters accord as applicable with the design principles of the approved Site Wide Design Code and relevant Detailed Design Code pursuant to Condition 6 a/b or the relevant Design Brief pursuant to Condition 6c. The statement shall include matters of the following as relevant:

- (i) Building mass;
- (ii) Public realm and amenity space;
- (iii) Accessibility for all;
- (iv) Footpaths and cycle ways
- (v) Car and cycle parking, including visitor car parking and secure cycle parking;
- (vi) Vehicular accesses and circulation;
- (vii) Service arrangements;
- (viii) Details of hard and soft landscaping;

- (ix) Ecological design principles;
- (x) Existing and proposed levels;
- (xi) Security and safety;
- (xii) Principles of energy efficiency;
- (xiii) Materials; and
- (xiv) Layout.

The development of that Reserved Matters phase shall not be commenced until the statement has been approved in writing by the Local Planning Authority. Development of that phase shall thereafter be carried out in accordance with the approved details.

8. Each application for the approval of Reserved Matters pursuant to Condition 4, shall be accompanied by a Landscape Management Plan for that phase, to include an implementation timetable; long term design objectives; management responsibilities; and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens, for approval in writing by the Local Planning Authority. The Landscape Management Plan shall thereafter be implemented in accordance with the approved details and timescales.
  
9. Each application for Reserved Matters, pursuant to condition 4, shall be accompanied by a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) for that phase expanding upon the information provided within the Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum, Technical Appendix 9.8 Biodiversity Net Gain, Letter Appendix A – Ecology Correspondence, Figure 9.10 Biodiversity Calculations and Proposed Development Habitats and Section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement, detailing in full, measures to protect existing habitat during construction works and the formation of new habitat to secure an overall site wide net gain value of no less than 27.89 Biodiversity Units, for approval in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:
  - i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);
  - ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
  - iii) Details of both species composition and abundance (% within seed mix etc.) where planting is to occur;
  - iv) Proposed management prescriptions for all habitats for a period of no less than 25 years;
  - v) Assurances of achievability;
  - vi) Timetable of delivery for all habitats; and
  - vii) A timetable of future ecological monitoring to insure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The development of the phase shall thereafter be undertaken in accordance with the approved CEMP/HMP.

10. Each application for Reserved Matters, pursuant to condition 4, shall be accompanied by an Ecological Mitigation Strategy for that phase, expanding upon the information provided within Section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement and Chapter 9 Ecology, the Environmental Statement Addendum and Letter Appendix A – Ecology Correspondence, detailing in full, ecological mitigation measures, for approval in writing by the Local Planning Authority. The development of the phase shall thereafter be undertaken in accordance with the approved Ecological Mitigation Strategy.
  
11. Each application for Reserved Matters for each phase of development, pursuant to Condition 4, shall be accompanied by a detailed Surface Water Drainage Strategy for that phase for approval in writing by the Local Planning Authority. The Surface Water Drainage Strategy shall be in accordance with the principles set out in the approved Flood Risk Assessment (Report no. WORK\34060387\v.2 Rev 3 dated 14th May 2019 compiled by AECOM) and Drainage Strategy Report (WORK\34060242\v.2 Rev 4 dated 15th May 2019 compiled by AECOM) and shall include details of the following measures:
  - i) Percolation assessments carried out in accordance with BRE digest 365 to determine infiltration potential;
  - ii) The assessment of existing outfalls and remediation where required to accommodate flows from the development;
  - iii) The incorporation of SuDS features including source control, permeable paving, swales and open water features within the drainage design to provide adequate water quality treatment in accordance with CIRIA C753;
  - iv) Surface water discharge from each Area to be limited to the combined restricted rates for the equivalent return period storms as specified in Appendix A of the Drainage Strategy Report;
  - v) The provision of adequate on-site attenuation features across the site to limit the maximum surface water discharge to the combined restricted rates for the equivalent return period storms as specified in Appendix A of the Drainage Strategy Report;
  - vi) Where attenuation features are allocated to serve multiple phases, they will be constructed and operational to serve the relevant phase;
  - vii) Finished floor levels are set no lower than 150mm above local surrounding ground levels;
  - viii) The management of overland flows in the event of exceedance or blockage of the drainage network to ensure no flooding to property;
  - ix) The details of an achievable and site-specific maintenance plan for each phase of the development including the provision of access;
  - x) All built development located in Flood Zone 1; and
  - xi) No ground raising in the flood plain.

The development in that phase shall thereafter be carried out in accordance with the provisions of the approved Surface Water Drainage Strategy.

