

25/2002/034

GRAINGER HOMES LTD

**RESIDENTIAL DEVELOPMENT TO PROVIDE 72 NO. DWELLINGS AND FORMATION OF ACCESS TO B3227, PRINGS CARAVAN SITE, NORTON FITZWARREN AS AMPLIFIED BY LETTER DATED 23RD OCTOBER, 2002 WITH ACCOMPANYING PLANNING STATEMENT AND TRANSPORT ASSESSMENT**

19850/25750

OUTLINE

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1.0 **RECOMMENDATION**

I recommend that permission be REFUSED for the following reasons:-

- 01 To grant permission for this development at the present time would be premature and prejudicial to the outcome of the Taunton Deane Local Plan and any decision thereon.
- 02 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would deliver the community facilities and infrastructure necessary for the provision of a satisfactory overall development for the major site allocation at Norton Fitzwarren (Taunton Deane Local Plan Revised Deposit Policy T10).
- 03 It has not been demonstrated to the satisfaction of the County Highway Authority that an acceptable means of access to the B3227 can be provided without adversely affecting the free flow and safety of traffic on the B3227.
- 04 The site is substantially within the floodplain of the Halse Water and is therefore liable to flooding. Inadequate provision has been made for a technically feasible and deliverable scheme of flood protection for the site (Taunton Deane Local Plan Revised Deposit Policies EN30 and T10).
- 05 The Local Planning Authority has prepared a Scoping Opinion under Part IV of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 which identifies the proposed development as one requiring the submission of an Environmental Statement. The applicant has not provided an Environmental Statement and accordingly this decision is to be treated as deemed refusal under Part III Paragraph 7(5) of the Regulations.

2. **APPLICANT**

Grainger Homes Ltd

3. **THE SITE**

The site is an area of 21 ha currently in use as a mobile home park. There are 11 mobile homes remaining on the site, which at one time was capable of accommodating at least three times this number. The site lies to the south of the B3227 running through Norton Fitzwarren, the other side of which are residential uses. To the south of the site lies the Halse Water, beyond which is a narrow section of the former cider factory site and then the Bristol to Exeter railway line. Predominantly residential uses with the former cider factory to the south-west beyond the Halse Water. The Taunton Trading Estate is to the east of the site, together with some residential properties.

4. **THE PROPOSAL**

This is an outline application for residential development of 72 dwellings with the provision of a new access onto the B3227. An illustrative site layout has been submitted indicating a mix of 2, 3 and 4 bedroom terrace, semi-detached and detached dwellings, including some three-storey dwellings. The applicants consider that the proposal forms part of the overall Norton Fitzwarren Major Development Site allocation.

The applicants indicate that development would take place in two phases, due to flooding risk on the southern part of the site. The background to this is provided in the Flood Risk Assessment Report submitted with the application (copy included as Appendix 1 to this Report). They propose that the first phase would involve development up to the existing floodplain line. They envisage the second phase coming forward once improvements to the Halsewater are undertaken, as set out in the Flood Risk Assessment Report.

A Transport Assessment has also been submitted with the application. This concludes that the application site can be accessed appropriately independently from the relief road proposals which are part of the overall development proposals for Norton Fitzwarren. A copy of the Transport Assessment's conclusion is included as Appendix 2 to this Report.

5. **RELEVANT PLANNING HISTORY**

**25/1980/022** Use of car ports at East End Cottage, Norton Fitzwarren for the manufacture of trailer tents and use of part of yard for the parking of vehicles. Full application refused December 1980.

**25/1981/010** Erection of dwelling and garage on land adjoining Swiss Cottage, Norton Fitzwarren. Outline application refused May 1981 on highway grounds.

**25/1981/031** Use of house as offices and adjoining land for the storage and sale of calor gas at Prings Caravans, Norton Fitzwarren. Full application approved March 1982.

**25/1984/006** Continued use of part of garden adjoining Swiss Cottage, Norton Fitzwarren as a hardstanding and turning area for caravans and trailers. Full application refused September 1984.

**25/1988/058** Demolition of shop and store, alteration of existing access and erection of one dwelling at Prings Caravan Site, Norton Fitzwarren. Outline application refused March 1989.

An application has been received for the redevelopment of Taunton Trading Estate (25/2002/018), which lies to the east of the current application site. The application has not yet been determined.

6. **RELEVANT PLANNING POLICY**

**Taunton Deane Local Plan Revised Deposit**

The following policies in the Taunton Deane Local Plan Revised Deposit are relevant:-

S1 – General Requirements

S2 – Design

H1 – Housing within Classified Settlements

H1 Housing development will be permitted within defined limits of settlements, provided that:

(A) there is safe and convenient access by bus, ~~cycle~~ or on foot to facilities and employment. In the case of proposals of a significant scale, ~~non-car~~ bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B);

(B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips;

(C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and

convenient access and circulation by means other than the car;

- ~~(D) outside the Taunton Central Area, sufficient car parking is provided for the likely number of residents in convenient, visible locations;~~
- (E) the layout allows people provision is made for the needs of residents and visitors with impaired mobility or disabilities a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking and appropriate house types;
- ~~(F) the proposal does not create or exacerbate ribbon development;~~
- (G) the character and amenity of existing residential areas will not be eroded by unacceptable increases in density small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity;
- (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to ~~avoid a bland uniformity of design layout and house type and relate well to adjacent development~~ create locally distinctive developments well related to their surroundings; and
- (I) existing and proposed dwellings will enjoy adequate privacy and sunlight.
- (J) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs particularly those low cost housing types which are under represented in the current stock.

## H2 - Affordable Housing within General Market Housing

H12 On housing sites which meet the following criteria, the provision of affordable dwellings will be sought:

- (A) within Taunton and Wellington, the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings;

- (B) outside Taunton or Wellington, the site is of a sufficient size and land value for the incorporation of affordable housing to be feasible and there is a need for affordable housing in the parish or adjoining parishes; and at least 0.5 hectare in size or is proposed for at least 15 dwellings;
- (C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision.

The provision of affordable houses sought on a site will be based on the need to ensure a balanced range of house types on the site and meet a fair proportion of housing need in the plan area, while retaining the financial viability of the scheme and other important planning requirements. ~~Where it would be impractical to provide affordable housing on a site which meets criteria A or B, a contribution to the provision of affordable housing nearby will be sought.~~

M3a – Residential Parking Requirement

C1 – Education Provision for New Housing

C4 – Standards of provision for Recreational Open Space

EN30 – Land Liable to Flood

EN30 On land liable to flood development proposals will not be permitted unless, having regard to any flood defence or other mitigation measures incorporated within the development:

- (A) The development would not be affected by intrusion of flood water for the appropriate design flood event;
- (B) the capacity of available flood storage would not be reduced;
- (C) flood water and flows would not be impeded;
- (D) flooding risks elsewhere would not be increased; and
- (E) the maintenance and integrity of existing flood defences would not be impeded.

