



Proposed Urban Extension, Upper Mudford, Primrose Lane, Yeovil

Application Nos. 14/02554/OUT and 15/03942/FUL

Drainage Review

Project No.	1764
Revision	F3
Date	18 September 2024
Client	Mudford Parish Council
Prepared	I Awcock
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1 Introduction

- 1.1 This Technical Note has been prepared by Awcock Ward Partnership (AWP) for Mudford Parish Council to report on a technical peer review of the drainage proposals associated with the proposed Primrose Lane Urban Extension at Upper Mudford, Yeovil.
- 1.2 The Parish Council and local residents are aware of local flooding issues and have instructed this additional technical review to permit those concerns to be presented and to ensure the relevant statutory consultees (Environment Agency; Somerset Lead Local Flood Authority and Parrett IDB) are fully aware of specific local issues as they affect these Applications.
- 1.3 The Applications under consideration are on the north side of Yeovil in the Parish Council area of Mudford, are interrelated and comprise:

- Application 14/02554/OUT: Development Of Sustainable Urban Extension To Comprise Of Up To 765 Dwellings, 65 Bed Care Home, Employment Land, Retail Units, Primary School, Community Building, Health Care Facility, Landscaping, Open Space And Drainage Infrastructure, Access And Associated Highway Works
- Application 15/03942/FUL: Engineering Works Comprising The Installation Of Two Attenuation Ponds And A Landscape Buffer, And Associated Development (GR 356975/118488)

1.4 The lengthy planning history is covered by other representations made by or on behalf of Mudford Parish Council and this Note concentrates on the flooding and drainage implications of the Applications.

1.5 This note briefly sets out:

- i. the information submitted with each Application;
- ii. specific local issues identified by local residents and the parish council;
- iii. a technical review of the drainage submissions made for the development in both applications taking on board the local concerns;
- iv. a review of the statutory consultees responses to date;
- v. recommendations for further consideration or Planning Conditions / S106 matters.

1.6 This Note follows earlier work undertaken by consultants Such Sallinger Peters on behalf of Mudford Parish Council and submitted as representations most recently in 2019. This additional review takes into account those initial representations and updates them where necessary.

2 Information submitted with the Applications

2.1 The development under consideration is covered by 2 separate planning applications:

- Application 14/02554/OUT: Development Of Sustainable Urban Extension To Comprise Of Up To 765 Dwellings, 65 Bed Care Home, Employment Land, Retail Units, Primary School, Community Building, Health Care Facility, Landscaping, Open Space And Drainage Infrastructure, Access And Associated Highway Works

- Application 15/03942/FUL: Engineering Works Comprising The Installation Of Two Attenuation Ponds And A Landscape Buffer, And Associated Development (GR 356975/118488)

2.2 The drainage information presented with each Application and considered in this review is set out below.

Application 14/02554/OUT

2.3 The Application was initially submitted and Registered in 2014. Various Objections were made to that initial Application which due to the location and scale of the development fell within the remit of 2 separate Area Planning Committees. One Committee Approved the Application and One Refused the Application with the overarching Regulation Committee Approving the Applications as set out in the SSDC Planning memo dated 11 November 2019 contained in Appendix A.

2.4 The Secretary of State (SoS) for Housing Communities and Local Government issued a formal potential “holding direction” on the decision of these two applications on 6 November 2019 effectively preventing SSDC from enacting their decision at that time as set out in the SSDC Memo contained in Appendix A. That Holding Direction was withdrawn by SoS on 9 April 2020 by letter to SSDC which is also contained in Appendix A.

2.5 Mudford Parish Council Instructed Lawyers to submit a formal Judicial Review of the putative decisions of the Council and the pre application protocol letter (also contained in Appendix A) was submitted on 19 October 2020.

2.6 SSDC subsequently decided to undertake updated Consultation on the Applications although further changes in Legislation and Regulation (in particular nutrient neutrality issues) caused further delay to the renewed consideration of the Application by SSDC (subsequently becoming SCC).

2.7 The Applicant submitted updated information on 18 December 2023 comprising an updated Environmental Statement and various refreshed plans as set out below and in the LRM Planning Letter contained in Appendix A.

Land Budget and Density	1616/2002 (N)
Green Infrastructure	1616/2003 (F)
Scale	1618/2008 (F)
Movement	1616/2010 (I)
Illustrative Masterplan	1616/2004 (S)
Landscape Strategy	CSA//2-23/108 (N)
Pond 3 general arrangement	00816-HYD-XX-XX-DR-D-2004 PO3

2.8 The Environmental Statement Addendum dated December 2023 refreshed technical information in support of the scheme included the following matters:

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2.9 Chapter 6 of the ES Addendum sets out changes in Guidance, Methodology and Baseline Conditions since the original Assessment in 2018. A renewed Assessment of Impacts for both the Construction and Operational stages is presented and more detail provided in an updated Flood Risk Assessment (Appendix 7 of the ES) and Drainage Strategy Addendum (Appendix 8 of the ES).

2.10 In response to LLFA comments raised on 01.05.24 a further brief 4 page technical note was submitted by Hydrock on behalf of the Applicant dated 25.07.24.

2.11 A review of all the updated documentation has been undertaken and is set out in section 4 of this note.

Application 15/03942/FUL

2.12 This Application is limited to the attenuation ponds and landscape buffers with a site area limited to the delivery of those infrastructure items.

2.13 More detailed engineering information on the proposed Attenuation Ponds 1 and 2 was included along with the same FRA and Drainage strategy as the Outline application for the related development.

2.14 Updated detailed plans were submitted in May 2019 reflecting changes to the masterplan made during the consultation stage of the Application.

2.15 This application was considered alongside the Outline application for the development, and both went through the same committee process and judicial review set out above.

- 2.16 Most recently the Applicant submitted updated information on 18 December 2023 comprising an updated Environmental Statement and various refreshed plans as set out below and in the LRM Planning Letter contained in Appendix A. A single letter submitted the information applying it to both Applications.
- 2.17 Whilst the description of this Application states “Engineering Works Comprising The Installation Of Two Attenuation Ponds And A Landscape Buffer, And Associated Development (GR 356975/118488)” other than the new additional documentation the application appears identical to 14/02554/OUT.
- 2.18 A review of that updated documentation has been undertaken and is set out in Section 3 of this note.

3 Specific Local Issues

- 3.1 The Parish Council are aware of specific local issues which it is considered should be directly addressed by the applicants to ensure a robust consideration by the local planning authority of the drainage and flooding impacts of the development and infrastructure works.
- 3.2 In summary those issues are as follows:
- i. The route for surface water discharges from ponds 1 & 2 along the “existing watercourse” has not been proven and may exacerbate existing surface water flooding issues in Mudford;
 - ii. The extent of floodplain and implications for surface water discharges has not been assessed and any impacts at Mudford Bridge have not been properly considered.
 - iii. Concern that the presence of historic springs caused by geological discontinuities in the hillside have not been taken into account.
- 3.3 These concerns are considered further in section 4 of this note and images of the local flooding are contained in Appendix B.

4 Technical Review of Submissions

- 4.1 Both applications include an Environmental Statement with Chapter 6 of the ES Addendum considering Drainage. In turn that refers to an FRA included in Appendix 7 of the ES and a Foul and Surface Water Drainage Strategy included as Appendix 8 of the ES.

- 4.2 This technical peer review focusses on surface water runoff since Wessex Water (WW) have the responsibility to accept foul drainage flows from the scheme into their systems and can require appropriate upgrades if necessary. Planning Conditions should provide further controls on the submission of suitable details to satisfy the LPA and LLFA that WW are correctly discharging their responsibilities.
- 4.3 Surface water is the responsibility of a number of consultees and the comments to date from statutory consultees are reviewed in Section 5 of this report below.
- 4.4 This technical review therefore concentrates on the technical content of the ES Chapter; FRA, and Surface Water Drainage Strategy identifying matters which may not have been adequately covered; areas of omission or concern; and matters which should be subject to the provision of further information to allow reasonable and informed decision making.

ES Chapter 6

- 4.5 The Environmental Statement (ES) process identifies development impacts in both the construction and operational stages, the mitigations proposed by the development and any resulting residual risks.
- 4.6 The submitted ES Addendum has been reviewed and comments are set out below. Paragraph number (Pp) refer to the ES Addendum chapter 6.
- 4.7 PPs 6.3 - 6.7 set out the changes in policy and guidance documents but no reference is made to whether the new policy or guidance has been applied in the updated documentation supporting the application.
- 4.8 PP 6.8 refers to the baseline situation set out in the original ES and we assume refers to paragraphs 10.3.1- 10.3.29. Pp 6.8 of the ES Addendum asserts that the baseline situation remains the same as before however updates to the EA's online Flood Map for Planning service have been temporarily paused since the last update in November and December 2023. The EA have announced that they will publish updated Flood Zone data on the Flood Map for Planning service in Spring 2025.
- 4.9 The Parish Council are also aware of changes in flood occurrences in the locality of the site and it is therefore considered that the baseline situation may have changed since the Addendum ES was submitted and so a further review of existing flood risks should be undertaken to ensure that appropriate mitigation of any development impacts can be ensured.

- 4.10 PP6.10 suggests that construction stage effects are minimal and therefore downplays the potential effects to properties to the north and downslope from the site should there be any failure of construction management practices.
- 4.11 The Construction stage poses potentially significant risks due to the short term hardening of exposed surfaces and the loss of vegetation cover which can result in increased overland flows. Mitigation in the form of a Construction Environmental Management Plan is proposed by the applicant.
- 4.12 A more effective form of mitigation would be to require a Construction Stage Drainage Plan (CSDP) to be prepared. The Parish Council have much local knowledge, and with significant local concerns about flooding from the development such a Plan should be developed by a builder, with the Parish Council. The CSDP should be required by Condition to be delivered prior to commencement and receive full consultation with the Parish Council prior to Approval by the LPA and LLFA.
- 4.13 Pp 6.11 makes reference to existing on site overland flood flow routes however account should also be taken of the wider area since those flood flow routes lead to properties at risk of flooding away from the site and the site may therefore contribute to an increased risk of off-site flooding.
- 4.14 The proposed points of connection for construction stage and operational stage surface water drainage outfalls are to existing ditches and in one case the River Yeo.
- 4.15 No consideration appears to have been made of the capacity of the existing ditches and whether those off site routes are adequate. Whilst the attenuation measures will limit the runoff to existing greenfield rates there has been no assessment of whether the connecting off site ditch system has capacity to receive a concentrated greenfield rate discharge for various return period events (given under baseline conditions the discharge is more widely dispersed).
- 4.16 The development will irrevocably change the conveyance characteristics of the catchment and so in turn the flood risks in the existing watercourses may also change.
- 4.17 The ES does not take into account those potential impacts and should demonstrate that the risks are acceptable or suitable mitigation measures.
- 4.18 Pp 6.32 states that petrol interceptors will be provided but the locations of those and necessary sizing is not shown on any of the submitted plans. There is no evidence that the identified risk is therefore successfully mitigated as required

by the ES. Consideration of the full treatment train should be demonstrated using the simple index approach, and might identify other methods or treatment processes are also required.

