

<b>Application Details</b>	
Application Reference Number:	34/21/0017
Application Type:	Full Application
Description	Formation of 2 No. integrated constructed wetlands (ICW) including associated plant, infrastructure, landscaping and on-site redistribution of materials on land off Langford Lane, Longfield and land off Nailsbourne Road, Nailsbourne
Site Address:	Land off Langford Lane, Longfield and land off Nailsbourne Road, Nailsbourne
Parish:	Staplegrove and Kingston St Mary Parishes
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 <a href="mailto:s.fox@somersetwestandtaunton.gov.uk">s.fox@somersetwestandtaunton.gov.uk</a>  Should you wish to discuss the contents of this report item please use the contact details above by 5pm on the day before the meeting, or if no direct contact can be made please email: <a href="mailto:planning@somersetwestandtaunton.gov.uk">planning@somersetwestandtaunton.gov.uk</a>
Agent:	ORIGIN3
Applicant:	PTARMIGAN STAPLEGROVE LTD & ELIZABETH COOK, C/O AGENT
Reason for reporting application to Members:	In the public interest. The application is associated with the Staplegrove (West) Garden Community and the application has attracted a number of representations from the local community.

## 1) Recommendation

That planning permission be **GRANTED** subject to conditions

## 2) Executive Summary of key reasons for recommendation

- 2.1 The application seeks permission for the creation of Integrated Constructed Wetlands (ICWs), which in time may be used as Phosphate Mitigation for the Staplegrove (West) site, part of the Staplegrove Garden Community. The application has been assessed and judged on its own merits, in conjunction with national and local policy and with deliberation of the views of local residents, and is considered appropriate to recommend approval subject to the conditions listed at Appendix One to this report and the prior signing of a S106 legal agreement.

### **3) Planning Obligations and conditions and informatives**

#### **3.1 S106 Obligations**

An obligation will require:

- 1) the submission of a detailed management and maintenance plan prior to the commencement of works; and
- 2) submission of Management Company (or other body) information, incl. constitution, long term funding plus initial working capital and its structure prior to the commencement of works.

#### **3.2 Conditions (see Appendix 1 for full wording)**

- 1) Time limit
- 2) Approved plans
- 3) Hydraulic modelling requirement
- 4) Arboricultural Method Statement compliance
- 5) Landscaping compliance
- 6) Boundary fencing detail
- 7) Ecological Assessment Report compliance
- 8) Construction Management Plan for Biodiversity requirement
- 9) Construction Management Plan for Biodiversity compliance
- 10) Landscape and Ecological Management Plan requirement
- 11) Flood Risk Assessment compliance
- 12) Inlet and outlet channel details
- 13) Spoil depositing
- 14) Construction Environmental Management Plan requirement
- 15) Prevention of pollution requirements
- 16) Archaeological measures
- 17) Public Right of Way protection

#### **3.3 Informatives (see Appendix 1 for full wording)**

- 1) Working together
- 2) Public Rights of Way
- 3) Wessex Water advisory
- 4) Environment Agency advice

### **4) Proposed development, Site and Surroundings**

#### **Details of proposal**

- 4.1 This is a full application for the creation of two Integrated Constructed Wetlands (ICWs) on two distinct areas of agricultural land off Langford Lane and Nailsbourne Road, including associated plant, infrastructure, landscaping and on-site redistribution of material arising from the development.
- 4.2 ICWs are shallow marsh-type wetland supporting a broad diversity of wetland plant species, within which phosphorus retention is aided by biological and physicochemical processes. The overall objective for the ICW sites, is to

provide treatment to the existing watercourses adjacent to the sites, with a specific focus on removing phosphates from the waterbody. The new wetlands by design will also provide biodiversity benefits as well as providing additional floodplain storage in some areas.

- 4.3 It should be noted that the application is associated with the Staplegrove Garden Community, in particular Staplegrove West. Forming half of the larger allocation with Outline consent (ref 34/16/0007) for up to 713 dwellings Staplegrove West is required to demonstrate phosphate neutrality in order for the Local Planning Authority (Somerset West and Taunton Council) to grant Reserved Matters applications to facilitate the commencement and ongoing construction of the development.
- 4.4 Whilst this will be explained in more detail later in the report, in short the two ICWs proposed are designed to remove phosphates from watercourses and cover a combined area of 4.26 ha of wetland. The removal of phosphates from watercourses that feed the Somerset Levels and Moors is proposed to counterbalance and mitigate phosphates generated by the Staplegrove West development that would also reach the Somerset Levels and Moors via the Wessex Water wastewater treatment plant.
- 4.5 The proposals have been conceived, designed and assessed in tandem with Natural England.
- 4.6 The ICWs will appear as marshland comprising areas of open water, vegetation, and surrounding pathways to provide access for maintenance. The ICWs consist of a series of leaky dams to help divert flows into the wetlands, an inlet and outlet flow measurement / control arrangement, a number of treatment cells and a series of outfall structures.
- 4.7 Whilst the proposal seeks to provide mitigation for Staplegrove West, this is a standalone application, to be accessed on its own merits with recourse to the relevant national and local planning policy and any material considerations. If approved, there will be a time for subsequent linking of this wetlands application and the phosphate mitigation required to unlock Staplegrove West, via legal agreement, but now is not that time.

#### Site and surroundings

- 4.8 The application sites are located to the north of Taunton, in the valley between Staplegrove and foothills of the Quantocks, to the west of Nailsbourne, a small village just off the classified but un-numbered Taunton Road, leading north out of Taunton towards Kingston St Mary. Both sites are within 1.2kms of the northern boundary of the Staplegrove West development site.
- 4.9 There are two distinct sites, one to the south of Nailsbourne Road and one to the north of Langford Lane, the two lanes run almost in parallel east-west off Taunton Road, towards the A358, through and to the south of Nailsbourne.

- 4.10 The '*Nailsbourne Site*', off Nailsbourne Road, comprises of approximately 21.3 hectares of undeveloped agricultural land, within Kingston St Mary parish but on the boundary with Staplegrove parish. The proposed ICW will be located in the southern portion of the site. Two ordinary watercourses bound the Nailsbourne site to the west and east flowing in a southwest direction. The two watercourses converge at the southwest corner of the site and ultimately discharge into the Back Stream, which is a tributary of the River Tone. The site is currently used for agricultural purposes, predominantly grazing and improved grassland. The excavated material will be deposited across areas within the site that are not proposed for ICW uses. This will mean that no material is proposed to be taken off the site. Access to the Nailsbourne site is proposed to be gained via the existing field access from the southern side of Nailsbourne Road.
- 4.11 The red-line site, comprising several hedged fields, inclusive of trees, lies in open countryside on the periphery of Nailsbourne and in proximity to several isolated properties, notably a cluster of properties at Dodhill. The site is crossed by Public Rights of Way and a network of streams and ditches.
- 4.12 The '*Longfield and Yarde site*', off Langford Lane, comprises approximately 14.3 hectares of undeveloped, agricultural land, within Staplegrove parish. The proposed ICW will be located in the western section of the site. Here the ordinary watercourse runs along the northwest boundary before cutting through the centre of the site flowing in a southeast direction. The watercourse is a tributary of the Back Stream, which ultimately discharges into the River Tone (Main River). The site is currently used for agricultural purposes, predominantly grazing and improved grassland. The excavated material will be deposited across areas within the wider red-line site that are not proposed for ICW use, meaning no material is proposed to be taken off the site. Access to the Longfield Site is proposed to be gained via an existing gated field entrance positioned on the northern side of Langford Lane between Burlands Lodge and Yarde Farm.
- 4.13 The red-line site, comprising several hedged fields, inclusive of trees, lies in open countryside but in proximity to several isolated properties, notably a cluster of properties on Langford Lane. The site is crossed by Public Rights of Way and a network of streams and ditches.
- 4.14 The two sites are located in part in Flood Zone 3b which is classified as functional floodplain and is deemed to be the most at risk land of flooding from rivers. This will be assessed in more detail later in the report.
- 4.15 Neither application site is within a Conservation Area, nor does it contain any Listed Buildings. However, there are a number of listed buildings in the wider vicinity, including Yarde Farmhouse (Grade II\*), Smokey (Grade II) and Slapes (Grade II) all on Langford Lane, Stone House (Grade II), The Old Tannery (Grade II), Deacons (Grade II), Edgeborough Farmhouse (Grade II) all on Edgeborough Lane.
- 4.16 There are no Tree Preservation Orders evident.

- 4.17 As mentioned, several Public Rights of Way cross or pass close to the red-line areas, although none cross the proposed wetland area themselves. These are T24/9, T24/10, T24/11, T15/18, T15/18A, T15/14, T24/6, T24/14, T15/11, T15/19 and T15/17. A long-distance path, Channel to Channel, runs along part of path T24/9 and the West Deane Way runs along part of Langford Lane.
- 4.18 The sites both have an Agricultural Land Classification of grade 3, 1 being the best, and therefore are not classified as representing the best and most versatile land according to the NPPF.
- 4.19 A high pressure (HP) gas main crosses the northern section of the Nailsbourne site in an approximate east to west alignment. An intermediate pressure (IP) gas main is also recorded crossing the east corner of the Nailsbourne site. The locations of both the HP and IP gas mains are such that they will not be affected by the proposals. A water main also crosses the eastern part of the site, the wetlands have been designed so that they do not encroach into the 6m offset from the pipes.

## 5) Planning (and enforcement) history

- 5.1 There is no evident or relevant planning history on the fields subject to this application. Application details given below are for context only.

Reference	Description	Decision	Date
34/16/0007 <i>'The Staplegrove West Outline Consent'</i>	Outline permission (with all matters reserved except for access) for a residential-led, mixed use urban extension to include up to 713 dwellings, 1 ha of employment land comprising use classes B1(a) (up to a maximum of 2500sqm), B1(b), B1(c), B2, B8 together with green infrastructure, landscaping, play areas, sustainable drainage systems (SUDS) and associated works. An internal spine road is proposed to connect the A358 Staplegrove Road and Taunton Road at land at Staplegrove (West), Taunton	Approval	15/04/2019

- 5.2 It is worthwhile recognising the broader picture and the interrelation with the other half of the Staplegrove Garden Community, namely Staplegrove East. This is a separate entity from Staplegrove West with different landowners, a different land promoter and a different planning status. An application for circa 900 dwellings (ref 34/16/0014) was resolved to approve in 2017 but the section 106 planning obligation was not completed. The matter has now been

implicated by the need for the whole site to demonstrate phosphate neutrality and work continues by that party to address that issue.

## **6) Environmental Impact Assessment**

6.1 During the conception and preparation of a planning application a screening opinion was submitted by the applicant and assessed by the Local Planning Authority, as to whether the ICW creation triggered the need for an Environment Statement.