T10 – Norton Fitzwarren Development Site – Major Site Allocation

T10 Sites at Norton Fitzwarren as shown on the proposals map are proposed for a major development site including housing, employment, community facilities and associated developments as set out in more detail in policies T11 - T13. To ensure the provision of a satisfactory overall development, a coordinated

approach and the delivery of the following key elements will be necessary :-

- T14 ~~Planning obligations will be sought and conditions imposed to ensure the provision and (where appropriate) maintenance of the following works necessary for the development of the Norton Fitzwarren major development site:~~
- ~~(A) primary and secondary school provision accommodation in accordance with policy C1;~~
  - ~~(B) social and community facilities in the local centre;~~
  - ~~(C) playing fields and public open space in accordance with policy C4;~~
  - ~~(D) landscaping;~~
  - ~~(E) appropriate works and measures to a comprehensive flood alleviation scheme which ensures adequate drainage and a sustainable scheme of flood protection measures;~~
  - ~~(F) affordable housing provision in accordance with policy H12; and~~
  - ~~(G) archaeological survey of the Taunton Trading Estate.~~
- T15 ~~Planning obligations will be sought and conditions imposed to ensure the provision of the following transport infrastructure necessary for the development of the Norton Fitzwarren major development site:~~
- ~~(AG) a bus route within the site and a service between the site and Taunton town centre, within one year of the first dwelling being occupied;~~
  - ~~(BH) a comprehensive cycle and pedestrian network within the site development area, providing convenient access links to local services, community facilities, employment areas and public transport stops;~~
  - ~~(G) cycle access facilities between the site and Taunton town centre Station Road and Roughmoor, within one year of the first dwelling being built;~~
  - ~~(DJ) a Norton Fitzwarren By-Pass relief road to the south of the proposed residential areas;~~
  - ~~(EK) traffic calming of the B3227 within the village of Norton Fitzwarren, within one year of the opening of the by-pass relief road;~~
  - ~~(L) traffic calming of Blackdown View outside and on the approaches to the Primary School; and~~
  - ~~(FM) contributions towards the provision of a bridge over the railway at Silk Mills Road rail crossing; and~~
  - ~~(G) the setting aside of a piece of land at Station Road as shown on the illustrative layout, for the eventual provision of a rail halt.~~

The supporting text to this policy recognises that there are three key planning considerations for the development of the Norton Fitzwarren major development site. These are to deliver a scheme which:-

- (i) maximises the amount of development on “brown field” land in accordance with local plan strategy and government advice relating to sustainable development; and
- (ii) provides both a relief road to Norton Fitzwarren and the traffic calming of the B3227, in order to facilitate both an enhanced environment within the village centre, as well as the integration of residential areas and community facilities; and
- (iii) ensures the provision of other essential and related off and on site highway and infrastructure measures, such as comprehensive flood relief measures, community facilities and contributions towards a bridge over the railway at Silk Mills. The Plan notes that a piecemeal approach to the development of the individual sites will not deliver the community facilities and infrastructure necessary for the implementation of a successful scheme. As such, it goes on to say that no individual development will be permitted until the Borough Council are satisfied that the requirements of Policy T10 can be delivered.

#### T11 – Housing Allocations

T11 The following sites are allocated for housing development as part of the Norton Fitzwarren major development site:

- (A) Taunton Trading Estate incorporating Pring's ~~Caravan Park~~ Mobile Home Park, ~~19.6~~ 16.2 hectares; and
- (B) Ford Farm, ~~10.5~~ 9.8 hectares;
- (C) Matthew Clark Cider Factory, 3.9 hectares; and
- (D) MoD Land, Cross Keys, 0.9 hectares.

The supporting text to this Policy notes that Prings Mobile Home Park, which comprise the current application site, is not in a very desirable location, being sandwiched between Taunton Trading Estate and the former Matthew Clark Cider Factory. It therefore concludes that the site is considered suitable for residential development.

In November 1999. the Borough Council published the Norton Fitzwarren Draft Development Guide.

T13 The following sites are allocated for community uses as part of the Norton Fitzwarren major development site:

- (A) ~~Ford Farm, west of Mill House~~ Matthew Clark Cider Factory and Mill House; Local centre including local shopping and other commercial and community uses, ~~4.5~~ 1.7 hectares;
- (B) west of Stembridge Way; playing fields, ~~4.0~~ 4.7 hectares;

- (C) along the course of the Halse Water and elsewhere within the housing areas; linear public open space, ~~1.6~~ hectares;
- (D) Norton Fitzwarren Primary School, Blackdown View; school extension; and
- (E) Norton Fitzwarren Hill Fort; public open space (5.6 hectares).

In addition, a new school playing field to meet the needs of the expanded primary school will be required on a site to be agreed by the school and education authority.

## 7.0 **CENTRAL GOVERNMENT PLANNING POLICY GUIDANCE**

**The following paragraphs from Planning Policy Guidance Note No 1 'General Policy and Principles' are relevant:-**

Paragraph 4  
Paragraph 6  
Paragraph 24

Paragraph 40      The Government is committed to a plan-led system of development control. This is given statutory force by section 54A of the 1990 Act. Where an adopted or approved development plan contains relevant policies, section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting a planning permission. Those deciding such planning applications or appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the development plan is relevant, it will be necessary to decide whether the proposal is in accordance with the plan and then to take into account other material considerations. The status of plans which are not yet adopted or approved is covered in paragraph 48.

Paragraph 47      Questions of prematurity may arise where a development plan is in preparation or under review, and proposals have been issued for consultation, but the plan has not yet been adopted or approved. In some circumstances, it



may be justifiable to refuse planning permission on grounds of prematurity. This may be appropriate in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would prejudice the outcome of the plan process by predetermining decisions about the scale, location or phasing of new development which ought properly to be taken in the development plan context. A proposal for development which has an impact on only a small area would rarely come into this category; but a refusal might be justifiable where a proposal would have a significant impact on an important settlement, or a substantial area, with an identifiable character. Where there is a phasing policy in the development plan, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.

Paragraph 48

Other than in the circumstances described above, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging development plans which are going through the statutory procedures towards adoption (or approval). The weight to be attached to such policies depends upon the stage of plan preparation or review, increasing as successive stages are reached. For example:

- where a plan is at the consultation stage, with no early prospect of reaching deposit, then refusal on prematurity grounds would seldom be justified because of the lengthy delay which this would impose in determining the future use of the land in question;
- where a plan has been deposited but no objections have been lodged to relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted (or approved) and replace those in the existing plan. The converse may apply if there have been objections to relevant

policies. However, much will depend on the nature of those objections and also whether there are representations in support of particular policies;

- where an Inspector has recommended in favour of relevant policies to which objection has been raised, refusal on prematurity grounds is unlikely to be justified for an application which is consistent with these policies.