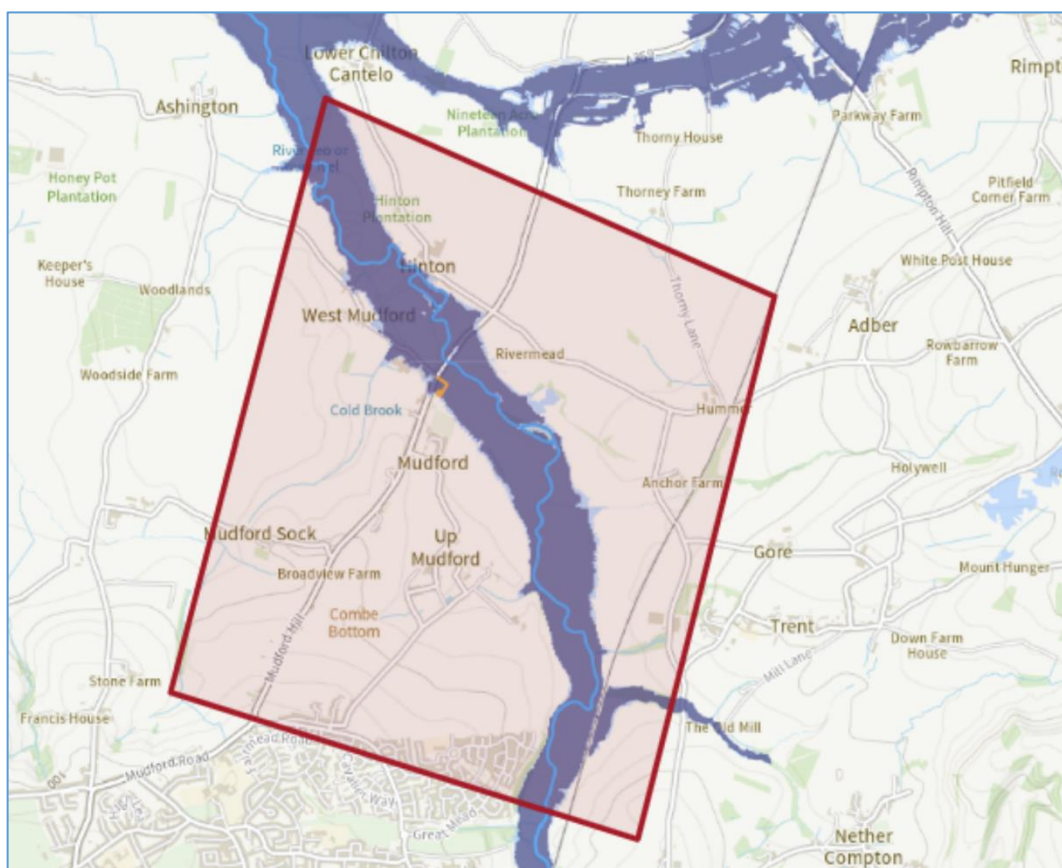
- 4.19 The proposed pond plans show an Emergency Overflow Weir on the plan. This is clearly proposed to manage exceedance events and routes exceedance flows away from the development – but towards existing properties. It is therefore considered that the impacts and flood risks to properties from Exceedance Events should be properly considered in the ES and supporting documents.

Flood Risk Assessment – ES Addendum Appendix 7

- 4.20 It is noted that the FRA Addendum is dated April 2023. Noting that the Illustrative masterplan has been updated since that date and that the latest EA flood mapping was issued in November and December 2023, the Parish Council are concerned that the FRA has not considered the latest information.
- 4.21 The FRA considers properly the flood risks within the site but does not consider the wider implications of the development on areas away from the site in Mudford or Up Mudford which are currently subject to fluvial or surface water flooding. These areas are downstream of the site and the developed land may therefore have an effect on the flood risks to those existing properties.
- 4.22 Pp 3.3 makes reference to the South Somerset SFRA (2019) and states that this study concludes that the general risk from surface water flooding in the Mudford area is low. The objectives of the SFRA are to set policy objectives and whilst it includes flood plain mapping that is based upon 40% climate change allowances which are now established in policy at 50% in this location.
- 4.23 Section 3.3 of the report presents general conclusion that the site is at low risk of flooding although no consultation has been undertaken with the Parish Council or local residents who can point to existing areas of surface water flooding in the site or in Mudford village and the surrounding Parish.
- 4.24 Pp 4.3.3 states that access to the site is from the A359 which is at low risk of fluvial flooding. The extract taken from Flood Plain Mapping on 12 August 2024 (Figure 4.1) clearly indicates that Mudford Bridge is in Flood Zone 3 and so the site accessibility will be affected by flooding to the north.
- 4.25 Pp 4.3.4 states that there is no loss of floodplain storage however the proposed surface water drainage strategy clearly includes swales discharging flow to the R Yeo. The arrangement of those swales and how they interact with the extant flood plain has not been demonstrated.

- 4.26 The site topographical survey has been included within the FRA however the presence of the proposed points of discharge cannot be seen on the topographical survey.
- 4.27 For ponds 1 and 2 the survey provided is incomplete on the proposed foul and surface water drainage strategy drawings. For pond 3 the discharge point is not well defined on the strategy and general arrangement drawings so it is difficult to see what is proposed and therefore whether it is deliverable.
- 4.28 The ability to connect to those points of discharge cannot therefore be verified and further topographical information with details of those outfall locations should be provided.
- 4.29 This would be especially relevant for Application No.15/03942-FUL which is Full and detailed and so should demonstrate that the proposals are deliverable.

Figure 4.1 Flood Plain Mapping



Foul and Surface Water Drainage Strategy Addendum – ES Addendum
Appendix 8

- 4.30 This more detailed document is dated 8 August 2023 and so post-dates the FRA.

- 4.31 Further updated information has been submitted to SCC responding to LLFA queries and that has been taken into account in this technical review. A review of that latest documentation is set out below.
- 4.32 The latest update to the surface water drainage strategy particularly changes the arrangements for Pond 3 which discharges direct to the R Yeo via a swale. The arrangements in that area have been amended to ensure that the swale discharge arrangements are all contained within land in the applicant's direct control.
- 4.33 No details of the swale arrangements or proposed cross sections have been shown. The swale also passes through an area of dense vegetation which was too dense to survey and so the interaction with ecology on this location should be properly assessed.
- 4.34 The detailed arrangements for the swale especially with regard to the extent of flood plain and the discharge arrangements into the River Yeo should be shown since this infrastructure is part of the detailed application.
- 4.35 Without that detailed information neither LLFA nor EA (from whom land drainage consent and flood risk activity permits will be required for the outfalls) have sufficient information on which to make a judgment.
- 4.36 Both the FRA and Drainage Strategy documents make reference to petrol interceptors but the location and details for those is not shown on any of the pond layout plans.
- 4.37 The outfall arrangements for all the ponds are not clear and some appear to extend beyond the submitted "Blue line" ownerships.

Local Geological concerns

- 4.38 Local residents and parish councillors are aware of the existence of springs on the hillside. OS mapping prior to 1962 as referenced in the submitted Hydrock Ground Investigation (GI) (ref R/13916/001 Ver2) all show a Windpump for a spring and a tank at the top of the hill filled by that pump for use by Up Mudford Farms;
- 4.39 In addition 2 other springs are known on the river side. A 2nd pump was subsequently installed with a new bore hole producing water from the aquifer identified in the Hydrock GI.
- 4.40 The GI refers to local seepage of groundwater into shallow trial pits and further local knowledge references the Geological Survey of Great Britain, Bridport and Yeovil, pp 6 and 44 which clearly talks about the fault lines between the

Cornbrash and Oxford Clay zone and the Middle Lias which is in the centre of the site. Note that the terms “Cornbrash” and “Lias” were first used formally by William Smith in the first geological map of GB in 1815.

- 4.41 He worked on the Farm on site in 1800 building the watermill, which is now open to the public and so the history is well known locally. He also plotted the faults and the spring line and so it is common local knowledge of farmers in the parish that the hill side in this location will be subject to ground water efflux at ground level. Other local developments over the years such as those at Lyde or Wyndham, or any other development's over the past 40 years, are all on Yeovil sands or Oxford Clay and so not subject to aquifer activity.
- 4.42 This local knowledge reveals concerns that any cutting into the hill slope with excavation potentially to create ponds will cause further release of ground water which may not have been considered in the surface water drainage strategy.
- 4.43 It is therefore recommended that the location of historic and existing springs be plotted, with local assistance, to ensure that there is no interference from the development with natural ground water flows. Further modelling of ground water flows may then be necessary to ensure no unexpected flooding is caused by restrictions on existing ground water flow paths.

Further requirements

- 4.44 Further Consultation with the Parish Council would identify specific locations of concern on the offsite ditch network, and any springs, and allow a review of the capacity of the existing ditches to accommodate the proposed flows and exceedance flows to be undertaken. Without that additional assessment there can be no certainty that the impacts of the development are acceptable.
- 4.45 The LLFA queried greenfield runoff rates and requested that pond analysis be undertaken for a range of green field runoff rates.
- 4.46 The submitted methodology for calculating greenfield runoff rate (IH124) is an allowable but not a preferred method for run-off estimation in C753 SuDS Manual. The completed EA research on runoff from small catchments March 2024 indicates that FEH methods are recommended over methods based on FSR type approaches.
- 4.47 The latest technical note dated 25.07.24 submitted in response to LLFA queries suggests that detailed drainage design calculations will be provided at the reserved matters stage. The Infrastructure arrangements are submitted in detail

however and so it is considered necessary for those calculations to be provided at this stage so the detailed arrangements can be proved to be satisfactory.

- 4.48 The LLFA response dated 14/08/24 to that Note required further information to be submitted and echoes some of the concerns identified in this note in respect of the accuracy of proposed overland flood flow routes and risks to future homes.
- 4.49 Whilst runoff is being limited to greenfield rates, the outfalls from Ponds 1 and 2 will concentrate flows into local field ditches which run to the north east before discharging to the R Yeo. The submitted surface water flood mapping demonstrates significant surface water flooding around those ditches through Up Mudford. Confirmation that the ditches have capacity for the predicted flow rates should be provided to ensure that there is no increased risk to properties.
- 4.50 Similarly, exceedance flows are indicated to be discharged off site across the blue line and towards properties with no demonstration of the routing of those flows in those high risk exceedance events and how that exceedance volume compares to baseline conditions. Further information should be provided to clarify that routing and demonstrate that there is no increased risk of flooding to downstream properties in exceedance events.
- 4.51 The Drainage Strategy mentions maintenance regimes and the LLFA queried that. It is considered that as the Infrastructure applications are in detail a Drainage Maintenance Plan should be provided at Application Stage to demonstrate the regime proposed and how that will be established along with means of access.
- 4.52 The interaction between landscape maintenance and drainage maintenance in the ponds should be ensured through a green infrastructure review of the proposed drainage regime. The drainage regime should also include the points of discharge such as the swale to the R Yeo and the outfall structures as well as the proposed ditch system discharged from Ponds 1 and 2.
- 4.53 It is therefore considered that further information should be submitted to ensure that the detailed arrangements for the Infrastructure ponds can be delivered and that off-site flood risks are properly assessed.

5 Statutory Consultee Responses to Date

- 5.1 The relevant statutory consultees are SCC LLFA, EA and the Parrett IDB or Somerset Drainage Boards Consortium.

5.2 The responses from each have been reviewed as set out below:

Somerset Lead Local Flood Authority

5.3 SCC LLFA responded on 18 March 2024 with the applicant's consultant responding to that on 25 July 2024.

5.4 Commentary on the issues raised has been set out above and most recently the LLFA have responded again on 14 August 2024.

5.5 The concerns and queries of the LLFA are amplified by the Parish Council and so further information building on local knowledge should be provided by the applicant to address those concerns.

Environment Agency

5.6 The EA responded on 12 March 2024 reiterating their comments from 26 September 2018 which in turn reiterated comments from 07 July 2014.

5.7 Since R Yeo is main river and discharges are proposed into that river which causes flooding of the A359 to the north it is considered that the EA should be seeking further details at this stage to ensure that the proposals are not likely to cause any increase in flood risk to properties adjacent to Mudford Bridge on the A359 or in Up Mudford.

5.8 It is considered that it would not be unreasonable for the LPA to reconsult with the EA on that basis.

Parrett IDB

5.9 The site borders the area of interest of the Parrett IDB, part of the Somerset Drainage Boards Consortium, as shown in Figures 5.1 and 5.2 below.

5.10 The Somerset Drainage Boards Consortium were consulted as statutory consultee for land drainage and responded by email on 2nd May 2024 advising that "We will not be commenting on this application as it is outside of the IDB's area and drains to a Main River rather than the Rhyne network."

