

Planning Committee

6 December 2023

Agenda Item 4

Contact Officer: Artemis Christophi

Telephone: 01543 308010

Report of Planning Management & Transformation Consultant

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

All documents and correspondence referred to within the report as History, Consultations and Letters of Representation, those items listed as 'OTHER BACKGROUND DOCUMENTS' together with the application itself comprise background papers for the purposes of the Local Government (Access to Information) Act, 1985.

Other consultations and representations related to items on the Agenda which are received after its compilation (and received up to 5 p.m. on the Friday preceding the meeting) will be included in a Supplementary Report to be available at the Committee meeting. Any items received on the day of the meeting will be brought to the Committee's attention. These will also be background papers for the purposes of the Act.

FORMAT OF REPORT

Please note that in the reports which follow

- 1 'Planning Policy' referred to are the most directly relevant Development Plan Policies in each case. The Development Plan comprises the Lichfield District Local Plan Strategy 2008-2029 (2015), Lichfield District Local Plan Allocations 2008-2029 (2019), any adopted Neighbourhood Plan for the relevant area, the Minerals Local Plan for Staffordshire 2015-2030 (2017) and the Staffordshire and Stoke on Trent Joint Waste Local Plan 2010-2026 (2013).
- 2 The responses of Parish/Town/City Councils consultees, neighbours etc. are summarised to highlight the key issues raised. Full responses are available on the relevant file and can be inspected on request.
- 3 Planning histories of the sites in question quote only items of relevance to the application in hand.

ITEM 'A' Applications for determination by Committee - **FULL REPORT**

ITEM 'B' Lichfield District Council applications, applications on Council owned land (if any) and any items submitted by Members or Officers of the Council.

ITEM 'C' Applications for determination by the County Council on which observations are required (if any); consultations received from neighbouring Local Authorities on which observations are required (if any); and/or consultations submitted in relation to Crown applications in accordance with the Planning Practice Guidance on which observations are required (if any).

AGENDA ITEM NO. 4

ITEM A

APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

6 December 2023

CONTENTS

Case No.	Site Address	Parish/Town Council
22/01612/FULM	The National Memorial Arboretum Croxall Road Alrewas	Alrewas

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

22/01612/FULM
The National Memorial Arboretum
Croxall Road
Alrewas

Scale: 1:8,000

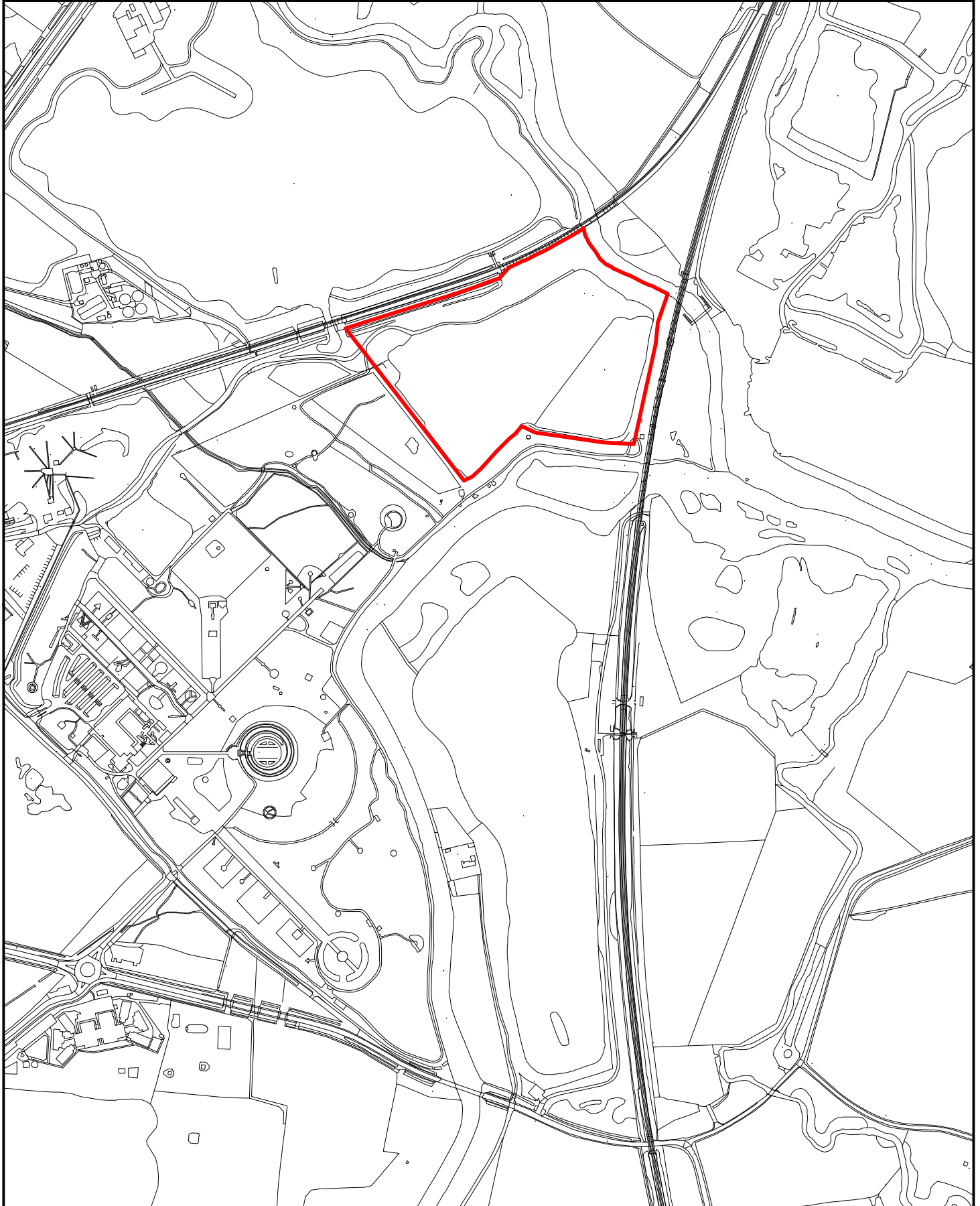
Dated: December 2023

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Address:	The National Memorial Arboretum, Croxall Road, Alrewas, Burton Upon Trent		
Application number: 22/01612/FULM	Case officer: Sarah Atherton		
Parish : Alrewas Ward: Alrewas And Fradley	Date received: 20/12/2022		
Proposal: Creation of Memorial Woodland to include reworking ground levels, reshaping of the existing pond, food/drinks outlet, a multi-use building, multi-user pathways, water features with associated landscaping and utilities.			
Reason for being on Agenda	This planning application is being reported to the Planning Committee as the officer recommendation is against an objection from the Environment Agency who are a statutory consultee for applications of this scale and located within Flood Zones 2 and 3 which the site is.		
RECOMMENDATION: Approve subject to conditions			
Applicant: National Memorial Arboretum	Agent: Marie Stacey		

1. Executive summary

- 1.1 The application proposes the development of a memorial woodland which requires earthworks and the creation of landscaped areas and pathways. Parts of the existing characteristics of the land, such as the large pond and areas of scrub are to be retained and enhanced. Within the development there are also proposed to be an entry building providing a café, kiosk, and toilets with an outside landscaped area at the southeasterly entrance to the site from the existing National Memorial Arboretum.
- 1.2 The pathways within the site will lead through landscaped areas adjacent the pond and woodland areas. In the western section of the site there will be a naturalised play area close to a multi-use building and seating area.
- 1.3 The application site lies within flood zone 3 where flood zone 3a is described as being at high probability of flooding and flood zone 3b is within the functional floodplain. The NPPG classifies development according to vulnerability to flooding; the memorial woodland is classified as water compatible, however the buildings proposed would be classified as 'less vulnerable' which the PPG advises should not be permitted within flood zone 3b.

Summary

The site is within flood zone 3b which is the active flood plain. In this area Policy advises that only some forms of development are acceptable. The application proposes predominantly water compatible development, which is acceptable in this location, but also includes Less Vulnerable development which policy advises should not be undertaken in this location.

Having regard for Policy and relevant objections from the Environment Agency, officers are satisfied that the development as a whole can be made safe for its users without increasing flood risk elsewhere and without a loss of flood storage capacity. Officers therefore consider that the scheme is, subject to conditions, appropriate and acceptable and the application is therefore recommended for approval subject to the recommendations as outlined on the cover sheet to this report.

Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

2. The site

- 2.1 The application site is located to the northeastern periphery of the National Memorial Arboretum (NMA) which is east of the village of Alrewas. The site includes areas of both Lichfield District and East Staffordshire District, within Lichfield the site extends to 9.6 hectares and an area of 0.76 hectares lies within East Staffordshire District, who are also in receipt of an application.
- 2.2 The site is bound to the northwest by scrubland to be retained by Tarmac to the northwest of that lies an active railway. To the northeast the site is bound by the River Trent, to the east of the site lies land within the arboretum and the Wychnoor Railway Viaduct. The southeast of the site is bound by an area of land already within the NMA of the site lies land within the arboretum which is between circa 25m and 45m in width beyond which lies the River Tame. The site is within flood zone 3b and forms part of the flood plain for the nearby rivers, this extends to the south and into the existing arboretum which joins the site through woodlands and memorial areas to the visitor centre and car parks at the southeastern area of the existing arboretum.
- 2.3 The site lies within the area of the National Forest and areas of the site lie both within the green and amber impact zones for great crested newts. The area of the site within Lichfield lies within the Parish of Alrewas and the Alrewas Neighbourhood Plan Area. The National Memorial Arboretum attracts visitors throughout the year, and is, with the exception of parking, free for the public to enter.

3. Planning history

Application reference	Description of development	Decision	Date of decision
98/00001/FUL	Visitor centre, cloisters, chapel, surrounding landscaped areas, parking, service roads	Approve	31/03/1998
04/00435/FUL	Proposed erection of two single storey site shelters and a single storey memorial building	Approve	08/06/2004
05/00018/FUL	Proposed entrance canopy	Approve	09/02/2005
05/00188/FUL	Construction of stone walls inscribed with names, obelisk and trees and associated landscape works	Approve	06/04/2005
07/00770/FUL	Resurfacing/surfacing exiting avenues, paths, roads and amphitheatre	Approve	12/09/2007
08/00282/FUL	Installation of two portacabin for temporary period of 2 years	Approve	09/05/2008
09/00047/ADV	Erection of a non illuminated freestanding panel sign	Approve	11/02/2009
09/00198/FUL	Extension to existing long gallery and extended entrance foyer	Approve	09/04/2009
09/00271/FUL	Single storey extension to form kitchen, store and plant room and additional windows to Conference Room	Approve	06/05/2009
09/00365/FUL	Installation of two portacabins	Approve	12/06/2009
09/00411/FUL	Proposed erection of a single storey grounds maintenance building	Approve	03/07/2009
09/00457/FUL	Retention of portacabin used as office	Approve	29/06/2009
09/00698/FUL	Erection of a monument (Polish forces war memorial)	Approve	05/08/2009

10/00910/FUL	Proposed erection of oak framed shelter at Allied Special Forces Grove	Approve	25/08/2010
10/00935/FUL	Proposed erection of 3 bay oak framed field shelter	Approve	25/08/2010
10/01076/FUL	Internal alterations to existing maintenance building to incorporate storage, staff rest room with toilet facilities, small office and archive storage, with new windows to office and rest room (amendments to application 09/00411/FUL)	Approve	19/05/2011
10/01511/COU	Change of use of farm land to temporary car park for cars and coaches	Approve	04/02/2011
11/00500/FUL	Renewal of applications 09/00457/FUL and 09/00365/FUL relating to retention of portacabins	Approve	21/06/2011
11/00502/FUL	Retention of existing temporary marquee for duration of new extensions and alterations to main buildings	Approve	02/08/2011
11/00519/FUL	Construction of access track for land train	Approve	21/06/2011
11/00955/FUL	Installation of a portacabin to be used as educational centre comprising 2 classrooms, toilets, office and storage	Approve	21/10/2011
11/01126/FUL	Erection of a monument ('Pegasus' parachute regiment memorial)	Approve	01/02/2012
12/00593/FULM	Demolition of existing visitor centre and development of a Remembrance Centre, including education, exhibition and interpretation floorspace, ancillary retail, restaurant and cafe and associated facilities; linked Functions Pavillion building; permanent canopy; alterations to existing chapel; service yard; alterations to existing car park and vehicular access points; provision of temporary car park and associated landscaping and ancillary works	Approve	29/08/2012
12/00990/FUL	Alterations to the existing maintenance building - 2 new windows and internal alterations	Approve	28/11/2012
12/01016/FUL	Revised access arrangements to the main car park for the new Remembrance Centre (as approved under planning application reference 12/00593/FULM)	Approve	01/11/2012
13/00224/FUL	Extension to access track for land train	Approve	24/04/2013
13/00488/FUL	Erection of an entrance feature to Freemasons memorial	Approve	21/06/2013
14/00390/FUL	Erection of an entrance feature to Freemasons memorial (amendment to application 13/00488/FUL)	Approve	21/05/2014
14/00442/FUL	Erection of an oak framed shelter	Approve	16/06/2014
14/01165/FULM	Partial demolition of existing Visitor Centre and replacement with a new Remembrance Centre, support retail and office accommodation, restaurant and cafe facilities; new service yard to replace	Approve	04/03/2015

	existing, and new hard and soft landscaping across the site.		
15/00182/DISCH	Discharge of conditions 3 & 4 of application 14/00390/FUL	Approve	27/02/2015
16/00057/FUL	Installation of a children's play equipment	Approve	19/02/2016
16/01118/ADV	Installation of various illuminated and non-illuminated free standing totem and post panel signs	Approve	30/11/2016
17/00052/ADV	Erection of a free standing non illuminated orientation panel (National Forest)	Approve	09/03/2017
17/00540/FULM	Construction of new Events Pavilion comprising event function rooms, kitchen, WC facilities, bar, syndicate and meeting rooms, events office and ancillary facilities; service yard; and associated hard and soft landscaping.	Approve	22/08/2017
18/00794/FULM	Variation of conditions 2, 6 and 7 of application 17/00540/FULM relating to installation of water tank, ventilation system, timber rain screen, updated Flood Risk Assessment (FRA) and retention of temporary marquee	Approve	22/08/2018
19/00085/FUL	Installation of UK Police Memorial and associated landscaping within the grounds of the National Memorial Arboretum	Approve	19/03/2019
20/00424/FUL	Retention of temporary car park for cars and coaches		Undetermined
22/00163/FUL	Erection of a memorial for fallen Submariners	Approve	09/03/2022
22/00509/FUL	Erection of monument (Caribbean memorial)	Approve	20/06/2022
22/01740/FUL	Erection of 12m memorial column and associated works	Approve	17/03/2023

4. Proposals

- 4.1 This application seeks permission for the creation of Memorial Woodland to include reworking ground levels, reshaping of the existing pond, food/drinks outlet, a multi-use building, multi-user pathways, water features with associated landscaping and utilities.
- 4.2 The proposed development lies to the north-western periphery of the existing land used by the National Memorial Arboretum and adjacent to an area of land dedicated to the special forces. The memorial woodland would take the principal access point from the southeastern corner of the proposed site from which a multi-user pathway would lead to the entrance kiosk and café. The pathway leads past this building and adjacent the re-formed lake within the site where the path is intended to take the visitor through water features designed to represent some of the stages of the Covid pandemic. The Design and Access statement sets out that the proposed development will be fully accessible and inclusive memorial that is accessible throughout the year. The proposed woodland areas are intended to create contrastingly private spaces that offer areas within the glades for reflection and individuals retelling of the impact and experiences of the pandemic.
- 4.3 The Design and Access Statement sets out that the linear avenue of water features is designed to be symbolic of collective experiences of Covid. Initially a tranquil area adjacent the path will offer views across the pond, following this an interactive ripple pool will progress through various levels of ripples and clam. The avenue will then lead to an area where water features

will enclose the path in cascading walls of water to represent the overwhelming isolation of the pandemic. The feature is revealed as they visitors emerge from the path. The final feature, at the head of the path will be a flash wall which will create a rainbow periodically through the day from water mist.

- 4.4 The paths from the head of the avenue will lead in a south westerly loop through a number of different natural and memorial areas, including wildflower areas and areas intended for play, reflection and memorials. Centrally within this area there will be a multi-purpose building set adjacent an outdoor seating area.
- 4.5 The landscape masterplan below shows the area of proposed development and details a variety of woodland and other habitat areas to the northeast of the pond. The pond is within the existing site however the application proposed the enhancement of this and the inclusion of the aforementioned landscaping and the associated narrative journey.



- 4.6 To the north-western periphery and in the centre of one of the woodlands it is intended to retain and maintain bare ground habitats to support the variety of invertebrates currently found at the site. The landscape and woodland areas are reserved within the masterplan and are intended to serve a dual purpose of offering both habitat and memorial areas. The existing pond within the site is to be enlarged and areas of existing reedbed will be enlarged and new reedbeds created.