6.2 After consultation with statutory bodies the LPA returned the view that no EIA was required. This decision was reached mindful of the criteria laid out in Schedule 3 of the Regulations, for the following reasons (as quoted in the SCO letter):

1. *The size of the development, in accumulation with other developments is unlikely to be of a character that would create significant environmental impact. The development is unlikely to consume significant natural resources, generate significant waste or to create significant noise, pollution or lead to accidents.*
2. *With regard to the existing land use and location outside any particularly sensitive landscape area, it is unlikely that the development will lead to significant environmental impact.*
3. *The geographical extent of any impact is likely to be limited and local. The probability of significant negative impact is considered to be very low. The impacts will most likely be localised and limited and/or mostly temporary impacts upon flood risk/drainage, landscape and ecology (bats). As such, they are not considered to be complex or beyond mitigation.*

## **7) Habitats Regulations Assessment**

7.1 The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposed access will not increase nutrient loadings at the catchment's waste water treatment works. In fact, the rationale for the project is exactly the opposite. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

7.2 The site lies within the Hestercombe House SAC, relating to bats. The applicant has submitted a shadow HRA. Given the comments of the Council's retained Ecologist and as Competent Authority the Council is satisfied that the proposal will not have a significant effect on the European site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

## **8) Consultation and Representations**

- 8.1 Statutory consultees (the submitted comments are available in full on the Council's website.  
 Date of Consultation: 15 December 2021  
 Date of revised consultation: Due to a mistake in the description referring to Parsonage Lane rather than Nailsbourne Road - 06 January 2022, corrected site notices displayed 16 January 2022. A consultation on amended plans was started 08 August 2022.

It should be noted not all statutory consultees are consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order. All comments on original submission unless otherwise stated.

Statutory consultee	Comments	Officer comments
<p><b>Natural England</b></p>	<p>On amended plans -  <i>“We have no additional comments to make and remain supportive of the scheme”.</i></p> <p>On original plans -  <i>“No Objection - Based on the plans submitted, Natural England considers that the proposed development of wetlands at Longfield and Nailsbourne will not have significant adverse impacts on designated sites and has no objection”.</i>  <i>“Natural England welcomes the wider benefits of wetlands in these locations, especially the projected habitat gains which will support a range of flora and fauna”.</i>  <i>“Intention to provide nutrient mitigation for planned developed at Taunton - The wetlands for which planning permission is being sought are intended to provide nutrient (phosphorus) mitigation for housing development in the same sub-catchment. We support the approach that has been taken in appropriately locating and designing the wetlands in relation to tributaries of the Back Stream that ultimately discharges to the River Tone. Natural England acknowledges the submitted calculations demonstrate that there will be significant removal of phosphorous. We advise that while it is clear that the wetlands will provide mitigation with certainty for initial phases of the housing development and meet HRA requirements, monitoring of the wetlands once they are established will provide real-world phosphorous removal rates and confirm the actual amount of the phosphorous ‘credits’ that the wetlands can provide to mitigate for housing</i></p>	<p>No further action.</p>

	<p><i>development. While it is expected that the removal rate will be higher than anticipated, a precautionary approach means that the possibility of lower than expected removal rates should also be factored in. Please note that HRA will need to be carried out for any housing development for which the wetlands proposed here are intended to provide phosphorus mitigation”.</i></p> <p>Natural England’s further advice is also given on: landscape/ALC/protected species/local Sites and priority habitats and species/ancient woodland, ancient trees and veteran trees/environmental gains/access and recreation/rights of way, access land, coastal access and national trails/biodiversity duty.</p>	
<p><b>Environment Agency</b></p>	<p>On amended plans –</p> <p><i>“Wetlands are classed as Natural Processes. They are a not new technology, there are many examples of its application across the UK. Wetlands encourages infiltration and soil water storage – the roots of floodplain wetland vegetation help water to be delivered to the soil, encouraging infiltration and water storage. Wetlands reduces flood risk, by slowing, storing and filtering water. It complements rather than replaces traditional engineering. They soak up floodwaters to protect homes and businesses. Typically they reduce flood risk for smaller magnitude floods, across small to medium catchment scales. It almost always achieves multiple environmental benefits. Not only are wetlands designed to absorb phosphate, they also absorb huge quantities of carbon dioxide from the air. They also provide vital habitat for rare birds and spaces to enhance our mental health and wellbeing.</i></p> <p><i>In this instance, the wetland is not specifically designed to provide flood benefit, but by its very nature it should improve the flood risk or at the very least have a neutral impact on flood risk”.</i></p> <p>On original plans -</p> <p>Provided the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development...(subject to the inclusion of conditions within the Decision Notice).</p>	<p>Noted, suggested conditions imposed. See Para 12.9 for commentary on the Sequential Test.</p>

<p><b>Lead Local Flood Authority - SCC</b></p>	<p>On amended plans -  <i>“The LLFA is satisfied that the Stantec technical note ref 332310539 TN004 dated May 2022 adequately addresses the previous comments given the EA response on the application. It is noted that, as per the LLFA response of 10<sup>th</sup> June 2022, we understand that any approval will include a suitable pre commencement condition in this regard”.</i></p> <p>On receipt of EA comments –  <i>“Thanks for your email of 26/5/22 and the copy of the EA response. Given the EA’s stance on flood risk, the LLFA would have no further comment on this matter at this stage. Your suggested approach for a pre-commencement condition is acceptable”.</i></p> <p>On original plans –  <i>“The LLFA has the following comments:</i></p> <ol style="list-style-type: none"> <li data-bbox="432 929 1126 1850">1. <i>Impact to flood risk: The previous LLFA comments (11/03/2022) asked that evidence should be submitted to demonstrate that no detrimental impact to flood risk is caused by the development. The Applicant’s response states that “it is not considered that hydraulic modelling of the proposals is necessary at this stage. Instead, an assessment of the scheme based on the design approach, capacity within the channel and impacts on floodplain storage and flow routes is provided.” The principles of the proposal are generally supported. However, given the considerable size of the sites, the various impacted watercourses, and the location in EA Flood Zones 2 and 3, confirmation of consultation and agreement to the proposals with the EA should be provided. The final design should be supported by quantitative evidence (e.g. modelling) to demonstrate on- and off-site impacts for various return periods and climate change scenarios.</i></li> <li data-bbox="432 1854 1126 2016">2. <i>Maintenance: The previous LLFA comments (11/03/2022) asked to review the outline management and maintenance schedule. The Wetland Design Statement has been</i></li> </ol>	<p>Condition imposed.</p>
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	<p><i>updated to include a draft maintenance and management plan. The plan includes a maintenance schedule detailing the regular, occasional, and remedial actions required to ensure the ongoing performance of the proposed ICWs. This is considered appropriate.</i></p> <p><i>Provision of further information in line with the above comments is required before the LLFA can approve the drainage strategy”.</i></p>	
<b>Somerset Drainage Boards Consortium</b>	No comments to make.	Noted.
<b>Highway Authority - SCC</b>	<p>On amended plans -  <i>“The highway authority has reviewed the updated planning application submissions, including the reissued Transport Statement document. A review of the documents has not identified any issue that would supersede the initial highway authority comments made in December 2021. The most significant highway impacts would occur in the construction phase of the development, and the Transport Statement fully reviews the scale of impact that would occur. In particular, it is noted that material will not be removed from the site, and the daily movements will be limited to staff travelling to and from the site. It is considered appropriate that the impacts can be managed through the agreement and implementation of a Construction Traffic (Environmental) Management Plan. It is anticipated that the operation phase of the development would generate very few traffic movements”.</i></p> <p>On original plans -  <i>“The potential impact of the scheme has been considered in the construction and operational phases of the development, and these impacts are reviewed in the sections below. There are also two separate sites, accessed from different roads, so the impact of each is considered individually where necessary.</i>  <i>As a general point, the traffic impact of the proposed scheme needs to be balanced against the continued use of the fields for agricultural purposes, and the highway authority has considered the application on that basis.</i></p>	Noted, no further action required. Suggested condition imposed.

*Depending on the agricultural activity, it is acknowledged that the existing fields have the potential to generate a significant number of heavy vehicle movements throughout the year. Given the proposed change, these movements would no longer occur in the operational phase of the development, although there would clearly be a peak in movements through the construction phase. The proposed wetlands project would also result in the removal of several vehicular access points to fields around the perimeter of the sites.*

*Construction Phase*

*The construction phase of the development will result in the most intensive number of traffic movements associated with the proposed project, and at the beginning and end of the phase there will be a need to move heavy machinery to and from each of the sites. The submitted Transport Statement reviews the access routes to both of the sites. The sites are currently agricultural fields and the proposed access routes would be via country lanes. Each route would run adjacent to residential properties, and the villages of Langford and Nailsbourne would both form part of the access routes. The proposed location of each site access point is shown within the Transport Statement. It is noted that construction vehicles will need to be unloaded on the public highway before travelling into the site. This process clearly needs to be managed and some liaison with the highway authority and local communities will be required, however, it is accepted that the detail can be agreed as part of the Construction Traffic Management Plan. The number of construction workers travelling to and from the sites each day is unlikely to result in any significant impact. There is a need to agree the routing to each of the sites, and this will need to cover the delivery of heavy vehicles and also the daily worker trips. Both routes to the strategic highway network seem obvious, but these routes need to be considered and agreed as part of the Construction Traffic Management Plan. The Transport Statement confirms that no material will be taken from the site as part of the construction process, although a limited number of deliveries would have to be made to the sites by van sized vehicles. It is understood that no*

*deliveries would be needed using heavy good vehicles, however, it is recommended that this is further considered if permission is granted and when a contractor becomes involved. This will need to be reviewed as part of any agreed Construction Traffic Management Plan, and specific traffic management mitigation may be required on each of the routes. The submitted drawings show that existing field access points would be used to gain access to each of the sites. There are no significant concerns relating to this approach, although some temporary traffic management (including advance signs) may be required. This detail should be included as part of the agreed Construction Traffic Management Plan.*

*Operational Phase*

*The Transport Statement confirms that the wetlands will have no public access (other than via any established public right of way), and therefore access to the sites will be limited to any scheduled maintenance visits. The Statement confirms that these would be weekly visits in the first instance, and then once a month after the initial six-month period. There are no highway concerns relating to this number of visits throughout the operational life of the project.*

*Public Rights of Way*

*Impacts It is noted that there are a number of footpath routes that could be affected by the construction phase of the development.*

*Temporary measures will be required to mitigate the impacts and to protect path users. If not already done so, it is requested that the Somerset County Council Public Rights of Way team are directly consulted, and this will enable the necessary processes to be agreed with the applicant and their consultants.*

*Construction Traffic Management Plan*

*Should planning permission be granted, and as noted above, construction access and impact will need to be carefully considered at these locations. The site would be highly sensitive given the surrounding country lanes and residential properties. This would need to be mitigated through the agreement and implementation of a detailed Construction Traffic Management Plan. A suitably worded planning condition is recommended.*

	<p><u>Summary</u>  <i>Having reviewed the submitted planning application scheme, the highway authority has no objection to the proposal. However, it will be necessary to agree the detail of a Construction Traffic (Environmental) Management Plan in advance of any works commencing on site. Should planning permission be granted, the following planning condition is recommended”.</i></p>	
<b>Historic England</b>	<p><i>“On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers. We note that archaeological monitoring has been requested by South West Heritage Trust (12th January 2022). Historic England Science Advisor (South West) can provide support in reviewing of WSI’s for mitigation, covering monitoring of Ground Investigation works through to archaeological trenching and reviewing the results”.</i></p>	Noted, SWT Conservation Officer and SWHT consulted.
<b>Staplegrave Parish Council</b>	<p>On amended plans – See original comments.  Object - Comments from SPC on the original plans are attached at Appendix 2.</p>	See Appendix 2.
<b>Kingston St Mary Parish Council</b>	<p>On amended plans –  <i>“The Parish Council objects to this planning application as the revised documentation does not provide any additional reassurance concerning, flood risk (no modelling of upstream or climate change risk has been undertaken) or funding (although a maintenance and management plan has been provided, no mention of how maintenance of the wetlands will be funded over its lifetime of operation has been provided). Consequently, the Parish Council continues to object to this planning application for the reasons stated above and in its previous representation dated 12 January 2022”.</i></p> <p>Object - Original comments from KSMPC are attached at Appendix 3.</p>	<p>Flood risk is assessed at Para 12.6 onwards</p> <p>See Appendix 3.</p>
<b>Bishops Hull Parish Council</b>	<p>No comments received to date.</p>	

## 8.2 Non-Statutory Consultees

All comments on original submission unless otherwise stated.

