



LPA OFFICER REPORT

Reference No: 23/00076/LDO

Details of location and proposal and Relevant History:

LDOs provide permitted development rights for specified types of development in defined locations. They are flexible and locally determined tools that LPAs can use to help accelerate the delivery of appropriate development in the right places. LDOs can help enable growth by positively and proactively shaping sustainable development in their area. They can play an important role in incentivising development by simplifying the planning process and making investment more attractive.

The Council is proposing to adopt a Local Development Order in accordance with s61A of the Town and Country Planning Act 1990. The purpose of this report is to provide a review of the draft order against the Council's adopted development plan.

The draft order would cover an area of approximately 13.5ha (plus additional land required highways works) at Old Mills on the north-west outskirts of Midsomer Norton.

With regards to the site's context, to the north of the site lies a series of agricultural fields, well defined by hedgerows, slope upwards towards the village of Paulton. There are several internal hedgerows within the site boundary. A mixed use employment / retail development, including the former Focus DIY superstore, adjoins to the east, densely enclosed by planting. The western edge of the site is bound by Old Mills Lane and surrounding farmland, with views out towards the valley base. The A362 road borders the south of the site, with a row of terraced cottages linked to the former railway to the south west. The coal mining past is evident within the surrounding landscape, including the widely visible and distinct conical shape of the Old Mills Batch.

The draft order proposes the development of an employment-led Enterprise Zone with related highways works including a new roundabout on the A362 and associated development. The full description of works to be authorised by the draft order is set out below:

The development of an employment-led Enterprise Zone, including:

- *Commercial buildings within Use Classes E (b, g), B2 and B8 (including ancillary trade counter); and*
- *A range of food, beverage and hotel buildings within Use Classes C1 and Sui Generis, including a public house and hot food takeaways.*
- *Highways related works including a new roundabout and related works to A362, road widening and safety improvements to the A362, new cycle, pedestrian and bus connections.*

Any operations or engineering works necessary to enable the development of the Site, including excavation and earthworks and any other operations or engineering necessary for site mobilisation, office and worker accommodation, communications, drainage, utilities and associated environmental, construction and traffic management, together with associated operational infrastructure including utilities, management infrastructure, associated buildings and infrastructure, car parking, fencing, green infrastructure, access roads and landscaping.

Minor operational development in addition to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or its successor, including changes to external appearance of existing buildings, including recladding, alterations to doors and windows; Changes to access to buildings; Installation of plant or small-scale micro renewable energy development; Reorganisation of vehicle parking; Provision of cycle parking; and Provision of covered bin and cycle stores.

Except for the highways works, the area covered by the draft order covers approximately the same land as covered by northern area of allocation SSV9 in the Local Plan Partial Update.

Environmental Impact Assessment

The draft order was subject to a screening request to the Local Planning Authority in September 2020 (ref: 20/01973/SCREEN). The screening response determined that the development proposed by the LDO is unlikely to have any significant environmental effects in EIA terms. The proposal therefore does not constitute EIA development and an Environmental Statement is not required.

Relevant Planning History

There is no relevant planning history on this site. However, the planning history of several nearby sites should be noted, including:

Old Mills South Area SSV9:

19/03984/OUT

Outline planning application for small scale industrial units with associated works and access from existing Old Mills development.

Refused 6th February 2020

Appeal dismissed

20/01950/OUT

Outline planning application for small scale industrial units with associated works and access from existing Old Mills development. (Resubmission)

Refused 16th October 2020

22/00881/OUT

Outline planning application (with all matters reserved, except for access) for small scale industrial units with associated works and access from existing Old Mills development.

Withdrawn 14th November 2023

Summary of Consultation/Representations

The LDO was subject to a 4 week period of statutory consultation commencing in January 2023 and then a further 4 week consultation period commencing in September 2023. A summary of the consultation responses is provided below. The detailed comments received can be found on the Council's website.

ENVIRONMENTAL MONITORING

Based on the information presented in the Air Quality Assessment and responses to the Air Quality Comments (dated 15th December 2023) the assessment has been accepted and we

have no objections to the development subject to the proposed condition.

HIGHWAYS

The Local Highways Authority offer no objections to the proposed outline application for an employment-led Enterprise Zone with related highways works including a new roundabout on the A362 and associated development subject to conditions.

ECONOMIC DEVELOPMENT

Economic Development is in full support of this application.

The site in question has been allocated for employment for over a decade and offers a once in a generation opportunity to develop the economy within the Somer Valley. No brownfield site in the area is of comparable size.

The development of the SVEZ is crucial to the supply of employment space within the B&NES area. The addition of the proposed 1,300 jobs is important to B&NES as a whole and especially within the local area. The increase in local employment opportunities will reduce the strain on the road network as there is a significant amount of out commuting from the area at present.

The mix of use classes set out in the proposed LDO is beneficial, allowing flexibility to move with the needs of the local business community and the market. We welcome the dominance of high-value employment uses including office, research and development and industrial. Over 30,000sqm of the proposed 35,800sqm of floorspace is committed to these high-value employment uses, with a smaller ancillary amount allowing for a hotel, pub and food outlet should the market dictate. We feel that there is a sufficient allocation to meet the 1,300 FTE employment for the site as a whole.

CONSERVATION

The proposals will negatively impact on the setting of Springfield Buildings and the entire site that was once known as Old Mills Colliery, that contains The Batch. The road works are of particular concern in respect of the setting of the former group of cottages, together with the loss of their rural backdrop by the LDO. The setting of Old Mills Colliery site will be degraded by the LDO from introducing a conspicuous, large-scale development within its green field setting. Views from the west towards the Batch will be obscured and its setting radically altered by the development.

In line with Paragraph 203 of the NPPF and HE1 of the PMP, this proposal will substantially harm the setting of these non-designated heritage assets and appears to negatively impact through the demolition of sections of the historic boundary treatment around the Colliery site. The harm identified to local non-designated heritage assets should be weighed against other material considerations in the balanced judgement of the application as a whole, as required by paragraph 203 of the NPPF. Of particular concern will be the impact on the setting and views from the west of the Batch.

URBAN DESIGN AND LANDSCAPE

Object, scope for revision - The inclusion of the strategic perimeter landscape within Phase 1 will be of significant benefit and is strongly supported, although for the avoidance of doubt the key on the Phasing Plan should be amended to make explicit reference to the inclusion of the perimeter planting within Phase 1.

The width of the perimeter planting is still inadequate in width. For the reasons given by the arboricultural officer and in my earlier consultation response (31 January 2023) a minimum width of 20m is required for the whole of the perimeter strategic planting.

ARBORICULTURE

Object, scope for revision - All strategic planting around the perimeter of the development should be 20m to allow for several tree planting rows to contribute towards robust continuous canopy cover as part of the strategic green infrastructure.

I welcome the inclusion of the planting and establishment of part of the strategic landscaping in Phase 1, however, the entire northern boundary and beside Old Mills Lane should be included. The incursions into the root protection areas of T3; T12; T13, T14 and T20 remain an issue irrespective of no-dig proposals. These mature trees are worthy of a Tree Preservation Order (TPO) but a TPO offers no protection from physical changes around the trees resulting from a change of use.

They have developed over time in a field/ pasture system and will be affected by the significant changes to surfacing, hydrology and wind exposure.

ECOLOGY

The scheme does not yet sufficiently demonstrate that it is capable of fully achieving the necessary light level thresholds and avoidance of light spill onto dark corridors, as required to avoid harm to bat activity, including avoiding risk of harm to activity of light-sensitive horseshoe bats associated with local "bat" Special Areas of Conservation (SACs). In line with the comments of Natural England, there is not yet sufficient information to demonstrate this and provide certainty that the scheme is capable of avoiding adverse effects on the integrity of the SAC sites in question. Comments of Natural England will need to be addressed. (Officer note: comments received prior to latest Natural England comments)

Further revisions and clarifications are required regarding the process for BNG and other ecological issues.

PLANNING POLICY

No objection - The submitted masterplan shows the uses falling within use classes E(g), B2 and B8 and car show rooms (sui generis). The submitted information indicates a range of uses that will comply with clause 1 of the policy SSV9 as updated through the LPPU.

Clause 7c lists ancillary uses which are allowed on site which are supported provided they do not harm the nearby town centre. The policy states food and drink units use classes E,(b), ancillary retail E,(a) and a hotel (C1) will be supported. The submitted LDO includes a hot food takeaway and public house, which fall under the sui generis use class, which would not be compliant with the use classes listed in the policy SSV9. However the intention of the policy is for a food and drink use to support the employment development. Therefore whilst a public house will not comply with the use classes listed in the policy, it is considered to be in line with the intention of the policy which allows for food and drink uses, as long as the proposed use would not harm the vitality and viability of the town centres.