12. Before the development hereby approved is commenced, within each phase of the development (as approved by condition 5), a Construction Environmental Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall:
- i) Specify details of the site compound, cabins, material storage areas and vehicular access point;
  - ii) Specify the delivery and working times;
  - iii) Specify the types of vehicles;
  - iv) Specify noise, air quality and dust control;
  - v) The management and routing of construction traffic;
  - vi) Provide for the parking of vehicles of site operatives and visitors and wheel washing facilities;
  - vii) Provide for the loading and unloading of plant and materials;
  - viii) Provide for temporary trespass proof fencing adjacent to the railway;
  - ix) Provide for the storage of plant and materials used in constructing the development; and
  - x) Provide details for the restoration of the site.

The development in that phase shall be carried out in accordance with the approved details and thereafter be adhered to throughout the construction period.

13. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), a timetable for the provision/ improvement of on-site linkages to footpaths, footways and cycleways adjacent to that phase, shall be submitted to and approved in writing by the Local Planning Authority. The development of the phase there of shall be carried out in accordance with the approved timetable.
14. Before the development hereby approved is commenced within any relevant phase of development (as approved by Condition 5) that includes the 'community square' or spine road, details of the following shall be submitted to and approved in writing by the Local Planning Authority and the approved details implemented prior to completion of that phase:
- Bus layover facilities at "community square" to include passive electric charging infrastructure, shelter, flag, timetable case and Real Time Passenger Information display.
  - Bus stopping facilities along the rest of the spine road shall be road provided with shelter, flag, timetable case and bus markings.
15. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), the trees and hedgerows that are to be retained as part of the approved landscape and planting scheme for that phase of the development shall be protected in accordance with BS 5837:2012, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The agreed tree/hedge protection measures shall be put in place prior to the commencement of any construction works within a particular phase and, shall be retained for the duration of construction works within that phase (including any demolition and / or site clearance works), unless otherwise agreed in writing by the Local Planning

Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development within that phase have been completed, and all equipment; machinery and surplus materials have been removed for that phase of development.

16. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), details of all proposed boundary treatments within the respective phase, including full details of any treatment within Public Open Spaces, and a trespass proof fence to be erected adjacent to the railway boundary, shall be submitted to and approved in writing by the Local Planning Authority. The approved trespass proof fence shall be implemented prior to the first occupation of any dwelling within the phase and thereafter be retained for the life of the development. The Public Open Space boundary treatment shall be provided before first use of that Public Open Space. The residential boundary treatments shall be implemented in accordance with the approved details, prior to the occupation of the dwelling(s) to which the respective boundary treatment(s) is to serve.
17. Before the development hereby approved is commenced, within any relevant phase of development that includes buildings (as approved by condition 5), full details of the proposed foul water drainage system for the specific phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first occupation of any of the buildings in that phase.
18. a. Recognising that separate remediation works, which are not part of this development, are being undertaken on the site to surrender environmental permits under the exclusive jurisdiction and control of the Environment Agency and that this condition is not intended to conflict with such works, before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), a site redevelopment remediation strategy to ensure the particular phase in question is suitable for its intended use, that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:
  - (a) A preliminary risk assessment which has identified:
    - (i) All previous uses
    - (ii) Potential contaminants associated with those uses
    - (iii) A conceptual model of the site indicating sources, pathways and receptors
    - (iv) Potentially unacceptable risks arising from contamination at the site in the context of this development.
    - (v) A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
    - (vi) The results of the site investigation and detailed risk assessment referred to in (i) and, based on these, an

options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and

- (vii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the site development remediation strategy are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- b. A validation report shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the approved development remediation being completed, to ensure that all contaminated land issues on the specific phase of development have been adequately addressed prior to the first occupation of any part of that phase of the development. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site development remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
19. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), a Water Framework Directive Enhancement Opportunities Plan for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include the following elements:
- details of enhancement proposals for all affected water bodies;
  - details of design and management of buffers around on site water bodies; and
  - details on how SUDs will be maintained in the long-term to ensure no deterioration in outfall water quality.

The Water Framework Directive Enhancement Opportunities Plan for that phase shall be carried out as approved.

