Minutes of the meeting of Wraxall and Failand Parish Council held in the Cross Tree Centre, Wraxall on Tuesday 23rd October 2024 that commenced at 7.30pm when the following business was transacted.

Present: Councillors Parsons (Chairman), Amos, Malpas, Robinson, Sandeman, Sheppard (from 127/24), and Wolff.

North Somerset Councillor McQuillan

Parish Clerk: Tony Jay.

124/24 To receive apologies for absence.

Apologies were received from Councillors Gorford and Vallentine. Councillor Sheppard had stated that he will be arriving late.

125/24 To receive declarations of any pecuniary interest on items relating to this agenda, which have not been previously declared in the Councillor register of interests.

Councillors Malpas and Robinson declared a personal interest in agenda item 24/P/1586/OU2 as they are Trustees of the Wraxall Parochial Charities. The Clerk gave them a dispensation to remain present during the meeting and vote.

126/24 To approve as a correct record the minutes of the meeting of the Parish Council held on 12th September 2024.

It was unanimously resolved to approve the minutes as a correct record of the meeting. The Chairman signed the minutes.

127/24 To invite public speaking regarding planning application 24/P/1586/OU2.

The meeting was closed to receive public comments.

Members of the public provided views and comments regarding the planning application.

The meeting was opened.

128/24 To comment on the following planning application.

24/P/1586/OU2. Land North of Southfield Road Trading Estate, Clevedon Road, Nailsea. Outline permission with Environmental Statement for the erection of up to 381 dwellings, 0.68ha of land to accommodate a care home, 1.1ha of land for employment uses, 0.35ha of land to accommodate a community building and car park, improvements to existing playing pitches, public open space, woodland planting, sustainable drainage systems and ancillary works, with means of access of two primary access points onto the B3130 for approval, all other matters (other access, appearance, landscaping, layout and scale) reserved for subsequent approval. Councillors discussed a draft submission which had previously been circulated to all Councillors.

It was unanimously resolved to object to the planning application for the reasons stated in the appendix to these minutes.

129/24 To invite public speaking regarding planning application 24/P/1510/FUL.

The meeting was closed to receive public comments.

Members of the public provided views and comments regarding the planning application.

The meeting was opened.

130/24 To comment on the following planning application.

24/P/1510/FUL. Land At Tyntesfield Springs, Bristol Road, Wraxall. Installation of a Novel hydro turbine and the provision of three gypsy/traveller pitches.

It was unanimously resolved to object to the application.

Wraxall & Failand Parish Council objects to the application for the following reasons;

This application does not provide sufficient detail to enable a proper evaluation of its merits. In addition, a number of the documents submitted are either incomplete or have no relevance to the application.

Horizontal Vortex Turbine

Renewable power generation is to be welcomed, however in this case very little detail is provided on the turbine, (the applicant does however very helpfully state that water is wet, just in case there was any doubt).

The evidence provided is very unclear, however the Zotlerer turbine design appears to require a drop of 1.5m to be effective. This is not available at the site of the application, suggesting that the turbine will not be effective in generating low carbon power. It is unclear from the application what the scale (kw of installed capacity) will be of the turbine, and where the metering will be located. This is crucial detail as the rates in the EA abstraction license not to be exceeded are supposed to be back calculated from the kWh of generation multiplied by the efficiency on the data sheet of the turbine. This information is not obviously apparent in the application.

There is no information on the connection of the turbine to the grid or suitable electricity storage infrastructure.

There is no detail of the construction of the horizontal vortex turbine or the materials to be used, similar examples have made extensive use of concrete to construct the inlet, vortex pool (rotation tank) and outlet. There is no explanation of how construction is to be achieved is such an inaccessible location.

There are no detailed drawings of the inlet or outlet in relation to the existing riverbank.

The Arboricultural Assessment does not cover the site of the horizontal vortex turbine.

Provision of gypsy / traveller pitches

The site has previously been rejected by North Somerset Council as a gypsy / traveller site.

There are no details of how mains electricity would be provided to the site.

There are no details of how mains water would be connected to the site.

Although the technical specification of a suitable water treatment system is included in the application, there is no reference to where it will be situated, and where it will discharge / soak-away.

131/24 Date of next meeting: 14th November 2024 in the Cross Tree Centre.

Appendix

24/P/1586/OU2- Land North of Southfield Road Trading Estate Clevedon Road, Nailsea - Outline permission with Environmental Statement for the erection of up to 381 dwellings, 0.68ha of land to accommodate a care home, 1.1ha of land for employment uses, 0.35ha of land to accommodate a community building and car park, improvements to existing playing pitches, public open space, woodland planting, sustainable drainage systems and ancillary works, with means of access of two primary access points onto the B3130 for approval, all other matters (other access, appearance, landscaping, layout and scale) reserved for subsequent approval.

Wraxall and Failand Parish Council OBJECTS and recommends North Somerset Council (NSC) refuse this application, based on the grounds listed below.

The reasons for Objection are:

1. Contrary to the National Planning Policy Framework (NPPF)
2. Contrary to NSC's Development Plan
3. Contrary to Wraxall and Failand Neighbourhood Plan
4. Inappropriate development in the Green Belt
5. Unsustainable
6. Generation of substantial additional traffic on an unsuitable road, rail and cycle infrastructure
7. Increase in Flood Risk
8. Harmful to the Landscape

Principle of development
Section 70(2) of the Town and Country Planning Act 1990 (as amended) states:

> "In dealing with an application for planning permission or permission in principle the authority shall have regard to—
> (a) the provisions of the development plan, so far as material to the application,
> (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
> (aa) any considerations relating to the use of the Welsh language, so far as material to the application;
> (b) any local finance considerations, so far as material to the application, and
> (c) any other material considerations."
>
> Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Emerging Local Plan:

North Somerset has an emerging local plan which was agreed to progress to Reg 19 status in September of this year however, it has recently been confirmed that its progression through the local plan process has been delayed.

This site was promoted for development via the Council's call for sites however it was never selected, it is understood for the reason that it was contrary to the Core Strategy Framework, and the site is therefore shown as remaining within the Green Belt.
This demonstrates that, even at a high level, this site has been found to be inappropriate for residential development via the plan making process.

Principle of the Development and Impact on the Green Belt

It is understood that North Somerset Council's Core Strategy is over 5 years old and therefore is considered to be out of date. It is also understood that the Council cannot currently demonstrate either a 4 year or 5 year housing supply. In most circumstances paragraph 11(d)(ii) of the National Planning Policy Framework (NPPF) would therefore apply, triggering the 'tilted balance' where planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

However, this site is within the Green Belt, where paragraph 11(d)(i) states that planning permission should be granted unless:

> 'the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed.'

Footnote 7 confirms that this includes Green Belt sites and therefore, as very special circumstances have not been demonstrated (see below assessment), the tilted balance is not triggered.

The proposals are to be considered under Policies CS6, CS14 and CS31 of the Core Strategy and Policy DM12 of the Sites and Policies Plan Part 1.

Policy CS14 clearly sets out the spatial strategy with regard to the location of development within the North Somerset area directing it towards certain locations, primarily Weston super Mare, Clevedon, Nailsea and Portishead. The policy sets out the sustainable development strategy for the area. The policy however also states that:

> Development outside the settlement boundaries will only be acceptable where a site is allocated in a Local Plan or where it comprises sustainable development which accords with the criteria set out in the relevant settlement policies (… CS31…).

Policy CS31 then adds further detail specifically relating to Nailsea and states that:

> At these towns, new housing development within and adjoining settlement boundaries which is of an appropriate scale and of a high quality design that respects each town's distinctive character and local environment, delivers necessary infrastructure improvements and enhances overall sustainability will be supported. Residential proposals must have regard to local housing needs.
>
> Proposals must be capable of being integrated into the existing fabric of the settlement and not create significant adverse impacts in relation to services, facilities and infrastructure including any cumulatively significant adverse impacts. New development must have safe and convenient walking routes to schools and other services and facilities within the town within a reasonable walking distance.

It is considered that the proposed development is contrary to Policy CS31 because, although it adjoins the settlement of Nailsea it fails to achieve the requirements listed. In light of this the application is also contrary to Policy CS14 as it is outside the settlement boundary and is not coming forward as an allocation in the Local Plan. Therefore, the development is contrary to the spatial strategy and is not, in principle, sustainable development.

Turning to consider the Green Belt, the NPPF, at paragraph 142 states:

> 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'

Following this, at paragraph 143, the NPPF sets out the five purposes of the Green Belt:

a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The North Somerset Green Belt review carried out in 2021 concludes that this cell, no 10, meets three of the five purposes namely:

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment.

d) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The later Green Belt Review Part 1, An Assessment of the Broad Locations for Growth, January 2022 carries out a more detail assessment of the site concluding that Land North of Nailsea has a moderate to low contribution and therefore development would have moderate to low harm to the Green Belt. This is despite the assessment concluding that the site performs highly in relation to purpose c) encroachment.