Paragraph 49 Where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the development plan process.

Paragraph 54 If the development plan contains material policies or proposals and there are no other material considerations, the application or appeal should be determined in accordance with the development plan. Where there are other material considerations, the development plan should be the starting point, and the other material considerations weighed in reaching a decision. One such consideration will be whether the plan policies are relevant and up-to-date (the age of the plan is not in itself material). Particular policies of the plan may, for example, have been superseded by more recent planning policy guidance issued by the Government.

**The following paragraphs from Planning Policy Guidance Note No. 3 'Housing' are relevant:-**

Paragraph 16  
Paragraph 22  
Paragraph 23  
Paragraph 38

Paragraph 45 It is important that sufficient land is genuinely available in practical terms to enable the policies and proposal in approved structure plans and adopted local plans to be carried forward. This means that sites must not only be free, or readily freed, from planning, physical and ownership constraints, but must also be capable of being developed economically, be in areas where potential house buyers want to live and be suitable

for the wide range of housing types which the housing market requires.

Paragraph 57

**The following paragraphs from Planning Policy Guidance Note No. 25 'Development and Flood Risk' are relevant:-**

Paragraph 9 Historically, development has taken place in both river and coastal flood plains. The advantages of flat, fertile land, which is easily developed and managed and close to transportation routes/river crossings have outweighed the disadvantages of intermittent flooding. However, the growth of built development within flood plains over the century has increasingly required engineering works to defend properties against the risk of flooding. The currently projected increase in the number of households in parts of England is likely to lead to increased pressure to build in areas at risk of flooding. Flood risk is clearly identified in PPG 3 Housing (paragraph 31) as a specific material consideration in the allocation and release of sites for new housing. It should also be recognised that climate change is expected to increase flood risk and some existing development in more exposed locations may not be sustainable in the longer term and may need to be replaced in safer locations. Local planning authorities should consider ways in which the planning system might be used positively to help tackle the legacy of past development in unsustainable locations, although the Government recognises that this will usually be a longer-term process than the other action recommended in this guidance note.

Paragraph 13

"Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." This precautionary principle, stated in the Rio Declaration in 1992, is particularly relevant to dealing with the hazard of flooding. Its application acknowledges the uncertainty inherent in flood estimation and, by proceeding from the known facts and taking a precautionary approach to uncertainties, enables more open and better-informed decisions to be made. This can reduce the environmental impact and improve the safety of people and property, despite the existence of risk that may change with time. For example, shoreline management plans aim to identify sustainable approaches to reducing risks over the next 50 years, as well as looking at the longer-term implications. Similarly,

guidance on project appraisal for flood and coastal defence includes allowances for sea-level rise and recommendations for sensitivity testing in the design of river defences. In accordance with the precautionary principle, local planning authorities should, therefore, follow the sequential approach set out in paragraph 30 and Table 1. When preparing development plans and considering applications for planning permission, they should consult and take into account advice from the Environment Agency, which should incorporate the latest information on climate change.

Paragraph 21

Paragraph 23

Paragraph 27

Paragraph 30

Paragraph 31

Paragraph 35

The Government places great emphasis on the need for urban regeneration and the redevelopment of previously developed land to minimise the need for development of green-field land. Because much past industrial development took place alongside rivers on suitable flat land, some previously developed land will be vulnerable to flooding. In making proposals for redevelopment of such land or the re-use of existing buildings and structures, local authorities should take account of the risks of flooding, the standards of existing flood defences and the ability to improve them. Any such redevelopment should avoid interference with flood plain flows or compromising future shoreline or river management options. Developers and local planning authorities should consider what types of new development would be appropriate to these circumstances. For example, a site may not be sufficiently well defended to make it suitable for housing over its full area, although it might still be possible to incorporate housing within a mixed-use scheme, utilising parts of a site at higher risk of flooding for open space or other recreational provision. Similarly, the upper levels of converted structures, e.g. in former port or warehouse areas, might be appropriate for housing with public areas and other uses at a lower level. A balanced flexible approach is required which addresses the risks of flooding whilst recognising the benefits of recycling previously developed land and the damage to urban regeneration caused by under-investment and urban blight. The acknowledged risks of

flooding might be mitigated by confirmed good levels of protection, including protected access, prudent design of development and effective public warning mechanisms. Sites vulnerable to rapid inundation should defences be overtopped or breached are unlikely to be suitable for those of restricted mobility, whether in conventional, adapted or sheltered housing or in institutional accommodation.

Paragraph 60

Paragraph 61

Paragraph 68

## 8.0 **CONSULTATIONS**

### **County Highway Authority**

“The development is to provide 72 dwellings and access from the B3227 in Norton Fitzwarren.

The development site is allocated for housing development as part of the Norton Fitzwarren major development site in the Taunton Deane Local Plan. The site is allocated subject to the development being provided with a co-ordinated approach to ensure the provision of a satisfactory overall development.

It is the Highway Authority's opinion that to permit the development of this land in advance of the publication of the Local Plan Inspector's Report and the drawing up of a detailed planning brief would be premature and on that basis the application should be refused.

I do not propose at this stage to comment on the details of the internal layout as this is a reserved matter. With regard to the access onto the B3227, it has not been demonstrated to the Highway Authority's satisfaction that an acceptable means of access to the B3227 can be provided. Consequently, the Highway Authority also recommends the refusal of this application for this reason.”

### **County Archaeologist**

“Part of this site lies within an Area of High Archaeological Potential (AHAP) as defined by the Local Plan. A Desk Top Assessment of this general area was carried out as part of a different planning proposal. The DTA suggested a reasonably low potential for this area but the parts of the site close to the road may well have some later medieval remains preserved. Therefore, although most of the site is unlikely to have remains and has therefore no archaeological issues, I advise that an evaluation be carried prior to determination of the application in the area which falls within the AHAP.

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it.”

### **Wessex Water**

“The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

According to our records, there is a public foul/surface water sewer crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum three metre easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. We advise that this should be agreed as early as possible and certainly before the developer submits to your Council any Building Regulations application.

The developer has proposed to dispose of surface water to the Halsewater catchment . It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. The developer should be advised to liaise with the Environment Agency.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.”

