

SWT Planning Committee

Thursday, 7th April, 2022,
1.00 pm



Somerset West
and Taunton

The John Meikle Room - The Deane
House

[SWT MEETING WEBCAST LINK](#)

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Ed Firmin, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Ray Tully, Sarah Wakefield, Brenda Weston, Keith Wheatley and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Committee.

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time

(Pages 5 - 10)

limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

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5. **3/21/22/011 - Variation of Condition No. 21 (to remove the wording 'before their construction begins' in relation to roads, footways, footpaths, paving, verges, junctions, street lighting, sewers, drains, walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriage way gradients, car, motorcycle and cycle parking, and street furniture) of application 3/21/21/015, Land off Seaward way, Minehead** (Pages 11 - 46)
6. **Supplemental Agreement to the S106 Agreement of 30th August 2012 in relation to the Development Consent Order for the Hinkley Point C (Nuclear Generating Station), in order to secure appropriate and responsible enhancements to the package of mitigation measures secured under the original Agreement. These measures are considered appropriate in the context of the likely increase in the peak number of workers involved in the construction of the Power Station above the 5,600 peak that was assumed for the purposes of the assessments in the application for the Development Consent Order.** (Pages 47 - 84)
7. **Latest appeals and decisions received** (Pages 85 - 100)
8. **Access to Information - Exclusion of Press and Public**

During discussion of the following item it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 13 13.02(e) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. Scrutiny will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

Recommend that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the ground that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any

particular person (including the authority holding that information).

9. Confidential report

(Pages 101 - 104)

A handwritten signature in black ink, appearing to read 'A Pritchard', with a horizontal line underneath.

**ANDREW PRITCHARD
CHIEF EXECUTIVE**

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Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 1 clear working day before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Friday prior to the meeting.

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SWT Planning Committee - 17 March 2022

Present: Councillor Simon Coles (Chair)

Councillors Ian Aldridge, Roger Habgood, Mark Lithgow, Chris Morgan, Ray Tully, Sarah Wakefield, Brenda Weston, Keith Wheatley and Loretta Whetlor

Officers: Rebecca Miller, Alison Blom-Cooper, Jeremy Guise, Simon Fox, Darren Roberts, Tracey Meadows and Roy Pinney (Shape Legal)

(The meeting commenced at 1.00 pm)

114. **Apologies**

Apologies were received from Councillors Blaker, Firmin, Hassall, Hill and Palmer

115. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the Planning Committee held on 24 February circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 24 February be confirmed as a correct record.

Proposed by Councillor Habgood seconded by Councillor Tully

The **Motion** was carried.

116. **Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Description of Interest	Reason	Action Taken
Cllr S Coles	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	Wellington	Personal	Spoke and Voted
Cllr C Morgan	Stogursey	Personal	Spoke and Voted
Cllr R Tully	West Monkton	Personal	Spoke and Voted
Cllr B Weston	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr S Wakefield	Item 8, Ward Member	Personal	Spoke and did not vote
Cllr L Whetlor	Watchet	Personal	Spoke and Voted

117. **Public Participation**

Application No.	Name	Position	Stance
30/21/0022	David Bolle-Jones		In favour
	Robin Upton	Agent	In Favour

118. **38/21/0440 - Demolition of Auction House and site clearance with temporary diversion of cycle and pedestrian route through the site, raising of ground to create platform formation levels, ground remediation, flood mitigation, primary foul and surface water drainage networks and connections for future sites/developments surrounding the site at Firepool, Taunton.**

Comments from Members included:
(summarised)

- Measures to separate cyclists and pedestrians needed to be incorporated into the plans of the site;
- Landscaping in Canal Road should be completed on the onset of the development;
- Highway concerns with traffic movement of HGV's to and from the site;
- Concerns with the start time of construction lorries starting on site at 7am, this was too early and would have an impact on neighbouring residents. Times should be changed to 7.30am to lessen this impact;
- Concerns with the lack of information regarding materials coming onto the site;
- Concerns for safe access routes to the site for the disabled;
- Concerns with clear water being drained into the Tone causing problems down river;
- Concerns with the flood and dust mitigation criteria;
- The site was a key priority for Taunton and pleased that it was finally being brought forward;

Councillor Habgood proposed and Councillor Tully seconded a motion for planning permission to be **GRANTED** subject to Conditions and a note to the applicant that the proposed temporary footway, cycleway should be segregated by means of a white painted line through the centre of it.

The **motion** was carried

119. **38/21/0436 - Erection of an office building with ancillary ground floor commercial use (Class E), conversion and erection of extension to the GWR building to form restaurant (Class E), public realm, landscaping and associated infrastructure works on land to the south of Trenchard Way, (Block 3), Firepool, Taunton**

At this point in the meeting a 10-minute break was called for and Councillor Morgan left the meeting.

Comments from Members included;
(summarised)

- Better solutions for securely storage for cycles should be provided;
- Concerns for people with mobility issue getting from Trenchard Way to Canal Road. This would be through the same throughfare as the cyclists;
- The development provided a striking contrast to the Innovation Centre;
- Car parking would need to be factored in as not everyone would come to Taunton by train or bicycle;
- Great development and would bring huge benefit to Taunton;
- Delighted that we have managed to keep the GWR building for the future;

Councillor Habgood proposed and Councillor Wheatley seconded a motion for Planning permission to be **GRANTED** subject to additional Conditions below;

Block 3:

Amend condition 02

Change stated date to 16/03/2022.

Additional condition 23

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions shall be added or alterations made to the new office building or GWR building without the further grant of planning permission.

Reason: To safeguard the skyline of Taunton and local designated/non-designated heritage assets.

Additional condition 24

A scheme shall be submitted to and approved in writing by the Local Planning Authority which details the provision of secure and covered cycle parking. The agreed scheme shall be carried out, in full, prior to the first use of any building and retained thereafter.

Reason: To ensure cycles can be securely stored to encourage sustainable modes of transport.

The **motion** was carried

120. **22/21/0012 - Change of use from Class B8 to Class E(g) of existing Old Cheese Factory and erection of an additional Class E(g) unit at The Old**

Cheese Factory, Deans Cross to Broad Oak, Lydeard St Lawrence

Comments from Members included; (summarised)

- Satisfied that the parking spaces had been increased;
- The application would benefit the community;
- Concerns with the status of the road through to the lane;

Councillor Lithgow proposed and Councillor Whetlor seconded a motion for Conditional Approval to be **APPROVED** with the following conditions:-

1. The wording of Condition 2 amended to remove superseded by drawings. The amended condition to read:- (e.g. Drg No. 84_3_7 rev A Proposed Shop Elevations) have been also listed in the Condition and so the list of recommended approved plans should be corrected according to the update sheet;
2. Wording of Condition No.3 amended to add “without the prior express grant of planning permission”. to the end to make it clear that it does not fetter a decision on a future planning application. The amended condition reads:-

The premises hereby approved shall be used for offices (Class E (g)(ii), research and development of products and processes (Class E(g)(ii) and/or light industrial processes (Class E (g)(ii) and for no other purpose (including any other purpose within the Class E of the Schedule to the Town and Country Planning (Uses Classes) Order 1987 or any provision equivalent to that Class in any statutory instrument revoking and re enactment that Order with or without modification) without the prior express grant of planning permission;

Reason: The Local Planning Authority wishes to ensure that any future change of use, including changes with Use Class E, do not adversely affect the highway network;

3. The figure of 25 parking spaces quoted in the report is incorrect. This was the number originally proposed. It was amended to 36 parking spaces, which is the number now proposed:

The **motion** was carried

121. **30/21/0022 - Erection of 1 No. detached bungalow with detached double garage and alteration to access arrangement, on land adjacent to Matthews Farm, Blagdon Hill Road, Blagdon Hill**

Comments by members of the public included;

- The previous planning application was refused in 2018 on Highway concerns, these had now being resolved;

- This application was the first application to have a Phosphate Mitigation solution which has been approved and fully supported by Natural England and the Somerset Ecology Services. This mitigation showed other builders that there was a blueprint to follow;
- Tree planning on the site had huge biodiversity gains and benefits to wildlife which also helped towards the climate Ecology emergencies before us today;
- Concerns with the lack of planning application being approved in the area due to the current phosphate problem;
- Concerns with the lack of housing being built and the lack of supply chains;
- The application was now set back to it provided the required visibility splay;
- A management plan was in place for the long term to maintain the orchard;

Comments by Members included:

- Back land development outside of the village envelope;
- Intensification of use of a farm access which has not been used for a very long time;
- Dangerous exit where you could not see around the bends due to the stone walls;
- The planting of trees for phosphate mitigation would block other peoples views;
- Concerns with access issues;
- Pleased that the developer had addressed the phosphate issue with a phosphate mitigation strategy;

At this point in the meeting a 30-minute extension was approved by Councillor Habgood and seconded by Councillor Lithgow

- Concerns with Highways standing advice;
- Concerns with the aggregate risk;
- Matthews House has not been a working farm for many years so the access had not being used for farm vehicles;

Councillor Habgood proposed and Councillor Lithgow seconded a motion for the application to be **DEFERRED** for clarity from the Highway Department on highway safety and access issues for an additional dwelling;

The **motion** was carried

122. **Latest appeal decisions received**

Noted.

(The Meeting ended at 4.50 pm)

Application Details	
Application Reference Number:	<u>3/21/22/011</u>
Application Type:	Variation of conditions
Earliest decision date:	10 March 2022
Expiry Date	26 April 2022
Decision Level	Planning Committee
Description:	Variation of Condition No. 21 (to remove the wording 'before their construction begins' in relation to roads, footways, footpaths, paving, verges, junctions, street lighting, sewers, drains, walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriage way gradients, car, motorcycle and cycle parking, and street furniture) of application 3/21/21/015
Site Address:	Land off Seaward Way, Minehead
Parish:	Minehead
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	N/A
AONB:	N/A
Case Officer:	Kieran Reeves
Agent:	Mr T Lewis
Applicant:	Classic Builders South West Ltd
Committee Date:	07 April 2022
Reason for reporting application to Committee	Somerset West and Taunton are the applicants

1. Recommendation

1.1 Grant

2. Executive Summary of key reasons for recommendation

2.1 The Highway Authority have concluded that there are exceptional circumstances that allow the proposed variation of Condition 21 to be allowed from their perspective. Officers have concluded that the proposed variation would not lead to the condition becoming unsound and there would still be a trigger within the condition that requires the details to be agreed and implemented prior to first occupation of the approved dwellings.

3. Planning Obligations and conditions and informatives

3.1 Conditions

The conditions from planning permission reference 3/21/21/015 have been carried over to this Section 73 approval, with the exception of Condition 21, which has been amended to the wording suggested by the applicant.

3.2 Informatives (bullet point only)

The informatives from planning permission reference 3/21/21/015 have been carried over to this Section 73 approval.

3.2.1 Proactive Statement

In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

3.3 Obligations

No planning obligations secured as part of this approval.

4. Proposed development, site and surroundings

4.1 Details of proposal

The application seeks to vary a condition attached to planning permission reference 3/21/21/015. The original planning permission was for the erection of 54 low carbon homes comprising 33 flats (17x1 bedroom & 16x2 bedroom) and 21 houses/bungalows (12x2 bed, 7x3bed & 2x4+ bed) on land to the south of Seaward Way, Minehead. The scheme is for 100% affordable housing, funded by 'Right to Buy' receipts. This current application is seeking to vary the wording of Condition 21 of the 2021 planning permission to alter the stage when certain details are required to be submitted and approved.

4.2 Sites and surroundings

The application site is a regular shaped piece of land located to the south of Seaward Way (A39) at the eastern entrance to Minehead. It is approximately 1.2ha in size, although the rhyme drainage system that runs around the southern and eastern periphery of the site limits the developable part of the site to approximately 0.85ha. The site is currently vacant and relatively flat, apart from the spoil from a recently dug attenuation pond, that would serve the development and the newly built commercial buildings, to the east. A new access road, Rainbow Way, has been provided off Lutterell Way to the south-western corner of the site. This links, via a small roundabout, to a junction onto Seaward Way.

The surrounding area is of mixed character. Butlins holiday camp occupies a large site on the opposite (northern) side of Seaward Way; Sandpiper Close and Little

Plover Close, part of an established residential area, are located to the south and private sports facilities belonging to West Somerset Community College (secondary school) are to the south-west. The wider area, beyond the new commercial buildings, contains the Minehead Community Hospital and Premier Inn. Tesco's, Morrisons and Lidl supermarket stores are located to the north.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/21/21/015	Erection of 54 No. low-carbon affordable homes with associated works	Granted	14th July 2021
3/21/18/021	Erection of 2 No. industrial units with associated parking and access roads	Granted	25th October 2019
3/21/18/020	Erection of 40 No. dwellings with associated roads, gardens & parking	Granted conditionally subject to a Section 106 legal agreement to secure affordable housing and a Travel Plan	23rd October 2019

6. Environmental Impact Assessment

No Environmental Impact Assessment submitted in relation to this application.

7. Habitats Regulations Assessment

7.1 The site lies outside the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 01 February 2022

8.2 Date of revised consultation (if applicable): N/A

8.3 Press Date: 04 February 2022

8.4 Site Notice Date: 17 February 2022

8.5 Statutory Consultees

Consultee	Comment	Officer Comment
Minehead Town Council	Minehead Town Council is unable to pass opinion on this complex matter as it is unclear from the application where the risks and benefits lie in changing and/or improving the variation to Condition 21. Minehead Town Council wishes to refer the matter back to Somerset County Council Highways and Somerset West and Taunton District Council.	
Highways Development Control	<p>The application is for the variation of condition 21 of planning consent 3/21/21/015.</p> <p>I have taken the opportunity to review the submitted planning statement in relation to the justification for this submission. The Highway Authority usually requires the works to be technically approved prior to the commencement of development on site. The reasoning is to reduce the risk of abortive works and cost to the developer. As such the Highway Authority would usually raise objection to an application of this nature.</p> <p>Notwithstanding the above the Highway Authority understands that this proposal is for affordable housing within the district and that Homes England grant funding could be lost if there is a significant delay to this development. The Highway Authority has worked with the applicant to see if there were any alternative solutions which enable works to be commenced. However, it was noted that these would have the potential to impact on the funding of the site.</p> <p>Consequently, when taking all these matters into consideration the Highway Authority raises no objection to this S73 application. However, it should be noted that this decision is based on the exceptional circumstances which have</p>	

been put forward to allow for the delivery of these affordable homes and therefore does not represent an overall change in position from the Highway Authority on these matters.

SCC - Ecologist	No comments received
Environmental Health Team	No comments received
SCC - Education	No comments received
Environment Agency	No comments received
Leisure Development	No comments received
Housing Enabling Officer	No comments received
Asset Management	No comments received
Landscape	No comments received
Regeneration and Infrastructure	No comments received
Tree Officer	No comments received
South Western Ambulance Service	No comments received
Highways England	National Highways was not consulted on application 3/21/21/015, which we assume is based on the scale of development and proximity to our network, the site being approximately 30km north of the M5 motorway.

We may therefore have been consulted on application 3/21/22/011 in error, and offer no comments regarding the application.

Network Rail	No comments received
National Grid	No comments received
NHS - GP Practices	No comments received
Avon & Somerset Police	I have no further comments to add to those contained in my letter dated 23rd February 2021 submitted in respect of the original application (3/21/21/015).

Western Power	No comments received
Wessex Water Authority	No comments received
Emergency Planning	No comments received
West Somerset Railway	No comments received
Devon & Somerset Fire & Rescue Service	1. Means of Escape Means of escape in case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at Building Regulations consultation stage.