This conclusion is strongly disagreed with as it is not the case that the Green Belt has to fulfil all of the purposes to be of value, or even have to score highly in all the purposes, it could fulfil only one purpose and still retain its great importance as part of the Green Belt. In this case it is argued that the site performs three of the five purposes namely b), c) and e), specifically performing highly on purpose c) in that it assists in safeguarding the countryside from encroachment.

Nevertheless, even with the 2022 Green Belt Review concluding low/medium harm, as has been stated above, the Council still judged the development of this site as inappropriate for residential development via the plan making process by not allocating it for housing in the draft local plan.

Following on from this, paragraphs 142 to 151 of the NPPF mainly relate to the drafting of new or review of existing planning policy through the local plans process where the Green Belt is concerned.

However, this development is essentially seeking to alter the Green Belt boundary to remove the land from it so that it can be developed. This is specifically covered by paragraph 145 of the NPPF, where it states (our emphasis):

> “Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the planmaking process.”

Paragraph 145 sets out the Government's requirements and is very clear that not only is there no requirement for Local Planning Authorities to review or change green belt boundaries through the plan making process, it is equally clear that, even if exceptional circumstances were fully evidenced and justified, this should only happen through the preparation or updating of local plans.

Nowhere in the NPPF is there any mention that Green Belt boundaries should be amended through the consideration of a planning application as this development is seeking to achieve.
The correct route to developing this site would be via the Local Plan process, not through a speculative planning application. The Applicant has tried the Local Plan route and failed, the Council cannot therefore legitimately conclude that the site is not acceptable for inclusion into the draft local plan but, within a matter of months, conclude that planning permission can be granted for this development.

Very special circumstances have been provided, and are assessed below, however exceptional circumstances to alter the Green Belt boundary, and remove this site from it, have not. Exceptional circumstances have not therefore, been fully evidenced or justified.
More relevant to the proposal, paragraphs 152 to 155 of the NPPF set out the strict policies within which development within the Green Belt should be considered and are highly relevant to a

development such as this. Paragraph 152 states:

> 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

Paragraph 153 states:

> 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

Finally, paragraph 154 of the NPPF also states that the construction of new buildings is inappropriate within the Green Belt and the submitted Planning Statement confirms that this development does not fall within any of the exceptions and nor does it represent any of the other forms of development that are not inappropriate within the Green Belt as set out in paragraph 155.

This is with the exception of the proposed community building.

The development falls outside of the settlement boundary for Nailsea, and within the rural parish of Wraxall, whose Neighbourhood Plan acknowledges its importance, its vision being 'To protect and enhance the Green Belt' (Vision 4.3.) and to 'continue to seek protection and

enhancement of the area's rural character'. This proposed development would have a direct impact on the openness of the Valley and would create urbanisation from Nailsea into rural Wraxall land. The risk of development in regard to encroachment on the openness of the Green Belt area (one of the key aims of Green Belt) is High. (Greenbelt review D.4.10). Played down in the application, this area performs highly on three of the criteria for Green Belt and has every right to remain in the Green Belt.

With regard to the impact of the development on the openness of the Green Belt, the application, while acknowledging that the definition is generally considered to be the absence of development, it skips over this point and instead puts a lot of emphasis on arguing that the visual impact on openness is of importance and assesses the impact on this basis. In support of this argument the Planning Statement at paragraph 6.73 specifically states:

> 'if a site cannot be seen, it cannot have any perceived effect on the sense of openness'.

This is considered to be a completely flawed argument.

The NPPG states that:

> Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
>
> - openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
> - the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
> - the degree of activity likely to be generated, such as traffic generation.

In this case it is considered that the provision of 381 dwellings, commercial and community buildings along with all the associated movements by both vehicles and people, domestic and urban paraphernalia can only have a significant and unacceptably harmful impact on the openness of the Green Belt. The development is not short term, it is a permanent encroachment into the Green Belt, harming openness and for which there can be no mitigation. Landscaping may screen parts of the development but it will nevertheless result in a huge volume of development and significant loss of open space in spatial terms.

