



Land at Rectory Farm (North), Yatton

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Section 78 Appeal by Persimmon Homes Severn Valley

LPA Reference: 23/P/0664/OUT

On behalf of **Persimmon Homes Severn Valley**



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1 INTRODUCTION

1.1.1 This Statement is submitted on behalf of Persimmon Homes Severn Valley (the 'Appellant') in support of an appeal against the non-determination of an outline planning application by North Somerset Council (NSC), for the proposed residential development of land at Rectory Farm (North), Yatton (the 'Appeal Site').

1.1.2 The description of development for the Appeal Scheme as originally validated was:

“Outline planning application for the development of up to 190 homes (including 50% affordable homes), 0.13ha of land reserved for Class E uses, allotments, car parking, earthworks to facilitate sustainable drainage systems, open space and all other ancillary infrastructure and enabling works with means of access from Shiners Elms for consideration. All other matters (means of access from Chescombe Road, internal access, scale, layout, appearance and landscaping) reserved for subsequent approval.”

1.1.3 However on the 4th April 2024 and following the submission of amended documents as detailed below, the following amended description of development was agreed between the Appellant and the Council:

Outline planning application for the development of up to 190no. homes (including 50% affordable homes) to include flats and semi-detached, detached and terraced houses with a maximum height of 3 storeys at an average density of no more than 20 dwellings per net acre, 0.13ha of land reserved for Class E uses, allotments, car parking, earthworks to facilitate sustainable drainage systems, orchards, open space comprising circa 70% of the gross area including children’s play with a minimum of 1no. LEAP and 2no. LAPS, bio-diversity net gain of a minimum of 20% in habitat units and 40% in hedgerow units, and all other ancillary infrastructure and enabling works with means of access from Shiners Elms for consideration. All other matters (means of access from Chescombe Road, internal access, layout, appearance and landscaping) reserved for subsequent approval.

1.1.4 The appeal is progressed on the basis of the above latest agreed description of development.

1.2 Background to the Appeal

1.2.1 A pre-application enquiry was submitted to the Council on 30th September 2022 (reference: 22/P/2451/PR2) (**Appendix A**); and this was followed by a further pre-application submission on the 12th December 2022 (**Appendix B**) requesting feedback in respect of the approach and methodology for the production of a flood risk sequential test (FRST). A response was received from North Somerset Council on 16th February 2023 in relation to the original pre application submission. A copy of this is provided at **Appendix C** to this Statement of Case (SoC). The Appellant notes that the pre-application enquiry requested input into the approach and methodology for the Flood Risk Sequential Test however other than advising that it should be district-wide, no further guidance was provided. At the time of the submission of the appeal – no feedback has been received to the Appellants email of the 12th December 2022 despite a number of meetings being held between the Appellants and the Council.

1.2.2 Prior to the submission of the Appeal Scheme, a request for a screening opinion was submitted to the Council on 5th October 2022 (**Appendix D**). The Council provided a response to the request on 20th January 2023 (reference: 22/P/2963/EA1) and this confirmed that the proposals

did not constitute EIA development. A copy of the Screening Opinion is provided at **Appendix E** to this SoC.

1.2.3 The Appellant carried out public consultation prior to the submission of the planning application. Yatton Parish Council were contacted and a total of 3,539 leaflets were distributed to the residents of Yatton on 1st November 2022 inviting them to view a website which provided further information about the development and giving the option to provide any feedback. The leaflet also advertised that a public consultation event was due to be held on 10th November 2022 at 7pm. This provided residents with the opportunity to discuss the proposals with the relevant technical consultants.

1.2.4 The outline planning application was submitted to the Council on 27th March 2023 and validated on 6th April 2023. The application was accompanied by a comprehensive suite of technical reports (as subsequently updated) in accordance with NSC's planning application validation requirements. A full set of the Appeal Scheme documents will be provided within Section A of the Core Documents and a schedule of all submissions made is included as part of the appeal; however these are summarised below.

- Completed Application Forms;
- Covering Letter;
- Planning Statement (March 2023) including Accessible Housing Statement and Cumulative Impact Assessment, prepared by Barton Willmore, now Stantec;
- Local Housing Needs Assessment (March 2024);
- Flood Risk Sequential Test and Exception Test (March 2023), prepared by Barton Willmore, now Stantec – as updated in March 2024.
- Design and Access Statement (Rev. E) (March 2023), prepared by EDP (Split into Parts 1 to 5);
- Statement of Community Involvement (March 2023), prepared by Persimmon Homes;
- Affordable Housing Statement (March 2023), prepared by Persimmon Homes;
- Heritage Statement (Rev. D) (March 2023), prepared by EDP;
- Arboricultural Constraints Report (D35 30 02) (October 2022), prepared by JP Associates;
- Foul & Surface Water Drainage Strategy (P04, S2) (March 2023), prepared by Hydrock Consultants Limited (Split into Parts 1 and 2);
- Flood Risk Assessment & Hydraulic Modelling Report (P01, S2) (March 2023), prepared by Hydrock;
- Flood Risk Technical Note (February 2024); prepared by Rappor.
- Landscape and Visual Baseline Proposed Residential Development (March 2023), prepared by SLR Consulting Ltd including Plans and Photosheets;
- Air Quality Assessment (P04 S3) (March 2023), prepared by Hydrock Consultants Limited;
- Noise Impact Assessment (P04 S2) (March 2023), prepared by Hydrock Consultants Limited;

- Transport Assessment (P07 S4) (March 2023), prepared by Hydrock Consultants Limited;
- Residential Travel Plan (P04 S4) (March 2023) as subsequently updated in May 2023, prepared by Hydrock Consultants Limited;
- Utility Search Report (V. V1) (December 2022), prepared by Atkins;
- Energy Statement (March 2023), prepared by FES Group;
- Preliminary Land Contamination and Geotechnical Risk Assessment (Rev. A) (March 2023), prepared by Hamson Barron Smith (Split into Parts 1 and 2);
- Agricultural Land Quality (October 2022), prepared by Reading Agricultural Consultants;
- Ecological Impact Assessment (Version 1) (March 2023) and Biodiversity Net Gain Spreadsheet, prepared by Clarkson and Woods;
- Bat Survey Report (March 2024), prepared by Clarkson and Woods.
- Shadow HRA (March 2024), prepared by Clarkson and Woods.
- Lighting Scheme and Assessment (Rev. 01) (March 2023), prepared by E3 Consulting Engineers.
- Security Lighting Design Note (March 2024), prepared by E3 Consulting Engineers.

1.2.5 In addition, the following drawings were also submitted with the outline planning application:

Plan	Reference Number	Revision
Site Location Plan (showing Bat Mitigation area)	edp7842_d008b	B
Land Use Parameter	ddp7842_d0004c	C
Density Parameter	edp7842_d005c	C
Height and Scale Parameter	edp7842_d006c	C
Access and Movement Parameter	edp7842_d007b	B
Character Areas Plan	edp7842_d009c	C
Constraints and Opportunities Plan	edp7842_d010a	A
Red Line Plan	edp7842_d021	
Proposed Site Access General Arrangement Design	23257-HYD-XX-XX-DR-TP-0201	P02

Plan	Reference Number	Revision
Arboricultural Impact Assessment (AIA) Plan	D35 39	P3.2
Illustrative Plans		
Illustrative Masterplan	edp7842_d003g	G
Illustrative Landscape Masterplan	YW-034	D

- 1.2.6 During the determination of the application, the Appellant continued to liaise with the Council and the relevant statutory consultees.
- 1.2.7 The original determination date for the application was Monday 26th June 2023. A number of extensions of time were agreed – the most recent of which runs to the 17th April 2024.
- 1.2.8 A notice of intention to appeal (under the agreed revised description of development) and for this to be heard by way of an Inquiry was submitted to North Somerset Council and the Planning Inspectorate on the 27th March 2024.
- 1.2.9 At the time of writing this SoC, given the appeal one of non-determination, the Council's formal decision in relation to the application is not yet known.
- 1.2.10 This Statement sets out the Case the Appellant intends to put forward at Appeal and the documents the Appellant intends to refer to in evidence.
- 1.2.11 The Appellant intends to agree topic specific Statements of Common Ground with the Council. The Appellant will also look to agree a set of draft planning conditions with the Council to be submitted to the Inspector prior to the beginning of the Inquiry. The Appellant also intends to complete a Section 106 Agreement to secure the provision of necessary infrastructure.
- 1.2.12 As set out in the enclosed Appeal Form and the accompanying procedural note, the Appellant considers an Inquiry is the most appropriate procedure given the anticipated need to call expert evidence (including detailed technical evidence) on:
- Flood Risk + Flood Risk Exception Test
 - Flood Risk Sequential Test
 - Ecology
 - Affordable Housing + Local Housing Need
 - Housing Land Supply
 - Planning
- 1.2.13 In addition, there will be a need to cross examine the Council's witnesses on these matters. Moreover, the Appeal has generated significant public interest to date with 349 public comments having been submitted and therefore an Inquiry can best allow for these third parties to be heard.

- 1.2.14 The Appellant will demonstrate that, on the basis of the Council being unable to demonstrate the requisite housing land supply, that the policies which are most important for determining the application are out-of-date and that there are no adverse impacts of the Appeal Scheme that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 1.2.15 This Statement sets out the case that the Appellant intends to put forward at the Public Inquiry and the documents that the Appellant intends to refer to in Evidence. It is set out as follows:
- Section 2 sets out the relevant planning history;
 - Section 3 provides an overview of the Appeal Site and its surroundings;
 - Section 4 provides a summary of the Appeal proposals;
 - Section 5 sets out the relevant planning policy context to the appeal;
 - Section 6 sets out the Appellant's case, including an assessment of the proposals against the Development Plan and the benefits to be attributed to the Appeal Scheme;
 - Section 7 provides a summary of third party comments on the planning application;
 - Section 8 addresses planning contributions and obligations.
 - Section 9 provides a summary conclusion.
- 1.2.16 In the event that the Council resolves that it would have refused the outline planning application, the Appellant reserves the right to provide additional material necessary to address issues raised in the putative reasons for refusal.

2 PLANNING HISTORY

2.1 Site Planning History

2.1.1 A review of North Somerset Council's online planning search has been undertaken and no relevant planning application history relevant to the current proposals was found. The only previous planning application was for the coppicing of hedgerows to access silted drainage ditches.

2.2 Wider Planning History

Land at Rectory Farm, Chescombe Road, Yatton – 21/P/0236/OUT

2.2.1 An outline planning application (21/P/0236/OUT) was submitted at 'Land at Rectory Farm' (to the south of the appeal site) in 2021 for the following description of development: 'Outline planning application for a residential development of up to 100no. dwellings and associated infrastructure following demolition of existing buildings on site, with access for approval and all other matters for subsequent approval'.

2.2.2 The application was refused under delegated powers for the following reasons:

- 1. The proposed development of up to 100 dwellings would deliver a scale of development that is in conflict with the spatial strategy for the development plan, which permits sites of up to around 25 dwellings adjoining the settlements edges of service villages. The proposed development is therefore contrary to policies CS14 and CS32 of the Core Strategy and the made Yatton Neighbourhood Plan.***
- 2. The proposed development, due to its location in close proximity to the North Somerset and Mendip Bats SAC, would have significant effect on this habitat site. The site is located in Bat Consultation Zone B as designated in the North Somerset and Mendip Bats SAC SPD and the survey evidence and consultation with Natural England suggests that SAC bats would be adversely affected by the development. The proposed mitigation measures do not prioritise onsite mitigation, and the proposed offsite mitigation is unsuitable.***
- 3. Additionally, the development, due to its location in close proximity to the Biddle Street SSSI, is likely to result in operational impacts and increase recreational pressure on this nationally designated site. The submitted Ecological Impact Assessment has not adequately identified and considered the scope of these impacts, nor identified how mitigation could be achieved.***
- 4. The proposal also fails to adequately demonstrate how a Biodiversity Net Gain can be achieved on site, as the calculation of Biodiversity Net Gain includes habitat utilised for mitigation purposes. The proposed development is therefore contrary to Policy CS4 of the Core Strategy, Policy DM8 of the Sites and Policies Plan Part 1: Development Management Policies, the North***

Somerset and Mendip Bats SAC SPD and paragraphs 175 and 177 of the NPPF.

5. **The proposed development, by reason of its protrusion in an area of high landscape sensitivity in close proximity to the Strawberry Line, does not accord with the linear form of the village and would appear an incongruous projection into open countryside. The proposal would cause unacceptable harm to the amenity value of the Strawberry Line being a popular recreational route forming part of the strategic cycle network. The proposed development is therefore contrary to Policies CS5 and CS9 of the Core Strategy, Policy DM10 of the Sites and Policies Plan Part 1 – Development Management Policies, the North Somerset Landscape Character Assessment SPD, and paragraphs 98 and 170 of the National Planning Policy Framework.**
6. **The proposed development, due to the substandard width of Chescombe Road, the inadequate visibility splays at the adjacent junction between Chescombe Road and Mendip Close, and the lack of submission of a Road Safety Audit and tracking data for cars and emergency vehicles, would have an unacceptable impact on highway safety. The proposed development is therefore contrary to Policy DM24 of the Sites and Policies Plan Part 1: Development Management Policies, and paragraph 108 and 1098 of the National Planning Policy Framework.**

2.2.3 Following the above, an appeal was submitted (PINS Reference: APP/D0121/W/21/3286677). The Inspector determined that the appeal was to be allowed and outline planning permission granted, on the basis that

“Taking all of the above into consideration, applying the tilted balance pursuant to paragraph 11d of the NPPF, the adverse impacts of granting permission plainly would not significantly and demonstrably outweigh the benefits of doing so. The Council cannot demonstrate a 5YHLS and the overall benefits of the appeal proposals clearly outweigh the harm”.

Land at Rectory Farm, Chescombe Road, Yatton – 21/P/2791/OUT

- 2.2.4 An outline planning application (21/P/2791/OUT) was submitted in 2021 for the following description of development, ‘Outline planning application for a residential development of up to 75no. dwellings and associated infrastructure following demolition of existing buildings on site, with access for approval and appearance, scale, layout and landscaping reserved for subsequent approval’.
- 2.2.5 This outline planning application was submitted whilst application 21/P/0236/OUT was being considered at appeal. The appeal was allowed in June 2022 and the judicial review challenge period for the appeal decision expired in September 2022. The applicant then withdrew this application in October 2022.

Titan Ladders 195 – 201, Mendip Road, Yatton – 17/P/2377/F

- 2.2.6 A full planning application (17/P/2377/F) was submitted in 2017 for the following description of development, ‘Demolition of existing buildings and erection of 37no. dwellings with associated vehicular access improvements, parking, hard / soft landscape works and drainage’.
- 2.2.7 The full application was approved by delegated powers in April 2019, subject to a legal agreement and conditions.

3 THE APPEAL SITE AND ITS SURROUNDINGS

3.1 The Site and the Surrounding Area

- 3.1.1 The Appeal Site is located on the western edge of Yatton and is comprised of grazing land and agricultural fields, measuring approximately 13.79 hectares. It is formed of multiple fields divided by rhynes (water drainage ditches), with hedgerows and trees located within the Site and around its perimeter.
- 3.1.2 The Site is irregular in shape, with hedgerows and trees located internally and along the majority of the Site's boundaries. A series of rhynes are located within the Site which border the various individual fields. There are no Public Rights of Way, bridleways or cycleways within the Site. There is a cycleway / pedestrian walkway located adjacent to the Site's western boundary which provides links from Weston Road to Yatton Rail Station. Overhead powerlines with associated pylons cross the Site.
- 3.1.3 There is currently no formal vehicular entry route into the Site. Informal access into the Site is currently provided via Biddle Street or via the cycleway / pedestrian walkway located adjacent to the west Site boundary.
- 3.1.4 The Environment's Agency online mapping system presents the entirety of the Site within Flood Zone 3 (land having 1 in 100 or greater annual probability of river flooding, or land having a 1 in 200 or greater annual probability of sea flooding). With a network of drainage water ditches running through various parts of the Site, risk from surface water flooding is of low and medium probabilities. Further to this, as identified on North Somerset Council's planning constraints mapping system, the Site is defended Flood Zone 3 land with the following reference: SFRA L1 2020 Tidal Flood Zone 3a. This is discussed further within the submitted Flood Risk Sequential Test and Flood Risk Assessment.
- 3.1.5 The Site itself is free from any formal ecological designations. The Cheddar Valley Railway Walk Local Nature Reserve (LNR) runs adjacent to the Site's western perimeter and provides pedestrian links from Weston Road to Yatton Rail Station. The Biddle Street Yatton Site of Special Scientific Interest (SSSI) is located opposite to the Site's western boundary and is approximately 150ft west of the Site. The Cadbury Hill LNR is located approximately 1.9km south east of the Site and beyond this is the North Somerset and Mendip Bats Special Areas of Conservation (SAC) and Kings Wood and Urchin Wood SSSI which is located approximately 2.9km away. The Site is located within the Biddle Street Yatton SSSI Impact Risk Zone.
- 3.1.6 Historic England's online mapping system confirms that there are no heritage assets located within or adjoining the Site. The Grade II Listed house, 114 High Street, is located approximately 0.5km to the east of the Site. The Grade II Listed Cadbury Farmhouse is located approximately 0.6km to the south of the Site. St Mary's Church (Grade I listed) is located centrally in Yatton however there is intervening development between the Site and the Church.
- 3.1.7 The northern boundary of the Site is bordered by pasture fields with trees and hedgerows located along the northern Site perimeter. Beyond this lies Yatton Rail Station, existing residential development and Arnolds Way industrial site. To the east of the Site lies existing residential development and beyond this is Yatton town centre. To the south of the Site is Rectory Farm and beyond this is agricultural and pasture fields. To the west of the Site is the Cheddar Valley Railway Walk LNR, beyond which is the Biddle Street Rhyne and drainage ditches.
- 3.1.8 Bus stop provision to the Site is provided along High Street which runs through the centre of Yatton. Cherry Grove bus stop is located approximately 0.5km to the east of the Site and Chescombe Road bus stop is located approximately 0.6km to the east of the Site.

- 3.1.9 In terms of education, St Mary's Pre-School is located approximately 0.6km to the south east of the Site and Stonecroft Day Nursery and Pre-School is located approximately 0.8km to the south east of the Site. Yatton C of E Controlled Junior School is located approximately 0.8km to the east of the Site; and Chestnut Park Primary School is located directly north approximately 1.7km away. North Somerset Council's web-site shows the site as falling within the catchment area for Backwell secondary school which is just over 8km from the site.
- 3.1.10 Yatton has a range of shops and services including: a bakery; tea rooms; restaurants / public houses; and a co-operative food. Further to this, Yatton has a variety of health and community facilities including: Mendip Vale Medical Practice; Yatton Dental Centre and Yatton Post Office. There are several recreational spaces located within a 15 minute walking distance to the Site, including: Rectory Way Playground; Yatton Junior Football Club; Claverham Cricket Club; Yatton Recreation Ground; Yatton and Cleeve United Football Club; Yatton Rugby Club; and Horsecastle Playground. In addition, there are a number of local employment opportunities within walking distances, north of the site, off Arnolds Way and Wemberham Lane.
- 3.1.11 Weston-super-Mare is located approximately 12.9km to the south west of the Site, providing further employment opportunities. Weston-super-Mare can be reached by both rail and bus from Yatton.
- 3.1.12 Yatton has been proven, through successive plan reviews and again through to the emerging local plan, to be a highly sustainable location for new development.

4 THE APPEAL PROPOSAL

4.1.1 The Appeal Scheme was submitted on 27th March 2023 and validated on the 6th April 2023, with the following now representing the agreed description of development:

Outline planning application for the development of up to 190no. homes (including 50% affordable homes) to include flats and semi-detached, detached and terraced houses with a maximum height of 3 storeys at an average density of no more than 20 dwellings per net acre, 0.13ha of land reserved for Class E uses, allotments, car parking, earthworks to facilitate sustainable drainage systems, orchards, open space comprising circa 70% of the gross area including children's play with a minimum of 1no. LEAP and 2no. LAPS, bio-diversity net gain of a minimum of 20% in habitat units and 40% in hedgerow units, and all other ancillary infrastructure and enabling works with means of access from Shiners Elms for consideration. All other matters (means of access from Chescombe Road, internal access, layout, appearance and landscaping) reserved for subsequent approval.

4.1.2 The Appeal Scheme seeks permission for up to 190 dwellings at Land at Rectory Farm (North), Yatton. The scheme includes the following:

- Up to 190 homes, including 50% affordable;
- High quality housing in a range of house types, sizes and tenure;
- Land reserved for Class E uses. Such uses can include, but are not limited to, café, creche, shops and offices.
- New allotments;
- Accessible open space and equipped play and informal recreation areas;
- New vehicular access from Shiners Elms and from the proposed housing development site to the south;
- Pedestrian and cycle links throughout the Site, promoting active travel and providing wider connections to the Strawberry Line multi-use path;
- 50% onsite Green Infrastructure (GI), SuDS features, retained trees and hedgerows, buffer planting, habitat creation, community facilities and allotments; and
- Sustainable Drainage (SuDS) features through an effectively designed and managed regime complementing the site's rhynes.

4.1.3 There is clear interdependency between the components of the proposed development and benefits they offer. The site should be viewed as whole given that the residential element allows for the Use Class E land, open space, biodiversity net-gain and affordable housing (beyond policy compliant levels) to come forward. The housing, open space and biodiversity components go beyond minimum policy requirements enabling the scheme as a whole to be cohesive placemaking: a well-designed, sustainable development which could not be achieved without each component being present. Combined, as interconnected benefits, they present a sustainable mixture of compatible uses adjacent to the built form of Yatton with their proximity

and use being a benefit to both existing neighbouring occupiers and future occupiers and users of the development.

- 4.1.4 These placemaking benefits to the residential element from the other components are significant. Ultimately, any disaggregation of the site for sequential test purposes into multiple separated sites would not generate the same benefits

4.2 Design

- 4.2.1 The design concept presented follows careful consideration of the location, local character, constraints and opportunities, high level conceptual design and public consultation. It also responds positively to the helpful responses received following pre-application engagement with the public and North Somerset Council. A Design and Access Statement produced by EDP sets out this design evolution and journey, urban design and placemaking principles and the design parameters of the proposed development.
- 4.2.2 A sensitive, considered approach has been taken to design principles at the outline stage. The new homes which will cover less than half of the site (around 30% of the land area) will be sited on its eastern side - adjoining the built edge of Yatton. The housing density responds positively to the site's location and character – notably the rhyne system and hedgerow and tree network within and on the periphery of the site. It also maintains separation through a large area of open space with planting between the new homes and the Strawberry Line. The height scale and density will create an attractive, greened environment for residents and visitors.
- 4.2.3 Land reserved for Use Class E uses is proposed on the east of the Appeal Site, within close proximity to the proposed access at Shiners Elm. Such uses could include, but are not limited to offices, creche, café or shop. The Site will provide a suitably located and highly visible, safe and accessible space for use by existing and future residents.
- 4.2.4 Design details of the appearance, internal access, scale, layout and landscaping are reserved and will be subject of a Reserved Matters application.

4.3 Drainage

- 4.3.1 The topography of the site, the surrounding area and the rhyne system have been used to define an innovative sustainable drainage strategy. Three suitably located attenuation ponds are identified to hold and control the release of surface water. The ponds also complement and respect the rhyne system being attractive and functional features within the built areas and open spaces.
- 4.3.2 The Site's drainage strategy is presented within the Foul & Surface Water Drainage Strategy and Flood Risk Assessment & Hydraulic Modelling Report.

4.4 Green Infrastructure, Open Space and Allotments

- 4.4.1 Generally the western part of the Appeal Site includes green infrastructure and woodland, accounting for over 50% of the site area. The Illustrative Masterplan has been informed and shaped by ecological and landscape considerations.
- 4.4.2 The features of the site, which include level open space, individual trees and peripheral tree buffers and the system of open and culverted rhyne watercourses have been considered in detail and enhanced.
- 4.4.3 New, readily accessible allotments for community use are also included within the scheme.

4.5 Access

- 4.5.1 Vehicular and pedestrian access is proposed from Shiners Elms to the north east of the Appeal Site. A planned road through the site will connect to the recently approved residential development to the south leading to Chescombe Road. Secondary roads will connect all other development parcels within the site.
- 4.5.2 There will be a network of pedestrian pathways and links to allow movement through the site and into the open spaces, land for community use (Use Class E) and on to the road network and Strawberry Line.
- 4.5.3 Bicycle and pedestrian links will be provided to the Strawberry Line multi-use path at two places along the western boundary. In addition, bicycle and pedestrian links will be provided at West Road and Marsh Road offering car-free movement and connections to the High Street and Rail Station.

4.6 Car and Cycle Parking

- 4.6.1 Car parking and cycle spaces will be provided in line with the requirements of the North Somerset Parking Standards Supplementary Planning Document but are not for approval at this stage.

5 PLANNING POLICY

5.1 The Development Plan

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.

5.1.2 The Development Plan comprises the following:

- Core Strategy (2006-2026) (adopted (in full) 10th January 2017);
- Sites and policies plan part 1: Development Management Policies (2006-2026) (adopted 19th July 2016);
- Sites and policies plan part 2: Site Allocations Plan (2006-2026) (adopted 10th April 2018); and
- Yatton Neighbourhood Plan (2017-2026) ('made' July 2019).

5.1.3 The Appellant will refer to the relevant policies in each. In particular, North Somerset's Core Strategy ('NSCS') policies:

- CS1 – addressing climate change and carbon reduction,
- CS2 – delivering sustainable design and construction,
- CS3 – environmental impacts and flood risk management,
- CS4 – nature conservation
- CS5 – landscape and the historic environment,
- CS9 – green infrastructure,
- CS10 – transportation and movement,
- CS11 – parking,
- CS12 – achieving high quality design and place making,
- CS13 – scale of new housing,
- CS14 – distribution of new housing,
- CS15 – mixed and balanced communities,
- CS16 – affordable housing,
- CS25 – children, young people and higher education,
- CS27 – sport, recreation and community facilities,
- CS32 – service villages and
- CS34 – infrastructure delivery and development contributions.

5.1.4 It is understood that the Council will publish an updated housing land supply position statement in April 2024 and the Appellants will then respond to this. However it is the Appellant's view that the Council cannot demonstrate the requisite housing land supply.

- 5.1.5 A number of appeal decisions were also issued in 2022 with varying conclusions in respect of the Council's housing land supply position, however all confirmed they did not achieve 5 years. These are summarised below.
- 5.1.6 Inspector Harold Stephens concluded in June 2022¹ that North Somerset Council could demonstrate 3.2 years' supply of housing. He states at paragraph 36 of his report that In the absence of being able to demonstrate a 5YHLS, the most important policies for determining the application are irrefutably deemed to be out of date under paragraph 11(d) of the NPPF and the tilted balance applies subject to any protective policies in the NPPF which provide a clear reason for refusal" and concluded at paragraph 37 that the extent of the shortfall in housing is significant.
- 5.1.7 Inspector AJ Mageean concluded in June 2022² that North Somerset Council could demonstrate 3.5 years' supply of housing, and that there was a 'very significant shortfall in housing land supply' of over 2,000 dwellings and that the housing requirement 'reflects real and significant need' (paragraph 89).
- 5.1.8 Appeals decided in April³ 2022 and June 2022⁴ also concluded that the Council could not demonstrate a 5 year housing land supply. There have been no further updates from the Council since the most recent decision at 33 Beach Road West, Portishead⁵ on 30th November 2022, which also reached this conclusion. It should however be noted that in the appeal decision for Butts Batch, Wrington⁶ in August 2022, the Council agreed, through the Statement of Common Ground, that supply could be as low as 2.95 years.
- 5.1.9 On the basis of the Appellants calculations, paragraph 11 d) of the National Policy Framework is considered to be engaged and those policies most important for determining the appeal (in this case those relating to the provision of housing) are considered to be out-of-date. Further consideration of paragraph 11 d) is at Section 6.0 of this SoC.
- 5.1.10 In relation to the Sites and Policies Plan part 1 ('SOPP Part 1'), the Appellant will refer to the policies listed below as appropriate following receipt of the details of the Council's case:
- DM1 – flooding and drainage,
 - DM6 – archaeology,
 - DM8 – nature conservation,
 - DM9 – trees and woodland,
 - DM10 – landscape,
 - DM19 – green infrastructure,
 - DM24 – safety, traffic and provision of infrastructure etc associated with development,
 - DM25 – public rights of way, pedestrian and cycle access,
 - DM26 – travel plans,
 - DM27 – bus accessibility criteria,

¹ Rectory Farm, Yatton (NSC reference: 21/P/0236/OUT. PINS reference: APP/D0121/W/21/3286677)

² Land at Farleigh Farm and 54 and 56 Farleigh Road, Backwell (NSC reference: 21/P/1766/OUT. PINS reference: APP/D0121/W/21/3285624)

³ Moor Road, Yatton (NSC reference: 19/P/3197/FUL. PINS reference: APP/D0121/W/21/3285343)

⁴ Church Lane (NSC reference: 21/P/2049/OUT. PINS reference: APP/D0121/W/22/3292961) and Butts Batch (NSC reference: 20/P/2990/OUT. PINS reference: APP/D0121/W/22/3292065)

⁵ PINS reference: APP/D0121/W/22/3302028

⁶ Land at Butts Batch, Wrington (NSC reference: 21/P/2120/FUL. PINS reference: APP/D0121/W/22/3294867)

- DM28 – parking standards,
- DM32 – High quality design and place making,
- DM34 – Housing type and mix,
- DM36 – Residential densities,
- DM68 – Protection of sporting, cultural and community facilities,
- DM70 – development infrastructure and
- DM71 - development contributions, Community Infrastructure Levy and viability.

5.1.11 With regard to the Sites and Policies Plan Part 2, the Appellant will refer to the identification of a parcel of land within the Site boundary as a primary school replacement site. The site was first safeguarded as part of the former North Somerset Local Plan (2000) for a replacement primary school and additional basic need provision. This was carried through to Policy SA8 of the SAP, which states that such land is allocated or safeguarded for the relevant community uses, and that alternative use of these sites will only be permitted if in accordance with Policy DM68 of the Sites and Policies Part 1: Development Management Policies. A replacement primary school has already been provided in Yatton with sufficient capacity and thus the justification for the safeguarding of this land for a primary school no longer exists.

5.1.12 There are no other policies within the Sites and Policies Plan Part 2 that are considered relevant to the consideration of this application at this stage however the Appellant reserves their right to add to this list following receipt of the Council's case / putative reasons for refusal.