### **Avon & Somerset Constabulary**

“Thank you for giving me the opportunity to comment on the above planning application. I have studied the associated drawings and would raise the following concern:-

There appears to be little opportunity for natural surveillance of the parking area at the rear of plots 1-7 due to the rear fences of these houses and what appears to be a hedge at the side of the entrance.

This may lead to vehicles parked there and persons using the area being more vulnerable to crime.

I would recommend that this situation should be avoided if possible.

I have made contact with the applicant's agent and my services.”

### **Somerset Environmental Records Centre**

No SSI's, NNR's, County Wildlife sites or County Geological Sites (CGS) recorded at or adjacent to the application site. There is a County Wildlife Site (River Tone and tributaries) within 1 km of the application site.

### **Environment Agency**

“The Agency objects to the proposed development, as submitted, on the following grounds:-

The site is substantially within the flood plain of the Halse Water and the Agency has an objection in principle to redevelopment of this site until such time as the strategic flood mitigation works proposed to the Halse Water have been completed to the satisfaction of the Local Planning Authority.

In addition we are unsure what the objectives are in realigning the Halse Water (Norton Brook). The watercourses are used by otters and the Agency is aware that an artificial holt was constructed close to the proposed development, therefore please supply supporting information.

Providing the Agency's objections to the proposals can be overcome, the Agency would seek the application of the following conditions:-

CONDITION: Activities carried out at this site in the past may have caused contamination of soils, subsoils, and groundwater (water in both unsaturated and saturated zones). Therefore it is recommended that any planning permission require the applicant to carry out a site investigation to the satisfaction of the Planning Authority in consultation with the Environment Agency to determine the nature and extent of contamination. In the event that contamination of the site is confirmed the developer should liaise with the Environment Agency on measures required to protect surface water and groundwater interests.

REASON: To prevent pollution of the water environment.

CONDITION: Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that Order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded

by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected where possible from accidental damage.

REASON: To prevent pollution of the water environment.

NOTE: Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the Applicant/Agent."

The following informatives and recommendations should be included in the Decision Notice.

The Agency recommend that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

Wessex Water should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

The foul drainage should be kept separate from the clean surface and roof water."

"The plans for the site of estimated 72 dwellings show no open space of any recreational value at all and so it should be unacceptable to the Council."

#### **Health and Safety Executive**

No comments.

#### **Environmental Health Officer**

"I have the following observation to address issues of contamination, flooding and noise from the railway.



## Contamination

C926 Before any work, other than investigative work, is carried out in connection with the use hereby permitted:- (a) A suitably qualified Consultant shall be appointed to investigate the nature, degree and extent of contamination, if any, in, on or under all parts of the land to which this permission refers. Previous land uses shall be researched and site inspections shall be made as necessary, having regard to the likely nature of any contamination arising from such land uses. (b) If a hazard or hazards are identified from such investigation, a site specific risk assessment shall be undertaken to consider risks to the following, as appropriate:- 1. Water resources, including any private water supplies. 2. Surrounding land. 3. Wildlife, livestock and eco-systems. 4. Trees and plants. 5. Building materials 6. Future users of the site. 7. Any other persons. (c) If any unacceptable risks to any of the above are identified, a detailed remediation strategy is produced to deal effectively with them, having due regard to the proposed end use of the development. (d) All investigations, risk assessments and remediation strategies shall be carried out in compliance with recognised protocols. (e) Submit to the Planning Authority 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. Such remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) Any significant underground structures or contamination discovered following approval of the remediation strategy shall be notified to the Local Planning Authority within two working days. No further remediation works shall take place until a report thereon has been submitted to and accepted in writing by the Local Planning Authority. (g). On completion of all remediation works two copies of a certificate confirming the works have been completed in accordance with the remediation strategy, shall be submitted to the Local Planning Authority.

Reason: Reason: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site.

## Note to Applicant

The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.

### Flooding

I would acknowledge the summary of flood protection measures (7.0) and conclusions (8.0) made, as detailed in the report on Flood Risk Assessment (serial No. 222/02) produced by Ove Arup & Partners Ltd and would recommend that any development carried out be subject to these and any flood protection measures as recommended by the Environment Agency.

### Noise

Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant -with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise and vibration from existing sources including the railway will not cause nuisance to the occupants of premises on the completed development.

The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works”

### Landscape Officer

“The proposed application does not provide enough detail to make a proper landscape assessment.

I recommend that they produce:-

- a design statement
- a detailed tree survey and a management implication – some of the trees are TPO'd
- proposed level changes
- proposed details of landscaping – now tree planting, shrubs, materials etc.
- areas of open space
- ecological appraisal”

### Housing Officer

No observations to make.

### Forward Planning and Regeneration Unit

“Principle

The principle of housing development at this location is accepted. The site is allocated for residential redevelopment within the Taunton Deane Local Plan (Revised Deposit) 2000, as part of a much larger mixed use allocation i.e. the Norton Fitzwarren Major Development Site (Policies TI 0 to T13). Similarly, the site is shown for residential redevelopment within the Norton Fitzwarren Draft Development Guide 1999.

The TDLP proposals for Norton Fitzwarren will provide for an average housing density of approximately 36 dwellings per hectare. I note that this proposal will deliver slightly less than that, providing for 34 dwellings per hectare. However, the application is for outline planning permission. The precise number of dwellings can be a matter for negotiation at reserved matters. Accordingly, I recommend that, should planning permission be granted, that no reference be made to a fixed figure of residential dwellings.

### Environmental Impact Assessment

I note that an EIA has yet to be provided for this site. The submission of such a statement is crucial. For example, the land at the southern end of the site adjoins the Halse Water, a watercourse frequented by otters, and within the vicinity of TPO trees. It is at this general location (i.e. the southern part of the site together with the land between the site and the main line railway) where the proposals for the major development site will require the implementation of both flood relief works and the delivery of the connecting part of the relief road (linking Taunton Trading Estate to land within the control of Mathew Clark). It is impossible to assess the precise alignment of these features without having regard to information provided through an EIA. The EIA will need to consider the land between the site and the main line railway.

### Flooding

The site is within an area of high flood risk (PPG25 - Table 1 ). The implications of this were assessed in a report to the Borough Council's Executive dated 26th September, 2001 (attached - refer to paragraphs 5.9 to 5.13, together with Appendix D). The report concludes that the Borough Council's proposals for Norton Fitzwarren are consistent with the advice contained within PPG25.

However, it is still necessary to seek the advice of the Environment Agency. There are a number of factors on which their views must be sought:-

Surface water run off - mitigation

Flood risk assessment

The design of flood relief works within the southern section of the site  
Phasing of development, particularly with regard to the flooding issues at Cross Keys

TDLP policies EN30a and EN31a are very relevant (see attached). These policies reflect recent advice within PPG25, and set out the Borough Council's approach with regard to the implementation of the "risk based sequential approach", "off site schemes of flood protection", "standards of protection" the "precautionary principle", "flood risk assessment" and "surface water run-off".

