National Highways Planning Response (NHPR 22-12)
Formal Recommendation to an Application for Planning Permission

From: Regional Director, South West Operations Division, National Highways
planningsw@nationalhighways.co.uk

To: Wiltshire Council
FAO Jemma Foster

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: PL/2023/07301

Location: Land southwest of Ashdown Farm, New Road, Codford, Wiltshire

Proposal: Two proposed new dwellings and associated works

National Highways Reference: NH/23/02872

Referring to the consultation on a planning application referenced above, in the vicinity of the A36 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

~~a) offer no objection (see reasons at Annex A);~~

~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions and reasons);~~

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

~~d) recommend that the application be refused (see reasons at Annex).~~

Highways Act Section 175B is not relevant to this application.[1]

[1] Where relevant, further information will be provided within Annex A.

This represents National Highways formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to Planningsw@nationalhighways.co.uk

Signature: G Gallacher **Date:** 12 October 2023

Name: Gaynor Gallacher **Position:** Assistant Spatial Planner

National Highways: Level 1, Ash House, Falcon Road, Sowton Industrial Estate, Exeter EX2 7LB

Email: gaynor.gallacher@nationalhighways.co.uk

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 01/2022 "*The Strategic Road Network and the Delivery of Sustainable Development*" and the National Planning Policy Framework (NPPF). This response represents our formal recommendations with regards to planning application reference PL/2023/07301.

Reasons

The application is seeking permission in full for two dwellings located on a site immediately to the north of the A36 trunk road at Codford. Access will be provided via the minor road to the north of the development site. The adequacy of the access arrangements will therefore be a matter for Wiltshire Council as the local highways authority to determine.

From a review of the submitted documents we have identified a number of concerns with regards to the potential impact of the development on the A36 operational highways asset as detailed below.

Surface Water Drainage and Geotechnical Risk

The developer is proposing to install two soakaway trenches to accommodate treated foul water, which are located within 5m of National Highways boundary which comprises fencing, a noise bund with associated 150Ø toe filter drain, and cutting slope. In addition the Drainage Statement indicates that the developer is proposing to mitigate surface water run-off by using permeable cellular construction and a sustainable drainage system that discharges to a soakaway system. However, there are no surface water calculations or drainage arrangements provided to demonstrate that acceptable and sufficient measures will be provided..

The location of soakaways within 5m of the A36 highway boundary, and the absence of sufficient details regarding the treatment of surface water drainage, has the potential to adversely affect the A36 earthworks and ground water drainage by concentrating water in proximity to the base of the bund and cutting slope. This has the potential to result in increased ground instability leading to failure of the bund and cutting slope. The application does not appear to be supported by any evidence that the geotechnical and drainage elements of the proposed development and associated risk have been considered or assessed with regards to the potential impact on the National Highways geotechnical asset.

We therefore consider that the proposals as submitted have the potential to result in an unacceptable impact on the highways geotechnical and drainage asset and do not comply with the requirements of DfT Circular 01/2022. The Circular states at paragraph 57 that "*For reasons of safety, liability and maintenance, any physical infrastructure that is necessary to mitigate the environmental effects of or on development must be located outside of the highway boundary of the SRN. In general terms, structures should be sited sufficiently far from the highway boundary of the SRN so that they cannot … undermine its geotechnical integrity*". The applicant has provided no assessment to demonstrate that the geotechnical risks to our asset from the drainage measures as proposed can be managed in line with the requirements within the Design Manual for Roads and Bridges CD 622 Managing Geotechnical Risk.

Insufficient information has also been provided to demonstrate that the development would not adversely impact the existing highways drainage asset and we are therefore unable to determine whether the proposals also comply with DfT Circular 01/2022 paragraph 59 which states that *"To ensure the integrity of the highway drainage systems, no new connections into those systems from third party development and proposed drainage schemes will be accepted. Where there is already an existing informal or formal[footnote 24] connection into the highway drainage system from a proposed development site, the right for a connection may be allowed to continue provided that the flow, rate and quality of the discharge into the highway drainage system remains unaltered or results in a betterment"*

Further information is therefore requested from the applicant which should include surface water mitigation measures with associated calculations and an allowance for climate change, the relocation of the proposed soakaways a minimum of 5m away from the SRN boundary or the provision of CD622 compliant reporting for our review and acceptance. The soakaway testing provided is not standard and we consider that the revised measures would need to be tested to the BRE 365 standard and undertaken by a suitably qualified professional. There would need to be a record of the ground conditions alongside this (the materials/soils/rock encountered need to be logged/recorded again by a suitably qualified professional). Improved site section drawings would also assist us in our consideration of the proposals.