COAL AUTHORITY

The main part of the LDO lies outside of the defined High Risk Area. On this basis we stated that we did not consider that coal mining legacy is a constraint to the overall development. We did note however that as part of the highway works, along the A362 corridor, vigilance should be maintained

by all site operatives during site preparation and excavation works, for any evidence of the recorded mine entry. If the mine entry is found, all works should cease, the area made safe and the feature assessed by an experienced geotechnical / mining engineer.

CONTAMINATED LAND

From review of the mapping records available to the contaminated land department, it is understood that there have been a number of potentially contaminative historical uses in the vicinity of the Site including a number of collieries, spoil heaps, engine house, railway, industrial estate, works and depots.

Taking account of the proposed development and the potentially contaminative historical uses adjacent to and in the vicinity of the Site, contaminated land conditions are recommended.

DRAINAGE AND FLOOD RISK

No objection, subject to conditions

ENVIRONMENT AGENCY

No response provided

WESSEX WATER

No objection

ARCHAEOLOGY

Although parts of the site are unavailable for full archaeological assessment, sufficient information exists to assess the significance of the site (as per NPPF para 195). The list of suggested staged conditions does offer the potential to ensure archaeology is treated in the manner set out in the NPPF (Chapter 16). It is recognised that this phased (or drop down) approach is a sensible way of ensuring the LPA retains a level of control through requiring submission of each strategy.

There is a potential issue with post-excavation and publishing of the results of excavations and so the sitewide Framework Mitigation Strategy is a key document within the process to ensure a single publication of the results of all the archaeological investigations.

NATURAL ENGLAND

Natural England advised your Authority that the applicant should request further information to demonstrate that dark corridors could be maintained as connective and functional habitat for horseshoe bats. Lighting could impact those features via lightspill from buildings, particularly, the hotel adjacent to corridor on the eastern perimeter of the site, and via footpaths should they need to be lit for safety reasons. Maintaining dark corridors around the site perimeter would be essential whereas dark corridors with the site would be desirable.

Having reviewed the additional information we note that the submitted documents state that lighting on the dark corridors will be kept to less than 0.5lux. There are likely to be some challenges with achieving that, particularly next to the hotel, but our advice is that your Authority should satisfy itself that the necessary planning controls are in place to ensure the stated lux levels are achieved at the next stage of detailed design, and indeed delivery of the scheme. Providing that is the case you will be able to conclude that adverse effects on the integrity of the Bath and Bradford Bats SAC can be avoided.

HISTORIC ENGLAND

The proposals will not affect the setting of any designated heritage asset, nor are there any within the site boundary.

However, we draw your attention to the adjacent spoil heap, which though not an asset with any statutory protection, is a very visible reminder of Midsomer Norton's mining heritage. As such we believe it should be considered a Non-Designated Heritage Asset.

Radstock and Midsomer Norton retain significant features relating to their mining heritage, such as Ludlows (engine house, baths, screens, workshop), Middle Pit (engine house, gas plant) and Wellsway (engine house, heapstead, workshops). There are also the tips at Tynning, the powder house at Middle Pit and other remains of inclines, tub runs and colliery rail lines.

Whilst many other former colliery areas retain colliery housing, institutes and associated infrastructure most have lost the key feature (i.e. the mine) or only small vestiges remain. At Radstock and Midsomer Norton much more survives.

We wonder if there a means by which views of the spoil tip can be preserved and enhanced through any consent you are minded to grant on this site. The juxtaposition of modern industry set against this significant reminder of the town's mining heritage could make a significant contribution to local character and distinctiveness.

NATIONAL GRID

It looks like an HV underground cable will require diverting, and also an LV supply to a BT cabinet.

WALES AND WEST

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

RADSTOCK TOWN COUNCIL

Objection - The impact to Radstock and it's residents, businesses, and increased traffic on the infrastructure of Radstock has not been considered within the impact assessments.

What is the transport plan to support Radstock?

Increase of traffic on the A367 between MSN and Radstock.

There are no improvements considered for the bottlenecks already a concern in Radstock.

Concern with deterioration of air quality due to increased traffic.

Increase of pollution

Access to the greenway should be improved to support green routes. The route will also need to be extended. The greenway is not currently lit and would benefit from improvements to enable more people to use this as a suitable means to access the SVEZ.

25% biodiversity net gain achieved off site- why can this not be achieved on site. The concern is that the immediate area would not benefit.

Loss of green field site.

FARRINGTON GURNEY PARISH COUNCIL

The proposed LDO, while intended to streamline development processes, fails adequately to address the concerns and wishes of local residents and we believe there is vast scope for improvement and that this should not be ignored. It is however our community's belief that the site, if approved, will have a negative impact on Farrington Gurney and the local community, be that

increased traffic, loss of farmland, and a negative effect on local businesses. We therefore cannot support this application.

MIDSOMER NORTON TOWN COUNCIL

Overlooking and loss of privacy

Scale and dominance

Highway Safety

Traffic and Parking Issues

Noise, dust, fumes

Flooding

STON EASTON PARISH COUNCIL

Ston Easton parish adjoins the area designated as the Somer Valley Enterprise Zone and the Parish Council has previously expressed concern about the use of the narrow lanes which run from the A362 through the parish being used as rat runs by vehicles accessing or leaving the new zone due to congestion along the A362 and other routes through Midsomer Norton and Paulton. Ston Easton Parish Council recently held a public meeting to discuss the proposed enterprise zone and the implications for the parish, and particularly Clapton, of the greatly increased traffic movements both along narrow parish roads but also in a wider context for parishioners caught up in increased traffic congestion whilst going about their daily business. For instance, the junction of the A362 with the A37 at Farrington Gurney is already congested at peak times and is likely to be more so should the enterprise zone be built.

Many of those who spoke at the meeting noted the narrowness of Langleys Lane, Thickthorn Lane, Hay Street and Strap Lane amongst others and the likelihood of damage to both road surfaces and structure caused by greatly increased traffic flow and also the environmental damage to the hedge rows and ancient trees along these routes. Increased traffic on the single track lanes will also present an increased danger to walkers, cyclists and horse riders all of whom regularly use the lanes in the parish for exercise and their health and well-being.

It is understood that there is the possibility of a new distribution centre on the site bringing greatly increased incoming heavy goods vehicles along roads already too small to accommodate 44 tonne vehicles and an outflow of delivery vans using every possible route to fulfil their delivery schedules. Equally, with a suggested 1300 jobs being created and inadequate public transport in the area, the prospect of even more congestion at peak times is a real concern. All those who have reviewed the proposals for the enterprise zone think that there has been insufficient consideration to these very real issues resulting in superficial proposals to deal with, what will be, a major problem in all areas surrounding the enterprise zone.

Ston Easton Parish Council has concerns that there is no traffic flow metrics/ data for traffic coming from the direction of Langleys Lane and further concerns that there are no proposals in place at either the proposed new roundabout or current access points to parish lanes to prevent rat run/short cut behaviour to access the enterprise zone and adjoining roads other than signage which experience shows will be ineffective. Given the likely problems with traffic through the area, as is evidenced by the recent road closure in Chilcompton which has brought many extra vehicles onto the parish lanes, Ston Easton Parish Council seeks confirmation from B&NES that adequate measures will be put in place to prevent the single track Langleys Lane being used as a bypass/ short cut from both the B3139 Chilcompton/ Thickthorn Lane the and A37 Ston Easton/Hay Street to the proposed new roundabout and road at the bottom of Langleys Lane leading to the A362, the new enterprise zone and existing industrial and retail parks.

In conclusion, Ston Easton Parish Council has great concerns about the Somer Valley Enterprise Zone proposals. It considers that, given the major effect on traffic flows and congestion and hence

on air quality and pollution and the huge environmental impact of the enterprise zone on the local area, B&NES should reconsider the implications of their proposals for the Enterprise Zone in this location

THIRD PARTIES/NEIGHBOURS

A total of 567 representations comments were received across both consultation periods.