2. Access and Facilities for the Fire & Rescue Service

Access and facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.

8.6 Internal Consultees

No responses received from internal consultees.

8.7 Local representations

Neighbour notification letters were sent in accordance with the Council's Adopted Statement of Community Involvement.

No public representations have been received in relation to this application.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report. Since then the Government has announced proposals for local government reorganisation and regulations are currently going through Parliament with a new unitary authority for Somerset to be created from 1 April 2023. The work undertaken towards a new local plan will feed into the requirement to produce a Local Plan covering the new authority.

Relevant policies of the development plan in the assessment of this application are listed below:

West Somerset Local Plan to 2032

Policy SD1 - Presumption in favour of sustainable development
Policy SC1 - Hierarchy of settlements

Policy SC2 - Housing Provision
Policy SC3 - Appropriate mix of Housing types and tenure
Policy SC4 - Affordable housing
Policy SC5 - Self-containment of settlement
Policy MD1 - Minehead Development
Policy MD2 - Key Strategic development allocations at Minehead/Alcombe
Policy TR1 - Access to and from West Somerset
Policy TR2 - Reducing reliance of the private car
Policy CF1 - Maximising access to health, sport, recreation and cultural activities
Policy CF2 - Flood Risk Management
Policy CC1 - Carbon Reduction, small scale schemes
Policy CC2 - Flood Risk Management
Policy CC3 - Coastal Change Management Area
Policy CC4 - Coastal Protection Zone
Policy CC5 - Water Efficiency
Policy CC6 - Water Management
Policy NH6 - Nature conservation and the protection and enhancement of biodiversity
Policy NH7 - Green Infrastructure
Policy NH9 - Pollution, contaminated land and land instability
Policy NH13 - Securing High Standards of Design
Policy NH14 - Nationally Designated Landscape areas

Retained saved polices of the West Somerset Local Plan (2006)

Policy W/4 - Water Resources
Policy W/7 - River Corridor Protection
Policy BD/9 - Energy and Water Conservation
Policy T/8 - Residential Car Parking
Policy NC/4 - Species protection
Policy NC/5 - Wildlife Habitats

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021
District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (February 2021)

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

The principle of the development is established as acceptable under the original planning permission that this application seeks to vary. The applicant is seeking to vary Condition 21, which states the following:

The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture, shall be constructed and laid out in accordance with details to be approved in writing by the Local Planning Authority before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. These highway items shall be implemented entirely in accordance with the approved plans and provided before the first occupation of any dwelling unit on the site.

The reason for attaching the condition was to ensure that the proposed roads, footpaths and all ancillary highway requirements are provided to a satisfactory standard that can lead to their adoption by the Highway Authority. As such, the opinion of the Highway Authority will be integral to whether the variation sought by the applicant can be approved.

The applicant is seeking to amend the wording of the condition by removing "before their construction begins". The subject wording requires details to be submitted to, and approved in writing, by the Local Planning Authority prior to their construction. The applicant is seeking to avoid delays to the construction of the affordable homes that would potentially be caused by the condition as currently worded as delay could jeopardise the £1m of grant funding provided by Homes England. Additionally, it is stated that a temporary haul road would have to be constructed in order to minimise the delay as no roads could be constructed prior to details being agreed. The haul road would have an impact on the finances of the project and also have environmental implications.

It is important to note that conditions that require details to be submitted and approved require triggers in the condition to ensure that they are submitted and approved at some point in the process. Officers note that should the requirement for the details to be submitted prior to construction be removed, then there would still be a requirement for them to be agreed prior to first occupation of the approved dwellings. This means that the condition would not become unsound as a result of the proposed variation.

The Highway Authority have advised that they usually require the works to be technically approved prior to the commencement of development on site so that there is a reduction to the risk of abortive works and cost to the developer and therefore they would usually raise objection to an application of this nature. However, they have acknowledged that the scheme is 100% affordable housing and that the grant funding could be compromised by significant delay that may be caused by agreeing details on roads prior to construction. They have informed Officers that they have worked with the applicant to find an alternative solution, but it is understood that these would have the potential to impact on the funding of the site. Overall, the Highway Authority have concluded that they consider there to be exceptional circumstances which have been put forward to allow for the delivery of these affordable home and therefore they raise no objections to the proposed

variation of Condition 21.

11 Local Finance Considerations

11.1 Community Infrastructure Levy - N/A

12 Planning balance and conclusion

12.1 The general effect of Paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 Therefore, it is considered that, on balance, the proposed variation of Condition 21 would not compromise the condition and leave it unsound. The Highway Authority's no objection to the proposal due to the exceptional circumstances is noted and as they requested the condition in the first place, their view carries notable weight. On this particular occasion, the proposed variation would not conflict with the adopted development plan and it would not result in a negative impact in the context of the previously approved scheme.

12.3 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that the variation of condition sought by the applicant be approved.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and Informatives

Recommended Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of the original permission 3/21/21/015 dated 14th July 2021.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of unimplemented planning permissions and having regard to the Planning Practice Guidance advice that an application under Section 73 of the Town and Country Planning Act 1990 cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 901-03B Landscape proposals

(A1) DrNo ES17.71 DrNo 01.03 Rev.P3 Kerbing & Surface Layout

(A1) DrNo ES17.71 DrNo 02.02 Rev.P7 Highway Site levels Sheet 2

(A1) DrNo ES17.71 DrNo 02.15 Rev.P3 Section 38 Adoption Layout

(A1) DrNo ES17.71 DrNo 03.02 Rev.P6 Drainage Plan Sheet 2

(A1) DrNo ES17.71 DrNo 03.16 Rev.P1 Surface Water Catchment Overall Plan

(A1) DrNo ES17.71 DrNo 60.00 Rev.P4 Proposed Rhyne Layout & Cross Sections

(A1) DrNo ES17.71 DrNo 06.10 Rev.P3 Cut & Fill Layout Residential

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-005 Rev. P07 Site Access Plan

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-010 Rev. P09 Site Plan GFL

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-015 Rev. P08 Site Plan 1FL

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-020 Rev. P07 Site Roof Plan

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-025 Rev. P08 Site Plan Parking

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-030 Rev. P02 Site Plan Boundary Treatment

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-001 Rev. P01 Existing Site Plan

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-100 Rev. P05 Elevations -Blocks

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-105 Rev. P06 Elevations Flats

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-130 Rev. P06 Site Sections

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-140 Rev. P06 Site Sections

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-180 Rev. P06 3D ORTHO SW

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-185 Rev. P06 3D ORTHO NE

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-190 Rev. P06 3D ORTHO NW

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-195 Rev. P06 3D ORTHO SE

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK7-8EL Rev. P05 Block 7&8 Elevations

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK7-8PL Rev. P05 Block 7&8 Plans

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK9 Rev. P05 Block 9 Flats

(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-110 Rev.P05 Materials Board

(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK01-PL Rev. P0 3 Block 01- Houses 1-2

(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK02-PL Rev. P03 Block 02 – Houses 3-6

(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK03-PL Rev. P03 Block 03 – Houses 7-10
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK03-PL Rev. P03 Block 04 - Houses
11-12
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK05-PL Rev. P04 Block 05 Houses 14-16
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK06-PL(P05) Block 06 - Houses 17 – 21

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall be commenced, until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SUDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2021) and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the development is properly drained in accordance with the NPPF.

- 4 No development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

- 5 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Expedite FRA ref: ES17.71 Revision 2 dated January 2021 and in particular, the following mitigation measures detailed within the FRA:

1. Finished floor levels for the proposed affordable homes shall be set no lower than 7.425 Metres above Ordnance Datum (AOD).
2. Provision of safe pedestrian routes as a minimum into and out of the site, built no lower than 6.47mAOD, to an area outside the tidal flood risk area shall be provided/demonstrated.

The flood risk mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To reduce the risk of tidal flooding to the proposed development and future occupants over the lifetime of the development and to ensure safe

access and egress from and to the site in the event of any flooding incident.

- 6 Prior to the first occupation of any of the dwellings hereby approved, the applicant shall prepare and submit for written approval, a Flood Warning and Evacuation Plan for the site. A copy of the Flood Warning and Evacuation Plan shall be provided to each household prior to the commencement of their tenancy / transfer of ownership. The Flood Warning and Evacuation Plan shall be reviewed every 5 years and households informed of any changes/updates.

Reason: The site is located in Flood Zone 3, where there is a high probability of flooding during the lifetime of the dwellings. The Local Planning Authority wishes to ensure that adequate warning and evacuation measures are in place in the event of a flood, in accordance with Policy CC2, Flood Risk Management, of the Somerset West Local Plan to 2032 and paragraph 163 of the NPPF.

- 7 If the solar panels hereby approved cease to produce electricity, they shall be safely removed and disposed of within 3 months of them permanently ceasing electricity generation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the long term appearance of the building within the urban landscape.

- 8 Prior to the construction of the buildings, samples of the materials to be used in the construction of the external surfaces of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such at all times thereafter.

Reason: To safeguard the character and appearance of the buildings and the area.

- 9 Prior to the first occupation of any of the dwellings, the applicant shall submit a green travel plan to the Local Planning Authority. The green travel plan shall set out in detail the measures to be adopted to encourage the use of sustainable transport (walking, cycling, public transport, car sharing etc.). Written approval of the Local Planning Authority shall be secured before first occupation. It shall subsequently be implemented in accordance with the approved plan.

Reason: To promote sustainable transport, as an alternative to reliance on the private motor car, in accordance with Policy TR2 (Reducing reliance on the private motor car) of the West Somerset Local Plan to 2032.

- 10 (i) The landscaping/planting scheme shown on the submitted plan, DRNO 901 03B (Landscape), shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition

and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 11 Prior to the commencement of development, the applicant shall investigate the history and current condition of the site, to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

(c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development.

Reason for pre-commencement: It is necessary to fully investigate the potential for contamination before the site is disturbed by development works.

- 12 The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwellings hereby permitted, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate bin storage facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

- 13 The development hereby permitted shall not be commenced until details of a

strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology's Ecological Appraisal dated June 2017 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the bats, nesting birds and reptiles
4. Arrangements to secure the presence of an Ecological Clerk of works on site
5. Measures to prevent pollution of the ditch

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, birds and reptiles shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and reptile hibernacula and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note: It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning permission) must comply with the appropriate wildlife legislation.

- 14 There shall be no occupation of any dwelling hereby approved until ball stop netting in the location and form recommended in the Labosport Technical Report dated 18th March 2021 has been erected.

Reason: To prevent cricket balls causing injury to people in the development or damage to property.

- 15 No part of the development hereby permitted shall be occupied until the access works have been carried out generally in accordance with a design and specification that shall first have been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Local Highway Authority.

Reason: To ensure a safe access is provided.

- 16 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall first have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

Reason: To ensure surface water does not impede traffic movement and in the interest of highway safety.

- 17 The gradients of the proposed drives to the dwellings hereby permitted, shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: To ensure gradients are satisfactory and useable.

- 18 In the interests of sustainable development, none of the dwelling units hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage walking and cycling as an alternative mode of transport to the private car.

- 19 Prior to first occupation of the development hereby permitted, 126 covered cycle spaces (70 communal) and 11 motor cycle parking spaces, shall be provided, in accordance with the details submitted and they shall then be maintained for cycle/ motorcycle parking throughout the duration of the use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure provision is made for motorcyclists.

- 20 Prior to first occupation of the development hereby permitted, access to appropriate electric vehicle charging points will need to be available to all dwellings through charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that infrastructure is provided and in place to support the use of electric vehicles in order to contribute towards the sustainability of the development and mitigate the impact of climate change.

- 21 The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture, shall be constructed and laid out in accordance with details to be approved in writing by the Local Planning Authority prior to first occupation of any dwelling unit on the site. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. These highway items shall be implemented entirely in accordance with the approved plans and provided before the first occupation of any dwelling unit on the site.

Reason: To ensure that the proposed roads, footpaths and all ancillary highway requirements are provided to a satisfactory standard that can lead to their adoption by the Highway Authority.

- 22 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure satisfactory roads and footpaths are provided.

- 23 During the construction phase, the applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the public highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of works, and thereafter maintained until construction of the site ceases.

Reason: To ensure that the construction process does not result in deposits of waste on the public highway.

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

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: To ensure that the impact of the development upon neighbours is minimised.

- 25 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the

Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones etc.;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [*including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)*];
- h) Use of protective fences, exclusion barriers and warning signs; and
- i) The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure appropriate protection and mitigation for European and UK protected species, especially the UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

26 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the first dwelling. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) On-going monitoring and remedial measures.

The Landscape and Ecological Management Plan (LEMP) shall also include

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

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

27 A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by the Local Planning Authority, prior to occupation of the first dwelling. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation. The content of the BEP shall include the following:

- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation on 5x dwellings;
- a) A cluster of 3x Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north or northeastern facing elevation on 5x dwellings;
- b) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation on 3x dwellings;
- c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations on 3x dwellings;
- d) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation on 5x dwellings;
- e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site; and
- f) 2x hibernacula log piles as a resting place for reptiles and or amphibians constructed on the south eastern boundary.

The approved features shall remain in place to serve biodiversity at all times thereafter.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in Paragraph 170(d) of the National Planning Policy Framework.

28 The development shall not begin until a scheme for the provision of affordable

housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, and location on the site of the affordable housing provision to be made;
- ii. the timing of the construction of the affordable housing;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

The affordable housing thereby approved shall meet the definition of affordable housing in the National Planning Policy Framework 2019 or any future guidance that replaces it, in perpetuity.

Reason: To ensure that the scheme is built as 100% affordable housing, with reference to the provisions of Policy SC4 (Affordable Housing) and Policy ID1 (Infrastructure Delivery) of the adopted West Somerset Local Plan to 2032.

- 29 A Travel Plan detailing measures to encourage the use of sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of any dwelling hereby approved. The provisions and associated fees of the Travel Plan shall be fully adhered to in accordance with the timetable contained therein, unless, otherwise varied in writing by the Local Planning Authority.

Reason: To promote sustainable travel and mitigate the impacts of climate change upon the environment, in accordance with the provisions of Policy TR1 (Access to and from West Somerset) of the adopted West Somerset to 2032.

Recommended Informatives

- 1 The notes provided below outline the information the LLFA will expect to see in order to discharge the above conditions.

Drawing / plans illustrating the proposed surface water drainage scheme including: The sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. Consideration of how to better integrate this rectangular basin into the placemaking and public open space of this development. Any potential additional small scale / Source Control features – the aim being to supplement the attenuation volume to enhance the overall sustainability of the scheme providing water quality, amenity and biodiversity benefits. The current proposals may be treated as a minimum and further SuDS should be considered as part of a ‘SuDS management train’ approach to provide resilience within the design. Detailed,

network level calculations demonstrating the performance of the proposed system are required and this should include: Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations. Where relevant, calculations should consider the use of surcharged outfall conditions. Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates. Suitable representation of the adjacent system or similar stated assumptions such that these can be checked against when the adjacent scheme comes forward. Results should be provided as a summary for each return period (as opposed to each individual storm event). Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific. It is noted the basin is located outside of this red line boundary. Further information is required as to the approvals of this basin or reliance on an application for the adjacent development. Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route. Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk. With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition. The following information will be required. How will maintenance access to the proposed basin be provided? Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company. A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the longterm operation of the drainage system throughout the lifetime of the development.

