

Committee date 14/11/2023

Application No: 34/23/00007

Application Type: Full Planning Permission

Case Officer: Amelia Elvé

Registered Date: 27/06/2023

Expiry Date: 25/09/2023

Parish: Middlezoy

Division: Bridgwater East & Bawdrip

Proposal: Proposed formation of a temporary material stockpile for reservoir embankment construction, erection of fencing and gates, siting of welfare unit, alterations to existing access with parking and turning area.

Site Location: Land To The North Of, Olivers Road, Middlezoy, Bridgwater

Applicant: Environment Agency

**** THIS APPLICATION IS CODED AS A MAJOR APPLICATION ****



Committee decision required because

This is a major application and the officer's recommendation is contrary to the view of the adjoining Parish Council.

Background

The application site is a field located to the north of a public right of way and 200m to the north of an unclassified road.

The application seeks consent for the formation of a temporary material stockpile to service three reservoirs in the vicinity; Southlake Moor, Curry Moor and Westmoor. The scheme includes the erection of fencing, a welfare unit and alterations to the existing parking and turning area.

Relevant History

None

Supporting information supplied by the applicant

Site Location Plan Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000001C02

Site Layout Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000002C03

Floor Plan & Elevations Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000004C01

Floor Plan & Elevations Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-0000041C01

Levels Plans Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000003 Rev C01

Sections Plan Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000005 Rev C01

Consultation Responses

Middlezoy Parish Council – Support

The PC agreed unanimously to support this application – as any measure to stop the change of flooding is good.

Westonzoyland Parish Council – Object

Westonzoyland Parish Council welcome the action of the Environment Agency in increasing local protection against flooding, but wishes to raise the following points:

1. Concern around safety at the junction of Oliver's Road and the A372

a) This is a fast 60mph bend with restricted visibility and during wet weather

significant puddling of surface water around this junction and the Grandfields learner driver / motocross area / entrance to the Middlezoy Airfield and Aviation Museum . Accidents and near-misses due to inappropriate speed and overtaking are common. This junction also serves T & K Motorcycle Training Centre and is therefore in frequent use by vulnerable road users including young learner drivers and motorcyclists. Looking at the pattern shown by Crashmap.co.uk for the A372 Westonzoyland to Middlezoy stretch, the most common accident site is this junction, with 8 recorded accidents including a serious 3 vehicle accident requiring air and land ambulance extraction (07/10/21), and several other severe or fatal accidents close by. Other serious accidents have occurred between Springway Road and Middlezoy since the end of this recording period including a fatal accident involving a motorcyclist (01/06/2022) by the Old Ambulance House on the stretch between Oliver's Road and Middlezoy .

b) The applicant's traffic survey s are predominantly estimated, and do not include recent significant increases in HGV traffic using the A372 between Westonzoyland and Middlezoy serving commercial operations such as the recent Durston's and other compost production operations on the northern side of the airfield, and the Towens waste processing and soil stockpiling operations on the Springway estate. The traffic survey data (27031) for the A372 (Bower Lane to A361) is estimated from 2018, and precedes this expansion in local traffic and the anticipated further increase that imminent development of the Gravity Site will bring. The traffic survey (6998) A372 west of site was a manual count during 2021, a year in which traffic was reduced by the Covid-19 pandemic with associated lockdown and home-working. The key accident sites indicated on the above map focus around road junctions serving these commercial operations.

c) The proposal estimates 120 x 20T HGV movements a day supplying soil to the site, and an equal volume of soil moved to the recipient sites in a wider range of vehicle sizes. On top of these proposed vehicle movements along the A372 consideration should include the proposed 60 x daily HGV movements to a second proposed soil stockpile site proposed by Towens (SCC/4048/2023 under consideration) and the significant number of HGV movements associated with the Durstons and another site (believed to be Rocketgro)

compost production sites using the concrete runways to the north of the A372. One of these is immediately adjacent to this Environment Agency application, and appears to have access from Oliver's Road, which would compound congestion around the junction with the A372. Unfortunately, this site is operating without seeking planning permission so it is impossible to know the daily transport movements associated with its operation. Using the figures quoted in this application the two current soil storage planning applications alone would almost double the daily HGV movements along the A372 (traffic survey 2021 estimated from manual survey 2018 198 HGVs a day to 365) causing increased noise, vibration and congestion at the two pinch points within Westonzoyland and the narrow part to the north of Middlezoy. Given the identified initial donor sites at Rumwell / Comeytrow, much of this incoming HGV traffic will rumble through Westonzoyland village impacting our residents adversely.