17 GENERAL comments were received. The main points raised were

- Out of date plans of how people work now following the pandemic
- Lack of evidence of demand and the LDO will struggle for office-based businesses and workers
- Other eye sores need sorting out first around the area
- There should be more shops and leisure facilities
- No mention of extending the SVEZ's high speed broadband into surrounding areas.
- Need for fully segregated cycle and walking facilities
- More difficult for Sunnyside residents to get cars in and out
- The road improvements are imperative regardless of the outcome
- Roads not suitable for more HGV traffic

22 SUPPORT comments were received. The main points raised were:

- Midsomer Norton needs the investment
- Should be seamless with the landscape
- Need more work opportunities than housing
- Should improve the traffic situation
- There are still large amounts of green fields around the site
- Could bring much needed jobs to the area and reduce out-commuting
- The site has been allocated for a long time and nothing has happened
- Imbalance between houses and jobs is growing
- The LDO route with Council as facilitator is welcomed
- Will bring more businesses to the area
- Highways and cycle improvements are welcomed
- Will boost the economy

528 OBJECTION comments were received. The main points raised were:

- Concerns about noise, dust and pollution
- Will damage the countryside/greenfields and surrounding area
- Concern about risks to local health from air pollution
- Adverse impacts upon air quality
- Impacts upon wildlife and ecology
- Damage to the environment
- Flooding from the the Wellow Brook has not been properly considered
- Concerns about impacts upon views of the Batch and impacts upon the area's culture
- Damaging to a local landmark
- Proposals are contrary to the Climate/Ecological Emergency declaration
- Impacts upon the Green Belt (Officer note: the site is not within or near the Green Belt)
- Brownfield sites should be used first before building on green fields.
- Concerns about light pollution
- Concerns about litter/littering arising from proposed uses
- Loss of accessibility to open terrain/countryside
- Loss of footpaths
- Loss of mature hedgerows
- Misuse of rural land

Lack of field evidence for survey data
Lack of an Environmental Impact Assessment
Impact on the Batch as a non designated heritage asset
Concerns about pollution into the Wellow Brook
Detrimental impact upon the heritage of the town
Proposals will result in a reduction in biodiversity of the site
Mitigation of biodiversity should not be off-site
The Council should be improving the roads regardless of the LDO
Proposals will increase danger on the roads and harm highways safety
Increase in HGVs will damage the roads
Current highways infrastructure is not capable to take on any more traffic
Adverse impact on A37/A362 junction
Will create more in-commuting
Will significantly increase traffic and congestion
Road widening will cause speeding
Langley's Lane has not been included in traffic planning and will be a rat run
The "do nothing" scenario in the TA may under represent LGV movements which are the vehicles which impact rat runs
Lorries already ignoring weight limit sign for Langley's lane
Measures should be in place to prevent use of Langley's Lane
The narrow road at Temple Cloud is dangerous
There is a need for more speed controls
Land currently has no access to public highways
No public transport/buses serving the area
No cycle path from Farrington Gurney
No guarantee about the delivery of the Somer Valley links cycle lane
No road improvements in Midsomer Norton or Paulton
Not part of a Green Transport Plan
Plans for highways works don't do enough to mitigate issues
Previously refused a Tesco extension due to impact on roads
The proposed design for the highway infrastructure is not good
Should have sustainable transport from Farrington Gurney guaranteed before approval
Increased traffic during construction phase
Highways Development Management have raised concerns about the traffic data
The traffic modelling completed during lockdown and is unrepresentative
Vibrations/damage to houses due to traffic
There is no up-to-date traffic survey done
Lack of data for construction traffic
Traffic data is too focused on desktop survey works
Issues with access for emergency vehicles due to congestion
The proposed roundabout is too close to houses
Inadequate parking at Sunnyside
No traffic calming measures on A362
Road mitigations will encourage more traffic
Empty sites/brownfield sites that can be used instead, e.g. Welton Bibby Baron site or Radco
It should be kept as agricultural land or green fields
This is not a suitable site location
There are other areas with better infrastructure in place
Too far from the high street
Takes trade from the high street
Waste of money
Concern that it will soon change to houses
Concern that it will become a retail site
No demand for office space and the SVEZ is not needed
Don't need more employment/unemployment is low

Industrial units were not built at Purnells due to lack of demand
Jobs created won't be for local people
There is no need for a pub
No workforce modelling has been provided
Vacant space already not being let in the area
The scheme not viable
The development will sit empty when built
Flower and Hayes have submitted application for industrial units already
The design is not in keeping with rural area
The proposals would frustrate the public rights of way across the site.
There is no desire for fast food outlets or industrial buildings
The heights of buildings are excess and their appearance poor
The LDO will allow inappropriate businesses
LDO will reduce the planning requirements
Hours of operation should be limited
Noise restrictions only apply to plot 12
Is overlooking houses
Blocking light to houses
It will involve taking a family field
Issue with CPO/land acquisition
Public have been led to believe the land is already purchased
Unfair on the families who own the land
Does nothing to improve peoples lives and is all about making a profit
Proposals are contrary to the values of the council
Process is not transparent enough
Goes against lib dem manifesto
Clapton Parish Council have not been engaged with
The proposed businesses will increase the crime rate
Accessibility to planning portal is limited
Benefits of the LDO have expired e.g. business rates
Proposals will devalue local properties
Negative impact on the local high street
Should invest in local businesses
Lack of infrastructure to accommodate people and cars
Negative impact on mental health
No consideration made for local people
No local schools or amenities
Not good for residents
Impact on local accesses not considered
Only being put forward so developers do the highways works
Will put off visitors and people will avoid the area
Should be showing the height comparison to the batch
Desk based assessments include errors
Interfering with human rights of those who have a vested interest in the land
Concern to prevent chain businesses
Goes against 2007 local plan
Damage to local buildings
Outdated and biased data
Against the Lib Dem Manifesto

Policies/ Legislation:

The Development Plan for Bath and North East Somerset comprises:

Bath & North East Somerset Core Strategy (July 2014)
Bath & North East Somerset Placemaking Plan (July 2017)
Bath & North East Somerset Local Plan Partial Update (2023)
West of England Joint Waste Core Strategy (2011)
Made Neighbourhood Plans

CORE STRATEGY

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the draft LDO:

SD1 Presumption in favour of sustainable development
CP5 Flood Risk Management
CP6 Environmental Quality
CP13 Infrastructure provision

PLACEMAKING PLAN

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the draft LDO:

SV1 Somer Valley Spatial strategy
CP12 Centres and Retailing
D1 General urban design principles
D2 Local character and distinctiveness
D3 Urban fabric
D4 Streets and spaces
D5 Building design
D6 Amenity
D9 Advertisement and outdoor street furniture
D10 Public realm
ED1a Office development
HE1 Historic environment
NE2A Landscape setting of settlements
PCS1 Pollution and nuisance
PCS2 Noise and vibration
PCS3 Air quality
PCS7A Foul sewage infrastructure
RE5 Agricultural land
SCR2 Roof-mounted/ building integrated scale solar PV
SU1 Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to the draft LDO:

SSV9 Old Mills Industrial Estate (Incorporating Somer Valley Enterprise Zone)
DW1 District Wide Spatial Strategy
CP3 Renewable Energy
CP7 Green infrastructure
D8 Lighting
ED2A Strategic and other primary industrial estates

NE1 Development and green infrastructure
NE2 Conserving and enhancing the landscape and landscape character
NE3 Sites, species, and habitats
NE3a Biodiversity Net Gain
NE5 Ecological networks
NE6 Trees and woodland conservation
PCS5 Contamination
RE1 Employment uses in the countryside
SCR7 Sustainable Construction Policy for New Build Non-Residential Buildings
SCR8 Embodied Carbon
SCR9 Electric Vehicles Charging Infrastructure
ST2A Recreational routes
ST3 Transport infrastructure
ST5 Traffic management proposals
ST7 Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS

The following Supplementary Planning Documents (SPDs) are relevant to the draft LDO:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

Planning Obligations Supplementary Planning Document (January 2023)

NATIONAL POLICY

The National Planning Policy Framework (NPPF) is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOCAL DEVELOPMENT ORDERS

The legislative procedures that must be followed in order to bring forward and adopt a LDO are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Officer Assessment:

The main issues to consider are:

1. Legal compliance
2. Principle of development
3. Transport and highways
4. Design, character and appearance
5. Landscape
6. Heritage
7. Archaeology
8. Residential amenity
9. Drainage
10. Flooding
11. Contaminated Land

12. Air Quality
13. Trees
14. Ecology
15. Sustainable Construction and renewable energy
16. Planning Obligations/Community Infrastructure Levy
17. Public Sector Equality Duty
18. Public Benefits
19. Planning Balance
20. Conclusion

1. LEGAL COMPLIANCE

The legislative procedures that must be followed in order to bring forward and adopt a LDO are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

A LDO can only relate to land within a Local Planning Authorities area. It cannot straddle boundaries with adjoining Local Planning Authorities. They may relate to all land in the relevant area of an LPA; any part of that land; or a site specified in the LDO.

The draft SVEZ LDO covers a defined area of land which falls wholly within the Bath and North East Somerset Council administrative area and is defined by a red line plan covering an area of approximately 13.5ha (plus additional land required highways works) at Old Mills on the north-west outskirts of Midsomer Norton.

A LDO cannot grant planning permission for development:

- a) that affects a listed building;
- b) that is within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;
- c) where following an appropriate assessment it is determined that it would have adverse effects on the integrity of a protected European Site or European Offshore Marine Site (as the case may be) (see the Conservation of Habitats and Species Regulations 2017, amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018)

There are no listed buildings within close proximity to the SVEZ LDO and it would not affect the setting of any listed building or assets. There are non-designated heritage assets near to the site (such as the Batch), but these do not preclude the grant of planning permission via an LDO. The impacts upon these non-designated heritage assets have been considered in the heritage section below.