- 2 Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
 - Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
 - Where relevant, calculations should consider the use of surcharged outfall conditions.
 - Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
 - Suitable representation of the adjacent system or similar stated assumptions such that these can be checked against when the adjacent scheme comes forward.
 - Results should be provided as a summary for each return period

- (as opposed to each individual storm event).
 - Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- 3 Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- 4 It is noted the basin is located outside of this red line boundary. Further information is required as to the approvals of this basin or reliance on an application for the adjacent development.
- 5 Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- 6 Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
- 7 With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition. The following information will be required:
 - How will maintenance access to the proposed basin be provided?
 - Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company.
 - A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.
- 8 The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under Section 23 and 66 of the Land Drainage Act 1991 from the Parrett Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District.
- 9 In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

- 10 The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

Appendix 2 - Neighbour representations summary

Material Planning Considerations	
Objections	Officer Comment
No objections received	
Support	Officer Comment
No supports received	

Appendix 1 – Planning conditions and Informatives Recommended Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of the original permission 3/21/21/015 dated 14th July 2021.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of unimplemented planning permissions and having regard to the Planning Practice Guidance advice that an application under Section 73 of the Town and Country Planning Act 1990 cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - (A1) DrNo 901-03B Landscape proposals
 - (A1) DrNo ES17.71 DrNo 01.03 Rev.P3 Kerbing & Surface Layout
 - (A1) DrNo ES17.71 DrNo 02.02 Rev.P7 Highway Site levels Sheet 2
 - (A1) DrNo ES17.71 DrNo 02.15 Rev.P3 Section 38 Adoption Layout
 - (A1) DrNo ES17.71 DrNo 03.02 Rev.P6 Drainage Plan Sheet 2
 - (A1) DrNo ES17.71 DrNo 03.16 Rev.P1 Surface Water Catchment Overall Plan
 - (A1) DrNo ES17.71 DrNo 60.00 Rev.P4 Proposed Rhyne Layout & Cross Sections
 - (A1) DrNo ES17.71 DrNo 06.10 Rev.P3 Cut & Fill Layout Residential
 - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-005 Rev. P07 Site Access Plan
 - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-010 Rev. P09 Site Plan GFL
 - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-015 Rev. P08 Site Plan 1FL
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 - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-030 Rev. P02 Site Plan Boundary Treatment
 - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-001 Rev. P01 Existing Site Plan
 - (A1) DrNo2231-MAL-ZZ-ZZ-DR-A-100-100 Rev. P05 Elevations -Blocks
 - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-105 Rev. P06 Elevations Flats
 - (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-130 Rev. P06 Site Sections

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-140 Rev. P06 Site Sections
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-180 Rev. P06 3D ORTHO SW
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-185 Rev. P06 3D ORTHO NE
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-190 Rev. P06 3D ORTHO NW
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-195 Rev. P06 3D ORTHO SE
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK7-8EL Rev. P05 Block 7&8 Elevations
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK7-8PL Rev. P05 Block 7&8 Plans
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK9 Rev. P05 Block 9 Flats
 (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-110 Rev.P05 Materials Board
 (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK01-PL Rev. P0 3 Block 01- Houses 1-2
 (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK02-PL Rev. P03 Block 02 – Houses 3-6
 (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK03-PL Rev. P03 Block 03 – Houses 7-10
 (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK03-PL Rev. P03 Block 04 - Houses
 11-12
 (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK05-PL Rev. P04 Block 05 Houses 14-16
 (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK06-PL(P05) Block 06 - Houses 17 – 21

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall be commenced, until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SUDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2021) and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the development is properly drained in accordance with the NPPF.

- 4 No development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

- 5 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Expedite FRA ref: ES17.71 Revision 2 dated January 2021 and in particular, the following mitigation measures detailed within the FRA:

1. Finished floor levels for the proposed affordable homes shall be set no lower than 7.425 Metres above Ordnance Datum (AOD).

2. Provision of safe pedestrian routes as a minimum into and out of the site, built no lower than 6.47mAOD, to an area outside the tidal flood risk area shall be provided/demonstrated.

The flood risk mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To reduce the risk of tidal flooding to the proposed development and future occupants over the lifetime of the development and to ensure safe access and egress from and to the site in the event of any flooding incident.

- 6 Prior to the first occupation of any of the dwellings hereby approved, the applicant shall prepare and submit for written approval, a Flood Warning and Evacuation Plan for the site. A copy of the Flood Warning and Evacuation Plan shall be provided to each household prior to the commencement of their tenancy / transfer of ownership. The Flood Warning and Evacuation Plan shall be reviewed every 5 years and households informed of any changes/updates.

Reason: The site is located in Flood Zone 3, where there is a high probability of flooding during the lifetime of the dwellings. The Local Planning Authority wishes to ensure that adequate warning and evacuation measures are in place in the event of a flood, in accordance with Policy CC2, Flood Risk Management, of the Somerset West Local Plan to 2032 and paragraph 163 of the NPPF.

- 7 If the solar panels hereby approved cease to produce electricity, they shall be safely removed and disposed of within 3 months of them permanently ceasing electricity generation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the long term appearance of the building within the urban landscape.

- 8 Prior to the construction of the buildings, samples of the materials to be used in the construction of the external surfaces of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such at all times thereafter.

Reason: To safeguard the character and appearance of the buildings and the area.

- 9 Prior to the first occupation of any of the dwellings, the applicant shall submit a green travel plan to the Local Planning Authority. The green travel plan shall set out in detail the measures to be adopted to encourage the use of sustainable transport (walking, cycling, public transport, car sharing etc.). Written approval of the Local Planning Authority shall be secured before first occupation. It shall subsequently be implemented in accordance with the approved plan.

Reason: To promote sustainable transport, as an alternative to reliance on the private motor car, in accordance with Policy TR2 (Reducing reliance on the private motor car) of the West Somerset Local Plan to 2032.

- 10 (i) The landscaping/planting scheme shown on the submitted plan, DRNO 901 03B (Landscape), shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 11 Prior to the commencement of development, the applicant shall investigate the history and current condition of the site, to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

(c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development.

Reason for pre-commencement: It is necessary to fully investigate the potential for contamination before the site is disturbed by development works.

- 12 The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwellings hereby permitted, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate bin storage facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

- 13 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology's Ecological Appraisal dated June 2017 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the bats, nesting birds and reptiles
4. Arrangements to secure the presence of an Ecological Clerk of works on site
5. Measures to prevent pollution of the ditch

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, birds and reptiles shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and reptile hibernacula and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note: It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning permission) must comply with the appropriate wildlife legislation.

- 14 There shall be no occupation of any dwelling hereby approved until ball stop netting in the location and form recommended in the Labosport Technical Report dated 18th March 2021 has been erected.

Reason: To prevent cricket balls causing injury to people in the development or damage to property.

- 15 No part of the development hereby permitted shall be occupied until the access works have been carried out generally in accordance with a design and specification that shall first have been submitted to and approved in writing by

the Local Planning Authority, in conjunction with the Local Highway Authority.

Reason: To ensure a safe access is provided.

- 16 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall first have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

Reason: To ensure surface water does not impede traffic movement and in the interest of highway safety.

- 17 The gradients of the proposed drives to the dwellings hereby permitted, shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: To ensure gradients are satisfactory and useable.

- 18 In the interests of sustainable development, none of the dwelling units hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage walking and cycling as an alternative mode of transport to the private car.

- 19 Prior to first occupation of the development hereby permitted, 126 covered cycle spaces (70 communal) and 11 motor cycle parking spaces, shall be provided, in accordance with the details submitted and they shall then be maintained for cycle/ motorcycle parking throughout the duration of the use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure provision is made for motorcyclists.

- 20 Prior to first occupation of the development hereby permitted, access to appropriate electric vehicle charging points will need to be available to all dwellings through charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that infrastructure is provided and in place to support the use of electric vehicles in order to contribute towards the sustainability of the development and mitigate the impact of climate change.

- 21 The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle

parking, and street furniture, shall be constructed and laid out in accordance with details to be approved in writing by the Local Planning Authority. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. These highway items shall be implemented entirely in accordance with the approved plans and provided before the first occupation of any dwelling unit on the site.

Reason: To ensure that the proposed roads, footpaths and all ancillary highway requirements are provided to a satisfactory standard that can lead to their adoption by the Highway Authority.

- 22 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure satisfactory roads and footpaths are provided.

- 23 During the construction phase, the applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the public highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of works, and thereafter maintained until construction of the site ceases.

Reason: To ensure that the construction process does not result in deposits of waste on the public highway.

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

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road

Network.

Reason: To ensure that the impact of the development upon neighbours is minimised.

25 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones etc.;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [*including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)*];
- h) Use of protective fences, exclusion barriers and warning signs; and
- i) The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure appropriate protection and mitigation for European and UK protected species, especially the UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

26 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the first dwelling. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;

- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) On-going monitoring and remedial measures.

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

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

27 A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by the Local Planning Authority, prior to occupation of the first dwelling. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation. The content of the BEP shall include the following:

- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation on 5x dwellings;
- a) A cluster of 3x Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north or northeastern facing elevation on 5x dwellings;
- b) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation on 3x dwellings;
- c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations on 3x dwellings;
- d) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation on 5x dwellings;
- e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site; and
- f) 2x hibernacula log piles as a resting place for reptiles and or amphibians constructed on the south eastern boundary.

The approved features shall remain in place to serve biodiversity at all times thereafter.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in Paragraph 170(d) of the National Planning Policy Framework.

- 28 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, and location on the site of the affordable housing provision to be made;
- ii. the timing of the construction of the affordable housing;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

The affordable housing thereby approved shall meet the definition of affordable housing in the National Planning Policy Framework 2019 or any future guidance that replaces it, in perpetuity.

Reason: To ensure that the scheme is built as 100% affordable housing, with reference to the provisions of Policy SC4 (Affordable Housing) and Policy ID1 (Infrastructure Delivery) of the adopted West Somerset Local Plan to 2032.

- 29 A Travel Plan detailing measures to encourage the use of sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of any dwelling hereby approved. The provisions and associated fees of the Travel Plan shall be fully adhered to in accordance with the timetable contained therein, unless, otherwise varied in writing by the Local Planning Authority.

Reason: To promote sustainable travel and mitigate the impacts of climate change upon the environment, in accordance with the provisions of Policy TR1 (Access to and from West Somerset) of the adopted West Somerset to 2032.

- 1 The notes provided below outline the information the LLFA will expect to see in order to discharge the above conditions.

Drawing / plans illustrating the proposed surface water drainage scheme including: The sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features,

pumping stations (if required) and discharge locations. Consideration of how to better integrate this rectangular basin into the placemaking and public open space of this development. Any potential additional small scale / Source Control features – the aim being to supplement the attenuation volume to enhance the overall sustainability of the scheme providing water quality, amenity and biodiversity benefits. The current proposals may be treated as a minimum and further SuDS should be considered as part of a ‘SuDS management train’ approach to provide resilience within the design. Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include: Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations. Where relevant, calculations should consider the use of surcharged outfall conditions. Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates. Suitable representation of the adjacent system or similar stated assumptions such that these can be checked against when the adjacent scheme comes forward. Results should be provided as a summary for each return period (as opposed to each individual storm event). Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific. It is noted the basin is located outside of this red line boundary. Further information is required as to the approvals of this basin or reliance on an application for the adjacent development. Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route. Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk. With regards to maintenance, it should be noted the condition is recommended as a ‘pre-occupation’ condition. The following information will be required. How will maintenance access to the proposed basin be provided? Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company. A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the longterm operation of the drainage system throughout the lifetime of the development.

- 2 Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
 - Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
 - Where relevant, calculations should consider the use of

- surcharged outfall conditions.
 - Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
 - Suitable representation of the adjacent system or similar stated assumptions such that these can be checked against when the adjacent scheme comes forward.
 - Results should be provided as a summary for each return period (as opposed to each individual storm event).
 - Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- 3 Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- 4 It is noted the basin is located outside of this red line boundary. Further information is required as to the approvals of this basin or reliance on an application for the adjacent development.
- 5 Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- 6 Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
- 7 With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition. The following information will be required:
- How will maintenance access to the proposed basin be provided?
 - Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company.
 - A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.
- 8 The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under Section 23 and 66 of the Land Drainage

Act 1991 from the Parrett Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District.

- 9 In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.
- 10 The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

Application No:	HPC Supplemental s106, March 2022
Parish	Stogursey
Application Type	Supplemental s106 Agreement
Case Officer:	John Burton
Grid Ref	Easting: 320538 Northing: 145965
Applicant	NNB Generation Company (HPC) Ltd., Hinkley Point C, Stogursey.
Proposal	Supplemental Agreement to the s106 Agreement of 30 th August 2012 in relation to the Development Consent Order for the Hinkley Point C (Nuclear Generating Station), in order to secure appropriate and responsible enhancements to the package of mitigation measures secured under the original Agreement. These measures are considered appropriate in the context of the likely increase in the peak number of workers involved in the construction of the Power Station above the 5,600 peak that was assumed for the purposes of the assessments in the application for the Development Consent Order.
Location	Hinkley Point C New Nuclear Build, Hinkley Point Road, Stogursey, Bridgwater, TA5 1UF

1. Recommendation

1.1 There are four recommendations to Members, each of which will assist Officers to ‘plan, monitor and manage’ the proposed uplift in workforce numbers required by the HPC project. It is recommended that each one is approved.

- (1) To authorise the Programme Manager (Regeneration) and the Strategic Lead (National Infrastructure Projects) to provide reasonable representations on behalf of Somerset West and Taunton Council to the Hinkley Point C Transport Review Group, Socio-Economic Advisory Group, and Emergency Services and Local Authorities Group (Hinkley Community Safety Management Group), to enable variations and agree addendums as appropriate to the following Hinkley Point C Management Plans as a result of the increase in workforce envisaged, subject to the additional measures and obligations as set out at Appendix A of this report

- Construction Workforce Travel Plan
- Accommodation Management Strategy
- Community Safety Management Plan
- Workforce Development Strategy

- (2) To authorise that Somerset West and Taunton Council enters into a Supplemental Deed of Development Consent Obligations pursuant to S106 Town and Country Planning Act 1990 to secure financial contributions and obligations to deal with the effects of the increase in the Hinkley Point C workforce, as set out at Appendix A of this report;
- (3) To delegate authority to the Assistant Director (Strategic Place and Planning) to agree the terms of the Supplemental Deed referred to in (2) above;
- (4) To delegate authority to the Programme Manager (Regeneration) to commission delivery of all the financial contributions payable to Somerset West and Taunton Council within the Supplemental Deed to be agreed under (2) and (3) above, after consultation with the relevant Portfolio Holders.

2. Executive Summary of key reasons for recommendation

- 2.1 EDF Energy wants the Councils affected by the construction of the new nuclear build to consider entering into a Supplemental Deed to the s106 Agreement of 30th August 2012 in relation to the Development Consent Order for the Hinkley Point C (Nuclear Generating Station), in order to secure appropriate and responsible enhancements to the package of mitigation measures secured under that Agreement. These measures are considered appropriate in the context of the likely increase in the peak number of workers involved in the construction of the Project above the 5,600 peak that was assumed for the purposes of the assessments in the application for the Development Consent Order. This report deals with the effects of this increase.
- 2.2 Joint legal advice has been sought on these proposals, the conclusions of which are confirmed in Section 11 below. This confirms the appropriate form of decision making, in particular that it is neither necessary nor appropriate for any amendment to be made to the DCO as a result of the increase in the peak construction workforce.
- 2.3 It is the view of SWT Officers (and shared by the Joint Council's Officer group) that a combination of amendments to the Hinkley Point C Management Plans and Strategies, the use of financial contingencies secured by the DCO s106 Agreement using the existing approval mechanisms under that agreement and further obligations to be secured under a Supplemental Deed, which are additional to the package of mitigation measures secured under the original DCO s106 Agreement (as set out in Appendix A), are -
 - necessary to make the increase in the workforce acceptable in planning terms;

- directly related to the increase in the workforce and revised project timeline;
 - are fair and reasonably related in scale and kind to the likely effects of the increase in the workforce; and
 - Are accordingly in the public interest.
- 2.4 The precise effects of the workforce uplift are, however, not possible to predict. Therefore, it is important that a 'plan, monitor, manage, approach' is taken. This will be achieved through the regular consideration of a broader range of information and metrics at the groups set up under the DCO s106 Agreement and to be secured via changes to the Management Plans and Strategies. It should be noted that contingency funds remain available in the existing DCO s106 Agreement should unexpected impacts arise, and it may be necessary to seek new obligations or mitigation to cover new impacts, should they arise. These would be considered on a case-by-case basis through change processes relevant to the scale of the impact.