The precautionary principle requires that any scheme of flood protection is technically feasible and deliverable. The Borough Council, together with adjoining land-owners (excluding Mr Pring at his own choice), have spent significant time and investment to develop such a scheme. This "comprehensive scheme" involves a dam across the Halse Water together with major on-site channel works, and will protect the application site from flooding. However, the proposed scheme is not within the control of the applicants. Accordingly, to grant planning permission to this development would be at conflict with the provisions of PPG25 (precautionary principle). For example, further analysis could result in an amendment to the comprehensive scheme that would result in the loss of protection to the application site (unlikely, but not impossible). The only way to solve this problem will be require the applicants to enter a section 106 agreement with Matthew Clark, Mr Underhill (Ford Farm), St Modwen and the Borough Council requiring the delivery of a comprehensive flood mitigation works that will protect the major development site, including the application site. The applicants should rightly contribute towards such a scheme.

### Transport

The advice of the Highway Authority should be sought regarding the access arrangements.

It is likely that the proposed relief road (to serve the major redevelopment area) will travel in an east/west direction at a point to the immediate south of this site. However, the precise alignment of the road cannot be guaranteed until we are in possession of an EIA (refer to above).

As this development forms part of a wider comprehensive development proposal, it is crucial that effective links (footpaths/cycleways) are created into the adjoining areas that are proposed for development. This will facilitate ease of movement between the various residential areas and the existing/proposed community facilities.

### Silk Mills Bridge

The proposal must contribute towards the provision of the Silk Mills bridge. The scale of contribution must be a reflection of on the net impact of the proposal, taking account of the number of existing residential units on the site (refer to policy T10, criterion M).

### Public Transport

The proposal must contribute towards an improvement to the local bus network (refer to policy T1 0, criterion G).

### Affordable Housing

An affordable housing contribution of 20% should be sought from this development.

### Education

A contribution will be required towards the improvement of local primary and secondary education facilities. Please seek the advice of the Education Authority. Contributions are also required towards the traffic calming of Blackdown View (the area in front of the existing primary school).

### Playing Fields/Children's Play Areas

A contribution will be required towards an expansion of the playing fields at Stembridge Way. Please seek the advice of the Leisure Development Manager.

The development will need to cater for on-site children's play areas (refer to policy C4). Please seek the advice of the Leisure Development Manager.

### Local Centre

The proposal must contribute towards the eventual delivery of a local centre, to serve the expanded community (refer to policy T13, criterion A).

### Conclusion

This application is considered premature pending the outcome of the local plan inquiry and fails to contribute towards the comprehensive local plan proposals as outlined above.”

### **Norton Fitzwarren Parish Council**

“I refer to the recent planning application for a development of 72 dwellings on the land known as Pring's Caravan Site in Norton Fitzwarren.

This was discussed at length at our recent Parish Council Meeting and agreed unanimously that we lodge the Parish Council's strongest objection to the proposal.

To summarise, the Parish Council: -

- objects on the grounds of the premature timing of this application. Given the proposal under the Local Plan for extensive development throughout the village, it is imperative that individual plans are co-ordinated to achieve best practice in relation to access, visual impact, provision of relief road, flood alleviation and all other associated issues. As such, no individual plan can be considered until the results of the Local Plan Enquiry and then only in relation to other plans for adjoining developments areas;
- Without prejudice, objects to the density of development proposed by the application with wholly inadequate road widths, lack of community and recreational facilities and no provision for job creation;
- wishes to emphasise the need to ensure that this developer contributes fully proportionate amounts to planning gains for the village as a whole;
- has very grave concerns over the tenure of current residents of the site, particularly in that a premature application may well result in them becoming homeless;

The land to which the planning application refers forms an intrinsic part of the Taunton Deane Local Plan (Revised Deposit published November 2000), which seeks planning gain from the proposed development of 1070 houses in Norton Fitzwarren. The Parish Council believes that if this planning application is presented to the Taunton Deane Borough Council Planning Committee before the Secretary of State's Inspector has published his report on the Local Plan, it may seriously compromise said Local Plan.

All of the developers are required to contribute to:-

- The relief road
- Education provision
- Flood alleviation works
- Silk Mills bridge and park-and-ride

It is therefore vitally important that any development at Norton Fitzwarren is done in a strategically cohesive manner, otherwise these benefits may be lost. Note; The Parish Council endorses the principal of brownfield development (subject to effective flood prevention measures).

Mr Leeman in his Evidence to the Local Plan Enquiry (P/TD/374: Addendum Evidence to P/TD/207) states that "No planning

permissions will be issued until the Borough Council is satisfied that the full requirements of policy TIO (of the Local Plan) can be secured" and suggests an amendment to paragraph 8.100 of the Local Plan: "As such, no individual development will be permitted until the Borough Council are satisfied that the requirements of Policy TIO can be delivered."

In addition to the aspirations to planning gain, there are other issues that make this application untimely:-

- (a) The southern half of the site floods significantly. It is written into the Local Plan that no building shall commence until appropriate flood alleviation works have been completed.
- (b) If development of the Prings site were to commence ahead of the Taunton Trading Estate, site access would have to be directly off of the B3227 in the middle of the village. As such, associated additional traffic movements and the public nuisance of noise and dirt during construction will be entirely unacceptable to neighbouring residents.

We would call your attention to the 11 occupied mobile homes on the site. There has been no consultation with the residents on the part of the proposers over this application. They have been issued with a notice to quit the site telling them it was due to close 30th September 2002. This notice has no legal standing under the Mobile Homes Act 1983. Services to the site (most notably water) are inadequately maintained. With the exception of the currently occupied homes, the site is virtually derelict and it is unclear whether or not there is a current licence for the site. These facts, together with this planning application, could well constitute harassment of the current homeowners. This is now a criminal offence. The reason for the application is stated as "prospective purchase" and the Parish Council is extremely concerned that under new ownership of the site the residents may become homeless before the winter is through."

## 9. **REPRESENTATIONS**

Four letters of objection have been received making the following points:-

- 1. Concern at loss of home which is close to facilities.
- 2. Will spoil the whole character of Norton Fitzwarren - it will soon resemble a small town.
- 3. Occupiers of mobile homes on the site have a legally binding agreement under the 1983 Mobile Homes Act, to keep their mobile homes on the site.