The development proposed by the LDO does not represent schedule 1 development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The LDO has the potential for disturbance to qualifying species of both the Bath and Bradford-on-Avon Bats SAC and the Mells Valley SAC and therefore an appropriate assessment has been undertaken. However, the appropriate assessment has determined that there would be no adverse effects on the integrity of either of these protected European Sites. See ecology section below for more detail.

The draft Order is therefore considered to comply with the relevant legal requirements for LDOs.

2. PRINCIPLE OF DEVELOPMENT

The area covered by the draft order covers approximately the same land as covered by northern area of allocation SSV9 in the Local Plan Partial Update. This permits the development of, inter alia, class E(g), B2 and B8 uses, builders merchants and car show rooms (sui generis) uses. Additional Development Requirements and Design Principles for the Northern area also allows for food and drink units (use class E(b), ancillary retail (use class E(a)) and hotel use (use class C1) provided it does not harm the nearby town centre.

The submitted masterplan shows the uses falling within use classes E(g), B2 and B8 and car show rooms (sui generis). The submitted information indicates a range of uses that will comply with clause 1 of the policy SSV9 as updated through the LPPU.

Clause 7c lists ancillary uses which are allowed on site which are supported provided they do not harm the nearby town centre. The policy states food and drink units use classes E, (b), ancillary retail E, (a) and a hotel (C1) will be supported. The submitted LDO includes a potential hot food takeaway and public house, which fall under the sui generis use class, which would not be compliant with the use classes listed in the policy SSV9. However, the planning policy team have confirmed that the intention of the policy is for a food and drink use to support the employment development. Therefore, whilst a public house will not fully comply with the use classes listed in the policy, it is in line with the intention of the policy which allows for food and drink uses, as long as the proposed use would not harm the vitality and viability of the town centres.

The draft order includes limits on the amount of floorspace associated with each plot and use class. The potential pub use of plot 1 is limited to 650sqm; the potential hotel use of plot 2 is limited to 2,790sqm; and, the potential food and beverage use (either E(b) on-site consumption or sui generis off-site consumption) on plot 4 is limited to 350sqm. The limited scale, type and format of these uses will complement the nearby town centres whilst also benefiting the attractiveness and operation of the Enterprise Zone.

The draft order, in terms of the proposed uses, is therefore considered to align with allocation policy SSV9. Assessment of the draft order against the other criteria of SSV9 is undertaken within the relevant sections below.

3. TRANSPORT AND HIGHWAYS

The draft order is accompanied by detailed highway design for internal and access roads and off-site highway interventions required to mitigate the impact of the new development that would be permitted by the LDO. It has also been accompanied by a Transport Assessment and a Travel Plan the scope of which has been discussed with the Local Highways Authority,

Access and off-site improvements

Criterion 5 of policy SSV9 requires improvements to the A362 and other local roads in order to satisfactorily serve and mitigate the impacts of development, and the provision of suitable vehicular and walking and cycling access to the development. Furthermore, criterion 7b requires the provision of new and enhanced walking and cycling routes linking the Enterprise Zone and extension to Old Mills Industrial Estate to Midsomer Norton and Paulton and the Norton Radstock Greenway.

A comprehensive package of mitigation is proposed as part of the draft order which includes several improvements towards sustainable travel as part of the proposals:

- Proposed SVEZ Roundabout and realignment of the A362;

- Widening of the A362 at Sunnyside to allow two-way traffic flow;
- Farrington Gurney Signals – signal timings;
- A362 Speed Limit Review;
- Eastern Cycle Track between Old Mills and Thicket Mead;
- A362 Bus Stops;
- Thicket Mead Roundabout Capacity and Active Travel Improvements;
- Electric Vehicle Charging;
- Cycle Parking;
- Framework Travel Plan.

In addition, the following off-site improvements are proposed:

- Traffic-free walking and cycling route between the proposed development and the Thicket Mead Roundabout where the Norton Radstock Greenway can be accessed via Sunnymead.
- The Eastern Cycle Track, which routes along the northern side of the A362 between the proposed development at Old Mills and the Thicket Mead Roundabout, generally formed by a segregated cycle track of width 3.0m with a footway of width 2.0m. At pinch points, such as the existing retaining wall on the southern boundary of the Batch, the Eastern Cycle Track would narrow in width or switch to a shared cycle/footway in places.

Several controlled and uncontrolled crossings would be provided along the A362, including:

- Parallel crossing on the northern arm of the Proposed SVEZ Roundabout.
- Zebra crossing on the eastern arm of the Proposed SVEZ Roundabout.
- Uncontrolled crossings on the southern and western arms of the Proposed SVEZ Roundabout.
- Two uncontrolled crossings on the A362 between the Proposed SVEZ Roundabout and Old Mills North (Wickes) access road.
- Parallel crossing on the northern arm of the A362 / Old Mills North (Wickes) access road junction.
- Toucan crossings on the northern and eastern arms of the upgraded Thicket Mead Roundabout.
- Controlled crossing on the western arm of the upgraded Thicket Mead Roundabout.

The existing alignment of the A362 would be partially retained as an access for residential properties and partially retained as a pedestrian and cyclist track.

The SVEZ access road leads north of the proposed roundabout, formed of a 6.0m carriageway with a 3.5m shared footway/cycleway on its eastern side and a 2.0m footway on its western side. At plot accesses, priority would be afforded to active travel users through side road treatment with continuous footways / shared footway/cycleways.

Additional access for pedestrians and cyclists is proposed from Old Mills Lane. This access is proposed to be connected with the proposed shared footway/cycleway on the eastern side of the SVEZ access road via a parallel crossing.

The Somer Valley Links is a committed scheme through the West of England Combined Authority supported by B&NES. It seeks to improve transport opportunities between Midsomer Norton, Westfield, Radstock and Bath/Bristol along the A37, A362 and the A367 to develop options to travel sustainably by bus, walking, wheeling and cycling.

Somer Valley Links represents an investment of £19M with a local contribution of 20%, all schemes that benefit from the proposed improvements are required to make a pro rata contribution. It is accepted that SVEZ would benefit from this project. However, this LDO is proposing extensive sustainable transport mitigation that would have otherwise formed part of the Somer Valley Links scheme.

Highways safety

The Local Highways Authority have reviewed the submit highways designs for the LDO including the proposed SVEZ roundabout and the proposed improvements to the Thicket Mead roundabout alongside swept path analysis for the scheme. A Stage 1 Road Safety Audit has also been undertaken by the applicant to assess the proposed improvements/access in terms of highways safety. The Audit identified several potential issues. However, it is accepted that all issues raised have been addressed and or can be dealt with at the detailed design stage. It is considered that there is no objection based on highways safety.

Traffic Modelling and Trip Generation

The Transport Assessment provides a forecast of the trip generation of the proposed development using TRICS for each proposed land use type within the LDO. Where plots propose flexibility in terms of land use, then a worst-case scenario assessment has been utilised. The data shows that the proposed development is forecast to generate 436 vehicular trips during the AM peak, with 330 of these arrivals. During the PM peak 421 vehicular trips are forecast to be generated, of which two thirds of these would be departures. For both the AM and PM peaks, light vehicles make up the majority of generated trips.

An assessment of the impact of trip generation has been made utilising VISSIM modelling as agreed and scoped with the LHA. The Vissim model contains three main routes, of which the key one is the east-west corridor between Farrington Gurney and the A362 Frome Road to the east of Radstock town centre.

The modelling shows that, with the proposed highways infrastructure and mitigation in place, average journey times would reduce by 141 seconds along this key route for three out of the four periods/directions when compared to the unmitigated scenario accounting for all other committed development in the locality.

During the AM peak, it is forecast that average journey times in the eastbound direction would reduce from 1,053 seconds in Scenario 3 (2027 with Committed Development) to 1,032 seconds in Scenario 5 (2027 with Committed & Proposed Development plus Mitigation). In the westbound direction, it is forecast that there would be a slight increase in journey times from 758 seconds to 856 seconds.

During the PM peak, significant betterment is forecast, with average journey times in the eastbound direction forecast to reduce from 1,903 seconds in Scenario 3 (2027 with Committed Development) to 1,406 seconds in Scenario 5 (2027 with Committed & Proposed Development plus Mitigation). In the westbound direction, journey times are forecast to decrease from 1,179 seconds to 1,036 seconds.

The transport modelling has been subject to the scrutiny of the LHA who have raised no objection to it. Overall, the results show that the impacts of the proposed development on the local transport network, in terms of journey times along the east-west A362 corridor, would be mitigated by the proposed mitigation measures and that the impacts would not be severe.

