

25/2005/036

TAUNTON DEANE BOROUGH COUNCIL

PROVISION OF 'SHOULDERS' TO NORTH AND SOUTH OF PREVIOUSLY APPROVED DAM (PERMISSION 25/2001/036 REFERS), FORMATION OF ACCESS FOR MAINTENANCE PURPOSES, PROVISION OF FLOOD CONTROL KIOSK AND TREATMENTS FOR LANDSCAPING AND HABITAT CREATION, LAND WEST OF MONTYS LANE, NORTON FITZWARREN AS AMENDED BY LETTER DATED 8TH DECEMBER, 2005 WITH ACCOMPANYING DRAWING NOS. WX21821/0033/ISS02, 0034/ISS02, 0040/ISS02 AND 049/ISS01 AND MODIFIED SUPPORTING STATEMENT

17930/26710

FULL

PROPOSAL

There is an existing planning permission for the provision of a dam to provide a flood alleviation scheme related to Norton Fitzwarren. The current application has been submitted following necessary changes which have been made to the proposed dam that have arisen during the detailed design of the dam. The proposal revises the length of the proposed dam, vehicular access and landscape and ecological designs to include 'shoulders' at each end of the proposed dam together with temporary and permanent access for maintenance purposes, a flood control kiosk, landscaping treatments and habitat creation. The dam shoulders are to prevent overtopping in the case of a major flood event and are the result of the requirements of the Panel Engineer appointed under the Reservoirs Act. They are to be built up from earth over a clay core from an on-site borrow pit. The shoulders are to be approximately 1.3 m higher than the main dam crest to accommodate 1 in 100 year flood event plus 20% to take into account global warming. The shoulders are level, meeting the natural levels of the rising ground beyond. The kiosk is to be 2 m x 2 m square with a height of 2.5 m and is essential for the operation of the dam as it houses monitoring equipment and the apparatus to operate the dam flow controls. The proposed access has been relocated to avoid an oak tree containing a bat roost and gas pipeline. The new access is proposed for both temporary and permanent access. The dam and access track are to be bordered by native hedging to be used to screen the site. Between the B3227 and the proposed access (a distance of 40 m), Monty's Lane is to be widened to 6 m to allow access for large vehicles during dam construction. A 2 m x 40 m visibility splay is also proposed. A replacement hedge will be planted behind the visibility splay. A pond is proposed as part of the ecological mitigation. The traffic assessment for this application has been revised to more accurately reflect the materials and construction methods likely to be utilised in the construction of the dam and the estimated construction programme. The worst case scenario for the revised assessment for all HGV traffic generated by the site passing through Norton Fitzwarren indicates the maximum daily HGV generation of 38 return trips, which amounts to a 20.4% increase in HGV traffic over the existing level. There is a public right of way which runs through the site and which would need to be diverted around one of the shoulders. An application is to be submitted for the diversion of the footpath in due course.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHAEOLOGIST there are limited or no archaeological implications so no objections on archaeological grounds. RIGHTS OF WAY TEAM no objections provided the footpath is diverted successfully. WESSEX WATER no objection providing there is no impact on Wessex Water infrastructure. ENVIRONMENT AGENCY no objections in principle but recommends condition re provision to be made to allow free movement of otters through the development area; advisory notes re otters, Abstraction Licence for pond may be required; advice from the EA, existing legal water interests in area should not be adversely affected and pollution prevention measures to be adopted during construction.

LANDSCAPE OFFICER the proposed landscaping looks fine, but would recommend some hedgerow bank and planting (both hedgerow and trees) be provided around the edge of the surfaced area to provide some landscape mitigation. NATURE CONSERVATION OFFICER would expect to see mitigation proposals in place and detailed plans for greater crested newts and otter access through the outflow from the dam. DRAINAGE OFFICER no observations to make.

NORTON FITZWARREN PARISH COUNCIL until the Council has had a meeting with the relevant parties they are not competent or in a position to comment. Wish to clarify the position as to safety and the Council is still very concerned that the dam is to be built without a trial. The initial concerns of the Council have been endorsed by the Panel Engineer.

BISHOPS LYDEARD PARISH COUNCIL implications upon the flood plain to the west of Dene Road and in particular the area in the vicinity of the primary school and Bethel Mead. Wished for reassurance that properties would not be at risk. (the agent has subsequently attended a meeting of the Parish Council to explain the proposals in detail).

OAKE PARISH COUNCIL do not wish to comment as they do not fully understand the wider implications of this work.

