

Application Details	
Application Reference Number:	38/24/0104
Application Type:	Full Planning Permission
Earliest decision date:	11 June 2024
Expiry Date	11 July 2024
Extension of time	
Decision Level	Committee
Description:	Replacement of pedestrian bridge with an all-users bridge over the River Tone, Coal Orchard, Taunton
Site Address:	FOOTBRIDGE ACROSS THE TONE, SOMERSET SQUARE, COAL ORCHARD, TAUNT ON
Parish:	38
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
National Landscape (AONB):	No
Case Officer:	Mr G Clifford
Agent:	
Applicant:	SOMERSET COUNCIL
Committee Date:	
Reason for reporting application to Committee	N/A

1. Recommendation

1.1 Conditional Approval

2. Executive Summary of key reasons for recommendation

- 2.1 The proposed replacement bridge provides a suitable link for the cross town National cycle route and the benefits of this policy compliant scheme are considered to outweigh the harm.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

Time limit
Approved plans

Materials
Landscaping
Wheel ramp
CEMP
LEMP
FRA
Arboricultural statement

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement, EA permit and Canal/Rivers Trust note

3.3 Obligations

3.3.3 None

4. **Proposed development, site and surroundings**

4.1 Details of proposal

The proposal is to provide a new bridge and ramps at the existing Morrison's crossing point to enable an important cross town link for cyclists as part of National Cycle Network Route 3. The bridge forms part of a comprehensive and integrated footpath and cycle network across town. The proposal is funded from the grant awarded to the Council by the Future High Streets Fund (FHSF). A key element of the award of this funding was the creation of a 1.5km new cycling route from the Station to Vivary Park and that delivers on the ambitions set out in planning policy. The development also forms part of the wider Taunton Garden Town 2040 Vision, which sets out a goal to create a more attractive, connected and green and vibrant town centre for visitors and residents to enjoy.

4.2 Sites and surroundings

The existing site consists of a footbridge across the River Tone. The existing bridge is narrow and currently has inadequate space for cyclists to travel across when there are other forms of traffic. A footpath runs south west to north east along the edge of the River Tone either side of the existing Morrisons band stand. This footpath is lined by trees both adjacent to the footway and within the Morrisons site. The surrounding land use on the northern bank is the car park for Morrisons. On the southern bank is an area with a pavement running along the side of the River Tone and grass verges. At current, the existing ramps cannot properly support access to those with permanent and temporary disabilities and create a confined space where users converge. The surrounding land is raised and predominantly paved between the River Tone, the Somerset County Cricket Club, and the Brewhouse Theatre.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
38/22/0347	Construction of a pedestrian and cycle bridge over the River Tone on land on both banks between Morrisons bandstand and Coal Orchard, Taunton	WD	19/10/2023

6. Environmental Impact Assessment

6.1 Not required.

7. Habitats Regulations Assessment

7.1 The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposed bridge crossing will not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that the development is not likely to have a significant effect on the Ramsar site should permission be granted (either alone or in combination with other plans or 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: 16 May 2024

8.2 Date of revised consultation (if applicable):

8.3 Press Date:

8.4 Site Notice Date: 30 May 2024

8.5 **Consultees** the following were consulted:

Consultee	Comment	Officer Comment
Taunton Town Council	Object on grounds of highway safety concerns over shared use and loss of trees.	10.1.3
		10.1.6
SCC - RIGHTS OF WAY	No comments	