20. Before the development hereby approved is commenced within the phase of development (as approved by condition 5), which incorporates the proposed cricket pitch, a ball strike assessment shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with Sport England. Where the submitted assessment demonstrates the need to provide ball stop mitigation, full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in full before the cricket pitch is operational and thereafter be managed and maintained in accordance with the approved details.
21. Before the development hereby approved is commenced within the phase of development (as approved by condition 5), which incorporates the proposed



bowling green, details of floodlighting (including location, specification, maintenance and hours of operation) shall be submitted to and approved in writing by the Local Planning Authority. The floodlighting for the bowling green shall be installed in accordance with the agreed details, before the bowling green is operational, and the floodlighting shall thereafter be managed and maintained in accordance with the approved details.

22. Before the development hereby approved is commenced within the phase of development (as approved by condition 5), which incorporates the proposed Community Sports Pitches (as defined in the Section 106 Agreement), the following documents shall be submitted to and approved in writing by the Local Planning Authority:
- i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field, which identifies constraints which could adversely affect playing field quality; and
  - ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the approved scheme.

23. Before the development hereby approved is commenced, an overarching written scheme of investigation (WSI), which sets out a programme of archaeological work for all relevant phases of the development, shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall provide details of a programme of archaeological works, including details of a programme of archaeological earthwork survey to be carried out across surviving areas of ridge and furrow within the site. The WSI shall include post-excavation reporting and appropriate publication. The WSI shall thereafter be implemented in full in accordance with the approved details and timescales.
24. Before the development hereby approved is commenced within any relevant phase of development (as approved by condition 5), a scheme of any proposed external lighting for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme for that phase shall thereafter be implemented in accordance with the approved details.
25. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), a Site Waste Management Plan for that phase (which shall accord with the mitigation measures identified within the 'Outline Solid Waste Management Strategy' produced by Savills dated May 2019) shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall thereafter be undertaken in accordance with the approved Site Waste Management Plan.

**All other CONDITIONS to be complied with:**

26. The off-site highway improvements shall be broadly in accordance with the works shown on drawings:
- J32 – 3955 – PS - 100 D (Proposed Infrastructure Improvements – Overview Plan),
  - J32 – 3955 – PS – 101 D (Proposed Pedestrian and Cycle Infrastructure Improvements – Rugeley Trent Valley Approach).
  - J32 – 3955 – PS – 102 D (Proposed Pedestrian and Cycle Infrastructure Improvements – Northern Site Access).
  - J32 – 3955 – PS – 103 C (Proposed Pedestrian and Cycle Infrastructure Improvements – Armitage Road and Rugeley Town Station).
  - J32 – 3955 – PS – 104 D (Proposed Pedestrian and Cycle Infrastructure Improvements – A513/A51 and Canal Proposals).
  - J32 – 3955 – PS – 105 C (Proposed Pedestrian and Cycle Infrastructure Improvements – Brereton Hill Roundabout).
  - J32 – 3955 – PS – 106 A (Proposed Off-Site Junction Improvements A51/RWE Roundabout).
  - J32 – 3955 – PS – 107 A (Proposed Off-Site Junction Improvements A51/Wheelhouse Road Roundabout).
  - J32 – 3955 – PS – 108 B (Proposed Off-Site Junction Improvements A51/A513 Armitage Road Roundabout).
  - J32 – 3955 – PS - 109 A (Proposed Off-Site Junction Improvements A51/Wheelhouse Road Roundabout).
  - J32 – 3955 – PS – 111 A (Proposed Pedestrian and Cycle Infrastructure Improvements – Power Station Link Road).
  - J32-3955-PS-113 B (Proposed Pedestrian and Cycle Infrastructure Improvements – Canal Proposals (Bridge 62-Bridge 62A)).

The development shall be carried out in accordance with a phased approach as set out in the Section 106 Agreement.

27. The cycle parking for any apartments, commercial premises (including showers and lockers for B Class Uses), primary school, health facility or community hall shall be implemented in accordance with the approved details pursuant to Condition 6, prior to the first occupation of those buildings and shall thereafter be retained for their designated purpose for the life of the development.
28. Prior to the formation of building foundations in a particular phase (as approved by condition 5), a detailed noise and vibration assessment for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. This shall include an assessment of all sources of noise and vibration, including that associated with the railway and existing road network, electricity infrastructure, the sports uses and any classes within Use Class A, B and D (as defined under the Town & Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, as amended) forming part of the development, and details of any mitigation required. The approved mitigation for that phase shall be carried out in full prior to first occupation of any building

within that phase, or other use of approved sports pitches or A, B and D Use Class within the development.