SIX LETTERS OF OBJECTION (including one holding objection) have been received raising the following issues:- concerned about the volume of traffic passing through Norton Fitzwarren conveying materials to the site; once the dam is built it should be tried and tested over a period of time before new houses are built on the cider factory site; safety must be a top priority during and post construction; noise and visual pollution must be kept to a minimum and limited to normal working hours; water and spoil from the site must not be allowed to run down the lane and into residents' drains; access to adjacent properties must be kept open at all times; services must be protected and replaced/upgraded as required; pond will potentially attract unwanted visitors and put security and tranquil environment at risk; throughout construction council tax should be reduced to reflect the severe inconvenience caused by the project; value of properties will be negatively affected - developers should provide financial compensation to the adjacent residents; will bring floodwater very close to residential property; operation of septic tank system may be adversely affected by any flood water in area; concern at failure mechanism of structure; adequacy of modelling to test risks; question impact to

local water table via natural drainage given the huge volumes of water impounded; query likelihood of stagnant water for any considerable time leading to potential for midges and other water based breeding insects affecting the local residents and other ecological impacts; proposal will be visible from Monty's Hamlet - need for planting; question alternative access arrangements if lane has to be temporarily closed; should be time restrictions for work on site; additional HGV traffic during construction will impact on Monty's Lane both in terms of noise pollution and safety; question whether there is a time scale for completion of works; Query measures to prevent dust during construction; (holding objection) extended dam interferes with access to other parts of land with no satisfactory alternative arrangements proposed, will be significantly more intrusive when viewed from residential properties, the access tracks and fencing around the dam will significantly increase the effects of the project on the convenience of farming operations, extends onto land which is suitable and useful for agricultural purposes, the access arrangements are unnecessarily intrusive into good agricultural land, any proposal to construct a second borrow pit will destroy good agricultural land and additional height of dam will lead to increased areas of flooding of good agricultural land; question whether other sites upstream further away from residential properties would be more appropriate; alternative access during road closure is unsuitable; construction traffic should be direct from the B3227.

ONE FURTHER LETTER OF REPRESENTATION has been received raising concern at possible development on Ford Farm site at Norton Fitzwarren.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6, STR7, 5 and 59. Taunton Deane Local Plan Policies S1, S8, C16, EN26, EN28, EN29 and T4.

ASSESSMENT

The proposal is related to the previous permission for the dam in this location. The dam project is in line with national, regional and local policy. PPG25 states that the growth of built development within flood plains has increasingly required engineering works to defend properties against the risk of flooding. Flood risk is clearly identified in PPG3 as a specific material consideration in the allocation and release of sites for new housing. This scheme is considered to be essential for development sites within the Norton Fitzwarren area. Up stream of Dene Road there will be no increase in flooding up to and including the 1 in 100 year event. For more extreme events, there will be a small increase in flood levels compared with the existing situation.

The revised proposals set out in the current planning application and supporting statement will be of considerable functional and environmental benefit, and furthermore will help to facilitate the development of significant areas downstream of the dam, all of which would be in accordance with PPG25 and TDBC's Local Plan policies.

The provision for otters requested by the Environment Agency is more related to the earlier planning permission for the dam itself. The measures to be taken to protect the interests of otters will be required as part of the discharge of conditions related to the previous planning permission.

The dam is being designed to exacting standards in accordance with the requirements of the Reservoirs Act. Under this Act an accredited Panel Engineer is appointed whose prime responsibility is to safeguard persons and property downstream of the dam. The design and construction of the dam are subject to rigorous checking and independent review under very onerous flood conditions. In the unlikely event that a breach in the dam should occur, then there is a new legal requirement likely to come in to force within the next two years for an Emergency Plan. The retention of water behind the dam will only be relatively short durations and this is envisaged to be mainly a winter occurrence, which would lead to no stagnant water (there will be a flow at all times) and no significant additional breeding insects. Any localised increase of insects in the permanent wetland area will be tempered by predation by dragon flies and bats and will not cross the dam to the housing beyond. Impact on structures nearby is considered to be extremely remote. Full ecological surveys have been undertaken as part of the Environmental Statement. There are likely to be benefits from increased habitat and larger areas of suitable habitat. New planting will be carried out. Any interruptions to services will be kept to a minimum and local residents informed. Any closure of Monty's Lane for road widening will be kept to a minimum and should be for less than a month. Although there will be an increase of HGVs on Monty's Lane, this will be limited to the first 50m from the junction with the B3227. No construction traffic would be permitted to use Monty's Lane beyond this point, so there will be no increase past residential property. Expected movements to and from the site have been kept to an absolute minimum by ensuring that the dam is constructed predominantly from earthworks materials won from a borrow pit within the site. The County Highway Authority would not be in favour of a new access direct from the B3227. One of the recommended conditions requires the submission of an Environmental Site Management Plan.

RECOMMENDATION

Subject to the receipt of the views of the County Highway Authority the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, landscaping, protection of trees, no service trenches within spread of trees, no felling/lopping, environmental site plan for construction, operational management plan, surfacing of access, no surface water discharge onto highway, temporary construction access and traffic management measures, development to be carried out generally in accordance with the environment statement and no work until lane widened to 6 m. Notes re operational management plan, footpath and Environment Agency informatives.

REASON(S) FOR RECOMMENDATION:- The proposed development is part of a package of comprehensive flood alleviation works which are proposed for Norton Fitzwarren. It is considered that the works will remove the flood plain from the village and protect existing dwellings from flood events. It will also facilitate housing development which meets national policy demands. The proposal complies with Taunton Deane Local Plan Policies S1, S8, C16, EN26, EN28, and EN29.

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

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NOTES: