

Your Ref:
Our Ref: LWP24



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BS23 1UJ

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Winford Business Park
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2 August 2023

Dear Sirs,

23/P/1145/OUT | Outline planning application with Environmental Statement, with all matters reserved except means of access only in relation to a new point of access into the site off Station Road, for residential development of up to 400no. dwellings, including formation of new vehicular access on Station Road (including demolition of 87 Station Road), pedestrian and cycle access links, public open space, ecological enhancements, landscape planting and associated infrastructure. | Land South Of Nailsea West Of Station Road Nailsea

Backwell Parish Council (BPC), Backwell Residents Association (BRA) and Nailsea Town Council (NTC) submit the following representations in respect of the above planning application by Gleeson Homes for residential development south of Nailsea.

Nailsea is one of the main towns within North Somerset and the adopted Local Plan directs most development to the main towns. Accordingly, Nailsea is a sustainable location to accommodate new residential development. The proposed site lies immediately adjacent to the boundary with Backwell Parish and partly extends into it, so that BPC and BRA are equally interested in the application.

Notwithstanding the above, for the reasons set out below, BPC, BRA and NTC strongly objects to this planning application by Gleeson Homes, which fails to:

1. comply with adopted and emerging national and local policies;
2. provide a robust, accurate and comprehensive assessment of the site and the development impacts;
3. deliver an appropriate layout, scale and design of development which responds to constraints; and
4. provide adequate mitigation and planning obligations.

These matters are discussed in detail below.

We note that the Environment Agency, Internal Drainage Board, Lead Local Flood Authority and Highways England have raised significant concerns to the application, highlighting serious shortcomings with the submitted application.

Vehicular Access and Flooding

These matters are considered together due to the implications of flooding on the vehicular access.

The outline planning application includes detailed consideration of the access, including a single point of access and egress for vehicles from Station Road and route through the site to the first residential development parcel. Despite the proposal representing an urban extension to the south of Nailsea, the sole vehicular access proposed from Station Road, south of Backwell Lake, is within the Parish of Backwell. The vehicular access involves approximately 600m of new road, routed through Flood Zone 3b, to serve the 400 proposed dwellings.

It is acknowledged that no residential development is proposed within Flood Zone 3 and therefore a sequential test would not be required for these proposals in isolation. It is also accepted that the proposed access road would be regarded as Essential Infrastructure and could therefore represent an acceptable form of development within an area at higher risk of flooding. However, the Applicant's assessment of the proposals against the NPPF section on Planning and Flood Risk (Paragraph 159 onwards) is flawed.

The Applicant's Flood Risk Assessment (FRA) claims that North Somerset Council's (NSC) inclusion of the site in the draft SHLAA 2022 as a potentially suitable location for housing negates the need for a sequential test. However, the Applicant acknowledges that NSC has not made available any Sequential Test undertaken as part of the plan making process for the Local Plan Review to 2038 and therefore NSC's own assessment cannot be relied upon.

Indeed, as Gleeson Homes does not propose to rely on NSC to allocate the site through the new Local Plan ahead of submitting a formal planning application, the onus is on Gleeson Homes to undertake a sequential test. This is particularly relevant given the inclusion of land within the application's red line boundary, which extends beyond the proposed allocation and lies within Flood Zone 3.

We therefore object to the applicant's failure to undertake a sequential test in respect of the application site to determine whether the development could be located in an area of lower flood risk.

There is insufficient engineering details or assessments to demonstrate that the access road can be delivered within the flood zone or with an acceptable visual or ecological impact.

We object further to the absence of an exception test to demonstrate that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and where possible reducing flood risk overall.

Table 2 of the National Planning Policy Guidance entitled "Flood Risk Vulnerability and Flood Zone 'incompatibility'" confirms that the Exception Test must be applied to Essential Infrastructure such as new roads, in Flood Zone 3b. To pass the test proposals must be designed and constructed to:

- a) remain operational and safe for users in times of flood;
- b) result in no net loss of floodplain storage; and

- c) not impede water flows and not increase flood risk elsewhere.