29. The distributor road between the A51 and A513 shall be broadly in accordance with the Access and Movement Parameter Plan as approved under Condition 3. The distributor road as shown on the Access and Movement Parameter Plan shall be completed to a level to allow for Passenger Carrying Vehicles to deliver a service, in accordance with the approved details, on or before the first occupation of the 301st dwelling served from either the A51 or A513 access in the development.
30. The development hereby approved shall be carried out in strict accordance with the Reasonable Avoidance Measures (RAMS) for all species identified as being potentially impacted detailed in Section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement and Chapter 9 Ecology, the Environmental Statement Addendum. The measures shall be implemented in accordance with the approved timetables and shall thereafter be retained throughout construction works.
31. Prior to undertaking any vibro-impact works or piling on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved measures.
32. Prior to the first occupation of any dwellings and apartments, within each phase of development (as approved by condition 5), details of active Electric Vehicle Charging Points to serve 5% of the publicly available visitor parking spaces, which will serve these uses, along with appropriate passive infrastructure to serve up to a further 15% of the publicly available visitor parking spaces (that is a total provision of up to 20% of spaces), shall be submitted to and approved in writing by the Local Planning Authority. Details of passive Electric Vehicle Charging infrastructure to serve each individual dwelling shall be submitted to and approved in writing by the Local Planning Authority

The active Electric Vehicle Charging Point (in the case of 5% of visitor spaces) and passive Electric Vehicle Charging infrastructure shall be installed prior to first occupation / use of the dwelling / visitor spaces to which they relate and thereafter be retained for the life of the development.

33. Prior to the first use of the commercial and community buildings, details of active Electric Vehicle Charging Points to serve 5% of the parking spaces, which will serve these uses, along with appropriate passive infrastructure to serve up to a further 15% of these spaces (that is a total provision of up to 20% of spaces), shall be submitted to and approved in writing by the Local Planning Authority. The active Electric Vehicle Charging Points and passive infrastructure shall be installed prior to first use of the respective unit of the phase to which it relates and thereafter be retained for the life of the development.
34. Prior to erecting any scaffold within 10 metres of a boundary of the railway line, a method statement, including details of measures to be taken to prevent construction materials from the development reaching the railway (including

protective fencing) shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be retained in place throughout the construction phase on the specified buildings.

35. Before the first occupation of any dwellings hereby approved, the parking and turning areas associated with each respective property shall be provided and thereafter retained for their designated purposes for the life of the development.
36. Before the first use of the non-residential building to which it relates, the car parking, servicing and circulation areas, for each respective building, shall be provided. The car parking space, servicing and circulation areas shall be sustainably drained, hard surfaced in a bound material, lit and marked out and thereafter, shall be retained in accordance with the approved plans, for the life of the development.
37. Before the first occupation of any dwelling in phases 2a, 2b and 2c (as shown on Illustrative Phasing Plan reference 01585\_PP\_06 Revision P4), the proposed roundabout access onto the A513, shown illustratively on drawing J32-2608-PS-111 rev A, shall be complete.
38. All site clearance works associated with the development hereby approved, shall take place and be completed outside of the bird nesting season (March to August inclusive) or if works are required within the nesting season, an ecologist will be present to check for evidence of breeding birds immediately prior to the commencement of works. Works could then only commence if no evidence is recorded by the ecologist. If evidence of breeding is recorded, a suitable buffer zone would be set up to avoid disturbance until the young have fledged.
39. The Reserved Matters within each phase of development to be submitted pursuant to Condition 4 of this permission shall include details of noise attenuation measures designed to protect future occupants of that particular phase from noise nuisance arising from external noise sources, including road and rail traffic and existing and future residents from potential noise sources from uses and activities within the site, including the sports pitches. Any required approved noise mitigation measures shall thereafter be implemented, in accordance with the approved details, prior to the occupation of any dwelling.
40. All phases of development (as approved by condition 5) shall include a minimum of 15% affordable housing, with an overall minimum provision site wide of 17.6%.
41. There shall be no more than 2,300 dwellings provided on the site.
42. Prior to the first occupation of any dwellings and apartments, within each phase of development (as approved by condition 8), high speed broadband infrastructure shall be installed.
43. Should the southern mixed use area (as identified on the approved Land Use Parameter Plan pursuant to Condition 3, provide more A1 floor space than the threshold in the adopted Local Plan (currently 100 sq. m), the relevant reserved matters to be submitted pursuant to condition 4 of this permission, shall be

accompanied by a retail impact assessment, in order to justify the level of retail proposed. The development shall thereafter be carried out in accordance with the approved details.