5.1.13 In respect of the Yatton Neighbourhood Plan reference will be made to:

- Business Objective BO1,
- Business Policy BP1,
- Environmental Objectives EO1,
- Environmental Objectives EO2,
- Environmental Objectives EO3,
- Environment Policy EP1,
- Environment Policy EP3,
- Environment Policy EP4,
- Housing Objective HO1,
- Housing Objective HO2,
- Housing Policy HP1,
- Transport Objective TO1 and
- Transport Policy TP1.

5.2 Other Material Considerations

5.2.1 North Somerset Council are currently in the process of preparing their Local Plan 2038. The Local Plan 2038 will cover the period 2023 to 2038, and once adopted, it will replace the current Development Plan.

5.2.2 Consultation on a Regulation 19 Plan was carried out in late 2023 / early 2024. At the time of writing this SoC, the plan has yet to be submitted to the SoS.

5.2.3 The Appellant will provide an update on the progress of the emerging Local Plan within their evidence as necessary and will refer to relevant draft policies albeit the plan has not yet been subject to examination and cannot therefore carry any more than very limited weight at best.

5.2.4 The Appellant will refer to any relevant Supplementary Planning Documents ('SPDs').

National Planning Policy Framework ('NPPF', 2023)

5.2.5 The most recent version of the National Planning Policy Framework ('NPPF') was published by the Government in December 2023. The Appellants will set out the Appeal Scheme's compliance with the NPPF – the paragraphs are dependent upon the Council's decision on the Appeal Scheme however the following chapters will be referenced:

- Chapter 2: Achieving Sustainable Development
- Chapter 4: Decision Making
- Chapter 5: Delivering a sufficient supply of housing
- Chapter 6: Building a strong competitive economy
- Chapter 9: Promoting sustainable transport
- Chapter 12: Achieving well designed and beautiful places
- Chapter 14: Meeting the challenges of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment

5.2.6 The Appellant will also demonstrate how the development is sustainable. This will include:

- The provision of up to 190 Class C3 market and affordable dwellings, in very close proximity to local services, infrastructure and facilities to meet a local need;
- Land reserved for Class E uses. Such uses can include, but are not limited to, café, creche, shops and offices;
- Economic benefits through the construction phase, and long-term support for the town centre and local economy;
- Financial contributions towards off-site infrastructure; and
- Social and environmental benefits through the provision of accessible open space and equipped play and informal recreation areas, 50% on-site GI, SuDs features, retained trees and hedgerows, buffer planting, habitat creation, community facilities and allotments, biodiversity net gain and pedestrian and cycle links throughout the Site, promoting active travel and providing wider connections to the Strawberry Line multi-use path.

Planning Practice Guidance (PPG)

5.2.7 The Appellants will refer to the Planning Practice Guidance (PPG) and updates, where relevant to this Appeal. The following sections of the PPG will be referred to in particular with regard to sequential and exception testing:

- Paragraph: 001 Reference ID: 7-001-20220825
- Paragraph: 004 Reference ID: 7-004-20220825
- Paragraph: 005 Reference ID: 7-005-20220825
- Paragraph: 020 Reference ID: 7-020-20220825
- Paragraph: 023 Reference ID: 7-023-20220825
- Paragraph: 024 Reference ID: 7-024-20220825

- Paragraph: 026 Reference ID: 7-026-20220825
- Paragraph: 027 Reference ID: 7-027-20220825
- Paragraph: 028 Reference ID: 7-028-20220825
- Paragraph: 029 Reference ID: 7-029-20220825
- Paragraph: 031 Reference ID: 7-031-20220825
- Paragraph: 032 Reference ID: 7-030-20220825
- Paragraph: 033 Reference ID: 7-033-20220825
- Paragraph: 034 Reference ID: 7-034-20220825
- Paragraph: 035 Reference ID: 7-035-20220825
- Paragraph: 036 Reference ID: 7-036-20220825
- Paragraph: 037 Reference ID: 7-037-20220825

Summary on Policy Weight

- 5.2.8 There are no site-specific policies within the Core Strategy.
- 5.2.9 The Sites and Policies Plan Part 2: Site Allocations Plan confirms that 2,412 dwellings are required to be delivered in the 'Service Villages' between 2006 and 2026 and allocates specific sites within these Service Villages (including Yatton).
- 5.2.10 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 d) goes on to state that for decision-taking this means:
- “d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:**
- i. **the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
 - ii. **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**
- 5.2.11 As the Council cannot demonstrate the requisite supply of deliverable housing sites, the most important for determining the application are considered to be out-of-date (as per footnote 7 of the NPPF).
- 5.2.12 The Appellants will refer to the emerging Local Plan 2038 where relevant. However, the Plan is in its very early stages and is given very limited weight at best.
- 5.2.13 The Yatton Neighbourhood Plan was made in July 2019 following a successful referendum result in April 2019. Paragraph 14 of the NPPF sets out that:

14. In situations where the presumption (at paragraph 11(d)) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply ⁹:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

5.2.14 The Yatton Neighbourhood Plan became part of the development more than four years ago. However at the time the appeal decision will be issued (inevitably post July 2024) and potentially by the time of any Inquiry, the Plan will be more than 5 years old and furthermore, it does not contain policies and allocations to meet its identified housing requirement. It therefore does not fulfil all of the requirements set out above.

6 APPELLANT'S CASE

6.1.1 The Appellants will provide evidence regarding the assessment of the proposed development against the planning policy context and the benefits of the Appeal Scheme. This appeal has been made against the non-determination of the application and as such, the Council's decision is not yet known. The Appellants therefore reserve the right to respond to the Council's proposed reasons for refusal if it decides it would have refused the application.

6.2 Decision-Making Approach

6.2.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), the Development Plan is the starting point for the determination of planning applications. Determination is required to be in accordance with the Plan unless material considerations indicate otherwise. For this Appeal, the Development Plan comprises the following, which the Appellants will assess the proposals against

- Core Strategy (2017);
- Sites and Policies Plan Part 1: Development Management Policies (2016);
- Sites and Policies Plan Part 2: Site Allocations Plan (2018); and
- Yatton Neighbourhood Plan (2019).

6.3 Written Opinion

6.3.1 The Appellants have previously submitted to the Council a Written Opinion from Lord Banner KC and a copy is included with this appeal submission. The Appellants draw attention to this as it deals with the matter arising in R (Mead Realisations Ltd. & Redrow Homes Ltd.) v. Secretary of State for Levelling Up, Housing and Communities [2024] EWHC 279 (Admin) and in particular the implications of this for the decision making approach. In this respect, we highlight paragraph 17 in particular, where it is stated that:

“It is clear beyond doubt from this part of the Judgment that Holgate J. did not consider that a failure to comply with the sequential test was automatically fatal to a planning application, either within the parameters of the NPPF or having regard to material considerations under s.38(6) of the Planning and Compulsory Purchase Act 2004. Other material considerations, including housing need and a lack of a 5 (or 4, as the case may now be depending upon the application of the December 2023 changes to the NPPF) year housing land supply may mean that a failure to comply with the sequential test is outweighed by the housing delivery and/or other benefits of the proposed development in question. Certainly, a refusal by the LPA to consider this issue, and instead to consider the failure of the sequential test to be automatically fatal to an application/appeal without further consideration, would be a clear and unreasonable misapplication of the Judgment”.

6.3.2 The Appellants will expand upon this matter as necessary in their planning evidence should the Council's case include any reference to a failure of the sequential test.

6.4 The Need for the Development

- 6.4.1 The Appellant's evidence will demonstrate that the Council do not currently have the requisite Housing Land Supply and therefore the provisions of paragraph 11 d) of the NPPF apply. In addition, paragraph 60 of the NPPF sets out the importance of a sufficient amount and variety of land coming forward where it is needed, in order to support the Government's objective of significantly boosting the supply of homes.
- 6.4.2 In this regard, and as set out elsewhere in this statement, the proposed development would deliver a considerable number of homes, in an area where there is a shortfall in housing land supply. Inspector Harold Stephens notes in the Rectory Farm appeal decision at paragraph 37 that:

'In Hallam Land Management Ltd v Secretary of State for Government [2018] EWCA Civ 1808, the Court made plain that the extent of any such shortfall [in housing land supply] will bear directly on the weight to be given to the benefits or disbenefits of the proposed development. In a 5YHLS shortfall scenario two things are relevant; (i) the extent of the shortfall and (ii) retrievability i.e., how likely or quickly it will be made up.'

- 6.4.3 As such, very significant weight should be provided to the provision of housing, in a suitable / sustainable location, which would make an important and positive contribution to boosting the supply of housing within the District.
- 6.4.4 It is noted that in more recent years, some residential development in Yatton has come forward without any supporting community facilities. The Appeal proposal includes land for Class E uses, which could encompass a wide range of services subject to demand and / or need and is a significant benefit to the scheme. The Appellant's evidence will demonstrate that this will deliver economic growth / social cohesion and has the ability to further supplement the sustainability of Yatton.

6.5 The Need for Affordable Housing

- 6.5.1 The Appeal Scheme includes an affordable housing provision of 50%, which exceeds the adopted Core Strategy (CD TBC) requirement of 30% (Policy CS16 – Affordable Housing). The need for affordable housing was set out in the application documents submitted with the application.
- 6.5.2 The provision of 50% affordable housing will assist in meeting affordable housing need in Yatton and across the North Somerset area. It will also help to increase the range, type and tenure of dwellings available within the locality, and contribute to a mixed and balanced society.
- 6.5.3 The Appellant's evidence will demonstrate that the Local Authority has an acute housing delivery shortage and affordable housing need.
- 6.5.4 As such, substantial weight should be afforded to the delivery of up to 95 affordable homes in this location.

6.6 The Need for the Development in Yatton

- 6.6.1 The Appellants will draw on the Local Housing Needs Assessment submitted with the application which concludes that:

"There is a pressing need for the overall housing requirement to be increased beyond the 321 (inclusive of c.90 windfall homes)

proposed by the emerging Local Plan within Yatton Parish between 2024 and 2039”.

“Based on analysis undertaken by Pioneer the requirement in Yatton Parish for market housing is suggested to be c.2.6 times the supply planned through the emerging Local Plan and a shortfall of c.399 market homes could accrue in Yatton Parish unless additional supply sources are identified over the 2024 to 2039 period”.

“If overall housing supply remains at the level proposed through the emerging Local Plan significant shortfalls of up to 565 Affordable Homes could accrue in Yatton Parish 2024 to 2039”.

“Even if Affordable Housing need is constrained to exclude a significant number of households eligible for Affordable Home Ownership (“AHO”), at a minimum shortfalls of c.99 Affordable Homes could accrue”.

“Existing backlogs in unmet Affordable Housing need suggest this lower shortfall scenario to be an optimistic outcome with c.985 households waiting for Affordable Housing selecting Yatton Parish as a location in which they would accept a home”.

- 6.6.2 The Appellant will therefore demonstrate that there is a significant and pressing need for new housing within Yatton, set within a district which has experienced and continues to experience a persistent undersupply of deliverable housing land.

6.7 The High-Quality Design of the Proposed Development

- 6.7.1 The NPPF requires that developments are of a good design, and this is echoed in local planning policy through the existing adopted Local Plan Policy CS12 (Achieving High Quality Design and Place Making).
- 6.7.2 The proposed access point is located on the eastern perimeter of the Site at Shiners Elms. Approval for the detailed design of this point of access is sought through the application, as shown in the Transport Assessment. The Transport Assessment submitted in support of this application provides a robust assessment of the new vehicular access. The new access has been designed in accordance with Core Strategy Policies CS10 (Transportation and Movement) and CS11 (Parking).
- 6.7.3 The application is in outline at this stage, and detailed matters of design and layout will be considered through future Reserved Matters. However, the application is accompanied by a Site Masterplan (Drawing Ref: edp7842_d003g) and a Design and Access Statement, both of which demonstrate that the proposed development will be of a high standard of layout and design. The Design and Access Statement confirms the development is responsive to its setting and local context, with a proposed layout which responds to the Site’s Flood Zone 3 constraints. It will also deliver an attractive edge of settlement environment close to, but separated from, the Strawberry Line, part of the National Cycling Network.
- 6.7.4 In light of the above, the Appellant will demonstrate that the proposed development accords with Local Plan Policies CS12 (Achieving High Quality Design and Place Making) and DM32 (High Quality Design and Place Making) and that this should attract significant weight in the assessment of the scheme in accordance with paragraph 139 of the NPPF.
- 6.7.5 The Appellant has received no design objection from the Council and would not therefore expect to see any design related reasons for refusal.

6.8 Landscape and Visual Impact

- 6.8.1 The Appellant carried out a detailed Landscape and Visual Appraisal (LVA) following the latest UK guidance on landscape and visual appraisal undertaken by experienced landscape architects. The assessment is based upon a desktop assessment and a site visit in clear weather conditions.
- 6.8.2 The site is not within any national designations for valued landscapes, such as AONBs or National Parks. However, the Strawberry Line / NCR 26 extends along the western boundary of the site.
- 6.8.3 The assessment of potential effects on landscape character identified a major/ moderate and negative level of effect on the small to medium-scale, irregular, predominantly flat, pastoral fields. The level of landscape effect on all other landscape qualities identified would be moderate or below. The potential effects on landscape character would be localised with minor levels of effect on the overall character of the area. The proposed development would result in a moderate/major and negative visual effects for pedestrians / cyclists and residents at Shiners Elms. Importantly the layout of the site has been carefully designed to align proposed new homes and other uses closely with the existing settlement edge. The proposed woodland belt (which provides good habitat for bat foraging) would progressively screen the majority of potential views from the west.
- 6.8.4 Visual effects would be localised and the level of visual effect would reduce over time as proposed planting becomes established.
- 6.8.5 A request via the Freedom of Information Act was made by the Appellants to North Somerset Council in relation to consultation responses / correspondence on the application and a response was received on the 20th February 2024. An extract relating to the provision of advice from an external landscape consultant is included at **Appendix F**.
- 6.8.6 In summary, this advice concludes that:

a) The assessment set out in the LVA does use an appropriate and recognised methodology.

b) That methodology has been applied in a generally consistent and fair manner, though landscape effects to the east of the Strawberry Line are likely to be somewhat understated.

c) The coverage and content of the assessment is generally comprehensive, but the comments above also apply in terms of balance.

d) The LVA does not contain any significant omissions - some further discussion of the land raising would have been helpful, but would probably not have changed the judgements as to the levels of effects.

f) The findings in respect of landscape and visual effects appear to be generally balanced and reasonable, subject to the comments above.

- 6.8.7 The report then goes on to conclude:

in the light of the assessment set out in the LVA (though that does not directly address policy compliance) and this review, the following can be noted:

• There would be no conflict with Paragraph 174a) of the NPPF, as the site does not form part of a valued landscape. There could be

some limited and localised harm in terms of Paragraph 174b) and the intrinsic character and beauty of the countryside, but some degree of harm in this respect would tend to occur with development on any greenfield site.

• There would also be some potential conflict with Core Strategy Policy CS5 as the landscape would not be fully protected or enhanced, though again any harm in this respect would be limited and localised.

• There could also be some potential harm in respect of Sites and Policies Plan Policy DM10, depending on a judgement as to whether the adverse landscape effects would be 'unacceptable', though as above in this case the harm would be low level and localised, and it can be noted that the North Somerset Landscape Sensitivity Study assessed the area proposed for built development as of low sensitivity.

It is not for this review to advise whether or not planning permission for the proposed development should be granted, as that will involve consideration of other factors besides landscape and visual matters. However, in the judgement of this review there would be some adverse effects on the character and appearance of the local landscape, but those effects would be limited both in their level and the extent of the area affected, as the site is reasonably well contained and already affected by the existing urban edge, and there would be a significant open space buffer between the developed parts of the site and the Strawberry Line. That limited harm will need to be taken into account in the overall planning balance and judged against the benefits of the proposed development; in the judgement of this review the landscape harm would not be sufficient to warrant refusal of planning permission as a standalone issue, though if refusal were to be considered for other reasons, the landscape harm should also be taken into account.

6.8.8 On the basis of the above response which has been received by the Council, the Appellant would not expect landscape impact to form any part of the Council's case. The Appellant will however demonstrate that there is limited landscape harm and that this represents an agreed position with the Council's appointed landscape consultant.

6.9 Flood Risk

6.9.1 The Site is located within Flood Zone 3 – albeit the site benefits from flood defences. Core Strategy Policy CS3 (Environmental Impacts and Flood Risk Assessment) sets out development in Zones 2 and 3 of the Environment Agency Flood Map will only be permitted where it is demonstrated that it complies with the sequential test set out in the NPPF and associated guidance and, where applicable, the Exception Test. Paragraph 164 of the Framework advises to pass the Exception Test, it must be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

6.9.2 The Flood Risk Assessment accompanying the application was prepared following pre-application discussions with the Environment Agency; and North Somerset in their role as the Lead Local Flood Authority. During these discussions it was noted through a Freedom for Information request, the EA had provided the Congresbury Yeo 2015 modelling for purposes of flood risk modelling, which was out of date. It was this modelling that formed the initial assessment of risk to the site, sequential testing element, and the proposed mitigation measures (i.e. Part ii of the Exception Test).

- 6.9.3 During the pre-application discussions and review, the LLFA highlighted that this was the in fact incorrect modelling for use in support of planning submissions and the Woodspring Bay model (WBM) is that which should be used. As such, this modelling was requested from the EA and after some time the Woodspring Bay model was received.
- 6.9.4 To meet the requirements of the EA and LLFA, and to ensure the latest modelling data is used, the FRA, site layout and recommendations were updated to reflect the level of risk identified by the (WBM). This model assessed the site as being at risk from tidal sources during the 1 in 200 year plus climate change event. During this event, the existing flood defences were exceeded and resulted in flood depths at the site of 2.73m and 3.12m during the 1 in 200 year plus climate change (higher central and upper end events respectively).
- 6.9.5 These flood levels were based on some minor updates to the provided modelling, and as discussed and agreed with the EA, and these included the inclusion of the on-site ditch/Rhyne network and associated structures. Additionally, and as was highlighted by Mr Bull of the EA, several culverts exist under the raised Strawberry Line embankment which is to the immediate west of the site. Additionally, and noting that the climate change allowances in the model ran to 2118, the climate change values were updated to reflect a full 100year design life for the proposed development. Therefore, all assessments submitted to the EA are based on predicted climate change flood levels up until 2125.
- 6.9.6 The submitted FRA (Ref:23257-HYD-XX-XX-RP-FR-0002 dated March 2023) also assessed the impact to the site during the undefended scenario (i.e. a complete failure of the neighbouring defences). This was at the request of Mr Bull at the EA and this (again with the updated mentioned above included) resulted in a 1 in 200-year present day, undefended flood level at the site of 1.17m.
- 6.9.7 Based on the updated modelling, and discussions with the EA, mitigation measures were based around ensuring all development was set (with freeboard) above the 1 in 200 year plus climate change (higher central) value. As such, the FRA outlines proposals to raise site levels circa 3m to achieve the EAs initial request. Given the EA's position, the proposals were fully redesigned to accommodate the EA's position at this point.
- 6.9.8 It was noted (again via a meeting on the 16th January 2023) to the EA that the request being made was not consistent with other schemes where wholesale (and significant) ground raising was not requested or required, and a more pragmatic approach was proposed by the applicant in that finished flood levels would be raised about the 1 in 200 year event with 'considerations' given to the impacts of climate change. This position on neighbouring sites drew no objection from the EA during the planning consultation process.
- 6.9.9 Following submission of the original FRA, and having discussed and agreed the approaches adopted, the EA provided a consultation response of 10th May 2023 (Ref: WX/2023/137123/01-L01) in which they raised an objection.
- 6.9.10 The basis for this objection was no compliance with Para 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance (PPG). Further to this, key issues raised related to the following key reasons:
- a) Practicalities and specifics of (the proposed) land raising.
 - b) Land raising proposed reduces space for floodwater and could increase flood risk to third party land
 - c) Further / more consideration of fluvial flooding needs to be considered.
- 6.9.11 Following the above response and noting the change in position from the EA compared to the discussed and agreed (via meetings) approach, Brookbanks provided a formal response (Ref Land to North of Rectory Farm, Yatton, dated August 2023) to the provided comments (Ref:

Land to North of Rectory Farm, Yatton – Flood Risk- Consultation Response Rv2, dated 2nd August 2023).

- 6.9.12 Within this response a detailed response to each of the comments raised by the EA were provided and these are summarised as follows:

Land raising proposed reduces space for floodwater and could increase flood risk to third party land

- 6.9.13 A summary of the position was provided along with also the updates undertaken to the WBM model to ensure it is as representative as possible. This includes ditch/rhyme network but also climate change allowances.
- 6.9.14 As part of the response, additional modelling was undertaken, and this was focussed on a defended scenario based on agreement with North Somerset Council. This approach confirms that during the 1 in 200-year event this site (and surrounding area) is defended and therefore the key risks to the site are as a result of climate change impacts and on the assumption that no upgrading works to these are planned during the next 100years.
- 6.9.15 The updating modelling that was undertaken included the proposed development levels (inc. ground raising) and the outputs from these 'post development' scenarios were compared to the baseline (i.e present day) scenario to better understand the results of any reduction in space for floodwaters as a result. This additional modelling exercise confirms that a general increase of circa 20mm was identified. It was however noted that in some areas, increases reached up to 50mm. Within the Appellant's response it was argued that this increase was 'inconsequential' owing to the existing predicted depths being more than 1.5m during the climate change event.

Further / more consideration of fluvial flooding needs to be considered.

- 6.9.16 The Brookbanks response, outlined that the submitted FRA has adequately considered fluvial risks to the site based on data provided by the EA. This was in the form of the Congresbury Yeo 2015 model. This study has fluvial only scenarios which WBM does not and was therefore considered to provide a more accurate assessment of 'fluvial only' assessments as requested by the EA.
- 6.9.17 On review of the Congresbury Yeo model, no flooding is predicted in any of the modelled events (which included 100yr plus climate change and 1,000yr events). The Brookbanks Technical Note states that the modelling files were provided to the EA for their review as this again included minor updates in the form of updated climate change allowances, and inclusion of additional culverts under the Strawberry Line.
- 6.9.18 The EA in their response refer to a detailed fluvial modelling having been undertaken for a neighbouring site and note that this assessment was undertaken by Hydrock (the same consultant as the original FRA). However, and as noted in para 2.17 of the Brookbanks report:

Whilst this application site is known and the reporting is available via the planning portal the modelling files themselves are not available as these are not in the public domain and are not the property of the applicant and therefore reliance, or indeed the accuracy of the data, is not able to be commented on.

- 6.9.19 Whilst the above confirms the position, para 2.18-2.21 provide a summary of the modelling referred to within the EAs response. This review is based on readily available information from the planning portal and is not the modelling files themselves. However, it is concluded that this was not a traditional 'fluvial only' model and was a hybrid which included tidal levels and surface water inflows in addition to fluvial elements. As such, this is not considered suitable to address the EA's comments and therefore the Congresbury Yeo (with minor updates) is the preferred option, and the site is therefore concluded as being at 'low' risk from fluvial flooding.

- 6.9.20 This document was provided to the EA in August 2023 and discussions have been ongoing with key points and dates summarised below.
- a) 13th September 2023 – email sent from Brookbanks to EA to set out key points for discussion at a meeting to be held on 14th September with Richard Bull and Sam Archer. Key points for discussion included model version being used, flood levels and the approach in managing the risk – i.e. the finished floor levels.
 - b) 27th September 2023 – Summary email of the points discussed within the meeting on 14th September were circulated.
 - c) 9th October 2023 – Email sent from Brookbanks to EA. This email focussed on providing further justification/evidence to the EA on the tolerances of tidal models and particularly the Woodspring Bay model. This was based on readily available documents (both national and Woodspring Bay specific). Within this email, several questions were asked of the EA to confirm certain elements of what is considered acceptable, but this email provided evidence to state that a 150-300mm tolerance would be considered more reasonable for tidal model – which significantly exceeds the modelled 17mm experience.
 - d) 11th January 2024 – EA email to Rappor with confirmation that internal discussion (in response to email dated 9th October 2023) has been concluded and dates for a follow up meeting provided.
 - e) 16th January – Meeting (virtual) with Will Thomas and Sam Archer
- 6.9.21 Further to the above, Rappor undertook a review of the previously undertaken work (by Hydrock and Brookbanks and reference above) and more specifically continue discussions with the EA and prepare a technical response with supporting evidence to address the consultee comments. To achieve this a technical note was prepared and formally submitted to the EA (Ref 24-0161, dated Feb 2024) and is included with this appeal.
- 6.9.22 This note provided a summary of the position and background (i.e. summary of the Hydrock FRA and Brookbanks formal note) but then provided an update on discussions with EA. This was primarily to highlight that no formal response had been received despite regularly chasing by both Rappor and the applicant for an update.
- 6.9.23 The Rappor document therefore focussed on the known outstanding points and re-confirmed the position with respect to ‘other sources’ of flooding – fluvial and pluvial and how detailed assessment have been undertaken and confirm no impact to (or as a result of) the proposed development site. It is also highlighted (para 4.2 of the Rappor note) that this position has been (albeit verbally) agreed with the EA.
- 6.9.24 Within the latest document, a summary of the meeting held with the EA on 16th January 2024 was provided. For reference, this meeting was following some 4 months of chasing to try and arrange it, and focussed on three key areas:
- a) Modelling tolerance
 - b) Third Party Increases
 - c) Mitigation Measures
- 6.9.25 All of the above were considered key points for discussions and focusses solely around the tidal modelling, and impacts as a result of the site as this was confirmed at the meeting as being the outstanding concern for the EA.

- 6.9.26 As is outlined within the Technical Note, and following conversation with the EA, further modelling works had been undertaken to assess the impacts on the increase in tidal flooding when the proposed ground raising was lowered. This was brought about because of additional constraints (drainage, ecology, landscape etc) which created a conflict with respect to ground raising. The EA were accepting of this as reason to investigate the impact. This updated modelling looked at a much reduce level of ground raising. This saw proposed ground level reduce from the originally proposed (within the Hydrock FRA) 8.48m AOD to 6.68m AOD.
- 6.9.27 This reduction in ground level raising reduced the impact of the development on off-site flood levels (compared to those quoted within the Brookbank document) to a consistent 17mm increase across a large area (and not just immediately around the site (see para 4.4 with this Rappor 2nd Feb technical note).
- 6.9.28 Owing to the extent of the increases (i.e. no localised to immediately around the site) it was considered that there was the result of oscillations within the modelling. Oscillations within modelling are well recognised as occurring and 'model tolerance' is an industry stand approach and discussion point. Whilst the EA traditionally adopt +/- 10mm tolerance this is a 'rule of thumb' and no set-in guidance (queried with the EA via email in October 2023 and no response provided so assumed as confirmed).
- 6.9.29 Whilst 10mm is considered a 'rule of thumb' tolerance, it should be considered on a model-by-model basis as resultant of a wider range of parameters and interactions between these. This is even referenced within EA guidance documents and specifically for the WBM model (para 4.7 of Rappor Feb Note outlines this) which suggests a tolerance for this area should be 'in the region of 300mm'. This value being significantly greater than the 17mm increase shown by the modelling.
- 6.9.30 The tolerance of the WBM was discussed with the EA and whilst (at the meeting on 16th January 2024) it was confirmed a 150mm tolerance was 'more reasonable' and agreed with the Evidence and Review Team, the 17mm increase would not be acceptable as part of their planning consultation – so contrary to the technical information/ advice and published EA documents.
- 6.9.31 On this basis, the 'real' impact of the 17mm increase was discussed (Para 4.13-4.14 of Rappor note) and confirmed that given the existing predicted depths being a maximum of up to 1.3m, this 17mm increase would not result in a new properties being flooded (i.e. no increase in extent) and, on review of google earth imagery would not result in properties being internally flooded post development that were pre-development owing to threshold levels. As such, it has been concluded that whilst the increase is outside the tolerance the planning team at the EA are willing to accepted, the consequence/ flood risk as a result is considered as being de minimis.
- 6.9.32 In addition to the above assessment of the consequence of the increase, the Rappor document refers to the credibility of using climate change as a design event in comparison to the existing flood defences as it is noted that strategic flood defences would come forward given the 'clear and present danger of flooding'. This was also a position agreed within the Secretary of State's response to the Silverthorne Lane development in Central Bristol (3264641 and 3264642) para 455 for reference). This therefore provided a precedent that whilst no formal plans were 'in place' it is reasonable to assume that measures to upgrade flood defences will be undertaken – and therefore this would be the same for North Somerset and the WBM model area given the significant number of existing properties and people at risk in the event these are no updated.
- 6.9.33 Whilst it is agreed that third party increases in flood risk should be avoided where at all possible, it is considered that the nature of this assessment, and the more reasonable tolerances of the modelling would result in the 17mm increase being acceptable based on the arguments outlined above. However, it would also be important to highlight that as part of the works since the original EA response, a series of options for the site, and specifically the amount of ground raising, has been undertaken to, where possible minimise or remove the increases to third party land.

- 6.9.34 Whilst the above provides useful background, the Rappor note also provides further justification as to the ground level raising and summaries (para 4.17) that:

Initially, the ground raised was set to a level above the undefended 1 in 200 year plus climate change tidal event. This was chosen to adopt a conservative approach whilst ensuring all proposals remained 'dry' during the extreme events. However, and noting the consultation comments from both the EA and NSC both stated that mitigation during the defended scenario would be considered acceptable (refer to the Mead Realisations application, ref 20/P/1579/OUT). When using the defended scenario, the flood levels, and therefore ground raising required are reduced by from a recommended level of 7.88m AOD (from Hydrock report based on the undefended scenario) to a much-reduced level of 6.28m AOD (para 4.57 of the Brookbanks report) when using the defended scenario.

- 6.9.35 Para 4.18 continues:

The revised mitigation approach (i.e. using the defended scenario) has been discussed and agreed with the EA as appropriate.

- 6.9.36 Para 4.19 then confirms that the reduced ground levels were a suggestion of the EA to reduce off-site impact. However, and as outlined in para 4.19, constraints outside flood risk (and mainly those related to drainage to avoid surcharged outfalls and allow a gravity fed surface water system) prevented any further reduction in ground level.

- 6.9.37 Following the submission of the above note, a meeting was held with Ms Archer and Mr Thomas of the EA on 28th February 2024 to discuss the latest note and its findings. This was primarily around the submitted Rappor technical note and its findings/justification.