Furthermore, the conclusions of the Landscape ES chapter, as summarised in the Planning Statement, are strongly disputed where the visual impact on openness is concerned. The site is very much visually open and can be viewed as such from numerous locations both on the edge and within. The site is visible as being an open area of agricultural land from

various viewpoints, in particular from public viewpoints on Clevedon Road to the east and west, and from the public footpaths both crossing and adjacent to the site.

To conclude that those using the footpaths would experience a moderate adverse visual impact as a result of the development is strongly disputed, where once they crossed open fields, or looked upon the site as open fields from across the river, they would be passing through or by an urban built up environment which would have a major negative impact.

The scale of development is five times greater than the indicative threshold for urban development projects and this is likely to lead to significant urbanising effects. It is in an area defined by North Somerset Landscape Sensitivity Assessment as of 'High' sensitivity.

The Green Belt Assessment in the NSC Joint Spatial Plan (JSP) shows the land as 'contributing'. So not only is it Green Belt, but it is in the top 20% of significant Green Belt. It is a sensitive landscape and we support NSC's view as stated in the JSP supplementary documents that the expansion of Nailsea into Green Belt should be avoided. The Green Belt acts to safeguard the countryside from encroachment. The site acts as a clear distinction between town and country.

To conclude, the proposal represents inappropriate development which is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist to justify it. Furthermore, running with taking the Applicant's argument that NPPF paragraph 140 has significant weight, exceptional circumstances should also be fully evidenced and justified before planning permission can be granted.

In this regard the application seeks to argue that very special circumstances exist to justify the granting of planning permission. These include:

- The delivery of open market and affordable housing
- A care home
- An improved recreational facility
- Job creation
- public access to the site and improved recreational and sports facilities

While these are acknowledged as being of benefit to the scheme, and with respect to housing, being of substantial benefit, they are nevertheless not considered to represent the very high bar that very special circumstances require in order to outweigh the harm by inappropriateness or to openness.

In conclusion, development is located outside the settlement limits of Nailsea, within the open countryside where development is strictly controlled. It is also contrary to the spatial strategy and therefore represents unsustainable development. The proposals are therefore in conflict with Policies CS14 and CS33 of the Core Strategy and paragraphs 2, 3, 8, 10 & 11(d) the National Planning Policy Framework (December 2023).

The development is also inappropriate in the green belt and therefore by definition harmful and results in a loss of openness in spatial and visual terms causing harm to three of the five purposes of the green belt. Neither exceptional nor very special circumstances have been proposed that would clearly outweigh those harms and the proposals are therefore contrary to Policy CS6 of the Core Strategy and Policy DM12 of the Sites and Policies Plan Part 1.

Landscape Harm

The historical importance of this piece of land is characterised in NSC's Tickenham Ridge Character Assessment, which clearly identifies this piece of land (identified as Landscape Type K) suggested for development as, "Well preserved medieval landscape, with probable Saxon antecedents, of small irregular fields, some of which suggest that they may have been created from open strip fields. The settlements comprise dispersed farmsteads with lanes leading off the higher ground accessing the common land of the levels back fen, where valuable seasonal grazing and other wetland resources could be acquired"
The Assessment goes on to confirm this land "….sits comfortably in the landscape, adding to the peaceful rural ambiance"
The main points of the Assessment confirm why this planning application is contrary to all aspects of Green Belt protection offered amongst other things:

- "Remote intimate scale landscape with peaceful ambiance away from the urban edge of Nailsea
- Coherent and distinctive survival of medieval landscape
- Visual and functional connection with the Moors"

The Strategy proposed by NSC Tickenham Ridge Character Assessment is:
"The landscape strategy……will be one of conservation"
The landscape guidelines are:

- "Conserve the remote and rural nature of the pastoral landscape.
- Encourage traditional methods of land management.
- Maintain key local landscape features including the distinctive drystone walls and stone buildings.
- Minimise the impact of the urban edge and the encroachment of visually intrusive land uses through design guidance and appropriate land management.
- The routes to and from its wetland resources should be recognised as an integral element of this agricultural system"

The proposal is quite clearly contrary to the character assessment and demonstrates that this area of land is of historical significance and that the proposal would have a significant and unacceptable impact on the landscape.