Background

- 4.7 The site has previously been used for quarrying operations and formed part of a southern extension to Alrewas Quarry. The site of this application covered a large geographical area extending from north of the current site to approximately 4km to the south in the area of Sittles Mill.
- 4.8 Advice was sought about the proposals via the LPA's pre-application scheme in 2022.'

5. Policy framework

5.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

5.2 Local Plan Strategy

Policy BE1 - High Quality Development
Policy CP1 - The Spatial Strategy
Policy CP2 - Presumption in Favour of Sustainable
Policy CP3 - Delivering Sustainable Development
Policy CP5 - Sustainable Transport
Policy CP7 - Employment & Economic Development
Policy CP9 - Tourism
Policy CP10 - Healthy & Safe Lifestyles
Policy CP11 - Participation in Sport & Physical Activity
Policy CP12 - Provision for Arts and Culture
Policy CP13 - Our Natural Resources
Policy CP14 - Our Built & Historic Environment
Policy SC1 - Sustainability Standards for Development
Policy IP1 - Supporting & Providing our Infrastructure
Policy ST1 - Sustainable Transport
Policy ST2 - Parking Provision
Policy NR3 - Biodiversity, Protected Species & their Habitats
Policy NR4 - Trees, Woodland, and Hedgerow
Policy NR5 - Natural & Historic Landscapes
Policy NR6 - Linked Habitat Corridors & Multi-functional green space
Policy NR9 - Water Quality

5.3 Local Plan Allocations

Policy NR11 - National Forest

5.4 Supplementary Planning Document

Biodiversity and Development SPD
Trees Landscaping and Development SPD

5.5 Other

Alrewas Neighbourhood Plan (2018) – ED4

6. Supporting documents

Plans:

Drawing number: LP2254-FIR-00-ZZ-DR-L-0002 Rev 01 Location Plan

Drawing number: 40211_T, Rev O, Topographical Survey, dated as received 20.12.2023

Drawing number: TCTC-18465-PL02, Proposed Layout and Tree Works, dated as received 20.12.2022

Drawing number: LP2254-FIR-00-ZZ-DR-L-0001 Rev E, Site Layout Plan, dated as received 03.11.2023

Drawing number: LP2254-FIR-00-ZZ-PR-7001 Rev P01, Whole Site Sections, Existing and Proposed Topography, dated as Received 10.11.2023

Flood Risk Assessment, Ref: NMA-BWB-ZZ-XX-RP-YE-0005-FRA-S2 Rev P03, dated as received 06.11.2023

BG23.306, NMA Biodiversity Metric 4.0, dated as received 06.11.2023
Economic Benefits of Developing the proposed woodland extension, Reference N002 EC v4
Planning Statement, ref P22-1159, dated as received 20.12.2022

Arboricultural Impact Assessment, Document ref: TCTC-18465, dated as received 20.12.2022

Design and Access Statement, Document Ref: LP2254, Dated as received 20.12.2022

National Memorial Arboretum Transport Assessment, dated as received 06.03.2022
Biodiversity Impact Assessment, BG23.306, dated as received 03.11.2023

Supporting Documents:

Landscape & Ecological Management Plan (LEMP) – Strategy Document. Land at the National Memorial Arboretum, Staffordshire. Document Reference: BG23.306, dated as received 10.11.2023

Plaza Building, Proposed South West Elevation, Drawing number: CGL-Z1-XX-DR-A-PL0220, Rev P1

Plaza Building, Proposed North East Elevation, Drawing number: CGL-Z1-XX-DR-A-PL0222, Rev P1

Plaza Building, Proposed South East Elevation, Drawing Number: CGL-Z1-XX-DR-A-PL0221, Rev P1

Plaza Building, Proposed Ground Floor Plan, Drawing number: CGL-Z1-XX-DR-A-PL0210, Rev P1

Plaza Building, Proposed Roof Plan, Drawing number: CGL-Z1-XX-DR-A-PL0211, Rev P1

Consultation Statement, Document reference: P22-1159, dated as received 20.12.2022

Historic Plans 1882 – 2022, Drawing Number HMD-214-871-4821

7. Consultation responses

- 7.1 **Alrewas Parish Council** – The Parish Council response stated they supported the application as statutory bodies are supportive. No objection - 19/01/2023
- 7.2 **Edingale Parish Council** – No comments received
- 7.3 **Cadent Gas Limited** - No comments received
- 7.4 **Canal & River Trust** – The Canal and River Trust state in their response that they are not statutory consultees for this application and are therefore returning the application. No objection - 23/12/2022
- 7.5 **Environment Agency** - Final comments: The EA summarised the recent meeting and that they maintain an objection in line with the Policy requirements of the Flood and Coastal Change section of the NPPG as elements of the proposal are considered inappropriate within the functional floodplain. They confirm review of the revised Flood Risk Assessment and confirm the comments are provided should the LPA be minded to recommend approval for the proposed development against policy objection when factoring in wider material considerations.

The comments summarise the flood risk due to the location of the proposed development within the flood plain and the vulnerability classification of the different elements of the proposal. They advise here that the LPA should be satisfied with the rationale behind approving the application against the NPPG flood risk concerns and placing Less Vulnerable buildings within the functional floodplain.

In respect of the Sequential Test the EA state they will not make any bespoke comments but leave this for the Council to consider, noting that their absence of bespoke comments does not construe that there are no issues with the Sequential Test.

In respect of the exception test the EA recommend the Council are satisfied that the first part of the exception test is satisfied and that the development provides “*wider sustainability benefits to the community that outweigh flood risk*”. They set out the requirements of part 2 of the exception test “*the development will be safe for its lifetime taking account of the vulnerability of its users without increasing risk elsewhere, and, where possible, will reduce flood risk overall*” and the relevant section of the NPPG for water compatible development that requires:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage.

- not impede water flows and not increase flood risk elsewhere

The comments note that an exception test is not required for Less Vulnerable development in flood zones 3a or 3b, but that they would also expect the FRA to demonstrate the three requirements above.

They advise that the Council are satisfied with the sequential test and sequential assessment and are minded to approve the application additional comments in respect of the FRA are offered.

These comments note the revision of the FRA following previous concerns raised by the EA. The comments state the FRA confirms that the design flood level is 52m AOD and that the model confirms this is acceptable. It also confirms that the development could be built to be safe and would not increase flood risk offsite or to third parties. This is noted to be achieved by setting the finished floor levels (FFL) for the buildings at 52.6m AOD and through the proposed landscaping which provides increase volume of flood storage across the range of flood events listed in 4.1 of page 19 within the FRA.

The EA make recommendation for conditions should the Council be minded to approve the application. Object – 20/11/2023

Subsequent comments: The EA confirm in their response that the submitted flood modelling data is not of the required standard to support a full model review and recommend extensive updates to ensure that this supports the conclusions of the Flood Risk Assessment (FRA). The response maintains objection and identifies why the model is not considered suitable. The response also offers advice on overcoming the EA's objections. They request further consultation on any subsequent information submitted. Object – 20/04/2023

Initial comments: The environment Agency note the location of the site within Flood Zone 3 from the Rivers Trent and Tame. They note the content of the submitted FRA that identifies the land as 3b 'functional Floodplain' and note that though the woodland memorial is considered to be water compatible development, the inclusion of the multifunctional building and café which are within Annex 3 of the NPPF, that the proposals would be classified as less vulnerable. The response sets out that the NPPG is clear that this type of development should not be permitted within 3b.

The response further states that National Policy requires the Sequential Test be applied to demonstrate consideration of alternate location that are at lower risk of flooding and refers to updated guidance within the NPPG for undertaking the Sequential Test.

The response that the LPA should be satisfied, prior to determination, that these issues are satisfactorily addressed.

The comments further objected to the application in the absence of an acceptable FRA and recommended a number of issues were addressed. The comments detailed noncompliance with relevant parts of the PPG, and the failure of the FRA to assess the recommended flood models and consider how people will be kept safe from flooding and how place and property will be affected by a range of flooding events. They also detailed that the flood risk mitigation measures were considered inadequate in respect of flood storage compensation and the proposed finished floor levels.

Clarification is requested as to the proposed scheme and comparison with the approved restoration scheme and the capacity of the scheme in terms of flood storage and associated flood risk and alleviation benefits.