A36 Noise Mitigation

It is noted that the applicant has relied much on the noise assessment undertaken for a neighbouring development, now consented under application PL/2021/04275. It should be noted that National Highways did not consider the noise assessment for that development to be acceptable for its proposed use. The submitted Landscape Statement suggests that the roof coverings, glazing, building orientation and retained planted bund "*removes any minor effects of noise quality from the A36*". Also, that "*the acoustic assessment confirms that a suitable acoustic environment can be provided to the properties both internally and externally*" It should be noted that the acoustic assessment referred to, being for the adjacent plot to the north-west, predicted with their proposed mitigation that "*external noise levels in private gardens*

and amenity areas will vary between 52 and 58 dB $L_{Aeq,16\ hr}$ during the day [para 5.3]."

Furthermore, the applicant's Design and Access Statement in reference to the 'Noise Impact Assessment' prepared for the neighbouring site states it "*concluded that noise levels are considered acceptable and within guidelines of British Standard 8233. The application site has a significantly higher and densely foliated bunding between it and the A36 which suggests that the noise levels will be significantly reduced*." We would state in this respect that a) the applicant is again clearly reliant on National Highways estate to provide mitigation, b) vegetation provides little acoustic benefit unless it is of significant depth and density, and c) the noise levels for the neighbouring application were not acceptable to National Highways as they did not meet the 'desirable' level required by British Standard.

The applicant's noise impact assessment adopts in para 3.14 data from the neighbouring application site assessment, by proposing "*levels of 63dB daytime and 57dB night time are acceptable for external amenity areas*." National Highways does not consider these figures to be acceptable. The assessment further states in para 5.2 "*Findings for the adjacent site recommended a 3m high sound barrier of either bunding or fencing. The application site already benefits from a 3m high bund with extensive planting upon it which exceeds the recommendations for the adjacent site*." As already stated, any real or perceived acoustic benefit from National Highways estate should be discounted in any acoustic assessment.

National Highways expects noise levels within new developments to conform to 'desirable' thresholds specified in BS 8233:2014 so that indoor and outdoor spaces can be utilised as intended. WHO noise guidance, which is congruent with BS 8233:2014, advises *"To protect the majority of people from being seriously annoyed during the daytime, it is recommended that the sound pressure level on balconies, terraces, and outdoor living areas should not exceed 55dB LAeq for a steady continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor noise level should not exceed 50dB LAeq."*

National Highways does not consider this site to meet the criteria in BS 8233:2014 for relaxing the noise levels in outdoor amenity space from the 'desirable' level to the 'upper' threshold, as the site is <u>not</u> within an existing "*urban area adjoining the strategic transport network*". The application site is cited in the Landscape Statement as Grade 4 agricultural land that has generally been left to evolve naturally. The Design and Access Statement confirms "*The Application Site lies outside the Development Limits for Codford as defined in the current Wiltshire Core Strategy*." As such, National Highways considers that the planning authority should require that noise levels in private outside spaces should not exceed 50dB LAeq.

National Highways therefore considers that the applicant has not demonstrated that the development is sustainable in noise terms and is not in keeping with NPPF policies 11 (sustainable development), 119 (healthy living conditions), 130 (promoting health and well-being), and 174e) (prevent unacceptable impacts from noise pollution)

The NPPF also refers to the Noise Policy Statement for England (NPSE) which is intended to apply to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise. The NPSE sets out the Government's long term vision to 'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development' which is supported by the following aims:

- Avoid significant adverse impacts on health and quality of life;
- Mitigate and minimise adverse impacts on health and quality of life.

National Highways therefore advises the planning authority to satisfy itself that the development will deliver measures which adequately mitigate noise to the 'desirable' level as set out in BS8233:2014 and WHO guidelines. National Highways will not be held liable for any adverse noise impact arising from the operation of the A36 should the development fail to deliver such measures.

If Wiltshire Council decides to accept that the development does not compromise adopted national, regional or local planning policies, and the development as proposed is warranted in that it offers "*convenience of living in these locations or making efficient use of land resources to ensure development needs can be met",* then the Council should ensure that prospective buyers are fully aware of the noise situation and that the Council bear responsibility to act on any future complaints of traffic noise.