3. Other options considered

- 3.1 It is not an option for the Joint Councils to require the submission of an application for a change to the DCO, given that the clear legal advice received is that it is neither necessary nor appropriate for any amendment to be made to the DCO as a result of the increase in the peak construction workforce.
- 3.2 An option would be for the Joint Councils to refuse to consider the Proposed Measures, but this would mean that the Management Plans/Strategies would not be updated to reflect the current position of the project, and it would result in a lost opportunity to secure additional funding to deal with the effects of the forecasted peak workforce, which is already above the numbers originally assumed in the DCO.
- 3.3 A further option could be to seek to continue negotiations to enhance further the proposed measures, but the view of SWT Officers (shared by the Joint Councils group) is that the Proposed Measures offered by EDF Energy are fair and reasonably related in scale and kind to the likely effects of the increase in the workforce. It is not considered that any further discussions would be likely to result in an improvement to the package of measures already negotiated. Further negotiations are not considered to be necessary.

4. Background to the proposal.

- 4.1 The conclusions of an internal review of the Hinkley Point C (HPC) project by EDF Energy in 2019, revealed that, in order to maintain safety and quality standards and to maintain the project programme timelines, the number of

workers would need to be increased above the number originally assessed in the original DCO Application. At the time that the Hinkley Point C (Nuclear Generating Station) Order 2013 (DCO) was granted by the Secretary of State, the number of workers likely to be employed on site was estimated to peak at around 5,600 at any one time. That estimate was reflected in the assessment of likely significant environmental effects in the Environmental Statement prepared in support of the application, and in the report of the Examining Authority who examined the application and recommended to the Secretary of State that the DCO should be granted. It is now anticipated that at the peak of construction (expected to be early 2023), around 8,600 workers will be required.

- 4.2 Initial negotiations were held in 2020 with officers from the Joint Councils affected by the project (Somerset County Council, Sedgemoor District Council, Somerset West and Taunton Council and North Somerset Council). This included discussions on the basis for considering the potential impacts of the increased workforce and legal advice on processes. As a result, EDF Energy has provided assessments of the impacts, reviewing the effect of the proposed workforce increase on the conclusions drawn in the DCO Environmental Statement. These are referred to as the Topic Papers.
- 4.3 Since discussions commenced, the impact of the Covid-19 pandemic has needed to be considered and at the present time, the programme for HPC has been extended by 6 months, with Reactor No. 1 now due to be operational by June 2026.
- 4.4 In October 2020, the Joint Councils and EDF agreed the principle of entering into a Planning Performance Agreement (PPA) to establish the basis on which discussions would take place and the basis upon which funds could be made available to the Joint Councils to seek both technical and legal advice on the potential impacts from the workforce uplift. A PPA was entered into on 29th January 2021.
- 4.5 In January 2021, a special combined meeting of the HPC Community Forum, the Main Site Forum and the Transport Forum was held, in order to explain the proposal and the processes involved to interested parties. In February 2021 EDF Energy launched a virtual exhibition seeking input from the local community and interested stakeholders. Two drop-in sessions took place during February 2021 and meetings took place with local Town Councils and Parish Councils in February and March (2021).
- 4.6 In October 2021, the Joint Councils issued EDF with their written response to the Topic Papers and following further negotiations, another special meeting of the three HPC Fora was held to update interested parties on progress and process. In January 2022, officers of the Joint Councils sent further comments on the Topic Papers and agreed draft Heads of Terms for a supplemental Section 106 agreement.

5. Environmental Impact Assessment

- 5.1 This proposal does not require the formal submission of a planning application because there are no changes to the approved development being proposed. EDF Energy will still be implementing the same development granted consent in April 2013. Neither does the current proposal involve any changes to the approved DCO that would warrant either a Material or Non-Material change to the DCO. The change now sought is for an increase in the workforce numbers to help the project proceed more quickly and more safely. SWT Officers are happy that this will not give rise to any new or materially different environmental effects from those considered and assessed in the original Environmental Statement (ES). So, for all of these reasons, a new Environmental Impact Assessment is not required.

6. Habitats Regulations Assessment

- 6.1 This was obviously considered as part of the original Environmental Statement and the changes now sought do not impact on that, as explained above. The site is outside of the catchment area for the Somerset Levels and Mors Ramsar site, but, in any event, the Council is not being asked to approve a plan or project in this instance. The DCO will remain unchanged. Therefore, a new Habitats Regulation Assessment is not required.

7. Consultation and Representations

- 7.1 Officers at Somerset County Council, Sedgemoor District Council, Somerset West and Taunton Council and North Somerset Council (the Joint Councils) have been working actively and collaboratively with EDF Energy in analysing the potential implications of a forecasted increase in the peak workforce. Liaison has also been undertaken with the Clinical Commissioning Group, Avon and Somerset Constabulary and the Devon and Somerset Fire and Rescue Service.
- 7.2 As the proposed increase in the peak workforce does not constitute a material or non-material change to the DCO, nor does it require the formal submission of any other form of planning application, a formal consultation exercise is not legally required. Despite this, EDF Energy has voluntarily conducted an engagement and information sharing exercise with the local communities surrounding Hinkley Point C, to help support the necessary decision making processes. EDF Energy has supplied an engagement report to the Joint Councils as part of the material submitted for consideration, which aims to ensure full transparency of the future plans, provide reassurance on the scale of change across key topic areas and to collect and feedback areas of heightened community concern. The

engagement plan was based around a multi-channel approach that consisted of

- Special joint meetings of the Hinkley Point C Fora (Community, Main Site and Transport);
- Public drop-in sessions (delivered virtually due to Coronavirus restrictions), designed to provide clarity on the proposals whilst also answering questions and receiving feedback;
- New webpages explaining the proposals, accessible via the front-page of the Hinkley Point C website;
- A virtual exhibition that provided an overview of the proposals whilst also giving a means by which individuals could provide direct feedback;
- Direct communication with individuals and groups via e-mail distribution lists. This was further widened through collaboration with Somerset County Council to engage with hard to reach groups;
- Information provided via regular project Monthly Updates;
- Social media engagement via the Hinkley Point C Twitter feed;
- Proactive briefing and engagement of local and regional media outlets (TV/Radio/Newspaper) to increase wider visibility of the proposals;
- Use of Parish News to drive visibility of the proposals and the means by which individuals could source additional information and feedback routes; and
- Meetings with Parish and Town Councils to engage directly with community representatives in local areas which may be affected by the proposed increase in workers.

7.3 In addition to the above, the Joint Councils have held briefing sessions open to all members of each of the affected Council, and regularly updated the Somerset Nuclear Energy Group (SNEG) – the membership of which includes key Cabinet/Executive Members from each of the Joint Councils. In the case of Somerset West and Taunton Council, the Councillors involved are Cllrs. Benet Allen (who acts as Chair of the Somerset Nuclear Energy Group) and Marcus Kravis (who is the Portfolio Holder for Asset Management and Economic Development).

8 Relevant planning policies and guidance

- 8.1 The Planning Act 2008, amongst other provisions, establishes requirements about the authorisation of projects for the development of nationally significant infrastructure.
- 8.2 The site lies in the former West Somerset area, for which the Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).
- 8.3 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report. Since then the Government has announced proposals for local government reorganisation in Somerset and Regulations are currently going through Parliament for a new unitary authority in Somerset to be created from 1 April 2023. The work undertaken towards a new local plan will feed into the requirement to produce a Local Plan covering the whole of the new authority area.
- 8.4 Other relevant local policy documents include –
- Somerset West and Taunton Council's Climate Positive Planning, and
 - The Interim Guidance Statement on Planning for the Climate Emergency (February 2021)
- 8.5 Members will also need to have regard to the National Planning Policy Framework. That said, the proposal before the Committee does not seek any amendment to the DCO or other planning permissions

9. Material Planning Considerations and issues

- 9.1 Following the completion of the common raft concrete pour on Unit 1 of the HPC Project (known as J - Zero) an internal project review by EDF Energy commenced. EDF Energy has explained in a series of Topic Papers the following issues. An Executive Summary produced by EDF Energy is attached at Appendix B.
- That a range of factors were considered including the underlying commitments to industry leading safety and the highest quality standards, as well as maintaining the committed programme to deliver Unit 1 in 2025 (now mid 2026 due to the Covid 19 pandemic) and Unit 2 around 12 months after Unit 1;
 - The review examined the desire to maximise the opportunities to capture and implement learnings from Unit 1 when undertaking the

same activities on Unit 2. In addition, following the appointment of the Mechanical Engineering and Heating (MEH) Alliance, much more detail about that programme was available to feed into the review. Finally, the review was able to take into account over 4 years of on-site operational practice since the agreement with the Government was finalised and construction activity began in 2016;

- The conclusions of the review revealed that in order to maintain safety and quality standards and to maintain the programme, the number of workers at the peak of construction will need to be increased above the number that was originally assessed within the Development Consent Order (DCO) application. The review highlighted that there would need to be a greater overlap between the MEH and Civils phases of the project and that the number of support and professional / management roles based at the HPC site would be significantly above the number anticipated in the DCO application;
- The full implications of the ongoing Coronavirus pandemic are still to be considered and that the review in the latter part of 2019 was conducted and concluded before the pandemic began. That said, the programme for HPC has been extended by 6 months, with Unit 1 now due to be operational by June 2026, which is dependent on Coronavirus restrictions not continuing to constrain activity;
- Following an initial high level discussion in early 2020, work to analyse the potential implications from the increased workforce has been undertaken by EDF Energy in conjunction with the relevant stakeholders and in particular the relevant local authorities;
- The conclusion of these discussions resulted in EDF Energy proposing to provide voluntary assessments of the impacts to review the effect of the proposed workforce uplift on the conclusions drawn in the DCO Environmental Statement. These assessments (referred to as Topic Papers) have enabled EDF Energy and the Joint Councils to consider in relation to the DCO s106 Agreement and the relevant strategies and plans there under whether in each case:
 1. no change would be required;
 2. changes might be appropriate that could be made under the processes set out within the DCO s106 Agreement itself; or
 3. Changes might be appropriate which cannot be approved under the DCO s106 Agreement itself and therefore would require a modification to the DCO s106 Agreement through a Supplemental Deed.

- EDF Energy and the Joint Councils agreed, following a review of the DCO Application, that the 6 topic areas which needed to be considered were as follows:
 1. Accommodation;
 2. Transport;
 3. Workforce Development;
 4. Community Safety;
 5. Health; and
 6. Environment

- It was subsequently established that a review of the spatial distribution of the workforce was also required, as this would ultimately influence the potential impacts on the housing market and the transport strategy. Relevant factors, including the location of the existing workforce, the type of accommodation the workforce is staying in, the availability of accommodation and the likely make up of the workforce, including any workforce families have been considered;

9.2 The Joint Councils have responded to the Topic Papers and the Spatial Distribution note, with all papers being amended following further discussion. A link to the final versions of the Topic Papers can be found at paragraph 9.9 below. Whilst the Joint Councils have worked with EDF Energy on the Topic Papers, they are EDF Energy’s documents. The Joint Councils agree with the majority of the conclusions drawn, but this is not the case in all areas. This is unsurprising given the complexity of the task and the uncertainty that exists in predicting the future. Both parties, however, recognise the need to work collectively together to resolve issues and develop solutions that will mitigate any anticipated impacts, particularly in a timely manner before the peak workforce is achieved in late 2022 / early 2023. A summary of the key points within the Topic Papers is set out below.

9.3 Accommodation

9.3.1 The following assumptions underpin EDF Energy’s assessment of impacts on accommodation as set out in their Topic Paper:

- The peak workforce is taken as a 3-month rolling average (8,210 workers) as this is considered to reflect the peak demand on the Private Rented Sector (PRS).
- The new central case is that 38% of workers at peak construction will be home-based and 62% non-home-based.
- The residual number of non-home-based workers requiring private accommodation at peak construction is estimated to

be 3,175 which is 925 more than the estimated peak assessed within the DCO.

9.3.2 EDF Energy recognise that there are significant issues regarding both the affordability and availability of housing in the local area and in the rest of the UK, and that unmitigated, the impacts at the of peak construction could exacerbate these issues beyond that assessed in the DCO Accommodation Strategy.

9.3.3 On this basis, EDF Energy has proposed two new 'Strategic Interventions' to provide additional accommodation for up to 950 HPC workers. They propose:

- to increase the capacity of both the existing Campuses by providing an additional bed into each of the ground floor rooms in each accommodation block. This would create an additional 480 bed spaces (160 at Hinkley Campus and 320 at Sedgemoor Campus); and
- subject to planning permission being applied for and gained, significant investment in three caravan sites (Quantock Lakes and Mill Farm in Sedgemoor, and Moorhouse Farm in Somerset West & Taunton) which are currently being used by HPC workers. This would create at least 360 new caravan pitches and accommodate an estimated 470 HPC workers.

9.3.4 With these strategic interventions in place, EDF Energy estimate that the residual number of non-home-based workers looking for private accommodation will be around 2,700, which is roughly 450 more than was assessed at the DCO.

9.3.5 EDF Energy also predict what type of private accommodation the residual non-home-based workers will live in:

- 890 – PRS (+140 from DCO)
- 890 – Latent (+490 from DCO)
- 680 – Tourist accommodation (+80 from DCO)
- 260 – Owner Occupied (-240 from DCO)

9.3.6 The future distribution of workers has been modelled by EDF Energy based on observed data taken from workforce surveys, coupled with predictions regarding the preferences of the workers who would make up the peak non-home-based workforce. It should be noted that SWT Officers (and the Joint Councils officer group) believe there to be uncertainty over the predictions and therefore the choices made by workers will be monitored. If and where necessary, steps can be put in place to ensure accommodation impacts do not cause

serious disruption to the housing market or adversely affect vulnerable residents. Additional monitoring measures are proposed to be secured through amendments to the Accommodation Management Strategy and will include close monitoring of the implementation and use of the proposed strategic interventions.

9.3.7 This Topic Paper recognises that the underlying challenges within the local housing market are a cause for concern, both in the rural villages closest to the HPC site and in Bridgwater, where there are concentrations of workers. It also recognises that there are lead-in times associated with delivering additional bedspaces. To ensure that any potential negative impacts on the housing market are addressed, EDF Energy are proposing to make advanced payments from the Housing Contingency Fund (DCO s106 agreement):

- £195,000 to Sedgemoor District Council for Hinkley Housing Initiatives focussed in Bridgwater as well as £410,000 towards delivering affordable housing at Cricketers Farm in Nether Stowey.
- £390,000 to Somerset West & Taunton for Hinkley Housing Initiatives focussed in the Hinkley Point Cluster and Taunton.