44. Within the northern mixed use area (as identified on the approved Land Use Parameter Plan pursuant to Condition 3), a maximum of 2,499sqm gross external floorspace of main town centre uses (as defined in Annex 2 of the NPPF 2019) excluding Class B1a offices shall be provided, with no more than 500sqm gross external floorspace of Main Town Centre Uses provided in any one unit.

Within the southern mixed use area (as identified on the approved Land Use Parameter Plan pursuant to Condition 3), a maximum of 1,000sqm gross floorspace of main town centre uses (as defined in Annex 2 of the NPPF 2019) excluding Class B1a offices shall be provided, with no more than 99sqm gross floorspace of Class A1 retail floorspace to be provided.

The total amount of A1 Use Class Retail floorspace should not exceed 2,499sqm across the whole site.

45. Any B1 or B2 unit, erected within the employment area (located within Lichfield District), which has a floor area greater than 1,000 square metres, shall within 6 weeks of the completion of the shell and core works, have a certificate of compliance, from an accredited assessor confirming that the unit has achieved a minimum BREEAM rating of Very Good, submitted to and approved in writing by the Local Planning Authority.
46. Before the first use of any buildings approved by a reserved matters application, as a Restaurant or Café (Class A3), a Drinking Establishment (Class A4) or a Hot Food Takeaway (Class A5), details of a scheme for the control of odour and other emissions shall be submitted to and approved in writing by the Local Planning Authority. The approved odour mitigation shall be installed before the development is first brought into use and shall thereafter be retained for the life of the buildings use as a Restaurant or Café.
47. Prior to the first use of any external plant or water storage tanks, associated with the approved employment uses, details of these machines and structures and any associated enclosures shall be submitted to and approved in writing by the Local Planning Authority along with full details of any noise mitigation measures. Any approved mitigation or enclosure shall be installed prior to the first use of the plant or water tank and shall thereafter be maintained for the life of the development.
48. Prior to the occupation of the first dwelling, details of a pedestrian and cycle link between the A51 and Power Station Road shall be submitted to and approved by the Local Planning Authority. These details shall include a timeframe for the delivery of the link and measures for its long-term maintenance. The link shall be carried out in accordance with the agreed details and shall thereafter be retained for public access in perpetuity.

## REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
3. For the avoidance of doubt and in the interests of proper planning and accordance with the applicant's stated proposals.
4. The application has been made for outline permission only with these matters reserved for subsequent approval. Therefore, such details are required to be submitted and agreed in order to ensure a satisfactory form of development, safeguard the character of the area and amenity of future residents in line with Cannock Chase Local Plan Policies CP1 and CP3 as well as the Rugeley Power Station Development Brief Supplementary Planning Document.
5. To ensure the appropriate timing of delivery of housing, green infrastructure, highway and transport improvements and social infrastructure, to promote a sustainable development, to safeguard residential amenity and the appearance of the development, in accordance with Lichfield Core Policies 3 and 4, and Policies BE1, IP1, HSC1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Cannock Chase Local Plan Policies CP1, CP3, CP5, CP6, CP7 and the Design SPD and Developer Contributions and Housing Choices SPD.
6. To ensure the high quality form and appearance of the development, ensure continuity in use of the site within the electricity network and to enhance natural habitat, in accordance with the requirements of Lichfield Core Policies 3 and 13, and Policies NR3, NR4, BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Cannock Chase Local Plan Policy CP3 the Design SPD and the adopted Developer Contributions and Housing Choices SPD.
7. To ensure a high quality and cohesive form and appearance of development, and in the interests of highway safety; to comply with Staffordshire County Council requirements for access; and to safeguard the amenity of future occupiers, in accordance with the requirements of Lichfield Core Policies 3, 4 and 10, and Policies BE1, IP1, HSC2, NR3 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Cannock Chase Local Plan Policy CP3, the Design SPD and the adopted Developer Contributions and Housing Choices SPD.
8. In order to safeguard the arboriculture and ecological interests of the site, secure biodiversity enhancements and to ensure the long term management of the site in preparation of significant public use, in accordance with the requirements of Lichfield Core Policies 3, 11 and 13 and Policy NR3 of the

Local Plan Strategy and Cannock Chase Local Plan Policies CP3, CP12 and the National Planning Policy Framework.