Landscaping

National Highways soft estate comprises a 2m grass verge with a belt of woodland planting behind, situated on the cutting and bund slope. The applicant acknowledges that there are 'trees or hedges on land adjacent to the proposed development', however the Landscape Plan and Tree Survey does not identify any root protection areas for the belt of trees on National Highways land in proximity to the development.

It is clear from the Landscape and Design and Access statements that the development is reliant on National Highways estate for significant contributions to screening of the development from the A36. It should be emphasised that National Highways soft estate must not be relied upon to contribute any screening mitigation to the development as the management of our estate may from time to time affect any real or perceived benefits. Our soft estate management includes cyclical maintenance and periodic renewal, either of which could involve significant reduction in any available screening benefit until new planting is well established. We are also needing to consider removal of all dead, dying and diseased trees affected by ash dieback (Chalara), where these are on National Highways estate and where they present a safety risk to our assets, neighbours and all road users.

As such the developer must ensure that all required and desired mitigation is provided within the development or by a site boundary feature proposed as part of the development. We would encourage the use of native and naturalised species planting to provide or support visual screening mitigation, with an evergreen component to sustain this all year round. Any fences, screening and other structures must be erected outside of the highway boundary in accordance paragraph 57 of DfT

Circular 01/2022 "The Strategic Road Network and the Delivery of Sustainable Development" and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land.

The Arboricultural Assessment indicates that "*New shrubs or hedging will be planted during the first available planting season*." However, there is no plan to show where this planting will be located or what species are proposed. Should a hedge be planted along the boundary with National Highways estate, then we would advise the developer that the following species must not be planted within 10m of our estate:

1. Blackthorn (*Prunus spinosa*)
2. Goat willow (*Salix caprea*)
3. Crack willow (*Salix fragilis*)
4. Dogwood (*Cornus sanguinea*)
5. Italian alder (*Alnus cordata*)
6. Bird cherry (*Prunus avium*)
7. Quaking Aspen (*Populus tremula*)
8. Wild Privet (*Ligustrum vulgare*)

In addition, the following trees must not be planted in a position where at maturity they would be within falling distance of the carriageway or any significant National Highways asset:

9. Silver Birch (*Betula pendula, Betula pubescens*)
10. Austrian Pine (*Pinus nigra*)
11. Poplar (*Populus* sp*)*
12. English Oak (*Quercus robur, Quercus petraea*)

Furthermore, the planting of ash (*Fraxinus excelsior*) and larch (*Larix sp*) is ill advised due to the current diseases they spread and succumb to.

It will therefore be necessary for a detailed Landscape Plan (including an Arboricultural Assessment and Tree Protection Plan) and associated Planting Schedule to be provided for our review and acceptance in so far as any potential impact on National Highways estate and the SRN asset. This will need to include details of maintenance methods and commitments. We consider that this could be secured by planning condition although we are willing to consider any further information the applicant wishes to submit prior to determination.

Should it be necessary to undertake any work on retained trees to facilitate the development, it is important that such works are done in accordance with BS 3998: 2010 Tree work – Recommendations so as to prevent poor work / damage that may cause future decay and early death to the trees. Consultation with our Soft Estate Officer will be necessary should any tree removals or works be required on trees or vegetation within National Highways estate.

Summary

National Highways considers that the development as presented has the potential to adversely impact the highways drainage and geotechnical asset due to insufficient information in respect of surface water drainage measures and the location of soakaways for treated foul water in proximity to the A36 bund, cutting slope and

drainage asset. This presents a potential risk to the integrity and stability of National Highways' assets which is unacceptable to us Further information is therefore required from the applicant for our review and acceptance, to demonstrate that proposed drainage measures will be compliant with DfT Circular 01/2022. Potentially an assessment of geotechnical risk in accordance with CD 622 may also be required. We consider these matters are significant and should be addressed prior to determination of the application.

In relation to landscaping and tree protection measures, we consider this matter could all be addressed by planning condition unless the applicant wishes to submit further information for consideration before the application is determined.

We also strongly advise the planning authority to consider whether it is satisfied with the findings of the noise assessment that has been undertaken and the adequacy of the proposed mitigation to be provided by the development.

Recommendation

National Highways recommends that Wiltshire Council not grant planning permission in respect of planning application reference PL/2023/07301 for a period of 6 months from the date of this recommendation.

This is to allow time for further information to be provided to enable National Highways to fully understand the impact of the development and the safe and efficient operation of the A36 and the integrity of the highways asset, and thereby provide informed advice to the planning authority.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.