5.11 The location of the proposed drainage outfalls may fall within the IDB area of responsibility and land drainage consents may be required from them.

5.12 The parish council are therefore concerned that proper consideration of the drainage proposals be given by Parrett IDB since Mudford Bridge is within their area and the IDB should be consulted on any potential mitigation works.

Figure 5.1 Somerset Drainage Boards wide area

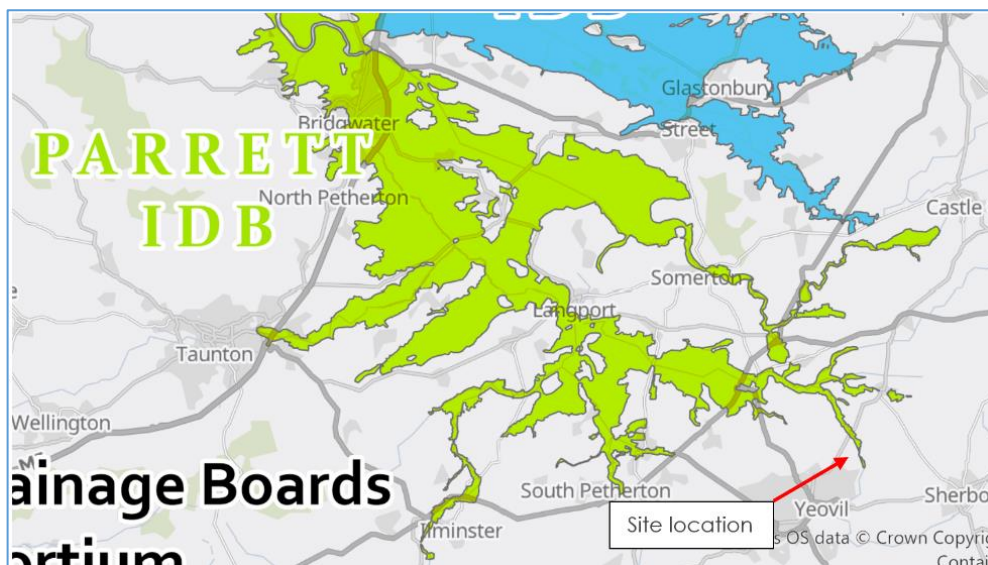
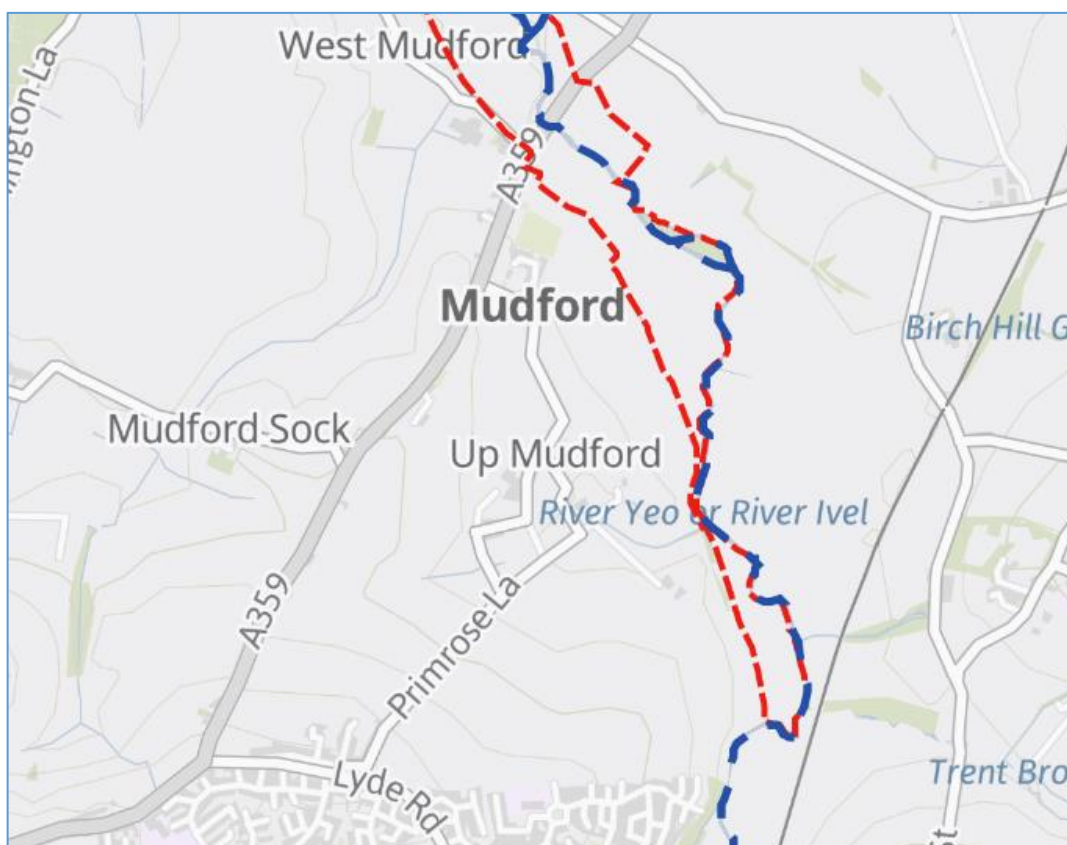


Figure 5.2 Parrett IDB Boundary on R Yeo adjacent to the site.



5.13 In discharging their responsibilities to “manage water levels for the protection of people, property and the environment” it would not be unreasonable for the LPA to expect the IDB to have reviewed the proposed drainage strategy and to have considered alongside the LLFA and EA whether the proposals are adequate in preventing raised water levels and any resulting increases in flood risk.

6 Recommendations for further consideration

- 6.1 This Technical Note has been prepared by Awcock Ward Partnership (AWP) for Mudford Parish Council to provide a technical peer review of the drainage proposals associated with the proposed Primrose Lane Urban Extension at Upper Mudford, Yeovil.
- 6.2 The Parish Council and local residents are aware of local flooding issues and have instructed this additional technical review to permit those concerns to be presented and to ensure the relevant statutory consultees (Environment Agency; Somerset Lead Local Flood Authority and Parrett IDB) are fully aware of specific local issues as they affect these Applications.
- 6.3 The information submitted (including the latest drainage technical note dated 25 July 2024) have been technically reviewed taking into account the local knowledge and local concerns of the Parish Council.
- 6.4 The review of the submitted Environmental Statement Chapter 6 identified a number of deficiencies, in particular that the latest ES Addendum predates submission of the most up to date drainage information and so the most recent scheme in the application has not been Assessed.
- 6.5 The Baseline situation has not been reviewed and no account has been taken of recent local flood events. The Construction Stage effects have not been adequately considered given the risks to property downslope of the site. Overland flood flow routes and the risks associated with exceedance events to properties downslope of the site have not been considered in the EIA.
- 6.6 It is therefore considered that the ES Chapter 6 should be further updated, reviewed and consulted upon, before the LPA can properly consider the Application.
- 6.7 The review of the FRA (ES Addendum Appendix 7) identified that it is deficient in a number of areas and does not properly consider the potential risk of flooding to properties away from the site due to surface water runoff or exceedance events.
- 6.8 It is therefore considered that a further addendum of the FRA is necessary to properly assess the flood risks to properties away from the site due to the discharges from the proposed attenuation ponds.
- 6.9 The review of the Foul and Surface Water Drainage Strategy Addendum (ES Addendum Appendix 8) postdates the FRA and so renders the submitted FRA out of date. The updated drainage details are still lacking in any detail on

Petrol Interception and on the proposed swale discharge arrangement to the R Yeo.

- 6.10 No assessment has been undertaken of the capacity of the existing ditches, or the effect of local ground water flows, into which discharge is made to accept those discharges or of the local drainage network in exceedance conditions.
- 6.11 It is therefore considered that a further addendum of the Foul and Surface Water Drainage Strategy is necessary to demonstrate that the proposed infrastructure can be delivered.
- 6.12 This is especially pertinent for Application 15/ 03942/Ful, which is the detailed planning application for the infrastructure provision and may not be deliverable within the land under control.
- 6.13 Further clarity of planning conditions and S106 obligations in respect of drainage maintenance should also be provided.

AWP



Appendix A Planning Documents



South Somerset District Council

The Council Offices, Brympton Way, Yeovil, Somerset, BA20 2HT
Telephone: (01935) 462462 Fax: (01935) 462188
Website: www.southsomerset.gov.uk

Simon Fox – Planning Lead Specialist
Martin Woods – Director Service Delivery

MEMO TO:

SSDC EDM files, public web site,
Angela Cox, Jo Boucher,
MHCLG

Date:11-11-
19

FROM:

Simon Fox
Marc Dorfman

Your Ref :

Our Ref : 14/02554/OUT Mudford

Ask for : Marc Dorfman

Direct Line : 07718761397

email : marc.dorfman@southsomerset.gov.uk

Town & Country Planning Act 1990 as amended

Planning Applications at Up Mudford Proposed Sustainable Urban Extension Resolutions by Area South, Area East and Regulation Committees 29-10-19

14/02554/OUT: Outline planning application for up to 765 dwellings (C3); 65 bed Care Home; 2.02ha of employment land (B1); Community Building; Neighbourhood Centre comprising up to 1000m² retail, (A1, A2,A3, A5) and a Health Centre (D1); new means of access to A359 and to Lyde Road; Master Plan layout, (roads; landscaping; drainage) and associated off site works.

15/03942/FUL: Engineering works to create two attenuation basins and a landscape buffer to support application 14/02554/OUT

On the 29th October 2019, the above 2 applications were considered in turn by Area South, Area East and Regulation Committees. Because the application boundary for 14/02554/OUT

crosses two Area Committee boundaries, (and application 15/03942/FUL is inextricably linked to application 14/02554/OUT), the SSDC Constitution dictates that the formal decision must be made by the strategic Regulation Committee. SSDC decided to support the consultation of the two Area Committee on these applications – which would then be sent to Regulation for its deliberation and final decision. All 3 Committee met separately on 29-10-19, one after the other in the following sequence: South, East, and Regulation. Area South resolved to approve both applications, Area East resolved to refuse both applications and **Regulation resolved to approve both applications.**

Set out below are the resolutions of each Committee; the reasons for refusal by East and changes to conditions for approval by South and the decision making Committee Regulation.

Appendix 1 sets out a complete and corrected list of resolved planning conditions and informatives agreed by SSDC's Regulation Committee, when it decided on the 29-10-19 to resolve to approve both applications.

Appendix 2 sets out the Heads of Terms of a Legal Agreement, (with all those with an interest in the land) that Regulation Committee also made conditional on any planning permission.

Holding Direction by MHCLG on 6-11-19

The Secretary of State (SoS) issued a formal potential "holding direction" on the decision of these two applications. This means that SSDC has the power to refuse the applications, but if it has resolved to approve them – which it has done – no approval decision notice can be issued before the SoS allows this. The MHCLG has been informed of the Regulation Committee's resolution to approve and there is now a pause whilst the SoS decides whether to "call in" the applications for his/her determination or to allow SSDC to proceed with Regulation Committee's resolution to approve. MHCLG have indicated that the SoS would like to see the draft minutes of the Regulation Committee meeting. MHCLG has been sent the Agenda papers and the officer report. This memo is a record of the planning committee meetings that took place on the 29th October 2019 and the final resolution by SSDC's Regulation Committee to be minded to approve the two applications.

SSDC Committee Resolutions

1. Regulation Committee
2. Area South Committee
3. Area East Committee

1. Regulation Committee

14/02554/OUT – APPROVE as in Officer Report, subject to

Additional Condition

The Community Hall land shall be transferred to at no cost to SSDC on the completion of the legal agreement, the issuing of the decision notice and the triggering of the planning permission, and no occupation of any of the scheme’s dwellings until the infrastructure for the access and operation of the Community Hall, (including drainage, road, footways, cycle paths, utilities and services) is in place and operational, including those for the purposes of constructing the Community Hall.