Additional advice is offered in respect of overcoming the EA objections and additional support available. Further information regarding Environmental Permitting is also included within the comments. Object - 13/01/2023

7.6 **National Highways** - National Highways offer no in principle objection to the proposed application and request the inclusion of a condition to secure information about the volume of large vehicles to use the A38 during the construction period. No objection - 10/01/2023

7.7 **Area Footpath Secretary (Ramblers Association)** - Staffordshire Ramblers have no comment to make as the Public Right of Way (PRoW) will not be affected. No objection - 09/01/2023

7.8 **Severn Trent Water - Planning Only** - Final comments: Query the foul sewage proposals. No objection – 15/01/2023

Severn Trent offer no objection to the proposed development and make no requirement for conditions. No objection - 13/01/2023

7.9 **Architectural Liaison Officer** The Police Architectural Liaison Officer offers advice regarding safe design and advises that the proposed multi use building is included in the site CCTV and protected by a monitored alarm system. No objection - 12/01/2023

7.10 **Historic Environment Officer (Archaeology)** – The Historic Environment officer confirmed that the additional information shows that the area has been quarried and as such, they are happy, that no further archaeological evaluation nor planning conditions in relation.

Subsequent comment The Historic Environment Team note the submission of additional details but set out they are unable to view the Historic Plans 1882 - 2002, HMD-214-8714821, dated as received 6th March 2023 and requested these are sent. Object - 21/03/2023

Initial comments Historic Environment officer confirmed review of the proposal against the Staffordshire Historic Environment Record (HER) and associated datasets, and noted that whilst they considered clear archaeological potential in the area by virtue of the site location within a late prehistoric ceremonial landscape focussed on the confluences of the Rivers Trent and Tame), given the history of mineral extraction (including the excavation of large silt ponds) they did not wish to raise any archaeological issues with the proposals across the vast majority of the site.

They noted that the HER lists that aerial photographs have shown the presence of a possible barrow (i.e. prehistoric burial mound) cemetery is located to the immediate southwest of the application site, and that it possibly ran into the southwest corner of the application site.

They note they are unable to find conclusive evidence that the quarrying activity extended into the southwest corner of the site, and would appreciate, as outlined in my pre-app advice, if the applicant could submit information confirming this. They set out that if this information isn't forthcoming or the evidence is inconclusive, they will need to re-assess their response, and it is likely that some form of archaeological evaluation/investigation will be required (in line with Par 194 of the NPPF), preferably pre-determination, so that mitigation by design/preservation in situ can be considered. Object - 11/01/23

7.11 **Staffordshire County Council (Flood Risk Officer)** – The Flood Risk Officer states in their response that the SCC Flood Risk Team are now satisfied with the submitted proposals and have no objection to the granting of planning permission. No objection – 13/11/2023

Subsequent comments: The Flood Risk Officer sets out in their response that they have no objection to the proposed development subject to inclusion of pre commencement conditions to secure a full detailed sustainable surface water drainage design and other drainage details to ensure that the development is served by adequate surface water drainage systems. No objection - 07/03/2023

Initial comments: The Flood Risk Officer sets out in their comment that they recommend permission not be granted until a number of issues are addressed through the submission of additional details. The required details are listed to be, drainage method, hydraulic calculations, finished floor levels, maintenance and exceedance plans, further detail as to the requirements for each detail is offered within the comments as are the County Councils criteria for acceptable drainage strategies. Object - 09/01/2023

- 7.12 **Staffordshire County Council (Highways)** – The Local Highway Authority reflect upon the use to the existing quarry access to the west of the site as being suitable for the intended construction traffic. The comments further set out the observation as part of the site visit that the site was served by sufficient parking to accommodate the existing and proposed development. No objection - 21/03/2023
- 7.13 **Staffordshire County Council (Minerals and Waste Planning Authority)** – The County Minerals and Waste Planning Authority provide an overview of the site being within a minerals safeguarding area and conclude that the proposed development would not sterilise an important mineral resource or hinder mineral or restoration operations nearby and, as such, offer no objections to the planning application. No objection - 11/01/2023
- 7.14 **SCC Rights of Way Officer SCC - EC3210LD - 2201612FULM - National Memorial Arboretum, Alrewas - creation of memorial woodland - Rights of Way - 22nd December 2022.docx - (22/12/2022)**
- 7.15 **Staffordshire Wildlife Trust** – Requested further details, no further comment. 02.02.2023
- 7.16 **Civil Contingencies Officer** - The Civil Contingencies Officer confirms in their response that they consider arrangements are in place for flooding at the site and that these are reviewed and updated with training and testing on a regular basis. They also reference the alert mechanisms via the EA and actions detailed dependent upon level of alert. No objection – 15/11/2023
- 7.17 **Conservation And Urban Design Team** -The Conservation Officer noted the development proposed and current and former uses of the site. They noted the absence of designated heritage assets within the site or its surroundings that would be impacted upon by the proposals. They further noted that the Arboretum serves to create nationally important memorials and landscapes for future generations. They set out the requirement to consult the County Archaeologist due to the presence of rich archaeological deposits in the Trent Valley. They offered no objections of the impact of the proposed development on the built environment. No objection - 30/01/2023
- 7.18 **Directorate Of Leisure and Parks** - The Leisure and Operational Services set out they have no objection to this development. No objection - 13/01/2023
- 7.19 **Ecology Team** - The Ecology Team confirm they are satisfied with the methodology and information within the LEMP and detail the LEMP will be informed by the results of further species specific surveys. They request these be made a condition of any planning permission prior to commencement. In respect of the Biodiversity net gain they note the submitted metric demonstrates less than 20% net gain, they note the requirement for further enhancement within the wider arboretum, setting out that a pre-commencement condition would be required to secure the scheme. No objection – 16/11/2023

Subsequent comments: The Ecology manager noted the previous site visits and pre-application response in respect of ecological concerns and stated that the proposed development, as submitted, does not integrate this feedback. They note that there is not a suitable landscape plan with the submitted documents to accompany the Biodiversity Metric and it is consequently not apparent where in the development the habitats proposed are to be integrated. They reiterate initial concerns about habitats and survey findings. They recommend the integration of bare earth and scrape habitats into the scheme and iterate concerns of the design precedent

resulting in a loss of ecology. They invite further collaboration in order to resolve the outstanding issues. Object - 25/07/2023

They further identify that the PEA fails to refer to the Staffordshire Ecological Record, SER, which is considered important to the scheme as it contains densely populated Protected and Priority species records in the surrounding locale.

They reiterate the requirement for further site visits and discussions as well as their consideration that a light touch approach for the site is required. Object - 19/04/2023

Initial comments: The Ecology Manager did not agree the baseline habitat descriptions contained within the submitted information and asserted that they considered areas of this site to be 'Open Mosaic Habitat on Previously Developed Land' (OMHPDL), which is a UK BAP priority habitat.

They further raised this was identified as such within the submitted 'Terrestrial and Aquatic Invertebrate Scoping Survey Report' which highlighted the omission of this from the Biodiversity Metric and the non-compliance with metric trading rules due to the loss of scrub and reedbeds.

The identified and described features of significant biodiversity value and noted that the submitted The illustrative master plan shows little habitat creation other than woodland/full canopy cover. They appraised the metric and questioned whether development strategy for the site. In doing so they recommended areas of habitat should be left inaccessible for nature to thrive. The reiterated previous comments about a 'light touch' approach that retained and enhanced existing habitats to help achieve a net gain to biodiversity and be more sympathetic to the ecology. Further recommendation for new habitats was made. The reiterated the mitigation hierarchy and emphasised its importance and set out the requirement for revisions of the sites baseline habitats and their value. Object - (15/02/2023)

7.20 **Environmental Health Team - LDC** - The Environmental Health Officer raised no objections in principle to the application but recommends conditional approval of the application. No objection - 13/01/2023

7.21 **Spatial Policy and Delivery Team** – No comments received.

7.22 **Tree Officer - LDC** - Asked their previous comments to remain. When clarification was sought as to the timing for the requested landscaping detail the Principal Arboricultural Officer stated that though it would be preferable to have such detail prior to determination it would also be suitable to receive this information prior to commencement of the proposed development. No objection - 07/03/2023

Initial comments: The Principal Arboriculturist stated there are no objections in principle to the proposal but requested that further detailed landscaping proposals be supplied to enable assessment of the suitability and sustainability of the scheme. No objections - 10/01/2023

7.23 **Waste Management** There are no comments in relation to the Joint Waste Service. No objection - 22/12/2022

8. Neighbour responses

8.1 No letters of representation have been received in respect of this application.

9. Assessment

Determining Issues

- Policy & Principle of Development

- Flood Risk and Drainage
- Ecology
- Design and Impact upon the Character and Appearance of the Surrounding Area
- Access and Highway Safety
- Impact on Trees
- CIL / Planning Obligations
- Other Issues
- Human Rights