9.3.8 In addition to the proposed mitigation and enhancement for addressing potential housing market impacts, EDF Energy propose to make up to £300,000 available from the existing Transport Contingency (under the original DCO s106 Agreement) for local communities to develop and deliver localised car parking solutions to address the unanticipated impacts on parking availability from non-home-based workers occupying a significant number of properties in rural villages. Whilst workers are (for the most part) parking legitimately, they tend to have more cars than a single household would have, and parking issues can create community tension. The mechanics of this are currently under discussion, but the intention is that EDF Energy would administer the process.

9.3.9 The package of mitigation and strategic interventions proposed by EDF Energy in relation to accommodation, should be welcomed. Subject to the proposed interventions being delivered on time and being managed by EDF Energy to ensure they are occupied by HPC workers in the numbers proposed, it is not anticipated that workforce uplift would give rise to any materially new or different relevant effects on accommodation. Consideration is currently being given to the method for securing the timely delivery of these mitigation measure and strategic interventions (currently proposed by EDF Energy to be identified in the addendum to the Accommodation Management Strategy).

9.4 Transport

9.4.1 The following measures are proposed to be taken by EDF Energy to avoid significant impacts on the transport network and prevent any materially new or different environmental effects arising compared to those identified in the original Environmental Statement:

- Amendments to the time of travel of workers, based on changed shift patterns and corresponding times of travel to work to encourage travel outside of main peak periods.
- Amendments to the mode split of worker travel, with a reassessment having taken place in light of the new spatial distribution assumptions. This includes an amendment to the transport allocation policy to provide for walking distances in Bridgwater in excess of 800m to reduce the number of workers allocated a Park and Ride permit because they still live within a reasonable walking distance of a direct bus.
- Use of existing Park and Rides, which may include seeking permission from the Transport Review Group to increase the use of the J23 Park and Ride from 920 to 1,300 spaces subject to further modelling of the Dunball Roundabout.
- Retention of Park and Ride facilities at Quantock Lakes and a new facility established at J25, plus additional parking will be provided at the Sedgemoor Campus and overflow from Hinkley Campus will go to J23.
- Update to the HPC Bus Strategy that includes the reintroduction of Direct Buses and retaining Walk and Ride services from Bridgwater, Taunton, Weston-Super-Mare and Burnham-on-Sea, and incorporating a new funded HPC Car Share Scheme.

9.4.2 The existing DCO s106 Agreement currently includes a mechanism under which contingency payments can be made, if impacts arise as a result of the methods set out within the Construction Workforce Travel Plan not being effective.

9.4.3 The transport measures proposed by EDF Energy represent a reasonable approach. However, the Joint Councils will need to ensure adherence to the assumptions which underpin the spreadsheet model through the allocation to transport policy. A broadened range of monitoring data will be agreed that will be presented regularly to the Transport Review Group (TRG) to this effect. EDF Energy has confirmed that it remains extremely confident that the HGV limits within the Construction Traffic

Management Plan will not need to be extended. The challenges associated with long term forecasting are noted and EDF Energy has undertaken to refine and share the HGV forecasts periodically with the Transport Review Group.

9.5 Workforce Development

9.5.1 A revised Workforce Development Topic Paper was issued by EDF in February 2022. Despite it illustrating strengthened commitments to existing successful measures, SWT Officers (and the Joint Councils officer's group) believe there are additional opportunities to expand and diversify activity in particular to:

- Deal with business impacts – particularly if this becomes disproportionate either by geography or sector;
- Provide outreach support to individuals – including supporting hard to reach groups get back to work;
- Maximise the benefit of the Hinkley Supply Chain;
- Re-broker individuals to local employers once peak is over and the project requires less workers; and
- Ensure a positive impact for local employment and skills is delivered and embedded in appropriate strategies and bids.

9.5.2 EDF's approach is set out within its Workforce Development Strategy, which is updated on an annual basis and upon which the Joint Councils will have the opportunity to make reasonable representations. The Strategy and the role of the Joint Councils in delivering a coordinated approach will therefore continue to evolve over the lifetime of the project. Active discussions are also underway about the activities that need to be undertaken across a range of partners, including EDF, to maximise the positive legacy from the project, not least from a 'people' perspective that will be framed within future iterations of the Workforce Development Strategy. In the meanwhile, the Joint Councils will continue with their economic development related activities currently funded through the DCO s106 Agreement, diversify this economic development activity using the additional monies to be provided by EDF in the Supplemental Deed, and seek to lever in additional funding opportunities as projects and activities are identified.

9.6 Community Safety

9.6.1 Hinkley Community Safety Group has identified a series of potential impacts based on experience of the project to date and taking into account the risks that were originally identified in the DCO Environmental Assessment. For example, in relation to Anti-Social Behaviour, Crime and Disorder and nighttime economy. EDF has recognised that impacts could arise, and to that end wish to take a precautionary approach. The following enhancements to existing measures have been proposed which are considered by SWT Officers (and the Joint Councils officer group) to be reasonable:

- Extension to the funded Community Safety Officer role to 2025
- Funding for Community Safety Grants
- Funding for activities carried out by the Community Safety Officer
- Funding for Devon and Somerset Fire and Rescue Service
- Continued funding of the dedicated fly-parking team
- Funding for the Avon and Somerset Police Community Safety Beat Team in accordance with the terms of the current DCO s106 Agreement

9.6.2 A revision to the Community Safety Management Plan will also be made upon which the Emergency Services and Local Authorities Group (Hinkley Community Safety Group) will be consulted.

9.7 Health

9.7.1 The health Topic Paper explores the following issues and considers whether workforce uplift results in any changes to the conclusions drawn in the original Health Impact Assessment.

- Change in local population structure;
- Potential change in communicable disease from incoming temporary workforce;
- Potential change in social structure and interactions within the existing community influencing local community resources and services; and
- A potential impact on community well-being.

- 9.7.2 The Topic Paper concentrates on socio-economic health related effects only. Air quality, noise and transport related health issues have been scoped out and are considered in the Environment, Workforce Development and Transport topic papers. It concludes that the likely residual impacts on health in general are negligible given the suite of existing mitigation in place.
- 9.7.3 EDF Energy propose that the existing mitigations provided for through the DCO s106 Agreement (financial contributions to Clinical Commissioning Group (CCG) and provision of preventative health measures) and the on-site medical centre (Hinkley Health), in addition to initiatives funded through the HPC Community Fund have sufficient capacity to service the healthcare needs of the additional workforce.
- 9.7.4 EDF Energy will commit in the Supplemental Deed, to ensuring that any additional demand stemming from workforce uplift, will be met by a matched uplift in provision and it will ensure that Hinkley Health continues to match its resource to demand.
- 9.7.5 The CCG were consulted on the topic paper by EDF Energy and have raised no issues.
- 9.7.6 EDF Energy conclude that there is no change from the DCO assessment that the project will have a negligible impact on health. The Joint Councils agree with this conclusion, subject to using a 'plan, monitor and manage' approach, so that if the situation changes, for example more workforce families come to the area, this can be assessed, and measures put in place where required.

9.8 Environment

- 9.8.1 The following environmental topic areas were assessed: air quality, light pollution, sustainability, waste, noise and vibration, ecology.
- 9.8.2 The physical form of the development at HPC is not being altered either in terms of the permanent development or the construction site. The proposed change relates purely to an increase in the number of workers working at the same time to complete the power station. The vast majority of these workers will be located in the northern part of the site between Green Lane and the Bristol Channel, far from neighbouring properties.
- 9.8.3 In addition, the activities which were going to cause the most significant environmental effects and effects on receptors, will have been completed by the peak period for construction. This includes the main earthworks, the works to the southern landscape area, the

construction of the emergency access road and the intake/outfall tunnelling under the Bristol Channel. The suite of environmental management plans originally approved were principally designed to address impacts during these activities. On this basis it is not currently considered that there will be any new or materially different effects that arise.

9.8.4 By using a 'plan, monitor and manage' approach the Joint Councils can continually assess issues in case unforeseen circumstances are identified at a later stage.

9.8.5 There are two areas EDF Energy has agreed to in order to mitigate potential environmental issues

1. The introduction of an 'Environment Group' to monitor environmental key performance indicators and ensure that impacts are reported, addressed and reduced as far as possible. This group is up and running and composed of representatives from each of the effected Councils. It reports to the Socio-Economic Advisory Group.
2. Funding for the continued use, monitoring and maintenance of the existing air quality monitors on the primary transport routes between Bridgwater and the HPC site. The funding originally agreed had expired, but this new money will now allow viable use of the monitors up to and just beyond the peak of construction period.

9.9 Background papers

9.9.1 All of the Topic Papers (Accommodation, Transport, Workforce Development, Community Safety, Health, and Environment), the Spatial Distribution Note, and the Workforce Uplift Engagement Report, can all be found at the following link -

<https://www.sedgemoor.gov.uk/article/5469/Hinkley-Point-C-Final-Topic-Papers>

10 **Key risks**

10.1 A key risk to the Council is a legal challenge by third parties to the process used to deal with the effects of the increase in peak workforce. This risk has been assessed through legal advice – see section 11 below.

10.2 A key project risk relates to a failure by EDF Energy to deliver the extra bed spaces envisaged through the proposed strategic accommodation interventions, especially as the delivery of half the bedspaces will be subject to further planning permissions. The risk will be addressed in part through the application of a 'plan/monitor/manage' approach and use of contingency

payments. The crucial concern is to ensure that any impacts at the workforce peak do not exacerbate issues associated with the affordability and availability of housing in the local area beyond that assessed in the DCO Accommodation Strategy. To ensure this, the agreement of positive early actions would need to be developed.

- 10.3 A further project risk relates to the spatial distribution of workers being significantly different to that assumed, leading to impacts across the topic areas and impacts that have not been already planned for and managed under proposed existing and new mitigation. The likelihood is moderated by the fact that the spatial distribution is based on project experience and knowledge. However, this could be impacted by a combination of accommodation availability and whether the core assumption that Mechanical Engineering and Heating workers will seek similar types of accommodation (including locations and prices) to Civils workers remains valid. Again, the risk will be addressed through the application of a 'plan/monitor/manage' approach and use of contingency payments as necessary.
- 10.4 There is also a risk that greater than expected numbers of workers could come from outside of the County, moving to the area with their families, which would place pressure on early years and school places in areas that are already under pressure. The spatial distribution model confirms that historic and predicted worker choices on accommodation location overlays with those areas where school places are already a challenge, including secondary schools. Although the immediate pressures on early years and primary places were addressed through the construction of Northgate Primary School in Bridgwater (which included a contribution from the existing DCO s106 Agreement funds), accurate information remains challenging about the number and location of workforce children in the area. Discussions continue with EDF Energy about the way information is gathered to enable a 'plan, monitor, manage' approach to allow appropriate decisions to be taken.

11 Legal and HR considerations

- 11.1 It is considered by both EDF Energy and the Joint Council's Officer Group that the predicted increase in peak workforce numbers does not require any amendment to the DCO and considers that the Proposed Measures can be secured using existing mechanisms under the DCO s106 Agreement and a Supplemental Deed thereto.
- 11.2 The Joint Councils have sought legal advice from their appointed advisers and this confirms as follows:
- It is not necessary or appropriate for any amendment to be made to the DCO as a result of the predicted increase in the peak HPC

construction workforce. The DCO contains no restriction on peak workforce numbers and there is no basis for implying such a restriction into the DCO.

- The conclusion that it is not necessary for an amendment to be made to the DCO as a result of the estimated peak construction workforce, is not affected by the fact that at the time the application was examined and determined, the peak workforce was predicted to be 5,600 and not 8,600.
- The predicted increase in the peak HPC construction workforce will not give rise to any breach of the original DCO s106 Agreement, or of any of the relevant strategies which are required to be implemented under that agreement.
- The proposed addendum to the Construction Workforce Travel Plan (CWTP) is capable of being approved by the Transport Review Group (TRG) under the existing approval mechanisms contained in the DCO s106 agreement. The Socio-Economic Advisory Group (SEAG) may also consider amendments to the Accommodation Management Strategy.
- Existing mechanisms under the original DCO s106 agreement may be used to:
 - request a Housing Fund Contingency Payment to mitigate any impacts of the predicted increase in the peak HPC construction workforce on the private-rented housing sector;
 - provide increased contributions to the Avon and Somerset Constabulary, which apply where the number of HPC construction workers increases above a certain level.
- A supplemental s106 agreement (the Supplemental Deed) is an appropriate mechanism to secure the following additional measures:
 - financial contributions towards the costs of funding certain staff posts at the Councils;
 - a financial contribution towards air quality monitoring in Bridgwater; and
 - increasing the capacity of Hinkley Health in line with the number of workers on site.

11.3 In addition to the above measures, the detail of the mechanisms for the following are currently being finalised:

- the payment of £1m (index linked) from the HPC Community Fund towards urban regeneration projects in Bridgwater Town Centre, in recognition of the role the town plays in absorbing the impacts of a significant percentage of non-home-based workers;
 - funding for local communities to develop and deliver localised car parking solutions to address the unanticipated impacts on parking availability from non-home-based workers occupying a significant number of properties in rural villages.
- 11.4 The Proposed Measures include additional funding in some key areas to enable continuity of officer input across the Joint Councils for the remainder of the construction period. There are therefore no specific Human Resources implications.
- 11.5 The Council has a discretion as to whether to enter into the proposed Supplemental Deed, which must be exercised reasonably, in the ‘Wednesbury’ sense. That exercise of discretion must not be influenced by irrelevant considerations and must take account of any obligatory material considerations. In this case it is SWT Officer’s opinion that it is appropriate and necessary to enter into such an agreement, because it is the only way of mitigating what could otherwise be a significant burden on local communities and a drain on the Council’s own resources. That is a material consideration. By entering into the Supplemental Deed, the Council would be reasonably and sensibly mitigating and lessening the identified ‘burdens’ and ‘costs’ of the workforce increase, which have no other way of being addressed.
- 11.6 The legal advice provided to the Councils is that in circumstances where a developer volunteers to enter into a s106 Agreement independently of development-control decision making, as is the case here, the normal policy tests on seeking obligations and taking them into account are not directly engaged (and are therefore not obligatory material considerations). Those policy tests are set out in Regulation 122(2) of the CIL Regulations 2010 (see below). However, that does not mean that those tests are legally irrelevant considerations. When negotiating the terms of any s106 Agreement and in judging whether it would be appropriate in the public interest to enter into such an agreement independently of a development control decision, it would be both prudent and reasonable for the Council to consider whether the proposed obligations were:
- a. necessary to make the proposal acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development.

The following paragraphs assess each of these three tests in respect of the proposed Supplemental Deed.

- 11.7 In (a) above, the proposals are direct mitigation for the potential impact that a significant uplift in the peak workforce would be likely to bring. This is particularly the case with
- worker accommodation, hence the need for advanced payments from the Housing Contingency Fund;
 - the extra work for the Council in processing all aspects of permissions, monitoring and potential enforcement that will be required as a result of faster working and a faster build, hence the need for extra funding for appropriate officer posts;
 - the need to ensure that HPC's own health facilities are expanded to prevent un-paid for drains on the existing public health provisions in the community;
 - The need to extend the operating lifespan (through additional funding) for the Air Quality Monitors on the principal route to the site from Bridgwater.

So, the proposals provide direct mitigation for anticipated impacts.