In the absence of a sequential test and, if passed, an exception test to demonstrate compliance with the above design requirements, the planning application proposals are contrary to national policy on flood risk and climate change and fail to demonstrate a sustainable form of development and vehicular access which directs development away from areas at higher risk of flooding.

The submission of the sequential and exception tests is a local requirement for validation of planning applications. Accordingly, the planning application should be invalidated or refused in the absence of these submissions.

Paragraph 4.100 of the Applicant's Planning Statement claims that the route of the proposed road has been designed to minimise the impact on the existing floodplain and is assessed through numerical flood modelling which has been agreed with the Environment Agency. This is wholly inaccurate.

Correspondence from the Environment Agency dated 5 July 2023 states that the FRA is based on modelling that has not been submitted with the planning application. Gleeson Homes has yet to confirm whether modelling submitted to the Environment Agency in 2022 is the same as that used to support this planning application. In any event, no modelling has been approved by the Environment Agency and therefore in the absence of an approved model, the findings of the FRA cannot be relied upon to assess the impact of the proposals or to determine whether the Exception Test can be passed. Accordingly, the proposed location of the access and route cannot be assessed until such time as a model is approved by the Environment Agency and the Exception Test is passed.

In the absence of an FRA based on an approved flood model, the application should be invalidated.

Should the Applicant submit a flood model and this is approved by the Environment Agency, BPC, BRA and NTC would be grateful if the Council could notify consultees and provide a further opportunity for comments.

BPC, BRA and NTC have instructed Peter Evans Partnership to undertake an assessment of the submitted transport assessment and access proposals. The assessment highlights the following concerns with the proposals:

- The site fails to integrate with the built-up area of Nailsea to deliver a cohesive extension to the urban area. The proposed residential layout only adjoins the existing built-up area at the north-eastern corner where it touches the end of Sedgemoor Close, but there is no direct footway, cycleway or public highway connecting the two. The rest of the northern site boundary is separated from the urban edge by open space.
- The proposed pedestrian and cycle connections to the north from the development into Nailsea would rely on works on land beyond the Applicant's control, providing no certainty of deliverability. The pedestrian routes to the north also require the use of unsurfaced and unlit public rights of way, which are generally not overlooked and have limited natural surveillance. Furthermore, the Applicant has failed to undertake ecological assessments of the land north of the application site to establish whether it is acceptable to provide suitably surfaced, lit footpath/cycle links into Nailsea.
- In the absence of suitable footpath and cycle links into Nailsea, the proposals would not promote walking and cycling amongst new residents to access facilities and services in Nailsea.

The Town Centre, supermarkets, doctors and dentists are beyond the reasonable walking distance of 800m.

- The Applicant proposes to utilise Youngwood Lane as a cycle route; however, this route is narrow, unlit and has poor visibility around bends and no footpath provision. In addition, parts of the route are particularly steep. The road is used by large farm and agricultural related vehicles accessing established premises which would continue to require access during the operational stage of the development.
- There is no multi-modal assessment to support the application and confirm how many residents would travel by bus or rail, the capacity of existing bus and rail services and whether these services can be enhanced. The height restriction of the rail bridge on Station Road presents a significant constraint to increasing bus capacity, prohibiting the use of double decker buses on routes via the A370.
- The single point of access into the site and 600m of entrance road would not be attractive to commercial bus operators to extend services into the development, due to the time and delay it would take to service the development. In the absence of a commercial bus service routing through the site, residents would need to walk considerably beyond the 400m walking distance to reach the nearest bus stops and hence the use of bus services could not be promoted by the development.
- The applicant has failed to demonstrate the single vehicular access design is sufficient to serve 400 dwellings and the development traffic would not have an impact on the local highway network, for the following reasons:
 - The proposed design has no right-hand turn filter lane for vehicles approaching from Nailsea, which is recommended in Design Manual for Roads and Bridges (DMRB) 'CD123 Geometric design of at-grade priority and signal-controlled junctions', where the proposed access (minor road) flows exceed 300 vehicles per day.
 - North Somerset Council Highway guidance states there will be a general presumption that no more than 300 dwellings are served from a single point of access.
 - The speed surveys recorded to inform the junction visibility splays appear unreasonably low. The applicant must confirm the dates and times of surveys to determine whether the speed data is appropriate to inform the junction design.
 - The Applicant has failed to demonstrate that the proposed emergency access off Youngwood Lane, a narrow single lane access is acceptable.
 - The trip rates are lower than those used by AECOM in the transport assessment to support the draft Local Plan. Highways England has requested the use of AECOM trip rates. The proposals must be reassessed accordingly.
 - The Applicant's trip distribution figures are inconsistent with AECOM's Stage 3 Transport Assessment which reported that the majority of people living in Nailsea