10. Policy & principle of development

- 10.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Alrewas Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.
- 10.2 The National Planning Policy Framework (NPPF) adopts a presumption in favour of sustainable development and describes that for decision making this means that Local Planning Authorities (LPAs) should approve development proposals that accord with an up-to-date development plan. The Council's Local Plan Strategy and Allocations extend to 2029 and are therefore considered up to date.
- 10.3 Paragraph 8 of the NPPF identifies the economic objective of achieving sustainable development is to help to build a strong, responsive and competitive economy, by ensuring that land is available in the right place to support growth. Paragraph 81 advises that significant weight should be placed upon the need to support economic growth for both local needs and wider opportunities for development. In respect of rural development paragraph 84 requires that planning decisions enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and sustainable rural tourism and leisure developments which respect the character of the countryside.
- 10.4 Local Plan Strategy Core Policy 1 – The Spatial Strategy sets out that key tourism assets will be protected and enhanced in their own right and identifies the importance of this to the distinctiveness and character of the District. It identifies the National Memorial Arboretum as, a significant tourist asset in its own right, and sets out the enhancement of tourism assets is key to providing opportunities for increased biodiversity, recreation, tourism, inward investment, improved health and wellbeing and a sense of local identity.
- 10.5 Core Policy 2 – supports the presumption in favour of sustainable development set out in the NPPF and Core Policy 3 sets out the ways in which sustainable development can be achieved and the issues that require addressing in order to do this within the local context of the District. The majority of these issues are of relevance to this application and will be drawn upon in the relevant section of the report below. Of particular relevance to the principle of development are the following issues
- Protect and enhance the character and distinctiveness of Lichfield District and its settlements
 - Be of a scale and nature appropriate to its locality
 - Encourage the reuse of previously developed land in the most sustainable locations
- 10.6 Core Policy 7 sets out in relation to Economic Development that the District Council will work with local businesses and partners to maintain and enhance a diverse local economy and seeks

to safeguard the high environmental qualities of the District to attract further investment from new and existing employers and foster links between the environment and the economy.

- 10.7 Core Policy 9 focusses upon tourism in the District and states that the District Council will support the growth of sustainable tourism in the District. Specifically at the National Memorial Arboretum the policy states that further investment is envisaged and will be supported by the District Council, providing these are acceptable in terms of scale and in the context of the surroundings and where proposals do not conflict with other Core Policies.
- 10.8 Core Policy 12: Provision for Arts and Culture states that existing assets, facilities and venues for cultural events, activities and the arts will be protected, and that support will be given to their appropriate improvement. Additionally, Art and cultural assets contribute to bringing communities together. It sets out that some assets, including the National Memorial Arboretum, play a key role in shaping the distinctiveness, identity and environment of the District. It further notes that the consideration of cultural assets, facilities and opportunities is a wide-ranging issue, because of this the policy should be cross referenced with other policies relating to infrastructure provision, centres, tourism, natural resources and the built environment which directly reflect local distinctiveness.

Assessment

- 10.9 The National Memorial Arboretum (NMA) is an established tourist centre that is well recognised at a national level. The site and surroundings are both rural and industrial, being adjacent the Rivers Trent and Tame and, lying within a wider agricultural setting which is interspersed with sites that, are or have been in use as quarries, with links to rail and road networks. The previously quarried areas surrounding the site are subject to various restoration permissions and, when quarrying uses cases are characterised by a return to natural habitats with little or no built form from the quarrying retained. The majority of the existing NMA lies within flood zones 2 and 3 and the southeastern periphery of the development site is bound by areas dedicated to the special forces which lie between the site and the river. In part the rural natural setting of the arboretum in the rural area adjacent the rivers and intersected by public footpaths are important characteristics that make the NMA an appropriate place for memorials and reflective spaces.
- 10.10 The development proposed accords with the requirements set out in paragraphs 8 and 81 of the NPPF in respect of supporting the economic development. It also accords with the requirements of the NPPF and the local plan with regard to facilitating growth of rural tourism and leisure enterprises that respect the character of the countryside.
- 10.11 The policy support within the local plan demonstrates that the expansion of the arboretum is acceptable in principle in terms of the development of proposed memorial woodland. The development of the two buildings within the memorial woodland are also considered to be supported by the development plan policies in respect of the support for the National Memorial Arboretum and the expansion and economic benefits of enhancing the rural tourism offer of the district, however, there does exist conflict between this support and the location of these buildings within flood zone 3b. Notwithstanding this the proposed development as a whole is considered acceptable in principle.

11. Flood Risk and Drainage

Drainage

- 11.1 The NPPF (2023) advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and, that where development is necessary in these areas, it should be made safe for its lifetime without increasing flood risk elsewhere. and, where possible, will reduce overall flood risk.

- 11.2 Paragraph 167 advises that in determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Applications should be supported by site specific flood risk assessments. Development should only be allowed in areas at risk of flooding where, in the light of this assessment and the sequential and exception tests (as applicable) it is demonstrable that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 11.3 The NPPF sets out that the purpose of the sequential test is to steer development towards areas at the lowest risk of flooding whilst taking account of the wider sustainable development objectives. Paragraph 162 sets out that the need for the exception test depends upon the potential vulnerability of the site and of the development proposed.
- 11.4 The NPPG sets out that even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. It sets out further guidance for the areas of the sequential test stating that the LPA should be satisfied that the proposed development is safe through its lifetime and does not lead to increased flood risk elsewhere.
- 11.5 Table 2 Flood risk vulnerability and flood zone ‘incompatibility’ of the NPPG (079) Flood risk and coastal change section sets out that less vulnerable development is permissible in flood zone 3a but not in flood zone 3b. It further highlights that water compatible development in flood zone 3b should be designed and constructed to:
- remain operational and safe for users in times of flood;
 - result in no net loss of floodplain storage;
 - not impede water flows and not increase flood risk elsewhere
- 11.6 Core Policy 3 of the Local Plan requires that development is directed away from known areas of flood risk and where development is at risk of flooding, a site specific flood risk assessment is submitted in accordance with the requirements of the NPPF.

Assessment

- 11.7 The assessment is based upon the above review of relevant paragraphs of the NPPF as the basis for considering development within an area at risk of flooding. It is noted that these state that development should be avoided in these areas and directed to areas at lower risk or should be made safe for the lifetime of the development and not lead to an increased risk of flooding elsewhere. This approach intends to direct development to low risk areas such as flood zone 1.
- 11.8 The application proposes the “Creation of Memorial Woodland to include reworking ground levels, reshaping of the existing pond, food/drinks outlet, a multi-use building, multi-user pathways, water features with associated landscaping and utilities”. This development serves to extend the existing arboretum and its location in this position is considered necessary for the functioning of the development.
- 11.9 The application is supported by a sequential assessment that, at the request of Officers, includes land within the NMA and land within the Tarmac Quarry. The assessment concludes that the

application site is the only available site for the proposed woodland at this time both in terms of being a deliverable site and in terms of being within the control of the applicant. The sequential assessment sets out that of the other sites reviewed within the geographical scope of the assessment, there are no reasonably available sequentially preferable sites within the NMA or Tarmac Quarry that are suitable. It further concludes that the information satisfies the requirements of the NPPF for sequential testing. Having reviewed the sequential assessment officers are satisfied with the findings of this and that the requirements of the NPPF are met in this respect. It is the opinion of officers that there is a reasonable functional need to secure the benefits of the development that the memorial woodland is located adjacent to the existing NMA.

- 11.10 Annex 3 of the NPPF classifies different types of development according to flood risk vulnerability. The officer conclusions are that the woodland memorial is classified as 'water compatible development'. The buildings are considered to fall within the 'less vulnerable' classification. It is the assertion of the applicant that the development is predominantly water compatible and that the buildings are less vulnerable. Having reviewed this information, officers agree this classification.
- 11.11 Water compatible development is required to apply the exception test. As National policy advises that less vulnerable development should not be permitted within flood zone 3b, there is no guidance on whether it should satisfy the exception test or not. The application is supported by a Flood Risk Assessment and Drainage Strategy (FRA). The FRA seeks to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of users and that there will be no net loss of flood plain storage and that the development will not result in increased flood risk elsewhere. These are the criteria when the exception test is required, alongside the requirement to provide wider sustainability benefits to the community that outweigh the flood risk.
- 11.12 To make the buildings within the proposed development safe for its lifetime for the users the finished floor levels will be set at a safe level as defined in discussion with the Environment Agency. The NMA has in place an existing Flood Management Plan that sets out measures to monitor flood risk and steps to be taken when flooding occurs. The Flood Management Plan also sets out emergency and evacuation procedures, identifying places of safe refuge, in order to ensure the safety of staff and visitors the NMA and evacuation procedures. Emergency Planning Officers from the Council have reviewed the document and confirm they consider the document to provide arrangements for flooding events and the review of these arrangements alongside testing and training.
- 11.13 Having regard for the comments of the Environment Agency and acknowledging the content of the Flood Emergency Plan at the NMA it is considered reasonable and necessary to require by condition the submission of an updated document that provides site specific measures for the development proposed. This is considered to be necessary to ensure any site-specific issues are considered and ensure the safety of users.
- 11.14 The proposed ground levels and the design of the pond have been revised over the course of the application to ensure the design of the proposed development does not result in any loss of flood storage capacity within this location. In achieving no net loss of flood storage capacity within the site the development does not result in an increased risk of flooding in the wider catchment area.
- 11.15 The restraint to development in the flood plain is understood by officers of the council. The flood risk in this area is present and existing and will persist regardless of whether the proposed development is undertaken. When viewing the proposed 'less vulnerable' buildings within the wider context of a predominantly 'water compatible development' that lies immediately adjacent to areas of the site that are within use as part of the arboretum and also lie within the flood plain, where flood risk is not increased and the supporting information is considered to demonstrate no additional risk to visitors as a result of the proposals it is considered that the less vulnerable development in this area is acceptable.