Non-Statutory consultee	Comments	Officer comments
<b>SWT Landscape Architect</b>	<p>On amended plans –  <i>“The amendments have addressed earlier concern that the ponds could better fit into the existing landscape patterns and be detailed in a way that is more natural. They now fit well and appear much more natural. There also appears to be more space between the excavation works and the existing boundaries and so the trees and hedges should now be less affected. The Tree Officer will have also looked at this issue and it is recommended that you defer to their opinion.</i></p> <p><i>There does not appear to be any information on boundary fencing other than reference to there being “post and rail fencing to be detailed in the future”. It is positive that there is no security fencing required, however post and wire, rather than post and rail fencing should be used instead. Please ask for this to be amended or for it to be conditioned”.</i></p>	<p>Initial concerns overcome by amended plans; a condition detailing the fencing will be imposed.</p>
<b>SWT Tree Officer</b>	<p>On amended plans –  <i>“The amended scheme is better and the bunds and excavations are now shown to be just outside the RPAs of most of the trees. It is still close, with little margin for error or growth of the trees, but although I’d ideally like to see more space given I think it is broadly acceptable, so long as we have conditions that ensure that the works are carried out very carefully and are fully monitored by their project arborists – details to be included in their Arb Method Statement and Tree Protection Plans which should be required by conditions. The AMS must also include details of any tree management works required and temporary ground protection for construction vehicles where necessary within the construction exclusion zones”.</i></p> <p>On original plans -  <i>“I can confirm that there are no trees protected by TPO or conservation area. However, there are numerous good hedges and hedgerow trees, many of which are category ‘B’ under the BS5837 guidance,</i></p>	<p>Revised plans have overcome previous concerns. Suitable conditions to be imposed.</p>

	<p><i>and there are a good number of category ‘A’ trees, many of which are oaks. I am therefore concerned that some of the wetland areas, and their associated earthworks, are somewhat close to these trees, giving little margin for their future growth or for errors during the construction period. In some areas the mounding of soil is shown right up against the protective fencing – this is likely to result in fencing being moved to enable the build, and result in damage to the tree roots. If the trees were given more clearance in certain areas, could the lost water volume be made up in other areas where there are no trees, such as the open fields to the north in both sites? When the precise layout is agreed, we will need a good Arboricultural Method Statement, and assurance that the works will be thoroughly monitored by the project arborists, as it will state in the AMS. We will also need to see the fencing and any temporary ground protection in situ before works commence”.</i></p>	
<p><b>SCC Ecologist</b></p>	<p>On amended plans –  <i>“The application is located within the catchment of the Somerset Levels and Moors Ramsar site. Further to discussions with Natural England, the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect under The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out. An Ecological Assessment Report of the application site was carried out in between August and September 2021 by Stantec a summary of results include:  <u>Designated sites -</u>  The application site (both wetlands) are within Band C of the Bat Consultation Zone for the Hestercombe House SAC which is designated for its lesser horseshoe bat feature. However, on closer consideration the proposed development is highly unlikely to have an effect on lesser horseshoe bats and therefore I do not propose to carry out a</i></p>	<p>No further action required.  Suggested conditions imposed.</p>

*Habitats Regulations Assessment for the application in relation to the Hestercombe House SAC.*

*Bats* -

*Both sites have foraging value for a variety of bat species and there are several mature trees, mostly within hedgerows, with low potential to support roosting bats at both the Nailsbourne and Longfield site locations.*

*Badgers* -

*Badger activity was identified across the sites.*

*Birds* -

*Suitable nesting habitat associated with the tree and hedges. The report does not reference possibility of ground nesting birds which may utilise the site.*

*Reptiles* -

*A common lizard was observed on the wall along the roadside at the northern end of the Nailsbourne site however the works area within both sites is considered unsuitable for reptiles with limited refuge and foraging opportunities.*

*Dormice* -

*Nailsbourne: Some sections of boundary hedgerow were suitable however these were isolated and hedgerows on the Site did not connect to any off-Site areas of woodland or unmanaged hedgerow networks. Consequently, the hedgerows (and woodland area) on Site were considered largely unsuitable for dormice. Longfield: The intact hedgerows within the Site are considered suitable for dormouse.*

*Otters* -

*The streams within both sites are considered to provide suitable foraging and commuting habitat, no holts were identified during the surveys.*

*Water vole* -

*The majority of aquatic habitats within both sites are considered less favourable but sufficiently connected to the wider landscape. No burrows were identified at the time of the surveys”.*

*Conditions proposed to comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain.*

<b>SWT Conservation Officer</b>	There are no listed buildings located within any of the Scheme Areas. The land use would be altered in the wetlands but the legibility of the land use being the patchwork arrangement of agricultural fields would not be altered. I have no comments to make on archaeology.	Noted, no further action.
<b>SW Heritage Trust</b>	The submitted Historic Environment Desk Based Assessment (HEDBA) concludes that there is potential for archaeological remains to be impacted by this proposal. These remains are likely to be of local significance and will require further investigation and recording. The HEDBA states that a phased approach to investigation should take place involving: Archaeological monitoring of boreholes and any other ground investigation works, archaeological trial trenching and (dependant on results) mitigation involving archaeological watching brief or excavation. For this reason I recommend that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 205).	Noted, no further action required. Suggested condition imposed.
<b>SCC Rights of Way</b>	No objections subject to conditions relating to the crossing of the PROWs. Additional information was provided to detail the depth of excavated material on the PROWs – this results in the need for a for the purposes of the soil spreading and to allow the grass to become established.	Noted, no further action required. Suggested condition and notes imposed.
<b>SWT Environmental Health</b>	No comments received.	No further action.
<b>Health and Safety Executive</b>	No comments received.	No further action.
<b>National Grid</b>	No comments received.	No further action.
<b>Western Power Distribution</b>	No comments received.	No further action.
<b>Wessex Water</b>	<i>"It is noted that the application supports nutrient offsetting to facilitate residential development at Staplegrove. The applicant must contact Wessex Water to agree protection measures relating to the strategic water mains crossing the Nailsbourne site. An extract from our records is attached – the</i>	Noted, no further action required. Suggested informative imposed.

	<i>exact location of these mains must be located on site and plotted on record drawings. There must be no alteration to vertical cover levels without agreement. We would normally also seek a horizontal easement of 6 metres either side of these mains. Any damage to these mains during construction or as a result of these proposals will result in a claim for damages. There are no recorded assets impacted by the proposed scheme at Long Field”.</i>	
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### 8.3 Local representation

8.3.1 This application was publicised by 74 letters of notification to neighbouring properties and 8 site notices were displayed around the periphery of the two sites, at site entrances and on Public Rights of Way.

8.3.2 The consultation resulted in 54 representations, all raising objections or concerns, including multiple representations from some residents, over two consultation periods, the second following amended plans/additional information. Given the number and length of representations received key issues and statements have been extracted and detailed below as representative of the views generally submitted.

Comment - Objection	Officer comment
<b>Principle</b>	
General concern with the quality of the original application and the information it contained or didn't contain.	This point isn't reflected by statutory consultees or shared by the LPA.
Why are the wetlands located here? The wetlands required to support development should be located in Sedgemoor	The wetlands are located approx. 1km north of the Staplegrove West site on a watercourse that eventually flows to the Somerset Levels and Moors. The watercourse contains phosphates, largely from agricultural practices, the removal of which can off-set phosphate released downstream via wastewater treatment plants. This is likely to be one of the first of many wetlands required across Somerset to allow housing whilst not impacting upon the Somerset Levels and Moors. The wetlands will absorb phosphates via filtration, sedimentation and via plant growth.

<p>Do recent government announcements negate the need for these wetlands?</p>	<p>This is unclear as the announcement does not contain a suitable level of information to suggest how individual sites will be addressed. The LPA has not seen the proposed legislation/regulations and there has been no update to the NPPG as yet.</p>
<p><i>“The initiative to construct a wetland has been clearly devised by the developers to circumvent planning requirements”.</i></p>	<p>Circumvent isn't the word the officer would use; 'comply' or 'address' would be more accurate descriptive words to use.</p>
<p>The plan is flawed, what plans have developed to reduce the phosphate in the watercourses in the first place.</p>	<p>The methodology used has been agreed with Natural England.</p>
<p>There are no calculations of how much phosphate is needing to be removed.</p>	<p>This will come as part of the 'link' to the Staplegrove (West) site in the future.</p>
<p>The focus should be on dirty farms and discharging water companies cleaning up their acts. Tackle the issue at source rather than through mitigation and stop discharging untreated sewerage into rivers and seas.</p>	<p>There will likely need to be a multi-faceted approach to halt and reverse the decline in the condition of the Somerset Levels and Moors.</p>
<p><i>“The fields making up the proposed wetlands area are regularly spread with either fertiliser granules, slurry, or both. I can find no mention of a measurement of phosphate in the soil. That could have been measured when the trial pits were dug. The material excavated from the proposed wetlands, along with its phosphates, is then going to be spread around. Will this not increase the phosphate problem over a wider area?”</i></p>	<p>The fields will have a residual phosphate and nutrient load within them from agricultural activity and this proposal will not change that significantly, once reseeded the vast majority of the red-line areas will return to agricultural use and will no doubt be fertilised once more.</p>
<p><i>“The spoil to be spread around will not just be topsoil, but a mixture of silt, clay and gravel (design statement 3.2.5). Won't this mess up the soil structure of the fields on which it is spread, and change the drainage characteristics, especially if it is clay? This will mean more runoff from the affected fields and more surface flooding”.</i></p>	<p>Only the 400mm of topsoil will be spread, the subsoil will be used locally around the wetlands for land modelling. Once reseeded the vast majority of the red-line areas will return to agricultural use and therefore there is no benefit from spreading subsoil on top of existing topsoil.</p>
<p>The proposed wetlands will impact on existing wildlife ponds.</p>	<p>The wetlands will be created out of the dry season and therefore there will be the usual supply of water. The wetlands do not abstract water per se, although there will be likely greater evaporation, but merely divert temporarily and return.</p>