9. In order to safeguard the ecological interests of the site and encourage enhancements in biodiversity and habitat in accordance with Lichfield Core Policies 3 and 13 and Policy NR3, Cannock Chase Local Plan Policies CP3, CP12 and the National Planning Policy Framework.
10. In order to safeguard the ecological interests of the site and encourage enhancements in biodiversity and habitat in accordance with Lichfield Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, Cannock Chase Local Plan Policies CP3, CP12 and the National Planning Policy Framework.
11. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems, to minimise the risk of pollution and protect controlled waters, protect the on-going operation of the railway network and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Lichfield Core Policy 3, and Policy BE1 of the Local Plan Strategy, Cannock Chase Local Plan Policy CP16 and the National Planning Policy Framework.
12. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Lichfield Policies BE1 and ST1 of the Local Plan Strategy, the Rugeley Power Station Development Brief, Cannock Chase Local Plan Policy CP3 and the National Planning Policy Framework.
13. To promote the use of sustainable modes of transportation in accordance with Policies BE1 and ST1 of the Lichfield Local Plan Strategy, the Rugeley Power Station Development Brief, Cannock Chase Local Plan Policy CP10 and the National Planning Policy Framework.
14. To promote the use of sustainable modes of transportation in accordance with Policies BE1 and ST1 of the Local Plan Strategy, the Rugeley Power Station Development Brief and Cannock Chase Local Plan Policy CP10 and the National Planning Policy Framework.
15. To ensure the high quality form and appearance of the development and to enhance the natural habitat, in accordance with the requirements of Core Policies 3, 13, and 14 and Policies NR3, NR4, BE1 and East of Rugeley of the Local Plan Strategy, the Rugeley Power Station Development Brief, Cannock Chase Local Plan Policy CP3 and the adopted Cannock Chase Design SPD.
16. To ensure the high quality form and appearance of the development and to safeguard the on-going operation of the railway network, in accordance with the requirements of Lichfield Core Policies 3, 13, and 14, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policy CP3 and the National Planning Policy Framework.
17. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution and to ensure that sustainability and

environmental objectives are met, in accordance with provisions of Lichfield Core Policy 3, and Policy BE1 of the Local Plan Strategy, Cannock Chase Local Plan Policies CP3 and CP12 and the National Planning Policy Framework.

18. To ensure protection Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard and to safeguard future residential amenity, in accordance with the requirements of Lichfield Core Policy 3 and Policy BE1 of the Local Plan Strategy, Cannock Chase Local Plan Policies CP3, CP12 and CP16 and the requirements of the National Planning Policy Framework and Water Framework Directive.
19. In order to safeguard the ecological interests of the site, secure biodiversity enhancements and to secure opportunities for improving the Water Framework Directive status of the River Trent Catchment use in accordance with the requirements of Core Policies 3, 11 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
20. To provide protection for future occupants and users of the development and their property from potential ball strike from the adjacent playing field or sports facility, to reduce conflict between neighbours and therefore safeguard sporting use of the sports facilities, in accordance with the requirements of Lichfield Core Policies 3, 10 and 11 and Policies HSC2 and BE1 of the Local Plan Strategy, Cannock Chase Local Plan Policy CP3 and the National Planning Policy Framework.
21. To protect the amenity of future resident, provide suitable replacement sports provision and limit any impact upon protected species, in accordance with the requirements of Lichfield Core Policies 3, 10 and 11 and Policies HSC2 and BE1 of the Local Plan Strategy, Cannock Chase Local Plan Policies CP3 and CP5 and the National Planning Policy Framework.
22. To ensure the provision of suitable replacement sports pitches, in accordance with the requirements of Lichfield Core Policies 3, 10 and 11 and Policies HSC2 and BE1 of the Local Plan Strategy, Cannock Chase Local Plan Policies CP3 and CP5 and the National Planning Policy Framework.
23. To ensure full evaluation of and protection of any archaeological remains within the site, in accordance with Lichfield Core Policies 3 and 14, Cannock Chase Local Plan Policies CP15 and the National Planning Policy Framework.
24. To ensure the high quality form and appearance of the development and to protect natural habitat, in accordance with the requirements of Lichfield Core Policies 3, 13, and 14, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policies CP3, CP12 and CP14 and the National Planning Policy Framework.
25. To protect the water environment, reduce the transportation of waste off-site and to safeguard residential amenity, in accordance with the requirements of Policy 1.2 of the Staffordshire and Stoke on Trent Joint Waste Local Plan,



Lichfield Core Policies 3 and 14, Cannock Chase Local Plan Policies CP16 and the National Planning Policy Framework.