Reason: To support the early development of an integrated joint neighbourhood centre for Wyndham Park and the proposed Mudford Urban Extension, in line with policy YV2 of the Local Plan.

Additional Informative

In line with Condition 10, the developer is advised to submit development and design details incorporating “bird boxes” for all homes with gardens.

15/03942/FUL – APPROVE as in Officer Report, subject to:

Amended Condition

DEVELOPMENT START TIMESCALE: The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission.

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

2. Area South Committee

14/02554/OUT – APPROVE as in Officer Report, subject to:

Additional Condition

The Community Hall land shall be transferred to at no cost to SSDC on the completion of the legal agreement, the issuing of the decision notice and the triggering of the planning permission, and no occupation of any of the scheme’s dwellings until the infrastructure for the access and operation of the Community Hall, (including drainage, road, footways, cycle paths, utilities and services) is in place and operational, including those for the purposes of constructing the Community Hall.

Reason: To support the early development of an integrated joint neighbourhood centre for Wyndham Park and the proposed Mudford Urban Extension, in line with policy YV2 of the

Local Plan.

Additional Informative

In line with Condition 10, the developer is advised to submit development and design details incorporating “bird boxes” for all homes with gardens.

15/03942/FUL – APPROVE as in Officer Report, subject to:

Amended Condition

DEVELOPMENT START TIMESCALE: The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission.

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

3. Area East Committee

14/02554/OUT and 15/03942/FUL – REFUSE both applications for the following reasons:

- a) **Sustainability:** The proposal fails to suitably address concerns relating to Climate Change by not demonstrating how mitigation and adaptation will be delivered, contrary to Local Plan policy EQ1 and the SSDC Environment Strategy. In addition there is no evidence that the development will be developed to the “highest sustainability objectives” as required by Local Plan policy YV2.
- b) **Sustainable Transport:** The proposal fails to deliver at least 30% of travel originating from the Yeovil North Eastern Sustainable Urban Extension site, by “non – car” modes, contrary to Local Plan policy YV5.
- c) **Flooding:** The proposal lies to the south of Mudford village, a village on lower ground and know to flood. The proposal has failed to satisfy concerns that the flood risk is not to be increased in Mudford village and there is a lack of agreeable detail regarding management and maintenance of attenuation features, contrary to NPPF.
- d) **Ground Contamination:** Given the location of the site, the nature and form of the development may not mitigate the ground contamination, (possible anthrax), for which the site has been tested, and therefore could pose an unacceptable risk to public health and safety, contrary to policy EQ7 Pollution Control in the Local Plan.
- e) **Landscape and Visual Amenity Impact:** The location and form of development presents a substantial development on the site’s slope contrary to paragraph 6.32 of the Local Plan. The development will be detrimental to views of the site from the north by removing the rural landscape and the contained urban edge of the Yeovil settlement.

APPENDIX 1.

Corrected list of planning conditions and informatives agreed by SSDC's Regulation Committee, when it decided on the 29-10-19 to resolve to approve both applications.

CONDITIONS FOR 14/02554/OUT

- A. General Conditions**
- B. Site Wide Pre Commencement Conditions for Development of Any Plot**
- C. Conditions to Accompany any Reserved Matters Application for Each Phase of Development**
- D. Instructive Conditions**

A. General Conditions

- 1. Development Start Time**
- 2. Reserved Matters**
- 3. Phasing Programme**
- 4. Reserved Matters Timescale**
- 5. Plans List and Land Use Permissions**

B. Site Wide Pre - Commencement Conditions for Development of Any Plot

- 6. Design Principles**
- 7. Foul Sewage Infrastructure**
- 8. Drainage and Surface Water**
- 9. Land Contamination**
- 10. Landscape and Ecological Management Plan (LEMP) & the Biodiversity Net Gain Strategy**
- 11. Sustainable Construction and Minimising Carbon Emissions**

C. Conditions to Accompany any Reserved Matters Application

- 12. Adherence to Design Principles**
- 13. Adherence to Designs for a) Foul Sewage and b) Drainage and Surface Water**
- 14. Adherence to Designs for Sustainable Construction and Minimising Carbon Emissions**
- 15. Adherence to Designs for Land Contamination Mitigation**
- 16. Adherence to Designs for Landscape and Ecological Management Plan & the Biodiversity Net Gain Strategy**
- 17. Construction Environmental Management Plan**
- 18. Archaeology**
- 19. Estate Roads**
- 20. Electric Vehicle Charging**
- 21. Parking and Turning Areas to be kept clear**
- 22. Disposal of Highway Surface Water**
- 23. Tree and Hedgerows**
- 24. Landscaping**
- 25. Noise**
- 26. Bats – Lighting Design**

D. Instructive Conditions

- 27. Infrastructure – Broadband
- 28. Wildlife Survey and Support
- 29. Pre – Occupation and Highways
- 30. On Site Parking Provision

E. Additional Condition

- 31. Community and Sports Hall

CONDITIONS for 15/03942

- 1. Development Start Timescale
- 2. Plans List

INFORMATIVES for 14/02554/OUT and 15/03942

- 01. Conditions
- 02. Approved Drawings
- 03. Highway Works
- 04. Environment Agency
- 05. Sustainable Urban Drainage (SUDS)
- 06. Drainage
- 07. Surface Water Attenuation
- 08. Soakaways
- 09. Flood Prevention
- 10. Foul Flow
- 11. Minimising Light Pollution
- 12. Slow Worms
- 13. Hedgerows, Trees and Scrub
- 14. Ecological Clerk of Works
- 15. Electricity Supply
- 16. Noise Management
- 17. S106 Agreement
- 18. Fires
- 19. Highway Legal Agreement
- 20. Lyde Road/Mudford Hill Junction
- 21. Traffic Regulation Orders
- 22. Pre Application and Public Engagement Process

ADDITIONAL INFORMATIVE

- 23. Bird Boxes

CONDITION DETAILS FOR 14/02554/OUT

A. General Conditions

1. DEVELOPMENT START TIMESCALE: The development hereby permitted shall be begun either before the expiration of **5 years** from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. RESERVED MATTERS: Details of appearance, layout, scale and landscaping, (hereinafter called “the reserved matters”) for each phase or part thereof, shall be submitted to and approved in writing by the local planning authority before the development takes place on the relevant phase and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990

3. PHASING PROGRAMME: The development hereby approved shall not be commenced until a written programme, (showing the phasing of the development; the anticipated timings for the submission of Reserved Matters Applications, and the commencement of each phase), has been submitted to and approved in writing by the local planning authority. Any subsequent changes to the agreed programme of phasing shall be submitted to and approved in writing by the local planning authority.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990. (Outline Planning Permission only is granted in accordance with the application submitted).

4. RESERVED MATTERS TIMESCALE: Prior to commencement of development of any phase or part thereof, an application for the approval of reserved matters for each phase, or part thereof, shall be submitted to and approved in writing by the local planning authority in accordance with the scheme of phasing agreed under condition 3 and each of the phases shall be completed in accordance with the phasing programme unless otherwise agreed in writing with the local planning authority. In the case of any reserved matter, all applications for approval must be made not later than the expiration of fifteen years beginning with the date of the grant of outline planning permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

5. PLANS LIST & LAND USE PERMISSIONS: Outline planning permission is hereby granted for:

- a) Up to 765 dwellings (C3)
- b) Care Home with up to 65 bed spaces
- c) Up to 2.02ha of employment land (B1)
- d) Community Building
- e) Neighbourhood Centre comprising up to 1000m² retail, (A1, A2, A3, A5)
- f) Health Centre (D1)
- g) Associated on-site and off - site works

The development hereby permitted shall be carried out in general accordance with the following approved, illustrative plans:

- Illustrative Master Plan (1616_2004 M)
- Land Budget & Density Plan (1616_2002 J)

- Green Infrastructure Plan (1616_2003 B)
- Scale Parameters Plan (1616_2008 B)
- Landscape Strategy (CSa/2023/108E)
- Movement Parameters Plan (1616_2010 E)

Detailed planning permission is hereby granted for the new means of access from the site to A359 and to Lyde Road, in general accordance with the following approved, detailed plans:

- Proposed Site Access (A359 Mudford Hill) – Roundabout General Arrangement (13916-C002)
- Proposed Vehicular Access and Signal Controlled Crossing on Lyde Road (13916-SKT02 E)
- Development Block A – Primrose Lane West Access General Arrangement (13916/T14 A)
- Primrose Lane/Spine Road Junction and Turning head (13916/SKT04 A)

Reason: As required by Town and Country Planning Act 1990, and in order to ensure compliance with the plans hereby approved. (Outline Planning Permission only is granted in accordance with the application submitted), except for the means of access which is not a reserved matter.

B. Site Wide Pre - Commencement Conditions for Development of Any Plot

6. DESIGN PRINCIPLES: Prior to the commencement of any development, a set of Design Principles shall be submitted to and approved in writing by the Local Planning Authority. These principles shall be formulated broadly in accordance with the aims and objectives of the Primrose Lane, Upper Mudford Design and Access Statement and the Illustrative Masterplan drawing nos.1614-2004-Rev M, both submitted with the outline application and shall include the following details:

- (a) **MOVEMENT:** The proposed movement network delineating the primary, secondary and tertiary streets and pedestrian and cycleway connections, (on site and off site links), setting out the approach to estate design, treatment of non-vehicular routes and car and cycle parking, (including a parking strategy i.e. numbers of parking spaces and types).
- (b) **LAYOUT:** The proposed layout, use and function of green and open space within the development.
- (c) **PARKING:** The approach to and design principles applied to car parking (on street and off-street), disabled parking and cycle parking.
- (d) **URBAN STRUCTURE:** Phased layout principles to include urban structure, form and layout of the built environment, building heights, densities, legibility, means of enclosure, key gateways, landmark buildings, key frontages and key groups.
- (e) **PUBLIC REALM & LANDSCAPING:** The design approach for areas within the public realm including landscaping and hard surface treatments, public and private lighting, street trees, boundary treatments, street furniture, sports facilities and play equipment including an explanation of how the design approach and layout will achieve the proposed mitigation as set out in Chapters 7 and 8 of the submitted Environmental Statement.
- (f) **SERVICES:** Servicing, including utilities, (gas, electricity, water, broadband), and the design for the storage and collection of waste and recyclable materials.
- (g) **MATERIALS:** External materials, to include a palette of wall and roof finishes, windows, doors, porches, heads, cills, chimneys, eaves, verges, rainwater goods and the public realm.
- (h) **SAFETY & ACCESS FOR ALL:** These will be the design principles that will be applied to the development to encourage security, community safety and equal access to homes, buildings and public realm. Equal access is particularly important for the infirm and disabled.

Thereafter any application for the approval of reserved matters shall comply with the approved Design Principles, unless otherwise varied in writing by the Local Planning Authority

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015 and EQ2 of the South Somerset Local Plan.

7. FOUL SEWAGE INFRASTRUCTURE: No development in any phase shall commence until works for the disposal of foul sewage from that phase or any part thereof, have been provided, in accordance with details first submitted to and approved in writing by the local planning authority.

The scheme (s) once approved shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

Reason: To ensure that the development is adequately drained in accordance with the aims and objectives of Policy EQ7 of the South Somerset Local Plan (adopted March 2015) and the provisions of the NPPF.

8. DRAINAGE & SURFACE WATER: No development shall take place until details of a strategy for sustainable surface water and ground water drainage, (including temporary drainage provision during construction), and mechanisms for ongoing maintenance and management has been submitted to and approved in writing by the Local Planning Authority (LPA). No development on any individual phase shall take place until details of sustainable surface water and ground water drainage, (including temporary drainage provision during construction, for that phase to accord with the submitted Flood Risk Assessment dated January 2015 have been submitted to and approved by the LPA. The development shall be carried out in accordance with the above approved details and the surface water drainage infrastructure shall be retained and maintained as such thereafter.