	<p>The removal of phosphates from water is a good thing for wildlife ponds.</p> <p>The status of the wildlife ponds referred to is unknown, do they have planning permission? What is there maintenance regime? Who pays?</p>
<b>Management and Maintenance Responsibilities</b>	
Roles and responsibilities not clear.	Management and Maintenance Responsibilities area addressed at Paras 12.17 onwards.
Kingston St Mary PC should not be left with the cost of maintaining this wetland.	See above.
Who pays?	See above.
<i>“There is also no mention of a compensation fund or indemnity insurance liability scheme to compensate residents should they flood or to compensate them should their house values be adversely affected by this ‘bog’ development”.</i>	<p>To limit the nature and severity of the type of event feared it should be considered -</p> <p>The Environment Agency undertake modelling of watercourses, surface water and fluvial flooding as part of extensive research and publish the best available data for engineers/consultants working on planning applications to use to inform their designs.</p> <p>The design has been undertaken by a local engineering team with local knowledge.</p> <p>Ongoing physical monitoring will ensure that everything is working as it should be.</p>
<b>Flood Risk</b>	
<i>“Extreme weather events are now no longer a 1 in a 100-year occurrence and flooding has recently occurred in the areas surrounding the proposed development. Most recently in July 2021 during a period of sustained rainfall the road between Kingston St Mary and Taunton flooded, a significant amount of water then ran down through Nailsbourne into the proposed wetland area. If the ground were already saturated following the construction of an artificial wetland, it’s capacity to absorb further water associated with extreme weather events of this type will at best be reduced, but crucially the capacity needed to protect existing settlements may be lost entirely. Numerical modelling that</i>	<p>Nailsbourne is within a flood risk area already within a valley with poor soil infiltration. These issues plus climate change affecting weather patterns will more likely heighten the issues raised more than this application will.</p> <p>The wetland will aid the management of surface water; the geology of underlying clay means there is little to no impact on ground water and there are no pathways through the ground from and to the wetlands, except overground.</p>

<p><i>details the predicted magnitude of future weather events for the next 100 years, and evidence of the ability of the current and proposed landscape to dissipate the associated water is not present”.</i></p>	<p>This is why the wetlands will not need lining, as the water cannot naturally soak away. The existing watercourse as a high capacity which will be added to by the wetland. On-site monitoring can regulate flow in peak season.</p>
<p>A rise in the water table will cause flooding.</p>	<p>See above.</p>
<p>The outlets from both wetlands is to areas within Flood Zone 3 (high risk). “What modelling or calculations have been completed to cover flow rates under normal and extreme conditions, including the failure of one or both outlets?” “It is noted from the Longfield and Yarde Site Plan that the inlet channel with integrated control and monitoring and the outlet channel with integrated monitoring are to be designed in detail at a later stage, so the conclusions reached can only be based on assumptions. The water flow through the tunnel under Langford Lane already exceeds its capacity after very heavy rainfall and breaches the road at times. Outlet channel failure from the wetlands would have a significant affect on flow rates downstream. There are properties immediately south of the tunnel under Langford Lane where the watercourse splits in 2 in a weir, before continuing to join Back stream”.</p>	<p>The area is liable to flood already, so the question is whether either wetland proposal makes that existing situation worse. The EA and LLFA say not. The wetland areas will flood and are designed to cope with flood events. The extra capacity created by digging into the ground creates extra capacity in this scenario.</p>
<p>“The flood assessment shows Nailsbourne to be 50-75% susceptible to ground water flooding. The groundwater level at the lower end of the village rises significantly after heavy rains. Houses on the south side of Nailsbourne Road rely on gravitational drainage to offset this, with two pipes draining into the eastern watercourse/ditch referred to above. The gradient is slight, but sufficient to keep water flowing away from the houses. If the water level in the field rises by 20cms, as is proposed, will this interfere with our rights of drainage, potentially leading to flooding and/or damage to houses from rising damp? If this should happen, who is responsible?”</p>	<p>This is due to the poor infiltration of the existing ground. Due to this water held by the wetland will not lead to a rise in the water table and the knock-on effects suggested. The management of surface water generated by residential properties appears to be the issue needing to be addressed.</p>
<p>Nailsbourne is susceptible to flash flooding.</p>	<p>This will be due to the issues discussed above.</p>
<p>“Will the feeder streams also be checked to ensure that water continues to flow to the</p>	<p>This is part of the on-going maintenance requirement for the</p>

<p><i>site? If not then this stream will gradually silt up and the flow will reduce with the stream through Nailsbourne taking more flow and consequently increasing the flood risk in the village”.</i></p>	<p>body managing the wetlands and all landowners were watercourses exist.</p>
<p><i>Sediment removal – “Anyone who lives in the Burlands area will know that silt builds up rapidly especially in times of high rainfall and needs regular dredging for appropriate housekeeping of the water flows. These comments show a lack of understanding of the local area and of waterways in general. There needs to be a formal programme of clearing silt. What is absent from this application is a robust programme of waterways management and how this maintenance programme is to be funded and overseen”.</i></p>	<p>This is part of the on-going maintenance requirement for the body managing the wetlands and all landowners were watercourses exist.</p>
<p><i>“Multiple claims throughout these reports indicate that the construction “is likely” to reduce flooding in the area, however these are not backed up by evidence”.</i></p>	<p>Planning policy requires a planning application to demonstrate that flood risk will not increase. The EA and LLFA have raised no objections.</p>
<p>The maintenance of existing streams and ditches is vital.</p>	<p>Agreed, but that is not unique to this situation.</p>
<p>What happens if the wetlands flood?</p>	<p>The primary aim of phosphate removal may be impacted, the wetlands themselves are resilient to flooding and monitoring will pick up any issues.</p>
<p>What happens if there is no water in the wetland?</p>	<p>The primary aim of phosphate removal may be impacted but wetlands will generally be the last feature in a landscape to dry out and water can be held via the weir boards adjusted via the monitoring regime.</p>
<p><i>“There appears to be a misrepresentation of a drainage ditch close to Hayrig and Westwood as a stream”.</i></p>	<p>There is the need to carry out detailed modelling to satisfy the LLFA and so this matter will be picked up then.</p>
<p><b>Visual Impact</b></p>	
<p>There will be a visual impact during the construction period.</p>	<p>Agreed, short term,</p>
<p><b>Highway impacts</b></p>	
<p>The lanes are at their busiest at the times the construction traffic is expected at the start and end of the day. The lanes are used by a variety of users so a conflict will occur.</p>	<p>Once machinery is delivered to site there will be little need for large vehicles to use the lanes until the job is complete and they are taken away.</p>

Concerns about the physical size of vehicles needing to access gateways.	These gateways are often used for equally large agricultural machines.
<i>“This work will increase the traffic through Nailsbourne. The streams cross under Nailsbourne Road at several points and only a few years ago this road was closed for many months because one of these culverts collapsed. Repairs were costly and done at tax/rate payers expense. What assurance can we be given that should this traffic cause a collapse repairs will be done in a timely manner and not at tax/rate payers expense”.</i>	The Highway Authority was asked whether a ‘Road Condition’ survey was required via condition, but it was not felt to be necessary given the number of movements envisaged.
Car parking?	No public car parking is proposed or necessary and no public access is to be granted. Car parking for contractors will be onsite.
<b>Neighbouring amenity impacts</b>	
There will be noise generated during the 8-12wk construction period.	Addressed in Para 12.33 of this report
There is a risk of mosquitos.	There is likely to be an increase in the number of mosquitos present on site as they breed in shallow open water, however the view of the applicant is that any increases in mosquitos are likely to be very localised to the wetlands themselves as they tend to stay around their breeding location. Mosquitos also provide a valuable food resource to other species such as amphibians and birds such as swallows and swifts. Monitoring and an approach to deal with this can be included in the management plan secured by legal agreement.
<b>Wildlife and Plant Life (Biodiversity)</b>	
<i>“This land is the highest grade agricultural land closest to Taunton required for our food security needs in the face of Net Zero. It runs counter to Taunton's claim to be a transition town and green credentials. If we are serious about nature conservation and the enhancement of the natural and environment and biodiversity it is necessary to create wildlife corridors and connections between our AONBs and SSSIs. Where is there any understanding of this need”.</i>	Neither site is classified as best and most versatile according to the NPPF, however the general point of food production is noted. The management of surface water, carbon storage and biodiversity enhancement which this scheme achieves are objectives set out by the Taunton Garden Town and Climate Change policies.
Has SWT, WWT or RSPB been consulted?	A verbal discussion took place with SWT, advice was given to enhance

	biodiversity, WWT were emailed for advice but there has been no response and no consultation has taken place with RSPB.
Has wildlife been encouraged all it can?	The development of wetland s in itself brings benefits and this has been added to by further interventions like bird boxes and hibernacula.
Will existing wildlife be impacted?	There is inevitably some impact through the disturbance caused by the construction works but following that the general view is that there are only benefits.
Otter and Water Voles have been seen in the area.	Noted.
Will invasive species such as Himalayan Balsam be manged in the feeder streams?	There is a responsibility on all landowners to do this.
<b>Trees</b>	
Why has group G4 already been cut down?	Trees in open countryside have limited legal protection, where planning applications involve development near trees then appropriate fencing is conditioned.
<b>Footpaths</b>	
Footpaths will be affected.	This is correct, short term, the comments from SCC PROW Team are noted.

8.3.3 There were no letters of support received.

## 9) Relevant planning policies and guidance

9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

9.2 Planning (Listed Buildings and Conservation Areas) Act 1990 sections 66 and 72 are relevant in order to assess the impact on heritage assets.

- 9.3 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.
- 9.4 Relevant policies of the Development Plan in the assessment of this application are listed below.

Core Strategy 2012

SD1 - Presumption in Favour of Sustainable Development  
CP1 - Climate Change  
CP7 - Infrastructure  
CP8 - Environment  
DM1 - General Requirements  
DM2 - Development in the Countryside  
DM5 - Use of Resources and Sustainable Design

Site Allocations and Development Management Plan 2016

ENV1 – Protection of trees, woodland, orchards and hedgerows  
ENV2 – Tree Planting within new developments  
ENV4 – Archaeology  
ENV5 – Development in the vicinity of rivers and canals

Relevant Supplementary Planning Documents

None are applicable.

Other relevant policy documents

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency

Neighbourhood Plans

There is no made Neighbourhood Plan for either Staplegrove or Kingston St Mary parish areas.

The National Planning Policy Framework

The revised National Planning Policy Framework (NPPF), last update July 2021 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development
3. Decision-making
11. Making effective use of land
14. Meeting the challenge of climate change, flooding and coastal change

- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

## **10. Conclusion on Development Plan**

- 10.1 To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the Development Plan as a whole. This needs to be done even if Development Plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.
- 10.4 This application and the assessment of it is not an opportunity to reopen an assessment of the merits of the Staplegrove (West) development. As a standalone development this application should be judged on its own merits and considered as if it was to be implemented without any association with the Garden Community.
- 10.5 This report assesses the material considerations and representations before reaching a conclusion on adherence with the Development Plan as a whole.

## **11) Local Finance Considerations**

### Community Infrastructure Levy

The application is for a development type where the Community Infrastructure Levy (CIL) is not charged. As such there would not be a CIL receipt for this development.

## **12) Material Planning Considerations**

- 12.1 The main planning issues relevant in the assessment of this application are as follows:
  - The principle of development
  - Flooding and Drainage
  - Landscape
  - Ecology
  - Transport and Highways
  - Impact on Residential Properties
  - Heritage and Archaeology
  - Public Access

### Principle of Development

- 12.2 At its centre this is a nature based low impact development which achieves multiple benefits. It has been fully acknowledged in this report that there is a

wider context, a primary aim (phosphate stripping), which means this is not a philanthropic development by a landowner for the benefit of ecology and flood risk alone. Nonetheless, as consequences of the primary aim, they are not to be underestimated in the planning balance.