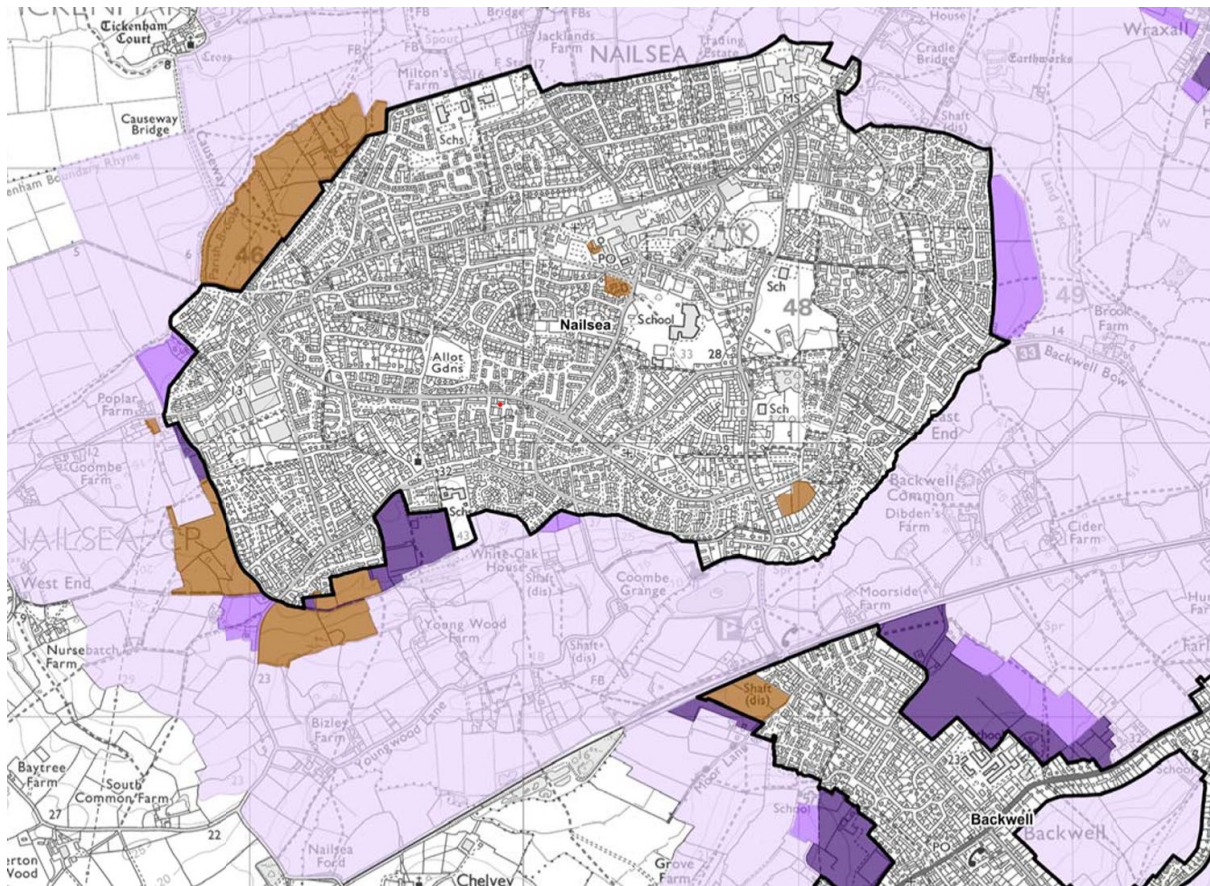
commute to work in Bristol; the Applicant assumes only 29% of all journeys to work by car are to Bristol.