- 11.8 In (b) above, the obligations proposed in the Supplemental Deed are considered to be directly related to the workforce uplift issue, because it is clear that the effects anticipated would not arise if the workforce numbers were to remain at the levels envisaged in the 2012 enquiry process. EDF Energy and officers from all of the affected Councils, have jointly worked together to identify direct consequences that are likely to arise from the proposed workforce uplift and the proposed obligations have been devised to directly target these consequences.
- 11.9 As required by (c) above, the obligations now being sought have been negotiated and agreed by both parties and are considered to be fairly and reasonably related in scale and kind to the development. Mitigation was accepted as being required in the original DCO s106 Agreement in order to counteract the envisaged effects of a workforce of 5,600 at peak. It is therefore reasonable to seek to re-negotiate the mitigation required given that the workforce numbers are now being estimated to become up to 65% higher than originally envisaged. The measures in the proposed Supplemental Deed are considered to be appropriate and responsible enhancements to the existing package of mitigation measures in the context of the likely increase in the peak number of workers.
- 11.10 For the above reasons, SWT Officers consider that it is in the public interest to enter into the Supplemental Deed

- 11.11 A resolution by the Committee to authorise the Council entering into the Supplemental Deed would be liable to challenge by means of Judicial Review, if there is a legal flaw in the decision. This can take the form of procedural irregularity, the taking into account of irrelevant considerations, failing to take account of relevant considerations, or irrationality. Officers consider that the detailed case report and subsequent Committee debate and resolution in a public meeting, will mitigate this risk.
- 11.12 EDF Energy and the other Joint Councils have agreed to enter into the Supplemental Deed on a voluntary basis, in order to secure appropriate and responsible enhancements to the package of mitigation measures secured under the original DCO s106 Agreement. These voluntary measures are considered appropriate and in the public interest in the context of the likely increase in the peak number of workers involved in the construction of the Project above the 5,600 peak that was assumed for the purposes of the assessments in the application for the Development Consent Order itself. On the basis that the conclusions expressed in the Topic Papers are agreed by both parties, Officers consider that this is an entirely reasonable and hence legal, conclusion for the Council to reach.

12 Local Finance Considerations

- 12.1 The Proposed Measures (as set out in Appendix A) include a number of financial measures to be made using the mechanisms under the existing DCO s106 Agreement, or to be secured under the proposed Supplemental Deed . Securing these monies will ensure that financial impacts do not fall to either the District Council, or the new Unitary Council following vesting day on 1 April 2023.
- 12.2 In parallel with consideration of the effects of an increase in the workforce, the Joint Councils have also discussed with EDF Energy the effect of the changes in the construction timetable. The DCO s106 agreement provides for financial contributions towards the costs of the engagement of a variety of officers in the HPC project, but the overall quantum of funding and profile no longer aligns with the construction programme. EDF Energy has allowed the Joint Councils some flexibility in the way that the contributions contained in the original s106 Agreement can be used and has offered to provide additional funding in some key areas to enable continuity of officer input across the Joint Councils throughout the remainder of the construction period. This has been future proofed against the needs of the new Council. The schedule of new funding contributions is shown in Appendix A.

13 Conclusions

- 13.1 The proposal is for the Local Planning Authority to accept a package of additional measures and processes that mitigate what could otherwise be adverse impacts. It makes sense therefore for these measures to be approved.

13.2 As set out in section 11 above, the additional measures are considered to be

- necessary to make the proposal acceptable in planning terms;
- directly related to the development; fairly and reasonably related in scale and kind to the development, and,
- Are accordingly in the public interest.

The measures in the proposed Supplemental Deed are considered to be appropriate and responsible enhancements to the existing package of mitigation measures in the context of the likely increase in the peak number of workers.

13.3 Legal advice concludes that –

- There is no provision in the DCO that explicitly or implicitly sets a limit on the number of construction workers that may be employed at any one time in order to implement the development that it authorises.
- An increase in the number of construction workers employed on site does not constitute 'development' as defined in Section 32(1) of the Planning Act 2008 and Section 55 of the TCPA 1990.
- Accordingly, the increase in the number of construction workers beyond what was predicted at the time the DCO was examined and made, does not involve either a breach of the terms of the DCO or a breach of Development Control. In these circumstances there is nothing in the DCO that needs to be removed or altered, or anything further that needs to be added.
- Neither is there any need to vary any of the obligations in the original DCO s106 Agreement, as none will be breached, nor any need to amend any of the associated strategies in order to avoid a breach.

13.5 Despite this though, EDF Energy is nevertheless proposing:

- to prepare addenda to the Accommodation Strategy and the Construction Workforce Travel Plan;
- to work with the Joint Councils to develop a revised Community Safety Management Plan and a revised Construction Workforce Development Strategy for 2021-2024; and

- to provide a supplemental s.106 agreement to provide for financial contributions towards the costs of funding certain staff posts at the Councils, a financial contribution towards air quality monitoring in Bridgwater, and to increase the capacity of Hinkley Health in line with the number of workers on site.
- 13.6 Subject to securing specified appropriate mitigation measures, there is not expected to be any materially new or different environmental effects compared to those identified in the ES.
- 13.7 For the reasons set out in this report, having regard to all the matters raised, it is therefore recommended that the Planning Committee should consider these proposals in a positive light and authorise the completion of a supplemental Deed of Development Consent Obligations, delegating authority to SWT Officers to negotiate further on the details required to meet the Heads of Terms identified and discussed in this report.
- 13.8 The Committee is also requested to authorise SWT Officers to provide reasonable representations to the relevant Groups to enable variations and agree addendums to the specified Hinkley Point C Management Plans as a result of the increase in workforce envisaged and as set out in this report.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Proposed Measures

Summary of Obligations to be Secured through Supplemental S106 Agreement

- £200,000 - Joint Community Safety Project Officer
- £12,000 – Community Safety Grants
- £5,000 - Community Safety Activities
- £210,000 – Economic Development Officers
- £170,000 – Project Managers
- £120,000 – Planning Officers
- £40,000 – Finance Officers
- £25,600 - Planning Enforcement Officer
- £25,500 - Air Quality Monitoring
- Hinkley Health to be increased in line with the number of workers on the HPC Development Site

Separate to the supplemental S106, advanced payments will also be made from the Housing Contingency Fund (DCO s106 agreement):

- £195,000 to Sedgemoor District Council for Hinkley Housing Initiatives focussed in Bridgwater as well as £410,000 towards delivering affordable housing at Cricketers Farm in Nether Stowey.
- £390,000 to Somerset West & Taunton for Hinkley Housing Initiatives focussed in the Hinkley Point Cluster and Taunton.

Furthermore, EDF Energy will make an early payment of £1m (index linked) from the HPC Community Fund towards urban regeneration projects in Bridgwater Town Centre, which is in recognition of the role the town plays in absorbing the impacts of a significant percentage of non-home-based workers. The principle of this is agreed, and the detail of the mechanism is currently being finalised.

EDF Energy also propose to make up to £300,000 available from the existing Transport Contingency (under the DCO s106 agreement) for local communities to develop and deliver localised car parking solutions to address the unanticipated impacts on parking availability from non-home-based workers occupying a significant number of properties in rural villages. The mechanics of this are currently under discussion, but the intention is that EDF Energy would administer the process.

EDF Energy also proposes to prepare:

- an addendum to the Construction Workforce Travel Plan (CWTP), updated Bus Strategy and a Car Share Strategy for approval by the TRG;

- an addendum to the Accommodation Strategy and an amendment to the Accommodation Management Strategy for approval by the SEAG. Consideration is currently being given the method for securing the delivery of mitigation measures associated with the increased campus capacity and other project accommodation (currently proposed to be identified in the amendment to the Accommodation Management Strategy);
- an update to the Community Safety Management Plan for consideration by the Emergency Services and Local Authorities Group (Hinkley Community Safety Group);
- an update to the Construction Workforce Development Strategy upon which the Joint Councils will make their Reasonable Representations.

Topic Papers.

Executive Summary of Workforce Uplift Topic Papers, produced by EDF Energy and agreed with the Joint Councils.

Executive Summary of Workforce Uplift Topic Papers

January 2022

Appendix B

Executive Summary of Workforce Uplift Topic Papers

January 2022

Background / Timeline

1. In the autumn of 2019, the Hinkley Point C project team reviewed its position in relation to the likely number of workers required at the peak of construction. The conclusions of the review revealed that in order to maintain safety and quality standards and to maintain the project programme the number of workers at the peak of construction would need to increase above the number originally assessed in the DCO Application.
2. Initial negotiations with the Joint Councils began in January 2020 and over the first 6 months of 2020, the basis for considering the potential impacts of the increased workforce was discussed and legal advice considered. The conclusion of these discussions resulted in EDF proposing to provide voluntary assessments of the impacts to review of the effect of the proposed workforce increase on the conclusions drawn in the DCO Environmental Statement. Those assessments would enable EDF and the Joint Councils to consider in relation to the section 106 agreement and the relevant strategies and plans under the section 106 agreement whether in each case:
 - a. No change would be required; or
 - b. Changes may be appropriate that could be made to strategies under the processes set out within the DCO s106 agreement itself; or
 - c. Changes may be appropriate which that cannot be approved under the DCO s106 agreement itself and therefore would require a modification to the DCO s106 agreement.

3. The 6 areas which were to be the subject of assessment and discussion were agreed as:
 - i. Accommodation
 - ii. Transport
 - iii. Workforce Development
 - iv. Community Safety
 - v. Health; and
 - vi. Environment
4. Since discussions commenced the impacts of the Covid-19 pandemic have needed to be considered and at the present time the programme for HPC has been extended by 6 months, with Unit 1 due to be operational by June 2026.
5. In the summer/autumn of 2020, EDF and the Joint Councils held a series of workshops over the scope of the 6 subject areas. In addition to the 6 subject areas, it was established that a review of the spatial distribution of the workforce was also required in order to establish the basis on which the assessments could take place, an initial draft of a spatial distribution note was shared in September 2020.
6. In October 2020, the Joint Councils and EDF established the principle of entering into a Planning Performance Agreement (PPA) to establish the basis on which discussions would take place and a basis on which funds could be made available to the Joint Councils to seek both technical and legal advice on the potential impacts from the workforce uplift. A PPA was entered into on 29th January 2021.
7. In January 2021, a special meeting of the 3 HPC forums (Community, Main Site and Transport) was called and in early February a virtual exhibition was launched seeking input from the local community and interested stakeholders. Two drop-in sessions took place during February and meetings took place with local Town Councils and Parish Councils in February and March. A consultation report summarising the feedback received was compiled and sent to the Councils in April.

Executive Summary of Workforce Uplift Topic Papers

January 2022

8. In April, EDF submitted 6 Topic Papers, a draft Heads of Terms for a supplemental Section 106 agreement alongside the consultation report and a copy of the latest spatial distribution note. [HPC Workforce Uplift - Topic Papers \(sedgemoor.gov.uk\)](https://www.sedgemoor.gov.uk)
9. In June and July, the Joint Councils and EDF held further discussions on the content of the Topic Papers and provisionally agreed on a series of 'high-level solutions' which the parties agreed would help, subject to further assessment, address the concerns of the Joint Councils.
10. In October, the Joint Councils issued EDF with their written response to the Topic Papers which reflected the issues discussed in June and July.
11. In November, the Joint Councils and EDF met with and presented the contents of the Councils written responses, the nature of the proposed 'high-level solutions' and set out the

'state of play' to another special 3 HPC forums meeting. The presentation included details of the Joint Councils proposed decision making process.

12. In December, EDF submitted updated versions of 5 of the 6 Topic Papers, a revised draft Heads of Terms for a supplemental Section 106 agreement alongside a copy of the latest spatial distribution note which had been revised to take account of the emerging proposed solutions and the results of the workforce survey's which had been undertaken in late 2020 and during 2021.
13. The 6th Topic Paper – workforce development – was the subject of a workshop in November and a revised draft is being prepared and will be sent to the Joint Councils in January 2022.
14. In late December, the Joint Councils sent further comments on the updated Topic Papers
15. In January 2022, a further revision to the updated Topic Papers, a revised draft Heads of Terms for a supplemental Section 106 agreement alongside an updated spatial distribution note were sent to the Joint Councils.

Summary of the Spatial Distribution Note

16. The spatial distribution note sets out the potential Home Based (HB)/Non-Home Based (NHB) split, accommodation choices and subsequent estimated spatial distribution of the Hinkley Point C (HPC) construction workforce, based on a revised workforce peak.
17. The spatial distribution note is based on the revised workforce profile which is attached at Appendix A of this summary document.
18. The spatial distribution note sets out the basis for calculating the following:
 - a. The split of home-based and non-home-based workers which in part is influenced by the measures described in the Workforce Development topic paper. The split set out in the note is expected to be 38:62 homebased:non-home-based workers and a more conservative split of 34:66 home-based:non-home-based workers is also assessed
 - b. The expected distribution of workers by accommodation type; and
 - c. The expected spatial distribution of workers split by accommodation type

Summary of the Topic Papers (Updated v2, January 2022)

Executive Summary of Workforce Uplift Topic Papers

January 2022

Accommodation

19. The accommodation topic paper sets out an assessment of the potential impact on the local housing market that is likely to arise as a result of accommodating the non-home-based workforce at the peak of construction.

20. The DCO Application and the approved Accommodation Strategy focussed on 5 key sectors which would accommodate the non-home-based workforce at the peak of construction which were: the purpose built campus accommodation, the private rented sector, tourist accommodation, owner occupied and latent accommodation.
21. The April topic paper set out an assessment of the likely take up and distribution across the 5 key sectors based on the content of the spatial distribution note. In each of these sectors the topic paper refers to the assessment carried out in support of the original DCO application and analyses the potential impacts associated with the workforce uplift, assesses the adequacy of existing mitigation and sets out if additional mitigation is required as a result of any identified residual impacts.
22. During June/July the Councils raised concerns with the likely impact on the private rented sector noting the significant pressure which was being applied within the housing market more generally and concerns that the most vulnerable within the housing market could be adversely affected from an increase in the number of non-home-based workers as a result of the workforce uplift.
23. In seeking to address these concerns EDF presented a series of strategic interventions namely, an increase in the number of beds which would be available at the campus accommodation and investment in existing local caravan parks which are already hosting HPC workers. These proposed interventions were well received when discussed at the November 3 HPC forum meeting and at a Joint Member briefing.
24. The January 2022 topic paper sets out a revised assessment of the likely impacts within the 5 key sectors taking account of the proposed strategic interventions, based on the updated spatial distribution note. The topic paper also proposes an early payment from the housing contingency fund for the Joint Councils to continue to deliver a range of housing initiatives to ensure that the most vulnerable households in the housing market continue to be supported.
25. EDF will work with three existing caravan parks to make planning applications to accommodate additional workers and will make an application to extend the car park at the Sedgemoor Campus to accommodate additional vehicles for the additional workers staying at the campus.
26. In order to mitigate against the impact of non-home-based workers staying in the private rented sector and in latent accommodation in rural villages, the topic paper also sets out proposals to establish a rural car parking fund to allow Parish Councils to draw down from an existing transport contingency fund to create additional parking areas in affected villages.
27. The content of the updated topic paper and the mitigation set out within will inform the content of an accommodation strategy addendum which will be presented to the Socio-Economic Advisory Group for approval.
28. The conclusions of the updated topic paper set out that there would be no new or materially different effects on the local housing market arising as a result of the proposed workforce uplift.