- 12.3 Delivering the Staplegrove West development is a corporate priority and given the well-known issue with the status of the Somerset Levels and Moors Ramsar it is generally accepted that the creation of wetland will inevitably form part of the wider response to reverse the documented decline and to also unlock housing and the knock-on benefits of delivering the growth set out in the local plan. As such the wider context could be considered material to this determination. However, initially the proposal, in itself, should be assessed against national and local policy to ascertain compliance before any material consideration dictates any different conclusion should be reached. To do this the issues identified at para 12.1 will be considered hereon.
- 12.4 The relevant local plan policies have been set out at para 9.4. Policies relating to the environment (landscape, trees, ecology) and flood risk feature prominently. National guidance in the NPPF covers heritage specifically, but also flood risk and the environment.
- 12.5 Local plan policies are often written as a one size fits all, typically seeking to cover the impacts of built development, housing, commercial, leisure and transport developments. The development of a wetland, in effect the excavation of a profiled hole, or two, in the ground, whilst falling into the definition of development, obviously does not create the same issues as the other development types mentioned. Some policies will not 'fit' the development being assessed whilst others require their intentions need to be interpreted for the development before us. Policy CP8 is one example of this, assessed under Landscape, to follow. DM2 seeks to manage development in the open countryside but this application is considered wholly consistent with a countryside location. DM5 seeks to minimise the energy requirements of construction which fits the intention here to reuse excavated materials on site and therefore minimise waste to be taken off-site. There is no specific policy that conflicts with the principle of what is being proposed here.

#### Flooding and Drainage

- 12.6 Policy CP8 understandably seeks to manage development in flood zones, but the development of a wetland is compatible with the flood risk designations in this area. The situation would of course be different if a building was proposed.
- 12.7 The perceived additional flood risk from this development is a universally felt concern locally. From the outset it should be noted from the Statutory

Consultation carried out the Environment Agency (EA) and Lead Local Flood Authority (LLFA) raises no objection to determining this application positively.

- 12.8 In the case of the LLFA the support/no objection stance is contingent on detailed quantitative evidence through hydraulic modelling which will be secured via condition.
- 12.9 The EA state the Sequential Test (as set out in the NPPF) must be applied. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. Of course this makes sense if you were assessing residential uses (vulnerable) in a high risk area, but in this case you have a use of low vulnerability which is stated as water-compatible in all flood zones meaning the sequential and exception tests are not required.
- 12.10 The Flood Risk Assessment (FRA) also points out that there will be no increase in ground levels within the flood zones, therefore the development will not result in any loss in floodplain storage; any flood water will be controlled by the wetland inflow and outflow structures; and no access will be required during flood events as the development is water compatible with only occasional maintenance access required.
- 12.11 Other safeguards beyond the planning process that local people can take comfort in is the fact proposed works in, over, under or near a Main River or in a floodplain require a 'Flood Risk Activity Permit' (FRAP) application to be made to the EA (this replaced the previous 'Flood Defence Consent' (FDC) procedure). Activities on, in or near an ordinary watercourse would require a Land Drainage Consent (LDC) made to the Lead Local Flood Authority. This is required to demonstrate any works do not have a detrimental impact on flood risk.
- 12.12 Specific concerns expressed by local people have been addressed in the representations section of this report. Concerns regarding the water table, whilst understood, are not considered to warrant refusal of the application due to the local geology (impermeable clay) and the management of surface water versus groundwater.
- 12.13 The existence of high-risk flood zones in the area illustrate the liability to flood already, so the question is whether either wetland proposal makes that existing situation worse. The EA and LLFA comments suggest not.
- 12.14 The wetland areas will flood and are designed to cope with flood events. The extra capacity created by digging into the ground creates extra capacity in this scenario.

- 12.15 The Environment Agency undertake modelling of watercourses, surface water and fluvial flooding as part of extensive research and publish the best available data for engineers/consultants working on planning applications to use to inform their designs. As has been mentioned a specific condition for further detailed hydraulic modelling provides all the safeguard the planning system can provide at this point in time.
- 12.16 It is considered the proposal complies with the National Planning Policy Framework (NPPF) and local planning policy with respect to flood risk and is an appropriate development at this location.

#### Process, Roles and Responsibilities

- 12.17 This matter has attracted significant comment and revolves around three main questions – who has the ultimate responsibility to maintain the wetlands, who pays for the ongoing maintenance and what is the maintenance that needs to take place?
- Question 1 - who has the ultimate responsibility to maintain the wetlands? This lies with the registered landowner. All landowners (riparian owners) have an obligation to maintain watercourses which include rivers, streams, ditches and culverts, this is by letting water flow naturally. This may include removing blockages, fallen trees or overhanging branches or cutting back trees and shrubs on the bank if they could reduce the flow or cause flooding to other landowners' property. Incidents of flooding, blockages which could cause flooding to main rivers, pollution, unusual changes in the flow of water and collapsed or badly damaged banks should be reported to the EA (owning a watercourse - Gov.uk). An intervention such as is proposed here requires planning permission and consultation with the EA and LLFA. In this case the surrounding area will continue to be farmed and watercourses will be maintained as usual, whilst the landowner will employ a specialist management company to maintain the wetland. This is no different that attenuation basins in residential developments that regulate and manage surface water. The local community wishes to receive further assurances regarding the legal stability of the management regime, but the reassurances required extend beyond that reasonably required through the planning process. The Council could play a role, but currently isn't adopting new assets in the form of public open space, attenuation basins or areas of woodland. Other Stewardship options are being explored by the Council, looking at the matter of green spaces and community assets more generally but the recommendations from that works are not known at this time, as such private management is the only option. A S106 planning obligation will require details of the specific management body to be agreed prior to the commencement of works. The aspiration on the part of the LPA is that the constitution will afford a (large) part to be played by the residents of the Staplegrove development. It is also very likely the same management regime will exist for the Staplegrove (West) site.
  - Question 2 - who pays for the ongoing maintenance? As the application stands at present this falls to the landowner, given the responsibilities set out above. However, the requirement for this development is driven by the

need to provide phosphate neutrality for the Staplegrove (West) development. As such the costs of ongoing maintenance, via a management company, will be covered by a charge to new properties within the Staplegrove (West) development. This long-term funding model will only change if the SWT work on Stewardship elicits a different funding model. The initial construction and set-up costs plus initial management, until there are sufficient new properties to pay, will rest with the landowner/developer.

There is a concern locally that a management company or landowning company may 'go bust' or get wound up, leaving the responsibility for maintenance unclear or with a Parish Council. Given the linkage to the Staplegrove (West) development and the necessity for each household/commercial property to pay for maintenance it is considered the eventuality feared locally is difficult to see occurring. It is worth noting that at present all POS, attenuation basins, play areas and the community hall to be provided at Staplegrove will also likely be managed by the same Management Company in all likelihood, and so the default concern is actually a much wider issue at Staplegrove and in the town more widely than just this wetland proposal.

Gaining planning approval for the wetland is effectively Phase 1. Phase 2 is the formal submission of this wetland as phosphate mitigation to the Staplegrove (West) development in order to unlock housing on that site. As such, work on the wetland will not start until that linkage is made legally, otherwise the wetlands will not proceed as there will be no need for them. At this point the costs of maintenance and the future legal undertaking for paying for such will be established. The LPA has made it clear to the applicant that by approving this application it is not prejudging that later set of different considerations to those relevant in this determination, including the funding model and how much of the site will be unlocked and under what phasing regime. Clearly the applicant has received certain assurances on the phosphate removal methodology from Natural England to get to this stage with the reasonable prospect of unlocking, in time, the whole Staplegrove (West) site. Whilst calculations are given, this application, in itself, will not agree the phosphate removal rate, that will follow later when the case is made to use the wetland to mitigate the housing development.

- Question 3 - what is the maintenance that needs to take place? The nature of wetland environments is such that little day-to-day management is required. The revised submission includes a table of recognised tasks that will need undertaking periodically by the Management Company. A planning obligation will require a more detailed management plan.

12.18 Overall, the provisions within the application and those achievable by condition will ensure appropriate management and maintenance of the wetland.

### Landscape

- 12.19 The assessment of the impact of this development from a landscape perspective starts with understanding the baseline, the context and use of the current sites. As a farmed, managed and man-made landscape the sites present a typical countryside scene, of improved grassland, large field patterns, hedged and trees boundaries with a grazing dairy herd of cattle.
- 12.20 Through more modern agricultural practices, the management of water has largely comprised drainage systems to shed water from fields, so the creation of a wetland is and apparent contradiction but perhaps the reinstatement of a water management system long since eradicated. It is considered the construction of a wetland in the locations proposed will pose little negative impact, a change in character perhaps but a positive change instead adding interest in the landscape, once the impact of the construction period has passed and the fields are reseeded and the proposed planting establishes. Existing boundaries are to be respected and reinforced in places and significantly more landscaping is proposed. As such it is felt Policy DM1 is met.
- 12.21 Policy CP8 also sets out criteria to be met for development outside of settlement boundaries. Development in such areas will be strictly controlled in order to conserve the environmental assets and open character. As stated at Para 12.5, some policies do not fit the development type being proposed, however it is considered the proposal fulfils the criteria laid out insofar as
- The proposal is considered to be in accordance with national, regional and local policies for development within rural areas (including those for protected Natura 2000 and Ramsar sites)
  - It is appropriate in terms of scale, siting and design;
  - It protects, conserves or enhances landscape character whilst maintaining green wedges and open breaks between settlements;
  - It protects, conserves or enhances the interests of natural and historic assets (for historic assets see Para 12.39 onwards);
  - It will not exacerbate, and where possible improve the quality, quantity and availability of the water resource, reduce flood risk (fluvial and surface water);
  - It will protect habitats and species, including those listed in UK and Local Biodiversity Action Plans, and conserve and expand the biodiversity of the Plan Area (see the following Ecology section); and
  - It does provide for any necessary mitigation measures (see the following Ecology section).
- 12.22 Policy ENV1 seeks to minimise impact on trees and hedgerows and seek to provide net gain where possible. Policy ENV2 encourages the planting of trees within new developments. The application is seen to positively respond to both policies, insofar as amendments have been sought to further protect those trees and hedgerows that will be in close proximity to excavations and the depositing of soil, whilst new planting is also proposed.

## Ecology

- 12.23 Policy DM1 seeks to ensure proposals will not lead to harm to protected wildlife species or their habitats. Natural England also refer to their Standing advice on Protected Species. The standing advice details when surveys may be required and how LPAs should agree avoidance, mitigation or compensation measures. In this case the application is accompanied by a wildlife survey which has been assessed by the Councils' retained Ecologist. No issues have been raised and conditions have been suggested to avoid harm and indeed seek enhancement. Whilst the primary driver for this proposal is not biodiversity enhancement it is a very welcome by-product which has been further embellished during the course of the application.
- 12.24 A wetland planting palette has been designed. This planting palette represents a mix of wildflower meadow, wetland and wet woodland planting to create a biodiverse ICW and improve the ecological value of the sites. The main species of interest in and around the areas of the scheme include Lesser Horseshoe bats that use parts of the site for foraging. Hedgerows and mature trees in and around the site are important as foraging habitat for bats, while Lesser Horseshoe bats also forage over pastureland. The site also supports a variety of bird species.
- 12.25 The comments of the Council's retained Ecologist also covers the assessment of development within the Bat Consultation Zone relating to Hestercombe House and the need for a Habitats Regulation 'test of significance', as referred to in Policy CP8. This is further set out at Para 7.2.
- 12.26 The Council's Interim Guidance Statement on Planning for the Climate Emergency published in February 2021 questions, via an embedded checklist, whether the development responds to the ecological emergency by protecting and enhancing ecology, whether it acts as a carbon store, whether it uses sustainable materials and whether it mitigates flood risk. Whilst the guidance, and questions, were not written specifically with his development type in mind it is considered the proposal is positive on all of these aspects and this is further ratified by the comments of the EA.

