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 Hayley Clark

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

Council's Reference: PL/2023/10963

Location: Land South west of Ashdown Farm, High Street, Codford, Nr Warminster. Wiltshire. BA12 0NS

Proposal: Proposed new dwelling and associated works

National Highways Reference: NH/24/04794

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 A).~~

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 February 2024

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/2023/10963.

Reasons

The application is seeking permission in full for a single dwelling on land immediately to the north of the A36 at Codford. The dwelling is still to be served by an altered access from the minor road to the north of the development site which forms part of the local highway network. We note that the application represents revised proposals to those previously approved under PL/2021/10103. Prior to that National Highways (then known as Highways England) had recommended refusal of two prior applications due to the adverse impact on the A36 asset.

SRN Asset Impacts

Having reviewed the revised proposals, we are satisfied that as presented the proposed dwelling will be sited sufficiently set back from the crest of the A36 cutting embankment and that the location of the building should not impact on the integrity of the cutting slope, nor our ability to access it for inspection and maintenance purposes. There remain concerns with regards to drainage, landscaping and noise screening but we are satisfied that these can be addressed through planning conditions, as set out below.

Drainage

It is noted that the developer is now proposing to install a surface water soakaway system with extents approximately 5m away from the site boundary with the A36, and a treated foul water soakaway field with extents approximately 10m away from the site boundary with the A36.

Although the developer has provided initial calculations for the size of the foul treatment plant required for the development, there are no calculations associated with the size of soakaway field required for the treated water. Similarly, there are no calculations provided to confirm the size of the surface water soakaway required, and that an allowance for climate change has been included within those calculations, in-line with local authority recommendations. However, National

Highways considers that as presented the two soakaway systems have been positioned at least the required minimum distance of 5m from the National Highways A36 boundary, cutting earthworks and highways drainage assets and are therefore broadly acceptable. National Highways will however require a detailed drainage design for our review and acceptance insofar as any impacts on the A36 asset are concerned prior to the commencement of development and are recommending a planning condition to this effect.

The detailed drainage design will need to demonstrate that the sizing, capacity and operation of the soakaway systems are sufficient such that they will not result in any geotechnical adverse impacts caused by excess water infiltration or overland flows into or over National Highways assets (ie excess water coming over and into/through our cutting slope and onto the A36 carriageway), and that the development thereby reflects the requirements of DfT Circular 01/2022 which is the current relevant policy having superseded DfT Circular 02/2013.

DfT Circular 01/2022 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 Circular goes on to state at paragraph 59 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 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"*

Landscaping

We have reviewed the submitted Arboricultural Impact Assessment (December 2023) which contains the 'Arboricultural Method Statement' and 'Tree Protection Plan', and make the following comments.

The 'Tree Protection Plan' shows a 'Construction Exclusion Zone' that provides for the safeguarding of significant trees along the A36 boundary. Appendix A to the document presents a tabulated 'Tree schedule and schedule of works', which advises on works to various trees within the development and offsite. This shows that work is proposed on tree / tree group G28 (Sycamore - multi-stem coppice stool straddling site boundary), which requires 'Crown lift to 3m over site'. Appendix B presents the 'Tree Protection Plan', on which G28 is not labelled but assumed to be represented by T28. This is along the A36 boundary and the crown extends over National Highways estate very close to the carriageway. Works on this tree and any other trees along the boundary where the crowns extend over National Highways estate will require liaison with National Highways prior to works being undertaken, including acceptance of a method statement and risk assessment. We consider that this can be addressed by planning condition.

The landscaping proposals reflect those previously submitted in support of application PL/2021/10103, and no landscape planting appears to be proposed along the A36 boundary. National Highways would wish to emphasise that our soft estate must not be relied upon to contribute any 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 the screening provision 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 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. Should the applicant decide to carry out any planting alongside the site boundary with A36, we would advise that for reasons of safety, liability and maintenance 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. Cherry (*Prunus sp*)
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. Oak – English/Sessile (*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.

Noise

The Noise Impact Assessment (NIA) is the same document as submitted in support of previous applications and National Highways remains concerned that the development may not be sustainable in noise terms. The NIA advises in paragraph 3.13 with respect to 'External Noise Levels' that the WHO "*provides guidance on the relationship between annoyance and noise levels in external amenity areas (gardens, terraces, balconies, etc.). It defines that noise levels in the order of 55 dB LAeq, 16 hour (between 07:00 and 23:00) are the onset of significant community annoyance from continuous noise sources*." Paragraph 3.14 proposes that the BS

8233:2014 ‘upper guideline’ value 55 dB LAeq,T and higher levels are acceptable, by citing that “*BS 8233:2014 acknowledges there will be circumstances where these guideline values are not achievable where development is desirable.*” National Highways does not consider that this relaxation is acceptable in this case.