Framework Travel Plan

The LDO is accompanied by a comprehensive Framework Travel Plan. This has been reviewed and is acceptable. Conditions on the draft Order ensure that each plot that comes forward will have to demonstrate compliance with the Framework Travel Plan. This may require the completion of a s106 agreement to secure either a bond or a payment to B&NES to imply the detailed travel plan for each plot in accordance with the Transport and Development SPD.

Parking

The design codes and conditions ensure that minimum cycle parking and maximum car parking will be provided in line with the adopted car parking standards at the time of each compliance application for each plot. This will be in line with the Transport and Development Supplementary Planning Document.

Car club provision will also be identified via the occupier-specific Travel Plans or Travel Plan Statements that will be secured as a condition of the LDO. This would include dedicated parking spaces for car club vehicles.

Refuse and Recycling

The layout of plots with regards to refuse and recycling storage and collection will be agreed at the time of each compliance application for each plot. Notwithstanding, swept path analysis for all plots has been provided for a 10.65m refuse vehicle which shows each access is accessible for a refuse vehicle entering and existing each plot.

4. DESIGN, CHARACTER AND APPEARANCE

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The draft Order seeks to ensure that the design, character and appearance of the SVEZ development is controlled through a combination of parameter plans, design codes and planning conditions.

The parameter plans and design codes cover the following matters:

- The position and design of the proposed spine road
- The maximum floor space for each development plot
- The land use classification
- Maximum heights
- Parking Strategy
- Cycling and Pedestrian Strategy
- Deliveries and Collections
- Landscape Planting Strategy
- External colour palette
- Architectural Features and Materiality
- External Signage and Way-finding

Sustainability Strategy
Lighting Strategy
Phasing Strategy

Any compliance application submitted will need to demonstrate compliance with these parameters and design codes to be acceptable.

The draft Order is also accompanied by an illustrative Masterplan which shows the fixed elements of the development alongside a demonstration of one way in which those parameter plans, design codes and conditions could be applied for to develop the SVEZ.

The combination of parameters, design codes and conditions will ensure that the allocation comes forward in a co-ordinated and coherent manner. The overall structure of the development layout is acceptable providing flexible plots with perimeter and intervening structural landscaping. The on-plot requirements will ensure that the heights of new buildings are appropriate for the nature and scale of the employment uses proposed on the site whilst focusing the highest parts of the development towards the existing built-up area around the A362 and allowing for some variation in the heights across the allocation.

There are several open spaces within the LDO including the Natural Open Space (between plot 10 and plot 11), the Central Open Space (adjacent to plots 3 and 4), the SuDs basins (lying east-west across the site either side of the spine road) and the areas of structural planting around the perimeter of the site. The design codes include landscape strategies for each area.

The codes also provide a flexible approach to building design offering a palette of materials, finishes and architectural features which would be appropriate for the different use categories to be provided within the LDO. This will help to ensure that the SVEZ has a distinct identity of its own and will also help to minimise the impacts of this large-scale intervention on the surrounding character and landscape.

The proposed LDO sets out suitable parameters and design codes to ensure that the SVEZ development will respect the local context and maintain the character and appearance of the surrounding area whilst also creating its own distinct identity. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

5. LANDSCAPE

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes several criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character and conserving. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

The allocation policy SSV9 includes the following relevant development requirements and design principles:

2. Major landscaping in order to mitigate the impact on the surrounding countryside and nearby residential properties

3. The substantive retention of internal and boundary hedgerows is expected. Where hedgerow sections will be lost or breached, replacement hedgerows to be provided within or at the periphery of the site to enhance habitat connectivity for mobile species. Provision of 10m habitat buffers is expected for retained and created hedgerows. A protective and complimentary habitat buffer of at least 20m is expected adjacent to the SNCI.

10. Careful consideration of the appropriate position and scale of development to ensure impact on the surrounding landscape is minimised

A Landscape and Visual Impact Assessment (LVIA) has been prepared to assess the impacts of the development which falls within the LDO parameters and design codes. This has been separately reviewed by the LPA's appointed Landscape advisor.

The site is currently exists comprises arable and pastoral fields of medium scale bounded by hedgerows with occasional trees. The site is set on gently rising south facing sloping land rising steeply further to the north, forming part of the River Somer Valley. This gently falls towards the A362 and valley bottom.

Outside the south-eastern boundaries are retail and commercial units which form the Wickes Retail / Paulton House Office Buildings. Immediately to the south along the A362 are residential dwellings: Walver House, Dunromin and no.s 1-16 of Springfield Buildings. Royal Oak Farm lies to the southwest boundary of the Site and the north west of the site cuts into the farmland of Fernleigh, comprising of farm units and small-scale pastoral fields. To the west, are residential and farm buildings on the junction of the A362 and Old Mills Lane.

A densely wooded belt on the eastern boundary screens the Site from the Wickes Retail / Paulton House Office Buildings and forms an extension of a large woodland / plantation further east which surrounds Paulton House and Old Mills Batch spoil tip. The Batch is a key visual feature of the current landscape and is one of very few such 'spoil-tip mounds' remaining within this area - which supported several coal mines during the post-medieval period.

The site lies outside of any national/statutory or local/non-statutory landscape designations. Contrary to what some public comments have suggested, the site is not within the Green Belt.

The introduction of a large-scale employment development onto an existing greenfield site will inevitably have some adverse impacts on the landscape. However, the LVIA sets out the primary measures of mitigation that have been embedded into the LDO. These include the following:

- The siting and massing of the proposed units;
- The design of the light-industrial, work space, pub and food drive throughs, hotel and office units and use of materials in the design;
- Colour scheme considerations;
- Replacement of trees lost to the development at an agreed ratio; and
- Site layout and landscape design.

The primary structural landscape mitigation is identified in the parameter plans and the design codes accompanying the draft order. Matters such as the building heights, arrangement of the plots is controlled through the various parameter plans where aspects of the building design and colour scheme are controlled through the design codes.

The LVIA concludes that in consideration of the landscape character, the size and scale of the magnitude of change would be medium to high adverse in the short to medium term (0 to 5 years) due to the loss of some landscape features and characteristics and alteration to the baseline and

existing character of moderate to low sensitivity. This would result in a moderate significance of effects.

In terms of the visual impacts, the LVIA considers a total 15 viewpoints. For the majority of the viewpoints (viewpoint numbers 1,2,5,8,9,10,11,12,13,14 and 15) which are over 100m from the site boundary, the significance of effects ranges from Negligible to moderate adverse.

For viewpoints 3, 4, 6 and 7 which are all in closer proximity to the development site (either adjacent or within 65m of the site boundary the significance of effects is assessed as major to moderate adverse although it is noted that these will reduce to moderate once structural landscaping has established over a 15year timeframe.

Whilst the LPA's Landscape advisor has not disagreed with the specific impact assessments within the LVIA, they have raised concerns about the level of impact even after the proposed mitigation. They consider that the proposed perimeter structural landscaping is inadequate and that there is an insufficient planting corridor secured within the parameter plans. They point to the accurate visual representations at viewpoint 2 where, even after 15 years, the tree canopies are still below the perceived building roof heights and the width of the planting is insufficient to provide screening of the employment development behind such that the buildings would remain conspicuous in the landscape.

The Council's Arboricultural and Ecological Officer have also raised concerns about the width of the structural planting corridor.

The parameter plans allow for a 15m buffer of structural planting around the western, northern and eastern boundaries of the LDO site. Along the north-eastern boundary this increased to 20m where the site is adjoins the adjacent SCNI.

Some changes have been made to the draft Order since its original submission in an effort to address the concerns about the width and effectiveness of the structural landscaping. This has included the removal of which previously ran through the structural landscaping area but was not considered to offer much in terms of connectivity or benefit to the scheme. The removal of the footpath gives an opportunity for some additional planting within the perimeter belt which is of benefit to the effectiveness of the structural landscaping. Additionally, the phasing plan has been updated to ensure that the structural landscaping will be part of phase 1 of the development, giving time for the planting to establish and helping to minimise the time for which the greatest level of adverse impact might be expected. However, both of these changes whilst beneficial do not fully overcome the Landscape Officer's concerns about the width of the structural landscaping.

The allocation policy calls for 'major landscaping in order to mitigate the impact on the surrounding countryside' but does not provide a definition of 'major' in this context. Criterion 3 of the allocation policy does talk about the provision of 10m habitat buffers for retained hedgerows and a protective and complimentary habitat buffer of at least 20m adjacent to the SNCI which the LDO does achieve, although both requirements relate to ecological matters rather than landscape.

However, some guidance can be drawn from the appeal decision on application 19/03984/OUT relating to an outline application for industrial units on the southern parcel of allocation SSV9. The appeal showed a development with a structural landscape belt of at least approximately 10m deep. Here the Inspector considered that this would provide a significant density and height of foliage and that it would not therefore, reasonably, fall within a description or amenity planting but would be major landscaping.