#### Transport and Highways

- 12.27 The transport considerations largely revolve around the construction period. The number of movements post-construction are negligible and will be indistinguishable from the day-to-day movements associated with the continued agricultural use of the field.
- 12.28 There is no doubt the construction period will bring rise to increased movements by larger vehicles, however this is tempered by the fact all excavations will be retained and redistributed across adjacent land so no HGVs will be required for 'muck-away' trips. People in the locality will be accustomed to seeing and negotiating with large agricultural machinery on local roads but the specific management of the delivery and removal of excavating machinery will be important.

- 12.29 Paragraph 111 of the National Policy Framework states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”, and it is considered this proposal, in terms of the two individual sites or collectively would reach that trigger.
- 12.30 The Highway Authority has suggested a condition to secure a Construction Environmental Management Plan (CEMP). Many representations seek that this document is produced up-front by the applicant to be assessed by local residents. Typically, CEMPs are secured via condition because the body suggesting the condition, in this case the Highway Authority, is reasonably assured that there are no ‘show-stoppers’ in complying with the reasonable requirements post approval to mitigate impacts. The Highway Authority also has not said that the local lanes are totally inappropriate for construction traffic. There has been no compelling argument to suggest such information is vital to the determination of the application, or without it the application is refusible.
- 12.31 Concerns have been expressed regarding the current condition of local lanes and how this may be impacted by construction traffic. The Highway Authority does on occasion seek a ‘Road Condition Survey’ but in this case deem it not necessary given the one-off delivery and collection of heavy earth moving equipment, the lack of HGVs to remove spoil, and the fact other agricultural/delivery vehicles would continue to use the same routes throughout the construction phase, so it would appear to be impossible to assign any damage to specific vehicles.

#### Impact to Adjacent Residential Properties

- 12.32 In this regard the principle issue relates to any impacts during the construction phase. When operating as a Wetland there are few operational issues envisaged save for a local concern relating to mosquitoes which can be covered in the management plan.
- 12.33 Some noise is highly likely from the delivery, operation and collection of heavy earth moving equipment during the construction period. One very important point is to understand this is a working landscape and as such the operation and movement of agricultural machinery is commonplace (and occurs without planning control). As such this assessment has been made against that context.
- 12.34 Policy DM1 outlines that potential noise pollution which could adversely impact amenity of residents or occupants of a site should be appropriately dealt with.
- 12.35 Only one property is within 250m of the excavation area of either wetland (Higher Yarde Farm is within 180m of the Longfield and Yarde site). Of course, a number of properties are much closer to the fields where arisings will be deposited but the sphere of impact dissipates as you move away from the excavated areas.

- 12.36 The anticipated time scale for the works is 8-12 weeks and a Construction Environmental Management Plan (CEMP) will be requested by condition.
- 12.37 The CEMP advocated by the Highway Authority will be imposed but its enforcement is somewhat complicated by the fact this is a working farm and therefore there will be at times activity that is associated with that which may cause harm and will not be 'caught' by the CEMP. Working hours, vehicle routes and task assignment may become hard to differentiate and lead to a challenge to provide suitable enforcement capacity to police. The mitigation to this concern is that the landowner is a local family who farm the land so they are visible and accountable in the community and much also depends on the tolerance of local residents and the dialogue between all parties and the contractors. The CEMP condition also requires a communication strategy and point of contact for site operations that can be circulated to report and quell any issues being experienced.
- 12.38 It is considered given the nature of the proposal that potential air pollution, water pollution, noise, dust, lighting, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not unacceptably harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment will not occur.

#### Heritage and Archaeology

- 12.39 The General Duty on the LPA in its exercise of planning functions with respect to listed buildings is set out under s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In the case of s66 the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and in the case of s72 a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings. Paragraphs 189-208 of the NPPF set out the policy guidance for the enhancement and conservation of the historic environment. Neither application site is within a Conservation Area, nor does it contain any Listed Buildings. However, there are a number of listed buildings in the wider vicinity, including Yarde Farmhouse (Grade II\*), Smokey (Grade II) and Slapes (Grade II) all on Langford Lane, Stone House (Grade II), The Old Tannery (Grade II), Deacons (Grade II), Edgeborough Farmhouse (Grade II) all on Edgeborough Lane. In this case the main consideration is regarding the setting of those assets. Given the nature of the proposal, the wider farmed landscape and intervisibility these heritage assets are unlikely to be adversely impacted by the proposal.
- 12.40 This view has been reached mindful of the Historic England's advice contained in 'The Setting of Heritage Assets' (2017). The heritage asset in closest proximity is the Grade II\* Yarde Farmhouse. As a Grade II\* building, the protection of its setting is afforded great weight. This dwelling sits within a farm complex of traditional and modern steel portal framed agricultural

buildings and lies circa 250m due south from the Longfield wetland. Its front elevation faces southeast, away from the development site. The farmhouse and wider historic complex sit as a traditional farmstead in open countryside within a landscape that creates a setting to that farmstead of varied field patterns bound by hedgerows, interspersed with trees. The effect of the proposed development on that setting is at worst neutral, arguably beneficial, with a temporary impact of the construction works and excavations which will reduce over time as planting establishes.

- 12.41 With respect to archaeology, the sites have some potential and so a Written Scheme of Investigation (WSI) has been requested. A condition refers to its implementation. SADMP policy ENV4 is relevant.

#### Public Access

- 12.42 Policy ENV5 refers to improving public access and views of development in the vicinity of rivers, streams and canals, whilst ensuring protection from the physical impacts of development. Although this proposal is technically 'development in the vicinity of a stream' the policy is largely written to cater for residential and commercial development adjacent to waterways in built-up areas that could provide a strategic function.
- 12.43 The position of the applicant in this case is very clear, there is to be no public access over and above that already available over the application sites via Public Rights of Way. The non-wetland land will revert and remain in agricultural use once the arisings have been deposited and integrated. As such aspects associated with public use (parking disturbance-to residents and wildlife, ancillary infrastructure) have not been assessed as part of this application.

### **13) Planning Balance and Conclusion**

- 13.1 The creation of integrated constructed wetlands to provide phosphate mitigation is one answer to the apparent environmental issues being experienced at the Somerset Levels and Moors, whilst allowing the development industry in Somerset to continue in some form.
- 13.2 Irrespective of the linkage to a specific development site and the science and calculations being phosphate mitigation the proposal will deliver other worthwhile benefits in the form of biodiversity enhancement and carbon capture.
- 13.3 The application has had extensive input from Natural England and is considered a good design.
- 13.4 Whilst there is the need for a further legal linkage to the Staplegrove (West) development which will happen in time, each planning application should be treated on its merits and on the balance of considerations having regard to the Development Plan, the weight that can be given to it, and all material considerations including national policy.

- 13.5 The recorded concerns and objections have been replicated, explained, and assessed in this report, balanced against a series of material considerations.
- 13.6 This application represents the first of what will likely be a number of wetland proposals across the district and county promoted by public bodies and private developers to unlock housing. These will very likely raise the same issues that are evident in this case.
- 13.7 It is considered that the application accords with the Development Plan when taken as a whole, with any residual concerns able to be mitigated by condition or via the suggested s106. For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to the stated conditions set out in full in Appendix 1 and the prior signing of a legal agreement.
- 13.8 In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

#### **Appendix 1 – Planning conditions and Informatives**

#### **Appendix 2 – Staplegrove PC consultation response**

#### **Appendix 3 – Kingston St Mary PC consultation response**

1. The development hereby permitted shall be begun within three years of the date of this permission.  
Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the plans and documents as set out on the Origin3 Drawing Schedule ref 21-056 received 06 September 2022.  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Prior to the commencement of works details of the final construction design supported by quantitative evidence (hydraulic modelling) of the proposal to demonstrate on- and off-site impacts for various return periods and climate change scenarios shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereon be carried out in accordance with the approved details.  
Reason: To demonstrate that no detrimental impact to flood risk is caused by the development given the considerable size of the sites, the various impacted watercourses, and the location in EA Flood Zones 2 and 3 to accord with the aims and objectives of the National Planning Policy Framework.

4. Prior to the commencement of any works an Arboricultural Method Statement (AMS), in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall include tree protection measures and details of any tree management works required and temporary ground protection for construction vehicles where necessary within the construction exclusion zones. The agreed AMS and tree protection measures shall be fully implemented prior to the commencement of any works and maintained throughout the construction phase.  
Reason: To safeguard tree and hedgerows in accordance with Policy ENV 1 of the SADMP.
5. The landscaping of the development hereby approved shall follow that set out on the approved General Arrangement – Landscape Proposals set out in Condition 2 above.  
The proposed hedgerow at the Nailsbourne site shown on Drawing No 332310539/004 Rev E (Nailsbourne Integrated Constructed Wetland-Site Plan) shall be planted during the next available planning season after the cessation of the ground works or within 2 planting seasons from the commencement of works whichever is sooner. The specification of the hedgerow shall have first been submitted to and approved in writing by the Local Planning Authority and shall be inclusive of several trees. Where the landscaping scheme allows additional hedgerow shall be planted up with native species between the re-instated agricultural grassland and the proposed meadow buffers. The hedgerow shall be coppiced and laid on reaching maturity and cut on a 3-year rotation thereafter.  
Any trees, shrubs or plants that cease to grow, die, or are otherwise lost shall be replaced with exact replacements unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that the proposed development benefits are realised in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.
6. Notwithstanding the approved plan ref 332310539/004/003 RevE and 332310539/004 Rev E details of the boundary fencing shall be submitted to and agreed in writing by the Local Planning Authority prior to installation.  
Reason: In the interests of visual amenity.
7. In accordance with the specification set out in the Ecological Assessment Report, Stantec, Rev A, 22/11/2021 the following will be incorporated into the proposal with photographs of the installed features submitted to the Local Planning Authority on completion; installation to take place in accordance with a timescale agreed in writing with the Local Planning Authority prior to commencement of development):
  - a) Provision of 6x bird boxes per wetland area to be installed on retained trees at the boundary and maintained thereafter (5 x 1B Schwegler Nest Box and 1 x Barn Owl Nest Box for a Tree)
  - b) 2x reptile and amphibian hibernacula will be created in the retained grassland per wetland and maintained thereafter.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

8. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP-(Biodiversity)) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to biodiversity on site, including habitats (trees, hedgerows and watercourses, including pollution prevention measures) and protected species (amphibians, badgers, bats, birds, reptiles otters and water vole), followed by appropriate mitigation, as required.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Taunton Deane Core Strategy 2011-2028: Policy CP8 Environment.

9. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP (Biodiversity) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, in line with a timescale to be first submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered and that protected/priority species and habitats are safeguarded in accordance with the CEMP and Taunton Deane Core Strategy 2011-2028: Policy CP8 Environment.

10. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the

commencement of the development. The content of the LEMP shall include the following:

- 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 organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

11. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Stantec Project Ref: 332310539/Rev C/Date December 2021 and the mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented and maintain in perpetuity.  
Reason: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.
12. Details of the inlet and outlet channels with integrated control and monitoring shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The agreed details shall thereafter be implemented prior to first use and maintained in perpetuity.  
Reason: In the interests of visual amenity and to ensure the development is adequately monitored to prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.
13. Spoil from the proposed wetland areas shall be deposited in Flood Zone 1 as per the submitted Flood Risk Assessment and attached Flood Risk Parameter Plans. There shall be no deposition of arisings in Flood Zones 2/3 except where detailed on the submitted plans/drawings.

Reason: To preserve floodplain storage capacity and prevent increases in flood risk elsewhere to accord with the aims and objectives of the National Planning Policy Framework.

14. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (Construction) has been submitted to and approved in writing by the local planning authority. In discharging this condition the following information shall be supplied:
- a) The specific start and expected completion dates;
  - b) Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of that phase or sub phase;
  - c) Construction vehicle routes to and from site including any off-site routes for the disposal of excavated material;
  - d) Construction delivery hours;
  - e) Expected number of construction vehicles per day;
  - f) Car parking for contractors;
  - g) A scheme to encourage the use of Public Transport amongst contractors;
  - h) Measures to avoid traffic congestion impacting upon the Strategic Road network.
  - i) Details of all bunds, fences and other physical protective measures to be placed on the site including the time periods for placing and retaining such measures;
  - j) The control and removal of spoil and wastes;
  - k) Measures to prevent the pollution of surface and ground water arising from the storage of plant and materials and other construction activities;
  - l) The proposed hours of operation of construction activities;
  - m) The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;
  - n) Sound attenuation measures incorporated to reduce noise at source;
  - o) Details of measures to be taken to reduce the generation of dust;
  - p) Communications strategy including details of the site manager/point of contact for local residents/Parish Council's during the construction period;
  - q) Any other measures to maintain the amenity of adjacent neighbours; and
  - r) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.

The agreed CEMP (Construction) shall thereafter be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to protect the amenities of nearby properties during the construction of the development and to protect the natural and water environment from pollution in accordance with National Planning Policy Framework and Policies CP8 and DM1 of the Taunton Deane Core Strategy.

15. To prevent pollution during construction a scheme for the prevention of pollution should be submitted to and approved by the Local Planning Authority. The scheme should include details of the following:
- a) Site security.
  - b) Fuel oil storage, bunding, delivery and use.

- c) How both minor and major spillage will be dealt with.
- d) Containment of silt/soil contaminated run-off.
- e) Disposal of contaminated drainage, including water pumped from excavations.
- f) Site induction for workforce highlighting pollution prevention and awareness.
- g) Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

The agreed scheme should be implemented throughout the construction period.

Reason: To prevent pollution to the water environment to accord with the aims and objectives of the National Planning Policy Framework.

16. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: The site has been identified as of possible archaeological interest and therefore as requiring further archaeological investigation in accordance with section 12 of the National Planning Policy Framework and policy CP8 of the adopted Taunton Deane Core Strategy.

17. No development hereby approved which shall interfere with or compromise the use of the public rights of way shall take place until details of the location and treatments of the construction traffic crossing points over the PROWs have been made available to the satisfaction of the Local Planning Authority.  
Reason: To ensure the use of PROWs is not compromised during the course of the development.

#### Notes

1. In accordance with the National Planning Policy Framework the Council has worked in a constructive and pro-active way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.
2. The comments of the SCC Rights of Way Team, dated 02/02/2022, should be reviewed. The SCC Rights of Way Team should be contacted regarding a temporary path closure and for surfacing authorisation prior to any works commencing (email [scresswell@somerset.gov.uk](mailto:scresswell@somerset.gov.uk)).  
Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

3. The applicant is advised to contact Wessex Water prior to any works commencing to agree protection measures relating to the strategic water mains crossing the Nailsbourne site.
4. The applicant is advised to take note of the following advice and informative from the Environment Agency:
  - a) The above proposal falls within Flood Zones 3, 2 and 1 which are areas with a high, medium and low probability of flooding.
  - b) There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches. If the applicant intends to fill and/or maintain a proposed wetland with water from a surface source e.g. a stream or from underground strata (via borehole or well) then they are likely to need an abstraction licence. There is no guarantee that a licence will be granted. A licence is not required if they intend to excavate and allow the lakes to fill naturally to existing groundwater levels.
  - c) If the applicant intends to impound a watercourse then they are likely to need an impounding licence from the Environment Agency. An impoundment is any dam, weir or other structure that can raise the water level of a water body above its natural level. 'Online' impoundments hold back water in rivers, stream, wetlands and estuaries, and consequently affect downstream flows, sediment transport and migration of fish.
  - d) Advice on the need for an abstraction licence and flow levels should be requested via a pre-application consultation to the EA National Permitting Service via or Tel 03708 505506.
  - e) Any work should be done in a Water Framework Directive (WFD) compliant manner. A WFD Assessment may be required.
  - f) General guidance on undertaking a WFD assessment is available via the EA website which describes where you can find some of the End 3 required supporting information:  
<https://www.gov.uk/government/publications/water-framework-directive-how-to-assess-the-risk-of-your-activity>
  - g) Should the proposal provide for the importing, exporting or use on site of any waste materials, then this development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, unless a waste exemption applies. The applicant is advised to contact our National Permitting Team on 03708 506506 to discuss the issues likely to be raised. Natural England should be consulted to ensure their interests are not affected by this proposal.
  - h) It must be noted that any works in proximity of a watercourse other than a main river, may be subject to the regulatory requirements of the Lead Local Flood Authority/Internal Drainage Board.

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14 January 2022

### STAPLEGROVE PARISH COUNCIL

### PLANNING APPLICATION 34/21/0017

### WETLANDS AT LONGFIELD, YARDE AND NAILSBOURNE

## Staplegrove PC oppose this application.

### Presentation of Application

- 1) At first sight this application suggests a scheme for removal of phosphorus (phosphates) from water courses in the north of Staplegrove Parish and also in KSM parish. It is presented as a one-off stand-alone application and does not give any reason why phosphate needs to be removed and specifically does not mention any linkage with any other planning application.
- 2) Staplegrove PC has held several ZOOM meetings with the Planning Officer, Origins 3, Stantec and other interested parties where it has openly been stated that this wetland scheme is the key to “unlocking “ and “progressing” another application namely 34/19/0036 - Redrow’s application for 173 houses at Staplegrove West. There is a clear linkage between the two schemes but this is not stated in either application.
- 3) The linkage is that removal of phosphates upstream will compensate for the additional phosphate loading caused by the a new Redrow development. i.e. local neutrality. This is the real reason for the scheme and is not mentioned in either application.
- 4) The wetland scheme would not have arisen but for the previous housing application. Hence 34/21/0017 and 34/19/0036 are clearly linked.
- 5) 34/19/0036 deals with the reserved matters in Redrow’s application and correctly covers such matters as sewerage, storm water provision. SUDS etc. It deals with disposal and /or amelioration of on site pollutants.
- 6) There is clear linkage between these two schemes. The phosphate produced by the housing development is an on site pollutant and should therefore be covered by reserved matters. As the reserved matters application is in the name of Redrow, why is their name not on the wetland application? Is this an attempt to mislead? This linkage demands that application 34/21/0017 must be considered AT THE SAME TIME as the reserved matters 34/19/0036 and not treated as individual seemingly unrelated applications. If either scheme fails to get approval they BOTH fail!

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- 7) The wetland scheme if considered in isolation would seem to be a perfectly laudable “green” scheme. Is it being presented separately in the hope that it would be decided by “officer decision”, rather than part of a much bigger issue going for more detailed scrutiny by the full planning committee? Report to full Council SWT 84/21 5/10/21 seems to suggest wholesale delegation of powers to officers in wetland applications.
- 8) If 34/21/0017 is presented in isolation to the planning committee, how would councillors who are not local, and party to the verbal background discussions realise the two schemes are linked? Would the link to 34/19/0036 even be mentioned?
- 9) Adoption of interim measures contained in SWT 84/21 raises democratic issues. Phosphate issues in parish A could be offset by wetlands in parish B. These could be miles apart and even in different local authorities. The Councils considering two applications may not be aware of the link. Council (B) could approve an application in total ignorance of the effects triggered in (A)

### Technical Issues

- 10) Presumably the size parameters of the wetland were calculated in order to remove a certain amount of phosphorus. Where did this phosphorus figure come from? Nowhere does it say “we need to remove x amount of phosphorus because.....”. The figure given (86.52 kg/yr) is actually to offset the inputs from the Redrow first phase housing 34/19/0036 but this is not mentioned.  
There is no calculation of the housing phosphorus input in either of the two applications
- 11) For any scheme to be considered the degree of phosphorus neutrality must be stated. This should be in the form of the exact number of properties which will be “neutralised.” If this limit is reached then a new scheme must be in place for work to continue. Is this not clearly implied in report SWT 84/21?
- 12) Who pays for the lifetime maintenance of wetlands, possibly 100 years? The application should explain how these ongoing costs are to be paid for. The efficiency of the wetland is dependent on the input and output flows being maintained at an optimum level. If the watercourses on either side are not under the control of the wetland landowner how can maintenance of watercourses and effectiveness of the wetland be assured?
- 13) The Parish Council shares the concerns of all the residents regarding the flood risk arising from the proposed works at both wetland sites.
- 14) There are areas for excavated spoil to be spread out and at some point those areas will be returned to agriculture. During the lifetime an amount of silt will need to be removed, so where will it go?
- 15) The application contains errors:- Failure to proof read!

Design Statement Revision B

Para. 5.3 discusses Yarde

Para 5.3.5 reads *Longfield* abstraction rate 22.9 kg/yr (should be Yarde)

Similarly Para.6.1 discusses Nailsbourne

Para 6.1.6 reads *Longfield* abstraction rate 38.2 kg/yr (should be Nailsbourne)

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- 16) The Covering Letter (Origins 3) quotes **Phosphate** removal rates. Also the Design Statement (Stantec-Paras 5 & 6) refers to phosphate removal but gives **Phosphorus** outputs. Phosphorus and Phosphate are not the same. These documents need to be harmonised.
- 17) A study in 2015 estimated that there is enough phosphate stored in UK fields to meet requirements for the next 54 years. In parts of Cambridgeshire no fertiliser has been added for 8 years with no decline in yields. Where wetlands are excavated on farmland which has been heavily fertilised and/or used for grazing cattle there is evidence that wetland phosphate removal can be negative. (ie phosphate flows increase). Phosphates which have been held in stable form within the ground are released suddenly by excavation and raise the phosphate levels in the surrounding water courses.
- 18) The Planning Officer has indicated that this wetland application will be considered in isolation but if approved it could be used to offset phosphorus arising in future applications. Part of any wetland approval should include the degree of offset (ie number of housing units). This would make applications simpler and improve “accounting “ for the neutrality officer appointed under the terms of SWT 84/21.
- The phosphorus budget calculator (Design statement appendix G) gives details of the net loading of the site -86.52 kg/yr. Using the flow rate of 110L/day and a WwTW outfall contamination of 5mg/L the wetland will offset about 430 people and at an occupancy rate of 2.4 this equates to 179 dwellings (the degree of offset). It is no coincidence that the Redrow Phase 1a application is for 173 houses!
- 19) The budget calculator yields 430 humans each of which is 25 times less polluting than a cow, so the human occupants are equivalent to about 17 cows. Wouldn't it be simpler to remove 17 cows from the farm land?
- 20) Within SWT there are currently 112 planning applications equating to 2491 dwellings held back due to phosphate issues. Using the data given in 34/21/0017 an area of 63.9 Ha of wetland would be required to offset 2491 units. To give some idea of size this is equivalent to 100 FIFA approved football pitches!
- 21) The wetland and indeed other offsetting strategies, will be paid for by only the occupants of the houses held up in the planning system because builders and developers will ultimately pass the costs on. So a small number of homeowners will pay for phosphorus removal whilst the general population and farmers will not. This is an unfair and discriminatory policy and should be challenged.
- 22) The Wetland application 34/21/0017 should be “called to Committee” simultaneously with the reserved matters 34/19/0036 for consideration together.