- 11.16 Members are advised that the NPPF is clear that only water compatible development and essential infrastructure should be permitted within flood zone 3b. Whilst the memorial woodland is classified as water compatible the buildings proposed are classified as a 'less vulnerable' land use.
- 11.17 Officers acknowledge that development proposals in flood zone 3b should ordinarily be refused. In this application the case is considered to be compelling for the reasons set out above and summarised below. Neither the buildings nor the memorial woodland result in a loss of storage within the floodplain or the increased risk of flooding elsewhere. The existing Flood Management Plan clearly sets out how flood risk will be monitored, and emergency situations managed in order to avoid increased risk to users of the development. The Flood Management Plan is used in the current active management of large parts of the existing arboretum within flood zone 3b which offers officers confidence that the NMA as a managing organisation is aware of the risk and how it can be managed safely. does not increase or exacerbate elsewhere a flooding problem and can be made safe for its lifetime that the buildings can be supported and managed through conditions.
- 11.18 Officers also have regard throughout this consideration for the social and economic benefits of the scheme and the local policy context which supports expansion of the arboretum. Though these are discussed in more detail in other sections of the report they are mentioned here as they have been an essential consideration in the recommendation against National Policy guidance, for the approval of the proposed development.
- 11.19 Regard must be had for the advice of the Environment agency in their correspondence and assessment of the proposed development in which they maintain a policy objection and recommend that the LPA be satisfied that the development provides wider sustainability benefits to the community that outweigh the flood risk (the first criteria). The comments of the EA confirm that the submitted FRA demonstrated that the development could be built to be safe and would not increase flood risk offsite or to third parties and is achieved through the suitable level of finished floors and through landscaping proposals which provide increase volume of flood stage across a range of flood events and do not increase off site flood risk.
- 11.20 The applicant has therefore revised the scheme to achieve a safe development by increasing the finished floor levels and increasing flood storage capacity to prevent increased flood risk offsite. It is considered on balance, and as a matter of judgement, that the case specific characteristics in term of wider sustainability benefits of the development point, in this instance, to an exception to the normal limitation of development within flood zone 3b.
- 11.21 It is considered that the unique nature of the development coupled with the substantial public benefits in terms of offering social and economic benefits to contribute to the achievement of sustainable development. In the absence of other suitable land for the proposals it is considered that the emergence of a precedent for development within flood zone 3b in the district is unlikely. Conditions are recommended to ensure compliance with the details in accordance with the recommendation of the Environment Agency.
- 11.22 Members should be aware that due to the scale of development and location within flood zone 3b, should the Council be minded to support the officer recommendation of approval that the application will be referred to the Secretary of State for Levelling Up, Housing and Communities for their confirmation as to whether they agree with the resolution or if they intend to further assess or refuse the application. This is in accordance with the requirements of the Town and Country Planning (Consultation) (England) Direction 2021.

Drainage

- 11.23 Paragraph 169 of the National Planning Policy Framework sets out that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

11.24 Local Plan Strategy Core Policy 3 requires Development to give priority to utilising ground infiltration drainage techniques and include sustainable drainage techniques and other sustainable techniques for managing surface water run-off.

11.25 Policy NR9 of the Lichfield District Local Plan sets out that development will only be permitted where proposals do not have a negative impact on water quality, either directly through pollution of surface or ground water or through wastewater treatment.

Assessment

11.26 The proposed development is supported by a Flood Risk Assessment which confirms that the proposals will introduce features, such as buildings and landscaping, that will create surface water runoff which will need to be disposed of in a sustainable way. The FRA sets out that the proposed drainage design will discharge to the existing pond via a network of filter drains that will serve to attenuate and treat flows before these reach the pond. It confirms that, due to the nature of the proposals (in the absence of industry or vehicle use) it is unlikely that impacts upon water quality will arise.

12. Ecology & Biodiversity

12.1 The Wildlife and Countryside Act 1981 (as amended 2016) The Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017), The Protection of Badgers Act 1992 and section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) require that the applicant demonstrate to the Local Planning Authority the extent to which the proposed development scheme will impact upon protected or priority species.

12.2 The National Planning Policy Framework sets out that planning decisions should contribute and enhance the natural and local environment in a variety of ways, of relevance to this development proposal is the requirement that development should minimise impacts on and provide net gains for biodiversity. Expanding upon this requirement, it sets out principles which should be applied in the determination of planning applications at paragraph 180 that planning permission should be refused if it is not possible to avoid, mitigate or compensate significant harm to biodiversity arising as a result of development.

12.3 Policy NR3 of the Local Plan Strategy, which relates to biodiversity and protected species in the decision-making process clearly states that development will only be permitted where it incorporates beneficial biodiversity conservation features and delivers a net gain for biodiversity. It further states that development proposals that have direct or indirect impacts upon protected or priority species within the district will not be permitted. Further guidance is provided for applicants on how biodiversity can be built into developments within the Biodiversity and Development Supplementary Planning Document. The district requires an uplift of 20% of the value of habitats lost as a result of development.

12.4 Core Policy 13 discusses the districts natural resources and sets out that Biodiversity will be made more accessible to all by creating new and managing existing rural and urban spaces. It also sets out that the council will support the safeguarding of our ecological networks, including the restoration and creation of new habitats.

Assessment

12.5 The site is currently characterised by a variety of habitats including water bodies, bare earth, sand scrub which provide habitat for invertebrates, flora, fungi, aquatic species, mammals and

birds. Some of the habitats present, are noted to have come about as a result of the wilding of the site after the cessation of quarrying activities. In large areas of the site, scrub has overtaken however areas of bare ground and the existing pond remain on the site. The Council's Ecologist has visited the site and notes that should the site be left some areas of bare ground are likely to be succeeded with scrub growth resulting in the loss of some or all of this habitat.

- 12.6 Throughout the course of the application officers have worked with the applicant's team to find ways to retain existing habitats and include more areas for habitat within the proposals. Amendments to the scheme to secure bare ground with the intention to translocate habitat and species from existing areas of the site to these areas. These bare ground areas will be largely screened naturally by the proposed woodland and landscape features to preserve the areas for the species.
- 12.7 In addition, amendments to maintain a less trafficked path to the eastern areas of the pond, increase the size of the pond and retain a large existing reedbed have also been made in order to make the scheme acceptable in ecological terms.
- 12.8 On discussion between the Ecology Manager and the Ecologist for the applicant it is agreed that a full Ecological Impact Assessment inclusive of additional species surveys will be required to inform a Landscape Ecological Management Plan. These surveys are secured via condition as is a Landscape Ecological Management Plan.
- 12.9 The proposed scheme will deliver a small net gain to biodiversity onsite, this is secured by condition of this recommendation. However, in order to meet the requirement of 20% net gain the applicant is required to deliver an additional 5.96 biodiversity units. At this time there is scope for the applicant to deliver such within the wider landholding of the Arboretum or potential that the onsite net gain can be increased. As such a flexible condition has been included to secure the total number of units and tie the development to securing a minimum on site total number of units of 64.58 with there being flexibility to deliver the remaining units either within the site or in the wider arboretum.

13. Design and impact on the character and appearance of the surrounding area

- 13.1 Well-designed places are given great importance in the National Planning Policy Framework which sets out in paragraph 134 that development should be refused if it is not well designed and where it fails to reflect local design policies and government guidance. Development that reflects both government guidance and local design policies and supplementary planning documents should be accorded significant weight in consideration.
- 13.2 Policy BE1: High Quality Development states that development proposals should ensure that a high quality sustainable built environment can be achieved. Development will only be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact upon both the significance of the historic environment, such as archaeological sites, and the built vernacular. New development should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design, and public views.