It is therefore considered that the LDO's structural landscaping buffer of around 15m can be considered as 'major' landscaping for the purpose of policy SSV9. Furthermore, it will provide some mitigation to the landscape character and visual impacts of the proposed development.

Notwithstanding this mitigation, the proposals will have several moderate negative impacts upon landscape character and views which will need to be weighed in the balance.

6. HERITAGE

There are no designated heritage assets within close proximity of the Somer Valley Enterprise Zone. However, there are several non-designated heritage assets within relatively close range that need to be considered. These include:

1. The Batch/Tip - The tip at Old Mills Colliery represents a prominent symbol of Somerset's coal industry during the 20th century and is recognised as an important and iconic local industrial landmark.
2. The site of Old Mills Colliery, where the Batch is located.
3. Springfield Buildings south side of the A362.
4. Cottages by the A362 at Old Mills
5. Cottages at Old Mills west of the site.

It should be noted that this list should not be treated as finite and other items such as boundary walls that surround some of colliery sites or form part of the curtilage to houses in this list should also be treated as NDHA. Other NDHA may also be close to the development site but due to the derelict nature of adjacent land may not be known about.

Whilst the above NHDA will not be directly impacted by this development, their settings will be altered and, in some cases, harmed by views being interrupted or obscured or by new road alignments and other highway infrastructure being constructed as part of this development.

In addition, to the list of NHDA set out above, another NDHA is the Historic Landscape in which the Enterprise Zone will be constructed. Historic map regression and survey work identified that the main Site forms part of a larger field system of Late Medieval enclosures which preserve the outlines of former strip fields from a Medieval open-field ridge and furrow system. The proposed development would remove a small part of this wider field system, resulting in harm to this asset.

The Heritage Impact Assessment accompanying the LDO concludes that:

“The proposed development would result in the complete destruction of one non-designated heritage asset of medium significance (Prehistoric settlement), moderate harm to one non-designated heritage asset of medium significance (the Batch) as a result of change to its setting, minor harm to four non-designated heritage assets of low significance (Old Mill Colliery and three groups of workers cottages) as a result of change to their setting, and complete removal of one non-designated heritage asset of negligible value (trace ridge and furrow earthworks)”.

This conclusion is supported by the Conservation Officer who states that it is clear that harm to the settings of the building and structures making up the five previously mentioned NDHA will be caused by this development.

In particular, they have highlighted the Old Mills colliery site, as well as The Batch itself, as being of high local significance. This is due to its historic interest, evidential remains; being a rare example that is still relatively intact, its local communal value as a cultural and industrial entity and its visual prominence (in the case of The Batch), both entities reflecting an era of social and economic activity that changed the landscape of this part of Somerset. Furthermore, the significance of the Batch has been previously established through planning appeal; 13/04880/OUT, where the Inspector recognised the importance of the coal tip as part of the “legacy of the area’s history of mining in the Somerset Coalfield”.

The submitted assessments show that a building positioned centrally on Plot 10 at circa 13.5m would block many views that are currently obtained of the Batch from the west, through the open fields that form its setting and that this would cause harm to both the immediate setting of the Batch and the wider historic landscape of this part of Paulton.

The views of Historic England are also noted, who have suggested that efforts should be made to preserve and enhance views of the Batch. They have also highlighted that the juxtaposition of modern industry set against this significant reminder of the town's mining heritage could make a significant contribution towards local character and distinctiveness.

Paragraph 209 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In this instance, there is clear harm identified to several non-designated heritage assets ranging from high to low local significance. This harm must be weighed against the other material considerations which are set out in the planning balance section below.

7. ARCHAEOLOGY

A Heritage Desk-Based Assessment Report has been submitted with the LDO and contains a section on buried archaeology and reviews the potential of the site based on known archaeology within the study area and the results of a geophysical survey and monitoring of geotechnical trial pits. This has been reviewed by the Council's appointed archaeologists.

The geophysical survey covers approximately 50% of the site in three areas to the east, west and south while the central northern and southern areas have not been surveyed due to issues with land ownership and access.

The Historic Environment Record shows that two Middle Bronze Age axes have been found on the site in 1902. The results of the geophysical survey indicate that features likely to be roundhouses and/or barrows are present on the site associated with enclosures. This evidence indicates that the archaeology on the site is likely to represent a Middle Bronze Age settlement possibly with associated funerary monuments. The report suggests that on available evidence the archaeology is most likely of medium significance.

Excavations of Middle Bronze Age sites of this nature tend to be focused on "negative" features, i.e. ditches and pits rather than standing remains such as walls etc. It is not uncommon for sites to be both places of activity associated with living and agriculture as well as places where the deceased are interred. Within this period cremation is the predominant form of burial both within pottery vessels or in small pits, often located around a small ring-ditch. There have been few modern excavations of sites of the MBA period in BaNES but in a national context these sites are not particularly rare but are significant to understanding the Later Prehistoric period in the local context.

The LDO Statement of Reasons includes a list of suggested conditions to ensure that the archaeology is dealt with appropriately. These conditions are phased and require LPA approval of each phase.

The initial condition (No. 16) is a pre-development (or any other works) and requires the remaining areas of the site to be subject to geophysical survey and the whole site to be evaluated utilising trial trenches (following LPA approval of the scope of works).

The second condition (No. 17) requires the submission of a sitewide Framework Mitigation Strategy based on the results of all previous assessments and is subject to LPA approval.

The third and fourth condition (Nos. 18 & 19) are for area specific mitigation strategies to be submitted and approved by the LPA. Condition 18 covers areas outside of development plots while Condition 19 is concerned with individual development plot areas.

The NPPF requires that sufficient information is submitted to the LPA to enable a description of the significance of any heritage assets on a site (paragraph 194). Unfortunately, at present due to constraints the level of information supplied concerning archaeology is somewhat limited. However, the geophysical survey (which covers half the site) does not indicate any archaeology of national significance, or of such importance that the site should be designated by DCMS. Overall, it is likely that the archaeology is of local significance with potential to inform on the wider context of Middle Bronze activity in the Sommer Valley and environs.

This phased approach does mean that the LPA does have specific trigger points that require agreement before any work can take which ensures archaeology is not undervalued in terms of the Development Management process.

Care will have to be taken with post-excavation and publishing of the results of excavations and so the sitewide Framework Mitigation Strategy is a key document within the process to ensure a single publication of the results of all the archaeological investigations.

The development therefore accords with policy HE1 and Part 16 of the NPPF.

8. RESIDENTIAL AMENITY

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

Fernleigh is a residential property located to the immediate north-west of the LDO site, adjacent to the location of plot 12 which is proposed for a depot use. The structural landscaping which is 15m in depth at this location will provide a good amount of buffer between any potential buildings within plot 12 and the boundary of Fernleigh. The Environmental Health Officer is satisfied that, subject to appropriate mitigation there will not be undue adverse noise impacts upon the residential amenity of this property.

Residential properties immediately to the south of the LDO on the A362, including Springfield Buildings, Dunromin, Walver House and others will be affected by the introduction of a LDO access roundabout and re-routed highway. The proposed route of the new road will not be significantly closer to these existing buildings than the existing highways arrangement. There will be no significant affect upon their privacy or light. The Environmental Health Officer is satisfied that, subject to appropriate mitigation there will not be undue adverse noise impacts upon the residential amenities of these properties.

Royal Oak Farm is situated immediately adjacent to the south-west corner of the LDO and beyond that there are several properties on Old Mills Lane, including Oakleigh Lodge and 1-4 Old Mills Lane. Royal Oak Farm shares a boundary with proposed plots 5 and 6 of the LDO which are proposed for office, research and development or industrial process uses. However, both plots include a 'no build' zone within the parameter plans which will prevent any new buildings being erected too close to the boundary with Royal Oak Farm. This restriction, combined with the maximum height parameters will prevent any development on these plots from appearing

overbearing or resulting in any significant loss of light, outlook or privacy. This will also benefit the other properties on Old Mills Lane which will not be significantly affected.

Other properties along the A362, including 1-4 Pillsbridge Cottages, Pillsbridge House, The Firs and properties alongside Sunnyside will be in close proximity to some of the proposed highways works. However, the proposed works will not adversely affect the privacy, light or outlook from these properties. Similarly, no issues have been raised by the Environmental Health Officer in respect of the noise impacts from traffic associated with the LDO.

There are a significant number of properties near the Thicket Mead roundabout which would likely experience disruption during the construction of the roundabout improvements in this location. However, this would be for a temporary period during the construction phase and during the operational phase of the development these properties would retain their current light, privacy and levels of outlook.

An office, Paulton House, and a Wickes store are located immediately to the south-east of the LDO. Whilst there will be some disruption during the construction of various phases of the LDO, the operations of this adjacent estate should remain largely unaffected by LDO in terms of the attractiveness and amenity.