- It is unclear how the Applicant has derived the split of employment/other trips and how education trips in the peak hour have been assessed. Further assessment is required to enable an accurate assessment of the likely impact of the development on the local highway network and the capacity of junctions including Backwell Crossroads.
 - The impact of the development on the safety of the highway network has not been fully assessed. The Applicant does not consider any safety issue with Station Road south, despite numerous recorded incidents involving vehicles and pedestrians. The Applicant also fails to record 16 further collisions on the A370 through Backwell and 3 on Station Road/Nailsea Park. A further 2 collisions on Mizzymead Road and 5 collisions on Queens Road have also been omitted from the TA.
 - The full extent of trips generated by the development onto the road network, particularly onto Station Road (south) towards the A370 has been under-estimated and must be re-assessed prior to determination of the application. The Applicant has failed to provide any measures to improve pedestrian facilities on Station Road and address existing safety issues, to cater for an increase in pedestrian journeys associated with the development.
- There is insufficient evidence presented by the Applicant to provide certainty of the traffic impact and demonstrate that the mitigation measures can be delivered. As a result, there is no certainty that the traffic impact from the application site can be effectively and safely accommodated. Accordingly, the proposed development would not meet the accessibility, access and traffic impact tests within the NPPF and local planning policy and should be refused.

Landscape and Strategic Gap

The application site lies within an area of high landscape sensitivity, as defined by the Wardell Landscape Sensitivity Assessment prepared in support of the draft Local Plan 2038.

With the exception of a small number of fields immediately adjacent to the south of Nailsea's built up area, the assessment concludes that all land south of Nailsea up to the railway line is of high landscape sensitivity. See report extract below.



Source: Wardell Armstrong Landscape Assessment (2018)

The Adopted Local Plan recognised the need for an additional level of protection beyond the normal countryside policies, to prevent the erosion of the gap between Nailsea and Backwell, hence the allocation through the Site Allocations Plan (2017) of a Strategic Gap. The Strategic Gaps Background Paper set out the following reasons for the designation:

1. ***“To protect the sense of the gap between Nailsea and Backwell, perceived particularly from the open space at The Perrings, Nailea, public footpaths in and bordering the strategic gap and from the Perrings west to the Grove Sports Centre.***
2. ***To provide a sense of leaving and/or arriving at a settlement;***
3. ***To convey the perception of the separate identity of the two settlements. The topography, notably the undeveloped south facing slope and flatter land to the south are identified as contributing towards this. The fact that development has not split over the ridgeline from Nailsea was considered important to maintaining the perceived/visual and actual separation of the settlements and the perception of their separate identify.”***

It is noteworthy that the Council recognises the equal importance of the actual, perceived and visual separation of the settlements. On plan, there appears to be a reasonable distance between the two settlements and Gleeson Homes argues that the natural constraint of flood plain combined with the physical constraint of the railway line provide sufficient controls to maintain the separate identity of the settlements without the need for additional policy controls.

Whilst these constraints would arguably safeguard against the physical coalescence of the urban areas of Backwell and Nailsea, the perception of separation between the settlements would be lost when

viewed from several public vantage points due to the topography, the irregular layout of the proposed development and the irregular boundary of Nailsea's built up area.

The photograph below illustrates how narrow the proposed green corridor would appear when viewed from Youngwood Lane, such that the development south of Youngwood Lane would appear to meet the railway line.

The illustrative masterplan proposes residential development of the green field within the foreground of this photograph with the main road running diagonally through the site. The houses would extend up to the tree/hedge line which abuts the rear gardens of the semi-detached properties in the photograph which lie within Backwell Parish. The elevated railway line is visible to the right of the properties. The proposed ecology improvement area would be visually obscured by the proposed housing when viewed from Youngwood Lane. Development of 2-3 storey residential properties in this field would obscure views of this narrow gap, therefore removing a perception of a gap between Nailsea and Backwell.



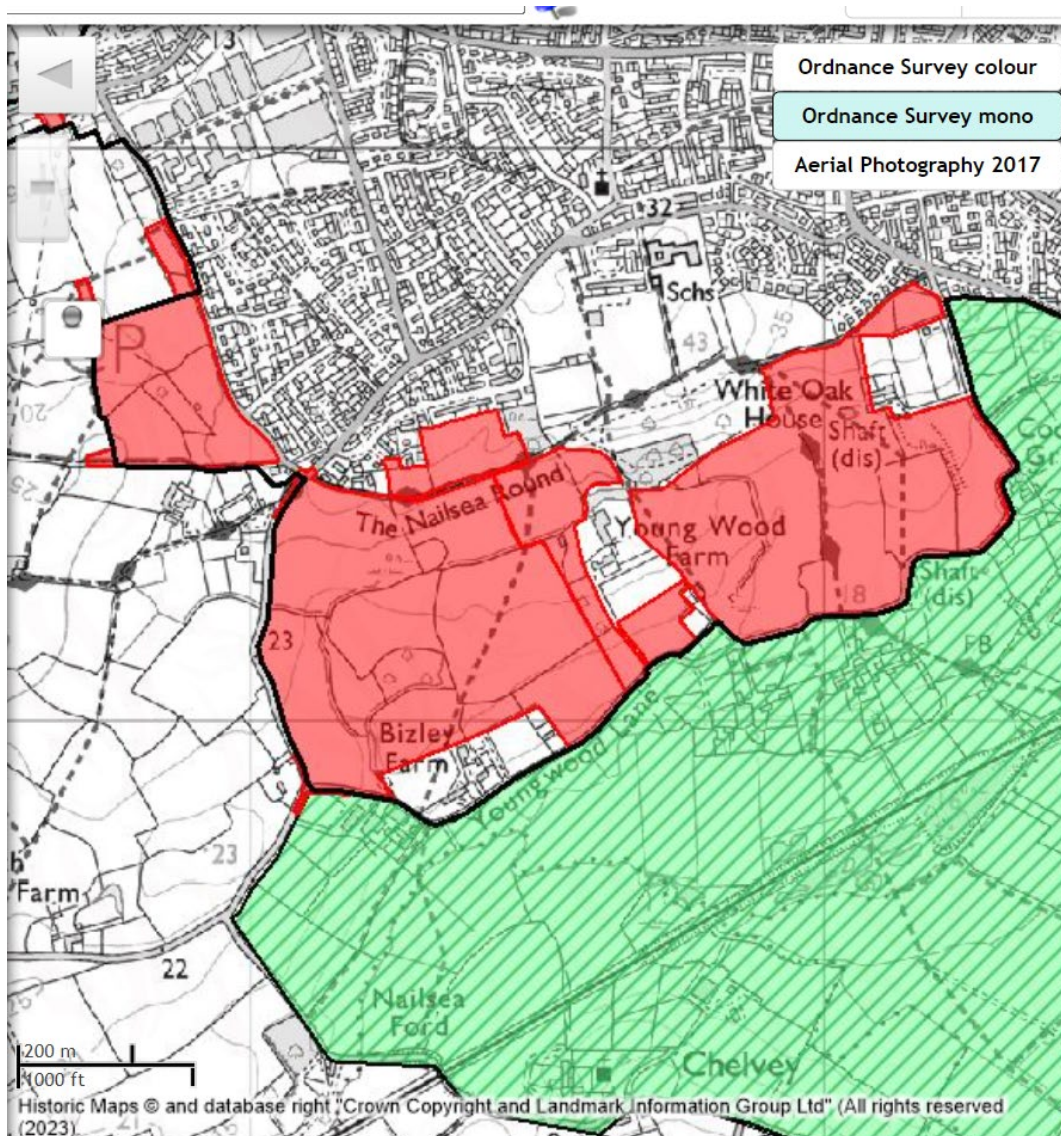
Without prejudice to future representations on the emerging Local Plan Review, if development is deemed acceptable south of Nailsea, the use of Youngwood Lane as the mutual boundary for development allocations and Green Belt is supported. Youngwood Lane offers a defensible boundary to development and broadly marks the change in topography from steeper sloping fields to the north and flatter land to the south. Youngwood Lane turns sharply to the North, west of Backwell Lake, thereby enabling the full extent of the existing gap between Nailsea and Backwell to be designated as Green Belt alongside Station Road. Safeguarding land south of Youngwood Lane as Green Belt, in