4. The adjacent B3227 road is subject to flooding during heavy rains - rainwater will accumulate as the drains cannot cope and flooding of the road will occur. Flooding occurs on average five times a year.
5. Welcome the development, as the site is becoming an eyesore and has become subject to vandalism in recent months, but the flooding problem should be addressed before any development takes place.
6. Understood there would be no new dwellings in Norton Fitzwarren until the dam further up Halse Water is provided.
7. Any attempt to provide on site flood defences for these new dwelling would be catastrophic for the residents in Prowses Meadow.

One letter of representation has been received from the applicants for the proposed development at the Taunton Trading Estate. They do not object as long as the Grainger Homes proposal is subject to the same level of scrutiny as their application; that it deals with all the appropriate environmental matters; that it is subject to the appropriate level of contributions to off-site infrastructure and community facilities; and that it overcomes the problems at the Cross Keys roundabout that are currently being discussed with the Environment Agency in respect of the Taunton Trading Estate application.

#### 10.0 **PRINCIPLE ISSUES FOR CONSIDERATION**

- A. Do the proposal comply with the current policies of the Local Planning Authority? PLANNING POLICY
- B. What impact will the proposed development have on the environment of the area? ENVIRONMENTAL IMPACT
- C. Is the proposed access to the site acceptable? ACCESS
- D. Have measures for avoidance of flood risk been taken account of in the proposal? FLOODING
- E. Will the proposal have an unacceptable visual impact on the area? VISUAL IMPACT
- F. SUSTAINABILITY
- G. OTHER ISSUES

#### **A. Policy**



The site is within the limits of the settlement of Norton Fitzwarren and is currently in use as a mobile home park. The site therefore predominantly comprises a brown field site and consequently the principle of residential development is accepted.

The site is proposed for residential development in the emerging Taunton Deane Local Plan, forming part of a larger mixed use site comprising the current site, Taunton Trading Estate to the east, the former cider factory premises to the west and open land at Ford Farm beyond. The Local Plan refers to the proposed development as the Norton Fitzwarren Major Development Site and policies T10 to T13 are relevant. The site is also shown for residential development in the Norton Fitzwarren Draft Development Guide which was published in 1999.

Policy T10 of the Local Plan Revised Deposit states that to ensure the provision of a satisfactory overall development, a co-ordinated approach and the delivery of certain key elements are essential. These include contributions toward education and community facilities, infrastructure works and affordable housing. The requirement of the policies for the major development site is to deliver a scheme which maximises the use of brown field land, provides for a relief road for Norton Fitzwarren and ensures other related and essential highway and infrastructure measures.

There are a number of landowners and developers with interests in the major development site. The applicants are one of these in the guise of a prospective developer of one part of the overall site. I consider that piecemeal development of individual sites will not deliver the community facilities and infrastructure necessary for the implementation of a successful scheme which can claim to have minimised environmental impact whilst maximising community benefit. Individual development proposals are therefore only considered to be acceptable if the requirements of Policy T10 can be secured. In this instance the applicants have not put forward their willingness to provide contributions in line with this policy. The consultation response from the Forward Planning and Regeneration Unit sets out these requirements in greater detail. In the absence of contributions towards the implementation of the major development site I consider that the proposed development is inappropriate and is likely to undermine the successful implementation of the emerging policies.

## **B. Environmental Impact**

As part of the Local Plan process, a Scoping Opinion was prepared by the Local Planning Authority under Part IV of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. A copy of this Opinion applies to the whole of the proposed major development site included in the Taunton Deane Local Plan Revised Deposit. The affect of the Opinion was a

requirement for the preparation of an Environmental Statement for the development.

The application was not accompanied by an Environmental Statement and although one has been requested one was not submitted within the prescribed time limits under the above Regulations. In such circumstances, the advice is that the only option for the Local Planning Authority is to refuse the application.

The southern part of the site is particularly environmentally sensitive. There are a number of trees the subject of a Tree Preservation Order and the southern end of the site adjoins the Halse Water, which is frequented by otters. It is in this general area that measures to alleviate flooding and the provision of the relief road will impact.

### **C. Access**

Access to the site is proposed from the B3227 through Norton Fitzwarren. Although the application is in outline only, the means of access is not reserved for future approval and an illustrative plan has been submitted indicating a suggested layout.

The applicants submissions consider that there are no impediments to bringing development forward on the site in terms of access. The Transport Assessment submitted with the application indicates that traffic impact on the local area and further afield would not be material, and a suitable site access has been designed, which could either incorporate a priority junction onto the B3227 or a mini roundabout.

However, I consider that the site is allocated for housing development as part of the major development site in the Local Plan and it is crucial that a co-ordinated approach is adopted to ensure the provision of a satisfactory overall development. The County Highway Authority take the view that to permit the development of this land in advance of the Local Plan Inspector's Report would be premature. With regard to the access onto the B3227, it has not been demonstrated to the satisfaction of the Highway Authority that an acceptable means of access to the B3227 can be provided. They therefore recommend refusal of the application.

### **D. Flooding**

The southern part of the site is within the flood plain of the Halse Water and the Environment Agency object in principle to the development of the site until such time as the strategic flood mitigation works proposed to the Halse Water have been satisfactorily completed.

A Flood Risk Assessment Report, included as Appendix 1 to this Report, proposes that the development takes place in 2 phases. The first phase, the northern part of the site, would take place up to the

existing floodplain line. The second phase would then come forward once improvements to the Halsewater are undertaken.

The flooding implications of the proposed development have to be considered against the background of PPG25 and under that guidance the site is located within an area of high flood risk. The Authority's proposals for Norton Fitzwarren are consistent with the advice contained in PPG25. As part of this advice, where development is to be considered on land subject to flood risk, applicants are required to demonstrate that:- (i) a proposed scheme of flood protection of the required standard is both technically feasible and deliverable; and (ii) a proposed scheme of flood protection will not adversely affect third parties by reason of increased flood risk.

In the instance of the Norton Fitzwarren major development site, the Borough Council, together with the various landowners of the other sites, have developed a comprehensive scheme involving a dam across the Halse Water, together with major on-site channel works, which will protect the current application site from flooding. However the owner of the current application site did not wish to be a party to such a scheme and its successful implementation, on which part of the current development would depend, is not within the control of either the site owner or the current applicants. At the present time, therefore, the proposed development is in conflict with the precautionary principle set out in PPG25.

#### **E. Visual Impact**

The site is a brownfield site within an existing settlement. The majority of the site is taken up by a mobile park, although the occupancy rate is not as great as it was in the past. There is some screening to the site, particularly from the south. I consider that in view of the current use of the site and the fact there is fairly substantial existing development adjacent to it, the visual impact of new development will not be significant.