Assessment

- 13.3 The proposed development subject to conditions is considered to be a well thought out design that provides a high-quality visitor landscape with integrated buildings whilst maintaining natural spaces at the periphery of the development.
- 13.4 The design and character of the proposals continue the design and character of areas of the existing arboretum whilst maintaining a distinct design narrative that relates to the purpose of the proposed development as a national memorial woodland.
- 13.5 The proposed development is considered to accord with the development plan policies in this respect.

14. Residential amenity

- 14.1 Paragraph 130 of the National Planning Policy Framework requires that planning decisions ensure that developments create places that are safe, inclusive, and accessible with a high standard of amenity for existing and future users. It progresses at paragraph 185 to require decisions ensure new development is appropriate to its location having regard for the likely effects, specifically they should minimise the adverse effects of noise and limit the impact of light pollution on local amenity and dark landscapes.
- 14.2 Core Policy 3 of the Lichfield Local Plan Strategy states that development should “protect the amenity of our residents and seek to improve their overall quality of life through the provision of appropriate infrastructure and services”. Policy BE1 of the Local Plan Strategy requires that development have a positive impact upon amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes, or other disturbance. The Sustainable Design SPD offers further guidance on the standards to be implemented to assess the impact of a proposed development upon light at nearby dwellings.

Assessment

- 14.3 The Arboretum occupies a relatively isolated site, the proposed development lies to the northeast of the existing Arboretum and is therefore further distant from Alrewas, which is the nearest settlement. Between the Arboretum and Alrewas lie both the quarry and the A38. Both result in a separation between the site and significant numbers of residential dwellings. Furthermore the quarry and A38 are considered to result in greater levels of disturbance and adverse effects upon residential amenity than those likely from the proposed development.
- 14.4 The proposed development is considered to comply with the requirements of the development plan to safeguard residential amenity from unacceptable levels of disturbance.

15. Access, highway safety and parking

- 15.1 Paragraph 85 of the NPPF sets out that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found in locations that are not well served by public transport. It advises in these circumstances that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 15.2 Paragraph 104 of the NPPF advises that transport issues should be considered from the earliest stages of development proposals in order that any impacts can be addressed, and in order that opportunities to promote walking, cycling and public transport may be identified.
- 15.3 Core Policy 5 of the Local Plan Strategy aims to increase accessibility and secure wider choice of transport modes within new developments, including public transport, cycle, and pedestrian connectivity. Policy ST1 identifies that Transport Assessments are likely to be required for developments likely to have significant transport implications in order to identify any requirements of the surrounding highway network and ensure access by a range of transport modes.
- 15.4 Policy ST2 requires appropriate provision to be made for private parking provision, it further sets out that regard be had for the level of parking required for the proposed use and the scope for encouraging alternative means of travel to the development to reduce the need for onsite parking. Car parking standards are indicated within the Sustainable Design SPD to be of a maximum and the guidance within the SPD indicates that the standards should be applied flexibly with regard to the location and use of the development. The proposed development is

a somewhat unique form of development and as such there are no specific standards prescribed for this form of development. In cases such as this the quantum of parking should be determined as appropriate for the development.

Assessment

- 15.5 The application proposes to extend the existing arboretum, the existing vehicular access is proposed to serve the extension as well as the existing arboretum. Similarly the development proposes to use the existing car parking provision.
- 15.6 The Local Highway Authority have reviewed the application and consider that the existing access and parking arrangements are acceptable to serve the existing and proposed developments and offer no objection in this respect. National Highways offer no objection in principle to the proposals; however they make request for a Construction Management Plan (CMP, Condition 4) to be secured that details the quantum of vehicles to be used on a daily basis for the construction of the development. This is requested to ensure the construction does not result in too many vehicles using the A38. Given the importance of ensuring safe access to the site and the temporary nature of the construction phase this is considered to meet the conditions tests and is included in this recommendation.
- 15.7 Subject to the inclusion of this condition it is considered that the proposals comply with the development plan policies in relation to access, highway safety and parking.

16. Impact on trees

- 16.1 The importance of trees within development and the contribution made by trees to the quality of the urban environment is recognised in paragraph 131 of the National Planning Policy Framework which requires that policies and decisions seek to incorporate trees into development and take measures to ensure the longevity of newly planted trees.
- 16.2 Policy NR4 of the Local Plan Strategy requires that space within developments is retained for planning and sustainable growth of trees. Further guidance is offered within the Trees, Landscaping and Development Supplementary Planning Document on the incorporation and sustainment of trees in development, offering guidance on planting and ongoing maintenance to ensure trees are incorporated and not lost.

Assessment

- 16.3 The application proposed the development of a memorial woodland. The submitted information provides a layout showing treed areas joined by paths and other natural, aquatic, and different grass and wildflower meadow areas. Tree Protection and landscape drawings are included within the submission, however as the proposed contain details that may be subject to change, further plans are secured within the landscaping condition.
- 16.4 The arboriculture officer notes the detail of these proposals and highlights the need for detailed landscaping proposals to be provided in order to assess the suitability and sustainability of the scheme. The arboriculture officer confirmed that though these detailed proposals would ideally be sought prior to determination of the application it would also be suitable, if circumstances required, for these to be secured via condition.
- 16.5 Given the proposed development and approved landscape layout reserve areas for the planting of trees and, by virtue of this, includes them in the development it is considered that the current proposed development satisfies the requirements of the NPPF and the Local Plan policies in respect of reserving areas for and incorporating trees into development.
- 16.6 Due to the current habitats on site, and the requirements for additional and ongoing species surveys it is thought appropriate to agree further details of the species to be used for the

landscape and woodland areas closer to the time of development in order to ensure suitable habitat areas to meet the needs of the species present at that time are delivered as part of the development.

- 16.7 In light of this it is considered appropriate to secure such detail via a pre-commencement condition that is included within this recommendation. This consideration is based upon the necessity for the detail and the understanding that certain areas of the development may develop differently and requiring the detail closer to commencement may allow for more suitable and sustainable planting to be included.

17. CIL/Planning obligations

- 17.1 The Council's Supplementary Planning Document Developer Contributions details the Council's CIL requirements for development. The application is not CIL liable nor have any requests been made for contributions via the S106 process. The proposed net gain to biodiversity is secured via condition of the planning permission should it be granted.

18. Other issues

- 18.1 Following consultation with the county Archaeologist they are satisfied that the information provided by the applicant demonstrates that there is unlikely to be archaeological features within the site due to previous quarrying activity and confirm that they are satisfied that the proposed development does not require any investigation works nor the application of a condition.

- 18.2 The Council's Conservation Officer confirms they have

19. Human rights

- 19.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

20. Conclusion

- 20.1 The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals.
- 20.2 The main issues are the components of buildings classified as 'less vulnerable' being proposed within the flood plain and the impact upon ecology, habitats and biodiversity and the environmental concerns raised by these two points. The main benefits of the proposed development are, in contrast are the social and economic benefits derived from the development.
- 20.3 The applicant has attempted to overcome environmental concerns in relation to flooding through the redesign of the scheme during the application process, they have worked with the Environment Agency to address technical concerns by increasing the proposed finished floor levels of the buildings to the level required by the Environment Agency and altering the levels of the site to ensure that flood water capacity at the site is not lost. The conflict that remains is a policy conflict in the categorisation of the buildings proposed and the location within flood zone 3b.

- 20.4 It is not possible to amend the scheme to address this conflict without removing the buildings which are seen as integral to the proposed functioning and the economic and social benefits of the development. In this case supporting information and amendments have been supplied that confirm that the development does not give rise to significant safety concerns for the users of the development and that due to design of the complete scheme the buildings will not result in an exacerbated flooding problem elsewhere.
- 20.5 The economic benefits are not considered to be restricted to the construction phase but extend for the operational lifetime of the development. Supporting information is provided within the Economic Benefits supporting information (ref P22-1159, dated as received 22.05.2023) The construction phase is anticipated to result in the creation of 462 temporary roles, both in construction and supporting industries through the application of the multiplier effect. The roles in construction are anticipated to be 171 and 291 additional roles sustained in other sectors. The gross value added for the estimated 15month build time forecast to generate approximately £36.4 million of gross value added. The
- 20.6 The arboretum currently provides 90 full time equivalent jobs and 240 volunteer roles on site the development proposed will continue to sustain and offer job security to these roles.
- 20.7 The proposed development is forecast to increase visitor numbers from 200,000 to up to 500,000 per year which are anticipate from increase events. The associated increase in visitor numbers, will be derived increased visitor numbers, events, corporate hire and facilitated learning. The increased revenue as a result of the increased visitor numbers is estimated to be £8million annually with an estimated £4.3millin in GVA.
- 20.8 The benefits of the scheme socially are considered to support both the creation of the woodland and the buildings contained within it. The woodland is proposed as a national memorial area to commemorate the covid pandemic, a global event that impacted every member of the community both locally and nationally. The proposed buildings provide necessary facilities for the comfort of visitors given the area of the woodland, and also a space for reflection and learning that will serve to provide education and reflection for current and future generations, there is also scope for the multifunctional building to host other types of learning events.
- 20.9 The glades within the memorial woodland will offer spaces to remember the impact of the pandemic and an opportunity for different groups who were affected to create memorials of their own significance. In the future the proposals create a platform for learning and understanding the impacts not only for those who lived through the pandemic but were unable to remember it but for future generations as well. The creation of a national memorial of remembrance and reflection for the pandemic is, for these reasons, considered to carry substantial social weight in the planning balance.
- 20.10 Officers are aware that this recommendation is a balanced one and against the policy objection. However it is considered that the harm of the scheme is confined to the conflict with policy and that the benefits of the scheme outweigh the harm arising from such. Consequently the proposed development is recommended for approval subject to the below conditions.