SCC - TRANSPORT DEVELOPMENT GROUP	<p>The Highway Authority raise no objection subject to the agent engaging with the Highway Structures Team on the detailed design of the bridge. The proposed ramp on the north-western side of the proposed bridge will have a vertical gradient of 1 in 15. Although 1 in 20 is recommended gradient for ramps, 1 in 15 can be permitted. It should be noted that Department for Transport's (DfT) Inclusive Mobility Guide notes that when a ramp is 1 in 15 the length of flight should not exceed 5m. It's noted that the submitted drawing shows individual flights are up to 9.75m in length. This is acceptable for a 1 in 20 gradient but there are concerns that people with mobility impairments such as wheelchair users will be unable to use the bridge due to the steep nature of the ramps. Consequently, it is recommended to the applicant that appropriate adjustments are made to the length and gradient of each flight in accordance with the inclusive mobility guidelines. In terms of the south-eastern ramp the drawing does not show the gradient. It is therefore recommended that the gradient for this ramp is shown on drawings with the next submission. In terms of the bridge parapets, the shared-use footway/cycleway will be 4.0m in width from the</p>	10.1.3
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	<p>south-eastern ramp and 3.7m from the north-western ramp. These widths accord with the minimum width requirements of 3.5m for an unsegregated shared-use bridge. The proposed parapets will be 1.4m in height, this conforms with national standards. There are no drainage issues associated with the proposal and in terms of the overall structure design our Structures Team have said a full technical approval will be required before construction commences in accordance Somerset Council's guidance on structures.</p>	
SCC - ECOLOGY	<p>Recommend conditions re a construction and environmental management plan and a landscape and ecological management plan (LEMP)</p>	10.1.7
ENVIRONMENT AGENCY	<p>No objection on flood risk grounds subject to condition re FRA.</p>	10.1.8
THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS)	<p>Request informative is appended to any decision re compliance with Trusts' code of practice.</p>	Noted
PLACEMAKING OFFICER	<p>There is an improvement in the coherent quality of design and this is now more consistent between the bridge and the ramp details. This will provide a resource for improving levels of active travel in the town centre. The structure is however somewhat municipal and rather dull. There is an opportunity to include art within the proposal and give greater</p>	10.1.4

	visual interest. Given the Garden Town status of Taunton new tree planting should be provided to offset the loss of planting.	
Green Infrastructure Officer	No comments	
TREE OFFICER	<p>The modification of the existing bridge is preferable to the previous proposals further down river. The proposal to remove four of the nicely-established but relatively young avenue trees is unfortunate, but with the bridge in this location it does mean that the trees on the Morrisons site immediately to the west, which we assume are to be retained, will lessen the impact of the losses, especially as their growth-rate is likely to increase due to the increased light and space. I therefore would not object to the removal of the four trees. It was noted that one of the trees closest to the river was of poorer quality than the other three. I understand that efforts will be made at the more detailed design stage to see whether the two trees on the west side of the paths can be retained safely, without cutting significant roots, but at this stage it appears that this may not be possible.</p> <p>Care will be needed to protect the retained trees during the works, particularly those on the east side of the river. This</p>	10.1.6

	<p>can be detailed in an Arboricultural Method Statement.</p> <p>Given that we are likely to lose four trees, I think that we should try and secure more than two replacements, some of which would need to be on the east side of the river, outside the planning red line but in the most suitable long-term locations for them to thrive.</p>	
LANDSCAPE SOMERSET WILDLIFE TRUST	No landscape objections. Support recommendations for mitigation and enhancement - provision of lighting in particular must be controlled.	10.1.7
ACTIVE TRAVEL ENGLAND	Approve subject to conditions re safety signage, cycle wheeling ramp and diversion route.	10.1.2

8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

13 number of letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections (12)	Officer comment
No need for replacement. No viable justification, waste of resources	10.1.9
Danger for pedestrians	10.1.3
Concern over safety with increased traffic	
Concern over vehicle access being maintained	10.1.2
Long ramp not required	10.1.2
Increases distances for the disabled	

Slope should not be replaced by steps which are an inconvenience	10.1.3 10.1.2
New Ramp will impact on amenity of river edge and space and be intrusive	10.1.4
Loss of 4 trees	10.1.6
Spend money elsewhere	10.1.9
Bridge design could be better	10.1.4
No indication of temporary route during construction	10.1.9
Support (TACC)	Officer comment
Part of important strategy to enable and encourage more active travel	10.1.1

- 8.6.1 Plus a petition of 230 signatures on grounds of existing bridge is adequate for future needs, proposal designed primarily for cyclists and will encourage speed, compromises pedestrian circulation and increases distance for disabled and pedestrians with prams, ramp on north side detrimental to visual and recreational amenity and 4 mature trees felled.