#### **F. Sustainability**

The strategy contained within the Somerset Structure Plan Review encourages development to be focussed upon the major towns in the County. In accordance with Policy S1 of the Taunton Deane Local Plan Revised Deposit, the site is well located in terms of local facilities and public transport. The site is largely brownfield in nature. The identification of this site removes the need to identify comparable amounts of housing land at greenfield locations. The southern part of the site has significant tree cover and it is known that the adjacent Halse Water is a habitat for otters. An Environmental Statement was requested.

#### **9. Other Issues**

The consultee responses raise a number of issues related to specific areas of concern. These issues would be raised in the event of an appeal.

The position of the tenure of existing residents on the mobile home park is not an issue which the Local Planning Authority can have regard to.

#### 11.0 **CONCLUSION**

In view of the developers not submitting the requirement Environmental Statement and not appealing against the Local Planning Authority's request for one, there is no option but to refuse permission on that ground alone.

However, I also consider that the proposal is premature pending the outcome of the Taunton Deane Local Plan Inquiry and furthermore fails to contribute towards the comprehensive local plan proposals set out in Policy T10. The County Highway Authority is also not satisfied that on the basis of the submitted plans, a satisfactory access can be provided onto the B3227 to serve the development.

My recommendation is therefore one of refusal.

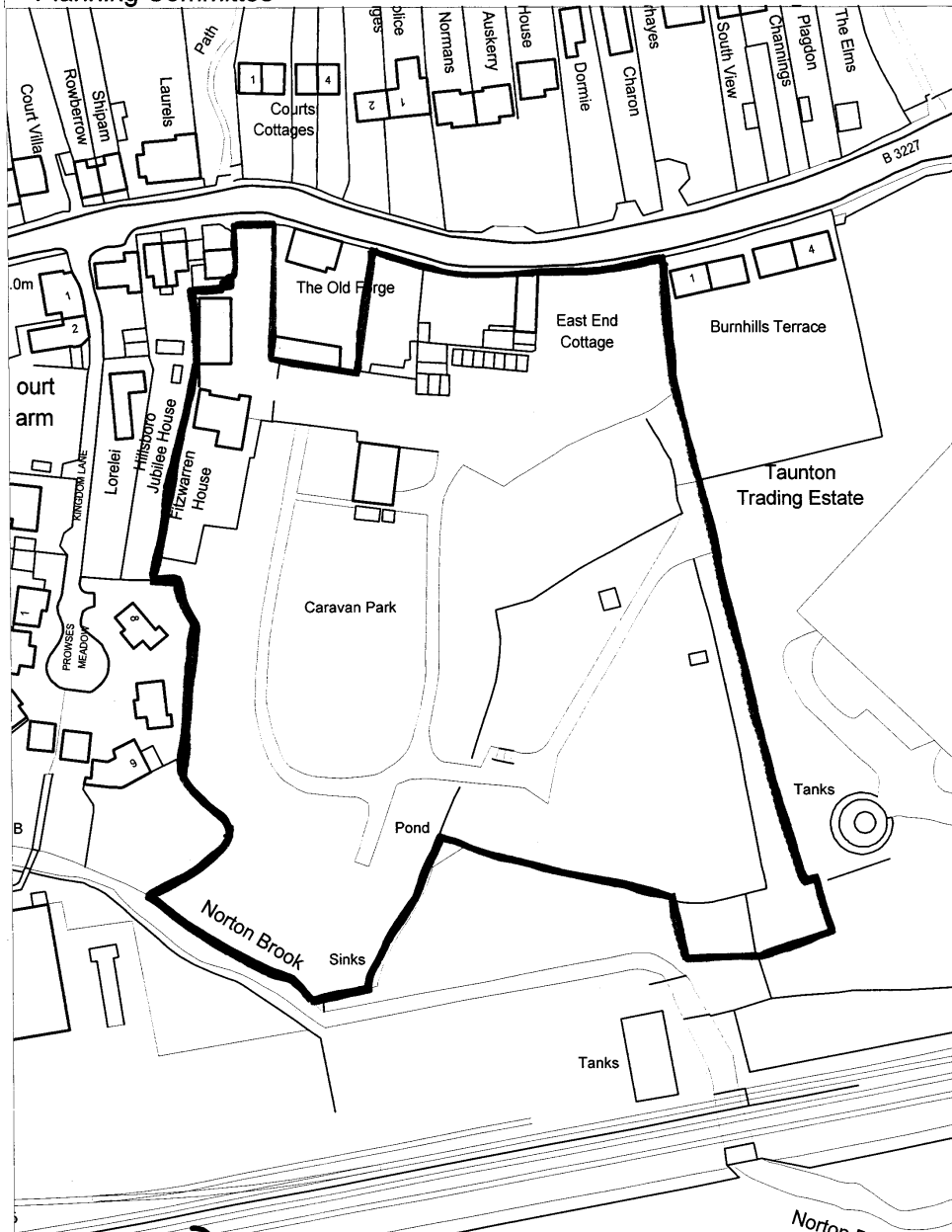
**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr J Hamer Tel: 356461**

#### **APPENDICES**

1. Flood Risk Assessment Conclusion
2. Transport Assessment Conclusion
3. Scoping Opinion of the Local Planning Authority in relation to proposed major development at Norton Fitzwarren

(These documents can be viewed at the Deane House or via the Council's website: [www.tauntondeane.gov.uk/planning](http://www.tauntondeane.gov.uk/planning))



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## **APPENDIX 1**

### **7.0 SUMMARY OF FLOOD PROTECTION MEASURES**

- 7.1 The Environment Agency and Taunton Deane Borough Council have adopted a policy requiring the area to be protected against a 1 in 200 year flood event, plus an additional 20% flow to take account of predicted climate change.
- 7.2 The site is affected by the Halsewater river and the predicted flood level using the FEH method of analysis varies from 23.0 m AOD in the west to 22.7 m AOD in the east.
- 7.3 The northern third (approx) of the site is above the flood plain.
- 7.4 Properties built on this land will need to have floor levels 600 mm above the predicted flood level to ensure that their surface water drainage system operates safely. The land may be raised to achieve this.
- 7.5 The southern 2/3 of the site is at risk of flooding in an extreme event.
- 7.6 If the adjacent Matthew dark site gains planning permission, major river management works will need to be undertaken before development can begin.
- 7.7 Once completed the improvements to the Halsewater will allow development on all the Pring land.
- 7.8 The previously flooded land will need to be raised to ensure that development floor levels are above the predicted top water level of the Halsewater.
- 7.9 The proposed development will incorporate sustainable drainage features to improve surface water runoff quality and attenuate flows to existing rates.
- 7.10 The river improvement works will need to satisfy access and environmental requirements which will be subject to detailed consultation with the Environment Agency.