21. Recommendation : Approve, subject to referral to the SOS with the following recommended conditions:

CONDITIONS

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

2. 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.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Core Policy 3, Core Policy 7, Core Policy 9, Core Policy 12, Core Policy 13, Policy BE1, Policy ST1, Policy St2, Policy NR3, Policy NR4, Policy NR5, Policy NR9 and Policy ALR3 of the Local plan Strategy, the Biodiversity and Development Supplementary Planning Document, the Trees, Landscaping and Development

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

3. Before the development hereby approved is commenced a construction management Plan (CMP) shall be submitted to and approved by the Local Planning Authority in consultation with National Highways. The CMS shall demonstrate that the development will not give rise to traffic issues on the A38 Trunk Road and shall include the following:

- i) The Number of Large Vehicles using the site on a daily basis, their arrival and departure times. All access/egress routes for large vehicles to and from the site.

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of highways safety in accordance with the requirements of Policy ST1 of the Lichfield Local Plan and the National Planning Policy Framework

4. Before the development hereby approved is commenced the applicant shall either:
 - i) Monitor the site for the presence of ground gas and subsequently complete a risk assessment, in accordance with a scheme to be agreed with the Local Planning Authority, or
 - ii) Submit, and have approved in writing, a suitable scheme for the prevention of ground gas ingress to the Local Planning Authority

Before the development hereby approved is commenced, a suitable scheme for the prevention of ground gas ingress shall be submitted to and approved in writing by the Local Planning Authority (LPA) and fully implemented. Alternatively, the site shall be monitored for the presence of ground gas and a subsequent risk assessment completed in accordance with a scheme to be agreed with the Local Planning Authority.

Upon completion of either i) or ii) above, and prior to the first use of the development hereby approved, verification of the correct installation of gas prevention measures (if any) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of future users of the development, in accordance with Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.

5. Before the development hereby approved is commenced, notwithstanding the submitted details, full details of the buildings proposed within the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details, and retained as such for the life of the development.

Reason: To ensure the satisfactory appearance of the development and in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

6. Before the development hereby approved is commenced with the exception of site clearance, preparatory and engineering works, notwithstanding the submitted details, full details of the proposed play area within the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details, and retained as such for the life of the development.

Reason: To ensure the satisfactory appearance of the development and in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

7. Before the development hereby approved including any site clearance, preparatory or engineering works are commenced, either in and defined areas or for the site in its entirety and prior to any equipment, machinery or materials is brought onto site, full details of the trees to be retained and the protective fencing and/or other protective measures to safeguard existing trees and hedgerows on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed protection measures shall thereafter be provided in accordance with the approved details and retained for the duration of construction (including any demolition and / or site clearance works). 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 have been completed, and all equipment; machinery and surplus materials have been removed.

Reason: In accordance with the applicant's stated intentions and to ensure the retention of trees within the site, in accordance with Policy BE1, Policy CP3, Policy NR3 and Policy NR4 of the Local Plan Strategy, the Sustainable Design SPD, the Trees Landscaping and Development SPD, and the National Planning Policy Framework.

8. Before the development hereby approved is commenced, and notwithstanding the submitted details, a detailed landscape and planting scheme, either for the site as a whole or for the relevant area of development to be commenced, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be carried out in the first planting and seeding season following the completion of that development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the retention of trees within the site, in accordance with Policy BE1, Policy CP3, Policy NR3 and Policy NR4 of the Local Plan Strategy, the Sustainable Design SPD, the Trees Landscaping and Development SPD, and the National Planning Policy Framework.

9. Before the development hereby approved is commenced either, in part or in whole, a further Ecological Impact Assessment (EclA) shall be submitted to and approved in writing by Local Planning Authority. The EclA shall include the following species surveys
- i) Breeding birds
 - ii) Wintering bird
 - iii) Reptiles
 - iv) Invertebrates
 - v) Water vole
 - vi) Otter
 - vii) Badgers
 - viii) Botanical species

The above list is considered a minimum and should the requirement for further species surveys be identified these should be completed to a standard to be first agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the ecological interests of the site, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

10. Before the development hereby approved is commenced either, in part or in whole, a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include, but not be limited to, the following detailed sections:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures
 - i) Details for the delivery of a total of no less than 70.544 biodiversity units with no less than 64.58 biodiversity units to be delivered within the application site the remaining total number of units to be delivered either within the site or within land within the control of the NMA in the National Memorial Arboretum site,

The LEMP shall be informed by, and completed following, the approval of species surveys required pursuant to condition 9 of this permission.

Reason: In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

11. Before the development hereby approved is commenced, full details of the proposed foul water drainage system for the 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 use of the development and retained and maintained as approved for the life of the development.

Reason: To ensure the satisfactory foul drainage of the site and to minimise pollution in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and the National Planning Policy Framework.

CONDITIONS to be complied with BEFORE the first use of the development hereby approved:

12. Prior to the first use of the development hereby approved a management and maintenance plan for surface water drainage systems shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The management and maintenance plan shall include details of the lifetime maintenance of the surface water drainage systems and details of the organisation responsible for the ongoing management and maintenance.

In the event that responsible body changes the owner at that time shall inform the Local Planning Authority and the Lead Local Flood Authority in writing and within six weeks of the organisation to which the responsibility is passed.

13. Prior to the first use of the development hereby approved an updated Flood Evacuation Management Plan (FEMP) shall be submitted to and approved by the Local Planning Authority in consultation with the Emergency Planners. The FEMP shall identify a flood level that will initial the evacuation of people and vehicles from the site, the identified flood level shall be such that the access / egress is flood free.

Reason: For the avoidance of doubt, in accordance with the applicant's stated intentions and to ensure the surface water drainage systems are properly managed and maintained in order to reduce the risk of flooding in accordance with the requirements of Core Policy 3 and Policy IP1 of the Local Plan Strategy and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

14. The finished floor levels of the buildings shall be set no lower than 52.6mAOD, in accordance with details in paragraph 4.3 of the Flood Risk Assessment (ref BWB Consulting FRA NMA-BWBZZ-XX-RP-YE-0005_FRA_PO3), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with the applicant's stated intentions and to ensure that the development is protected from flood risk in accordance with the requirements of Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.

15. Flood storage compensation shall be carried out, in accordance with the details submitted, including Table 4.1 of the Flood Risk Assessment (ref BWB Consulting FRA NMA-BWB-ZZ-XX-RP-YE-0005_FRA_PO3), unless otherwise agreed in writing by the LPA.

Reason: In accordance with the applicant's stated intentions and to ensure there is no increased risk of causing or exacerbating flood risk within the site or elsewhere, in accordance with the requirements of Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Alrewas Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to

commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.

5. The applicant is advised to review the comments of the Environment Agency, in their response dated 20th November 2023 which state:

The Environmental Permitting (England and Wales) Regulations 2016 require a permit, or exemption, to be obtained for any activities which will take place: on or within 8 metres of a main river in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

6. The applicant's attention is drawn to the comments of the Environment Agency in their response dated 20th November 2023 which set out that The Applicant /future occupiers should contact 08708 506506 to be set up on our flood warning system. In preparing the evacuation plan the applicant should have note to the FRA. Contact with the Environment Agency would enable the provision of the most up to date, best available, flood information.
7. The applicant's attention is drawn to the comments of the Environment Agency in respect of Ecology at the site and the potential impact of fish being caught in the lake during a flood that are contained within their comments dated 20th November 2023
8. The applicant's attention is drawn to the comments of the Police Architectural Liaison Officer in respect of CTTV and monitored Alarm Systems which are included within their response dated 12th January 2023. The applicant is advised to review the guidance and reminded that where conflict with the planning permission arises the planning permissions takes precedent.