26. To ensure the appropriate timing and delivery of the off-site highway works and in the interests of highway safety and capacity, in accordance with the requirements of Policies BE1 and ST2 of the Lichfield Local Plan Strategy, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policies CP1, CP3 and CP10 and the National Planning Policy Framework.
27. To promote the use of sustainable modes of transportation in accordance with Lichfield Policies BE1 and ST1 of the Local Plan Strategy, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policies CP10 and CP3 and the National Planning Policy Framework.
28. To protect the amenity of the future residents and safeguard the on-going operation of the railway network and electricity infrastructure, in accordance with the requirements of Lichfield Core Policies 3 and 14, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policy CP3 and the National Planning Policy Framework.
29. To ensure an acceptable form of development and in the interests of highway safety and connectivity, in accordance with the requirements of Lichfield Core Policies 5 and 14, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policy CP10 and the National Planning Policy Framework.
30. In order to safeguard the ecological interests of the site in accordance with Lichfield Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document, Policy AH2 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
31. To prevent any piling works and associated vibration from destabilising or impacting upon the railway network and to ensure the protection of Controlled Waters, in accordance with the requirements of the National Planning Policy Framework.
32. To promote the use of sustainable modes of transportation and to help mitigate the development's impact upon the Cannock Chase Special Area of Conservation, in accordance with Policies BE1, NR7 and ST1 of the Lichfield Local Plan Strategy, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policies CP12 and CP13 and the National Planning Policy Framework.
33. To promote the use of sustainable modes of transportation and to help mitigate the development's impact upon the Cannock Chase Special Area of Conservation, in accordance with Policies BE1, NR7 and ST1 of the Lichfield Local Plan Strategy, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policies CP12 and CP13 and the National Planning Policy Framework.

34. In the interests of the safe operation of the railway network, in accordance with guidance contained within the National Planning Policy Framework.
35. In the interests of the safe and efficient function of the highway and to protect the amenity of existing and future residents, in accordance with the requirements of Policies BE1 and ST1 of the Lichfield Local Plan Strategy, Cannock Chase Local Plan Policy CP10 and the National Planning Policy Framework.
36. In the interests of the safe and efficient function of the highway and to protect the amenity of existing and future businesses, in accordance with the requirements of Policies BE1 and ST1 of the Lichfield Local Plan Strategy, Cannock Chase Local Plan Policy CP10 and the National Planning Policy Framework.
37. In the interests of the safe and efficient function of the highway and to protect the amenity of existing and future businesses, in accordance with the requirements of Policies BE1 and ST1 of the Lichfield Local Plan Strategy, Cannock Chase Local Plan Policy CP10 and the National Planning Policy Framework.
38. In order to safeguard the ecological interests of the site, in accordance with the requirements of Lichfield Core Policies 3 and 13, and Policy NR3 of the Local Plan Strategy, Cannock Chase Local Plan Policy CP12 and the National Planning Policy Framework.
39. To protect the amenity of the future residents in accordance with the requirements of Lichfield Core Policies 3 and 14, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policy CP3 and the National Planning Policy Framework.
40. To ensure an inclusive mix and tenure of dwellings throughout the development, in accordance with Policy H2 of the Lichfield Local Plan Strategy, Cannock Chase Local Plan Policy CP7, the Cannock Chase Design SPD and paragraph 62 of the National Planning Policy Framework.
41. In accordance with the applicants stated intentions and in order to meet the requirements of Lichfield Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief SPD.
42. To promote home-working and thereby help to mitigate the development's impact upon the Cannock Chase Special Area of Conservation.
43. In order for the development to reflect the basis on which this application has been assessed, to minimise the impact on existing, committed and planned commercial investment in Lichfield District, and to protect the vitality and viability of Armitage with Handsacre, in accordance with Core Policy 6, Strategic Policy 9 and Policy E1 of the Local Plan Strategy and the National Planning Policy Framework.
44. In order for the development to reflect the basis on which this application has been assessed and to minimise the impact on consumer choice and trade as

well as existing, committed and planned commercial investment in Rugeley and neighbouring areas in accordance with Lichfield Core Policy 6, Strategic Policy 9 and Policy E1 of the Lichfield Local Plan Strategy, Cannock Chase Local Plan Policies RTC1-3, CP1 and CP4 and paragraphs 85-90 of the National Planning Policy Framework.