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29. The transport topic paper sets out an assessment of the potential impacts of additional vehicle movements as a result of the increased number of workers, noting that additional materials and HGV deliveries will not be needed and noting that the additional home-based and additional non-home-based workers are considered as all require transport to the HPC site.
30. The topic paper was drafted based on an approach (the Transport Scope and Methodology) which was shared and agreed with the Joint Councils and sought to:
 - a. Understand and quantify the number of bus movements (direct and Park and Ride) expected to be generated by an increased workforce travelling to and from the HPC site (and accompanying parking capacity at Park and Rides);
 - b. Calculate predicted movements based on assumptions for future scenarios;
 - c. Consider if existing Park and Rides will continue to operate within the parameters assessed in the Environmental Statement and Transport Assessment and their existing permissions;
 - d. Consider if existing Park and Rides will require additional parking capacity or bus services; and
 - e. If it is found that additional capacity is required above that which can be provided at the existing Park and Rides, mitigation will then be considered. This could include the provision of new Park and Rides along with changes to bus services with routes, frequencies or capacities
31. The April topic paper set out an assessment of the likely effects based on an assessment of the relevant factors set out in the original DCO application and analyses the potential impacts associated with the workforce uplift, assesses the adequacy of existing mitigation and sets out if additional mitigation is required as a result of any identified residual impacts.
32. In June Somerset West and Taunton Council granted permission for up to 400 HPC workers to park at Junction 25 Park and Ride site.
33. In June/July the Joint Councils raised concerns regarding the split of workers expected to travel by Direct Bus and those who would travel to Park and Ride Sites before boarding a bus. An update to the HPC Bus Strategy was requested alongside an update to the Car Sharing Strategy.
34. In seeking to address the concerns of the Joint Councils amendments to bus routes and the Bus Strategy were proposed in an attempt to ensure that as many HPC workers were using Direct Bus services, particularly in Bridgwater.
35. In November Sedgemoor District Council granted permission for the continued use of Quantock Lakes Park and Ride site.
36. In January, a final version of the transport topic paper was submitted. Alongside the topic paper and the associated spreadsheet model, an updated Bus Strategy, Car Sharing Strategy

and addendum to the Construction Workforce Travel Plan will be presented to the Transport Review Group for approval.

37. The conclusions of the updated topic paper set out that there would be no new or materially different effects on the local transport network arising as a result of the proposed workforce uplift.

Workforce Development

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38. The workforce development topic paper sets out the basis for the measures which the HPC project will put into place to assist local residents to access roles during the various phases of the construction, commissioning and eventually operational phases of the project. The topic paper refers to the assessment carried out in support of the original DCO application and analyses the potential impacts associated with the workforce uplift, assesses the adequacy of existing mitigation and sets out if additional mitigation is required as a result of any identified residual impacts.
39. The topic paper focusses on what measures will be put into place in an attempt to meet the target of achieving 38% of the workforce at the peak of construction being home-based. The key measures are:
 - a. The 3 new centres of excellence (welding, mechanical and electrical)
 - b. The Jobs Service linking people to roles
 - c. The Skills pipeline and specifically the role of the Hinkley Support Operative role
 - d. Apprentices and Young People
 - i. Education programmes
 - ii. Use of the Apprenticeship levy
 - iii. T-levels and traineeships
40. The topic paper explains the role of the Workforce Development Strategy (WDS) and key focusses and objectives within each of the key areas
41. The April topic paper set out the position on all of the above issues and noted the WDS which was to be published covering the academic period from 2021-2024 which was to be published in the Summer
42. In June/July the Joint Councils highlighted concerns about the link between the topic paper, the WDS for 2021-24 and the Annual Implementation Plan. Greater clarity was requested to understand the step change needed to achieve 38% home-based workers along with the associated impact of hosting non-home-based worker families on support services.
43. In September the WDS for 2021-24 was published

44. In October the Joint Councils provided comments on the topic paper and the WDS for 2021-24
45. In November a workshop was held to discuss the concerns and it was agreed that an updated topic paper would be prepared reflecting on the comments from the Joint Councils
46. In January 2022 an updated topic paper was sent to the Joint Councils
47. Updates to the WDS for 2021-24 will be prepared as a result of the updated topic paper
48. The topic paper concludes that the Workforce Uplift is not anticipated to give rise to any materially new or different relevant workforce development-related effects compared to conclusions of the relevant assessment in the original Environmental Statement

Environment

49. The environment topic paper sets out the potential additional and altered environmental impacts which might arise from the additional workforce at the peak of construction.
50. The topic paper also addresses a historic issue in that limited information regarding adherence to environmental compliance was made available to the Joint Councils and the community
51. The following areas are assessed within the topic paper:
 - a. Noise and vibration;
 - b. Light pollution;

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- c. Air quality;
 - d. Conventional waste;
 - e. Waste water;
 - f. Sustainability; and
 - g. Ecology
52. In each of these areas the topic paper refers to the assessment carried out in support of the original DCO application and analyses the potential impacts associated with the workforce uplift, assesses the adequacy of existing mitigation and sets out if additional mitigation is required as a result of any identified residual impacts.
53. The April topic paper set out initial conclusions on each of the topic area and proposed a set of Key Performance Indicators (KPIs) which could be used to monitor the effectiveness of existing mitigation measures in the key areas of noise, air quality, lighting, ecology, sustainability, environmental reporting and the number and nature of community complaints relating to environmental matters. The KPIs will be reported to a newly formed Environmental Monitoring Group which would meet on a quarterly basis and issues arising would be reported to the Socio-Economic Advisory Group.
54. In June/July during wider discussions the Joint Councils indicated that there were no significant concerns with the content of the environment topic paper.

55. In October the Joint Councils did highlight some areas which required further clarification.
56. A revised topic paper was prepared to take account of the issues which the Joint Councils raised and to address issues which had been raised in other topic areas, most notably in the transport topic paper.
57. The conclusion of the assessment set out in the topic paper is that the Workforce Uplift is not anticipated to give rise to any materially new or different relevant environment-related effects compared to conclusions of the relevant assessments in the original Environmental Statement

Health

58. The health topic paper sets out the potential additional and altered health related impacts which might arise from the additional workforce at the peak of construction.
59. The following areas are considered in detail within the topic paper:
 - a. Change in local population structure, with potential implications for amenities and healthcare facilities;
 - b. A potential change in communicable disease from the incoming temporary workforce;
 - c. A potential change in social structure and interactions within the existing community, influencing local community resources and services (including education, healthcare and policing); and
 - d. A potential impact on community well-being
60. In each of these areas the topic paper refers to the assessment carried out in support of the original DCO application and analyses the potential impacts associated with the workforce uplift, assesses the adequacy of existing mitigation and sets out if additional mitigation is required as a result of any identified residual impacts.
61. The topic paper sets out that the primary mitigations continue to be:
 - a. That occupational and general health would be largely addressed through the proposed on-site EDF Energy medical centre (Hinkley Health);

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- b. The provision of preventative health measures including health promotions and the provision of sports infrastructure (both directly at the campus accommodation and indirectly through s106 agreement payments); and
 - c. Financial contributions (under the DCO s106 agreement) to Somerset PCT (now known as the Somerset Clinical Commissioning Group) to aid delivery of local health care provision
62. The April topic paper considered the relevant issues and communicated that the key mitigation measure in relation to potential health impacts is the on-site medical facility,

known as Hinkley Health and the topic paper committed to growing the capacity and services offered by Hinkley Health to meet the anticipated demands from the additional workers who would be present at the peak of construction.

63. In October, the Joint Councils confirmed that they had no concerns in relation the assessment and conclusion set out in the topic paper.
64. In December the topic paper was updated to take account of developments in other areas but the basis of the assessment did not change
65. The conclusion of the assessment set out in the topic paper is that the workforce uplift is not anticipated to give rise to any materially new or different relevant health related effects compared to conclusions of the relevant assessments in the original Health Impact Assessment and Environmental Statement

Community Safety

66. The community safety topic paper sets out the potential additional and altered community safety related impacts which might arise from the additional workforce at the peak of construction.
67. The following areas are considered in detail within the topic paper:
 - a. The influx of non-home-based workers and their families;
 - b. Crime and disorder
 - i. The role of Avon and Somerset Police
 - ii. The role of Devon and Somerset Fire and Rescue Service
 - c. Night-time economy
 - d. Accommodation
 - e. Equality within the community
 - f. Social Service
 - g. Fire
68. In each of these areas the topic paper refers to the assessment carried out in support of the original DCO application and analyses the potential impacts associated with the workforce uplift, assesses the adequacy of existing mitigation and sets out if additional mitigation is required as a result of any identified residual impacts.
69. The April topic paper acknowledges the issues which have arisen as a result of the project and acknowledges the collective and collaborative approach that continues to be required to minimise the impact of community safety related and crime related incidents which involve HPC workers
70. The topic paper sets out that financial contributions relating to Avon and Somerset Constabulary are the subject of a calculation set out in the existing DCO s106 agreement which will be adjusted to take account of the increased workforce at the peak of construction and the extended construction timetable when compared to the original DCO agreement.

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71. In June/July the Joint Councils highlighted concerns regarding the way in which adherence to the projects code of conduct was being enforced and who was involved in that process, that the instances of crime and disorder were distorted as a result of the Covid-19 pandemic and that potential impacts were being underplayed as a result and that additional resources were required to enable the funded community safety officer role at the Councils to carry out their role to maximum effect.
72. In October the Joint Councils set out their concerns in writing and in December an updated topic paper was issued seeking to address the concerns of the Joint Councils and the Police. A more through explanation of the way in which the code of conduct is enforced was set out along with updated statistical information and an agreement to make additional resources available for the community safety officer.
73. The topic paper commits to update the Community Safety Management Plan which EDF will undertake in conjunction with the members of the Hinkley Community Safety Group.
74. The conclusion of the assessment set out in the topic paper is that the workforce uplift is not anticipated to give rise to any materially new or different relevant community safety related effects compared to conclusions of the relevant assessments in the original Environmental Statement.

Summary of Mitigation Proposed

75. Use of the Housing Contingency Fund towards additional measures and schemes £995,000
 76. Use of the Transport Contingency Fund towards the provision of rural car parking measures £300,000
 77. An early annual payment of the EDF Energy Community Fund in 2022 towards urban regeneration projects in Bridgwater
 78. Additional payments towards the following Council Officer posts:
 - a. Joint Community Safety Officer*
 - b. 2x Economic Development Officers*
 - c. 2x Project Managers
 - d. Housing Officer*
 - e. 2x Finance Officers*
 - f. 2x Planning Officers*
 - g. Joint Planning Enforcement Officer
- *these posts are proposed to be extended in accordance with the Review process set out in the DCO s106 agreement
79. Additional payments towards Community Safety Grants £12,000 and Community Safety Activities £5,000
 80. An increase in the capacity of Hinkley Health

81. Additional payment towards the cost of maintaining air quality monitoring equipment in Bridgwater £25,500

APPEAL DECISIONS – 7 APRIL 2022

- Site:** BIRDS FARM, HIGHER KNAPP LANE, KNAPP NORTH CURRY, TAUNTON, TA3 6AZ
- Proposal:** Replacement of barn with the erection of 1 No. dwelling at Birds Farm, Higher Knapp Lane, Knapp, North Curry (amended scheme to 24/19/0027)
- Application number:** 24/21/0031
- Reason for refusal:** Dismissed
- Original Decision:** Chair Decision



Appeal Decision

Site visit made on 28 February 2022 by **John Wilde CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 9 March 2022

Appeal Ref: APP/W3330/W/21/3285797 Birds Farm, Higher Knapp Lane, Knapp North Curry, Taunton TA3 6AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rob Case against the decision of Somerset West and Taunton Council.
 - The application Ref 24/21/0031, dated 12 May 2021, was refused by notice dated 14 September 2021.
 - The development proposed is the erection of a single dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:-
 - a) The character and appearance of the area, and
 - b) The Somerset Levels and Moors Ramsar site

Reasons

3. The appeal site lies on a hillside situated above and a short distance away from the River Tone. The site is approached from the east and the land falls steeply away towards the west. The proposal is for a two storey dwelling that would be sited towards the front of the crest, replacing a now demolished barn.
4. There is an extant planning permission on the site for a single storey dwelling with mezzanine, which would replace the barn and was allowed under the permitted development regime. This is therefore a fallback position and an important material consideration.

Character and appearance

5. The site is very prominent within the local rural landscape, being the highest point for a considerable distance. There is a copse of trees to the front (west) of the site and an 'L' shaped stable type block and single storey wooden property relatively close to the north. Within the area, and particularly from the hillside, built form can be seen nestled within the landscape and there are three agricultural barns visible which are more prominent than most of the other buildings, due primarily to their colour.
6. I have been supplied with a Landscape Statement (LS) prepared by Clark Landscape Design on behalf of the appellant. This assesses the views likely to be available of the proposed development from seven viewpoints, the majority being on local public rights of way to the west of the appeal site. In most instances the LS summarises the overall effect of the proposed development as being neutral or low to neutral. However, in the summary associated with each of these viewpoints the comment is made in all but one instance that there *may be some partial and glimpsed winter views of the dwelling with the loss of leaf cover*. I agree with this assessment. The majority of trees within the copse are deciduous and during my visit I was able to glimpse the outline of the existing buildings behind the trees, and as I moved further to the north the single storey wooden property was clearly visible.
7. These buildings, and in particular the stables, are set back from the front of the promontory and it follows that anything further forward would be likely to be more prominent. I acknowledge that the approved dwelling would be further forward. However, this would be considerably smaller in terms of its scale, bulk and height than the proposed dwelling. Furthermore, the proposed dwelling would have large windows facing the west, with two very large picture windows serving the master bedroom.
8. Whether or not the proposed dwelling could be seen over the top of the copse of trees is a moot point, but it would certainly be seen through it, particularly during the winter, and the presence of the extensive glazing would mean that the dwelling was very noticeable across a wide area when the lights were on. To my mind the proposed dwelling would be seen as an intrusion into what is at present a rural and relatively tranquil landscape.
9. This would place it in conflict with policies DM 1 and CP8 of the Taunton Deane Borough council Adopted Core Strategy 2011-2028. The former of these seeks to ensure, amongst other things, that development does not unacceptably harm the appearance and character of any affected landscape. The latter requires that

development outside of settlement boundaries is appropriate in terms of its scale, siting and design.

Somerset Levels and Moors Ramsar site

10. The appeal site is within the catchment area of the Somerset Levels and Moors Ramsar site which is designated by virtue of its rare aquatic invertebrates. There is an ongoing environmental issue related to high phosphate levels within the RAMSAR site. Information from Somerset County Council (SCC) indicates that any applications for residential development need to demonstrate how nutrient neutrality can be achieved in respect of wastewater discharged from the site. This is needed to show that the development would comply with The Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
11. Consequently, as the Appropriate Authority, I have to be certain that the proposed development would not have a likely significant effect upon the integrity of the RAMSAR site.
12. I have not been supplied with any details as to how nutrient neutrality could be achieved. The appellant has indicated that he would be *willing to sign up to any future solution to this issue including a financial contribution*. However, I have no signed Obligation before me to ensure that mitigation measures would be put in place in the event of a future solution, and even if I had, this would not be sufficient taking into account the precautionary principle required in such situations. I therefore find that the proposed development would conflict with policy CP8 of the CS, which requires that development should provide for any necessary mitigation measures.

Conclusion

13. For the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR

Site: 1 TAUNTON ROAD, BISHOPS LYDEARD, TAUNTON, TA4 3BN

Proposal: Change of use of vacant shop premises to residential accommodation with alterations to former shop front at 1 Taunton Road, Bishops Lydeard

Application number: 06/21/0024

Reason for refusal: Dismissed

Original Decision: Delegated Decision



Appeal Decision

Site visit made on 1 February 2022 by Alison Fish BA (Hons)

DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/W3330/W/21/3282280 1 Taunton Road, Bishops Lydeard, Taunton TA4 3BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Mark Green Sims against the decision of Somerset West and Taunton Council.
 - The application Ref 06/21/0024, dated 29 May 2021, was refused by notice dated 13 August 2021.
 - The development proposed is change of use of vacant shop premises to domestic accommodation and alterations to former shop front.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. My attention has been drawn to the Council's Technical Note: Policy Guidance for change of use of rural service provision and conversion of existing buildings. I have had regard to this insofar as it is relevant to the appeal.