- 6.9.38 During this meeting a review of the model outputs was undertaken, and Mr Thomas agreed that the model increases were considered as being related to oscillations within the calculations rather than as a direct result of the modelling and was happy that these were, if anything, not 'real' and more a numerical oddity within the model. This also follows the EA's own review of the submitted modelling and output files. Following agreement on the modelling outputs, and third-party increase being agreed, Ms Archer also confirmed that the justification provided around the inability to lower the site levels any further (i.e. for drainage purposes) and in inconsequential impact of the minor increase (i.e. no increase in extent or internally flood properties) were acceptable in this instance. Both Mr Thomas and Ms Archer stated that this would not represent a typical EA position and the conclusion was reached based on the extensive evidence and justification provided through the process and was very much a 'individual decision' and verbally agreement was given during the 28th February 2024 meeting.

- 6.9.39 Following this position, and noting no further information was required, the Rappor Technical Note was formally submitted to North Somerset Council to reconsult the EA. The EA provided an updated response to the application on the 17th April 2024 – the response advises that their objection is maintained (which runs counter to the position agreed with the Appellants and their flood risk consultant on the 28th February 2024). The response has also been provided by an Officer who, to date, has not been involved in any direct discussions with the Appellant. The response does not contain sufficient detail to determine what exactly are the outstanding issues however the Appellants will continue to work with the EA to attempt to reach an agreed position in this regard. However on the assumption that matters remain in dispute, the Appellant will provide evidence as described above.

- 6.9.40 The Somerset Drainage Board Consortium first responded to the Application on 4th May 2023, objecting to the proposed development. The Internal Drainage Board (IDB) objected to the

proposals on the basis that the proposed discharge rate from the development area within the Site does not meet the necessary requirements. The IDB advised that in order for their objection to be removed, the Appellant would need to design the surface water drainage network in accordance with the recommended drainage criteria provided by the IDB. The Appellant and consultant team have been working to address the comments provided by the IDB and intend to issue a supplemental technical note. On this basis, it is anticipated that the comments provided by IDB can be addressed prior to the beginning of the Inquiry.

- 6.9.41 Further to this, the Lead Local Flood Authority (LLFA) provided comments on 15th May 2023, objecting to the current proposals. A series of comments were provided by the LLFA, setting out their reasoning for objecting to the scheme. The comments provided by the LLFA are being addressed by the consultant team, with the intention of addressing all comments prior to the beginning of the Inquiry.
- 6.9.42 Following the comments received from the IDB, LLFA and Environment Agency, the Appellant has been discussing these objections with the consultant team and working to address the outstanding objections and comments. It is anticipated that the Appellant will work to address all outstanding comments prior to the beginning of the Inquiry. However, if further matters are raised upon conformation of the Council's case, evidence will be produced accordingly which addresses the above matters.

6.10 Flood Risk Sequential Test

- 6.10.1 The Appellants have already made reference in this SoC to the recent High Court case R (Mead Realisations Ltd. & Redrow Homes Ltd.) v. Secretary of State for Levelling Up, Housing and Communities [2024] EWHC 279 (Admin) and the Written Opinion which they have obtained from Lord Banner KC in respect of the implication of that judgement for the decision making process.
- 6.10.2 The Appellants have also previously set out the relevant NPPF and PPG paragraphs for consideration in this regard. In addition, the Appellants will also reference Policy CS3 of the Local Plan which states:

***CS3: Environmental impacts and flood risk assessment
Development that, on its own or cumulatively, would result in air, water or other environmental pollution or harm to amenity, health or safety will only be permitted if the potential adverse effects would be mitigated to an acceptable level by other control regimes, or by measures included in the proposals, by the imposition of planning conditions or through a planning obligation.***

Development in zones 2 and 3 of the Environment Agency Flood Map will only be permitted where it is demonstrated that it complies with the sequential test set out in the National Planning Policy Framework and associated technical guidance and, where applicable, the Exception Test, unless it is:

- development of a category for which National Planning Policy Framework and associated technical guidance makes specific alternative provision; or***
- development of the same or a similar character and scale as that for which the site is allocated, subject to demonstrating that it will be safe from flooding, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.***

For the purposes of the Sequential Test:

1. The area of search for alternative sites will be North Somerset-wide unless:

- **It can be demonstrated with evidence that there is a specific need within a specific area; or**
- **The site is located within the settlement boundaries of Weston (including the new development areas), Clevedon, Nailsea and Portishead, where the area of search will be limited to the town within which the site is located. Other Local Development Documents may define more specific requirements.**

2. A site is considered to be 'reasonably available' if all of the following criteria are met:

- **The site is within the agreed area of search.**
- **The site can accommodate the requirements of the proposed development.**
- **The site is either:**
 - a) owned by the applicant;**
 - b) for sale at a fair market value; or**
 - c) is publicly-owned land that has been formally declared to be surplus and available for purchase by private treaty.**

Sites are excluded where they have a valid planning permission for development of a similar character and scale and which is likely to be implement

6.10.3 An updated Flood Risk Sequential Test (FRST) was submitted to the Council in April 2024. The Sequential Test shows that of the 205 sites and series of sites established from the 495 entries sourced from the data set out above, there are 26 sites and series of sites that could potentially accommodate the development in terms of total site size and capacity requirements and which are not at a higher risk of flooding than the application site.

6.10.4 The next stage of the sequential test assesses whether there are any planning policy reasons why these sites could not deliver the proposals or if any extant permissions affect whether the development could be delivered on those sites. This part of the test found that 19 of the 26 sites would not be able to accommodate the proposals for reasons relating to planning policy or permissions. A list of these sites is held at Appendix E of the FRST and they are summarised below.

Planning Assessments – Green Belt and the Mendip Hills National Landscape (formerly AONB)

6.10.5 It is necessary to assess planning policy and constraints when establishing whether sites would be reasonably available. Five of these 26 sites are within the Green Belt.

6.10.6 Chapter 13 of the NPPF relates to Protecting Green Belt land and states at paragraph 152 that “*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances” (our emphasis). Paragraph 153 states “*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*”.*

6.10.7 On the basis of this national policy position, it cannot be considered that the 5 Green Belt sites are suitable for the proposals. These sites are:

- 3: Land at Tower Farm, Land South of Cedar Way and Land West of Weston Wood Road (HE2068, HE20133 and HE2067) – Portishead
- 5: Moor Farm (HE20222) – Portishead
- 21: Land East of Backwell and Land at Flax Bourton (HE203035, HE202012 and HE2062) – Backwell
- 94: Land Northeast of Nailsea, Land North of Nailsea and Land off Pound Lane (HE20233, HE20136 and HE20225) – Nailsea
- 197: Land at Barrow Hospital and Barrow Wood (HE201059, HE203009, HE203010, HE203011 and HE203012) – Barrow Gurney

6.10.8 The sites at Barrow Hospital and Barrow Wood are located within the Green Belt and parts of this series are allocated for development in the SAP and the Regulation 19 emerging Local Plan. There are 3 allocations in the SAP for 20 dwellings, 66 dwellings and 14 dwellings. The 20 dwelling allocation has been completed and the latter two are proposed to be carried forward in the Regulation 19 emerging Local Plan for 59 and 14 dwellings respectively, which cannot accommodate the proposals.

6.10.9 SHLAA sites Land at Barrow Wood c and Land at Barrow Wood d have a combined site area of 6.3ha and are not allocated nor are they proposed allocations in the emerging Local Plan. They are therefore also not suitable to be developed.

6.10.10 Similarly, the site at (151) Land South of Elborough (wider WSM) (HE201040) is located almost wholly within the Mendip Hills National Landscape (formally Mendip Hills AONB). The SHLAA data states that c. 2.3ha of the site is not within the AONB.

6.10.11 Chapter 15 of the NPPF relates to conserving and enhancing the natural environment. Paragraph 182 states that “*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.*” Paragraph 183 states that “*When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest*”.

6.10.12 As set out above with the Green Belt sites, this AONB site cannot be considered a suitable alternative and is therefore inappropriate by definition.

Planning Assessment – Capacity after applications, decisions and completions

6.10.13 For some sites and series of sites, there is insufficient capacity for the proposals when existing developments and consented schemes are considered. This part of the assessment is supported by the Council’s Housing Land Supply completions data.

- **17: Farleigh Fields and Land North of Church Lane (HE20212, HE203013 and HE20486) – Backwell**

6.10.14 This series of sites has an overall estimated capacity of 286 dwellings. The northern part of the series was granted outline permission in 2022 (21/P/1766/OUT) following an allowed appeal for 125 dwellings. A reserved matters application (23/P/2508/RM) was subsequently submitted in 2023 for 96 dwellings. The applicant for this site is also Persimmon Homes Severn Valley who are committed to delivering this site. As such, the residual capacity of the series is 161 dwellings or 7.98ha which cannot accommodate the proposals.

- **90: Land at Youngwood Lane, St Mary's Grove and Land South of the Uplands (HE201080, HE2065 and HE20703) – Nailsea**

6.10.15 This series of sites covers an overall area of 28.58ha and could accommodate an approximate 538 dwellings. The site at The Uplands (HE20703) was granted consent in October 2021 (20/P/2000/R3) for 52 dwellings and is not available for the proposals. To the east of this is the site at St Mary's Grove (HE2065) which is 0.23ha in size and has a capacity of 6 dwellings. No planning applications have been submitted on this site.

6.10.16 To the south of these is the largest site in the series at Youngwood Lane (east of Netherton Wood Lane) which is 24.37ha in size and with a capacity of 450 dwellings, based on an outline planning application (16/P/1677/OT2). Two reserved matters applications have been approved across this site: 20/P/2347/RM to the north for 168 dwellings and 22/P/1558/RM for 282 dwellings to the south.

6.10.17 The northern part (Phase 1) is under construction and had a residual capacity of 117 dwellings at April 2023. This is therefore not reasonably available. The southern part (Phase 2) was granted consent in March 2024 and is being brought forward by Taylor Wimpey. This is also not reasonably available. At the southern end of this series of sites are two parcels of land north of Youngwood Lane (HE201080) which are 1.98ha in size with an estimated capacity of 30 dwellings. No planning applications for residential development have been submitted on these sites.

6.10.18 The remaining capacity at this series of sites is from the land at St Mary's Grove to the north and at the land North of Youngwood Lane to the south, which cumulatively is 2.21 ha which could accommodate 36 dwellings. Not only are these sites too small to accommodate the proposals, but they are disconnected due to the intervening development to the east of Netherton Wood Lane. This series of sites is therefore not reasonably available for the proposals.

- **112: Land at North End, Chestnut Farm, Moor Road and Yatton Rugby Club (HE20425, HE20630, HE20529 and HE2012) – Yatton**

6.10.19 Chestnut Grove is the northern most site in this series covering an area of 0.8ha and with a capacity of 15 dwellings. This is adjacent to the land at North End which is 6.54ha in size and allocated in the Site Allocations Plan for 170 dwellings. It is a draft allocation in the emerging Local Plan for a residual capacity of 47 dwellings. This part of the series was subject to planning permission (ref: 15/P/0946/O and 19/P/1884/RM) which has commenced and is being built out by the developer Bloor Homes.

6.10.20 To the south of North End lies the Yatton Rugby Club site covering 2.2ha and where a planning application has been submitted (22/P/0455/FUL) for 85 dwellings by the developer Strongvox Homes. This development includes the planned redevelopment of Yatton Rugby Club to a new site at the northern edge of Yatton at Land at Kenn Road. The application was submitted in February 2022 and remains undetermined.

6.10.21 The final element of this series of sites is land at Moor Road whereby full permission for 60 dwellings (19/P/3197/FUL) was allowed at appeal (3285343) in April 2022 on this site of 2.71ha. Persimmon Homes Severn Valley are the developers of this site and it is programmed to be developed as permitted and is therefore not available for alternative proposals.

6.10.22 Cumulatively, whilst the sites are 12.25ha in size and therefore above the site size parameter, there are completions on the central site in the series (North End) which sever the series into two parts. The southern part (Rugby Club and Moor Lane) covers 4.91ha in size, which cannot accommodate the proposals and these sites are subject to other planning considerations: a development already being brought forward by the Applicant and a submitted application awaiting determination and requiring the relation of a sports facility. This series of sites cannot accommodate the proposals.

- **113: Land at Rectory Farm and Biddle Street (HE203 and HE2010112) – Yatton**

6.10.23 Land at Rectory Farm is the application site and the Biddle Street site to the south is subject to a planning permission for 100 dwellings (21/P/0236/OUT) which was allowed at appeal (3286677) in June 2022 and could not accommodate the application proposals. The site is being brought forward by St Modwen and is subject to a live reserved matters submission.

Planning Assessment – Local Plan Considerations

6.10.24 For some sites, consideration should be given to their capacity, availability and deliverability in the context of the Local Plan and emerging Local Plan.

- **91: Land South of Nailsea, Land east of Youngwood Lane, Land north and south of Youngwood Lane and Land near the Perrings (HE20591, HE20612, HE202016, HE203007, HE203016, HE203020)**

6.10.25 This series covers an area of over 40ha with a capacity of 600 dwellings, however all of the sites with the exception of HE2059, HE203016 and HE203007 are within the designated strategic gap between Nailsea and Backwell. The residual capacity of these sites is 9.09ha which cannot accommodate the proposals. The southern section of the series (part of HE20612) is within the new Green Belt proposed in the emerging Local Plan. This series of sites is therefore not suitable to accommodate the proposals.

- **93: North West Nailsea and The Stables (HE20273 and HE2066)**

6.10.26 The site at The Stables is 2.56ha in size and could accommodate 77 dwellings. This site is located wholly within the Green Belt and therefore by definition, development would be unacceptable in this location.

6.10.27 The North West Nailsea site covers an area of 17.96ha and was allocated in the SAP for 450 homes. An outline planning application was submitted in October 2023 (23/P/2322/OUT) for 150 dwellings by the developer Vistry Group. However, in the Regulation 19 version of the emerging Local Plan, the allocation has been reduced in size and down to 75 dwellings on the basis of flood risk. This draft allocation therefore could not accommodate the proposals.

- **127: Herluin Way (Avoncrest)**

6.10.28 The Avoncrest Site is allocated in the SAP for 750 dwellings as part of a mixed use scheme which would include a site for a primary school, 2.5 ha of employment land, a spine road and a noise buffer. As part of the emerging Local Plan, this site has been de-allocated and it was not included in either the 2022 or 2023 SHLAA. The SAP also states that remediation work would be required to eliminate risk of contamination. This site therefore does not appear to be available or deliverable for the proposed development and the potential need for contamination remediation works casts doubts on the potential timescales for development.

- **128: Land south of Locking Moor Road, Land south of Moor Park, Oaktree Park and Elm Grove Nurseries (HE201037, HE207, HE208) – Weston-super-Mare**

6.10.29 This series of sites has a cumulative capacity of 364 dwellings across an area of 20.1ha. Part of the site is allocated in the emerging Local Plan for 35 dwellings (eastern part of HE207), however the remainder of the site lies within the Strategic Gap in the existing and the emerging Local Plan. These sites are therefore not suitable to the proposals.

- **139: Land to the East of Wolvershill Road, Goding Lane and Orchard Close (HE20603, HE201056, HE201075) – Weston-super-Mare**

6.10.30 This series of sites lies to the east of Junction 21 of the M5. They cover a cumulative site area of 15.4ha and could accommodate 444 dwellings. The Banwell Bypass is proposed to run through the largest site (East of Wolverhill Road) which would sever the series of sites and mean neither part would be able to accommodate the proposals.

Planning Assessment – Weston Villages

6.10.31 The Weston Villages are strategic allocations in the SAP for around 6,500 dwellings, split across two key areas: Winterstoke Village (the former Weston Airfield) and Parklands Village (the former RAF Locking site).

- **149: Winterstoke Village (former Weston Airfield)**

6.10.32 There are two outline planning applications across this allocation: 10/P/0756/OT2 for 900 dwellings and 12/P/1510/OT2 for 1,650 dwellings, totalling 2,550 dwellings. Application 10/P/0756/OT2 has reserved matters submitted for 898 dwellings and has now been substantially completed.

6.10.33 The second part of the allocation is under construction and has seen 307 completions to date and a residual capacity of 1,343 dwellings. Persimmon Homes Severn Valley are bringing this site forwards for development and have a committed build programme in place. This development has an affordable housing requirement within the Section 106 agreement of 30% provision across the site which is significantly lower than that proposed as part of this planning application.

6.10.34 On the basis that Winterstoke Village is already being delivered by PHSV and as the commenced permission has a significantly lower affordable housing provision than the proposals, it is considered that this site is not suitable for the proposed application.

- **Parklands Village (former RAF Locking site)**

6.10.35 The Parklands Village allocation covers an area to the west of the M5. It has been split into several development parcels by various developers and there are large outline permissions across the site:

- 143: Locking Parklands - 13/P/0997/OT2 for 1,200 dwellings
- 144: South of Locking Head Drive - 16/P/2758/RG4 for 700 dwellings
- 146: Churchland Way and Mead Fields - 12/P/1266/OT2 for 1,150 and 16/P/2744/OT2 for 250 dwellings

6.10.36 There have been multiple reserved matters applications submitted against these outline applications and there remains residual capacity at the sites. However, each of these outline permissions requires the development to deliver 30% affordable housing. The application proposals include 50% affordable housing, and therefore these sites would not be suitable for the proposals on the basis that they would not be suitable for the type of development proposed. The inclusion of 50% affordable housing is a key component of the application proposals.

Planning Balance

6.10.37 This exercise leaves 7 sites which could be capable of accommodating the total residential capacity requirements of the application proposals, are not at a higher flood risk than the application site, where there are not strategic planning policy reasons affecting the buildability of the site or where extant permissions would not prevent deliverability. These sites are listed in Appendix F of the FRST with commentary as to whether they are “in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at

the point in time envisaged for the development". These sites will therefore be considered as part of the overall planning balance exercise also.

Yatton and the Sequential Test

6.10.38 Submitted with this application is a Local Housing Need Report prepared by Pioneer Property Services Ltd which reviews the market and affordable housing need within the Parish of Yatton.

6.10.39 This report identifies that the application scheme, which is for up to 190 dwellings, including 50% affordable housing, will positively contribute to the identified overall housing need in Yatton Parish.

6.10.40 In summary, the report sets out that there is a pressing need for the overall housing requirement to be increased in Yatton Parish. The report analysis summarises that unless additional supply sources are identified, the 2024 – 2039 market housing requirement is c.2.6 times the planned supply of market housing and a shortfall of c.399 market homes could accrue in Yatton Parish over the 2024 to 2039 period.

6.10.41 Analysis also suggests that if overall planned housing supply remains at the levels proposed through the emerging Local Plan significant shortfalls of up to 565 Affordable Homes could accrue in Yatton Parish 2024 to 2039.

6.10.42 On the basis of housing need in Yatton, the sequential test has also been considered for Yatton Parish only. Of the 205 sites and series of sites assessed across North Somerset, 15 of these are in Yatton and Claverham, which is the extent of Yatton Parish boundary. These sites are set out in Appendix G of the FRST. In summary:

- 9 of these 15 sites had a capacity of less than 143 dwellings
- Of the remaining 6 sites, 3 of these were less than 10.3ha in size

6.10.43 As such, there are 3 sites which could accommodate the total residential capacity requirements of the application site, one of which being Rectory Farm (North) (the application site). The Planning Evidence will assess the individual planning merits of these series of sites and conclude that the application site is the sequentially preferable site. As such, in order to address some of the shortfall in both market and affordable housing in Yatton, the proposed development is needed in Yatton. As per the aforementioned High Court Judgement, this must be a consideration in the decision-making process. The Appellant will expand upon this further in evidence.

6.10.44 The Appellants will therefore demonstrate that the approach taken accords with Policy CS3 of the Adopted Core Strategy as well as the relevant aforementioned paragraphs of the NPPF and PPG and that they have adopted an entirely reasonable approach in looking at the test on both a District wide but also settlement specific basis.

6.11 Ecology

Review of Key Ecological Effects of the Proposed Design

Assessment scope/ Consultation

6.11.1 The proposals have been informed by a preliminary ecological appraisal which identified the need to undertake further surveys for the following species; foraging bats, badgers, otter, water vole, reptiles, great crested newts (GCN) and breeding birds. As a result each of these species has been considered as part of the proposals. An initial breeding bird scoping survey indicated that further surveys for breeding birds were not considered necessary. Surveys for dormice

have not been undertaken due to limited habitat suitability and the minor nature of impacts to hedgerows and scrub associated with the proposals.

- 6.11.2 The Appellant has commissioned a Shadow Habitats Regulation Assessment (SHRA) to inform the impacts of the proposals on populations of greater and lesser horseshoe bat (*Rhinolophus hipposideros/ Rhinolophus ferrumequinum*) associated with the North Somerset and Mendip bat Special Area of Conservation (SAC) sites. Specifically, the populations associated with Kings and Urchin Wood SSSI (component SAC Site) which support the closest breeding populations of greater horseshoe bat.
- 6.11.3 The impact assessment will consider impacts arising during the construction and occupation phases of the Scheme in order to encompass its entire lifespan as far as can reasonably be anticipated.
- 6.11.4 The Zone of Influence (ZOI) of the development will vary according to the impact or Site feature being assessed. Internationally designated sites were considered at a proximity of 5km, nationally designated sites were considered within 2km of the proposals and locally designated sites within 1km. Impacts from the Scheme on bats associated with the North Somerset and Mendip Bat SAC are considered within 10km of the proposals. Other key species including GCN are considered on the basis of waterbodies present within 250m of the proposals. For a range of other species, a desk study has been conducted covering an area of 2km from the red line boundary.
- 6.11.5 Formal consultation with Natural England was undertaken using the discretionary advice service with a site visit undertaken with Natural England on the 5th of June 2023.

Baseline Site Conditions

- 6.11.6 The site itself comprises modified grassland fields separated by a series of drainage ditches and bounded by hedgerow features. The fields were managed as pasture for grazing sheep and horses. No buildings were present within the landholding. The Site sits adjacent to the Strawberry Line which sits to the west of the red line boundary with structures associated with Rectory Farm to the south and existing development associated with Yatton to the East.
- 6.11.7 The baseline habitat value of the habitats was relatively low with the most valuable habitats being the hedgerows and ditches which bound and intersect the site along with a low number of individual mature trees.

Key Ecological receptors

- 6.11.8 The key ecological receptors with the potential to be impacted by the proposals included international and nationally designated sites including the North Somerset and Mendip Bat Special Area of Conservation (particularly the Kings and Urchin Wood component), Biddle Street, Yatton SSSI, Tickenham, Nailsea and Kenn Moors SSSI.
- 6.11.9 Local sites including Congresbury Yeo, adjacent land and rhyes SNCI and the Cheddar Valley Railway Walk LNR/Strawberry Line LNR. Habitats which are considered to be ecologically important include the Hedgerows, Mature trees and ditches.
- 6.11.10 Protected and notable species considered to be ecologically important included; bats (including horseshoe bats associated with the North Somerset and Mendip SAC), otter, water vole, dormice, reptiles and birds.

Survey scope and summary

- 6.11.11 Following a UKHab survey, BNG condition assessment survey and PEA report the following surveys were undertaken to inform the impacts on protected and notable species: Bat activity surveys (in line with the scope defined in the North Somerset and Mendip Bat SAC (Guidance

on Development) including survey of two offsite fields undertaken in 2022/23, walkover survey for badgers, water vole and otter surveys (both spring and summer surveys), a breeding bird survey (scoping survey), great crested newt eDNA surveys and reptile presence absence surveys.

6.11.12 The surveys for further protected species concluded that badgers, great crested newts and water vole are likely to be absent within the site and the land immediately adjacent to the red line boundary. It is likely badgers use portions of the site on an occasional basis for foraging but no setts were recorded. Although the site is suitable to support water vole no signs of this species were recorded during two surveys undertaken. Signs of otter were encountered on a single occasion within the site indicating that otters use the ditches for commuting and occasional foraging. The breeding bird scoping survey indicated an assemblage of common garden and farmland birds utilised the site and no further surveys were considered necessary to inform the proposals. A low number of slow-worm and grass snake were recorded on the eastern boundary of the red line boundary in small fragments of suitable grassland habitat surrounding the hedgerows and ditches.

6.11.13 The use of the site by bats including horseshoe bats was moderate with common species such as common and soprano pipistrelle making up the majority of the calls recorded during both transect and static detector records. Both lesser and greater horseshoe bats were recorded using the site frequently but in relatively low numbers. Lesser horseshoes were recorded foraging in most months in multiple locations. Greater horseshoe bats were recorded throughout the site but foraged in limited months in a subset of static detector locations.

6.11.14 Survey of further off-site land was undertaken to inform potential compensation habitat for horseshoe bats. The northern field of which was surveyed initially at the same time as the survey of the red line boundary. These surveys confirmed a similar use of the off-site land by bats including horseshoe bats as the land within the red line boundary. Both species of horseshoe bats were confirmed as foraging during these surveys as defined by the Millers index contained in the North Somerset and Mendip Bat SAC. An additional off-site field was surveyed in 2023 along the northern off-site field to ensure all potential compensation land had been surveyed to inform the mitigation/compensation proposals. The 2023 surveys indicated a slightly lower use of the off-site land than recorded in 2022 although horseshoe bats were recorded foraging on a small number of occasions.

Key impacts from the development and mitigation measures

6.11.15 A summary of the habitats impacts is provided below and a summary of key ecological mitigation measures are also provided under separate headings below.

6.11.16 The outline planning application proposals consist of the construction of up to 190 dwellings, access roads, gardens, parking facilities and other associated infrastructure. The construction of the proposals will remove a large area of the improved grassland from the eastern portion of the red line boundary and smaller areas to the west to construct the SUDS and allotment spaces. Hedgerows and ditches will largely be retained and protected with the exception of portions of Ditches 7, 21 and 24 which will require sections culverting to create the access roads. Hedgerows 2, 6 and 16 along with their associated ditches will also require short lengths to be removed and hedgerow ditches to be culverted to allow creation of the access roads. In addition, some impacts from lighting on these features are anticipated. The following habitats indicated in the landscaping are within the parameters of the Outline application and have been used for the BNG calculations and HEP calculations. However, at RM stage a different combination and amount of habitat could be provided, within approved parameters.

6.11.17 Overall, approximately 10.35ha of modified grassland will be removed to allow the construction of the proposals and formation of the landscaping, along with 71m length of poor-quality ditch habitat and a further 33m of hedgerows and associated ditches. This will reduce foraging and commuting habitat for a range of bat species.

6.11.18 The following habitats are proposed which will mitigate for the loss of low-quality grassland and to compensate for the loss of foraging habitat extent for horseshoe bats.

- a) 2.6ha of other neutral grassland with scattered native scrub retained and enhanced from the retained modified grassland in field 3, 4, 5 and 6 (2.3ha of which is accessible to horseshoe bats).
- b) A further 3ha of habitat surrounding the retained ditches within the development will be created and enhanced through grassland management and planting of scrub mature trees and hedgerow features (Approximately 1.9ha of this habitat will be available to horseshoe bats.)
- c) 0.77ha of native plantation woodland will be planted alongside the western boundary (All of which is available to horseshoe bats)
- d) 0.69ha of SUDS engineered to hold water throughout the year and planted with a fringe of native aquatic plant species to provide maximum wildlife value (0.63ha of which will be available to horseshoe bats)
- e) 0.15ha of allotment space will also be provided
- f) Existing hedgerows totalling 266m (H1, H6, H7 and H11) will be enhanced through infill planting and sympathetic management.
- g) 858 linear meters of new species-rich hedgerow with trees and new species-rich hedgerow with trees associated with a bank or ditch will also be planted (579 linear meters of which will be available to horseshoe bats)
- h) 0.263 hectares of formal park (modified grassland managed for amenity) will be created with a scattering of other neutral grassland patches and native cultivars of urban trees planted within it and other public open space grassland (all of which are available to horseshoe bats).
- i) 0.51ha of modified grassland managed for amenity will be established within and surrounding and development areas (which will be unavailable to horseshoe bats).
- j) 1.06ha of vegetated gardens will also be created – (Unavailable to horseshoe bats)
- k) 0.46ha of newly created hoggin paths and surfaced play areas will be created.
- l) Approximately 117 small urban trees are to be provided within the formal landscaping as street trees.
- m) A further 68 small urban trees and 30 medium sized urban trees (approximately.) will be planted within the wildlife mitigation area (available to horseshoe bats)

6.11.19 Up to a further 2.9 ha of off-site habitat contained in two fields to the west of the strawberry line will be enhanced including the off-site land surveyed for bats and an additional adjacent field (which has been surveyed) to compensate for the loss of foraging habitat for both greater and lesser horseshoe bats. This will be enhanced over a fifteen-year period to target a species rich neutral grassland habitat with scattered belts of native scrub.

6.11.20 The mitigation has been designed to fulfil the requirements of the North Somerset and Mendip Bat SAC Habitat Evaluation Procedure (HEP), the details of which are provided within the ecological impact assessment report². The scheme provides buffers from the key western hedgerows which form the edge of the strawberry line these buffers are a minimum of 75m from housing or roads.

Hedgerow Retention and creation

6.11.21 The scheme retains and enhanced the majority of hedgerows present within the red line boundary with 4 sections required for removal all of which are under 10m in length. To mitigate for the minor loss of hedgerow and to enhance the site for a range of protected and notable species. 266 linear meters of existing hedgerow will be enhanced through sympathetic management and infill planting.

Ditch Retention

6.11.22 The vast majority of the ditches will be retained and protected from construction and operational impacts. Total ditch loss will comprise 71 meters of existing ditch and a further 33m of ditches associated with hedgerows. This will comprise less than 3% of the total ditch length within and bounding the red line boundary. To mitigate for the loss of ditch habitat a range of enhancement measures have been proposed to ensure the remaining ditches improve in condition and mitigate for the loss of length anticipated. Measures include cessation of agricultural inputs reduction of grazing pressure on bankside vegetation and a range of planting measures to increase emergence and marginal vegetation present.

Biodiversity Net Gain

6.11.23 The proposals deliver a substantial net gain in terms of biodiversity even when adjusted for additionality for mitigation provided for greater and lesser horseshoe bats. When taking additionality into account the adjusted BNG total is a gain of 27.31% for habitat units, 47.82% gain in relation to hedgerows units and 19.51% in relation to river units. Without additionality applied the scheme would provide a 50.80% net gain in terms of habitat units, 74.26% net gain in hedgerow units and a 19.51% net gain in river units

Buffers to the Strawberry Line/ Biddle Street SSSI

6.11.24 One of the key considerations of the overall design of the scheme was to ensure the Strawberry line and adjoining Biddle Street SSSI was given a buffer from any development to ensure this key bat commuting route is preserved and that the ditches associated with the Biddle Street SSSI are not adversely impacted. Measures to protect these features include wide buffers of grassland, orchard or woodland habitat between this feature and development such as housing and adopted roads. The omission of lighting from areas in close proximity to this feature. Planting of habitats which will bolster existing woody vegetation bounding this feature including hedgerow infill planting, woodland planting, and areas of traditional orchard.

