

# PLANNING STATEMENT OF COMMON GROUND

Appeal Reference: APP/D0121/W/24/3343144

LPA Reference: 23/P/0644/OUT

APPELLANT Persimmon Homes Severn Valley

LPA: North Somerset District Council

Start Date of Inquiry: 24/09/2024

Site Address: Rectory Farm (North), Yatton

## Description of Development:

23/P/0664/OUT | 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. | Land To North Of Rectory Farm Chescombe Road Yatton

## 1.0 INTRODUCTION

- 1.1.1 This Statement of Common Ground sets out those matters upon which the Local Planning Authority (LPA) and Appellant have common ground, and identifies those areas where disagreement lies.

### 1.2 Background to the Appeal

- 1.2.1 A full application for Residential Development of up to 190 dwellings (use class C3) with supporting infrastructure and enabling works; was validated by North Somerset Council on the 27th March 2023. The agreed description of development is as follows;

**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. | Land To North Of Rectory Farm Chescombe Road Yatton**

- 1.2.2 A list of supporting documents for the Appeal Scheme is agreed within the Core Documents; along with documentation as subsequently added or amended.
- 1.2.3 The appeal is made against the non-determination of the application in accordance with the prescribed timescales
- 1.2.4 The Council resolved that had they determined the application; it would have been refused for the following reasons:

- 1. The proposed development of up to 190 dwellings would deliver a scale of development that is contrary to the spatial strategy for the development plan, which permits sites of up to around 25 dwellings adjoining the settlement boundaries of service villages. The proposed development is therefore contrary to policies CS14 and CS32 of the North Somerset Core Strategy, and the Yatton Neighbourhood Plan.***
- 2. Housing development should only be permitted in a 'High Probability' (3a) flood zone when it is necessary, and where it has been demonstrated through a flood risk sequential test that there are no 'reasonably available' sites in areas with a lower flood risk where the development can be provided. The applicant's Flood Risk Sequential Test fails to demonstrate this, and the proposed development is therefore inappropriate in a 'High Probability' floodplain, which is contrary to Policy CS3 of the North Somerset Core Strategy, paragraphs 165, 167 and 168 of the National Planning Policy Framework.***
- 3. The proposal, on account of the lack of a safe access to the development and increased flooding to neighbouring properties during the 1 in 200 year plus climate change flood event, would fail to adequately mitigate against the risks of flooding, contrary to Policy CS3 of the Core Strategy as well as paragraph 173 of the National Planning Policy Framework.***

4. ***The proposed development, on account of the loss of a site safeguarded for a new primary school, would result in the potential for there to be insufficient primary school capacity in Yatton, to the detriment of the longer-term educational opportunities and well-being of primary school aged children in the village. As such, the proposal is contrary to Policy CS25 (Children, young people and higher education) of the Core Strategy and Policy DM68 (Protection of sporting, cultural and community facilities) of the Development Management Policies.***

1.2.5 It is agreed that Reason for Refusal 4 is no longer being pursued and that with regard to Reason for Refusal 1, there is no conflict with the policies contained in the Yatton Neighbourhood Plan.

## 2.0 PLANNING APPLICATION SUBMISSION

### 2.1 The Scheme

2.1.1 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;
- 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, should the latter be constructed.;
- Pedestrian and cycle links throughout the Site, promoting active travel and providing wider connections to the Strawberry Line multi -use path;
- 70% 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.

### 2.2 The Site and the Surrounding Area

2.2.1 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.

2.2.2 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.

2.2.3 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.

2.2.4 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.

- 2.2.5 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.
- 2.2.6 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.
- 2.2.7 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.
- 2.2.8 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.
- 2.2.9 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. The site falls within the catchment area for Backwell secondary school which is just over 8km from the site.
- 2.2.10 Yatton has a range of shops and services including: a bakery; tea rooms; restaurants / public houses; and a co-operative food store. 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/play 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.
- 2.2.11 Weston-super-Mare is located south west of the Site, providing further employment opportunities. Weston-super-Mare can be reached by both rail and bus from Yatton.

## 2.3 Site Planning History

- 2.3.1 There is no relevant planning application history relevant to the current proposals. The only previous planning application was for the coppicing of hedgerows to access heavily silted drainage ditches.

## 2.4 Wider Planning History

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

- 2.4.1 An outline planning application (21/P/0236/OUT) was submitted at 'Land at Rectory Farm' (to the south of the application 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'.
- 2.4.2 The application was refused under delegated powers for the following reasons:

***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.***

***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.***

***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.***

***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.***

***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.***

***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.***

2.4.3 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”.