combination with land south of the railway line up to Chelvey Road would provide a meaningful gap between the two settlements to prevent their actual, visual or perceived coalescence.

It is acknowledged that the proposed extent of new Green Belt is a matter for consideration through the emerging Local Plan 2038. However, the proposed designation of Green Belt is a material consideration in the determination of this application and should be afforded the same weight as the draft allocation of land south of Nailsea for residential development (see extract from draft Policies Map below) In addition, the impact of the proposals upon this sensitive landscape and the loss of open countryside must be fully assessed against national and local policies to protect countryside.

For the reasons set out above, development south of Youngwood Lane would have a significant adverse impact on the actual, visual and perceived gap between Nailsea and Backwell and would breach this defensible boundary, placing other areas south of Youngwood Lane at risk of further development. We therefore object strongly to the proposed development of land south of Youngwood Lane to deliver circa 110 dwellings.

Draft Local Plan Policies Map (Green Belt, Settlement Boundary and Allocation Designations only)



Agricultural Land

The Applicant acknowledges that the site comprises predominantly agricultural land ranging in quality with lower grade land to the south and higher-grade land, including best and most versatile land to the north and centre of the site, where most residential development is proposed.

NSC's Scoping Opinion identified the importance of protecting and sustainably managing soil resources. The Environmental Statement is required to consider the degree to which soils would be disturbed or damaged as a result of the development, the extent to which agricultural land would be disturbed or lost and whether any best and most versatile agricultural land would be impacted. This requires a detailed Agricultural Land Classification (ALC) survey if one is not available. The ES should include details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.

The Applicant's Scoping Report records the agricultural land classifications available, noting that several fields are not covered by the more detailed post-1988 classification. In the absence of complete up to date agricultural land classification for the site, the Applicant must undertake its own Agricultural Land Classification in accordance with NSC's Scoping Opinion. The submitted ES has failed to consider or address the impact of development on agricultural land in accordance with the Scoping Opinion, relying solely on the fact that the site represents a small proportion of the total available agricultural land in North Somerset (based on 2016 data). This represents a serious shortcoming of the submitted Environmental Statement; the Applicant fails to provide a full understanding of the agricultural value of the site, the environmental impact of its loss, or any mitigation of that loss. This must be rectified through a formal addendum to the ES to enable the impact of the development to be assessed.

Ecology

NSC's Scoping Opinion requires the Environmental Statement to use an appropriate biodiversity metric together with ecological advice to calculate the change in biodiversity resulting from the proposed development and to demonstrate how a net gain is achieved. On site provision of net gains should be considered first.

Biodiversity Net Gain

The Application fails to meet the minimum requirement of at least 10% net gain for biodiversity. The Applicant claims that the proposals comply with the Adopted Local Plan policy, however this requirement for a "net gain" is superseded by the Environment Act 2021 and the associated legal requirement for a minimum of 10% BNG requirement to be achieved from November 2023 onwards.

Given the timescales for determination of this planning application and on-site delivery, it is wholly unreasonable for the Applicant to neglect its obligations to deliver at least 10% BNG. The failure to deliver a 10% net gain puts into question the site's capacity for the scale of residential development proposed.