Main Issue

3. The main issue is whether the proposal would result in the unacceptable loss of an essential community facility.

Reasons

4. The appeal proposal involves the conversion of the former commercial floorspace to provide extended residential accommodation which occupies the remainder of the building. I understand that the appeal premises were formally a post office and shop with residential accommodation which closed in the autumn of 2020. Since that date, the premises has remained closed and no alternative post office operates from Bishops Lydeard.
5. Policy SP1 of the Adopted Taunton Deane Core Strategy 2011-2028 adopted September 2012 (CS) identifies Bishops Lydeard as a 'major rural centre' to provide essential facilities for rural communities and an appropriate balance of housing, employment and other local services. Policy CP3 of the CS seeks to prevent the loss of rural services where it would damage the vitality and viability of a settlement or increase car travel unless it can be proven to be unviable for re-use for local service provision.
6. This is consistent with paragraphs 84 and 93 of the National Planning Policy Framework (the Framework) which seek to retain valued local services and guard against their unnecessary loss particularly where it would reduce the community's ability to meet its day-to-day needs.
7. Policy C4 of the Taunton Deane Adopted Site Allocations and Development Management Plan adopted December 2016 (DMP) sets out the areas (criteria a) – d) inclusive) where evidence will be required to support and justify proposals for the loss or change of use of existing community facilities.
8. Criteria a) requires evidence to show there is no longer a community need for the facility. My attention has been drawn to the range of shops, services and community facilities currently on offer in Bishops Lydeard and this includes two public houses, a paper shop and general store and an existing Co-op food store. The Council have not challenged this evidence or indicated that there is any deficiency in local provision. Indeed, there does not appear to be any dispute between the main parties that some of the services which were offered by the post office are now offered by other businesses in the area, other services can be obtained online and that there is a regular bus service to a nearby post office which takes 14 minutes. I have not been provided with details of services which were offered at the post office which cannot be accessed elsewhere in the local area.
9. However, whilst it would appear that Bishops Lydeard is well served by businesses offering similar services and there is an alternative post office facility which is accessible by bus, neither of these represent evidence which demonstrates that there is no longer a community need for the facility. Indeed, the indication that a post office facility may be provided within the Co-op foodstore which is to be constructed on Taunton Road suggests the opposite. As a result, I am not satisfied that there is no longer a need for a post office facility within the village.
10. With regards to criteria b) and demonstrating that the facility is no longer viable, the appellant has provided copies of the 'Trading and Profit and Loss Account'. The appellant advises that the premises were refurbished in 2017 and despite this, the submitted accounts demonstrate a declining income. I accept that they show a

declining income for the post office element. However, the information provided shows a substantial increase in income generated by sales in 2020 and even if the Covid grant was excluded, income would still be above 2018 and 2019 levels. I accept that overall, the accounts indicate a decline in profit but they are not accompanied by an explanation of some of the significant figures contained therein such as the cost of purchases and a 'goodwill' payment made.

11. I have been provided with evidence that Post Office Limited sought to advertise a vacancy for a post office service in Bishops Lydeard on their website but received no interest or formal applications for the position. The appellant indicates that the lack of interest demonstrates that a post office use is unviable but I cannot draw the same conclusions from the limited information I have been provided with. On the basis of the information I have before me, I am not satisfied that it has been sufficiently demonstrated that the business was unviable.
12. Criteria c) and d) require that the premises could not be put to another use or that replacement facilities are provided within the vicinity to meet the needs of the local population. I accept that the post office element of the business may not have been within the appellants control but there has been no active marketing of the premises for any other use. I note that a local estate agent confirms that there is a lack of demand for commercial premises in the village but there has been no attempt made to test the market and therefore I am not convinced that a sufficient or exhaustive marketing exercise has taken place to find another use for the premises. Equally, given that the Co-op store on Taunton Road which may provide a post office service has yet to be constructed, a replacement facility has not been provided in the vicinity as required in criteria d).
13. On the evidence that is before me, I am not satisfied that there is no longer a community need for the facility, that it is no longer viable and that the appeal site could not be put to another community use. As such, I find that the proposal is contrary to Policy CP3 of the CS, Policy C4 of the DMP and paragraphs 84 and 93 of the Framework insofar as the proposal would result in the unacceptable loss of a community facility.

Other Matters

14. The appeal site is located within the Bishops Lydeard Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The external alterations to the property would be limited to replacement windows and the provision of a lean-to roof over the existing shopfront which are similar to those already on the building. The scope of these works is limited and as such I find that they would preserve the character and appearance of the conservation area.
15. Section 66 (1) of the same Act requires that I have special regard to the desirability of preserving listed buildings and their setting. Farrington Farmhouse is a grade II listed elongated farmhouse under a thatched roof. It is located roughly opposite the appeal site on the junction with the main road through the village. It is set back from the road, as is the appeal site. Given the limited works proposed at the appeal site, and the relative positioning of the two buildings I find that there would be no harm to the listed building or its setting.

16. The appeal property is located within the catchment of the Somerset Levels and Moors Ramsar site. As I am dismissing the appeal, an appropriate assessment under Regulation 63 of the Habitats Regulations 2017 in terms of the impact of the proposal on the Ramsar site is not required.
17. The parking provision at the site remains unchanged as part of this proposal and as such is not relevant to my consideration of this appeal.

Conclusion

18. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR

Site: FORMER VILLAGE SHOP, DYERS CLOSE, WEST BUCKLAND,
WELLINGTON, TA21 9JU

Proposal: Change of use of former village shop storeroom, with erection of a single storey extension to the front, to form 1 No. self contained dwelling together with parking and associated works at Former Village Shop Dyers Close, West Buckland

Application number: 46/21/004

Reason for refusal: Dismissed

Original Decision: Delegated Decision



Appeal Decision

Site visit made on 23 February 2022 by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/W3330/W/21/3280700 2A Dyers Close, West Buckland, Wellington TA21 9JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Uwejoma of U.M.A Construction Limited against the decision of Somerset West and Taunton Council.
- The application Ref 46/21/0004, dated 30 October 2020, was refused by notice dated 29 March 2021.
- The development proposed is the change of use and the extension of the former village shop storeroom to form a self-contained dwelling together with parking and associated work.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the (i) the effect of the proposal on the character and appearance of the area and (ii) whether or not adequate living conditions would be created for future occupants, with reference to indoor space.

Reasons

Character and appearance

3. Paragraph 130 of the National Planning Policy Framework (the Framework), amongst other things, requires the decision maker to ensure that proposals will add to the overall quality of an area, be visually attractive as a result of good architecture, and maintain a strong sense of place, using the arrangement of spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
4. The storeroom comprising the site was previously connected to the village shop which has since been converted into the flat 2A Dyers Close. This part of Dyers Close presents as a typical residential street, with predominately brick houses in repetitive styles under pitched roofs. Where there are garages, they are single storey, set back into their site and deferential to the dwellinghouses they serve. As a redundant store, the site is arguably an anomaly within the street scene. However, it is well set back and low profile, with an innocuous presence.
5. The proposed dwelling would sit within the stepped building line on this side of Dyers Close but would fail to assimilate in other respects. Its single storey, projecting, utilitarian and cuboid form, finished in render, with sparse, domestic fenestration, would offer a conspicuously crude and confused design. It would be at odds with the appearance and hierarchy of development in the street.
6. This leads me to conclude on this issue that the proposal would have an unacceptable effect on the character and appearance of the area. It would conflict with the design aims of Policies DM1 and CP8 of the Core Strategy 2011-2028 (adopted 2016) (CS), Policy D7 of the Site Allocations and Development Management Plan (SADMP) (adopted 2016) (SADMP) and the National Planning Policy Framework (the Framework).

Living conditions

7. Paragraph 130 of the Framework also seeks schemes to create places which promote health and well-being, with a high standard of amenity for users.
8. Policy D10 of the SADMP sets minimum internal space standards for housing, which closely reflect the Government's Technical housing standards – nationally described space standard (2015). For dwellings of the type proposed, Policy D10 requires a minimum of 39sqm of gross internal floor space and 1sqm of internal storage space. The nationally described space standard also requires 1sqm of internal storage space, but drops its requirement for gross internal floor space to 37sqm as the property would contain a shower in lieu of a bath.
9. The main parties do not agree as to the internal space of the proposed dwelling, with the Council stating a figure of 36.84sqm and the appellant measuring the internal space to be 37sqm on the nose. However, even if I were to accept the appellant's figure, the layout does not show any dedicated internal storage space, relying instead on outdoor storage. Consequently, the minimum space standards set by both the development plan and by the Government would not be met either way in this case.

10. Accordingly, I conclude on this issue that the proposal would fail to create adequate living conditions for future occupants, with reference to inside space. The proposal would conflict with the residential amenity aims of Policy D10 of the SADMP and the Framework.

Other Matters

11. On the evidence before me I am unable to rule out, in the first instance, likely significant effects on the integrity of the Somerset Levels and Moors Ramsar Site as a result of increased phosphates through wastewater emanating from the proposed dwelling. Had I been minded to allow the appeal, it would have been necessary for me to consider this matter further within an Appropriate Assessment. As I am dismissing the appeal for other reasons, I have not.

Planning Balance and Conclusion

12. The harm to the character and appearance of the area and the failure of the scheme to create adequate living conditions for future occupants draws it into conflict with the development plan when read as a whole. There are no other considerations, including the Framework and the likely energy efficiency and security of the dwelling, that outweigh this conflict.
13. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

Site: Zine Farm, Zine, Stogursey, TA5 1TL

Proposal: Application for prior notification for the erection of an agricultural cylinder grain silo made of curved corrugated steel

Application number: 3/32/21/012

Reason for refusal: Allowed

Original Decision: Delegated Decision



Appeal Decision

Site visit made on 1 February 2022 by Alison Fish BA (Hons)

DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/W3330/W/21/3282779 Zine Farm, Zine, Stogursey TA5 1TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mr Sam Williams against the decision of Somerset West and Taunton Council.
 - The application Ref 3/32/21/012, dated 24 June 2021, was refused by notice dated 21 July 2021.
 - The development proposed is a cylinder grain silo made of curved corrugated steel.
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Decision

- 1 The appeal is allowed and prior approval is granted under the provisions of Article 3 (1), Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 ('2015 GPDO') for the erection of a cylinder grain silo made of curved corrugated steel at Zine Farm, Zine, Stogursey TA5 1TL in accordance with the details submitted pursuant to Paragraph 2 (i) of the 2015 GPDO through application, Ref 3/32/21/012, dated 24 June 2021. The approval is subject to the standard conditions set out in subparagraph 2 (v) and (vi) of paragraph A.2 the 2015 GPDO.

Preliminary Matters

2. The proposal relates to works for the erection of a grain silo on land comprised in an agricultural unit in excess of 5 hectares. As such, the proposal falls to be

considered with regards to Article 3 (1), Schedule 2, Part 6, Class A of the 2015 GPDO. Sub-paragraph 2 of paragraph A.2 requires, amongst other things, the developer to apply to the local planning authority for a determination as to whether the prior approval will be required for the siting, design and external appearance of the building. In this case the Council have raised no objections in respect of the design and external appearance. However, the Council are of the view that the proposed siting would have an unacceptable impact on the setting of the nearby listed building and that the silo would be located within an area of unacceptable flood risk and have refused prior approval accordingly.

Main Issues

1. Therefore, the main issues are whether the siting of the proposed development would be acceptable having regard to: • the setting of the listed buildings; and flood risk.

Reasons

Listed building

2. Zine Farmhouse is a seventeenth century Grade II listed building. It is a substantial linear farmhouse under a tiled roof which is set well back from the road. There are later additions to the building on either end but neither detract from the clearly vernacular appearance of the farmhouse. Lean-to additions obscure much of the original rear wall of the farmhouse and sited directly to the rear of the house is a linear pair of barns constructed of stone, with a lean-to along the rear which faces onto a yard area.
3. The listed building derives its significance from its agricultural origins, being a vernacular farmhouse within an agricultural landscape with its associated functional buildings and working yard to the rear.
4. There is a dispute between the parties as to whether the appeal proposal is 25m or 27.45m away from a listed building. Either way, I find that the grain silo would be located close to and within the setting of the listed building.
5. Although S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not directly relevant as planning permission is granted by Article 3(1) of the GPDO, I have still had regard to the desirability of preserving the setting of the listed building in considering whether the proposed siting is acceptable.
6. The grain silo would be cylindrical in shape and constructed of curved corrugated steel. It would be located towards the rear of the buildings, together with other buildings and structures and a yard area, which are clearly in agricultural use. The silo would be visible from the public highway and would be viewed together with the listed farmhouse. However, I find that its shape, form and materials of construction would give the silo a functional appearance and one that is clearly agricultural. As a result, it would not compete with the listed building and instead, would reinforce the agricultural setting and identity of the listed farm complex.
7. As such, I find that the proposal would preserve the setting of the listed building.

Flood risk

8. The Framework seeks to avoid development in areas at high risk of flooding by steering development to areas with the lowest risk, and not permitting

development in high risk areas if there are other reasonably available sites in areas with a lower risk of flooding.

9. The Council advise that their records indicate that the silo would be located on land which falls within Flood Zones 2 and 3 and that it could be located elsewhere on the holding, such that it would be within Flood Zone 1. However, the Council have not provided any evidence to substantiate their position.
10. By contrast, the appellant has provided evidence by way of a map from a recognised government website which the Council agrees, clearly identifies that the appeal site is located within Flood Zone 1.
11. Flood risk is not a prior approval matter under Part 6, Class A of the 2015 GDPO and in any event, the appellant has demonstrated that the appeal site is located in an area with the lowest risk of flooding.
12. Therefore, in considering the proposed siting of the grain silo, I find that it is acceptable.

Conditions

13. The Council have provided a list of conditions to be attached, in the event that the appeal is allowed. However, I do not have the power to attach conditions beyond the standard conditions set out in in the 2015 GPDO which relate to compliance with the approved plans and the implementation period.

Conclusion

14. For the reasons given I conclude that the appeal should succeed.

Alison Fish

INSPECTOR

APPEALS RECEIVED – 7 APRIL 2022

Site: FOURWAYS, LANDLORDS HILL, HOLYWELL LAKE,
WELLINGTON, TA21 0EH

Proposal: Change of use of land from agricultural to domestic curtilage at
Fourways, Holywell Lake, Wellington

Application number: 21/21/0021

Appeal reference: APP/W3330/W/22/3291983

Decision: Refusal - Chair

Enforcement Appeal:

Site: 24 BURLINCH, BURLINCH LANE, WEST MONKTON, TAUNTON,
TA2 8LS

Proposal: Change of use and conversion of first floor of garage to holiday let
accommodation at 24 Burlinch, Burlinch Lane, West Monkton

Application number: 48/21/0040

Appeal reference: APP/W3330/W/22/3291578

Decision: Refusal - Chair

Enforcement Appeal:

Site: The Queens Head Inn, Holloway Street, Minehead, TA24 5NR

Proposal: Replacement of outbuildings with the erection of 5 No. apartments with
associated refuse facilities and infrastructure (amended scheme to
3/21/20/072)

Application number: 3/21/21/051

Appeal reference: APP/W3330/W/22/3291511

Decision: Refusal – Delegated Decision

Enforcement Appeal:

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