Where attenuation for a particular phase is to be provided by the basins approved by 15/03942/FUL, no development shall take place until the relevant attenuation basin has been constructed.

The scheme (s) once approved shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. In accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan (adopted March 2015) and the provisions of the NPPF

9. LAND CONTAMINATION: The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing. And once approved, testing, assessment, development and mitigation shall be carried out in accordance with the approved details:

i) A scheme of further investigation, (to a depth of 2m), of the soils encountered in

Trial Pit T5 reported on by Forge Environmental in their Supplemental Report of PRI006.D/SAR/003 Rev A (Aug 2018) and referred to in the Public Health England letter to Forge Environmental Management Ltd on 19-2-18

- ii) Prior to the commencement of development in each phase or part thereof the full depth of topsoil will be stripped and stockpiled. If any evidence of significant ground disturbance is identified this will be further investigated in accordance with the methodology set out in Para 3.2 of Forge Environmental Supplemental Report PRI006.D/SAR/003 Rev A (Aug 2018), and additionally by a method submitted to and approved in writing by the Local Planning Authority and in accordance with BS10175 2013
- iii) A scheme of mitigation to avoid risk of pollution of water courses and ground water that may be affected, including off site adjoining land, in incidents of heavy rainfall and/or flooding.
- iv) If during the works on each phase contamination is encountered, (e.g. including signs of burning, odour, staining of the soil, unusual coloration or soil conditions, or animal remains from the past) which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority. This must be reported to the LPA immediately, (within 14 days) and all development work suspended.
- v) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to and approved in writing by the Local Planning Authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included in the report, together with the necessary documentation detailing what waste materials have been found and removed from the site, and how all waste material has been safely dealt with on or off site.

The scheme (s) once approved shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

Reason: To ensure that actual or potential land contamination has been investigated and any associated environmental risks have been assessed and mitigated in accordance with the aims and objectives of Policy EQ7 of the South Somerset Local Plan (adopted March 2015).

10. LANDSCAPE & ECOLOGICAL MANGEMENT PLAN (LEMP) & BIODIVERSITY

NET GAIN STRATEGY: A LEMP (referred to in paragraph 8.5.14 Chapter 8 Environment Statement), 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) How the Construction Environmental Management Plan - CEMP and the LEMP will be integrated
- b) Description and evaluation of the biodiversity features post “whole site development” will be developed, maintained and managed for 30 years once the final phase of development is completed. This will also include LEMP Aims and Objectives and the Biodiversity Net Gain Strategy
- c) Ecological trends and constraints on site that might influence management.
- d) Preparation of an indicative work schedule (including an annual work plan capable of being rolled forward) and how this will be monitored and developed
- e) The LEMP will cover at least the habitat and landscape design and management of the

new development, that is needed to promote bats; badgers; birds; dormice; otters; invertebrates; reptiles; key plant species and pollinators.

f) The LEMP shall 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.

In particular the “Details of the LEMP & Biodiversity Net Gain Strategy” shall set out protection and mitigation details relating to the following key species:

- **BADGERS:** Anticipated timetable for the carrying out of any mitigation required, and if necessary the details of new sett requirements and foraging habitat, following any closure of any existing setts.
- **BATS - TREES:** A survey by a competent person, at an appropriate time of year to establish if bats are present in the existing trees within the relevant phase which have been approved to be felled. The survey, together with any proposed mitigation strategy shall be submitted and approved prior to any felling or works to the trees.
- **REPTILES**
- **DORMICE**
- **BIRDS**, (including swifts and swallows)
- **POLLINATORS**

The scheme (s) once approved shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

Reasons: In the interests of European and UK protected and priority species and in accordance with policies EC7, EC8 and EQ4 of the South Somerset Local Plan, in order to:

- to protect badgers, their habitat and setts from damage or disturbance during development operations bearing in mind the animal and its setts are specially protected through the Protection of Badgers Act 1992;
- to protect and safeguard slow worms which have been identified on part of the site and which are specially protected under Section 9(5)(a) and 9(5)(b) of the Wildlife and Countryside Act 1981 (as amended), and
- to protect dormice and their habitat from damage or disturbance bearing in mind that the dormouse is included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1991 (as amended) and the Conservation (Natural Habitats & Countryside) Regulations 1994 and 2017.

11. SUSTAINABLE CONSTRUCTION & MINIMISING CARBON EMISSIONS: Prior to the commencement on site, a “Review Addressing Climate Change in South Somerset Policy EQ1 (RACCSS)” for the whole site, will be produced which sets out how the development proposes to address the following measures set out in Policy EQ1 within the viability parameters already established by the viability appraisal produced for this the outline application:

- Minimisation of Carbon Dioxide emissions through energy efficiency; renewable and low carbon energy solutions
- Minimisation of Flood Risk and maximisation of Water Conservation
- Solar orientation, maximising natural shade and cooling, water efficiency and flood resilience in addressing the impact of Climate change
- How the impact of climate change may affect the measures proposed to enhance the biodiversity of the site.

The scheme (s) once approved shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

Reason: in the interests of address climate change and reducing carbon emissions in accordance with policy EQ1 of the South Somerset Local Plan.

C. Conditions to Accompany any Reserved Matters Application

12. ADHERENCE TO DESIGN PRINCIPLES: A “Statement of Adherence” shall be submitted as part of any Reserved Matters application.

Adherence to **Condition 6 DESIGN PRINCIPLES**

The Statement of Adherence and scheme (s) once submitted in writing to and approved by the Local Planning Authority, shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015 and EQ2 of the South Somerset Local Plan.

13. ADHERENCE TO DESIGNS FOR A) FOUL SEWAGE INFRASTRUCTURE and B) DRAINAGE & SURFACE WATER:

Prior to the development of any phase or part thereof, a “Statement of Adherence” shall be submitted in writing and approved by the Local Planning Authority as part of any Reserved Matters application.

Adherence to **Conditions 7 and 8 FOUL SEWAGE INFRASTRUCTURE DRAINAGE & SURFACE WATER.**

The approved Statement of Adherence and scheme (s) shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

Reason: To ensure that the development is adequately drained and to prevent flooding by ensuring the satisfactory storage of/disposal of foul and surface water from the site. In accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan (adopted March 2015) and the provisions of the NPPF

14. ADHERENCE TO DESIGNS FOR SUSTAINABLE CONSTRUCTION &

MINIMISING CARBON EMISSIONS: Prior to the development of any phase or part thereof, a “Statement of Adherence” shall be submitted in writing to and approved by the Local Planning Authority as part of any Reserved Matters application.

Adherence to **Condition 11. SUSTAINABLE CONSTRUCTION & MINIMISING CARBON EMISSIONS.**

The approved Statement of Adherence and scheme (s) shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

Reason: in the interests of address climate change and reducing carbon emissions in accordance with policy EQ1 of the South Somerset Local Plan.

15. ADHERENCE TO DESIGNS FOR LAND CONTAMINATION MITIGATION: Prior to the development of any phase or part thereof, a "Statement of Adherence" shall be submitted in writing to and approved by the Local Planning Authority as part of any Reserved Matters application.

Adherence to **Condition 9. LAND CONTAMINATION**

The approved Statement of Adherence and scheme (s) shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

Reason: To ensure that actual or potential land contamination has been investigated and any associated environmental risks have been assessed and mitigated in accordance with the aims and objectives of Policy EQ7 of the South Somerset Local Plan (adopted March 2015).

16. ADHERENCE TO DESIGNS FOR LANDSCAPE & ECOLOGICAL MANGEMENT PLAN (LEMP) & BIODIVERSITY NET GAIN STRATEGY: Prior to the development of any phase or part thereof, a "Statement of Adherence" shall be submitted in writing to and approved by the Local Planning Authority as part of any Reserved Matters application. Adherence to **Condition 10. LANDSCAPE & ECOLOGICAL MANGEMENT PLAN (LEMP) & BIODIVERSITY NET GAIN STRATEGY.**

The approved Statement of Adherence and scheme (s) shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

Reasons: In the interests of European and UK protected and priority species and in accordance with policies EC7, EC8 and EQ4 of the South Somerset Local Plan, in order to:

- to protect badgers, their habitat and setts from damage or disturbance during development operations bearing in mind the animal and its setts are specially protected through the Protection of Badgers Act 1992;
- to protect and safeguard slow worms which have been identified on part of the site and which are specially protected under Section 9(5)(a) and 9(5)(b) of the Wildlife and Countryside Act 1981 (as amended), and
- to protect dormice and their habitat from damage or disturbance bearing in mind that the dormouse is included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1991 (as amended) and the Conservation (Natural Habitats & Countryside) Regulations 1994 and 2017.

17. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP): No development shall take place on any phase or part thereof, until a Construction Environmental Management Plan (CEMP) for that part of the development has been submitted to and approved in writing by the local planning authority. The CEMP shall include construction vehicle movements, construction operation hours, and construction vehicular

routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors together with measures to prevent the emission of dust, mud, slurry, and other debris on the highway and for the mitigation of other construction impacts, (including lorry wheel washing). The CEMP will also include physical measures and sensitive working practices to avoid unnecessary biodiversity and wildlife disturbance and destruction and shall be based on the mitigation measures set out in Chapter 8 of the submitted Environment Statement (ES). These will be measures that will support the post development "Landscape & Ecological Management Plan" described in paragraph 8.5.14 of ES Chapter 8, (and referred to in Conditions 10 and 16 above). If appropriate an ecological clerk of works will be used to oversee biodiversity and wildlife protection during construction. If appropriate the CEMP may include registration with the "Considerate Constructor Scheme". All development shall then be carried out strictly in accordance with the approved Construction Environmental Management Plan, which shall be based on the mitigation measures set out in Chapter 8 of the submitted Environment Statement

Reason: To minimize the impact of construction activities on local residents to accord with Policies TA5, EQ2 and EQ7 of the South Somerset Local Plan (adopted March 2015).

18. ARCHAEOLOGY: No development shall take place on any phase or part thereof, unless the implementation of a programme of archaeological work involving further evaluation and subsequent mitigation has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of preserving the archaeological interests to accord with the 2006-28 South Somerset Local Plan.

19. ESTATE ROAD DETAILS: For each phase or part thereof the proposed estate roads, footways, footpaths, public rights of way, (footpath and bridle ways), cycle ways, tactile paving, bus stops/bus lay-bys, verges, junctions, street lighting, (for residential, commercial and open space areas), 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 provision & spaces and street furniture - shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before any construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, facility specifications and method of construction shall be submitted in writing to and approved by the Local planning authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan (adopted March 2015).

20. VEHICLE ELECTRIC CHARGING POINTS: Prior to first occupation of the dwellings in a phase, or part thereof, hereby permitted, provision will be made for electric vehicle charging points, of at least 16 amps, for each dwelling adjacent to their designated parking spaces or garages or in communal charging areas shown on the approved plan. Sufficient provision for at least one electric vehicle charging points per dwelling shall be provided in this way.

The scheme (s) shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

21. PARKING AND TURNING AREAS KEPT CLEAR: Within the phase which includes the Local Centre an area shall be allocated for parking and turning on the submitted plans and, once details have been approved, these areas shall be constructed in accordance with the approved plans and thereafter shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (adopted March 2015).

22. DISPOSAL OF HIGHWAY SURFACE WATER: Within each phase or part thereof 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 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: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

23. TREES & HEDGEROWS: All existing trees, hedges or hedgerows shall be retained where possible, unless shown on the detailed drawings approved as part of the reserved matters as being removed or relocated. All trees, hedges and hedgerows on any phase or part thereof of that part of the site being developed shall be protected from damage for the duration of works on that area to the satisfaction of the local planning authority in accordance with the recommendations in British Standard 5837 1991. Any part(s) of trees, hedges or hedgerows removed without the local planning authority's consent or which die or become, in the opinion of the local planning authority, seriously diseased or otherwise damaged within 5 years following contractual practicable completion of the relevant approved phase of development shall be replaced as soon as is reasonably practicable and, in any event, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the local planning authority.