Westonzoyland Parish Council request the following actions regarding the junction of the A372 with Oliver's Road :

- Further swept path and turn timing analysis at this junction to assess the additional risk to other road users.*
- New traffic survey to inform decision-making around road safety / development of the airfield area.*
- Improve the safety of road users on the A372 between Springway Lane and The Old Ambulance House by introducing double white lines / reducing the speed limit / preventing mud and surface water.*

2. Proximity to vulnerable SSSI The application site lies close to the King 's Sedgemoor , Greylake and Langmead and Weston Level SSSIs, and drains down towards two ponds 40m and 60m north of the site and the rhyne system that supplies the King's Sedgemoor SSSI. The closest SSSI is 250m away from the proposed site.

Westonzoyland Parish Council make the following points regarding our local SSSIs:

- *We support a restriction of height of the soil piles below 2m and request that other conditions are also required to minimise soil dust and seeds being carried by the prevailing wind towards these ecologically sensitive areas.*
- *We request that further mitigation such as testing should be used to ensure nutrient / invasive species / contaminant load in the imported soil is low and does not threaten our SSSIs.*
- *Soil from the potentially contaminated Gravity / Royal Ordnance Factory site should not be imported into this sensitive area.*
- *We suggest that an additional ecological buffer zone is created at the northern end of the site to further segregate the stockpiled soils and minimise surface run-off and leaching of any organic nutrients towards the ponds.*
- *Further guidance should be sought from Natural England given their understanding of the nutrient issue within the local SSSIs.*

Environment Agency – No objection

In providing this response, we have utilised staff not involved previously in this project. This is to provide a more independent response reflecting our role as planning consultee and regulator.

Given the temporary nature of these works required to support a flood risk management project, largely take place outside of the designated Flood Zone, we have no comments to make.

LLFA – Comment recommending appropriate condition to secure permeable surfacing.

Ecology – Comment recommending appropriate condition in respect of securing the ecological measures set out in the submitted EMP.

Highways – No objection subject to the imposition of conditions to secure a CTMP and condition surveys.

SW Heritage – Comment recommending compliance condition to ensure that no ground disturbance takes place within the area identified as containing archaeology.

Environmental Health – No comment/observation.

Representations

24 letters of objection from 21 addresses, raising the following planning considerations:

- Resultant environmental damage
- Volume of traffic generated
- Air, noise and dust pollution generation
- Risk to pedestrians and impact on highways safety
- Visual impact on the landscape

4 comments from 2 addresses, raising the following planning considerations:

- Concern relating to the level of vehicle movements to be generated
- Possible issues with the designated route for construction traffic

Most Relevant Policies

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF require that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework July 2021

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

Sedgemoor Local Plan (2011-2032)

CO1: Countryside

D1: Flood Risk and Surface Water Management

D2: Promoting High Quality and Inclusive Design

D14: Managing the Transport Impacts of Development

D19: Landscape

D20: Biodiversity & Geodiversity

D25: Protecting Residential Amenity

D26: Historic Environment

Main Issues

Principle of Development

The application site is outside of any settlement boundary and as such is considered to be in the countryside where development is strictly controlled and is only supported when there is a specific locational requirement, as set out in policies S2 and CO1.

The stockpiling is required to store imported fill material which is then used to facilitate embankment construction and improvement works to address recommendations made by the Inspector. The submitted Planning Statement sets out that the application site has been chosen due to this proximity to the reservoirs that it will serve – the closest sited approx. 10 minute drive and the further located approx. 30m drive from the application site.