Habitat Regulations Assessment: Horseshoe Bats

The Planning Statement highlights that it has been unable to mitigate the residual loss of 4.64 hectares of foraging habitat for horseshoe bats on site. The loss would include the loss of foraging land south of Youngwood Lane which is proposed for residential development and lies within the Bat SAC Zone A.

Studies informing the SAC Guidance indicate that the average mean distance travelled by bats is 2.2 kilometres, with 75% of foraging occurring within this range. Accordingly, conservation management should be concentrated within 2.5 kilometres of the roost to maintain and enhance foraging areas. The SAC Guidance notes that the population of bats from the SAC are under particular stress from a number of factors including development on the urban edge of Nailsea and other main settlements which lie within Zone A. The application site lies approximately 2-2.8km from the Brockley Hall roost and therefore within the most valuable area for foraging habitat.

The Applicant proposes off-site habitat enhancement/creation measures on land within Zone B, to the south-west of Nailsea, approximately 3.3-3.7km from Brockley Hall SSSI, considerably further than the mean distance travelled by bats from the roost and close to the maximum distance travelled by bats surveyed in 2006 (See A2.5, SAC Guidance) of 4.1 km for an adult female.

The Applicant has not undertaken a survey of the proposed mitigation land to confirm that bats are currently using the land for foraging and therefore its enhancement would be of benefit to the existing bat population. In the absence of adequate surveys to demonstrate that the proposed off-site land would provide suitable mitigation, the Applicant is unable to meet the precautionary principles of the Habitat Regulations Assessment.

Without adequate mitigation, the Applicant acknowledges that the loss of habitat on site would have an adverse effect on horseshoe bats, with a medium magnitude change on a receptor of high importance, with adverse long term and substantial effects.

Potential Double Counting

The applicant needs to demonstrate that it is not double counting the habitats used for the Habitat Evaluation Procedure (HEP) as detailed in the SHRA and those for the BNG calculations. The HEP is detailed in the HRA. BNG best practice principles (CIEEM, CIRIA, IEMA, 2016) require the net gain habitat to be 'additional'. Therefore, the Applicant is unable to use the same habitat for the purposes of biodiversity net gain and bat replacement habitat.

The Applicant must provide additional information to demonstrate that adequate provision is made for bat habitat and biodiversity net gain to meet the requirements of the Habitat Regulations Assessment and Environment Act 2021.

Affordable Housing

The Applicant proposes delivery of up to 30% affordable housing (up to 120 affordable homes). It claims this complies with the Adopted Local Plan. Policy CS16 establishes a minimum of 30% as the benchmark for affordable housing provision, with no upper limit.

The Applicant's current proposals fall below the requirements of the adopted policy and are unacceptable. To comply with the adopted plan, the Applicant must confirm its commitment to deliver at least 30% affordable housing.

The Applicant's proposed mix of affordable rent, shared ownership and 'First Homes' fails to meet the tenure mix specified by the Affordable Housing Supplementary Planning Document, which specifies a mix of social rent (82%) and intermediate housing (18%). Proposals must accord with the SPD or the latest local housing needs as advised by NSC's Housing Officer to offer genuine benefits to the local community.

Planning Balance

The Applicant applies the planning balance in assessing the proposals. Although we accept that the tilted balance may apply, we disagree with the Applicant's following statements and claimed benefits:

1. *Benefit of no technical obstacles to the delivery of housing on the site.*

This is incorrect. As outlined above, there is no evidence that the proposed development would not lead to increased flooding on site and elsewhere. The model used to inform the FRA is unknown, has not been approved by the EA and cannot be relied upon to draw conclusions on the flood risk associated with the proposed development.

The Applicant has failed to demonstrate that the proposed access through Flood Zone 3 can pass the sequential and exception tests. The proposed Sustainable Urban Drainage strategy to support the vehicular access has been rejected by the Internal Drainage Board. These represent significant technical obstacles.