### **8.0 CONCLUSION**

- 8.1 Part of the Pring land is at risk of flooding from the Halsewater.
- 8.2 The residual area is above the flood plain and therefore may be developed subject to planning consent.
- 8.3 The land at risk of flooding may be developed if the Halsewater river management works are completed.

## **APPENDIX 2**

### **TRANSPORT ASSESSMENT CONCLUSION**

#### 5.0 CONCLUSIONS

- 5.1 The early granting of this site as part of development of Norton Fitzwarren is consistent with the Draft Local Plan and Draft Design Guide for the area.
- 5.2 The traffic impact of the site on the local area and further afield based on existing traffic conditions and distribution is not material and is less than the day to day variation in existing traffic flows.
- 5.3 A suitable site access can be designed into the site, which either could be a roundabout or a priority junction. However, the priority arrangement is preferred because of the limited impact on through vehicle movements and on the core area of Norton Fitzwarren.
- 5.4 Given the direct pedestrian links to the historic core and potentially to the Relief Road in the future, the site is consistent with the sustainable pedestrian and cycle requirements of national, regional and local guidance.
- 5.5 The limited increase in public transport users as part of the development confirm that major improvements to public transport provision are not required. However, local improvements to the facilities available at bus stops could be provided. In the longer term the development will link by foot and cycle to the new park and ride facilities, with the frequent bus services.

## **APPENDIX 3**

### **The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999**

#### **PART IV**

#### **Preparation of Environmental Statements**

#### **Regulation 10 : Scoping Opinion Of The Local Planning Authority In Relation To Proposed Major Development At Norton Fitzwarren, Taunton**

The following represents the "adopted scoping advice" of the Local Planning Authority. Regulation 20 requires that this adopted advice (along with the developers request) be kept available for public inspection for two years alongside the planning register. Once a planning application is received, this opinion and related documents will be transferred to Part I of the register with the application.

The form and content of the EIA must have regard to Schedule 4 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999. The issues highlighted within schedule 4 must be addressed as part of the EIA.

The EIA should be structured in the following manner, which will enable a logical assessment of the impact of the scheme on a broad range of environmental criteria. Each main heading has been divided into a range of sub headings, all of which will need to be addressed. The following represents a comprehensive list of the significant environmental issues raised by the development. However, some will be more important than others, and in this respect the applicant should refer to the advice at paragraph 82 of Circular 02/99 (Environmental Impact Assessment).

The advice of the "consultation bodies" can be inspected upon request.

#### **Introduction/Project Description**

##### **Planning Policy**

1. National
2. Regional
3. Structure Plan
4. Local Plans
5. Supplementary Planning Guidance, including development guide.

##### **Population (Human Beings)**

1. Noise (road/rail/new employment facilities)
2. Air quality (eg road travel/measures to reduce travel)
3. Road safety and community severance
4. Rail line safety
5. Impact of employment uses (noise, vibration etc)
6. Security



7. Access to leisure/play areas and community facilities
8. Over head power lines (radiation)
9. Sustainability of proposed transport/travel measures (access to a choice in mode of travel, including convenience, frequency of trips etc)
10. Site services
11. Socio/economic impact

#### Wildlife Habitats/Fauna & Flora

1. Impact on water courses and wetlands (ie floodplains)
2. Trees and hedgerows
3. Landscaping
4. Linear open space
5. Protected species (and those species on either the UK, southwest region or local Biodiversity Action Plans eg dormouse, watervole, skylark, brown hare, grey partridge, barn owl, great crested newt and badger). There will be a need to undertake habitat surveys and species related surveys. If these species are present, the EIA must indicate how their habitats will be effected and what measures will be taken to manage the remaining habitat in a sustainable manner in the future. This assessment must include the use of pasture land by birds particularly wetland species during times of flood, and the orchards and the associated herb rich neutral grassland.

The movement of otters within and through the development site. The site may be vital as a route to the rest of the Halse Water and the Norton Brook catchment. If this is the case, then the EIA should detail how this route will be protected.

The potential and actual bat roosts and feeding habitat (watercourses, hedgerows and pasture land). The EIA should determine which species are concerned and which roosts are in use.

The provision of suitable "buffer" areas alongside hedgerows and watercourses which are capable of conserving their (ie hedgerow/watercourse) wildlife interest. Details of provisions to be made for the management and aftercare of these features once the development has finished.

Particular attention should be paid to area I (Ford Farm).

Appropriate surveys may also be necessary for land use change and geomorphology.

#### Soil and Ground Conditions

1. Agricultural land quality (including the effect of the development on Farms)
2. Use of excavated soil
3. Contamination

#### Water

1. Flooding (analysis of flood flows, siltation rates etc must take account of the present land use and not rely on historical land use).

2. Existing watercourses - water quality
3. Surface water quality and quantity (the use of Best Management Practises for dealing with contaminated surface water needs to be considered).
4. Ground water (a water interest survey will need to be undertaken to assist in ensuring no adverse impacts occur to ground and surface water).
5. Foul drainage (including potential impact of additional nutrient loading on the Somerset Levels and Moors SPA should foul drainage be passed to the Ham Sewerage Works). Details of how foul water will be kept separate from other water courses.
6. Water supply and efficiency
7. Geomorphology (potential impact via watercourses on areas beyond the site).

#### Air

1. New sources of pollutants

#### Climatic Factors

1. Travel generation and modes
2. Energy efficiency - building design, landform etc
3. Tree cover - losses/gains

#### Material Assets

1. Impact on archaeology/Scheduled Ancient Monument
2. Impact on existing built environment/historic buildings

#### Landscape

1. Views into the site and the visual impact of the new development
2. Impact on Green Wedge
3. Impact on Special Landscape Feature

The EIA should consider the inter-relationships between all of the above.

In general terms, and as part of the process, the EIA should consider:

- i How the development will generate/minimise residues and emissions (by water, air and soil pollution, noise, vibration, light, heat, radiation etc).
- ii The reuse of material (as part of the demolition & construction process).
- iii Impact of construction works and construction phasing ie the implications of alternatives in reducing environmental impact.
- iv An assessment of alternative schemes explored (for example, the off site scheme of flood prevention).
- v The "Zero option" ie what are the environmental effects of doing nothing. This will help highlight current problem areas which can be resolved through the development.
- vi Mitigation measures, and how the development proposes to deal with identified problems.
- vii Monitoring, maintenance, audit and contingency. The impact of the site when operational, needs to address how habitats and information will

be maintained, including what actions can be taken by whom and at what cost if the completed scheme fails to safeguard habitat or features or other planned objectives.

- viii The Environmental Objectives of the Local Plan - how well does the development comply with the Local Plan Objectives?
- ix Any other elements as required by Schedule 4 of the Regulations.