2.4.4 Whether the tilted balance is engaged is a matter in dispute for the current appeal.

#### **Land at Rectory Farm, Chescombe Road, Yatton – 23/P/0238/RM**

2.4.5 Following the above consent for outline planning permission at Land at Rectory Farm, Chescombe Road, an application for reserved matters was validated on 1st March 2023. The reserved matters description of development is as follows ‘Reserved matters application for layout, scale, appearance and landscaping in relation to the erection of 98 dwellings, provision of open space, landscaping, car parking and associated infrastructure pursuant to the outline planning consent ref 21/P/0236/OUT (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 - approved under appeal reference APP/D0121/W/21/3286677)’. The application is yet to be determined, with revised plans submitted and published on 07<sup>th</sup> May 2024.

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

2.4.6 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’.

2.4.7 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 the application in October 2022.

## 3.0 PLANNING POLICY

### 3.1 The Development Plan

3.1.1 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.

3.1.2 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).

3.1.3 The following policies are the "most important policies" for the determination of the application as per paragraph 11 of the NPPF.

#### **Core Strategy**

- CS3 – environmental impacts and flood risk management
- CS13 – scale of new housing,
- CS14 – distribution of new housing
- CS16 – affordable housing
- CS32 – service villages

#### **Sites and policies plan part 1: Development Management Policies (2006-2026) (adopted 19th July 2016);**

- DM1 - Flooding and Drainage

3.1.4 The Council consider the following policy to also be a most important policy – the Appellant's disagree

- DM71 – Development contributions, Community Infrastructure Levy and viability

3.1.5 The Appellant's consider the following policy to be a most important policies – the Council disagree:

- DM19: Green Infrastructure

3.1.6 It is agreed that policies CS13, CS14 and CS32 are out of date regardless of the Council's housing land supply position. It is agreed that the second part of CS3 is out of date.

3.1.7 The following other policies are relevant to the consideration of the application, conditions and S106.

#### **Core Strategy**

- CS1 – addressing climate change and carbon reduction,



- CS2 – delivering sustainable design and construction,
- 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,
- CS15 – mixed and balanced communities,
- CS25– children, young people and higher education,
- CS34 – infrastructure delivery and development contributions.

**Sites and policies plan part 1: Development Management Policies (2006-2026) (adopted 19th July 2016);**

- DM2 Renewable and low carbon energy
- DM6 Archaeology
- DM8 Nature Conservation
- DM9 Trees and woodlands
- 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
- DM28 Parking standards
- DM31 Air safety
- DM32 High quality design and place making
- DM34 Housing type and mix
- DM36 Residential densities
- DM42 Accessible and adaptable housing and housing space standards
- DM53 Employment Development on greenfield sites in the countryside
- DM70 Development infrastructure

**Sites and Policies Plan Part 2: Site Allocations Plan (2018):**

- SA2 Settlement boundaries
- SA8 + Schedule 4 Community Use Allocations

## **3.2 Other Material Considerations**

- 3.2.1 North Somerset Council is currently in the process of preparing a new Local Plan . The Local Plan will cover the period 2025 to 2040, and once adopted, it will replace the current Development Plan, which comprises the Core Strategy, Site Allocations Plan and Development Management Policies.
- 3.2.2 Consultation on a Regulation 19 Plan was carried out in November 2023 to January 2024. A new Reg 19 version was approved by Executive Committee in July 2024 for publication and consultation in the autumn. On the 31st July 2024, the Council published a statement advising that due to the current consultation on the Government's proposed planning reforms and the potential for a significantly higher housing target which could have major implications for the draft plan; that the planned consultation will not be going ahead as planned and that further work would be undertaken to review the plan in light of the Government announcements.

## **3.3 National Planning Policy Framework (NPPF, December 2023)**

- 3.3.1 The following sections of the NPPF are relevant to the Appeal Scheme:
- 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

## **4 MATTERS NOT IN DISPUTE**

*It is agreed that topic specific Statements of Common Ground will be produced on the following matters and as such, those matters are not replicated here:*

- *Housing Land Supply*
- *Flood Risk Sequential Testing*
- *Flood Risk*

### **4.1 The Need for the Development**

4.1.1 It is agreed that Council do not currently have a four Year Housing Land Supply and therefore Footnote 7 of the NPPF states that Paragraph 11(d) applies subject to the application of paragraphs d(i) and (ii). In addition, paragraph 60 of the NPPF states in order to support the Government's objective of significantly boosting the supply of homes it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that the land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

### **4.2 The Need for Affordable Housing**

4.2.1 The Appeal Scheme includes an affordable housing provision of 50%.

4.2.2 The provision of 50% affordable housing will assist in meeting affordable housing need in North Somerset

4.2.3 It is agreed that weight should be afforded to the delivery of up to 95 affordable homes..

### **4.3 The Design of the Proposed Development**

4.3.1 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).