Impacts upon commuting and foraging bats associated with the North Somerset and Mendip Bat SAC

6.11.25 The impacts to commuting and foraging horseshoe bats are provided in detail in the Shadow HRA produced in support of the proposals. As a summary these are broadly limited to impacts to commuting bats which could result from the removal of linear features or illumination of key commuting structures. These impacts are avoided as far as possible by ensuring the hedgerows and ditches which form the key bat commuting structures on the western side of the site are retained unlit for the purposes of allowing bats to commute around the development unimpeded. Efforts were made to provide an unlit link to the hedgerows on the eastern side of the site but mitigation measures (in this instance culverts) did not allow an unlit connection to be maintained. This is not considered to be a significant impact as the eastern boundary was fairly poorly used by commuting bats forming the boundary of existing properties and was in places was relatively well lit.

6.11.26 Impacts to foraging bats are quantified by the Habitat Evaluation Procedure (HEP) calculations as stipulated in the North Somerset and Mendip Bat SAC. These calculations are undertaken to quantify the baseline value of habitats to ascertain an initial foraging value. The post development habitats are then assessed with reference to any lighting assessments undertaken

to provide a post development foraging habitat vale for lesser and greater horseshoe bats. Any habitats lit to 0.5lux or above are excluded from the foraging habitat provision. To date the street lighting and security lighting have been modelled along with exclusion of a ten-meter fringe of habitat within proximity of dwellings which front onto the proposed mitigation habitat to account for internal lighting which cannot be modelled at this stage.

6.11.27 Due to a deficit in suitable foraging habitat an additional 2.9 hectares of off-site land is proposed for enhancement for use by foraging horseshoe bats. This land has been surveyed for horseshoe bats and the baseline foraging value of the habitats present are accounted for in the HEP calculations. With the inclusion of this off-site compensation land and the mitigation habitat provision within the red line boundary the provision of foraging habitat is minorly enhanced for greater horseshoe bats and is significantly enhanced for lesser horseshoe bats.

Impacts to roosting bats

6.11.28 No direct impacts to roosting bats have been identified as no buildings or suitable trees have been identified. A night roost structure was recorded associated with the adjacent former Titan Ladder factory. This feature was an enhancement as part of a previous planning application. This structure was surveyed using interior inspections and static detector surveys and no signs of use of this structure was recorded. The proposals include the provision of two night roost structures to mitigate for the isolation of this unused enhancement. This includes a field shelter included in the off-site compensation land for use by foraging horseshoe bats and a night roost delivered on the western side of the site adjacent to the strawberry line. It is considered the measures provided for roosting bats constitute an enhancement of the current roosting opportunities present within the site.

Existing reports

6.11.29 The full details of the mitigation and compensation proposed along with the BNG calculations for the proposals are available in the Ecological Impact Assessment, Land North of Rectory Farm 1.0 produced by Clarkson and Woods Ltd (March 2023)

6.11.30 Specific updated HEP calculations for horseshoe bats along with an assessment of the potential cumulative impacts of the scheme are provided in the latest version of the Shadow Habitat Regulations Assessment 2.0 Clarkson and Woods Ltd (March 2024)

6.11.31 The BNG calculations are contained in the submitted Biodiversity Metric with additional information included in the appendices of the EclA. A breakdown of the BNG provision accounting for additionality is also contained in the EclA report.

North Somerset Comments and Responses

6.11.32 Initial comments received on the 26/07/2023 from Thomas Bell the Natural Environment officer for North Somerset. The comments acknowledge the appropriate level of survey and assessment for protected species but raise a number of queries in relation to horseshoe bats and the BNG assessment.

6.11.33 As a summary the following broad recommendations were provided

- a) Applicant should produce a Shadow HRA to allow the LPA to make an appropriate assessment;
- b) Bat activity surveys covering the southern off-site mitigation land should be undertaken;
- c) Details of any lighting proposals – the Lighting Strategy, should include a lux contour plan to demonstrate light spill below 0.5 lux for retained/created horseshoe bat habitat and include internal and external lighting of properties;
- d) Revision of Habitat Evaluation Procedure (HEP) calculations considering the points raised above about additionality and lighting;

- e) Revision of the DEFRA BNG metric considering the points raised above about additionality;
- f) Further information on the off-site replacement habitat site in particular how the site will be secured and managed into perpetuity.

6.11.34 A response providing clarifications to the offsite land provision were provided along with an assurance that the offsite surveys of the southern off-site compensation land and Shadow HRA were in progress. The response provided references to the portions of the EclA which clearly laid out additionality in relation to BNG and the HEP calculations and a justification for why these were accurate at the point of submission. In addition, details of the management proposed at this time for the off-site land were provided. The response also indicated the external lighting assessment had been provided and due to the lack of detail in relation to the units proposed any internal lighting assessment would be provided at reserved matters due to the difficulty in modelling internal light spill accurately at this stage.

6.11.35 Further comments received on the 05/01/2024 from Thomas Bell the Natural Environment officer for North Somerset. The comments covered a small number of topics including:

- a) Lighting – The comments indicate that the external security PiR lighting should be modelled along with internal light spill of any dwellings which front onto the horseshoe bat mitigation habitat;
- b) Further clarification on the split of land between the Rectory Farm (Planning ref: 21/P/0236/OUT) proposals and Land North of Rectory Farm (Planning ref: 23/P/0664/OUT) off-site compensation land (due to discrepancies in figures between the two schemes);
- c) Request for the provision of further survey of the off-site land southern field;
- d) Clarification on the use of grazing, request to consider alternatives if grazing cannot be secured.

6.11.36 A further response was provided by Clarkson and Woods Ltd on the 28th of February 2024. This provided clarifications on the lighting assessment undertaken to date and provided an updated external lighting assessment including the PIR security lighting and excluding a buffer of 10m from all of the dwellings fronting on to the horseshoe bat mitigation habitat (which was subsequently removed from the HEP calculations). Further clarifications were made in relation to the division of compensation land between the two adjacent schemes. The comments also referenced the recently submitted updated Shadow HRA and further bat activity surveys covering the southern off-site field as previously requested. The response also provided updates on the current proposed management of the compensation land which would be secured through an appropriate cutting regime.

6.11.37 The Council's ecologists responded on the 11th April 2024 with a recorded position of

“No objection – subject to inclusion of recommended conditions and approval of the sHRA..

Natural England Comments and Responses

6.11.38 The initial Discretionary Advice Comments from Natural England accepted the use of the off-site land was acceptable in principle. Minor comments in relation to the positioning of features including the proposed woodland, allotments and access points into the allotment. Further information in relation to lighting requesting that PIR lighting is modelled and that an assessment of internal light spill must be assessed to ensure the mitigation habitat remains unlit. Some minor clarifications to the HEP calculations were also requested. The location of a replacement night roost was also requested along with a suggested design for any SuDs to reduce potential enrichment of the adjacent Biddle Street Rhyne.

6.11.39 A formal response was subsequently provided by Amelia Early at Natural England on 04/03/2023 raising an objection based on the need for further information in relation to the

division of the off-site compensation land and the current lack of a Habitat Regulations Assessment.

6.11.40 A further formal response was provided on 18/12/2023 of following clarifications provided in relation to the consultation response provided to Thomas Bell and production of the initial EclA. This asked for further information in relation to the following issues:

- a) Request for further bat surveys covering the southern off-site compensation field;
- b) Clarifications on the division of off-site compensation land between the Rectory Farm (Planning ref: 21/P/0236/OUT) proposals and Land North of Rectory Farm (Planning ref: 23/P/0664/OUT);
- c) Minor revisions to the HEP calculations;
- d) Minor comments in relation to the provision and positioning of habitats within the on-site mitigation land (particularly in relation to woody vegetation and allotments adjoining the Strawberry line LNR);
- e) A request for an assessment of the internal and external lighting using a lux contour plan.

6.11.41 A consultation response was provided by Clarkson and Woods on 28/02/2024 providing further clarifications including Clarifications on the division of off-site compensation land between the adjacent schemes including revised buffer width- clarifications on current management proposed (cutting as opposed to grazing). A justification for the layout decisions in relation to on-site mitigation habitat provision and location for replacement night roost provision. Minor amendments to HEP calculations (in line with comments and queries). Additional assessment of lighting impacts including modelling of external PIR lighting and a 10m internal lighting buffer inclusion as a proxy for providing internal light spill calculations (to account for a worst case scenario of internal light spill). The response also indicated the recent submission of amended Shadow HRA (including HEP calculations) and Bat Survey report covering the southern off-site compensation land.

6.11.42 At the time of the submission of the appeal, no further response has been received from Natural England.

Conclusions

6.11.43 The ecological reporting and assessment provided to date provides all of the data required to make a decision on the planning application in relation to ecology. The only issues which could be considered to be outstanding are the provision of internal lighting assessment for the assessment of impacts to proposed mitigation habitat for greater horseshoe bats.

6.11.44 This has been accounted for as far as possible at outline stage using a 10m buffer from the dwellings fronting onto the mitigation area to account for internal lighting. These areas are excluded from the HEP calculations. This is considered to account for the worst-case (and therefore precautionary) scenario from internal light spill forecast.

6.11.45 The minor issues in relation to layout of on-site features and securing management of the off-site compensation land could be secured by condition and a full lighting assessment undertaken at reserved matters to ensure the mitigation proposed can be delivered beyond a reasonable doubt and the favourable conservation status of both greater and lesser horseshoe bats associated with the SAC can be maintained.

6.11.46 In the absence of 'no objection' on ecological matters from Natural England despite the best efforts of the Appellant, evidence will be produced to address Natural England's case. However the Appellant maintains the view that ecology should not form part of any reason for refusal and will seek to agree all ecological matters with Natural England early into the appeal process.

6.12 Transport, Connectivity and Access

- 6.12.1 As a part of the Appeal Scheme, North Somerset Council (NSC) Highways and Transport were consulted on the application. In their response, dated 3rd May 2023, NSC Highways and Transport provided no recommendation for the application, but advised that further information would be required. Further information was requested in respect of a revised Transport Assessment, a revised Travel Plan and confirmation of investigation works to be undertaken for the condition of Shiners Elms and agreement to improvement works. In addition to this, further comments were provided on potential S106 Planning Obligations, S278 Planning Obligations and potential conditions.
- 6.12.2 The Appellant issued an updated Transport Assessment and Travel Plan and on the 8th June 2023, an addendum consultation response was issued which confirmed no objection subject to conditions; obligations and a number of requirements to be included within any future reserved matters submission(s).
- 6.12.3 The Appellant will therefore demonstrate that safe access to the site can be provided; that the site is in a suitable and sustainable location in terms of accessibility; and that there is no transport impact which cannot otherwise be mitigated for. The proposals do not come anywhere near the 'severity' of impact referenced under paragraph 115 of the NPPF.

6.13 Heritage

- 6.13.1 The Appellant's Heritage Assessment concludes that the Site does not include or form any part of a designated heritage asset. The Appeal Scheme would therefore not result in a direct effect upon a designated heritage asset.
- 6.13.2 The assessment has identified that the Site has a low degree of heritage significance derived from its preservation of a historic landscape related to enclosure and drainage of low-lying former fenland, which probably occurred from the late medieval period onwards. Approval and implementation of the proposed development would result in the partial loss of these historic landscape features, even if the drainage ditches (rhynes) that divide the Site's fields would be retained within the completed scheme. This partial loss of a non-designated heritage asset of low value would need to be considered in respect of Paragraph 209 of the National Planning Policy Framework (NPPF) in that "a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
- 6.13.3 The proposed development is likely to result in the disturbance of the ground surface to a relatively shallow level. Such disturbance may truncate, or result in the loss of, presently unrecorded buried archaeological remains which are located in its footprint. With respect to the known geological sequence on the North Somerset Levels, impacts are expected to be focused on buried remains of the Roman and post-Roman periods because prehistoric deposits are anticipated to be buried more deeply.
- 6.13.4 Archaeological remains of these periods are likely to be of low significance, based on the available information, and the geophysical survey which was completed at the Site this autumn has not identified the presence of any probable archaeological anomalies. Consultation with the Principal Archaeologist at North Somerset Council has established that pre-determination trial trenched evaluation is not required in support of the application. Further phased investigation of the Site will take place in response to a pre-commencement condition of any planning consent granted.
- 6.13.5 Therefore, whilst the implementation of the proposed development would result in the loss of shallow archaeological features and deposits (if they are present), but given they are expected to be of just 'low' interest or significance, this is assessed as generating no more than a limited impact as a consequence.

6.14 Harms and Benefits

Harms

6.14.1 Following receipt of the Council's case, the Appellant will review any identified harms and address in evidence.

Benefits

6.14.2 The Appeal Scheme will deliver considerable wider sustainability benefits to the community and are summarised as the following:

- Provision of up to 190no. additional homes. There is an established and identified need for housing in North Somerset, which has been confirmed through appeal decisions in 2022 and the Council's latest Annual Monitoring Report. Very significant weight is therefore awarded to the quantum and range of additional housing that the proposal will provide in the District.
- Provision of up to 95 affordable homes (50%). In addition to market housing, there is an acute need for affordable housing in North Somerset and the proposal will deliver significantly more affordable housing than the policy requirement of 30%. This again has very significant weight in the planning balance.
- Additional convenience and comparison goods spend a proportion of which will be local benefiting the centre-related uses and other uses in Yatton. This will help bolster and sustain the health of high street businesses. This can be afforded significant weight.
- Temporary local employment provision. The development of up to 190 homes in Yatton will provide local employment in the construction industry on a temporary basis. Such employment provision can have multiplier effects throughout the local economy and is therefore afforded significant weight. Bolstering this, there will be ongoing employment benefits to local companies through future property maintenance and enhancement work. In addition, land is proposed for Class E uses which will provide further employment opportunities.
- Ecological enhancements. The proposal will deliver ecological enhancements, as outlined in the Ecological Impact Assessment provided by Clarkson and Woods. The scheme can deliver 20% net gain in habitat units and 40% net gain in hedgerow units This is given moderate weight.
- Improved connectivity and access to the Strawberry Line. The application site is located adjacent to the Strawberry Line and the proposal will provide connections to this multi-use pathway which leads directly to Yatton railway station, which offers wider two-way connectivity through to the established built area and is afforded moderate weight.
- Provision of 0.13ha of land reserved for Use Class E. This land will provide opportunities for a range of complementary uses on the Site for the use by the local community, stimulating economics benefits and is awarded significant weight.
- Provision of public open space. Half of the application site, the land adjacent to the Strawberry Line, will be dedicated as public open space. This has moderate weight in terms of the social arm of sustainable development as it will open up land for the use and enjoyment of the existing and future community of Yatton.
- New and readily and suitably accessible allotments of a scale that is policy compliant. This is given significant weight.
- Sustaining Public Transport. The proposal will support public transport use and spend through ease of accessibility to sustainable transport modes such as the nearby train station and bus routes. This has moderate weight in the balance.
- Encouraging sustainable modes of transport including the use of the Strawberry Line and the proximity of the site to the train station along with ease of pedestrian movement to the High Street. This is given moderate weight.
- An enhanced edge to Yatton through a more sensitively designed and response urban form. This is given moderate weight.

6.15 Planning Balance

- 6.15.1 Primarily with regard to Policy CS3 of the Adopted Core Strategy, the Appellant will demonstrate that the appeal scheme and the approach taken with regard to flood risk sequential testing is in accordance with this policy and that no conflict arises. The Appellant's conclusion will therefore be one of compliance with the up to date policies of the Development when read as a whole and that in the event that the Inspector disagrees, there are other material considerations which direct a decision other than one in accordance with the Development Plan.
- 6.15.2 However the Appellant will also demonstrate that the tilted balance is engaged. Paragraph 11(d) of the NPPF advises planning permission should be granted unless there are adverse impacts which significantly and demonstrably outweigh the benefits of a proposal. The Appellant will demonstrate that the benefits clearly outweigh the adverse impacts of the Appeal Scheme.
- 6.15.3 With regard to paragraph 11d(i) of the Framework and footnote 7 which disengages the presumption in, amongst others, areas at risk of flooding or coastal change, the submitted FRA demonstrates that the scheme as designed, on a site which benefits from flood defences, with a well-designed and innovative drainage solution is not at risk of flooding or coastal change, and as such the presumption can continue to apply as there is no "clear" reason for refusal in this regard.

7 THIRD PARTY COMMENTS

7.1.1 The Appellant is aware of the third party objections made to the Appeal Scheme from members of the public, as well as from Liam Fox MP and Yatton Parish Council. According to the North Somerset planning applications page, there are 346 comments received in total (343 objections and 3 in support).

7.1.2 The objections are in relation to:

- Increase in traffic and congestion;
- Lack of amenities and infrastructure;
- Site is in Flood Zone 3;
- Increase in flood risk elsewhere;
- Overdevelopment in Yatton;
- Inappropriate access;
- Impact on local environment and wildlife;
- Unsustainable development;
- Disruption and mess to local area;
- Development on greenfield land;
- Demand falling, houses on other developments not yet sold;
- Increase in noise and air pollution;
- Lack of public transport provision;
- Impact on sewerage and drainage systems;
- Adverse impacts don't outweigh benefits;
- Other more suitable sites for housing;
- Quality of construction;
- Overlooking to existing residents;

7.1.3 The Appellant will, however, provide responses to these comments in evidence and reserves the right to produce additional documentation should further matters be raised.

8 PLANNING CONDITIONS AND OBLIGATIONS

- 8.1.1 The Appellant and Council will agree a draft list of planning conditions in advance of the Inquiry.
- 8.1.2 The Appellants and Council will also seek to agree in accordance with the tests set out in Framework / CIL Regulations 122 appropriate developer contributions and other necessary planning obligations through the completion of a Section 106 Agreement.

9 Summary

- 9.1.1 The Appellants evidence will demonstrate that the appeal scheme is in accordance with the Development Plan and should therefore be approved without delay. However with regard to paragraph 11(d) of the NPPF, the Appellant will also demonstrate that the alleged adverse impacts of the proposed development come nowhere near to outweighing the benefits, let alone significantly and demonstrably, and thus, following the application of the tilted balance, planning permission should be granted for the development.

Appendix A Pre Application Submission

Appendix B Pre Application FST Submission

Appendix C Pre Application Response

Appendix D Request for Screening Opinion

Appendix E Screening Response

Appendix F Extract from FOI Response

BIRMINGHAM
BRISTOL
CAMBRIDGE
CARDIFF
EDINBURGH
GLASGOW
KINGS HILL
LEEDS
LONDON
MANCHESTER
NEWCASTLE
READING
SOUTHAMPTON



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Planning Department
North Somerset Council

Via Planning Portal

34505/A3/KV

30th September 2022

To Whom It May Concern

LAND WEST OF YATTON

We write on behalf of Persimmon Homes Severn Valley to request pre-application advice from the Council in respect of Persimmon's interest on land west of Yatton.

The site comprises approximately 13 hectares of agricultural land. The site also directly abuts the western settlement boundary of Yatton and the Strawberry Line, a National Cycle Route situated along a former railway line. To the south, the site adjoins the recently consented Rectory Farm site. Noting that Yatton is one of the most sustainable settlements in the District, the provision of new homes in Yatton is acceptable in principle.

A draft site layout plan (Yatton Masterplan January 2022) is enclosed with this submission which provides details of a scheme for approximately 280 new homes and a potential site for a doctor's surgery. As part of this application there will be a 50% provision of affordable housing. The site layout illustrates highways connections from Shiners Elms and the road to be constructed as part of the Outline application for 100 new homes off Chescombe Road, with reference 21/P/0236/OUT. Included within the enclosed draft site layout are allotments, an orchard, trim trails, attenuation ponds and connections to the Strawberry Line.

With regard to the surgery, Persimmon Homes have been in discussions with a potential end user and that whilst the Mendip Vale Practice is close to the site, a further surgery may be required.

An outline planning application, with means of access for consideration via Shiners Elms, is proposed to be submitted to the Council for consideration later this year on the basis that the Council cannot currently demonstrate a 5 year supply of housing land, as the supply was found to be at around 3 years which is a significant shortfall. The policies which are most important for the determination of the application are out of date and this position will remain unless and until a replacement local plan is adopted.

The application will be accompanied by a full suite of planning application documents including, but not confined to:

- Planning Statement
- Statement of Community Engagement
- Design and Access Statement.
- Ground Investigation Report
- Transport Assessment and Travel Plan
- Flood Risk Assessment and Preliminary Drainage Strategy
- Ecological Appraisal and accompanying protected species surveys
- Shadow HRA
- Biodiversity Net Gain Assessment
- Energy and Sustainability Report
- Arboricultural Assessment
- Landscape and Visual Appraisal

As part of the pre-application process, we seek confirmation on the scope of the documents required to be submitted with the application. A matter that is of particular interest at this pre-application stage is the sequential test and exception test that will need to be provided as part of the application, as the site lies within Flood Zone 3. We would be grateful to receive confirmation of the necessary scope of the sequential test.

We will also be undertaking public consultation with residents and the Parish Council this year and will keep the Council informed of the intended dates.

It is our view that this scheme does not qualify as EIA development and we will be submitting a request for a screening opinion shortly.

The team involved with the delivery of this project have been involved with both the Moor Road appeal and / or the Rectory Farm appeal and are therefore familiar with Yatton.

In terms of the level of the pre-application service level required, we are a Type 5 major application and request pre-application advice at Service Level 2 and therefore enclose a pre-application fee of £5,100 (inclusive of VAT). A copy of an illustrative masterplan is enclosed for review.

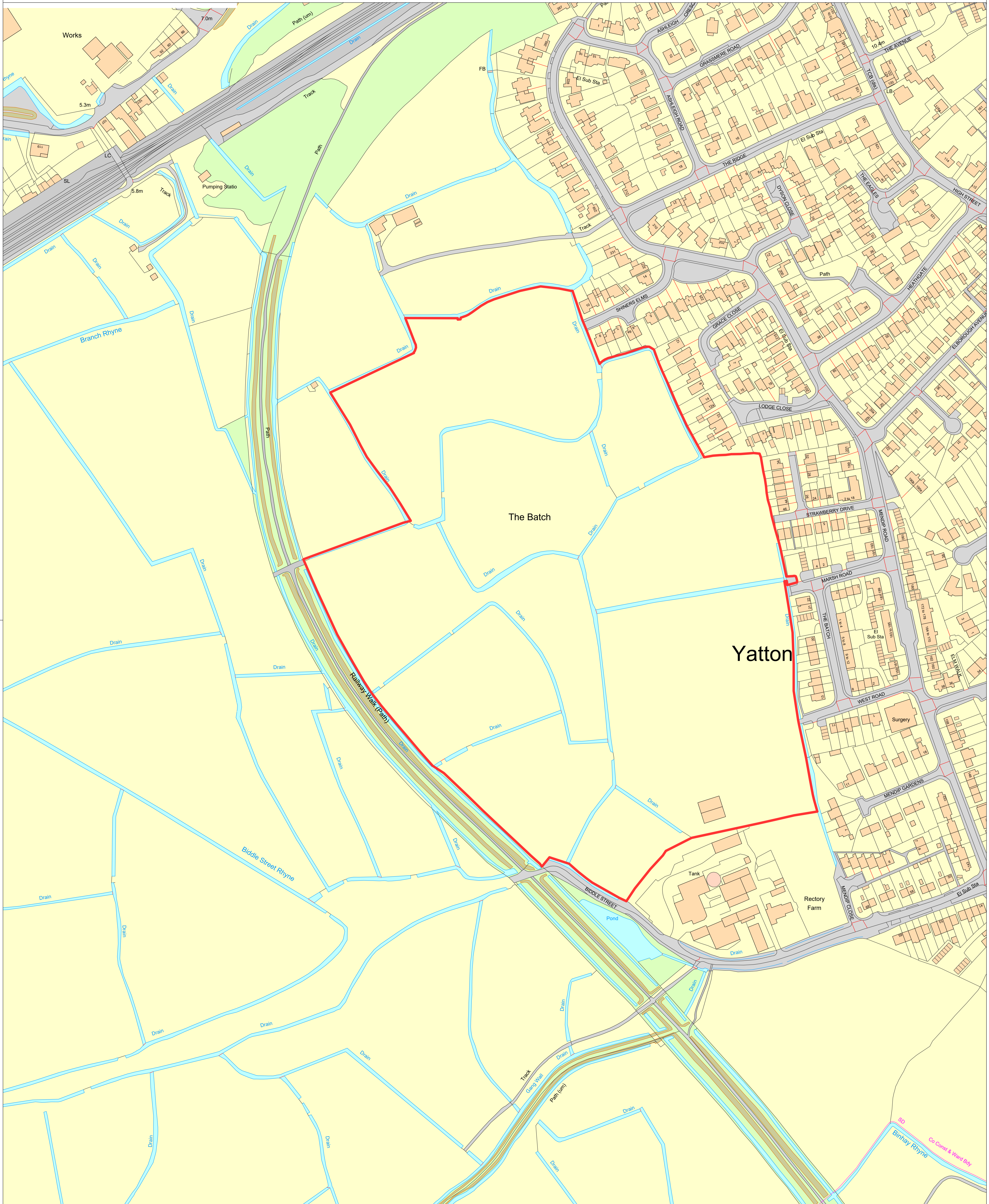
We trust you have sufficient information to progress this submission however if you have any queries, please do not hesitate to contact me.

Yours faithfully,

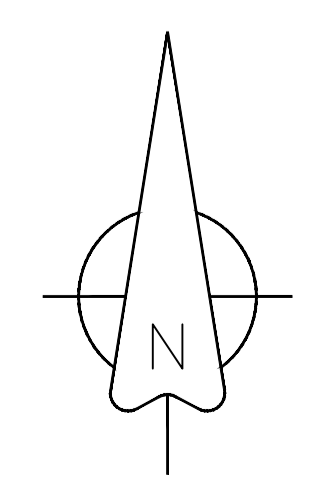


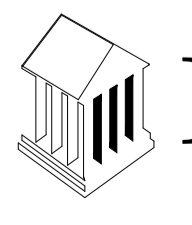
KATHRYN VENTHAM
DIRECTOR

Drawing Revisions			
ISSUE	DATE	REVISION	BY



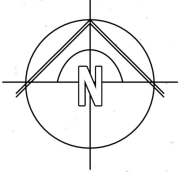
KEY
 Site Boundary



 PERSIMMON Persimmon Homes (region)		Development Land at Rectory Farm Yatton Redline Plan	
Drawing Title Land at Rectory Farm - Redline Plan	Date 10/22	Scale 1/1000@A0	Drawn CW
Drawing Status Redline Plan	Drawing Ref Rectory Farm_RLP01	Rev -	

Yatton

Master Plan
January 2022



Strategic landscape/tree planting

LEAP

Proposed "trim trail" adjacent to footpath route.

Proposed orchard.

Footpath/cycleway links to strategic route.

NEAP





Doctors surgery

Footpath/cycleway connections to existing neighbourhood.

Balancing ponds.

Proposed parking for allotments.

Key

-  Pond
-  Allotments
-  Rhynes
-  Infrastructure Highway
 - 3m cycleway
 - 2m verge
 - 6.75m highway
 - 2m verge
 - 2m footpath

From: [Kathryn Ventham](#)
To: marcus.hewlett@n-somerset.gov.uk
Cc: [Caroline Featherston](#)
Subject: Yatton - sequential test methodology
Date: 12 December 2022 12:11:28
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.jpg](#)
[image005.png](#)
[Acknowledgment Letter for Application No 22P2451PR2.msg](#)
[221130 Seq methodology for comment.pdf](#)

Dear Marcus,

We spoke a few weeks ago about a sequential test we are undertaking in relation to a potential development in Yatton. We have a pre-app in for the site which is sat with Lee and for which we are awaiting comments. The pre-app reference no is attached.

We discussed that we would provide a copy of the sequential test methodology across to you for review – and therefore a copy is attached for comment.

It might be sensible to have a teams call to discuss further – if you could send some dates across to enable us to discuss once you've reviewed.

In the meantime, if you have any queries, please do not hesitate to contact either myself or Caroline.

Kathryn Ventham

Planning Director

Direct: [0121 711 5159](tel:01217115159)

Mobile: [07833054382](tel:07833054382)

bartonwillmore.co.uk

9th Floor, Bank House, 8 Cherry Street, Birmingham, West Midlands, B2 5AL



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34505/A5/P1/CF/KV/bc

30th November 2022

RECTORY FARM, YATTON

FLOOD RISK SEQUENTIAL TEST BRIEFING NOTE

1.0 INTRODUCTION

- 1.1 Persimmon Homs Severn Valley ('Persimmon') are intending to submit an outline planning application at Land at Rectory Farm, Yatton, Chescombe Road, North Somerset (the 'Site') for up to 250 dwellings; land for a Doctor's surgery / community building; allotments; substantial on-site open space; with access as the only detailed matter.
- 1.2 The Site lies within Flood Zone 3a (and benefits from flood defences) and therefore, in accordance with the NPPF, a Flood Risk Sequential Test and Exception Test are required to be submitted with the planning application. This Briefing Note sets out the proposed scope of the Sequential Test.

2.0 PLANNING POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF) 2021

- 2.1 The National Planning Policy Framework ('NPPF') sets out that inappropriate development in areas at risk of flooding should be avoided. Paragraph 162 states that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source, and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 2.2 Paragraph 163 continues, stating that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the Exception Test may have to be applied. This depends on the potential vulnerability of the site and development proposed, in line with the Flood Risk Vulnerability Classification. Residential development, such as that proposed, is classified as 'more vulnerable' development in Annex 3 of the NPPF.
- 2.3 Paragraph 164 states that the application of the Exception Test should be informed by a Flood Risk Assessment. To pass the Exception Test, it must be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

2.4 Both elements of the Exception Test should be satisfied for development to be permitted.

Planning Policy Guidance (PPG)

- 2.5 Planning Policy Guidance ('PPG') was updated on 25th August 2022 to bring it in line with the changes introduced to the NPPF in 2021. There are now clearer requirements for multifunctional SUDS; the Sequential and Exception Tests have been updated to consider surface water; the definition of functional floodplain (Flood Zone 3b) has been changed; and there is increased promotion of Natural Flood Management (NFM) in new developments.
- 2.6 PPG indicates that where necessary, planning authorities should apply the Sequential Test and, if needed, the Exception Test, to ensure that flood risk is minimised and appropriately addressed¹.
- 2.7 Paragraph 024 states that *"The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites:*
- *Within medium risk areas; and*
 - *Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas²."*
- 2.8 With respect to planning applications, Paragraph 027 states that the Sequential Test should be applied to major development proposed in areas at risk of flooding, and that *"For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location³."*
- 2.9 Paragraph 028 gives a definition of 'reasonably available sites' as *"those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of*

¹ PPG Paragraph: 004 Reference ID: 7-004-20220825

² PPG Paragraph: 024 Reference ID: 7-024-20220825

³ PPG Paragraph: 027 Reference ID: 7-027-20220825

smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available' (our emphasis).