Additionally the location of the proposed development has appropriate ground conditions that will allow for the proposed stockpiling to take place.

As the location has been justified it is considered therefore that the principle of the development is supported by policy CO1 of the Local Plan.

Flood Risk & Surface Water Management

The application site is in Flood Zone 3. Policy D1 of the Local Plan states that when undertaking site-specific Flood Risk Assessments (FRA), regard should be had to the sources of flooding as detailed in Sedgemoor's Strategic FRA and any more recent mapping made available by the Environment Agency.

Where the Sequential Test is considered to be passed the vulnerability of the development must still be compatible with the Flood Zone, including application of the Exception Test (as required). A FRA must also demonstrate that the development will be safe over its life time and not increase flood risk elsewhere, including addressing any residual flood risk and access/egress issues.

Policy D1 of the Local Plan seeks to ensure that the surface water run off generated from development is adequately assessed and does not result in a detrimental impact on the wider area and existing water courses.

Part of the site lies within Flood Zone 3, and due to the countryside location, the alternative site search area for the Sequential Test is the entire Sedgemoor District unless a specific locational requirement can be demonstrated.

The submitted Planning Statement sets out that the application site is in close proximity to the three reservoirs that the stockpile will be utilised for, and as the majority of the site is located outside of the flood zone and therefore at a lower risk than sites that are located closer to the reservoirs. Additionally, the ground conditions of the application site have been set out as being more suitable as alternative locations are located atop of peat soils which can sink when used for stockpiling. It is therefore considered that the Sequential Test is considered passed.

In respect of the Exceptions Test, the proposed site layout plan indicates no development will take place within the part of the site that is located within Flood Zone 3. As such, the application is considered to pass.

Considering surface water drainage, the LLFA have reviewed the submission and following liaisons with the agent and revised details submitted, appropriate conditions have been recommended.

It is therefore considered that in this respect, the application complies with policy D1 of the Local Plan.

Visual Amenity & Landscape

Policy D2 seeks to achieve high quality, sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area and be of a design solution that makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the building.

Policy D19 of the Local Plan supports development within the setting of AONBs if potential harm can be *negated through appropriate and acceptable* mitigation measures. The policy seeks to protect and enhance the natural environment wherever possible and seeks to ensure that schemes incorporate mitigation and compensation measures.

The proposal is located in an isolated location and there are public rights of way in the vicinity. It is noted that during the lifetime of the development, there will be a visual impact arising from the stockpiled material and associated boundary treatments. Nevertheless, considering the temporary nature of the development, and the intent to restore the land to its former appearance by way of planting it is considered that any detrimental impact on the amenity of the site is limited. As such, the application is considered to comply with policies D2 and D19 of the Local Plan.

Residential Amenity

Policy D2 states that development should 'respect the amenity value of the occupiers of nearby buildings or the wider area' and new development should deliver buildings that are "enjoyable to use". This is further supported by Policy D25 which states that 'Particular consideration will be given to the extent that the proposal could result in unacceptable impacts'. This includes consideration of loss of privacy, overlooking, visual dominance, loss of light, noise/disturbance, odour, fumes, vibration and living conditions of future occupants.

A residential property is located approx. 40m from the north west corner of the application site boundary. Due to the distance, orientation and ecological buffer this is not considered to result in an unacceptable impact on the amenities of future occupiers. It should also be noted that

Environmental Health have not raised by any objection.

It is therefore considered that in this respect, the application complies with policies D2 and D25 of the Local Plan.

Highways Safety

Policy D14 of the Local Plan states that managing the transport impacts is essential for creating sustainable communities. The policy sets out that development proposals should seek to manage the transport impacts of development.

The Highways Authority have reviewed the submission and have raised no objection, providing that conditions are imposed to secure a CTMP and a road condition survey. It is noted that the Parish Council have raised concerns in relation to the highways impact of the development. However as the Highways Authority have reviewed the application and consider that due to the temporary nature of the development and that there are no impacts on highways safety no objection has been raised. Appropriate mitigation can be conditioned, the application is considered to comply with policy D14 of the Local Plan.