Reason: To ensure that hedges, hedgerows and trees to be retained are adequately protected from damage to their health and stability throughout the construction period in accordance with Policies EQ2 and EQ5 of the South Somerset Local Plan (adopted March 2015).

24. LANDSCAPING: No phase of the development or part thereof hereby permitted shall be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for that phase or part thereof, which shall seek to achieve the mitigation measures set out in Chapter 7 of the submitted Environment Statement, include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings in that phase or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced

in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the visual amenity of the area in accordance with Policy ST6 of the South Somerset Local Plan (adopted March 2015).

25. NOISE: Prior to the erection of the superstructure of any dwelling within a phase or part of a phase within those parts of the site defined as noise sensitive in ES Chapter 12 - Noise and Vibration, a scheme of noise mitigation shall be submitted to and approved by the Local Planning Authority. Any measures identified should be completed prior to the occupation of buildings within the defined noise sensitive area.

Reason: To ensure proper planning of properties potentially affected by noise in the interests of amenities of occupiers and in accordance with saved Policy EQ7 of the South Somerset Local Plan (adopted March 2015).

26. BATS – LIGHTING DESIGN: Prior to commencement of development of any phase or part thereof, where there is potential for adverse impacts on bats as identified in the submitted Environment Statement, a lighting strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: in the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan

D. Instructive Conditions

27. INFRASTRUCTURE – BROADBAND: Prior to the occupation of any dwelling, the developer will register the site with "Openreach" for new broadband provision. Prior to the occupation of any dwellings within a phase or part thereof, the developer will ensure that the appropriate ducting is provided within that phase.

Reason: In the interests of low carbon travel and the aims of Policy TA1 of the South Somerset Local Plan (2006-2028).

28. WILDLIFE SURVEYS AND SUPPORT: If any phase of the development is to be commenced after a date that is 2 years from the date of this consent, no part of that phase of development shall be carried out unless it has been agreed in writing with the Local Planning Authority whether a further supplemental survey, in respect of that part, shall be commissioned in respect of any wildlife survey over two years old at the time of

commencement. Should such a survey be required then any mitigation requirements that may be identified by it shall be fully implemented.

Reason: In order to protect legally protected species in accordance with Policies EC7 and EC8 of the South Somerset Local Plan (adopted March 2015).

29. PRE – OCCUPATION & HIGHWAYS: 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: In order to ensure that adequate access arrangements exist for each building prior to occupation

30. ON SITE PARKING PROVISION: The areas allocated for parking shall be properly consolidated before the building(s) to which they relate are first occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (adopted March 2015).

ADDITIONAL CONDITION

31. COMMUNITY & SPORTS HALL: The Community Hall land shall be transferred to SSDC on the completion of the legal agreement, the issuing of the decision notice and the triggering of the planning permission, and no occupation of any dwellings until the infrastructure for the access and operation of the Community Hall, (including drainage, road, footways, cycle paths and services) is in place and operational, including those for the purposes of constructing the Community Hall.

Reason: To support the early development of an integrated joint neighbourhood centre for Wyndham Park and the proposed Mudford Urban Extension, in line with policy YV2 of the Local Plan.

CONDITION DETAILS for 15/03942

- 1. DEVELOPMENT START TIMESCALE:** The development hereby permitted shall be begun before the expiry of **five** years from the date of this permission.

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

- 2. PLANS LIST & APPROVED DEVELOPMENT:** The development hereby permitted for 2 attenuation ponds and associated landscaping and infrastructure, shall be carried out in accordance with the following approved plans and documents:

- Illustrative Master Plan (1616_2004 M)
- Flood Risk Assessment (submitted 15th September 2015)

- General Arrangement of Attenuation Pond 1 (13916-C101 E) (submitted 7th September 2018)
- General Arrangement of Attenuation Pond 2 (13916-C102 E) (submitted 7th September 2018)
- Pond Catchment and Phasing Plan (13916-C107 A) (submitted 7th September 2018)
- Proposed Fill Area Plan Layout and Sections (13916-C104 A) (submitted 7th September 2018)
- Landscape Strategy (CSa/2023/108 E) (submitted 10th May 2019)

Reason: As required by Town and Country Planning Act 1990, and in order to ensure compliance with the plans hereby approved.

INFORMATIVES for both 14/02554/OUT and 15/03942/FUL

01. **CONDITIONS:** You are advised that for the purposes of the conditions set out above, the term 'commencement' shall be taken as defined in the S106 which accompanies this application, wherein 'commencement' is defined.
02. **APPROVED DRAWINGS:** You are advised that for the purposes of the above conditions the term 'approved drawings' takes the meaning of those to be approved under any subsequent Reserved Matters together with the base plans set out at Condition 5 and the Environmental Statement, whichever is the later to be approved.
03. **HIGHWAY WORKS:** In regard to the highway works, the applicant is advised to contact the Highway Authority as soon as practicable in order that the appropriate legal agreement can be completed prior to the commencement of highway works.
04. **ENVIRONMENT AGENCY:** You are advised to consult the Environment Agency in respect of any discharge.
05. **SUSTAINABLE URBAN DRAINAGE SYSTEMS (SUDS):** It is recommended that the developer(s) investigate the use of SUDS for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks.
06. **DRAINAGE:** Provision must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected. In addition the development must not adversely affect any legal water interests in the area, including wells, springs and private abstract.
07. **SURFACE WATER ATTENUATION:** The proposed surface water attenuation ponds will be designed to be continued to be grazed. If given this purpose there are also ways they could be used to provide a wetland habitat, the LPA would support this. You are advised to contact the local planning authority ecologists about the detailed design.
08. **SOAKAWAYS:** Only clean, uncontaminated surface water from roofs and paved areas shall be discharged to any soak away or swale.
09. **FLOOD PREVENTION:** You should ensure that the proposal does not affect any flood defenses and you should consult the Lead Local Flood Authority in this respect.
10. **FOUL FLOW:** In terms of foul flow the development will be unable to gravitate to the anticipated connection point and will require an on-site pumping station. You are advised to consult the Environment Agency and Wessex Water at the earliest opportunity.
11. **MINIMISING LIGHT POLLUTION:** Any floodlighting shall take the form of Full Cut-off (FCO) lighting, set at 90 degrees to the ground. Any such lighting should minimise shedding light into wildlife habitats and nearby housing.
12. **SLOW WORMS:** Any slow worm survey that may be required should include: methods for the safe trapping and translocation of slow worms from areas where they are likely to come to harm from construction activities, identification of refuge or reception areas, the provision of protection to those areas, and methods for preventing slow worms re-entering the areas from which they have been translocated.

13. **HEDGEROWS, TREES & SCRUB:** You are advised that the removal of hedgerows, scrub and trees must be timed to avoid the bird nesting season (March-September) in order to comply with the Wildlife and Countryside Act 1981 (as amended).
14. **ECOLOGICAL CLERK OF WORKS:** You are recommended to consider retaining an "Ecological Clerk of Works" to oversee the implementation of works in relation to wildlife to accord with the law, British Standards and good practice.
15. **ELECTRICITY SUPPLY:** You are advised to contact Scottish and Southern Electricity, Yeovil in respect of electricity supply, installation of underground cables and provision of new on-site electricity sub-stations together with off-site works.
16. **NOISE MANAGEMENT:** In the interest of good practice it is recommended that noise levels for the scheme should aim to achieve Leq 16 hr: 50 and 55dB in outdoor living areas. For indoor living areas during the night time (23.00 - 07.00hrs) the recommended level is Leq 8hr: 30 dB to prevent sleep disturbance. For indoor areas during the day time (07.00-23.00hrs) a level of Leq 16hr: 40dB is generally acceptable.
17. **S106 AGREEMENT:** Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
18. **FIRES:** You are advised that no burning of materials should take place where it could cause damage to any tree, tree group or hedgerow retained or planted on the site or adjoining land.
19. **SCC HIGHWAY LEGAL AGREEMENT:** The applicant will be required to enter into suitable legal agreements 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.
20. **LYDE ROAD/MUDFORD HILL PRIORITY JUNCTION:** In the interests of financial efficiency it would appear beneficial for the works to install the signalised junction on Lyde Road/A359 Mudford Hill to be a joint scheme between this developer and the developer of the adjacent Wyndham Park site.
21. **TRAFFIC REGULATION ORDERS:** Any amendments to existing highway user rights on any route should be confirmed via an appropriate Traffic Regulation Order prior to works commencing on the routes affected. Undertaking works without the benefit of a suitable Order may constitute a breach of the Highways Act 1980 and appropriate actions will be undertaken by this Authority. In the event of permission being granted, the Highway Authority would recommend that the following conditions are imposed.
22. **PRE APPLICATION & PUBLIC ENGAGEMENT PROCESS:** The applicant is encouraged to enter into early pre application and public engagement on the details of the scheme to help improve the design and delivery of the pre commencement and reserved matters conditions.

ADDITIONAL INFORMATIVE

23. **BIRD BOXES:** In line with Condition 10, the developer is advised to submit development and design details incorporating "bird boxes" for all homes with garden

Appendix 2.

PROPOSED/VOTED ON S106 COMMUNITY BENEFITS LEGAL AGREEMENT - HEADS OF TERMS

Proposed s106 cash contribution is proposed to be £9,648,238, plus an estimated £904,892 for off - site highway works, giving a total s106 package of some £10,553,130. (Please see Appendix 1 "Viability Assessment and proposed s106/278 Community Benefits" in the SSDC Planning Report 29-10-19).

(In addition to the formal s106 package of £10.5m, the following estimated community benefits are also proposed to be provided:

- £4.8m for affordable housing (15% - 115)
- Community land valued at £9m, (sports pitches land for the primary school at £400k; formal sports pitches valued at £1m and open space and parkland at £7.6m)
- Public open space works valued at £1.8m and
- Other on site infrastructure works valued at £0.9m)

Transfer of the Community/Sports Hall land at no cost to SSDC; make early provision of the Community/Sports Hall cash contribution and ensure early facilitation of safe and constructed access and all services to the Community/Sports Hall land, from The Circle, Wyndham Park, on behalf of SSDC.

Community Benefit contributions are proposed under 6 headings: Education; Open Space, Leisure and Play; Community and Culture; Green Infrastructure; Affordable Housing and Highways and Transport.

These sums and projects were developed out of a negotiated balance between Local Plan policy requirements, site development costs and projected market values from the provision of 765 homes with different percentages of affordable homes, in different quantities of affordable tenures, (details in Appendix 1 "The Scheme Viability Assessment"). This document was also put out to public consultation.

The components of what is known as "Legal Agreement Heads of Terms" are proposed to be as follows:

"3.1 Education

The **£3,400,000 Primary and Pre - School** contribution to extend existing primary school at Wyndham Park to create a 14 class school with Preschool facilities. Land will be provided for playing fields and for Primary School to be extended - value £400,000.

The **£2,684,988 Secondary Education** contributions is made up of a payment of £3,509 for each of the 765 dwellings proposed on the site.

3.2 Open Space and Play

The **Public Open Space** Contribution of **£824,400 would** comprise:

- £30k for growing/allotments
- £180k for 2 LEAP play areas (£90k each)
- £267,371 for proposed Large Play Area on the boundary between Mudford/Wyndham close to the existing Wyndham Park Primary School
- £47,499 for the proposed Large Joint MUGA. (It is proposed that the £80k MUGA Wyndham s106 is added to the £47,499 to make a budget of £127,499 to create a joint MUGA next to the proposed Mudford Large Play Area. This would still leave

£63,691 of Wyndham s106 funds to spend on landscaping for the Wyndham Circus site and the original Wyndham MUGA site).