2. *The principle of delivering new homes at Nailsea, outside the Green Belt is fully in accordance with the adopted and emerging Local Plan.*

This is inaccurate. The application proposals are contrary to the Adopted Local Plan Policies which identify the site as open countryside and Strategic Gap, where development should not prejudice the visual, perceived and actual gap between Nailsea and Backwell. Developments adjoining the settlement boundary should not exceed 50 dwellings without prior allocation in the Local Plan. The proposals also extend beyond the proposed allocation within the emerging Local Plan, extending south of Youngwood Lane into an area proposed as Green Belt.

3. *Benefit of delivery of 30% affordable housing.*

No commitment has been made to deliver a minimum of 30% affordable housing in line with the Adopted Local Plan. The tenure mix fails to address identified housing needs. No provision is made for housing for older people as sought through the emerging Local Plan. Accordingly, the benefits of housing delivery for the local area are limited.

4. *Benefit of provision of transport infrastructure and safeguarding land to enable a southern Nailsea Link.*

The proposals are premature and contrary to Policy LP3 of the emerging Local Plan, which:

1. Discourages traffic associated with new development from using Station Road; and
2. Is subject to the delivery of a package of measures, yet to be confirmed, to alleviate traffic congestion at the Backwell crossroads. Ahead of adoption of the Local Plan, this planning application cannot rely upon the delivery of these measures.

The single vehicular access onto Station Road is contrary to these policy objectives and would result in a significant adverse impact on highway safety as a result of increased traffic flows.

5. *Benefit of biodiversity net gain.*

The applicant acknowledges that it is unable to achieve 10% biodiversity net gain, a mandatory requirement from November 2023, therefore the extent of biodiversity gain is insufficient to

be regarded as a benefit of the development. In addition, the loss of horseshoe bat foraging habitat will further erode the already vulnerable foraging habitat within Zone A of the SAC, to the detriment of the bat population at Brockley Hall SSSI resulting in significant adverse impact of the proposals if inadequately mitigated.

The Applicant fails to recognise the following additional adverse impacts of the proposals:

1. Increased surface water run-off and flood risk;
2. The loss of best and most versatile agricultural land; and
3. The significant and irreversible erosion of the undeveloped gap between Nailsea and Backwell and the loss of their separate identifies.

For the reasons set out above, BPC, BRA and NTC object strongly to the planning application and requests that the application is invalidated in the absence of a flood model which has been approved by the Environment Agency, and a sequential test and exception test report, prepared in the context of the approved model, in accordance with the requirement of the NPPF.

An agricultural land classification survey must be completed, and an additional chapter of the ES prepared to address the impact of development on agricultural land, in accordance with the Scoping Opinion. This should be submitted as a formal addendum to the ES and subject to consultation.

The proposed drainage strategy must be comprehensively reviewed in light of the Internal Drainage Board's comments regarding the incompatibility of attenuation ponds with the flood zone 3. The revised strategy must take full account of the highly sensitive nature of the ground conditions and the high-water table to the south of the site.

The proposed single vehicular access/egress point off Station Road is wholly inappropriate, reducing the capacity of the flood zone and displacing flood water to the detriment of neighbouring properties off-site. Station Road is unable to accommodate all vehicle trips generated by the development without significant adverse impact on highway safety. Without confirmation of strategic proposals for a rail crossing to alleviate traffic flows on Station Road and at Backwell Crossroads, Station Road is unsuitable to accommodate traffic flows from the development. An alternative vehicular access must be identified to provide direct access into Nailsea's urban area through flood zone 1.

Residential development south of Youngwood Lane must be removed from the masterplan in accordance with the emerging Local Plan Policies LP3 and LP8 to maintain adequate separation of Nailsea and Backwell, enable retention of the habitat for existing greater and lesser horseshoe bats within Zone A of the SAC and help deliver at least 10% biodiversity net gain on-site.

In the absence of these amendments, we urge Officers to refuse planning permission.

We would be grateful if you could advise of any further submissions by the applicant and we reserve the right to submit further comments in response to any additional information or scheme amendments.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lucy White', written in a cursive style.

Lucy White B.Sc. (Hons) DipTP MRTPI
Director