Ecology

Policy D20 of the Local Plan seeks for proposals to contribute to maintaining and where appropriate enhancing biodiversity and geodiversity. The application site lies within a Bat Consultation Zone and policy D23 of the Local Plan seeks to secure relevant mitigation measures that could protect relevant species from the impacts of development.

The ecologist originally requested that a LEMP was secured by condition however following the submission of additional detail from the agent, this has been revoked. A condition will still be used to ensure that the development is carried out in accordance with the mitigation measures submitted in the Ecological Management Plan.

As appropriate conditions can be used, it is considered that in this respect, the application

complies with policy D20 of the Local Plan.

Historic Environment

Policy D26 sets out that development proposal should avoid harm to, sustain and, where appropriate enhance the significance of heritage assets and their setting, in a manner consistent with their historical significance.

The application site lies within an area of high archaeological potential. SW Heritage have raised no objection and recommend an appropriate condition to ensure that the known archaeology is left in situ. As such, the application is considered to comply with policy D26 of the Local Plan.

Conclusion

It is noted that during the lifetime of the development there will be a visual impact on the area. However the site is to be used for a temporary period of to facilitate the improvement of flood defences in the vicinity. It is therefore considered that the proposal is of an acceptable design and appearance that would have no adverse impact of the character of the existing building or the locality, residential amenity, flood risk, surface water drainage, historic environment, ecology or highways safety. As such the proposal complies with policies CO1, D1, D2, D14, D19, D20, D25 and D26 of the Sedgemoor Local Plan 2011-2032.

RECOMMENDATION

GRANT PERMISSION

- 1 The development hereby approved shall have ceased and any buildings or works authorised by the permission shall be removed and the land reinstated to its former condition no later than 2 years from the date of this permission.

Reason: The application is for a temporary development.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 3 Prior to the commencement of development, a plan for the maintenance of the permeable surfacing for the period of use shall be submitted to and approved by the Local Planning Authority. The approved works shall be completed and maintained in accordance with the details agreed.

Reason: This is a pre-commencement condition to safeguard the operation of the proposed system to ensure development is properly drained as in accordance with policy D1 of the Sedgemoor Local Plan 2011-2032.

- 4 All ecological measures and/or works shall be carried out in accordance with the submitted and hereby approved Ecological Impact Assessment (Atkins, May 2023) and the Environmental Management Plan (Kier, 02/05/23).

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 Policy D20 of the Sedgemoor Local Plan 2011-2032.

- 5 The development shall be carried out in accordance with the submitted and hereby approved Construction Traffic Management Plan (CTMP) within the Transport Assessment (Atkins, 12 May 2023) and adhered to fully for the length of the construction period.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 6 No ground disturbance should take place in the area identified as containing archaeology, except the storage of soils as described in the submitted and hereby approved "Planning, Design and Access Statement & Sustainability Statement Doc No. ENV0000727C-ATK-XX-3SP-RP-PL-000001, 24 May 2023" and the "Site Layout Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000002C03".

Reason: The site contains areas of archaeological interest and the Council wish to ensure preservation in-situ of remains on the site as in accordance with policy D26 of the Sedgemoor Local Plan 2011-2032.

- 7 No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the

adopted highway on Olivers Road from the junction with the A372 and A361 to the site entrance has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to a scale of 1:1000 showing the location of all defects identified;
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

Within 6 months of the cessation of use of the development hereby approved, any damage to the adopted highway network shall be made good to the satisfaction of the Highway Authority.

Reason: In the interest of highways safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

Schedule A

Site Location Plan Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000001C02

Site Layout Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000002C03

Floor Plan & Elevations Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000004C01

Floor Plan & Elevations Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-0000041C01

Levels Plans Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000003 Rev C01

Sections Plan Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000005 Rev C01

Strategic Stockpile Drainage Strategy dated 11/10/2023 Doc No.
ENV0000727C-ATK-XX-4ZZ-RP-D-000001 Rev P02

DECISION