- £299,530 – Playing pitches

3.3 Open Space and Play Commuted Sum

The **Play and Open Space Commuted maintenance and management** fund is proposed to be **£553,771**.

3.4 Highways and Transport

The **Transport** Contribution of **£1,394,750** would comprise:

- £189,750 to fund a travel plan coordinator and travel plans to promote sustainable transport for each home, (details to be agreed as part of any reserved matters scheme)
- £300,000 for a Bus Service contribution,
- £60,000 for Bus stops and shelters,
- £550,000 for the Lyde road cycle project to link the site, Wyndham neighbourhood via Lyde Road to Pen Mill Station and the town centre
- £200,000 for an urban cycle route to the town centre via Runnymede Road/Cavalier Way to community sports facilities, Birchfield School and the town centre.
- £80,000 for the riverside walk/ country park pedestrian and cycle links,
- £10,000 signage for the Mudford village cycle lane route, and
- £5,000 for the cost of the traffic regulation orders.

The total costs of works for **off - site Infrastructure improvements** has been assessed as **£904,892** for the purpose of the viability assessment. These works will include improvements to Mudford Road/ Lyde Road Signal junction, road markings at St Michaels Avenue/ Mudford Road Junction and the pedestrian and cycle access improvements on Lyde Road, Primrose Lane and Runnymede Road.

These are estimated costs. Any s106/s278 agreement that may accompany any agreement to approve, would require the delivery of these works, whatever the costs, within reason.

3.5 Strategic Facilities – Community Building and Sustainable Development Innovation Fund

- **£370,329 from the proposed Mudford SUE** to jointly fund a new Community Hall, Sports Hall and Changing Rooms for both the Wyndham Park and Mudford communities. (To this sum it is proposed to add the reserved SSDC allocated £400k capital funding and £299,671 reserved Wyndham Park s106 funds for a community centre. **This would make a Community Buildings fund of £1,000,000**).
- **£150k for a Sustainable Construction and Renewable Energy Innovation Fund**. Should the scheme be approved, the applicant is required to submit a Sustainable Construction condition, and the proposed Fund would be available to the LPA to challenge the applicant's proposals and incentivize sustainable improvements – particularly in renewable energy. A £10k cap for feasibility and assessment work is proposed with the remaining £140k to be allocated to formal incentives and improvements.

3.6 Community Projects

- **£15,000** has been allowed for a contribution towards **public art on site**

- **£120,000 for Mudford Parish Council**, to contribute to the following PC highlighted projects: traffic calming; public car park extension and the local cemetery.

3.7 Green Infrastructure

The total cost of the works for Green Infrastructure, (NB not part of the proposed cash s106 sums) has been assessed as some **£1,881,635**. These works will include ground modelling, structural landscaping, incidental open space, buffer planting and the landscaped event space. Land will be provided for all these areas.

3.8 Affordable Housing (AH)

Of the 765 proposed units, Affordable Housing (AH) is proposed to be 15% and is costed at **£4,809,088**. Total AH units proposed to be provided is 115, comprising 30 social rent; 28 affordable rent; 30 shared ownership and 27 discounted sale.

The affordable housing policy target for the two Yeovil Urban Extensions is 30%, subject to viability considerations. It has been assessed that given all the community benefits required for a new neighbourhood, given the appraised land and development costs and reasonable developer profit and risk - that 15% is a reasonable AH contribution.

Appendix 1 sets out the proposed development's "Viability Assessment". This demonstrates that whilst the SSDC CIL Inspector was prepared to accept a land valuation of £200k per acre for housing land, (equivalent to some 9/10 times more than existing agricultural land values at £20/22k per acre), the current Mudford proposal seeks a Residual Land Value of £75k per acre – only 3 to 4 times more than existing use value. This demonstrates value for money for the risk of housing development over a 10 year development programme. For this reason, no "housing clawback" s106 element is proposed.

3.9 SSDC s106 Legal Fees

The sum of **£115,000** has been allowed for the cost of local authority fees (County and District) in dealing with the S.106 and the Bonds required for the works. Notwithstanding this estimate the applicant/developer will be required to pay any and all reasonable County/District fees/costs - even if they go above the estimated level of £115k.

And a sum of **£20,000** has been allowed for s106 Monitoring which has been allowed since 1st September 2019. A total of £135,000

3.10 S106 Trigger Headings

Should planning permission be approved the following infrastructure and community benefits along with appropriate trigger dates and delivery will be incorporated into a S106 agreement:

- i) A395 (Mudford Hill) New Access, Roundabout and Site Spine Road
- ii) Lyde Road New Access and Bus Gate, (including bus gate, pedestrian, cycle, emergency vehicle and turning heads).
- iii) Potential Collingwood Roundabout New Access and Bus Gate: Prior to commencement of development. Details will include pedestrian, vehicle and cycle links from Collingwood Roundabout to the proposed community centre, to the spine road and access for emergency vehicles and buses.

- iv) Primrose Lane Design and “Traffic Calming” (i.e. designs for modifications to the highway layout where Primrose Lane meets the internal spine road).
- v) A359/Lyde Road Junction Improvements, to deliver a “two lane improvement” on all arms, taking appropriate account of the “traffic signalization” scheme at this location and the A359/Combe Street Land new roundabout, (both these latter to improvements, to be provided by the separate Wyndham Park scheme that has been previously approved and subject to a separate s106 agreement).
- vi) A359 and St Michael’s Avenue Junction Improvement comprising a “keep clear” markings.
- vii) Cycle and Pedestrian Network, Links and Crossings - a scheme of pedestrian and cycle improvements, including footways, cycle ways toucan crossings on, adjacent to or approaching Lyde Road and Mudford Hill. These aim to support pedestrian and cycle access between the site and Wyndham Park, Pen Mill Station and the town centre.
- viii) Contributions towards Bus Services; Routes, Infrastructure and Costs
- ix) Residential and Commercial Travel Plans
- x) Affordable Housing
- xi) Community, Health and Leisure: land and financial contributions for community facilities, including community and sports hall; sports changing rooms/building and pitches; youth facilities; equipped play spaces
- xii) Open Space and Landscaping: long term maintenance and management regime and retention of 40% open space development component
- xiii) Community and Employment Land: servicing of land
- xiv) Education: land for sports pitches and financial contributions for pre - school, primary and secondary
- xv) Mudford Parish Council
- xvi) Public Art and neighbourhood infrastructure
- xvii) Indexing
- xviii) S106 legal and professional fees
- xix) A “Reallocation of Funds” clause that ensures that should allocated developer funds for community benefits not be required to deliver the benefit, (e.g. “costs less”) or because the community benefit would be provided or part provided in a different way or from alternative funding sources, then the original developer funds would be reallocated to a s106 SSDC pot for benefits to this site, to be approved by SSDC.
- xx) Other s106 trigger headings that may be found “necessary, reasonable and related to the site and development” should the application be approved.
- xxi) And - Transfer of the Community/Sports Hall land at no cost to SSDC, and the provision at no cost of safe and constructed access and all utilities and services to the Community/Sports Hall land, from The Circle, Wyndham Park, on behalf of SSDC.



Ministry of Housing,
Communities &
Local Government

Mark Dorfman
Development Management
South Somerset District Council
Brympton Way
Yeovil
Somerset
BA20 2HT

Please ask for: Michelle Peart
Tel: 0303 44 48042
Email: Michelle.peart@communities.gov.uk

Your ref: 14/025554/OUT

Our ref: PCU/RTI/R3325/3215420

Date: 9 April 2020

Dear Mr Dorfman

Applications by Abbey Manor Homes Ltd for:

14/02554/OUT – Outline Application for up to 765 dwellings, 65 bed care home, 2.02ha of employment land (B1), community building, neighbourhood centre comprising of 1000m2 retail, (A1,A2, A3, A5) and a health centre (D1) new means of access to A359 and to Lyde Road, master plan layout, (roads, landscaping and drainage) and associated off site works at Upper Mudford, Primrose Lane, Yeovil, Somerset.

15/03942/FUL – Engineering works to create two attenuation basins and a landscape buffer to support application 14/025554/OUT at Upper Mudford, Primrose Lane, Yeovil, Somerset.

I refer to the above applications which have been the subject of third party requests to call in for determination by the Secretary of State for Housing, Communities and Local Government.

The Secretary of State has carefully considered this case against call-in policy, as set out in the Written Ministerial Statement by Nick Boles on 26 October 2012. The policy makes it clear that the power to call in a case will only be used very selectively.

The Government is committed to give more power to councils and communities to make their own decisions on planning issues, and believes planning decisions should be made at the local level wherever possible.

In deciding whether to call in these applications, the Secretary of State has considered his policy on calling in planning applications. This policy gives examples of the types

of issues which may lead him to conclude, in his opinion that the applications should be called in. The Secretary of State has decided not to call in these applications. He is content that they should be determined by the local planning authority.

In considering whether to exercise the discretion to call in these applications, the Secretary of State has not considered the matter of whether these applications are EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The local planning authority responsible for determining these applications remains the relevant authority responsible for considering whether these Regulations apply to this proposed development and, if so, for ensuring that the requirements of the Regulations are complied with.

The Article 31 Direction issued pursuant to the Secretary of State's letter of 6 November 2019 is hereby withdrawn.

Yours sincerely

Michelle Peart

Michelle Peart
Planning Officer

South Somerset District Council
Brympton Way
Yeovil, Somerset
BA20 2HT

By email only to: legal@southsomerset.gov.uk
Copy only to: Alex.Parmley@southsomerset.gov.uk
angela.watson@southsomerset.gov.uk

Our ref: MUD1/1

19 October 2020

FOR YOUR URGENT ATTENTION
JUDICIAL REVIEW PRE-ACTION PROTOCOL LETTER

Dear Sirs

1. This is a pre-action letter sent pursuant to the judicial review pre-action protocol.

The proposed Claimant

2. The proposed claimant is Mudford Parish Council.

The proposed Defendant

3. The proposed defendant is South Somerset District Council.

The details of the matter being challenged

4. The decision in question is the proposed grant of planning permission for:

"14/02554/OUT: Outline planning application for up to 765 dwellings (C3); 65 bed Care Home; 2.02ha of employment land (B1); Community Building; Neighbourhood Centre comprising up to 1000m² retail, (A1, A2,A3, A5) and a Health Centre (D1); new means of access to A359 and to Lyde Road; Master Plan layout, (roads; landscaping; drainage) and associated off site works.

"15/03942/FUL: Engineering works to create two attenuation basins and a landscape buffer to support application 14/02554/OUT (GR 357198/118268)"

5. The land in question is at Upper Mudford, Primrose Lane, Yeovil (“the Site”). The resolutions to grant planning permission were made on 29 October 2019.

Decision date

6. At the time of writing no permissions have been issued.

Policy context and factual background

7. The Policy YV2 of the South Somerset Local Plan allocates the Site for mixed use development. The policy provides, so far as is relevant:

“The Yeovil Sustainable Urban Extensions should be located in two areas to the south and north-east of the town and should provide the following:

...

The north east area:

...

- a. *Landscape mitigation to address:*
 - i. *Potential massing effects across the site’s northward face; and*
 - ii. *Potential visual dominance at the site’s edge and skyline.”*

8. The supporting text provides:

“6.32 Policy YV2 includes landscape mitigation for the NE Yeovil SUE to address the impacts of built development in this area. Future masterplanning work should ensure development is assimilated into its surroundings by including the following key landscape prescriptions:

- a. *Set development back from the line of the A359, and placed beyond a robust tree line;*
- b. *Retain the mature trees and robust hedgerows within the site;*
- c. *Counter general potential massing effects by breaking up development areas; locating buildings to avoid the steeper and highly visible slopes, and; incorporating open space and tree planting within these areas;*
- d. *Utilise woodland planting over the raised knoll to the east of the site;*
- e. *Create robust planting and open space corridor along the most prominent site hedgelines;*
- f. *Locate building growth adjacent to Wyndham Park in areas that are less conspicuous to local view;*
- g. *Seek a sensitive integration of street patterns, corresponding open space, tree planting and material tones, with Wyndham Park;*
- h. *Locate bulkier forms of development on areas of lesser elevation, visually contained, or on level topography.*

6.33 Further detail on all of the key issues in delivering the Yeovil Sustainable Urban Extensions will be addressed in the Area Action Plan/Site Allocations Development Plan Document to be produced after the local plan is adopted or through the development management process if planning applications are submitted in

advance of preparing the DPD.”