- 2.10 PPG is clear that *"the absence of a 5-year land supply is not a relevant consideration for the sequential test for individual applications⁴."*
- 2.11 PPG builds on paragraph 164 of the NPPF in terms of Exception Testing. Paragraph 031 explains that it *"is not a tool to justify development in flood risk areas when the Sequential Test has already shown that there are reasonably available, lower risk sites, appropriate for the proposed development. It would only be appropriate to move onto the Exception Test in these cases where, accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified"*.
- 2.12 PPG sets out the circumstances where the Exception Test will be required. As the Site lies within Flood Zone 3a and residential development is classified as 'More Vulnerable' development, an Exception Test would be required to support the proposed application, and only *"if the Sequential Test has shown that there are no reasonably available, lower-risk sites, suitable for the proposed development, to which the development could be steered"*.

North Somerset Core Strategy (2017)

- 2.13 The North Somerset Core Strategy was adopted in January 2017 and Policy CS3 relates to environmental impacts and flood risk assessments. It states that:

"Development in zones 2 and 3 of the Environment Agency Flood Map will only be permitted where it is demonstrated that it complies with the sequential test set out in the National Planning Policy Framework and associated technical guidance and, where applicable, the Exception Test, unless it is:

- *development of a category for which National Planning Policy Framework and associated technical guidance makes specific alternative provision; or*
- *development of the same or a similar character and scale as that for which the site is allocated, subject to demonstrating that it will be safe from flooding, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

For the purposes of the Sequential Test:

1. *The area of search for alternative sites will be North Somerset-wide unless:*

- *It can be demonstrated with evidence that there is a specific need within a specific area; or*

⁴ PPG Paragraph: 028 Reference ID: 7-028-20220825

- *The site is located within the settlement boundaries of Weston (including the new development areas), Clevedon, Nailsea and Portishead, where the area of search will be limited to the town within which the site is located.*

Other Local Development Documents may define more specific requirements.

2. A Site is considered to be 'reasonably available' if all of the following criteria are met:

- *The site is within the agreed area of search.*
- *The site can accommodate the requirements of the proposed development.*
- *The site is either:*
 - a) *owned by the applicant;*
 - b) *for sale at a fair market value; or*
 - c) *is publicly-owned land that has been formally declared to be surplus and available for purchase by private treaty.*

Sites are excluded where they have a valid planning permission for development of a similar character and scale and which is likely to be implemented."

North Somerset Local Plan 2038 (Emerging)

2.14 North Somerset Council are preparing a new Local Plan and carried out consultation on the Preferred Options Plan in March and April 2022. The consultation statement was published in August 2022. Policy DP9 relates to Flood Risk and states:

"All development must consider its vulnerability to flooding, taking account of all sources of flood risk and the impacts of climate change, up to 100 years ahead on residential or mixed use sites and 60 years ahead on non-residential sites.

Applying the Sequential Test where required, proposals for development must seek to avoid development in areas at risk of flooding unless for compatible uses in line with national policy.

Where required, the Exception Test will also be applicable. Flood resilient construction should be utilised to manage any residual risk.

Where either of these tests are required, development will only be permitted where it is demonstrated with clear evidence submitted with the planning application, that the tests are satisfied. The search for alternative sites should

not necessarily be restricted to sites only capable of accommodating the proposed scale of development, and opportunities to provide development on more than one, sequentially preferable site should be explored.

In all cases, the precautionary principle will be applied when considering development proposals within areas at current and future risk of flooding.” (Our emphasis).

- 2.15 Paragraph 48 of the NPPF advises that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the plan; the extent to which there are unresolved objections to the relevant policies; and the degree of the consistency with the NPPF. The emerging Local Plan (2038) is only at the Preferred Options (Regulation 18) stage and we therefore consider that this should not be afforded significant weight in the overall planning assessment or in determining the scope of the Sequential Test.

Development and Flood Risk Issues Advice Note (2019)

- 2.16 North Somerset Council published a ‘Development Management Advice Note’ in November 2019 about development and flood risk issues. This articulates government guidance post-dating the 2017 Core Strategy, and was given significant weight in the assessment of the Sequential Test by the Inspector in an appeal decision for a site in Portishead, dated February 2022⁵.
- 2.17 The Advice Note guides Applicants in what needs to be included in Sequential Tests, as follows:
- The name and location of the site proposed for development and an explanation of why that specific site was chosen.
 - A written statement explaining the area of search.
 - A map identifying all other sites considered within lower areas of flood risk and their planning status.
 - A written statement explaining why the alternative sites listed within lower areas of flood risk are not reasonably available. It is advisable to provide as much evidence as possible regarding statements made on other sites to avoid delays in the planning process.
- 2.18 The Note informs that alternative sites can include sites allocated in a Local Plan or Neighbourhood Plan and that suitable sites that have planning permission for the desired use should also be considered. It advises that sites can also be found from the Council’s evidence base and background documents to inform the emerging Local Plan, which includes the SHLAA. It states that if alternative sites cannot be identified from such documents, then other sites within the area of search should be considered.

3.0 METHODOLOGY

3.1 **Name of Site:** Land at Rectory Farm, Yatton

3.2 **Explanation of the reason for the choice of the site**

⁵ PINS ref: APP/D0121/W/21/3279097

- 3.3 In accordance with the policy and guidance outlined in Section 4 of this report, it is necessary to define the parameters of the Sequential Test. The Applicant has to identify where there are any other 'reasonably available' sites within the search area, that have not already been identified by the planning authority in site allocations or relevant housing assessments, such as sites currently available on the open market.

Geographical Area

- 3.4 PPG sets out that the planning authority will need to determine the appropriate area of search, based on the development type proposed and relevant spatial policies. The Core Strategy states that the search area for alternatives sites will be North Somerset-wide unless there is specific need within a specific area, or the site is within the settlement boundaries of Weston, Clevedon, Nailsea and Portishead.
- 3.5 This Sequential Test will cover the whole administrative area of North Somerset, therefore a thorough and comprehensive assessment will be undertaken.

Flood Risk Discounting

- 3.6 Sites with the same or higher flood risk (i.e part or all of the site lies within Flood Zone 3 / 3a) will be discounted as alternative sites. They would not present a better scenario in terms of flood risk from the application site, which is what the Sequential Test strives to achieve. Therefore, only sites in Flood Zones 1 and 2 will be assessed as part of the Sequential Test. Similarly undefended Flood Sites in 3a will also be discounted given that the Application sites benefits from flood defences.

Site Capacity

- 3.7 The current Core Strategy states that a site can be considered to be reasonably available if it can accommodate the requirements of the development, whereas the Preferred Options version of the emerging Local Plan states that the search should not necessarily be restricted to sites only capable of accommodating the proposed scale of development. As outlined above, limited weight is being attributed to the emerging Local Plan.
- 3.8 PPG also states that 'reasonably available sites' could include a series of smaller sites and/or parts of a larger site, if these would be capable of accommodating the proposed development.
- 3.9 The assessment of each site will include:
- Its name and address
 - Whether it has been allocated plan (including for a specific use)
 - Issues which would prevent development and whether these could be overcome.
 - Estimation of capacity
 - Status of Local Plan
 - Supporting documentation about alternative sites.

- 3.10 An appeal decision in Framlington, within East Suffolk⁶ issued in September 2020 considers the range of sites to be assessed as part of the Sequential Test at paragraph 11, stating that "*The standard approach to these matters is to set a range within a certain percentage of the application site, usually 15 or 20% either way.*"
- 3.11 It is noted that the East Suffolk appeal decision pre-dates the August 2022 PPG updates, and therefore has been considered in the context of up-to-date local and national policy and guidance.
- 3.12 The application site is 13.65ha and outline permission is sought for up to 250 dwellings. When considering the parameters outlined in the East Suffolk appeal decision, and that PGG states that smaller or larger sites could be included, we consider it would be appropriate to assess sites with a 25% allowance above and below the site area and number of dwellings proposed. As such, only sites between **10.2ha and 17.1ha in size** and which can accommodate a quantum of between **187 and 313 dwellings** will be assessed in this Sequential Test.
- 3.13 **Availability of the site:** the site is expected to be delivered as follows:
- 3.14 1st April 2023 – 31st March 2025: Obtain full planning permission (outline + reserved matters)
- 3.15 First completions 2025:
- | | |
|---------|------|
| 2025/26 | - 65 |
| 2026/27 | - 60 |
| 2027/28 | - 60 |
| 2028/29 | - 55 |
- 3.15 Thus the site would start in 2025 and be completed in full within 5 years. For the purpose of this assessment we are therefore looking for sites which are available to come forward for development immediately in order to achieve the same development timescales and meet housing need. Sites which are available but not able to come forward are therefore not available at the point in time envisaged for the development mindful that the Applicant is a national housebuilder and is willing to commit to a planning condition requiring the swift submission of reserved matters (within 12 months of the grant of outline planning permission) to ensure this programme is achieved.

4.0 SUMMARY

- 4.1 This scope considers sites against the above criteria.
1. It is confirmed that sites across the North Somerset District will be considered.
 2. Sites will be filtered out based on their Flood Risk status, with only sites in Flood Zones 1 and 2 assessed; and undefended flood zone 3a sites will also be discounted.
 3. Sites which are in the Green Belt, AONB or which are not physically connected to an existing settlement identified in the Adopted Local Plan will be discounted.
 4. Delivering this development on a single site will require land of between 10.2ha and 17.1ha in size, capable of accommodating 187 to 313 dwellings.

⁶ PINS reference: APP/X3540/W/20/3250557

5. The assessment will also need to consider, within reason, where smaller sequentially preferable sites could be grouped together to deliver the same quantum or whether part of a larger site could be used. Sites over 10 dwellings or over will be considered. However when considering this route, the site(s) need to be capable of delivering the scheme as a whole which includes market and affordable housing (affordable housing being provided at 50%); land for a Doctor's surgery / community building; allotments and substantial open space.
 6. The ability to deliver the development on larger sites will be considered however only sites which are available immediately (and where full planning permission can be achieved by 31st March 2025 for the whole scheme) will be considered.
- 4.2 Sites which fall outside of these parameters will be discounted and will not be assessed as part of the Sequential Test. This scope of assessment is in line with national and local policy and guidance.
- 4.3 The assessment of sites within the Sequential Test is based on the January 2022 SHLAA, sites that have been allocated in the North Somerset Local Plan and sites that benefit from planning permission. We consider this approach will form a robust assessment of reasonably available sites, to be analysed as part of the Test and inform the overall conclusions of the Assessment.

**Kathryn Ventham
Caroline Featherston**

Barton Willmore, now Stantec

DELEGATED REPORT

Application No:	22/P/2451/PR2	Target date:	06.12.2022
Case officer:	Lee Bowering	Extended date:	
Proposal:	Outline planning application for up to 280 new homes and land for a Doctor's surgery		
Site address:	Land West Of, Yatton, North Somerset,		

PRE-APPLICATION ADVICE

We understand your proposal to be

A pre application in advance of the submission of an outline planning application for up to 280 new homes and use of part of the site for a doctor's surgery on land at, and to the north of Rectory Farm, Yatton.

The site is approximately 13 hectares in area and comprises nine irregular shaped parcels of agricultural land located to the west side of Yatton between the existing Strawberry Line, which adjoins the west boundary of the site, and the west side of the existing settlement boundary for the village of Yatton.

The submitted Master Plan provides an indicative layout which proposes vehicular connection onto the existing Shiners Elm cul-de-sac, located to the east. A second proposed vehicular access is shown to connect onto the proposed new road layout that forms part of the adjoining approved development, located to the south, which itself would be accessed from Chescombe Road.

In addition to the proposed housing and doctor's surgery, the Master Plan layout incorporates footpaths and cycleway links, play area provision, areas of open space, balancing ponds, allotments and landscaped areas.

Summary of our response

Our initial assessment of your proposal is that:

Planning permission is likely to be refused.

The scope of this report

The purpose of this advice is to identify whether your proposal has a realistic chance of success and, if relevant, highlight any potential problems before you submit a formal planning application.

It is based on the information you have given us and aims to set out the policy issues that should be addressed with any future planning application and identify any potential problems. We also draw your attention to the advice notes at end of this report.

You have applied for pre-application advice under **Service Level 2**. This service provides written advice that is more limited than that provided by Service Level 3. The advice offered is restricted to scoping the main issues and matters of general planning principle, such as the suitability of the site, in planning policy terms, for the type of development. For this reason, visits to the site are not normally undertaken, no detailed elements of the scheme (such as design, ecology, flooding or highways matters) will be considered, no consultation will be carried out and no meetings are offered.

This document makes use of links to web sites and requires use of a computer. If you do not have access to a computer, or you require any information in an alternative format or a different language, then please phone our Customer Services Team on 01275 888811. All of the council's libraries have public computers for your use and staff available to help.

Planning policy and background

Legislation requires us to make decisions on planning applications in accordance with the 'development plan' unless there are other 'material considerations' that should take precedence (such as emerging national policy).

The 'development plan' for the area comprises the North Somerset Core Strategy, the North Somerset Sites and Policies Plan - Part 1 (Development Management Policies) and Part 2 (Site Allocations Plan) and the Yatton Neighbourhood Plan (there are other documents relating to waste). Copies of all of our development plan documents are available on our [website](#) where you can also view an up-to-date table of extant and superseded policies and the current proposals map. You should satisfy yourself that your proposals comply with all relevant development plan policies before submitting an application.

'Material considerations' can include national policy, which mainly comprises [The National Planning Policy Framework](#) and additional guidance produced by the council in [Supplementary Planning Documents](#).

You can view the planning history of this site, the key planning constraints and the land based planning policies that apply to it on our interactive [planning map](#) which is available on our website.

Constraints/Designations

The following constraints / policy designations must be fully considered and duly referred to within the relevant supporting reports / statements /assessments that accompany the application. The full list of supporting documents appear later in this report.

- The whole of the site is located outside the existing settlement boundary for the Yatton which is designated as a Service Village within the North Somerset Core Strategy,
- The site forms part of the wider area designated as EA Agricultural land class P 1988 and is also designated EA Best most versatile land,

- The site is located within Horseshoe Bat Zone B and area of bat habitat,
- The land occupied by the Strawberry Line which adjoins the west boundary of the site and is designated as a Local Nature Reserve and Wildlife Site. The Wildlife site extends westwards beyond the Strawberry Line to include the Site of Special Scientific Interest.
- The west boundary of the site adjoins the 'Biddle Street Rhyne' Site of Special Scientific Interest (SSSI) which includes the Strawberry Line, and land beyond to the west,
- The site forms part of the wider Landscape Character Assessment 2018 designation A1. Kingston Seymour and Puxton Moors,
- The site falls within the Somerset Consortium – North Somerset Levels Internal Drainage Board area,
- The EA updated Flood Map identifies the northern part of the site to be subject to surface water flooding,
- The whole of the site is located within SFRA L1 Tidal Flood Zone 3a and EA Flood Zones 2 and 3,
- Part of the site is allocated / reserved in the Site Allocations Plan for Primary School use in a similar location to the area proposed for a Doctors Surgery in this pre application,
- There are no public rights of way crossing the site,
- There are no Tree Preservation Orders existing on the site.

Environmental Impact Assessment (EIA):

On 02 February 2023, following due consideration of the 'Request for formal EIA Screening Opinion', the Local Planning Authority, under reference 22/P/2963/EA1, concluded that the proposed development does not constitute 'Environmental Impact Assessment' Development and therefore an Environmental Statement is not required as part of a planning application for the following reasons:

It is considered likely that the proposal is most likely to have localised impacts only, which can be addressed through the planning application process. However, to confirm this, the following assessment will be required as part of the planning application process:

- *Cumulative Impact Assessment - to include potential impact on existing traffic movements, flooding, drainage, ecology, existing character of settlement, noise and air quality, historic landscape character and healthcare/school provision,*
- *Surveying requirements for sites within Zone B of the Mendip and North Somerset Bats Consultation Zone. Set out in the North Somerset and Mendip Bats SPD.*

Planning Assessment:

Introduction:

The pre application enquiry has been the subject of consultation with Officers from within the Council who in turn have submitted their respective comments according to their professional field of expertise. The comments received have for the most part informed the drafting of this report.

All consultee comments received have been forwarded to the applicant to ensure openness and an understanding of the main issues which are likely to be relevant to the determination of a formal planning application, should one be submitted.

Policy:

The site is located entirely outside the settlement boundary and, but for the existing Primary School allocation on part of the site, is not an allocated site for development, or indeed proposed to be allocated for housing in the Council's new Local Plan 2023 to 2038. Furthermore, the site is not identified for development in the Yatton Neighbourhood Development Plan.

One of the underlining reasons for not allocating the site for future development is because of the low-lying nature of the site and the risk posed by Tidal Flooding now and in the future, particularly with rising sea levels.

Flood risk:

The site is entirely within tidal flood zone 3a as shown on the Council's Strategic Flood Risk Assessment (2020) and this accords with the national Flood Map designation. Policies on flooding apply, such as DM1 of the adopted Development Management Policies Plan and CS3 of the Core Strategy, that reflect national planning policy with respect to flood risk.

Policy CS3 indicates that non-exempt development (such as housing and a surgery) in zones 2 and 3 will only be permitted where it is demonstrated that it complies with the sequential test set out in the National Planning Policy Framework and associated technical guidance and, where applicable, the Exception Test. In applying the Sequential and Exceptions Test, reference should be made to the PPG within the 'flood risk and coastal change' section, as well as the Council's 2019 'Flood Risk Advice Note'. This provides advice on the application of the tests including the appropriate search area for alternative sites, sources of information for alternative sites, and the information required to be submitted including plans and written justification.

In this case the search area for alternative sites will be the North Somerset area, and through experience on other recent similar residential proposals, it is likely to be challenging to pass the Sequential test.

This proposal would also be required to pass the Exceptions Test, if it were to pass the Sequential Test. In summary this would require that the development is safe over its lifetime and brings with it wider sustainability benefits to the community.

Policy DM1 states that **'all development must consider its vulnerability to flooding, taking account of all sources of flood risk and the impacts of climate change, up to 100 years ahead on residential or mixed-use sites'**. The Flood Risk Assessment should consider the range of other flooding sources that may affect the site and where these are present, set out how the proposal is to address them. Parts of the site are noted to be subject to surface water flooding.

It is noted that the applicant intends to undertake a Sequential test and Exception test, in addition to a Flood Risk Assessment and Preliminary Drainage Strategy.

The council's Flood Risk Manager should be consulted, and it is understood that there have been discussions with the applicant's flood risk/ drainage consultant.

You are advised to refer to the Flood Risk Manager's comments sent previously and to make reference to the following Council web link headed "Lead Local Flood Authority and planning application":

<https://www.n-somerset.gov.uk/my-services/nuisances-pollution-environmental-issues/flooding-drainage/lead-local-flood-authority-planning-applications>

Ecology:

The site is located within an environmentally sensitive area with a network of hedgerows and ditches providing defining landscape features within the low-lying area of agricultural land which supports a range of wildlife, including bats. The importance and recognition of the natural living environment is endorsed with the designation of the adjoining SSSI, Wildlife and Local Nature Reserve sites.

The impact that the proposed development is likely to have upon the existing bat population, local wildlife and the ecology of the site and wider area, including the cumulative impact arising from this further proposed development in Yatton, must be fully analysed and the appropriate suite of full wildlife and ecological surveys and assessments, including a lighting strategy, carried out, and submitted as supporting documents with the application. We will not accept these being submitted later as they should be fundamental to consideration of how the site would be developed.

Highways:

Insufficient detail has been submitted with the pre application to enable the Highway and Transport Officer to provide a detailed response other than to provide an overview of the issues which the applicant is advised to take note of. The submission of a Transport Assessment will be necessary. Further reference to the Highway and Transport issues can be found within the conclusion part of this report.

Archaeology:

There is low to moderate potential for archaeological remains, particularly dating to the late prehistoric and Romano) British periods at this location. Several Romano-British farmsteads with earlier settlement activity have been discovered at similar topographical locations around North Somerset in recent years.

An historic Environment Desk-based Assessment will be required to support any forthcoming application at this location, and this should be accompanied by a Geophysical Survey of the entire development area. Dependent on the results of the survey a targeted trench evaluation may be required *pre-determination* to assess the nature, extent and significance of any potential archaeological remains, so as to inform any necessary mitigation which could be conditioned.

In addition, the geophysical survey should be undertaken prior to any ground investigation works on site to limit disturbance to any potential archaeological remains. It would also be prudent to ensure a geoarchaeologist is either on site during the ground

investigation works or is able to review borehole samples for paleoenvironmental evidence.

Landscape/Trees:

Landscape:

Whilst the site is located within the A1 Kingston Seymour and Puxton Moors, which is an area of strong landscape character, the site gives the appearance of being isolated and less characterful due to the defining form that the Strawberry line takes within the existing landscape. In places the existing village edge provides a dominance over the landscape. The proposed submission of a Landscape and Visual Appraisal will assist in refining the proposal. The appropriate landscape conditions would be recommended to ensure enhanced planting within the landscape buffer areas and to complement the proposed open areas, and throughout the proposed development.

The applicant is advised to refer to the Green Infrastructure s106 proforma which is attached to the landscape comments already in the applicant's possession.

Please also refer to the comments below regarding views of the Listed Church from the Strawberry Line when preparing the Landscape and Visual Appraisal.

Trees:

The existing trees should be retained as part of the development and protected against future adverse impacts and pressures upon their natural life span. The Residential Design Guide – Section 2 paragraph 3.6.2 outlines the council's guidance on trees. The British Standard BS5837:2012 which relates to the Design, Demolition and Construction in proximity to trees, provides guidance on design. Paragraphs 5.2 and 5.3 advise works should allow adequate space for long term retention of trees and consider future maintenance.

The carrying out of an Arboricultural Report/Assessment should inform the proposed layout and must be submitted as a supporting document with the planning application.

Setting of listed Building:

The site is located several hundred metres from the nearest Listed buildings which are located to the east and south-east of the site. Whilst the development of the site is unlikely to have any adverse impact on the setting of the Listed Buildings the submission of an application should include a couple of representative and obvious viewpoints from the Strawberry Line through the proposed development to the Church Tower which is likely to be visible to varying degrees from the Strawberry Line. The church tower is a defining feature of the village when seen from various points in the landscape so is an important consideration. It is suggested that this work could be incorporated into the Landscape Visual Appraisal.

Other considerations:

Site context

It is important to show clearly on a scaled plan, and by way of a series of cross sections, the ground, finished floor and ridge height levels of the proposed dwellings, including the proposed doctor's surgery, and any change to existing ground levels in context to the outline profile of the existing dwellings and their respective finished floor and ridge heights.

A minimum of three, but ideally four sections, drawn on an east to west axis across the site should be provided. The plans must include the surface level of the Strawberry Line and the sites west boundary detail / ground levels as existing, and as proposed with planting. The sections should also show the elevational /sections of the proposed development in context to the finished floor and ridge heights of the existing dwellings located to the east. Two or more sections on a north to south axis should also be submitted. It would also be helpful to have an understanding of the existing land level on the Biddle Street SSSI compared to the land level on the proposed development site. Two further sections showing the land level on the Biddle Street SSSI, the land occupied by the Strawberry Line and the proposed development site should therefore also be submitted. This further detail will help to understand how water levels on either side of the Strawberry Line is likely to function as a result of the proposed development.

Design

The extensive comments made by the Council's Urban Design Office have already been forwarded to the applicant. Therefore, this report does not intend to go into detail at this stage other than to quote the following two paragraphs from the Urban Design comments which provide context to the proposal and layout form.

“Yatton is a well-connected commuter village with a variety of facilities and schools that create activity in the village during the day. The application is for a large site to the west of the settlement connecting with two existing streets and should aim to integrate with the existing residential area as much as possible. It would be preferable in future visualisations that the development masterplan be drawn with its surrounding context. The western boundary of the site is defined by the Strawberry Line cycle route and to the north of the site has easy access to Yatton train station. The current population of Yatton sits at around 7000 and this new development would significantly increase this.”

“The layout of the proposal already appears to respond well to the geography and natural features of the site if considered in isolation from matters concerning the context of the site in relationship to Yatton as a whole. Once the proposal develops further into three-dimensional design the existing built and historic environment needs to be further considered, in terms of form, materiality and detailing. It is advised special consideration is given to ‘adopting typical building forms, composition, articulation, proportions, features, materials, details, patterns and colours of an area; drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings”

It is considered that the proposal is capable of satisfying the requirements of the Supplementary Planning Document - Residential Design Guide – section 1, in terms of siting, proximity and separation distances between the existing and proposed developments, without causing adverse impact on the living conditions enjoyed by the occupiers of the existing dwellings and the future occupiers of the proposed dwellings. The applicant is however advised to undertake full and open community engagement with the local residents well in advance of submitting a formal planning application.

Noise

The site is located in proximity to a railway line, Yatton Station and a large concrete batching plant. The noise sources may impact the northern part of the proposed development site. Therefore, we would ask for a BS8233 Noise Impact Assessment to be

provided with any application in order to confirm if/how appropriate internal and external noise levels can be achieved.

The noise impact assessment should also cover the potential for noise generation associated with the development of the doctor's surgery on the surrounding residential properties (hours of use, any plant present, deliveries) and how this can be managed. We suggest that the rating noise level from any plant cannot exceed the pre-existing background noise level.

A comprehensive construction management plan will also be required due to the scale of the development and the proximity of existing residential land. There is also the proposed redevelopment of land to the south of the site, therefore impacts from noise, dust and traffic may be cumulative.

Affordable housing:

It is noted that the intention is to provide 50% Affordable housing provision across the site. This is welcome and will contribute to meeting the affordable housing shortfall which exists both locally and nationally. You are advised to agree the mix and tenure of the affordable units with the Council's Affordable Housing Officer prior to submitting the planning application.

Further details, to be agreed with the Affordable Housing Officer, should be provided within a short Affordable Housing Statement to be submitted with the application.

Doctor's Surgery:

It is noted that the proposed doctor's surgery occupies approximately 25% of the area of land that is currently allocated for a Primary School site. Education have asked that the school allocation be carried forward into the new Local Plan. However, it is currently unclear whether there is an ongoing need for the primary school given the recent building of the new primary school on the Bloor Homes development at North End Yatton. The increasing number of new, and proposed dwellings in Yatton, including this pre application site, will nevertheless place an increasing likely pressure on the Council to ensure that sufficient education provision exists, whether it be on the existing school sites, or on a new site.

The Council in the meantime are in the early stages of reviewing the Secondary School provision within the district and will be identifying a number of potential sites that may be suitable to meet the future Secondary School needs. It remains to be determined whether this involves enlargement of one or more of the existing secondary school buildings / sites, or the development of an entirely a new secondary school, but it is worth noting that current thinking is that the Yatton area is well placed to meet the need for a new secondary school and that the ability to provide safe active travel routes to such a school will be key, as will reducing the Council's liability to provide school transport to existing schools where this currently causes practical difficulties due to their rural locations.

In the meantime, the proposed layout which incorporates the doctor's surgery would jeopardise the delivery of a school provision on the site in the future. The application for the proposed doctor's surgery on this site is therefore unlikely to receive a recommendation for approval unless it can be demonstrated that the site is not required for education purposes in the future. The proposal would furthermore be required to satisfy the requirements of the Sequential and Exceptions Test.

From a positive point of view, local residents are likely to support additional surgery provision within the Yatton area. You will however need to provide evidence that there is an end user in mind and that the necessary consultation with the relevant governing medical board has taken place and that all relevant parties are supportive for this part of the site to be developed for a new doctor's surgery. How this is to be funded must be explained in full. Furthermore, there would need to be a clear understanding that the proposed building, and in house facilities proposed to be provided within the surgery, are adequately sufficient in size and layout to meet existing and future local needs. A detailed supporting document must therefore accompany the application which should include the findings of a public consultation, the intended number of patients that the surgery proposes to cater for, the staff numbers and whether the proposal will complement the existing medical /surgery provision in the village or lead to the closure of the existing surgery.

CONCLUSION

The proposed development gives rise to number of challenging issues that must be addressed as part of an application submission to enable it to be fully assessed in accordance with both National and Development Plan policies. The drafting of the report has been informed by the consultation responses received whilst also having regard to various policy considerations, including relevant Supplementary Planning Documents.

Policy:

Whilst the Council acknowledge that there currently exists a shortfall in the 5-year housing land supply, it should not however follow that the site is appropriate for development just because it adjoins the Service Village settlement boundary. The quantum of development proposed far exceeds the 'about 25 dwellings' figure referred to in policy CS32 of the North Somerset Core Strategy. Although this housing policy may be considered 'out of date', it nevertheless carries moderate weight during the consideration process as would the following statement within policy CS32;

"Sites outside the settlement boundaries in excess of about 25 dwellings must be brought forward as allocations through Local Plans or Neighbourhood Plans".

There are clearly other criteria within Policy CS32 that must be satisfied.

Flood risk:

The site, in its entirety, lies within Flood Zone 3a and Flood Zone 2 and therefore falls within an area at risk of flooding. Paragraph 159 of the NPPF states:

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

All development must consider its vulnerability to flooding, taking account of all sources of flood risk and the impacts of climate change, up to 100 years ahead on residential, or mixed-use sites.

It will therefore be necessary to carry out a Sequential Test on a risk-based approach in advance of submitting a planning application for the development of the site. The search area shall cover North Somerset and not just Yatton and/or the surrounding area. The Sequential Test must have regard to future rising sea levels for the lifetime of the

development. The requirements of the Exceptions Test, as set out in the NPPF, shall also form part of the application submission for consideration by the Local Planning Authority.