The full citation of BS 8233:2014, which has been omitted from the report, states that relaxation to the ‘upper guideline’ value of 55 dB LAeq,T is applicable to noisier environments, with a specific focus to city centres or urban areas adjoining the strategic transport network. This site is neither within a city, nor an urban environment, and as described in the Design and Access Statement is land which lies outside of the development limits of Codford as defined in the adopted Wiltshire Core Strategy. Paragraph 3.16 of the NIA states “*With respect to the above guidance, levels up to 63 dB LAeq, 16 hour in the daytime and 57 dB LAeq, 8 hour in the night-time are considered acceptable in external amenity areas*.” National Highways does not agree that daytime levels up to 63 dB LAeq in external amenity space are acceptable in this location.

The NIA Section 5 recommends acoustic mitigation but there is none shown on any of the submitted plans. It is therefore not clear if the applicant proposes to action the recommendation. Paragraph 5.2 states “*An acoustic barrier should be erected on all sides of the site except the north-eastern. Its location is shown on Figure 2. The barrier should be at least 3 m tall, with a density of at least 15 kg/m2. It could be a bund or a solid fence/wall, or a combination (eg. 1.5 m bund, with 1.5 m barrier at peak).”* However, Figure 2 appears to be missing from the report. Paragraph 5.3 states *“Using this acoustic barrier, noise measurement and propagation model results show that, based on proposed layout plans, external noise levels in private gardens and amenity areas will vary between 52 and 58 dB $L_{Aeq,\ 16\ hr}$ during the day. It is therefore considered that the external noise environment at the developed site will be acceptable.”* Whilst this is an improvement to having no mitigation, the predicted levels even with mitigation still exceed the ‘desirable’ threshold of 50 dB $L_{Aeq,T}$ specified in BS 8233:2014.

For outdoor amenity space to be enjoyed as intended, noise levels conforming to ‘desirable’ threshold of 50 dB $L_{Aeq,T}$ as specified in BS 8233:2014 should be met. Relaxation to the upper limit of 55 dB $L_{Aeq,T}$ is not considered applicable in this case. 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*.” The planning authority must be satisfied that the developer can ensure the development is sustainable in noise terms, such that National Highways does not receive complaints in future from occupants of the property related to traffic noise on National Highways network.

If the planning authority determines that the development does not compromise adopted policies on ensuring health and wellbeing of residents in new developments, and the development as currently 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 planning authority should ensure

that prospective buyers are fully aware of the noise situation and bear responsibility to act on any future complaints of traffic noise.

Boundary Treatments

Noting our comments above in relation to landscaping and noise mitigation, we are recommending a condition to require the submission of a landscaping and boundary treatment plan in respect of the A36 boundary. This plan should detail any planting, fencing or other screening measures that may emerge for the development.

The plan will need to consider our planting advice above, show the exact location of any planting or fencing in relation to the highway boundary, and include design details, construction method and maintenance schedule as appropriate to ensure the proposals comply with the requirements of DfT Circular 01/2022. As stated above, 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*". It should also be demonstrated that maintenance of any measures is also able take place without encroachment onto highway land, or otherwise adversely impact on the integrity of the highways asset.

Any further bunding or other works near the crest of the A36 cutting will need to be set back and properly constructed to avoid any adverse impacts on our cutting slope, and sufficient detail will need to be provided to satisfy National Highways that is the case. Any bunding is likely to require geotechnical certification in accordance with the Design Manual for Roads and Bridges (DMRB) CD622. Any fencing above a height of 2.4m along the A36 highway boundary would be classed as a Category 0 structure, as defined in the DMRB CG 300 and would require a Design and Check Certificate signed by a suitably qualified person (a template is provided in CG 300). The certificate would need to supplied to National Highways along with the CV of the person signing it on behalf of the designer. Certification will need to be completed at the fence design stage and prior to its construction.

Recommendation

National Highways recommends that planning conditions should be attached to any permission Wiltshire Council is minded to grant in respect of planning application reference PL/2023/10963 to the effect that:

1. Prior to the commencement of the development hereby permitted a detailed drainage design and maintenance schedule shall be submitted to and approved in writing by the local planning authority (in consultation with the strategic highway authority). Drainage measures shall be implemented in accordance with the agreed design and maintained as such thereafter.

   Reason: in the interest of the safe and efficient operation of the A36 trunk road and to protect the integrity of highway assets.

2. Prior to any landscaping or other screening measures being implemented along the A36 highway boundary as part of the development hereby permitted, a detailed landscaping and boundary treatment plan shall be submitted to and approved in writing by the local planning authority (in consultation with the strategic highway authority). The plan shall include as a minimum a planting schedule, construction details including any required geotechnical or structural reporting, and a maintenance method statement. All works shall be undertaken in accordance with the agreed plan and maintained as such thereafter.

   Reason: in the interest of the safe and efficient operation of the A36 trunk road and to protect the highway assets and soft estate.

3. Prior to the commencement of any tree works along the A36 highway boundary a method statement and risk assessment for the works shall be submitted to and approved in writing by the local planning authority (in consultation with the strategic highway authority). The statement shall give due consideration to any requirement for traffic management measures on the A36. The works shall be undertaken in accordance with the agreed method statement.

   Reason: in the interest of the safe and efficient operation of the A36 trunk road and to protect the highway soft estate.

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.