Staplegrave Parish Council January 2022

# KINGSTON ST MARY PARISH COUNCIL

*Chairman: Cllr Paul Townsend*

*Clerk: Katie Gibbins*

*Hayrig, Nailsbourne, TAUNTON, TA2 8AG*

*Tel: 01823 451505 Email: clerk@ksmpc.org.uk*

12 January 2022

## **Planning Application 34/21/0017 Formation of Two Integrated Constructed Wetlands**

### **Summary**

Kingston St Mary Parish Council objects to planning application 34/21/0017 for the formation of two integrated constructed wetlands, on the basis of the material planning considerations outlined below. The Parish Council also requests that taking into consideration the local opposition to this planning application, it should be forwarded to Somerset West & Taunton's (SW&T) Planning Committee for their consideration.

The Parish Council does not have the expertise, capacity, financial resources or desire to be responsible for the management of the proposed Nailsbourne wetland and considers it inappropriate for its residents to be burdened with the ongoing costs of operating a wetland, constructed for the benefit of a neighbouring parish.

### **Planning Obligations:**

The maintenance, monitoring, management and funding arrangements for the proposed wetlands are fundamental to their operation, to ensure that they achieve phosphate neutrality, in perpetuity, for the Staplegrove West development. Consequently, the Parish Council considers it imperative that these arrangements are known, documented and agreed prior to this Planning Application being considered for approval.

The upstream water courses feeding the proposed Nailsbourne wetland are currently not well maintained. The maintenance of these tributaries should be included in the management and funding arrangements, to stop them silting up and affecting the operation of the proposed wetlands and putting upstream residential properties at greater risk from flooding.

### **Flooding:**

The Parish Council considers it essential that the scope of the Flood Risk Assessment be widened to include the village of Nailsbourne and Dodhill hamlet. This is necessary to determine if Nailsbourne and Dodhill residential properties will be put at risk of flooding from construction of the proposed Nailsbourne wetland.

The Flood Risk Assessment should also consider the impact of climate change over the lifetime of the wetlands (i.e. in perpetuity) to determine if there will be any detrimental impact on their operation and increased flood risk to properties in close proximity.

### **Compensation and awards of costs against the Council:**

The Parish Council considers that SW&T would be reckless to consider this planning application, until the risk of flooding to properties close to the proposed wetlands is fully understood, by using realistic real world alternative scenarios, with their associated probability, to assess this possibility.

Unless SW&T are confident that the proposed wetlands will not have a detrimental impact on third parties, they may be in danger of becoming liable for claims from homeowners and their insurers, should properties in close proximity to the wetlands become flooded.

### **Road Access to the development site.**

The Parish Council shares Somerset County Council's Highways Department concerns and agrees that should planning permission be granted a planning condition is required to ensure that no development commences unless a 'Construction Environmental Management Plan' has been approved, by the Local Planning Authority, which includes details of how large construction vehicles will safely route to and from the proposed Nailsbourne wetland site.

## Introduction

At its 11 January 2022 meeting, Kingston St Mary (KSM) Parish Council considered and objected to the above planning application, based on the following material planning considerations. These material planning considerations relate predominately to the proposed Nailsbourne Integrated Constructed Wetland (wetland) but in general also apply to the proposed Longfield wetland, which is in a neighbouring Parish.

## Material Planning Considerations

### Planning Obligations.

Page 3 of Origin3's Covering Letter states:

*'...in order to ensure they (the wetlands) achieve the required phosphate removal performance in perpetuity, we propose the following heads of terms (terms) for the section 106 agreement.*

- 1. Maintenance and monitoring - prior to the commencement of the development to submit to the Council for approval a management scheme for the ongoing management, maintenance and operation of the wetlands.*
- 2. Management and funding arrangements - prior to the completion of the development to provide details of the management body that will carry out the maintenance and monitoring regime agreed by the Council together with such details as may be required to satisfy the Council that adequate funding is in place to ensure ongoing maintenance.'*

The maintenance, monitoring, management and funding arrangements for the proposed wetlands are fundamental to their operation, to ensure that they achieve phosphate neutrality in perpetuity, for the Staplegrove West development of 750 homes. Consequently, KSM Parish Council considers it imperative that these arrangements are known, documented and agreed prior to this Planning Application being considered for approval.

It would be inappropriate for Kingston St Mary Parish residents to be liable, via the Parish Council precept, for the ongoing cost of ensuring the performance of the proposed Nailsbourne wetland, which benefits the current landowner and future residents of the Staplegrove West development.

### Flooding.

The Flood Risk Assessment states:

- 3.1.7 The EA's 'Flood Map for Planning' shows that the majority of the Nailsbourne Site lies in Flood Zone 1 'Low Probability'. The western portion of the site is shown to lie in Flood Zone 2 'Medium Probability' and Flood Zone 3 'High Probability'.*
- 3.1.13 The mapping also indicates that the Nailsbourne Site is located in an area of 'Very Low' risk of surface water flooding. There are areas of 'Low' to 'High' susceptibility to surface water flooding along the boundaries of the site and are therefore likely associated with the ordinary watercourses.*
- 6.3.1 In conclusion, the future occupants and users of the proposed development will be safe from flooding and there will be no detrimental impact on third parties.*

The assessment of flood risk is site specific and focuses on the safety of the future occupants and users of the proposed development, i.e. the wetlands. As the wetlands will not be occupied and only visited for routine maintenance on a monthly basis (clause 6.3.1 Stantec Transport Statement), those at genuine risk from flooding reside in properties in close proximity to the proposed wetlands. The properties closest to the Nailsbourne site are in flood zones 2 and 3 and are already at risk from surface water flooding. The Parish Council considers it essential that the scope of the Flood Risk Assessment be widened to include the village of Nailsbourne and the Dodhill hamlet. This is necessary to ensure that residential properties are not put at risk from construction of the proposed Nailsbourne wetland.

The Flood Risk Assessment also states:

- 3.7.1 *In considering flood risk to the site, it is necessary to fully consider the potential impacts of climate change for the lifetime of the development within the mitigation measures.*
- 3.7.5 *The climate change allowances included in the Taunton Firepool Model are therefore now superseded. Given that the proposed developed (development) is classified as water compatible development no further modelling has been undertaken.*

It is difficult to understand how the Flood Risk Assessment has concluded that there will be no detrimental impact from flooding on third parties, when the impact of climate change over the lifetime of the development (i.e. in perpetuity) has not been factored into the calculations. The Flood Risk Assessment also assumes we live in a perfect world, with the wetlands being fully maintained and functioning as planned over their lifetime of operation. By disregarding the long-term impact of climate change it would appear that the Flood Risk Assessment assumes that the world will get climate change under control.

In order to make an informed judgement about the impact of the wetlands on third parties, scenario modelling should be undertaken, depicting situations where, for example, the wetlands are not properly maintained and climate change is not brought under control. Until scenario modelling is performed, with their associated probability, it will not be possible to be confident that the claim 'there will be no detrimental impact on third parties.', from the proposed wetlands, is justifiable.

The upstream water courses feeding the proposed Nailsbourne wetland are currently not well maintained. Unless this is rectified as part of the management and funding arrangements, the operation of the wetlands will be compromised and upstream residential properties will be put at greater risk of flooding from these tributaries silting up.

### **Compensation and awards of costs against the Council.**

From the above it can be seen that the impact of flooding arising from the proposed wetlands on nearby properties has not been adequately assessed. Consequently, Somerset West and Taunton District Council (SWaT) are in danger of becoming liable for claims from homeowners and their insurers should properties in close proximity to the wetlands become flooded.

It would therefore be reckless of SWaT to consider this planning application for the construction of two wetlands, until the risk of flooding to nearby properties is fully understood, by using realistic real world alternative scenarios to assess this possibility. In addition, the ongoing flood risk cannot be adequately assessed by using a single set of assumptions for the lifetime operation of the wetlands, based on an as yet unknown and unfunded management and maintenance programme. This is another reason for ensuring that the long term maintenance, monitoring, management and funding arrangements for the proposed wetlands are known and agreed before this Planning Application is considered for approval.

### **Road Access to the development site.**

The Transport Statement states:

- 3.3.2 *Nailsbourne Road in the vicinity of the site is a single carriageway rural lane.*
- 6.2.3 *The construction vehicles will be delivered to the site via a low loader or similar delivery vehicle. It is proposed that the low loader will travel to the site access point via the local highway network, before pausing and unloading the construction vehicles onto either Langford Lane or Nailsbourne Road, adjacent to the sites. The low loaders will then proceed away from the site locations without turning in the highway.*

The assumption that a low loader can proceed towards and away from the proposed Nailsbourne site in a forward direction is questionable, as it will be faced with negotiating very narrow single carriageway rural lanes. A vehicle of this size may not be able to negotiate Nailsbourne Road, Park Lane, Pickney Lane or Parsonage Lane when attempting to reach and return from the proposed Nailsbourne wetland access point. As recognised above, it will not be possible for a low loader to turn in Nailsbourne Road, which is a single carriageway narrow rural lane. Therefore, any attempt to proceed in a forward direction may result in a vehicle of this size becoming stuck, damaging itself and potentially injuring the driver. In addition, the ditches and edges of these very narrow country lanes could be damaged, which together with the above comments may make the Nailsbourne site unsuitable for constructing the proposed wetland.

The Parish Council shares Somerset County Council's Highways Department concerns and agrees that:

*'Should planning permission be granted, the following planning condition is recommended:*

*No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include details of ...*

- Construction vehicular routes to and from site ..'*

## **Conclusion**

Kingston St Mary Parish Council objects to planning application 34/21/0017 for the formation of two integrated constructed wetlands, on the basis of the material planning considerations outlined above. Currently 30 representations have been received concerning this planning application; non-favourable. The Parish Council therefore requests that this application be forwarded to Somerset West & Taunton's Planning Committee for their consideration.

The Parish Council does not have the expertise, capacity, financial resources or desire to be responsible for the management, maintenance and operation of the proposed Nailsbourne wetland.

The Parish Council also considers that it would be inappropriate for Kingston St Mary Parish residents to be burdened with the ongoing costs, of an unknown magnitude and duration, to manage, maintain and operate the proposed Nailsbourne wetland, constructed for the benefit of residents in a neighbouring parish.

Kind regards.



Cllr Paul Townsend  
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