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 strongly indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Deane Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

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

CP1	Climate change,
CP5	Inclusive communities,
CP6	Transport and accessibility,
CP7	Infrastructure,
CP8	Environment,
DM1	General requirements,
DM4	Design,
SD	Presumption in favour of sustainable development,
SP2	Realising the vision for Taunton,
A3	Cycle network,
D7	Design quality,
D8	Safety,
D9	A Co-Ordinated Approach to Dev and Highway Plan,
ENV1	Protection of trees, woodland, orchards and hedgerows,
ENV2	Tree planting within new developments,
ENV5	Development in the vicinity of rivers and canals,
TR10	Cycle Schemes,

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 (March 2022).

Neighbourhood plans:

None

9.1 National Planning Policy Framework

Sections 2, 4, 7, 9, 12, 14 and 15

10. Material Planning Considerations

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

10.1.1 The principle of development

The principle of providing a cycle and pedestrian footbridge across the River Tone has been established some time since the Taunton Town Centre Area Action Plan adopted in 2008, which sought to achieve a number of cycle schemes under policy Tr10, including completion and upgrading of the north

and south bank riverside paths for shared use by pedestrians and cyclists. The Taunton Deane Core Strategy 2012 also identified proposed cycle routes under policy CP6 to improve cycle routes across town. More recently Policy A3 of the Site Allocations and Development Management Plan sought to achieve the implementation of identified cycle schemes. The National Cycle route is identified as crossing town but has a current break in it due to the current Morrisons bridge. The principle of providing an all users bridge across the river is therefore considered to be well established and supported by policy as well as the goals to achieve a more vibrant and accessible town centre.

10.1.2 Design of the proposal

The current design proposal follows the withdrawal of the previous scheme last year which raised a number of design issues and local objections. Rather than produce a new bridge angled across the river with long ramps, the revised proposal makes use of the existing base structure of the current bridge to provide a new widened structure with adjusted approaches to meet where possible standards set out in the Cycling Infrastructure Document LTN 1/20. The southern abutment will be widened to provide a width of 4m with a 1.5m high parapet proposed. The ramp gradient will be modified to 1:20 to give an accessible route to those on non-conventional non-motorised vehicles. The stair to the southern abutment will be retained, repaired and resurfaced and raised to match the landing of the new bridge. The span of the bridge will replicate the existing, although the clear width will be 4m and the soffit level will remain unchanged. The northern abutment will be modified to remove the substandard ramp gradient and replace it with steps. A condition to secure a wheeling ramp adjacent to the steps is recommended by Active Travel England (ATE). The existing steps leading north-east will be removed and replaced with a ramp connecting to the existing footway along the river bank. Due to spatial constraints in terms of access to Hammett's Wharf and for Wessex Water infrastructure a reduction in the ramp width to 3.75m is proposed as well as increasing the gradient to 1:15 to integrate the further loss of trees. Due to the increase in gradient two landings are proposed on this northern side and the 1.4m parapet will be accompanied by a handrail to assist vulnerable users. This compromise in the approach routes is considered by ATE to be consistent with the Government's adopted national design criteria in Local Transport Note LTN 1/20. Visually the appearance of the bridge will seem similar to the railings of the current bridge and has been redesigned following a QRP in August last year.

10.1.3 Access and Highway Safety

The Highway Authority raises no objection to the development and the width of the bridge and ramps are considered to comply with the guidelines for an unsegregated shared-use bridge. While concern is raised over the safety of the bridge and danger for pedestrians, there is not considered to be a justification for refusal based on these concerns and there will be signs advising of the changed nature of the bridge once complete. Neither Active

Travel England nor the Highway Authority raise safety concerns in light of the design of the bridge on safety grounds. The Highway Authority has raised a query in respect of the ramp gradients, however these are designed in line with guidance for cycle infrastructure LTN 1/20 and gradients should be suitable for wheelchair users and other disabled people. The design does mean that users with wheelchairs or pushchairs would need to double back to use the walk through to Goodlands Lane from the end of the new ramp, however the minor increase in travel distance is considered an acceptable compromise.

10.1.4 The impact on the character and appearance of the locality

The bridge design has significantly improved over the withdrawn scheme and is now more reflective of the existing. The design improvement is reflected in the Placemaking Officer comments which recognise a more coherent quality of design and a design now more consistent between the bridge and the ramp details. The design of things can often have minor tweaks that may be considered to be improvements, however the revised design as submitted is considered an acceptable scheme. It is not considered the proposal is detrimentally harmful to the amenity of the river corridor. While it will have an impact in terms of the new ramp and tree loss, the benefits in terms of active travel in the town centre and new tree planting are considered to outweigh any perceived harm.