Given the parameters, design codes and conditions, the development of the LDO would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

9. DRAINAGE

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

The LDO is accompanied by a site wide drainage strategy. The proposed solution for the management of surface water runoff from the planned development is to provide source control treatment solutions. This would be in the form of ponds located in the green landscaped areas and permeable paving structures in the car parks of most individual plot. The discharge would be conveyed via the pipe network before it finally discharges to the public Wessex Surface Water sewer at a controlled rate of 6.73l/s/ha. This rate will have to be agreed with Wessex Water and to see if it will impact the Wessex Water system.

Attenuation will be provided to ensure the system does not flood for rainfall events up to the 1 in 100-year return period storm, including an allowance of 45% for climate change.

Whilst the site wide drainage strategy provides the overall strategy for the drainage of the whole LDO, further detailed drainage designs will be required as individual phases and plots come forward. The draft order proposes a condition which requires the detailed design for surface water for each phase or plot to be approved before development can commence in that phase or plot.

The approach to drainage has been reviewed by the Flood Risk and Drainage Team who have no objections to the approach outlined above.

10.FLOODING

The site falls within flood zone 1 which is considered to be at a low risk of flooding with an annual chance of flooding from rivers and the sea less than 1 in 1,000 (0.1%). A flood risk assessment (FRA) has been submitted as part of the LDO.

In accordance with the NPPF, the proposals are appropriate, on flood risk grounds, for the types of development proposed. The proposed uses are consistent with the allocation policy and therefore there is no requirement to pass the Sequential Test and the application of the Exception Test is not required.

The site is at low to medium risk of surface water flooding. The proposed development would result in an increase in impermeable land cover at the site. Surface water runoff from the proposed development would be managed in line with the site wide drainage strategy (see above). Given the implementation of the Drainage Strategy and suitable connections to the sewer network, no sources of flooding are considered to pose an onerous risk to the site in the context of the proposed development and no mitigation measures are required. The proposed development would not increase flood risk to third parties over its lifetime, including for climate change.

The Environment Agency have been consulted (twice) about the proposed LDO but have chosen to provide no response and are therefore considered not to have any objection to the proposals.

As such, the proposed development is considered to comply with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as part 14 of the NPPF.

11. CONTAMINATED LAND

No contaminated land investigation or assessment reports have been submitted with the application. From a review of the mapping records available to the contaminated land department, it is understood that there have been several potentially contaminative historical uses in the vicinity of the Site including several collieries, spoil heaps, engine house, railway, industrial estate, works and depots.

Taking account of the proposed development and the potentially contaminative historical uses adjacent to and in the vicinity of the Site, the Contaminated Land Officer recommends that the LDO incorporate conditions requiring investigation and risk assessment, remediation and verification reporting (if required).

The LDO is considered to comply with policy PCS5 of the Local Plan Partial Update.

12. AIR QUALITY

An Air Quality Assessment has been submitted with the draft Order which reviews the impacts of the construction and operational phases of development. This has been reviewed by the Council's Environmental Monitoring Team who have agreed that the overall approach to the assessment is acceptable. Following some queries, additional detail on model inputs were provided to demonstrate that the correct methodology had been used, particularly with regard to queues, gradients and street canyons. Further clarifications were provided over traffic counts and forecast traffic levels and average speeds.

The Environmental Monitoring Team are satisfied with the results of the modelling and have accepted that the development will not result in any breach of the objectives for the nearby Air Quality Monitoring Areas (AQMA's).

Whilst it is not possible to confirm the number of construction vehicle movements during the construction at this time, due to a phase development approach over years. To minimise any impact to air quality CEMP condition is proposed as part of the draft Order.

The proposed LDO is therefore considered to comply with policy PCS3.

13. TREES

Local Plan Partial Update policy NE6 has regard to trees and woodland consecration. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

An arboricultural report has been submitted with the proposals which is subdivided between the main site and highways widening proposals to the west of the site.

A total of 76 arboricultural features were recorded within the study area, these were recorded as 43 individual trees, eight groups of trees, 23 hedgerows and two woodland blocks. None fall within a conservation area or are subject to a Tree Preservation Order.

The report identifies the tree losses required to enable the development to which there is no outright objection from the arboricultural officer. A total of seven individual trees, one group trees and four hedgerows will be removed, as well as the partial removal of sections from 11 hedgerows to facilitate proposals.

The arboricultural report refers to the parameter plans and structural landscaping scheme indicating that the LDO will result in a total of approximately 10,267 new trees being planted across the site. Given that there are no detailed landscaping proposals at this stage, this figure cannot be considered final, but there is considerable scope for replacement planting within the LDO site.

The Council's Arboriculturalist has identified incursions into the root protection areas of T3, T12, T13, T14 and T20 as an issue. These are mature trees, predominately Oak which are growing amongst hedges with fields surrounding them. They will be affected more keenly by any changes around their rooting environment which affect gaseous exchange and water and nutrient availability. In response, the LDO proposes no-dig construction methods will be used in these areas, although this will not address the issues around changes to the rooting environment. It is therefore likely there will be some adverse impact upon these retained trees.

The proposed tree protection measures, alongside individual arboricultural method statements for each plot, will be secured by conditions on the LDO.

Overall, the proposal is considered to comply with policy NE6 of the Local Plan Partial Update.

14. ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all

developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

An ecological habitat and protected species survey and assessment has been submitted with the LDO and reviewed by the Council's Ecologist.

There were three non-statutory designated sites of nature conservation importance located within 200m of the main and Highways Sites. One site, Old Mills Mine Tip Site of Nature Conservation Interest (SNCI) adjacent to the eastern boundary of the Main Site, comprised broadleaved woodland and open mosaic habitats on previously developed land (HPIE). Wellow Brook (SNCI), was situated 30m south of the proposed connection to the Greenway cycleway and comprised a stream with associated wildlife habitat that acts as a wildlife corridor and supported species such as otter (*Lutra lutra*). A further SNCI, Springfield Colliery, comprising broadleaved woodland, semi-improved neutral grassland, tall ruderal and ephemeral short perennial was 70m south-east of the Main Site. A further ten SNCIs and ten Local Wildlife Sites (LWS) were recorded within 2km of the Main Site boundary.

The Council's Ecologist broadly accepts the findings and recommendations of the ecology assessment, although in their latest comments have sought a number of clarifications. Clarifications on these points have subsequently been provided.

The Ecologist has also questioned the proposed removal of the mature species rich hedgerow in the field at the NW of the site and whether it is necessary to enable the development. The information submitted with the draft Order suggests that the viability of the scheme depends on the removal of this hedgerow. However, whether or not the hedgerow can be retained can be explored further as part of any compliance application and conditions in relations to on-plot BNG.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). In the case of major developments, a BNG of a minimum of 10% must be demonstrated using the latest DEFRA metric (or agreed equivalent), by a suitably qualified and/or experienced ecologist. BNG will be secured in perpetuity (at least 30 years) and a management plan will be required detailing how the post-development biodiversity values of the site will be secured, managed and monitored in perpetuity.

In the case of the LDO, the delivery of BNG is secured through the use of conditions. A baseline assessment and metric has been provided and accepted by the Council's Ecologist. The proposed conditions propose a phased approach to the delivery of BNG on the site requiring a strategic BNG delivery and management plan to be submitted prior to the commencement of any development and then a plot specific BNG plan to accompany each compliance application. This approach echoes the recently issued national regulations/guidance in respect of BNG (although note that development orders are currently exempt from mandatory BNG). The condition follows the BNG hierarchy prioritising delivery on-site in the first instance, before moving down the hierarchy to allow the purchase of additional off-site land or units and, finally, the purchase of credits.

The presence of bat species from the Bath and Bradford upon Avon SAC and the Mells Valley SAC has not been ruled out and the potential for significant effects on the bats associated with these SAC could not be ruled out. An appropriate assessment has therefore been undertaken.

The draft order proposes a lighting strategy which will maintain several dark corridors across the site and ensure that lighting within these corridors is limited to less than 0.5lux. This will be controlled through the design codes, parameter plans and compliance applications. Whilst Natural England indicate that there are likely to be some challenges with achieving these lighting parameters, particularly next to the plot containing the hotel use, the LDO is clear that light spill should be restricted and therefore there are the necessary panning controls in place to ensure that

the stated lux levels are achieved at the next stage of detailed design. In light of these mitigations, the appropriate assessment concludes that the Proposed Development would have no Likely Significant Effects on the integrity of the designated sites, their qualifying features or the conservation objectives of the Mells Valley SAC and Bath and Bradford-on-Avon Bats SAC.

The proposed order is considered to comply with policies NE3 and NE3a.

15. SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR7 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Non-Residential Development. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

The LDO seeks to ensure compliance with SCR7 via a condition which requires each plot to comply with the submitted Sustainability Statement. The Sustainability Statement echoes the approach in SCR7 which requires SVEZ development is to achieve a 100% regulated operational carbon emissions reduction from Building Regulations Part L 2013 (or future equivalent legislation), following the hierarchy set out below.

Minimise energy use through the use of energy efficient fabric and services

- Residual energy use should be met through connection to a low- or zero-carbon heat network if available.
- Maximise Opportunities for renewable energy to mitigate all regulated operational emissions.
- Residual carbon emission that cannot be mitigated on site should be offset through a financial contribution to the council's carbon offset fund

The Sustainability Statement also sets a construction carbon target of 600 kgCO₂e/m² GIA and that all buildings should calculate whole life-cycle carbon emissions in accordance with current RICS Whole Life Carbon Assessment guidelines and demonstrate actions taken or planned that will reduce life-cycle carbon emissions. This complies with the requirements of SCR8 in relation to embodied carbon.

16. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY:

The site would generate additional floor space within several different employment use classes. However, in accordance with the Community Infrastructure Charging Schedule the CIL charge for these uses in this part of the district is nil.

Section 106 planning obligations cannot be required under a Local Development Order. This does not however prevent section 106 agreements being offered by a developer. For example, if a condition attached to a Local Development Order requires mitigation of an impact from development, then a section 106 agreement could be used to secure this.

The main area where s106 agreements may be required in relation to the SVEZ LDO are for bonds or implementation fees for detailed travel plans (see highways section above).

17. PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty. The proposals do not raise any particularly significant issues in respect of the equalities duty.

18. PUBLIC BENEFITS

The LDO will have several significant public benefits which are considered below:

Economic benefits

The development of the SVEZ is crucial to the supply of employment space within the B&NES area. The addition of the proposed 1,300 jobs is important to B&NES as a whole and especially within the local area. The increase in local employment opportunities will reduce the strain on the road network as there is a significant amount of out commuting from the area at present.

The mix of use classes set out in the proposed LDO is beneficial, allowing flexibility to move with the needs of the local business community and the market. We welcome the dominance of high-value employment uses including office, research and development and industrial. Over 30,000sqm of the proposed 35,800sqm of floorspace is committed to these high-value employment uses, with a smaller ancillary amount allowing for a hotel, pub and food outlet should the market dictate. The Council's Economic Development team consider that there is a sufficient allocation to meet the 1,300 FTE employment for the site as a whole.

Since 2011 over net 44,241 sqm of industrial space has already been lost and a loss of a further 492 sqm of space has planning permission, plus an additional 15,648 sqm is expected to be lost through the Placemaking Plan allocations. The total loss of industrial floorspace is therefore 60,381 sqm. This is significantly in excess of the 40,000 sqm of managed reduction by 2029 set out in Policy B1.1.

These losses are recognised within the Industrial losses study undertaken by Lambert Smith Hampton and Hardisty Jones Associates (LSH/HJA) to inform the B&NES Local Plan review, where 'The rate of losses is far exceeding policy provision and the delivery of new replacement floor space is not taking place at the required rate. This poses significant economic development risks. Thus, it is not only the level of losses suffered within B&NES but also the rate of change which is affecting economic growth within the city.'

Within the Alder King Marketing Monitor 2022 states for B&NES that "Demand for good quality space, particularly freehold, remains strong with a number of active requirements. Supply is extremely tight and restricted to second hand stock at The Maltings and Brassmill Estates. With no speculative development expected, occupiers are forced to look outside the city, towards east Bristol or around Chippenham." The current vacancy rate of industrial units is generally accepted to stand at approximately less than 1% of current stock."

B&NES' economic and productivity growth has fallen behind our local and regional comparators in the past 15 years. This has dovetailed with the loss of employment land over the same time period. While commercial agent research has indicated there is strong demand for employment space and a lack of supply (especially of modern units), this development is crucial to the future economic needs of Bath and North East Somerset, and in particular the Somer Valley.

The ancillary uses proposed within the LDO include a hotel, pub and food outlet. The Economic Development team believes these to be important in servicing the new enterprise zone and will have no material harmful impact on the town and local centres within the Somer Valley.

The Bath and North East Somerset Employment Growth and Employment Land Review by Hardisty Jones Associates and Lambert Smith Hampton March 2020 provides useful analysis of the chronic shortage of industrial space within the area and the detrimental impact it is having on the functioning of the economy.

Key points from this report demonstrate the negative impact the loss of industrial space has had within B&NES and Bath in particular. Future impacts in terms of employment growth, the proper functioning of the economy and the loss of future activity to other areas, further compounding these issues, if this trend continues. Key points of relevance are:

- B&NES as a whole, and the Bath City subarea in particular, has failed to capture the level of employment growth that would be anticipated based on existing levels of activity
- It is clearly evident that there is a need to retain and protect all existing employment areas wherever possible
- The most acute issues are within the industrial and warehouse market segment. This is primarily fuelled by a critical lack of supply in the Bath City area. Identifying potential opportunities to deliver new industrial floorspace in Bath should be explored. The need to retain and protect existing industrial sites becomes increasingly important.
- There is virtually no industrial and warehouse supply identified in Bath despite clear evidence of requirements. This is a critical issue and makes the protection of existing industrial sites essential... there is a risk that economic activity will be lost to other locations including Avonmouth/Sevenside and Swindon/Chippenham/Wiltshire.

Environmental benefits

Bath and North East Somerset Council have declared a climate and ecological emergency. A large proportion of carbon emissions in the district are linked to transportation and out-commuting from the Somer Valley is part of this issue. The Local Plan Partial Update identifies one of the challenges facing the Somer Valley as the high levels of out-commuting due to the lack of local employment opportunities.

Whilst some have raised concerns that since the pandemic working patterns have changed, figures from the Economic Development team indicate that the percentage of people working from home in wards within Bath is close to 50%, but in Somer Valley wards this number drops to circa 20%. Given this figure, it is vital for more local employment opportunities to be created within the Somer Valley in order to reduce out-commuting and associated carbon emissions.

The jobs created by the LDO will provide more local employment opportunities which can help to reduce the levels of out-commuting and the associated carbon emissions. In this way, the proposed LDO is directly addressing the Council's declaration of a climate emergency.

As discussed in the ecology section above, the proposals will also make provision of 10% biodiversity net gain, helping to address the ecological emergency.

The proposed highways infrastructure mitigations and improvements will also provide greater connectivity and access for pedestrians and cyclists, opening up more active travel opportunities for people and reducing car dependency.

Other benefits

The LDO has a further benefit in helping to unlock and bring forward a long-standing allocation, providing a clear strategy for its development which may not otherwise occur without the intervention of the Council. The site has been allocated since at least the 2007 Local Plan and has not seen any development brought forward in that time. The LDO provides a clear basis for a co-ordinated approach to the development of the allocated site, which is currently in multiple land ownership and sets out clearly the mitigation and infrastructure required to support it. It will provide greater certainty to potential investors and developers alike.

19. PLANNING BALANCE:

When considering whether the draft Order accords with the development plan it is necessary to make this judgement with regard to the development plan as a whole.

Whilst the proposals will have some adverse impacts upon landscape character and views which have not been fully mitigated, the proposals are considered to comply with the relevant parts of the allocation policy SSV9 in relation to the provision of major landscaping. The proposals are otherwise considered to comply with all the Placemaking Principles of B3a and also complies with the other core policies of the development plan.

In addition to compliance with the development plan, the proposals have been found to have the following key benefits:

1. Creation of employment floorspace sufficient to accommodate circa 1,300 FTE jobs and addressing the lack of supply of industrial floorspace in the district.
2. Addressing the imbalance between housing and jobs in the Somer Valley resulting in a reduction in out-commuting.
3. The provision of 10% biodiversity net gain.
4. Provision of new pedestrian and cycle routes as part of the highway's mitigation.
5. Enabling the delivery of a long-standing allocated site and providing greater certainty to investors.

Against these benefits, there are several harms and material considerations arising from the proposed development that weigh against the LDO. The key harms include:

1. Major to moderate adverse visual impacts to the landscape over the short term and moderate adverse visual impacts over the long term which are only partially mitigated.
2. Harm to the setting of several non-designated heritage assets include The Batch, the Old Mills Colliery, Springfield Buildings (south side of the A362), Cottages by the A362 at Old Mills, Cottages at Old Mills west of the site.
3. Harm to the rooting environment of mature trees T3, T12, T13, T14 and T20

It is considered that the above harms have been appropriately minimise whilst still enabling the delivery of the allocation. It is considered that these matters, both individually and cumulative, do not amount to material considerations which outweigh the compliance of the proposals with the development plan as a whole.

20. CONCLUSION:

It is therefore considered that the draft Local Development Order complies with the development plan as outlined above and is recommended for adoption.

Recommendation:

That the draft Local Development Order should be ADOPTED.