4.3.2 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 an 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).

4.3.3 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..

4.3.4 There is no design reason for refusal.

### **4.4 Landscape and Visual Impact**

4.4.1 The Appellants carried out a detailed Landscape and Visual Appraisal (LVA) following the latest UK guidance on landscape and visual appraisal and was carried out by experienced landscape architects. The assessment

is based upon a desktop assessment and a site visit in clear weather conditions.

- 4.4.2 The site is not within any national designations for valued landscapes, such as National Landscapes or National Parks. However, the Strawberry Line / NCR 26 extends along the western boundary of the site.
- 4.4.3 The LVA's 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.. Visual effects would be localised and the level of visual effect would reduce over time as proposed planting becomes established.
- 4.4.4 The LVA's conclusions are broadly accepted by North Somerset Council and it is agreed that limited weight should be given to the identified landscaping harm.

## **4.5 Transport, Connectivity and Access**

- 4.5.1 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.
- 4.5.2 The Appellant issued an updated Transport Assessment and Travel Plan and on the 8<sup>th</sup> 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).
- 4.5.3 It is agreed; 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 meet the 'severity' of impact referenced under paragraph 115 of the NPPF.

## **4.6 Heritage**

- 4.6.1 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.
- 4.6.2 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".

- 4.6.3 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.
- 4.6.4 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.
- 4.6.5 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.
- 4.6.6 It is agreed that there is no archaeological / heritage reason for refusal in relation to the application.

## 4.7 Ecology

- 4.7.1 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 (approx.) will be planted within the wildlife mitigation area (available to horseshoe bats)
- 4.7.2 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.
- 4.7.3 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 report<sup>2</sup>. 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.

### **Biodiversity Net Gain**

- 4.7.4 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
- 4.7.5 It is agreed that there is no ecological objection to the development and that the development delivers a significant bio-diversity net gain. However, Natural England's comments on the most recent specifications are still awaited.

## 5 MATTERS IN DISPUTE

- 1) Whether the Appeal Scheme is in accordance with the Development Plan, taken as a whole. The Appellant's consider this to be the case. The Council disagree.
- 2) It is the Council's position that setting aside whether the policies are out of date, the scheme does not accord with the most important policies of the development plan taken as a whole. The Appellant disagrees.
- 3) It is the Council's position that if it is concluded that the out of datedness of the most important policies has the effect that the scheme accords with the development plan as a whole, then because the development plan is out of date, paragraph 11(d) of the framework is engaged. The Appellant disagrees.
- 4) Whether the sequential test is passed. The Council consider that the sequential test is failed. The Appellant disagrees.
- 5) The Appellant consider that the tilted balance is engaged; the Council disagree.
- 6) Whether the development would be safe for its lifetime in flooding terms. The Appellant considers it would be. The Council disagree. This matter is covered in a separate SoCG in this regard.
- 7) The weight to be attached to any alleged increase in flood risk to neighbouring properties
- 8) Whether a housing scheme of this scale is appropriate in a service village. The Appellant considers it would be. The Council disagree.

5.1.1 Based on the submitted evidence, the table below sets out the respective weights which the parties have afforded to both the harms and the benefits.

<b><u>Benefit (summary)</u></b>	<b><u>Appellant</u></b>	<b><u>Council</u></b>
Provision of market housing	Very substantial	Substantial
Provision of 50% affordable housing	Very substantial	Significant
Provision of open space	Significant	Moderate
Enhanced edge to Yatton	Moderate	Limited
Provision of employment opportunities / economic growth	Significant	Limited
Provision of land for a new community facility	Significant	Limited
BNG	Moderate	Limited
Improved connectivity to Strawberry Line	Moderate	Limited
Public transport enhancements	Moderate	Limited
Provision of new allotments	Moderate	-

<b><u>Harm (summary)</u></b>	<b><u>Appellant</u></b>	<b><u>Council</u></b>
Failure of sequential test	-	Very substantial
Flooding to proposed dwellings on Appeal Site.	-	Very Substantial
Flooding to existing properties adjacent to Appeal Site.	-	Substantial
Development of greenfield site – landscape harm	Limited	Limited
Contrary to spatial strategy	Limited	Moderate



## 6 AGREEMENT

Signed on behalf of the Appellant:

KATHRYN VENTHAM

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Date:

20<sup>TH</sup> SEPTEMBER 2024

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Position:

DIRECTOR

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Signed on behalf of the LPA:

NATALIE RICHARDS

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Date:

24<sup>th</sup> SEPTEMBER 2024

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Position:

PLANNING POLICY TEAM LEAD – TECHNICAL AND INFRASTRUCTURE

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