10.1.5 The impact on neighbouring residential amenity

The proposed development is not considered to impact on residential amenity, although there will be an element of potential disturbance during construction. This however is not a reason to object to the scheme.

10.1.6 The impact on trees and landscaping

The proposal will result in the direct loss of 4 Maple trees on the northern bank as a result of the new ramps and the need to maintain access. It has been suggested that it might be possible to save two of these trees given the proximity to development to their existing roots. The submitted Arboricultural Impact Assessment however considers that the root damage will result in the loss of these trees. That said the Council Tree Officer recognises that the impact of this loss will be lessened by the retained Morrison trees to the west, especially as their growth rate is likely to increase due to increased light and space. Replacement tree planting on a 1 per 3 replacement can be provided on Council land within the vicinity of the river corridor to secure new habitat and comply with policy ENV2.

10.1.7 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

An ecological assessment has been submitted with the application and the main ecological impact will be the tree loss. Trees however will be replaced

and the Ecologist has raised no objections subject to conditions to protect development during construction and beyond and control development such as lighting.

10.1.8 Flood risk and energy efficiency

The site lies within flood zones 2 and 3, however a Sequential Test is not required as the development is a site set out within the approved development plan. The use constitutes a 'less-vulnerable' land use which is an appropriate use within flood zone 3. The submitted FRA identifies that the scheme retains the bridge soffit level and that the abutments and ramps are designed to allow a degree of water storage and so no increase in flood risk elsewhere will be caused as a result. A separate permit from the Environment Agency (EA) will be required and the EA raise no objection and recommend a condition. The approval of an improved bridge here for a wider range of users will encourage cycle movements across town and will hopefully reduce car travel and CO2 emissions.

10.1.9 Any other matters

It has been claimed that there is no need for the development and it is a waste of resources that could be spent elsewhere. However the provision of a bridge that allows for a crossing usable by cyclists, as well as other users, has been a policy requirement for a number of years, would provide a link in the National Cycle Route and will improve cross town travel. The cost of the provision comes from external sources of funding and is linked to this specific scheme. The concern about the use of funding for this bridge replacement as opposed to other potential proposals is not material to the determination of this specific application. If permission were not granted and the opportunity lost then so would be the funding which is specifically linked to the scheme. If permission were to be granted a temporary bridge during construction is not proposed and a temporary diversion route would need to be set up during the construction period.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Not applicable

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.

The proposed new bridge will provide a vital part of a long awaited cycle link across town which will improve active travel and hopefully reduce car use. The development is considered policy compliant, will not increase flood risk or harm wildlife and the proposed tree planting will replace those lost and the overall benefits are considered to outweigh the harm.

- 12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

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

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo 23078 LHC 00 00 DR L 92.01 Landscape Details

(A1) DrNo 23078 LHC 00 00 DR L 93.01 Landscape Plan

(A1) DrNo FHSF-STN-GEN-RTB-DR-CH-0001 Rev P02 Site Location Plan

(A1) DrNo FHSF-STN-HDG-RTB-DR-CD-0501 Rev P02 Drainage Plan

(A1) DrNo FHSF-STN-HGT-RTB-DR-CE-0151 Rev P02 Contour Plan

(A3) DrNo 332310613-STN-SBR-RTB-SK-CB-0001 Rev P03 North Ramp Elevation

(A1) DrNo 332310613-STN-SBR-RTB-DR-CB-0101 Rev P04 Proposed Bridge Widening General Arrangement

(A1) DrNo 332310613-STN-SBR-RTB-DR-CB-0101 Rev P05 Proposed Bridge Widening General Arrangement Sheet 1 of 2

(A1) DrNo 332310613-STN-SBR-RTB-DR-CB-0102 Rev P01 Proposed Bridge Widening General Arrangement Sheet 2 of 2

(A1) DrNo 332310613-STN-SBR-RTB-SK-CB-0501 Rev P02 Floodplain Compensation North Bank

(A1) DrNo 332310613-STN-SBR-RTB-SK-CB-0502 Rev P02 Floodplain Compensation South Bank

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

3. Prior to the construction of the bridge balustrade samples of the materials to be used in the construction of the external surfaces of the development, including surfacing, 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 thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area.

4. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.
- (ii) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

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

5. A wheeling ramp shall be installed along one side of the steps of a design to be agreed in writing by the Local Planning Authority prior to construction of the steps and once agreed it shall thereafter be provided prior to the bridge being brought into use.

Reason: In the interests of providing an alternative route option to encourage active travel.

6. 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.
 - i. The avoidance of the use of any external lighting and/or implementation of a sensitive lighting plan ensuring that the boundary/adjacent habitats are not impacted by light spill.

- ii. Preconstruction check for Himalayan Balsam (*Impatiens glandulifera*) and appropriate signage and exclusion zone implemented.
- iii. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
 - 1. A preconstruction check for badger activity to confirm the presence/absence of setts within 30m of the working area will be undertaken in advance of the start of works. Should a sett be recorded within 30m of the Site it may be necessary to apply for a licence from Natural England.
- iv. To safeguard any wild mammals which may be on / moving through the Site during construction, care should be taken when removing areas of dense vegetation in order to ensure that no animal burrows are present and damaged before they can be dealt with appropriately. If any animal burrows are identified to be present, it is possible that further ecological advice from a suitably experienced ecologist may be required.
- v. To enable low potential for disturbance to bats as a result of noise, vibration and the use of artificial lighting during the construction phase of the Proposed Development restricting time of works and use of handheld tools should be implemented around the tree considered with PRF[1]M potential. Night-time working and the use of artificial lighting during the construction phase of the development will be avoided if possible. If lighting is essential for health and safety reasons, this will be minimised to the lowest amount required, and directed away from boundary features (hedgerows), areas of scrub vegetation, trees and the river Tone.
- vi. Under the current design no new artificial lighting will be installed within the bridge, the area is already highly compromised by existing lighting therefore a lighting scheme will aim to look for equal or better than existing lighting. The lighting scheme will be designed with respect to reducing impacts on ecological receptors. The design will follow the most recent guidance on minimising impacts on bats. In general, lighting

should be maintained at extant background levels or not exceed 0.5 Lux. LED luminaires should be used (within the warm white colour spectrum). Lighting should be downward-facing and directed away from the river. Any increase in artificial night-time illumination above 0.5 Lux or baseline site conditions reaching PRFs and/or foraging habitat will require assessment of a formal lighting scheme by a bat ecologist.

- vii. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds. Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period – some species can breed outside the time frame given.
- 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.
- i. [Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works]
- j. Evidence (written statement and or photos) of meetings, toolbox talks, protection measures etc will be required upon completion of works;

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

7. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
 - a. Description and evaluation of features to be managed.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management
 - d. Appropriate management options for achieving aims and objectives.
 - e. Prescriptions for management actions.
 - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - g. Details of the body or organization responsible for implementation of the plan.
 - h. On-going monitoring and remedial measures.
 - i. Evidence (written statement and or photos) of meetings, toolbox talks, protection measures etc will be required upon completion of works;

The 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 Taunton Deane Core Strategy 2011 -2028: Policy CP8 Environment.

8. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment by Stantec (Dated: February 2024, Project Ref: 332310613, Doc Ref: FRA-02) and the following mitigation measures detailed within the FRA:

- The soffit level is to be maintained as existing 15.97mAOD
- The existing bridge is to be widened no more than 4.0m

The mitigation measures shall be fully implemented prior to occupation and subsequently maintained for the lifetime of development, unless otherwise agreed in writing, by the local planning authority in consultation with the Environment Agency.

Reason: To reduce the risk of flooding to the proposed development and not increase flood risk elsewhere.

9. Tree works and tree protection shall be carried out in accordance with the arboricultural method statement attached to the submitted Arboricultural Impact Assessment, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting trees on or adjacent to the site in the interests of the amenity of the area.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 23 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

3. The applicant is advised to contact David Wilson, Works Engineer at the Canal & River Trust by e-mail to Enquiries.TPWSouth@canalrivertrust.org.uk to ensure that the works comply with the Canal & River Trusts' Code of practice for works affecting the Trust.