9. These policy matters were identified in the examination of the Local Plan as being of particular importance to the successful delivery of the allocation. Paragraph 83 of the examining Inspector’s report on the Local Plan noted:

“... I am satisfied that appropriate mitigation measures in the form of substantial perimeter planting, would significantly soften the appearance of the development in views from the north and east. The Peripheral Landscape Study (Final Report), whilst recording that the sensitivity of the skyline in this location is a notable concern, nevertheless concludes that the 40% open space standard and structural landscape provision should ‘convincingly assimilate the site into its wider context’ and I agree. In order to ensure that due weight is given to the need for substantial planting the Council is proposing an addition to policy YV2 that sets out the Council’s expectations in this regard. I endorse this addition and recommend it accordingly.”

10. The Peripheral Landscape Study noted (emphasis added):

“Site constraints and mitigation opportunities indicate a potential built development area approaching 45 ha across the escarpment to the south of Up Mudford, but this potential is dependent upon the inclusion of the 40% open space standard, and structural landscape provision, to ensure commensurate mitigation will convincingly assimilate the site into its wider context. ... From a landscape perspective, whilst mitigation potential has the capacity to reduce the major impacts from high to moderate, it cannot wholly counter this substantive incursion over the northern skyline, and the current finely-held balance would be lost as viewed from the northeast.”

The proposed grounds for review

11. The Proposed Claimant considers that the consideration of the applications was unlawful because the Officer’s Reports (OR) on the applications misinterpreted policy YV2 and omitted to consider material matters in respect of the landscape and visual impacts of the proposals.
12. Policy YV2 is clear that landscape mitigation is required for the Site to address the potential massing effects across the Site’s northward face and the potential dominance at the site’s edge and skyline. The supporting text provides a series of “key landscape prescriptions” which give effect to that policy through identifying the way in which those landscape effects should be addressed.
13. The OR misled members on these issues. First, the list of “Special Landscape Guidelines” at paragraph 5.2 of the OR is not a complete or accurate summary of paragraph 6.32 of the Local Plan supporting text. That was a material and misleading omission in its own right. When those matters were set out (p 24), members were misled as to the achievement of those prescriptions and/or as to the consequences of failing to achieve them. As to the substance of the consideration, members were misled by the following cumulative and compounding errors are apparent in the OR:

- a. On the “set back” from the A359, the OR failed to identify the limited distance between Parcel D and the site boundary, which gives limited space for a robust treeline. The OR also did not identify the very substantial decrease in the set back as against that considered in the Peripheral Landscape Study, which was used to justify the site's allocation. That study was used to justify the allocation of the Site. The departure from it was a matter on which members should have received advice and did not do so;
 - b. The submitted (and presumably, to be conditioned and approved) landscape strategy does not “retain the mature trees and robust hedgerows within the site”. Members were not advised on this failing against the “prescriptions” in the supporting text. Whilst the strategy is indicative, its purpose is to identify the scope to satisfactorily accommodate the quantum of development proposed. It was a material omission from the OR to fails to identify that the strategy, even if indicative, did not meet the prescription;
 - c. The OR does not address the need for woodland planting over the “raised knoll”. Such planting is not indicated as part of the proposed development. That prescription was a matter about which members should have received advice, and the failure to grapple with the point was a material omission which misled members;
 - d. The requirement for “robust planting and open space corridor along the most prominent site hedgelines” is not mentioned in the OR. On its face, that prescription is not met by the development proposals.
14. For all of those reasons, members were misled in being advised that the relevant prescriptions were achieved.
15. In respect of the final two prescriptions, the OR bluntly asserts that the LPA has “promoted modified versions of the penultimate two guidelines” without acknowledging the status of the prescriptions as part of the development plan:
- a. The OR expressly rejects the prescription of locating “building growth adjacent to Wyndham Park in areas that are less conspicuous to local view” and favours an alternative approach. Members were not advised of the role of the prescription in the Local Plan, nor the reason for its insertion following the Peripheral Landscape Study. The OR therefore omits to advise members on the issue of non-compliance with this prescription;
 - b. As to the requirements to locate “bulkier forms of development on areas of lesser elevation, visually contained, or on level topography” and counter “general potential massing effects by breaking up development areas locating buildings to avoid the steeper and highly visible slopes”, the OR again rejects the prescriptions in favour of the application proposals which do not meet them. In fact, the proposals were for a wholly different approach. Members were not advised as to this departure from the prescriptions in the Local Plan, nor the consequences of that departure.

16. As a consequence of these material omissions, the advice to members that the proposed was in accordance with Policy YV2 cannot stand. Members could not properly be advised as to the question of compliance with that policy in circumstances where the prescriptions associated with that policy were not properly addressed. The prescriptions in the supporting text directly inform the interpretation of the policy requirement to include landscape mitigation to address potential massing effects across the site's northward face; and the potential visual dominance at the site's edge and skyline. In failing (a) to consider all relevant matters and thereby misleading members as to compliance with some of the prescriptions and (b) promoting "modified versions" of some of the prescriptions without advising members as to the development plan consequences, members were misled.

Details of legal advisers dealing with this claim

17. Richard Buxton Solicitors

Office A
Dale's Brewery
Gwydir Street
Cambridge CB1 2LJ

Attn: Lisa Foster

Tel. 01223 328933

Email: lfoster@richardbuxton.co.uk

Copy to Paul Wyard: pwyard@richardbuxton.co.uk

Counsel

18. Richard Turney, Landmark Chambers.

Details of Interested Parties

19. Abbey Manor Group

The Abbey
Preston Road
Yeovil
Somerset, BA20 2EN

The details of any information sought

20. You are required to make full and frank disclosure in judicial review proceedings.
21. We therefore require full information on how the Council has dealt with each of the points raised above and to provide copies of all information you intend to rely on to defend the claim.

What the Council is requested to do

22. You are requested to confirm that the planning permissions will not be issued and that the matter will be considered again by the Planning Committees. If the planning permissions are issued, the proposed claimant intends to seek judicial review.

Other applications

23. If the claim proceeds, the Claimant will apply for an Aarhus Convention claim costs order pursuant to CPR 45.43 on the basis that the claim is an environmental matter (see *Venn v Sec State CLG* [2015] 1 WLR 2328). If you disagree that this is an Aarhus matter or with the making of a costs order please give your reasons.

Address for Reply and Service of Court Documents

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Attn. Lisa Foster & Paul Wyard

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Proposed reply date

25. 2 November 2020

Yours faithfully

Richard Buxton Solicitors

Richard Buxton Solicitors

Environmental, Planning and Public Law

cc Abbey Manor Group
Attn. Nigel Timmis: ntimmis@abbeymanor.com



18th December 2023
Our Ref: OJ/23.106

Somerset Council
Brympton Way
Yeovil
BA20 2HT

By email only

Dear sir/madam,

14/02554/OUT – OUTLINE APPLICATION FOR UP TO 765 DWELLINGS, 65 BED CARE HOME, 2.02HA OF EMPLOYMENT LAND (B1), COMMUNITY BUILDING, NEIGHBOURHOOD CENTRE COMPRISING OF 1000M2 RETAIL, (A1,A2, A3, A5) AND A HEALTH CENTRE (D1) NEW MEANS OF ACCESS TO A359 AND TO LYDE ROAD, MASTER PLAN LAYOUT, (ROADS, LANDSCAPING AND DRAINAGE) AND ASSOCIATED OFF SITE WORKS AT UPPER MUDFORD, PRIMROSE LANE, YEOVIL, SOMERSET.

15/03942/FUL – ENGINEERING WORKS TO CREATE TWO ATTENUATION BASINS AND A LANDSCAPE BUFFER TO SUPPORT APPLICATION 14/025554/OUT AT UPPER MUDFORD, PRIMROSE LANE, YEOVIL, SOMERSET LAND

I am writing on behalf of applicant, Abbey Manor Group.

The above planning applications were submitted to bring forward the Local Plan's allocation at Primrose Lane in accordance with Policy YV2. These two applications were considered by the South Somerset District Council (the Local Planning Authority) in October 2019. The LPA resolved to grant planning permission subject to; no holding direction from the Secretary of State; and a signed Section 106 agreement.

The Secretary of State indicated that he did not wish to call in the application by letter dated 9th April 2020. However, the required Section 106 agreement has not been completed due to the need to resolve nitrate neutrality arising from Natural England's advice to Local Authorities in respect of this.

Subsequently, a Nutrient Neutrality Assessment was undertaken for the Proposed Development which identified appropriate mitigation measures, which includes on site planting, and the purchase of off-site credits.

Since then, the Levelling Up and Regeneration Act was enacted on the 26th October 2023. This is an Act that makes provision for, *inter alia*, nutrient pollution standards. Section 168 amends Section 96A of the Water Industry Act 1991, to require a sewerage undertaken must secure that the plant will be able to meet the nitrogen and phosphorus nutrient pollution standard. The upgrade date is specified as 1st April 2030. Section 255 states that the date of commencement is 2 months from the date of the Act's enacted; this would be the 26th December 2023. On this basis it is reasonable to assume that the Pen Mill Waste Water Treatment Works will be upgraded by 1st April 2030. This would ensure that the relevant nutrient pollution

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standard is achieved and the nutrients arising from the proposed development would be mitigated to the extent that the integrity of the Special Protection Area.

Accordingly, the following of the land concerned (i.e., the cessation of the agricultural activity with the concomitant pollutant run off) is sufficient mitigation in the short term occupations (pre 2030) and requires only the purchase of credits to mitigate those occupations post 2030 which cannot be mitigated on site and dispenses with the need to install the package treatment works as mitigation. A revised Nutrient Neutrality Assessment has been prepared to take account of these new circumstances.

In this context the applicant is submitting revisions to the proposed development as shown on the following plans:

Land Budget and Density	1616/2002 (N)
Green Infrastructure	1616/2003 (F)
Scale	1618/2008 (F)
Movement	1616/2010 (I)
Illustrative Masterplan	1616/2004 (S)
Landscape Strategy	CSA/2-23/108 (N)
Pond 3 general arrangement	00816-HYD-XX-XX-DR-D-2004 PO3

These represent modest modifications to the proposed development within the ambit of that planning permission which is sought.

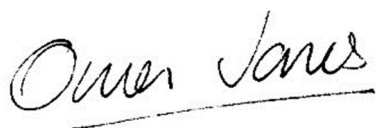
Accompanying these plans is an Addendum to the 2018 Environmental Statement which includes amongst other things, supplementary transport, flood risk, drainage and landscape assessments; a revised Design and Access Statement.

Mindful of the position arrived at in 2019 in relation to the provision of affordable housing and viability, the applicant intends to continue those discussions with the Local Planning Authority in order to reflect present circumstances.

The applicant has previously sought discussions regarding a Planning Performance Agreement to ensure that the LPA has sufficient resources to consider the issues which the application gives rise to, recognising the period of time since the application was last considered. The applicant would welcome further discussion in relation to this now it has reached this stage.

I look forward from hearing from you shortly.

Yours sincerely



Owen Jones

Director

owenjones@lrmpanning.com

07818567476

Schedule of Documents submitted December 2023

Land Use Parameter Plan	[Ref]
Access drawings	[Ref]
Habitat Creation and Open Space Document	[Ref]
Transport Assessment Addendum	[Ref]
Position Statement	[Date]

Appendix B Flooding Images