45. To ensure that the development is constructed in a sustainable manner, in accordance with Lichfield Core Policy 3 and Policy SC1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
46. To safeguard the amenity of existing and future residents in accordance with the requirements of Lichfield Core Policy 3, Cannock Chase Local Plan Policy CP3 and paragraph 127(f) within the National Planning Policy Framework.
47. To safeguard the amenity of existing and future residents in accordance with the requirements of Lichfield Core Policy 3, Cannock Chase Local Plan Policy CP3 and paragraph 127(f) within the National Planning Policy Framework.
48. To promote the use of sustainable modes of transportation in accordance with Lichfield Policies BE1 and ST1 of the Local Plan Strategy, the Rugeley Power Station Development Brief SPD, Cannock Chase Local Plan Policies CP3 and CP10, the Cannock Chase Design Guide and the National Planning Policy Framework.

#### Notes to the Applicant

1. For the purposes of this decision, the following definition of 'exempt development' shall be taken to include:

Any archaeological works or ancillary archaeological works, survey of existing structures, demolition, site clearance, site preparation, site reclamation, site remediation works, preliminary landscaping, service diversions or decommissioning, laying of services (including in relation to street furniture for the temporary trialling of automated vehicles within the site), the erection of fences or hoardings and scaffolding, site or soil investigations, ground modelling and other works of site establishment preparatory to the commencement of construction and works associated with the construction of the spine road and operations permitted by the Town and Country Planning (General Permitted Development) Order 2015.
2. The applicant's attention is drawn to the comments of Central Networks as detailed within their e-mail dated 24th October 2019.
3. The applicant is advised to note and act upon as necessary the comments and requirements of Network Rail dated 13th June 2019. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
4. The applicant is advised to note and act upon as necessary the comments from the Council's Operational Services Customer Relations and Performance Manger specific to waste services dated 28th October 2019.

5. The applicant is advised to note and act upon as necessary the comments from the Police Architectural Liaison Officer dated 19th November 2019. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
6. The applicant is advised to note and act upon as necessary the comments from the Environment Agency dated 4th July 2019.
7. The applicant is advised to note and act upon as necessary the comments from the Staffordshire Fire and Rescue Service dated 13th November 2019.
8. The applicant is advised to note and act upon as necessary the comments from the National Grid contained within the letter provided by RPS group dated 12th July 2019. In particular, regard should be had to the location of internal access road and when considering landscaping details, to guidance contained within the National Grid Document 'A Sense of Place: Design Guidelines for Development Near Pylons and High Voltage Overhead Power Lines'.
9. The applicant is advised to note and act upon as necessary the comments from Western Power contained within the letter provided by Pegasus Group dated 12th July 2019. In particular, regard should be had, when considering sport pitch design, to guidance contained within. HSE Guidance Note GS6.
10. The applicant is advised to note and act upon as necessary the comments from the Coal Authority dated 24th October 2019.
11. The accesses and off-site highway works will require a Major Works Agreement with Staffordshire County Council and the applicants are therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire ST16 2DH (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))  
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>.
12. This consent will require approval under Section 7 of the Staffordshire Act 1983 and also require a Section 38 approval of the Highways Act 1980. The applicant is advised therefore to contact Staffordshire County Council to ensure that approval and agreements are secured before the commencement of development.
13. The applicant is advised that when seeking to discharge condition 12, it is likely that during the period of construction of any phase of the development, no works including deliveries will be permitted outside of the following times: 0730 ' 1900 hours Monday to Friday and 0800 ' 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).
14. The applicant is advised to refer to the 'Code of Practice for Works affecting the Canal & River Trust' to ensure that any necessary consents are obtained.

15. The applicant is advised that any new access points to the canal corridor / towpath or other encroachment will require the agreement of the Canal & River Trust and is advised to contact Canal & River Trust's Estate Surveyor to discuss any commercial agreements / licenses that may be required.
16. The applicant is advised that any surface water discharge into the canal will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right and where they are granted they are subject to completion of a commercial agreement. Contact the Utilities Surveyor at the Trust to discuss further.
17. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats, badgers or other protected species is found during clearance works / demolition / construction, all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed under the habitats legislation.
18. With reference to the provision of cycle storage at residential dwellings, if it is proposed to include this in a garage then the minimum internal dimensions of the garage will need to be 6.0m x 3.0m in order for it to be considered suitable for the storage of a bicycle and a motor car.
19. The applicant is advised that if there remains a requirement to continue to extract and remove waste Pulverised Fuel Ash from the site, beyond the first implementation of the planning permission and the site is no longer operational, then a separate planning permission for such, from Staffordshire County Council will be required.
20. The applicant is advised that, as approved by condition 3, the height and density of the proposed buildings within the development shall not exceed those identified on plans 'Building Heights' reference 01585\_PP\_03 Rev P6 and 'Illustrative Density' reference 01585\_PP\_05 Rev P5.
21. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.