Notwithstanding other policy considerations, the proposed development of the site will not receive a favourable recommendation unless both the Sequential Test and the Exceptions Test are passed which, as referred to earlier in this report, is likely to be challenging given the availability of other less vulnerable flood risk sites within North Somerset.

It is important to recognise that the presumption in favour of sustainable development (sometimes called the tilted balance) is not triggered for those sites at risk of flooding which fail to pass the Sequential Test. You are advised to refer to Paragraph 11 d) i. footnote ⁷ of the NPPF in this regard. Indeed, this position has recently been supported by the Planning Inspector at Appeal.

Ecology:

The low-lying nature of the site, and the importance of the adjoining Biddle Street Rhyne 'Site of Special Scientific Interest' (SSSI), together with the environmental contribution that the existing site hedgerows and agricultural parcels of land make to wildlife and the local eco system, are material factors that will likely weigh heavily against the proposed development of the site, or any part of the site, should a planning application be submitted. Particular attention must therefore be given to ensure that all reasonable measures are taken to protect the water environment and to mitigate against loss of habitat, landscape features, pollution risk and harm to the eco system when undertaking survey work and developing plans for the site.

Detailed bat and wildlife surveys to identify and include the impact of the proposal upon protected species, should be undertaken together with an understanding of their respective habitat with appropriate safeguarding measures and mitigation identified whilst also achieving the required minimum 10% Biodiversity Net Gain.

Surveying requirements for sites within Zone B of the Mendip and North Somerset Bats Consultation Zone will be required as set out in the North Somerset and Mendip Bats SPD.

Highways:

The Council's Highway and Transport Policy Officer has submitted comments which provide an overview of the Highway and Transport (H&T) issues to be covered when preparing the application submission. This has already been forwarded to the applicant. Further H&T comments will follow the submission of a Transport Assessment as part of the application submission. In the meantime, additional pre application advice from H&T can be obtained for an additional fee via the following web link: <https://www.n-somerset.gov.uk/my-services/planning-building-control/planning-applications/planning-fees/pre-application-advice-fees>

Notwithstanding, the existing H&T comments received, it is considered that the network of existing roads that connect with the B3133, provide inadequate highway infrastructure and connectivity for the number of dwellings proposed, which in turn may give rise to likely congestion within the surrounding roads and in particular at the junction with the High Street and other minor roads leading to and from the sites two proposed access points.

An off-site contribution towards highway improvements, road markings and signage is likely but in the absence of the Transport Assessment and the subsequent comments of H&T, this cannot be confirmed at this stage. Additionally it is likely that public transport improvements may be sought should this development be approved, and this may include investment in bus infrastructure such as Real Time Information and new shelters and

platforms, and also support for bus services to establish/re-establish services or improve availability at key points throughout the day or week.

Archaeology:

The Council's Archaeologist has recommended further investigation / mitigation / impact works which will be necessary to inform the application submission. The required investigation works are referred to further below in the 'List of Supporting Documents to be submitted'.

Landscape:

The proposal would be required to deliver a quality landscape planting scheme which complements the proposed housing layout and reinforces existing boundary planting, margins and buffer areas. The applicant has confirmed the intention to submit a Landscape and Visual Appraisal which will inform the final landscape planting regime for the site which will be suitably condition should a planning permission be granted.

Sustainable Development:

The development proposed will prove challenging to achieve compliance with two of the three overarching objectives required to Achieve Sustainable Development as set out in paragraph 8 of the NPPF; namely,

- a) *that sufficient land of the right types is available in the right places* and,
- c) *to protect and enhance our natural, built and historic environment*.

With regard to **a)** it is unclear how the site can be in the right place given the highest risk of flooding, Zone 3a.

With regard to **c)** it is unclear how it will be possible to deliver the number of houses proposed on the site whilst protecting and enhancing our natural environment.

Should a flood event occur in the future and, within the lifetime of the development, then **b)** Social Objective, would also likely fail to achieve sustainable development credentials by virtue of the likely impact caused by flooding upon the; "*future needs and support communities' health, social and cultural well-being*".

Other matters:

The following matters have been discussed earlier in the report and no further comments are considered necessary at this time;

- Doctors Surgery and existing School site allocation
- Listed Buildings in vicinity of site
- Design issues
- Noise pollution
- Affordable Housing

Likely Recommendation:

It is considered that having regard to the various planning issues and material considerations referred to in this report, the development proposal will likely be recommended for refusal should a planning application be submitted.

Things we recommend you do

Should you decide to proceed with your proposal you are advised to contact the local parish/town council and your elected North Somerset ward councillor. You can find contact details for your local council and ward councillor on our [planning map](#) on our website.

You are also strongly advised to speak to any neighbours that may be affected by this proposal. You will find helpful advice about how to get your project completed and avoid unnecessary delays and costs on our [website](#).

What to submit if you choose to submit an application

In addition to the relevant application form you will also need to submit the items identified on our validation checklist. If you do not submit all these items we may not be able to process your application which will result in delays. Our [planning application requirements](#) can be viewed on our website.

The following document/s will be particularly important and must be included if you submit a formal planning application

- Planning Statement **
- Design and Access Statement **
- Strategic Flood Risk Assessment and Preliminary Drainage Strategy **
- Site-specific management and maintenance plan (Ref. Drainage SUDS)
- Sequential and exception test (Flood risk) **
- Historic Environment Desk Based Assessment (Archaeology)
- Geophysical survey of the entire site
- Ground Investigation Report **
- Transport assessment **
- Travel Plan **
- Tree survey/arboricultural statement/ assessment **
- Landscape and Visual Appraisal
- Ecological Appraisal and accompanying protected species surveys **
- Lighting Strategy **
- Biodiversity Net Gain Assessment
- Shadow HRA
- Noise Impact Assessment (BS8233) **
- Cumulative Impact Assessment (regarding Noise, dust and traffic)
- Construction Management Plan
- Development Master Plan with surrounding context
- Energy and Sustainability Report **
- Statement of Community Engagement

- Affordable housing statement **
- Draft heads of terms for a planning obligation **
- CIL Additional Information Form **
- Site waste management plan **
- Open space assessment **
- Axonometric views based on illustrative layout
- Evidence, Justification and Conclusions report for Doctors Surgery

Detailed advice about each of the documents referred to above (denoted with **) can be found on our [website](#).

Advice notes

- The views expressed are informal views on and based on the information currently available. They are without prejudice to the consideration of any planning application, which may be submitted, and the more detailed assessment of the issues involved at that stage.
- Any advice given in relation to the planning history of the site, planning constraints or statutory designations does not constitute a formal response of the council under the provisions of the Land Charges Act 1975.
- The weight given to our advice will reduce the more time that lapses between the advice given and the application being submitted because circumstances may change.
- Whilst we try to give you all the information available at the advice stage, new information may come to light once a planning application has been submitted that we were not previously aware of. We reserve the right to take a different view if this occurs, however, we will contact you first to discuss the best way forward.
- We do not normally undertake consultation with external bodies when considering pre-application requests. If you decide to submit a planning application, we will formally consult and this process may raise new and relevant issues that need to be taken into account in reaching our formal decision.
- We do not normally undertake a site visit at the pre-application stage. If you decide to submit a planning application, we will carry out a site visit and this may raise new and relevant issues that need to be taken into account in reaching our formal decision
- Should you require any further advice and information there may be an additional charge.
- Further fees or contributions may be required under the Community Infrastructure Levy, section 106 agreements or unilateral undertakings.

Signed: Lee Bowering

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BS23 1UJ

Our Ref: 34505/A5/EIAScreening
5th October 2022

Dear Sir/ Madam,

**RE: LAND AT RECTORY FARM, YATTON
REQUEST FOR SCREENING OPINION UNDER REGULATION 6 OF THE TOWN AND COUNTRY
PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (AS AMENDED)**

We write on behalf of Persimmon Homes Severn Valley to request an Environmental Impact Assessment (EIA) Screening Opinion in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017¹ from North Somerset Council with regard to the proposed development at Rectory Farm, Yatton. The proposed development would comprise up to 280 new residential dwellings, between one and three storeys. There will be 50% provision of affordable housing, associated access, landscaping and infrastructure.

The enclosed EIA Screening Report includes a Screening Checklist that reflects the requirements of the EIA Regulations. The Screening Checklist contains a comprehensive review of the likely significant effects of the proposals on the environment and should be read in conjunction with the main body of the report.

In accordance with Regulation 6 of the EIA Regulations, the report also contains:

- A plan sufficient to identify the land;
- Brief description of the nature and purpose of the development and of its possible effects on the environment; and
- Such other information or representations as the person making the request may wish to provide or make.

We look forward to receiving your response within the statutory timeframe as set out in the EIA Regulations and if you have any queries in the meantime, please do not hesitate to contact me.

¹ SI 2017/571 as amended by SI 2018/695

Yours sincerely,

Lucy Wood

Lucy Wood

Director – Climate Solutions Leader UK & Ireland

Encl. EIA Screening Report

Land at Rectory Farm, Yatton

Environmental Impact Assessment Screening Report

October 2022

Land at Rectory Farm, Yatton

Environmental Impact Assessment Screening Report

Prepared on behalf of Persimmon Homes Severn Valley

Job Number:	34505/A5/EIA Screening Report	
Status:	Draft	Final
Issue/Rev:	01	02
Date:	September 2022	October 2022
Prepared by:	HM / NS	HM / NS
Checked by:	LW	LW / CF / KV

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APPENDICES

APPENDIX 1: SITE LOCATION PLAN

1 INTRODUCTION

1.1 This EIA Screening Report has been prepared by Barton Willmore, now Stantec¹, on behalf of Persimmon Homes Severn Valley (the 'Applicant'). This report accompanies a request to North Somerset Council ('NSC') planning department to adopt a screening opinion to determine whether an outline planning application for the construction of up to 280 dwellings on land at Rectory Farm, Yatton, constitutes EIA development.

1.2 This report reflects the requirements of the *Town and Country Planning (Environmental Impact Assessment) Regulations 2017² (as amended)* (the "EIA Regulations") and in accordance with Regulation 6 of the EIA Regulations, this report contains:

- *A plan sufficient to identify the land;*
- *A description of the development, including in particular:*
 - (i) a description of the physical characteristics of the development and, where relevant, of demolition works;*
 - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;*
- *A description of the aspects of the environment likely to be significantly affected by the development;*
- *To the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from—*
 - (i) the expected residues and emissions and the production of waste, where relevant; and*
 - (ii) the use of natural resources, in particular soil, land, water and biodiversity; and*
- *Such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.*

Requirement for EIA

1.3 In order to determine whether the proposed development is 'EIA development', regard must be had for the EIA Regulations and supporting Planning Practice Guidance (PPG)³. EIA development is defined by the EIA Regulations as development:

¹ Institute of Environmental Management and Assessment (IEMA) qualified assessors and Environmental Impact Assessment (EIA) Quality Mark registrants

² SI 2017/571 as amended by SI 2018/695

³ <https://www.gov.uk/guidance/environmental-impact-assessment/>

"likely to have significant effects on the environment by virtue of factors such as its nature, size or location".

1.4 EIA development falls into two Schedules of the EIA Regulations. EIA is mandatory for developments listed within Schedule 1. Schedule 2 developments require EIA if they would lead to likely significant effects on the environment.

1.5 In deciding whether a Schedule 2 development is EIA development, Regulation 5(4) states:

"Where a relevant planning authority ... has to decide under these Regulations whether Schedule 2 development is EIA development, the relevant planning authority ... must take into account in making that decision-

- (a) Any information provided by the applicant;*
- (b) The results of any relevant EU environmental assessment which are reasonably available to relevant planning authority... ; and*
- (c) Such of the selection criteria set out in Schedule 3 as are relevant to the development."*

1.6 The proposed development is not of a type listed in Schedule 1. Therefore, in order to allow NSC to determine the need for EIA this report provides a description of the site and the proposed development, a review of the EIA Screening Criteria based on the EIA Regulations and the PPG, a completed EIA Screening Checklist, and a site location plan in Appendix 1.

2 SITE AND PROPOSED DEVELOPMENT

Site Context

- 2.1 The site (as shown at Appendix 1) is located on land at Rectory Farm, Yatton, North Somerset, approximately 450m to the west of Yatton High Street. The site lies within the administrative boundary of North Somerset Council (NSC).
- 2.2 The site is bound to the east by the village of Yatton and to the west by the Strawberry Line, a National Cycle Route (Route 26⁴) situated along a former railway line. To the south, the site adjoins the Rectory Farm site. A residential planning application (planning ref. 21/P/0236/OUT) on this site for up to 100 new homes was allowed at appeal in June 2022 and is included as a cumulative scheme for consideration in this screening exercise in Table 3.1. A row of trees and hedgerows form the northern boundary of the site, beyond which lie more agricultural fields and associated agricultural buildings. There also appears to be some fly tipping of cars to the north of the site. The surrounding land use is residential or agricultural.
- 2.3 Yatton train station is located approximately 300m north of the site. It is on the Bristol to Exeter line and is served by Great Western Railways (GWR). The nearest bus stops are Cherry Grove (approximately 310m away) and Chescombe Grove (approximately 420m away) on the B3133 High Street, both are served by the X2 excel bus which connects Bristol Bus Station to North End. Bristol Airport is also located approximately 6.1km east of the site. Bristol airport is a commercial airport which includes domestic and international flights.
- 2.4 Mendip Vale Medical Practice is located approximately 85m east of the site boundary.

Planning History

- 2.5 The site has no planning consents or live planning applications associated with it. The site is not allocated in the NSC Site Allocations Plan⁴. Recently, land proposed for development to the south of the site (planning refs. 21/P/0236/OUT and 21/P/2791/OUT) were confirmed as not EIA development.

Site Description

⁴ North Somerset Council, the Strawberry Line Heritage Trail. Link: <https://www.n-somerset.gov.uk/my-services/libraries-leisure-open-spaces/parks-countryside/parks-open-spaces/strawberry-line-heritage-trail>

- 2.6 The site is approximately 13 hectares (ha) in area and comprises approximately nine agricultural fields. The site is in agricultural use, separated by field boundaries with hedgerows, trees and a series of drainage rhynes. The site is Grade 4 in the Agricultural Land Classification (ALC)⁵ which is considered to be poor quality agricultural land.
- 2.7 The site can be accessed by West Road, Marsh Road, Strawberry Drive and Shiners Elms from the east. There are no Public Right of Ways (PRoWs) through the site, but one footpath leads towards the site from the south. Vehicle accesses are proposed via Mead Realisations' site off Chescombe Road and Shiners Elms, with pedestrian links through to the east via West Road, Marsh Road and Strawberry Drive, to connect into existing residential development.

Environmental Baseline Conditions

- 2.8 There are no internationally or nationally designated sites on the site. A review of the baseline conditions is set out below.

Landscape

The site is not located within or in close proximity to an Area of Outstanding Natural Beauty (AONB), National Park, or Area of High Landscape Value. The majority of residential buildings surrounding the site vary in height from 1-3 storeys. The site is enclosed to the north and west by existing trees, hedges, shrubs and vegetation. There is established residential development to the east, and the south of the site is bounded by Rectory Farm.

Noise and Vibration

- 2.9 Existing sources of noise in the area include the railway line located approximately 250m north of the site and existing residential properties on the eastern boundary of the site. It is also anticipated that there would be some noise from overhead aircraft, due to Bristol international Airport being located approximately 6.1km east of the site.

Air Quality

- 2.10 The site is not located within an Air Quality Management Area (AQMA). The closest AQMA is the Bristol City Council AQMA located approximately 15km north east.

Biodiversity

⁵ [Provisional Agricultural Land Classification \(ALC\) \(England\)](#)

- 2.11 As stated above, the site is in agricultural use. There appear to be hedgerows located throughout the site which separate different fields/areas within the site boundary. There are also trees located within the site.
- 2.12 There are European Designated ecological sites within 10km of the site boundary. The Severn Estuary Ramsar site is located approximately 4.2km west of the site. The Severn Estuary is also a Special Area of Conservation and a Special Protection Area. The North Somerset & Mendip Bats SAC is located approximately 2.1km east of the site. The Mendip Limestone Grasslands SAC is located approximately 9.2km south of the site, and the Mendip Woodlands SAC is located approximately 9.9km south of the site.
- 2.13 There are no national ecological designations located within the site boundary. The Strawberry Line, also known as the Cheddar Valley Railway Walk, is a Local Nature Reserve (LNR) which runs along the western boundary of the site. Immediately west of Cheddar Valley Railway Walk LNR there is the Biddle Street Site of Specific Scientific Interest (SSSI). Additionally, Tickenham, Nailsea and Kenn Moors SSSI is located approximately 680m north of the site and Cadbury Hill LNR is located approximately 1km east of the site. The Puxton Moor SSSI is located approximately 1.9km south of the site. There are no Registered Parks and Gardens within 2km of the site boundary.
- 2.14 The site is within the Horseshoe Bat Zone B of the North Somerset and Mendip Bats SAC Consultation Zone⁶.

Heritage and Archaeology

- 2.15 There are no listed buildings on the site. However, there are numerous listed buildings within a 2km radius of the site. Among the closest Grade II listed buildings are 114, High Street located approximately 350m east of the site, and Court Farmhouse located approximately 370m east of the site. The closest Grade I listed building is the Church of St Mary, located approximately 470m east of the site.
- 2.16 Within 2km of the site, there are five Scheduled Monuments. These comprise a Churchyard cross in St Mary's Churchyard (approximately 450m east), a large univallate hillfort on Cadbury

⁶ The guidance provides a consistent basis for understanding how rare horseshoe bats use the landscape and where there is likely to be greater risk or opportunity for development. This is to help inform strategic planning for the area's future housing needs. <https://www.n-somerset.gov.uk/sites/default/files/2020-03/North%20Somerset%20and%20Mendip%20Bats%20SAC%20guidance%20supplementary%20planning%20document.pdf>

Hill (approximately 1.5km east), Congresbury village cross (approximately 1.85km south-east) a Churchyard cross in St Andrews (approximately 1.87km south-east) and a Church Minor Romano-British villa (approximately 1.7km west). There are no registered battlefields within 2km. The site is not located in a Conservation Area, however the Yatton Conservation Area⁷ is located approximately 400m east of the site.

Flood Risk and Drainage

2.17 The site is located entirely within Flood Zone 3⁸, this is defined as being at a >1% chance of flooding in any given year. However, the site is in an area benefitting from flood defences. The site is predominantly at a very low risk of surface water flooding, the existing network of drainage rhynes crossing the site which separate agricultural fields are considered to be low-high risk of surface water flooding.

2.18 The site is also at risk of flooding from reservoirs.

Contamination

2.19 Because the site is in agricultural use it is unlikely to be heavily contaminated. There is no evidence of historic landfill sites⁹ on or in close proximity to the site.

2.20 The site is not located within a Nitrate Vulnerable Zone¹⁰ or a Drinking Water Safeguard Zone¹¹ for surface water or groundwater. The site is also not within a Source Protection Zone (SPZ)¹².

Proposed Development

2.21 The proposed development will comprise up to 280 new residential dwellings, between one and three storeys. There will be 50% provision of affordable housing.

2.22 The draft masterplan includes land that could accommodate a Doctor's Surgery, or other community uses, subject to demonstrable need.

⁷ <http://map.n-somerset.gov.uk/dande.html>

⁸ <https://check-long-term-flood-risk.service.gov.uk/postcode>

⁹ Historic Landfill Sites - Catchment Based Approach Data Hub

¹⁰ Nitrate Vulnerable Zones (NVZs) are areas designated as being at risk from agricultural nitrate pollution

¹¹ Drinking Water Safeguard Zones (Surface Water) are catchment areas that influence the water quality for their respective Drinking Water Protected Area (Surface Water)

¹² Source Protection Zones (SPZs) are defined around large and public potable groundwater abstraction sites

- 2.23 The proposed development includes associated access, landscaping and infrastructure including new tree and hedgerow planting, allotments, an orchard, trim trails, and attenuation ponds with connections to the Strawberry Line.

Mitigation

- 2.24 In accordance with Regulation 6(2)(e) of the EIA Regulations, a number of mitigation measures have been committed to at screening stage as part of the proposed development.
- 2.25 In order to avoid significant effects during the construction phase, best practice measures will be implemented through a Construction Environment Management Plan (CEMP) which will be secured via an appropriately worded planning condition and will be prepared by the Applicant's appointed contractor and agreed before works commence on the site. A Construction Logistics Plan and Construction Traffic Management Plan (CTMP) will also be adhered to, in order to manage all construction traffic and access.
- 2.26 One the proposed development is operational, a Travel Plan will be implemented including targets to promote sustainable and active travel by new residents and reduce transport movements, and subsequently emissions. Landscaping will be implemented to soften the new built form and integrate the proposed development into the landscape character of the site. The proposed landscaping will provide the opportunity for the proposed development to result in a biodiversity net gain on site and also accommodate SUDS, which are effectively designed and sensitively located.
- 2.27 The following documents are to be submitted alongside the planning application which will commit to standard mitigation measures to minimise effects on the environment:
- Transport Assessment and Travel Plan
 - Flood Risk Assessment and Preliminary Drainage Strategy
 - Ecological Appraisal and accompanying protected species surveys
 - Shadow Habitats Regulations Assessment (HRA)
 - Biodiversity Net Gain Assessment
 - Energy and Sustainability Report
 - Arboricultural Assessment
 - Landscape and Visual Appraisal

3 SCREENING ASSESSMENT

Determining the Screening Approach

3.1 In determining whether the proposed development constitutes EIA development, consideration should be had to the following questions:

- If the proposed development is of a type listed in Schedule 1?
- If not, whether it is listed in Schedule 2?
- Is it located within a sensitive area?
- It meets any of the relevant thresholds and criteria set out in Schedule 2?
- Would it lead to likely significant effects on the environment?

3.2 These points are explored further in this section with reference to the EIA Regulations and supporting PPG.

Schedule 1 Projects

3.3 EIA is mandatory for projects listed in Schedule 1 of the EIA Regulations. Schedule 1 developments are large scale projects for which significant effects would be expected and comprise developments such as new airports and power stations. The proposed development is not of a type listed in Schedule 1.

Schedule 2 Projects

3.4 EIA is discretionary for projects listed in Schedule 2. If the development proposed is of a type listed in Schedule 2 then it may be classified as EIA development depending on the location of the development (i.e. if it is within a sensitive area) and/or whether it meets any of the relevant thresholds or criteria in Column 2.

Sensitive Areas

3.5 Sensitive Areas are defined in the EIA Regulations as:

- Sites of Special Scientific Interest and European Sites;
- National Parks, the Broads, and Areas of Outstanding Natural Beauty;
- World Heritage Sites and Scheduled Monuments.

- 3.6 In certain cases, local designations which are not included in the definition of sensitive areas, but which are nonetheless environmentally sensitive, may also be relevant in determining whether an assessment is required. Furthermore, in considering the sensitivity of a particular location, regard should also be had to whether any national or internationally agreed environmental standards (e.g. air quality) are already being approached or exceeded.

Thresholds

- 3.7 The proposed development falls within category 10 of Schedule 2, 'Infrastructure Projects', sub-section (b) 'Urban Development Projects'. The site is not located in a sensitive area and therefore the thresholds should be applied. The relevant thresholds for such developments as set out in Schedule 2 relate to developments that "*include more than 150 dwellings or the overall area of the development exceeds 5 hectares*". The site area is approximately 13ha, and up to 280 new dwellings are proposed, therefore both the 5ha threshold and the 150-unit thresholds for EIA screening are exceeded. Accordingly, this screening assessment has been prepared to determine whether the proposed development would be likely to result in significant environmental effects. In order to achieve this Schedule 3 of the EIA Regulations and the PPG need to be taken into account. Information on these is set out below.

Schedule 3

- 3.8 Schedule 3 of the EIA Regulations sets out selection criteria which relate to specific matters including: the characteristics of the development; the location of the development; and the characteristics of the potential impact. These factors should be taken into account as part of the screening process and are set out below:

Characteristics:

- 3.9 The characteristics of development must be considered with particular regard to:
- The size and design of the whole development;
 - Cumulation with other existing development and/or approved development;
 - The use of natural resources, in particular land, soil, water and biodiversity;
 - The production of waste;
 - Pollution and nuisances;
 - The risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge; and
 - The risks to human health (for example, due to water contamination or air pollution).

Location:

3.10 The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard to:

- The existing and approved land use;
- the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground; and
- the absorption capacity of the natural environment, paying particular attention to the following areas:
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) European sites and other areas classified or protected under national legislation;
 - (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in retained EU law and relevant to the project, or in which it is considered that there is such a failure;
 - (vii) densely populated areas; and
 - (viii) landscapes and sites of historical, cultural or archaeological significance.

Potential Impact:

3.11 The likely significant effects of the development on the environment must be considered in relation to the above criteria, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account:

- The magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- The nature of the impact;
- The transboundary nature of the impact;
- The intensity and complexity of the impact;
- The probability of the impact;
- The expected onset, duration, frequency and reversibility of the impact;
- The cumulation of the impact with the impact of other existing and/or approved development; and
- The possibility of effectively reducing the impact.

Consideration of Cumulative Effects

- 3.12 Paragraph 1(b) of Schedule 3 of the EIA Regulations requires consideration of a proposed development cumulatively with other existing and/or approved development. Guidance on the consideration of cumulative effects in the EIA screening process is set out in the PPG, which echoes the requirements of the EIA Regulations:

"each application (or request for a screening opinion) should be considered on its own merits. There are occasions where other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development."

- 3.13 A search of potential developments that would result in cumulative effects within 2km of the site boundary has been carried out via NSCs planning website in October 2022. There are no defined criteria within the EIA Regulations for identifying cumulative schemes therefore, a 2km radius was chosen as a reasonable worst-case approach. The search identified the potentially cumulative developments set out in Table 3.1 that are either 'existing or approved', or may be approved in the near future, again to take a reasonable worst-case approach and futureproof the resulting Screening Opinion in case these developments become approved before the proposed development.

Table 3.1: Cumulative Schemes

Planning Application Number	Site address	Description	Distance from the site	Planning Status
21/P/0236/OUT	Land at Rectory Farm, Chescombe Road, Yatton	Outline planning application for a residential development of up to 100no. dwellings and associated infrastructure following demolition of existing buildings on site, with access for approval and all other matters for subsequent approval.	Adjacent to the site boundary to the south	Allowed on appeal
19/P/3197/FUL	Land Off Moor Road, Yatton	Residential development of 60no. dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure.	Approximately 1km north	Allowed on appeal
19/P/1884/RM	Land East of North End Road, Yatton.	Reserved Matters application for appearance, landscaping, layout and scale for the erection of 154	Approximately 875m north	Approved

Planning Application Number	Site address	Description	Distance from the site	Planning Status
		no. dwellings and associated infrastructure pursuant to the outline planning consent 15/P/0946/O (Outline application for up to 170 residential dwellings, open space and landscaping including a Local Equipped Area for Play, new vehicular and pedestrian access off North End and associated landscape, parking engineering (including ground re-modelling) works, site reclamation (including demolition) and infrastructure. Details of access to be decided, but appearance, landscaping, layout and scale all reserved for subsequent approval).		

National Planning Practice Guidance

3.14 Paragraphs 057 and 058 of PPG¹³ provide guidance to help determine whether significant effects are likely. In general, the more environmentally sensitive the location, the lower the threshold will be at which significant effects are likely. Table 3.2 below sets out indicative criteria, thresholds, and key issues to be considered in determining whether a development is likely to be EIA development identified in the Planning Practice Guidance.

Table 3.2: Planning Practice Guidance Indicative Screening Criteria

Development type	Indicative criteria and threshold	Key issues to consider
(b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas;	Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination. Sites which have not previously been intensively developed: (i) area of the scheme is more than 5 hectares; or (ii) it would provide a total of more than 10,000 m ² of new commercial floorspace; or (iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).	Physical scale of such developments, potential increase in traffic, emissions and noise.

Screening Assessment

¹³ Paragraph: 057 Reference ID: 4-057-2070720 and Paragraph: 058 Reference ID: 4-058-20150326

3.15 This section assesses the proposed development against the EIA screening criteria outlined above and presents the assessment of environmental effects likely to occur as a result of the proposed development. Table 3.3 sets out a review of all of the above criteria and requirements and specifically addresses the proposed development at the site.

Table 3.3: Planning Practice Guidance EIA Screening Matrix

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)		Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)	
1. Natural Resources				
1.1 Will construction, operation or decommissioning of the project involve actions which will cause physical changes in the topography of the area?	Y	There would be changes to the site during the construction phase as soil would be excavated for foundations, drainage, and access however, there will be no material changes to topography, other than localised regrading to achieve development platforms.	N	Existing drainage systems on site are to be retained and supplemented through SUDS. Although construction of the proposed development will include some excavation, mitigation measures will be identified in the CEMP submitted in support of the planning application. Therefore, significant effects are not considered to be likely
1.2 Will construction or operation of the project use natural resources above or below ground such as land, soil, water, materials / minerals or energy which are non-renewable or in short supply?	Y	The construction and operational phases of the proposed development will use resources in terms of water and energy as would be expected for a residential development.	N	Any potential effects during the construction phase would be mitigated using best practice measures set out within a CEMP to be submitted in support of the planning application and implemented prior to commencement of works on the site. The proposed development will be designed to reduce any likely significant effects on natural resource consumption and include sustainable buildings methods where feasible to minimise the building's energy consumption. An Energy & Sustainability Strategy will be submitted in support of the planning application.
1.3 Are there any areas on/around the location which contain important, high	Y	The site is located on Grade 4 agricultural land and surrounded by agricultural land to the	N	The agricultural land is classified as Grade 4, this is considered to be poor quality

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)		Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)	
<p>quality or scarce resources which could be affected by the project, e.g. forestry, agriculture, water/coastal, fisheries, minerals?</p>		<p>north, south and west. To the east the land use is residential, comprising of the western settlement boundary of Yatton.</p> <p>In regard to coastal and forestry locations, the site is within 10km of European Designated ecological sites including the Severn Estuary Ramsar site approximately 4.2km west of the site. The Severn Estuary is also a Special Area of Conservation and a Special Protection Area. The Mendip Limestone Grasslands SAC is located approximately 9.2km south of the site, and the Mendip Woodlands SAC is located approximately 9.9km south of the site.</p> <p>There are no fisheries, tourism or minerals resources that could be affected by the proposed development.</p>		<p>agricultural land, therefore significant effects are not anticipated.</p> <p>The construction phase would lead to an increase in traffic, emissions and noise but such effects would be minimised by best practice mitigation measures, implemented through a CEMP. Effects on surrounding land uses and people will be in the context of existing development around the site and are not anticipated to be significant.</p> <p>A shadow Habitat Regulations Assessment will be submitted in support of the planning application. The development will be designed to avoid likely significant effects on the integrity of the protected sites, in accordance with the Habitats Regulations. As stated above, standard mitigation measures will be implemented during construction and operation of the proposed development.</p> <p>Once operational, the proposed development would be in keeping with other similar land uses in Yatton and effects on neighbouring users will not be significant.</p>
2. Waste				
<p>2.1 Will the project produce solid wastes during construction or</p>	<p>Y</p>	<p>As with nearly all construction, the proposed development</p>	<p>N</p>	<p>Waste would be managed and reduced in accordance with all</p>

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)		Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)	
operation or decommissioning?		<p>will result in waste materials from the preparation and undertaking of works. There would be waste generated by the operational phase of the proposed development.</p> <p>The site comprises agricultural land and field boundaries of hedgerows and trees. The site will be designed to work with the site levels and constraints; and provide a development that fits within its setting. No significant water courses or natural bodies of water in the vicinity of the site.</p> <p>The CEMP submitted to support the planning application will set out measures as to how construction waste can be reduced and/or reused.</p>		<p>applicable legislation and disposed of in line with best practice. Any waste generated during the construction phase of the proposed development would be reused and recycled, where possible.</p> <p>Operational waste would be disposed of in line with NSC's requirements and managed in accordance with all applicable legislation. Significant quantities of construction or operational waste are not anticipated as a result of the proposed development.</p>
3. Pollution and Nuisances				
3.1 Will the project release pollutants or any hazardous, toxic or noxious substances to air?	Y	<p>During the construction phase of the proposed development, dust would be generated. There would be emissions associated with plant and vehicles during the construction phase. There would also be emissions associated with the traffic movements during the operational phase of the proposed development.</p> <p>The proposed development is for residential use which is not associated with hazardous substances or toxic emissions to air. There is not anticipated to be a requirement to store large volumes of hazardous materials. Any such materials would be stored and handled in accordance</p>	N	<p>Dust generation would be managed in accordance with standard best practice measures, enforced through a CEMP.</p> <p>The construction phase is expected to be phased, with the arrival and departure of Heavy Goods Vehicles (HGVs) dispersed across the working day to avoid a concentration of released pollutants associated with the plant and vehicles required for the construction phase. Construction vehicle emissions will be managed through the implementation of the CTMP and CEMP, secured via planning condition.</p>

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)		Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)	
		with relevant legislation.		<p>There would also be emissions associated with the operational of the proposed development. As the proposed development is residential, emissions would be associated with the number of vehicles travelling to and from the site as a result of the future residents that will occupy up to 280 new dwellings on the site. However, given the scale of the proposed development emissions would be minimal.</p> <p>A Transport Assessment will be submitted in support of the planning application. In addition, a Travel Plan will be submitted in support of the planning application which will set out the measures to promote the use of sustainable transport modes rather than single occupancy vehicle movements which will also reduce the release of emissions.</p>
3.2 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Y	<p>The potential exists for noise effects to result from the construction processes and operational activities associated with the proposed development.</p> <p>During construction, the potential exists for light pollution (at night) associated with construction activities.</p> <p>No heat, energy or electromagnetic radiation will be caused or released.</p>	N	<p>Construction noise would be in the context of the existing built development to the east of the site and so is unlikely to cause significant disturbance. The nearest sensitive receptors include existing residential properties on the eastern boundary of the site. These effects will be managed in accordance with best practice measures, implemented through the CEMP and are not anticipated to generate significant adverse</p>

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)		Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)	
				<p>effects. The CEMP will be secured through planning condition, therefore significant effects are not anticipated.</p> <p>All external lighting and illumination would be designed carefully and located sensitively in accordance with relevant British Standards and Institute of Lighting Professionals (ILP)¹⁴ and the CIE (International Commission on Illumination) report¹⁵.</p>
<p>3.3 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>N</p>	<p>The site comprises agricultural land indicating that there is less likely to be sources of contamination on-site. There is no evidence of historic landfill sites on or in close proximity to the site. In any event, ground conditions are being investigated and reported to inform other technical submissions alongside the planning application.</p> <p>An appropriate scheme of mitigation and/or remediation will be implemented, if required, in accordance with standard best practice measures, enforced through a CEMP.</p> <p>During the construction phase, standard mitigation measures such as health and safety procedures for construction workers and ensuring that any</p>	<p>N/A</p>	

¹⁴ Institute of Lighting Engineers Guidance and Standards (<https://www.theilp.org.uk/home/>) 'Guidance Noted for the Reduction of Light Pollution'

¹⁵ CIE (International Commission on Illumination) Report (2017) "Guide on the Limitation of the Effects of Obtrusive light from Outdoor Lighting Installations"

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)	Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)
	<p>chemicals or oils will be stored in appropriately bunded containers and in accordance with relevant legislation will be implemented to ensure that any potential significant effects will be mitigated.</p> <p>Hydrocarbons will be used as part of the construction phases of the proposed development. This would involve plant and vehicle fuel and lubricants. The use of these will be controlled through the implementation of the CEMP and will not result in any significant adverse effects to land or water.</p> <p>Surface water run-off and foul water drainage will be managed on-site during the construction and operational phases, as detailed further in the Flood Risk Assessment (FRA) and Preliminary Drainage Strategy that will be submitted with the planning application.</p> <p>On the basis of the above and further to the use of standard mitigation measures, the proposed development will not lead to contamination of land or water.</p>	
<p>3.4 Are there any areas on or around the location which are already subject to pollution or environmental damage, e.g. where existing legal environmental standards are exceeded, which could be affected by the project?</p>	<p>N</p> <p>The site is not located within or in close proximity to an AQMA.</p> <p>During construction, effects will be managed by a CEMP which will include standard, best practice measures such as ensuring bulk cement and other fine powder materials are delivered to the site in enclosed</p>	<p>N/A</p>

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)	Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)
	<p>tankers. Dust generation would be managed in accordance with standard best practice measures, enforced through a CEMP and is not anticipated to generate significant adverse effects.</p> <p>The site is not located within or in close proximity to a Source Protection Zone.</p> <p>Air quality impacts will be appropriately mitigated during construction through the implementation of a CEMP, which will set out measures to mitigate air quality impacts from construction plant and construction traffic.</p> <p>During occupation and any on-site operations, the Travel Plan will also set out measures to reduce use of the private motor vehicle, which will subsequently reduce emissions.</p>	
4. Population and Human Health		
<p>4.1 Will there be any risk of major accidents (including those caused by climate change, in accordance with scientific knowledge) during construction, operation or decommissioning?</p>	<p>N</p> <p>During the construction activities, the contractor(s) will implement measures in accordance with Health and Safety legislation/requirements, and best practice to minimise the risks of accidents that could have adverse effects on people or the environment. All such measures will form part of the CEMP. There are no anticipated significant risks of accidents during operation as the proposed development will not involve users dealing with hazardous</p>	<p>N/A</p>

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)	Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)	
	<p>substances.</p> <p>In addition, the Preliminary Drainage Strategy for the proposed development will be designed to ensure there is no increase to flood risk on site or elsewhere which will also accommodate an allowance for climate change. The proposed buildings will be designed using best practice energy efficiency measures to reduce overheating in hot temperatures, whilst retaining heat in cold temperatures. An Energy and Sustainability Report will be submitted in support of the planning application, alongside an FRA and Preliminary Drainage Strategy.</p>		
<p>4.2 Will the project present a risk to the population (having regard to population density) and their human health during construction, operation or decommissioning? (for example due to water contamination or air pollution)</p>	<p>Y</p> <p>During the construction phase of the proposed development, dust would be generated. However, dust generation would be managed in accordance with standard best practice measures, enforced through the CEMP, and is not anticipated to generate adverse effects to human health.</p> <p>The land uses proposed are not highly contaminative and it is not expected that there is a high risk of contaminants being released into the environment.</p>	<p>N</p>	<p>Health Impact Assessment will be undertaken to inform the planning application and will be submitted alongside it. Effects on human health during operation will be appropriately mitigated through open space being provided on-site. Furthermore, the operational Travel Plan will encourage future residents to use more active modes of travel such as cycling.</p>
5. Water Resources			
<p>5.1 Are there any water resources including surface waters, e.g. rivers, lakes/ponds, coastal or underground waters on or around the location which</p>	<p>Y</p> <p>The site is located within Flood Zone 3 which is considered to be the highest risk of flooding from fluvial sources. The site is predominantly at a very low risk of surface water</p>	<p>N</p>	<p>The site benefits from flood defences and an FRA and preliminary Drainage Strategy will be submitted in support of the planning application.</p>

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)		Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)	
<p>could be affected by the project, particularly in terms of their volume and flood risk?</p>		<p>flooding. The drains located throughout the site are at a low-high risk of surface water flooding.</p> <p>The site is not located within or adjacent to a Source Protection Zone.</p>		<p>Surface water run-off and foul water drainage will be managed on-site during the construction and operational phases.</p> <p>Additionally, the indicative masterplan includes attenuation ponds. Therefore, significant effects are not considered likely.</p>
6. Biodiversity (Species and Habitats)				
<p>6.1 Are there any protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around the location and which could be affected by the project? (e.g. wetlands, watercourses or other water-bodies, the coastal zone, mountains, forests or woodlands, undesignated nature reserves or parks. (Where designated indicate level of designation (international, national, regional or local))).</p>	<p>Y</p>	<p>There are no statutory or non-statutory ecological designations on the site.</p> <p>Within 10km there are European statutory designated sites including the Severn Estuary Ramsar, SAC and SPA. The North Somerset & Mendip Bats SAC is located approximately 2.1km east of the site. The Mendip Limestone Grasslands SAC is located approximately 9.2km south of the site, and the Mendip Woodlands SAC is located approximately 9.9km south of the site.</p> <p>Within 2km, there are five national and local statutory designated sites (Cheddar Valley Railway Walk LNR, Cadbury Hill LNR, Tickenham, Nailsea and Kenn Moors SSSI and Biddle Street SSSI) Cheddar Valley Railway Walk LNR (also known as the Strawberry Line) is on the western boundary of the site and Biddle Street SSSI lies just beyond that. The Puxton Moor SSSI is located approximately 1.9km south of the site.</p>	<p>N</p>	<p>Key mitigation and best practice measures will be enforced through a CEMP, such as the sensitive and appropriate timing of the removal of vegetation. Further to standard mitigation measures, appropriate landscape design and planting schemes, the proposed development is not considered to generate any significant adverse ecological effects.</p> <p>In regard to the European Designated sites, a Shadow HRA is being submitted in support of the planning application and will outline mitigation measures to prevent significant effects on these sites.</p> <p>Furthermore, an Ecological Appraisal and accompanying protected species survey, Biodiversity Net Gain Assessment and Arboricultural Assessment will be submitted alongside the planning application.</p>

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)	Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)
<p>6.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, e.g. for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>Y</p> <p>The site comprises agricultural use, separated by field boundaries with hedgerows and trees. The site is within the Horseshoe Bat Zone B of the North Somerset and Mendip Bats SAC Consultation Zone.</p>	<p>N</p> <p>Best practice measures to be enforced through a CEMP. The proposed development is not considered to generate any significant adverse effects on fauna or flora.</p> <p>As above, an Ecological Appraisal and accompanying protected species survey, Shadow HRA, Biodiversity Net Gain Assessment and Arboricultural Assessment will be submitted alongside the planning application. Appropriate ecological surveys will identify the required ecological mitigation and enhancement measures to be built into the landscaping and lighting proposals. Therefore, significant effects on sensitive flora and fauna are not considered likely.</p>
<p>7. Landscape and Visual</p>		
<p>7.1 Are there any areas or features on or around the location which are protected for their landscape and scenic value, and/or any non-designated / non-classified areas or features of high landscape or scenic value on or around the location which could be affected by the project? Where designated indicate level of designation (international, national, regional or local).</p>	<p>Y</p> <p>The site is not located within or in close proximity to an AONB, National Park, or an Area of High Landscape Value.</p> <p>The proposed development is not considered to significantly affect any areas or features on or around the site that are of high landscape or scenic value.</p> <p>The site is not located within or close to any feature or designation of high landscape or scenic value.</p> <p>The potential for local views of the site exists</p>	<p>N</p> <p>The site is not located in a Conservation Area, however the Yatton Conservation Area is located approximately 400m east of the site.</p> <p>The Design and Access Statement, submitted in support of the planning application will outline how the proposed development design is in keeping with the local character. Such as buildings reflecting local typologies. The proposed development will be sympathetic to the local landscape and views, and therefore significant effects are not considered likely.</p>

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)		Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)	
		<p>primarily from residential properties on to the east of the site.</p> <p>The proposed development includes Allotments, an orchard, trim trails, attenuation ponds and connections to the Strawberry Line. This will enhance the existing landscape assets and setting the views from and towards the existing residential properties. An Arboricultural Assessment being submitted in support of the planning application will outline any potential impacts to trees on the site, and will set out mitigation measures such as enhancing and retaining high value trees on the site.</p>		<p>A Landscape and Visual Impact Assessment (LVIA) will be submitted in support of the planning application setting out potential effects from the construction and operation of the proposed development as well as mitigation measures to avoid significant residual effects.</p>
<p>7.2 Is the project in a location where it is likely to be highly visible to many people? (If so, from where, what direction, and what distance?)</p>	<p>N</p>	<p>The proposed development will include homes between one to three storeys. This will be keeping in character to the surrounding residential landscape and is not expected to be highly visible in the surrounding area.</p> <p>A LVIA will also be submitted in support of the planning application.</p>	<p>N/A</p>	
<p>8. Cultural Heritage/Archaeology</p>				
<p>8.1 Are there any areas or features which are protected for their cultural heritage or archaeological value, or any non-designated / classified areas and/or features of cultural heritage or archaeological importance on or around the location which could be affected by the project (including</p>	<p>Y</p>	<p>The site is not located within a conservation area or on scheduled monuments.</p> <p>There are numerous listed buildings within 2km of the site, but there are none within the site.</p> <p>A heritage assessment will be submitted to provide an assessment of any impact on the significance of heritage</p>		<p>The DAS and LVIA submitted in support of the planning application will outline how the proposed development will mitigate potential significant effects on heritage assets during construction and operation.</p> <p>During construction, best practice measures such as site hoarding will be implemented to</p>

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)		Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)	
<p>potential impacts on setting, and views to, from and within)? Where designated indicate level of designation (international, national, regional or local).</p>		<p>assets.</p>		<p>screen the construction site from view of nearby receptors such as the Conservation Area.</p> <p>During operation, the proposed development is designed in such a way that it is sympathetic to the local character. Therefore, significant effects on designated and non-designated heritage assets within the study area are not considered likely.</p>
9. Transport and Access				
<p>9.1 Are there any routes on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?</p>	<p>Y</p>	<p>The Cheddar Line Railway Walk AKA the Strawberry Line is a footway and National Cycle Route running along the western boundary of the site.</p> <p>There are residential properties to the east of the site.</p> <p>Yatton railway station is located approximately 300m north of the site. The nearest bus stop is on the B3133 High Street.</p>	<p>N</p>	<p>Any need to obstruct routes as a result of the works would be agreed in advance with NSC and mitigation measures proposed by the CEMP would be implemented throughout works to minimise disturbance and the potential for adverse effects.</p> <p>During the construction phase, a CEMP will be implemented that will ensure that standard, best practice measures are adopted to prevent any significant effects such as, loading and unloading of materials will occur within the site and appropriate hoarding/fencing will be placed around the site's boundaries.</p> <p>The site layout illustrates highways connections from Shiners Elms and the road to be constructed as part of the Outline application for 100 new homes off Chescombe Road, with reference 21/P/0236/OUT.</p>

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)		Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)	
				<p>The proposed development includes provision of new cycle routes, pedestrian footpaths and trim trails and connections to the Strawberry Line and the wider residential area of Yatton. This will enhance existing active travel routes.</p>
<p>9.2 Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>Y</p>	<p>The construction of the proposed development would involve changes to traffic movements (e.g. use of Heavy Goods Vehicles (HGVs)).</p> <p>During operation, the proposed development will increase the number of vehicles on the local road network by virtue of the new residents in the local area.</p>	<p>N</p>	<p>A CTMP would be prepared and implemented during works to minimise disruption. Any need to obstruct the highway would be carefully planned and agreed with NSC in advance.</p> <p>Phasing of the development will ensure that the impacts on the road network are minimised, making the overall construction process more efficient and sustainable. Sustainable construction and traffic routes will be carefully considered and explained in a CTMP.</p> <p>A Transport Assessment will be undertaken for the site and will be submitted with the planning application.</p> <p>As above, sustainable public transport options are located near to the site.</p> <p>The Travel Plan, to be submitted in support of the planning application, will set out measures to reduce private car usage and promote public and active transport modes, reducing the</p>

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)		Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)	
				effect the proposed development will have on the local road network. The proposed development also includes a network of cycle lanes and footpaths that integrate the proposed development into the wider residential area. Therefore, significant effects in relation to transport are not considered likely.
10. Land Use				
10.1 Are there existing land uses or community facilities on or around the location which could be affected by the project? E.g. housing, densely populated areas, industry / commerce, farm/agricultural holdings, forestry, tourism, mining, quarrying, facilities relating to health, education, places of worship, leisure /sports / recreation.	Y	Residential receptors along the eastern boundary of the site. Mendip Vale Medical Practice located 85m east of the site. There are commercial uses within the village of Yatton in proximity to the site including: <ul style="list-style-type: none"> • A florist approx. 120m east; • A Co-Op food store approx. 420m east; • A bakery approx. 300m east; and • Pubs and Restaurants. 	N	The construction and operational phases of the proposed development will result in traffic and potentially noise however these effects will be managed by best practice measures and effective design and will not be significant. The draft masterplan includes land that could accommodate a Doctor's Surgery, subject to demonstrable need.
10.2 Are there any plans for future land uses on or around the location which could be affected by the project?	N	There are no other future plans on or around the site which could be affected by the project.	N/A	
11. Land Stability and Climate				
11.1 Is the location susceptible to earthquakes, subsidence, landslides, erosion, or extreme /adverse climatic conditions, e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?	N	No. A range of supporting documents submitted with the planning application will address the Development's vulnerability and resilience to climate change as the lifespan of the Development progresses. These include the Flood Risk Assessment, Energy & Sustainability Statement, Landscape	N/A	

Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)	Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)
	and Visual Impact Assessment and Arboricultural Assessment. Significant effects are therefore not included.	
12. Cumulative Effects		
12.1 Could this project together with existing and/or approved development result in cumulation of impacts during the construction/operation phase?	Y Table 3.2 lists the criteria and key issues set out in PPG for when significant effects on the environment are anticipated for 'Urban development projects'. The key issues to consider for Urban development projects are the physical scale of such developments and the potential increase in traffic, emissions and noise.	N The potential exists for cumulative effects in terms of road traffic and noise emissions from the permitted developments in Table 3.3, however for the below reasons these are not considered to be significant. Each scheme will implement a CEMP during the construction phase, which should mitigate any potentially significant effects that could arise. The schemes identified: <ul style="list-style-type: none"> • Planning Ref. 21/P/0236/OUT • Planning Ref. 19/P/3197/FUL • Planning Ref. 19/P/1884/RM These cumulative schemes are anticipated to implement operational mitigation measures such as appropriate design and landscaping, as well as transport mitigation which will reduce the potential for significant cumulative effects. These are considered to be at a distance and direction from the site, whereby the intervening built form and topography would not give rise to significant cumulative effects. Their timings for construction will also affect any cumulative impacts arising at any

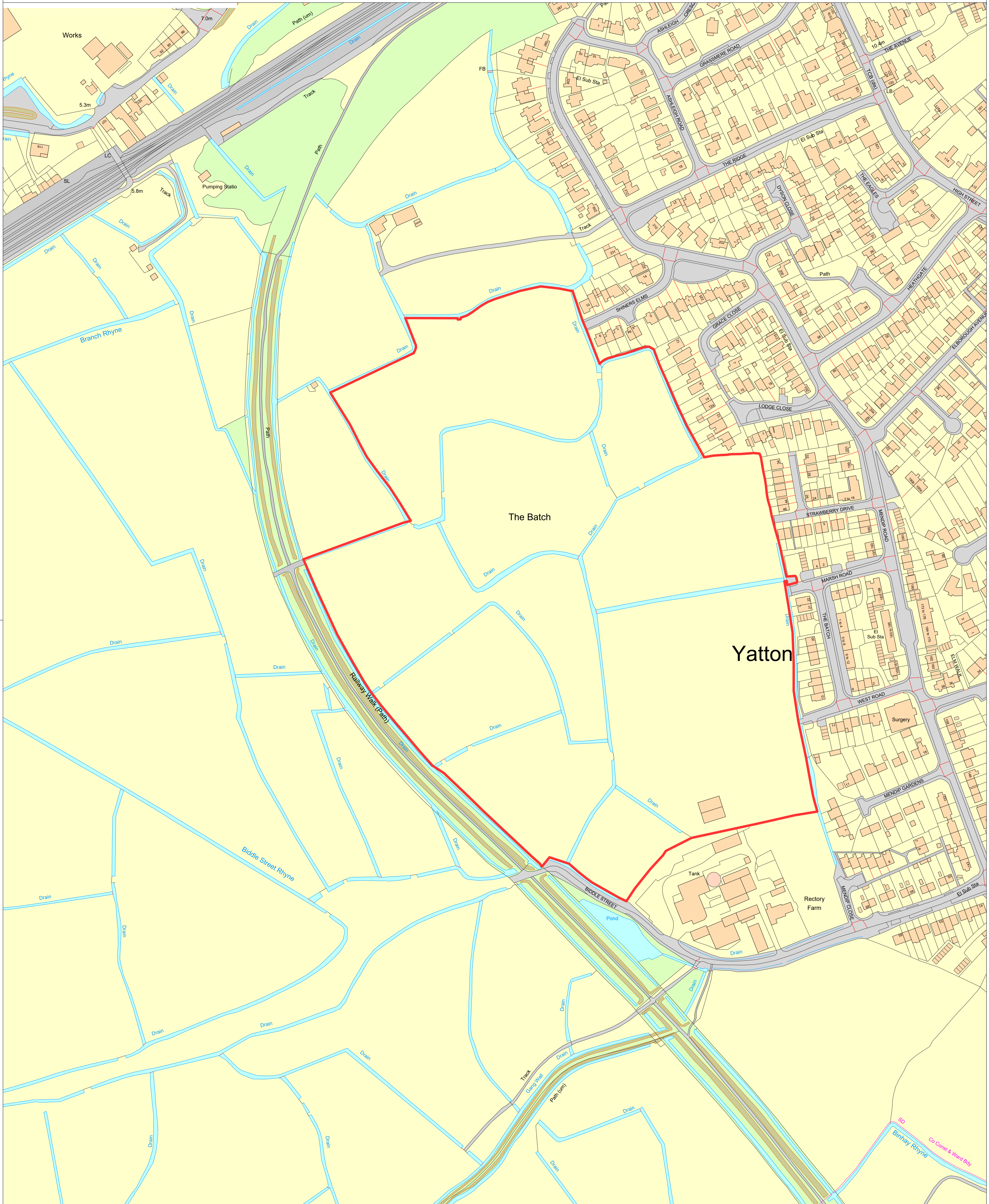
Part 1 - Question	Part 2 - Answer to the question and explanation of reasons (Yes/No or Not Known (?) or N/A)		Part 3 - Is a Significant Effect Likely? (Yes/No or Not Known (?) or N/A)
			one time. They are unlikely to be developed in their entirety concurrently.
Transboundary Effects			
13.1 Is the project likely to lead to transboundary effects?	N	No.	N/A

4 CONCLUSION

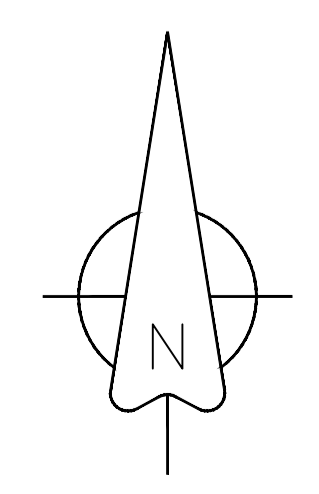
- 4.1 This screening assessment has considered whether the proposed development for the construction of up to 280 dwellings on land at Rectory Farm, Yatton is likely to give rise to significant effects on the environment.
- 4.2 The proposed development falls within Schedule 2, 10 (b) of the EIA Regulations, as an urban development project. The site is not located within a sensitive area as defined by the EIA Regulations, but it falls above the indicative criteria and screening thresholds at more than 5ha and 150 residential units. The proposed development's potential cumulation with other committed development within the surrounding area has been considered in this assessment.
- 4.3 With regard to the thresholds identified in the PPG (set out in Table 3.1 above) it is considered that the proposed development when considered cumulatively with other '*existing or approved*' developments would not exceed the 1,000-dwelling threshold, therefore significant effects are not anticipated. The proposed development would be in keeping with the current nature and scale of the surrounding development. The principal environmental effects from the proposed development would relate to traffic movements and associated noise and air quality emissions, flood risk and ecological impacts however these effects would be managed in accordance with standard methods, including the implementation of a CEMP, CTMP, Travel Plan, Flood Risk Assessment, Preliminary Drainage strategy, Ecological Appraisal, Arboricultural Assessment and Shadow HRA.
- 4.4 The site currently comprises agricultural land however is surrounded by existing built development. The construction of a new residential development would not lead to effects that are different in nature or complex and would be integrated with the existing similar land uses in Yatton. Landscape specialists are informing the design and long-term impacts on local views could be mitigated through master planning. The proposed development includes the opportunity for allotments, an orchard, trim trails, attenuation ponds and connections to the Strawberry Line. The proposed development also provides the opportunity to retain and enhance existing habitats and vegetation where possible. This will have benefits regarding biodiversity and adaptation to and mitigation for climate change.
- 4.5 The screening assessment has identified that significant effects on the environment are not considered likely either alone or in combination with other development. The proposals would be small scale and effects could be managed in accordance with standard methods. The proposed development is therefore not considered to be formal EIA development as defined by the EIA Regulations.

APPENDIX 1
SITE LOCATION PLAN

Drawing Revisions			
ISSUE	DATE	REVISION	BY



KEY
——— Site Boundary



Development
 Land at Rectory Farm
 Yatton
 Redline Plan

Drawing Title	Date	Scale	Drawn
Land at Rectory Farm - Redline Plan	10/22	1/1000@A0	CW
Drawing Status	Drawing Ref	Rev	
Redline Plan	Rectory Farm_RLP01	-	

NOTICE OF SCREENING DECISION

Town And Country Planning
(Environmental Impact Assessment)
Regulations 2017



Ms Kathryn Ventham
Barton Willmore
9th Floor, Bank House,
8 Cherry Street
Birmingham
West Midlands
B2 5AL

Application Number: 22/P/2963/EA1

Category: Request for formal screening opinion

Application No: 22/P/2963/EA1

Applicant: Persimmon Homes Severn Valley

Site: Land To North Of Rectory Farm, Chescombe Road ,Yatton, BS49 4EU

Description: Request for a formal screening opinion as to whether an Environmental Impact Assessment is required to be submitted with an application for a proposed development comprising up to 280 new residential dwellings, associated access, landscaping and infrastructure. THIS IS NOT A PLANNING APPLICATION

DECISION: The proposed development does not constitute 'Environmental Impact Assessment' Development and an Environmental Statement is not required as part of a planning application for the following reasons:

- 1 It is considered likely that the proposal is most likely to have localised impacts only, which can be addressed through the planning application process. However, to confirm this, the following assessment will be required as part of the planning application process:
 - o Cumulative Impact Assessment - to include potential impact on existing traffic movements, flooding, drainage, ecology, existing character of settlement, noise and air quality, historic landscape character and healthcare/school provision
 - o Surveying requirements for sites within Zone B of the Mendip and North Somerset Bats Consultation Zone. Set out in the North Somerset and Mendip Bats SPD

THIS NOTICE DOES NOT GRANT PLANNING PERMISSION

Advice Notes:

- 0 The plans/documents that were formally considered as part of this decision are as follows:

Environmental Impact Assessment Screening Report, Stantec - October 2022

Site Location redline plan (1/1000), Persimmon - October 2022

Date: 20 January 2023

Signed: Richard Kent
Head of Development Management

Please use our [online contact form](http://www.n-somerset.gov.uk/contactplanning) on our website at www.n-somerset.gov.uk/contactplanning if you require further information on this decision.

DELEGATED REPORT

Application No:	22/P/2963/EA1	Target date:	26.10.2022
Case officer:	Jessica Harper	Extended date:	
Proposal:	Request for a formal screening opinion as to whether an Environmental Impact Assessment is required to be submitted with an application for a proposed development comprising up to 280 new residential dwellings, associated access, landscaping and infrastructure. THIS IS NOT A PLANNING APPLICATION		
Site address:	Land To North Of Rectory Farm, Chescombe Road, Yatton, BS49 4EU		

EIA SCREENING OPINION

Classification and the need for screening

The proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Column 1, Part 10 **Infrastructure Projects (b) urban development projects** and **(ii) the development includes more than 150 dwellings**, therefore exceeds the thresholds in Column 2. A formal screening opinion is therefore required.

Consultation summary

The Council has no statutory obligation to consult on EIA screening requests. It does however undertake nominal consultation including the local Parish Council and it can carry out further consultation if required. The following comments comprise summaries only. For the full comments, please refer to the website:

Environment Agency No comments received

Natural England

It is Natural England's advice, on the basis of the material supplied with the consultation, that there are potential likely significant effects on statutorily designated nature conservation sites or landscapes and further assessment is required.

The proposed development is located within or has the potential for adverse effects on the following designated sites:

- Biddle Street, Yatton Site of Special Scientific Interest (SSSI)
- Tickenham, Nailsea and Kenn Moors Site of Special Scientific Interest (SSSI)
- King's Wood and Urchin Wood Site of Special Scientific Interest (SSSI)
- Brockley Hall Stables Site of Special Scientific Interest (SSSI)
- Severn Estuary Site of Special Scientific Interest (SSSI)
- North Somerset & Mendip Bats Special Area of Conservation (SAC)
- Severn Estuary Ramsar
- Severn Estuary Special Protection Area (SPA)

- Severn Estuary / Môr Hafren Special Area of Conservation (SAC)

Natural England has not assessed the significance of any impacts on these designated sites or landscapes. The proposed development may therefore be likely to have significant effects on the interest features for which these sites are notified or the purposes of designation and we advise you to consider further whether an Environmental Impact Assessment (EIA) is required.

Should you decide that an EIA is not required, Natural England advises that sufficient information on the potential impacts of this proposal upon these designated sites/areas is submitted with any subsequent planning application. We would be pleased to discuss this further with the applicant through our [Discretionary Advice Service](#).

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this proposal is likely to affect protected species to such an extent as to require an Environmental Impact Assessment (EIA). The developer must provide sufficient information for your authority to assess whether protected species are likely to be affected and, if so, whether appropriate avoidance, mitigation or compensation measures can be put in place. Further information is included in Natural England's [standing advice](#) on protected species.

Should you determine that an EIA is not required in this case, you should ensure that the application is supported by sufficient biodiversity, landscape and other environmental information in order for you to assess the weight to give these material considerations when determining the planning application.

Historic England

We consider that there appears to be minimal impact on the historic environment and therefore an EIA may not be required in relation to the historic environment. We recommend, however, that the applicant seeks confirmation from the relevant local authority Historic Environment staff for an informed local opinion of need.

Highways England

Our comments relate to matters arising from our responsibilities to manage and maintain the safe operation of the strategic road network (SRN), in this case the M5 motorway and specifically M5 J21.

Location specific considerations

- The Transport Assessment should consider the impact of the development on the operation of the strategic road network, in line with national planning practice guidance and DfT Circular 01/2022 'Strategic Road Network and the Delivery of Sustainable Development'. Where the proposals would result in severe congestion or an unacceptable safety impact, necessary infrastructure/mitigation will be required in line with current policy. The assessment should consider the development impact on M5 J21.
- The effects of the proposed development should be assessed cumulatively with other schemes, and we would expect the applicant to agree an appropriate list of schemes, including committed development in the area, with the local planning authority and National Highways.
- The Transport Assessment should consider the traffic impact through both the construction and operational phases of development.

Assessment criteria

In considering whether the proposal is 'EIA development' the key is whether it is likely to have 'significant' environmental effects. Criterion for Screening 'Schedule 2' development is set out in 'Schedule 3' of the EIA Regulations and it says proposals should be screened according to the:

- Characteristics of the development (e.g. size, use, pollution and waste);
- Location of the development; and
- Types and characteristics of potential impact (magnitude and duration)

EIA development will usually apply where the proposals are:

- More than local importance
- Development proposed in particularly sensitive or in vulnerable locations
- Development with unusually complex or hazardous consequences

The **screening checklist** attached alongside this report is provided so that consideration can be given to potential impacts and whether these are likely to have 'significant' environmental effects. Further information is provided below.

1. Characteristics of the Development

Schedule 3 of the Regulations sets out that the characteristics of the development must be considered having regard, in particular, to the size of the development; the cumulation with other development; use of natural resources; production of waste; pollution and nuisances and the risk of accidents, having regard in particular to substances or technologies used.

The proposal is outlined as a scheme of up to 280 dwellings, on a site of approximately 13 hectares in size. This comprises nine fields currently in agricultural use, separated by field boundaries including rhynes, with trees/ hedgerows forming the northern boundary of the site. To the west of the site is the strawberry line cycling and walking pathway. There are no Public Right of Way through the site. The site is 450 metres west of Yatton High Street.

The land is not classified as Grade 1 or 2 Agricultural Land Classification and is therefore less likely to be of Best and Most Versatile quality. Although this may need to be confirmed.

When considering the potential for cumulative effects of this scheme, particular attention should be paid to the number of schemes in the vicinity of the proposal site. There are nine residential-led schemes that are under construction, have planning permission/online consent, are currently in the planning application system and are allocated for residential development in Yatton. There are two additional schemes in nearby Claverham.

- Under construction:
 - Land at North End, Yatton – 154 dwellings
 - Former UTAS site, Claverham Works, Claverham – 77 dwellings
 - Total = **231** dwellings
- Full planning permission:
 - Moor Road, Yatton – 60 dwellings
 - Total = **60** dwellings
- Outline consent:
 - Rectory Farm, Yatton – 100 dwellings
 - Total = **100** dwellings
- Planning application under consideration:
 - Northern field at Claverham Works, Claverham – 24 dwellings
 - Land off Stowey Road, Yatton – 34 dwellings
 - Land at Box Bush Farm, North End Road, Yatton – 35 dwellings
 - Yatton Rugby Club, North End Road, Yatton – 87 dwellings
 - Total = **180** dwellings
- Allocated for residential development

- Land to the east and west of Wemberham Lane, Yatton – 24 dwellings
 - Yatton Station – 21 dwellings
 - Oxford Plasma Technology, North End Road, Yatton – 55 dwellings
- Total = 100 dwellings

Grand total = 671 dwellings

When this is added to the proposal number of dwellings associated with this proposal, this totals 951 dwellings.

Size and cumulative impact - landscape

The site is at least 6km distance from The Mendip Hills AONB and has no landscape designations. The North Somerset Landscape Sensitivity Assessment classifies the land of 'Low' landscape sensitivity to housing, except for the fields bordering the Strawberry Line path, which are of medium sensitivity. The land is for the generally well contained by dense vegetation along the Strawberry line cycle/pedestrian path, which separates it from the wider and more sensitive part of the Moors landscape.

Given the above it is considered that EIA is not warranted on landscape grounds.

Any future application will need a Landscape Visual Impact Assessment (LVIA) to inform the local impacts and mitigation.

Size and cumulative impact - highways and transportation:

It is considered most likely that the highways and transport impacts of the proposal can all be dealt with as part of a full planning application and therefore does not warrant an EIA on these grounds.

However, the Highways Agency and the Council's Transport Team have confirmed that the effects of the proposed development should be assessed cumulatively with other schemes.

A Transport Assessment (TA) and a separate Travel Plan will be required. Plans must consider pedestrian and cyclist movements in the vicinity of the site, including any impact on the Strawberry Line cycle and pedestrian route.

Natural resources, waste, pollution and hazards:

The site is within Tidal Flood Zone 3a and is also at risk of flooding from reservoirs. The site is identified by the Environment Agency as susceptible to ground water flooding, defined as <25%. It is important to note that whilst not shown on national scale mapping, the site is in an area known for waterlogging. Water lies on the on the ground during the winter period and does not drain away, this is particularly prevalent at the Shiners Elms end of the site. Flooded properties were recorded in Grace Close and Lodge Close in 2012.

It should be noted that the site drains into to the Biddle Street SSSI. This rhyme is noted for its flora and fauna, and therefore high-quality pollution control measures must be in place with any infiltration of water must be treated and clean.

Drainage requirements will include that site layout respects the natural drainage pattern across the site and provide space for water. Any open watercourses or ponds should remain open and the impacts of environmental change e.g., culverting sections for access should be assessed for changes in direction, which could affect the flows or the water level in the SSSI. As watercourse banks form corridors of biodiversity, these should be evaluated and enhanced. To maintain these into the future, a minimum of 5 metres should be allowed, as set out in North Somerset Biodiversity and Trees SPD.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage

systems continue to operate effectively and that land owners upstream and downstream of the site are not adversely affected.

Flood and Drainage Risk Assessment will need to examine the full range of sources of flood risk and potential impacts from/ to drainage.

The proposal is in close proximity to commercial uses, a train station, train line and Bristol Airport. A Noise Assessment and indeed an Air Quality Assessment will be required.

Cumulative impacts

The proposed development, when considered cumulatively with other 'existing or approved' developments, as outlined above, totals: **951 dwellings**. This is not far short from the 1,000-dwelling indicative EIA threshold set out within Planning Practice Guidance. It is considered therefore, that it is not possible for significant cumulative effects to be ruled out.

The applicant outlines that the principal environmental effects from the proposed development would relate to traffic movements with associated noise and air quality emissions, flood risk and ecological impacts. These identified effects will also relate to other nearby schemes and therefore the cumulative implication of these should be explored. We recommend that you agree the scope of work on cumulative impacts with us at an early stage.

The Highways Agency and the Council's Transport Team have confirmed that the effects of the proposed development should be assessed cumulatively with other schemes.

The screening report details that Construction Environment Management Plans of this scheme and other nearby consented residential schemes will ensure that mitigation measures are implemented to ensure that there are no significant impacts from these developments. However, it is our opinion that because there is the potential for a wide range of cumulative impacts – including traffic, flooding/ drainage, character of existing settlement – historic landscape and character, healthcare/ school provision, noise and air quality this warrants detailed investigation.

It is considered necessary therefore, that the cumulative effects of these schemes on environmental receptors should be assessed and it is advised that a Cumulative Impact Assessment is provided with any future planning application.

2. Location of Development

Schedule 3 of the Regulations states that the environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to the existing land use; the relative abundance, quality and regenerative capacity of the natural resources in the area and the absorption capacity of the natural environment, particularly in relation to the relationship to wetlands, coastal zones, mountain and forest areas; nature reserves and parks; designated wildlife nature conservation areas; areas with a poor environment; densely populated areas; and landscapes of historic, cultural or archaeological significance.

The Planning Practice Guidance states that the more environmentally sensitive the location, the more likely it is that the effects will be significant and will require an assessment. Certain designated sites are defined in regulation 2(1) as sensitive areas. All developments in, or partly in, such areas should be screened. These are:

- Sites of Special Scientific Interest and European sites.
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments.

Natural England say that the proposed development has the potential to impact the following designated sites:

- Biddle Street, Yatton Site of Special Scientific Interest (SSSI)
- Tickenham, Nailsea and Kenn Moors Site of Special Scientific Interest (SSSI)
- King's Wood and Urchin Wood Site of Special Scientific Interest (SSSI)
- Brockley Hall Stables Site of Special Scientific Interest (SSSI)
- Severn Estuary Site of Special Scientific Interest (SSSI)
- North Somerset & Mendip Bats Special Area of Conservation (SAC)
- Severn Estuary Ramsar SSSI
- Severn Estuary Special Protection Area (SPA)
- Severn Estuary / Môr Hafren Special Area of Conservation (SAC)

Whilst the site itself is not subject to international or national designations, it is adjacent to the Biddle Street, Yatton SSSI (rhyme network) and would drain into this, therefore having the potential to impact upon this and interconnecting SSSI networks. The SSSI is designated due to its wide range of flora and fauna associated with it. The Tickenham, Nailsea and Kenn Moors SSSI is 680m North of the site. Potential for impacts upon these and other sensitive sites will need to be assessed and where necessary mitigation measures reported upon.

The site is also within Consultation zone B of the North Somerset and Mendip Bats SAC, with the Horseshoe Bat SAC just over 2km from the site. The North Somerset and Mendip Bats SPD requirements for sites within Consultation zone B will need to be followed. This includes details for seasonal bat surveying, and this will need to be agreed with the Council's ecologist.

The applicant confirms that Ecological Appraisal and accompanying protected species survey, Biodiversity Net Gain Assessment and Arboricultural Assessment will be submitted alongside a future planning application.

Built heritage/ archaeology:

There are no scheduled monuments or listed buildings on the site. Historic England state that there is likely to be minimal impact on the historic environment from the proposal and this is agreed. It is therefore considered that the proposal in terms of heritage impacts can be dealt with through planning application process.

3. Characteristics of Potential Impact

Schedule 3 of the Regulations states that the potential significant effects of development must be considered in relation to criteria set out above (characteristics and location) and having regard in particular to the extent of the impact (geographical area and size of the affected population); the transfrontier nature of the impact; the magnitude and complexity of the impact; the probability of the impact; the duration, frequency and reversibility of the impact.

For the reasons set out above, the proposed development is considered most likely to have localised impacts only, which can be addressed through the planning application process. These will not give rise to significant environmental effects and are not of a scale or type that is likely to give rise to complex or hazardous consequences. On this basis, the proposal does not constitute EIA development.

Screening checklist

None of the Questions posed that were answered, 'yes' likely to have an adverse effect were additionally answered that these effects had the potential to be 'significant.' However, it is considered that further assessment is required to confirm this.

Summary and Conclusions

For the reasons set out above, the proposal is unlikely to have significant effects on the environment having regard to the characteristics, location or potential impact of the development. The proposed development does not, therefore, constitute EIA development.

Recommendations

Issue a **NEGATIVE SCREENING OPINION** - The proposal does not constitute EIA development for the following reasons:

It is considered likely that the proposal is most likely to have localised impacts only, which can be addressed through the planning application process. However, to confirm this, the following assessment will be required as part of the planning application process:

- **Cumulative Impact Assessment** – to include potential impact on existing traffic movements, flooding, drainage, ecology, existing character of settlement, noise and air quality, historic landscape character and healthcare/school provision
- Surveying requirements for sites within Zone B of the Mendip and North Somerset Bats Consultation Zone. Set out in the North Somerset and Mendip Bats SPD

NORTH SOMERSET COUNCIL:

EIA Screening Checklist

Planning reference Number: 22/P/2963/EA1					
Site address: Land at Rectory Farm, Yatton, North Somerset					
Questions to be considered:/P/	Likely to have an adverse effect?		If yes , is this likely to be significant?		If yes , consider whether: 1) Likely to be of more than local importance? 2) Is within a sensitive area? 3) Likely to have unusually complex/ hazardous effects?
1. Will construction, operation or decommissioning cause physical change in the locality (topography, land use, changes in waterbodies etc?)	Yes	No	Yes	No	To be determined.
	x				
2. Will construction or operation use natural resources, such as land, water, materials or energy especially any resources which are non-renewable or in short supply?	Yes	No	Yes	No	
		x			
3. Will the Project involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment?	Yes	No	Yes	No	
		x			
4. Will the project produce solid wastes during construction or operation or decommissioning?	Yes	No	Yes	No	Will need to be controlled through CEMP.
	x			x	
5. Will the project release pollutants or any hazardous, toxic or noxious substances to air?	Yes	No	Yes	No	
		x			
6. Will the project cause noise and vibration or release of light, heat or electromagnetic radiation?	Yes	No	Yes	No	
		x			
7. Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	No	Yes	No	
		x			
8. Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	Yes	No	Yes	No	
		x			
9. Are there any areas on or around the location which are protected under international or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the	Yes	No	Yes	No	Adjacent to the Biddle St. SSSI and in proximity to other sensitive designations, including the Bats SAC. The Bats SPD guidance must be followed with level of surveying to be agreed.
	x			x	

project?					
10. Are there any other areas on or around the location which are important or sensitive for reasons of their ecology e.g. wetlands, watercourses or other waterbodies, the coastal zone, mountains, forests or woodlands, which could be affected by the project?	Yes	No	Yes	No	Adjacent to the Biddle St. SSSI and in proximity to other sensitive designations. Ecological Assessments will be required.
	x				
11. Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected by the project?	Yes	No	Yes	No	Adjacent to the Biddle St. SSSI and in proximity to other sensitive designations, including the Bats SAC. Appropriate surveying will need to be agreed as part of the planning application process.
	x			x	
12. Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?	Yes	No	Yes	No	
		x			
13. Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the project?	Yes	No	Yes	No	Mendip Hills AONB is some distance from the proposed site.
		x			
14. Is the project in a location where it is likely to be highly visible to many people?	Yes	No	Yes	No	The site is adjacent to an existing built up area, so less likely to be significant upon the wider landscape.
		x			
15. Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project?	Yes	No	Yes	No	
		x			
16. Are there existing land uses on or around the location e.g. homes, gardens, other private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying which could be affected by the project?	Yes	No	Yes	No	Impacts will need to be managed through the planning application process.
	x			x	
17. Are there any areas on, or around, the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected by the project?	Yes	No	Yes	No	Impacts will need to be managed through the planning application process.
	x			x	
18. Are there any areas on or around the location which contain important, high quality or scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, which could be affected by the project?	Yes	No	Yes	No	
		x			
19. Is the project location susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic	Yes	No	Yes	No	There are flood/ waterlogging risks presented, but these have the potential to be overcome through scheme design.

conditions , which could cause the project to present environmental problems?		x			
20. Are there any plans for future land uses on or around the location which could be affected by the project?	Yes	No	Yes	No	
		x			
21. Is there potential for cumulative impacts with other existing or planned activities in the locality?	Yes	No	Yes	No	To be determined through cumulative impact assessment.
	x				
Screening Decision					
Through answering the above, is it judged that the project is likely to have a significant effect on the environment?	Yes				<u>No</u>

Signed: Jessica Harper

APPLICATION 23/P/0664/OUT

Proposed Residential Development at Land North of Rectory Farm, Yatton

LANDSCAPE COMMENTS, INCLUDING REVIEW OF THE LANDSCAPE AND VISUAL APPRAISAL SUBMITTED WITH THE APPLICATION

For North Somerset Council

By Jon Etchells Consulting

September 2023



1. Introduction and Scope of Review

General

- 1.1 This review of the landscape and visual aspects of the planning application (to North Somerset Council, NSC), for a residential development of 109 new dwellings and other associated features on a site to the west of Yatton (NSC reference 23/P/0664/OUT) has been undertaken by Jon Etchells Consulting (JEC).
- 1.2 JEC was requested by NSC to review the Landscape and Visual Appraisal (LVA), which was submitted as part of the planning application, and also to provide general advice on the landscape and visual aspects of the proposed development. The LVA was prepared by SLR, an established landscape and environmental practice. Jon Etchells has provided landscape advice to a number of local authorities over the last 20 years, including South Lakeland, East Staffordshire, North West Leicestershire, Tonbridge and Malling and Medway Councils, and has reviewed submitted landscape assessments for a variety of developments as part of this work. Jon Etchells has also recently represented NSC at two Public Inquiries for appeals concerning residential development within the local area, and is therefore familiar in general with the local area and the application of landscape related policy.
- 1.3 Jon Etchells visited the site and surrounding area on 14 September 2023 to inform this review.

The Site

- 1.4 The site is outside (though adjacent to along its eastern side) the built-up area boundary of Yatton and is in the countryside - it lies between the settlement edge and the curving alignment of the Strawberry Line, a long distance pedestrian and cycle route which runs along a former railway line. The wider landscape to the north and east of the site is generally developed, with Yatton station on the main Bristol to Exeter railway line just to the north, and with the settlement of Horsecastle on the far side of the railway line, and the large village of Yatton to the east. To the south and west of the site, beyond the Strawberry Line, are extensive areas of low lying grazing land crossed by a network of drainage ditches (rhynes).
- 1.5 The site is well contained by the edge of the settlement to the east and the generally dense vegetation along the Strawberry Line to the west, with a small open area to its north and the disused buildings of the former Rectory Farm to its south. The area to the south of the site (including the former farm buildings) has planning permission (granted on appeal) for a development of up to 100 new houses and associated infrastructure. The site has a generally edge of settlement character, and is enclosed against the urban edge (which is in places

abrupt and largely unscreened) by the vegetation along the Strawberry Line, which separates it from the more open landscape to the west and south.

- 1.6 The site itself comprises flat, low-lying fields of pasture separated by rhynes, with occasional trees along the field boundaries and is generally open - there is some enclosure to the north and south provided by tall hedges along the site boundaries.
- 1.7 The site is described to a reasonable level of detail within the LVA and that description is not repeated here, though it is worthy of note that the site is generally well contained, relates more strongly to the urban edge than it does to the more open countryside to the west and south, is affected by the largely unscreened and somewhat harsh edge of the settlement to the east, and contains few significant landscape features other than the network of rhynes.

Scope of Review

- 1.8 The Landscape Institute have produced guidance on reviewing LVIAs (Technical Guidance Note 1/20, January 2020): this review has been prepared with due regard to that guidance, and covers the following broad areas:
- a) Whether the methodology used in the LVIA is appropriate and recognised.
 - b) Whether that methodology has been applied in a consistent and fair manner.
 - c) Whether the coverage and content of the LVIA is balanced and comprehensive.
 - d) Whether the LVIA contains any significant errors or omissions, and whether there are any deficiencies which could be remedied by the provision of additional information.
 - e) Whether its findings in respect of landscape and visual effects appear to be balanced and reasonable.
- 1.9 A full Landscape and Visual Impact Assessment (LVIA) of the proposals has not been undertaken as part of this review - the comments set out below are based on a review of the LVA provided as part of the application and on site observation, and are an indication only of the likely levels of landscape and visual effects.

Methodology for Review

- 1.10 In landscape and visual assessments, a distinction is normally drawn between landscape effects (i.e. effects on the character or quality of the landscape, irrespective of whether there are any views of the landscape, or viewers to see them) and visual effects (i.e. effects on

people's views of the landscape, principally from residential properties, but also from public rights of way and other areas with public access). Thus, a development may have extensive landscape effects but few visual effects (if, for example, there are no properties or public viewpoints), or few landscape effects but significant visual effects (if, for example, the landscape is already degraded or the development is not out of character with it, but can clearly be seen from many residential properties).

- 1.11 As noted above, no detailed assessment has been undertaken as part of this review, but the consideration of the LVA submitted with the application has been undertaken with regard to the methodology set out in the 'Guidelines for Landscape and Visual Impact Assessment', produced jointly by the Institute of Environmental Management and Assessment and the Landscape Institute ('the GLVIA', 1995, revised 2002 and again in 2013), which is the generally recognised methodology for undertaking such assessments.
- 1.12 As set out in that guidance, Landscape and Visual Impact Assessments (LVIAs) are undertaken as part of the assessment of proposals which are subject to formal Environmental Impact Assessment (EIA), whereas Landscape and Visual Appraisals are for protects not subject to EIA, though in practice Landscape and Visual Impact Assessment (LVIA) has become a generic term for a landscape assessment in connection with development proposals. The current proposals are not EIA development, and the document submitted with the application describes itself as an LVA, so that is the term used in this review.

2. The Proposed Development

- 2.1 The proposed development and the local area are described in the submitted LVA and shown on the application drawings (in particular the Illustrative Masterplan and Illustrative Landscape Masterplan), which show the proposed arrangement of the new dwellings (noting that the proposals are in outline), the extent of the red line application boundary and also an indication of the likely landscape proposals. The proposals are therefore not described in full here, but in terms of potential landscape and visual effects it is relevant to note the following about the proposed development and the area around the site:

- a) The proposals are relatively large in scale, involving 190 new dwellings, on a site which measures around 450m from north to south and 380m from west to east. A 'Height and Scale Parameter' drawing forms part of the application, and shows that most of the houses in the eastern part of the site would be up to 2½ storeys in height, whereas those along the western edge of the development would be 2 storeys, with some 3 storey buildings in the centre of the developed area and at the 'Community Hub'.

-
- b) The built development would be limited to the eastern parts of the site, close to the existing edge of the settlement - the remainder of the site, closer to the Strawberry Line, would be laid out as an extensive area of open space, with drainage attenuation ponds, allotments, orchards, play areas, wildflower grassland and new woodland planting. The built development would be within an area identified as of low sensitivity in the North Somerset Landscape Sensitivity Study, with areas shown as of medium sensitivity proposed for open space, and the high sensitivity areas to the west of the Strawberry Line not directly affected by the development.
- c) The site is low-lying, and in order to raise the floor levels of dwellings above potential flood levels the development parcels would be raised above existing levels by up to 3m, with the rhynes retained between the development blocks and culverted beneath the new connecting roads. The new houses would therefore be on raised 'islands' of development with rhynes running between them, and a 2 storey building within the site would have an effective height above existing ground levels of more like 3 storeys, though the site as a whole is set at a lower level than the existing residential areas to its east.
- d) The site is generally well contained by perimeter vegetation to the west, north and south, and will be further contained to the south in due course by the permitted residential development. The site is also contained to the east by the edge of the settlement, which prevents any longer distance views, but means that there are views across the site from the existing houses on the western edge of Yatton. Visibility of the new development would therefore be limited - the Strawberry Line is generally enclosed by vegetation along each side of the route as it passes the site, and there are glimpse views only of the site, though these are likely to be clearer in the winter, and the double line of vegetation means that there would be no significant views from the more open landscape to the west of the Strawberry Line.
- e) The site itself is undeveloped and comprises a series of medium sized fields of pasture, and the area of and around the site is not designated for landscape quality or value at any level.

3. Review of the Submitted Landscape and Visual Appraisal

- 3.1 The LVA was produced by SLR, and is generally reasonable in terms of its scope, methodology and coverage, and has been carried out with due reference to the Guidelines for

Landscape and Visual Impact Assessment (the GLVIA). However, some comments can be made on it, as set out below in the order in which they appear within the document:

- a) Section 2.5 refers to the proposal at Rectory Farm to the south of the site, and notes some of the comments made by the Inspector for that appeal. Although the two sites are separate, they are adjoining and have some similarities, so the comments of the Inspector in relation to the '*poorly resolved*' edge of settlement, the '*enclosed, semi-rural character*' and the separation from the wider countryside to the west are also relevant to the current application.
- b) Section 3.2 notes that the development would be '*predominantly two storey*', but could usefully have also noted that some properties would be three storeys in height and that (as shown on the 'Height and Scale Parameter' plan) some significant parts of the development would also be up to 2½ storeys.
- c) The same section notes that 'local land raising' would be required for flood alleviation, but the LVA then gives no further consideration to how this may influence landscape and visual effects. As this is a significant feature of the proposed development some further consideration would have been appropriate, though it seems unlikely to strongly influence the levels of effects, as the site is generally lower than the residential areas to its east, and the raised areas would be some distance from, and generally well screened from, the Strawberry Line to their west.
- d) Section 4.7 (and also Table B4 on page 53) state that the level of landscape effects within the site would be minor to moderate adverse - that is, in the judgement of this review, an understatement of effects - the sensitivity of the landscape may be relatively low, but the magnitude of change (from open fields used for grazing to a relatively large and dense residential development with levels raised by up to 3m and houses of up to 3 storeys) would be high, and the effects should probably be moderate to major adverse.
- e) Section 5.5 considers visual effects, and assesses effects of up to moderate to major adverse for properties on the edge of the settlement which would lose their presently open and rural views - that seems (noting that the proposals are in outline and specific effects for individual properties cannot be assessed in the absence of a detailed layout for the proposed development) to be a fair assessment.
- f) Section 5.5.2 notes that visual effects for people using the Strawberry Line would be up to moderate adverse, but that much of the route is well screened and any adverse effects would decline over time, which again is a fair assessment.

3.2 In summary, the LVA assessment is generally reasonable and balanced, though some further consideration of the potential implications of the proposed land raising would have been helpful, and in the judgement of this review the LVA understates the landscape effects on the area of the site itself to the east of the Strawberry Line.

3.3 However, in terms of judging the potential acceptability of the proposals in landscape terms, it should be noted that the landscape effects, even at a more local scale, would be limited in terms of the extent of the area affected and also their level, as the site is generally well contained and is already affected by the adjacent and mostly poorly screened urban edge.

4. Recommendations

4.1 If consideration is given to granting permission for the development, it would be useful to consider a condition requiring the submission and approval of a Landscape and Ecology Management Plan, for the following reasons:

a) The areas of open space are extensive, and include features such as the proposed community orchards (the plan should set out how the orchards would be maintained and by whom, how the fruit would be picked, etc) woodland and allotments.

b) The Management Plan should set out how management of the common areas will be set up and funded into the future, and what the aims, methods and frequency of the management would be.

c) The areas alongside the retained rhynes would also need specific management to enable them to function as attractive linear spaces (including removal of any litter/dumped material), rather than degenerating into unmanaged strips.

d) The Management Plan should also include details of the proposed management for any other common soft landscape areas.

4.2 Information should also be provided on the detailed design of the drainage attenuation ponds, as such features can sometimes end up as stagnant ponds with their artificial liners exposed for most of the time.

4.3 As the design develops, it would be useful for cross sections showing the relationship of the proposed dwellings (some of which could be up to 3 storeys in height, on land raised by up to 3m - the equivalent of a further storey in height) to the existing houses along the urban edge,

where the distances between the two are quite short, in order to avoid any problems of overlooking or excessive blocking of existing views.

- 4.4 The 'Technical Design Note' dated 9 June 2023 produced by Hydrock in relation to the drainage proposals states in its section 2.6.1 that the slopes up from the rhynes to the raised platforms for development would comprise a 1 in 3 slope '*or possibly a small retaining structure*' - such structures, especially if extensive, could be quite unsightly, so detailed proposals should be submitted for approval, and retaining structures avoided wherever possible.

5. Conclusions

- 5.1 To return to the areas listed in Section 1.5 of this review for consideration, as a result of the review it can be said that:

- a) The assessment set out in the LVA does use an appropriate and recognised methodology.
- b) That methodology has been applied in a generally consistent and fair manner, though landscape effects to the east of the Strawberry Line are likely to be somewhat understated.
- c) The coverage and content of the assessment is generally comprehensive, but the comments above also apply in terms of balance.
- d) The LVA does not contain any significant omissions - some further discussion of the land raising would have been helpful, but would probably not have changed the judgements as to the levels of effects.
- f) The findings in respect of landscape and visual effects appear to be generally balanced and reasonable, subject to the comments above.

- 5.2 In terms of relevant landscape policy, it will be for the planning officer to judge to what extent there is compliance or conflict with the relevant national and local policies, but in the light of the assessment set out in the LVA (though that does not directly address policy compliance) and this review, the following can be noted:

- There would be no conflict with Paragraph 174a) of the NPPF, as the site does not form part of a valued landscape. There could be some limited and localised harm in terms of Paragraph 174b) and the intrinsic character and beauty of the countryside,

but some degree of harm in this respect would tend to occur with development on any greenfield site.

- There would also be some potential conflict with Core Strategy Policy CS5 as the landscape would not be fully protected or enhanced, though again any harm in this respect would be limited and localised.
- There could also be some potential harm in respect of Sites and Policies Plan Policy DM10, depending on a judgement as to whether the adverse landscape effects would be 'unacceptable', though as above in this case the harm would be low level and localised, and it can be noted that the North Somerset Landscape Sensitivity Study assessed the area proposed for built development as of low sensitivity.

5.3 It is not for this review to advise whether or not planning permission for the proposed development should be granted, as that will involve consideration of other factors besides landscape and visual matters. However, in the judgement of this review there would be some adverse effects on the character and appearance of the local landscape, but those effects would be limited both in their level and the extent of the area affected, as the site is reasonably well contained and already affected by the existing urban edge, and there would be a significant open space buffer between the developed parts of the site and the Strawberry Line. That limited harm will need to be taken into account in the overall planning balance and judged against the benefits of the proposed development; in the judgement of this review the landscape harm would not be sufficient to warrant refusal of planning permission as a standalone issue, though if refusal were to be considered for other reasons, the landscape harm should also be taken into account.

Jon Etchells Consulting, 21 September 2023
709D-Landscape Review