Policy CS5 of NSC's Core Strategy is concerned with protecting and enhancing the distinctiveness, diversity, and quality of North Somerset's landscape. This is translated into

practical guidance through policies DM10 of the Sites and Policies Plan Part 1. DM10 says development proposals should not harm landscape character and it should be carefully integrated into the natural environment; whilst minimising landscape impact; and respecting the tranquillity of the area.
The proposal is therefore contrary to Policy CS5 of the Core Strategy and Policy CM10 of the Sites and Policies Plan Part 1.

Wraxall and Failand Neighbourhood Plan

The Wraxall and Failand Neighbourhood Plan has now been through referendum and is therefore a material consideration for any planning applications in the area.
The Neighbourhood Plan was prepared and drafted based on the NSC Local Plan. At the end of September 2024 NSC set out its approach to updating the Local Plan to meet the higher housing requirement, stating they will assess potential locations based on the following hierarchy:

1. Development that maximises urban capacity, focusing on previously developed land and reviewing densities
2. Development at the towns (outside Green Belt)
3. Development at the larger, most sustainable villages (outside Green Belt)
4. Development in the "Grey Belt" as Green Belt which is either brownfield or makes a limited contribution to Green Belt purposes
5. Development of Green Belt adjacent to Bristol

The application submitted by LVA fails on every count as set out above.
The Vision of the Wraxall and Failand Neighbourhood Plan is:

> "Wraxall and Failand will continue to seek protection and enhancement of the area's rural character, maintaining and improving access to the Green Belt to promote healthy lifestyles, and bringing the community together….."

The Number 1 Objective of the Wraxall and Failand Neighbourhood Plan is:

"TO PROTECT AND ENHANCE THE GREEN BELT"

This planning application is contrary to the Vision, Objective and aims of the Wraxall and Failand Neighbourhood Plan.

Impact on Highway Safety

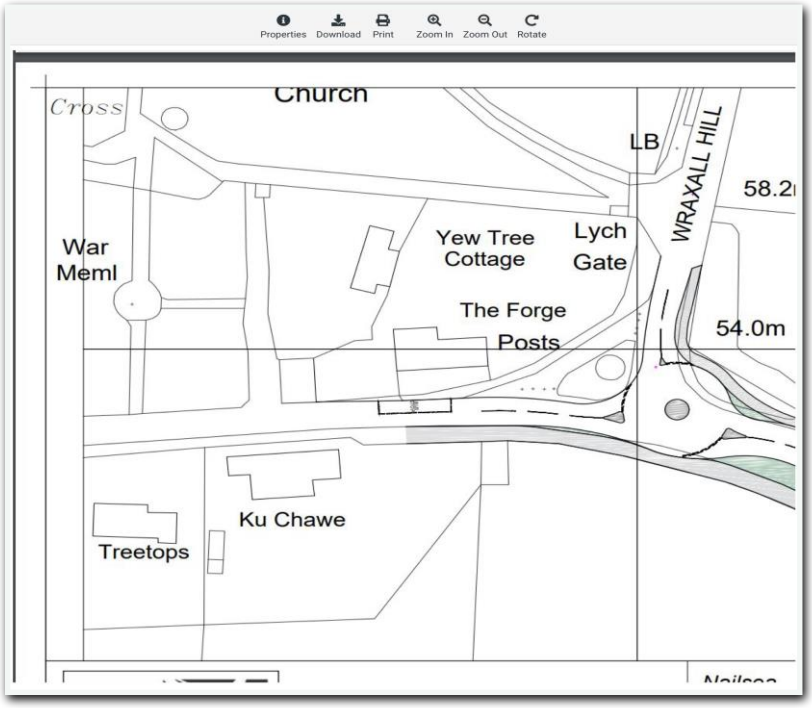
Any development of this site would add an extra burden onto the B3130, B3128 and Wraxall Hill. The detrimental impact on the rural road network is addressed further within this response.

Part of LVAs Vision for development on the site is that commuting traffic should be funnelled to the B3128, in order to avoid the B3130 and A370, for access to in and around Bristol. Whilst this may seek to limit congestion on those roads it merely moves the problem to the villages of Wraxall and Failand and then ultimately onto either the A370 or the B3129 and potentially Clifton Suspension Bridge.

It is considered naive at best to assume that people living in any development would not drive to access shops within and beyond Nailsea. Despite its proximity to Nailsea town centre it is still too far for people to walk with bags of the weekly or daily shop and so shoppers would still get in their cars. It is considered that Nailsea town centre has very little scope to accommodate a further demand on its limited parking facilities.
Nailsea has relatively few significant employers and so the majority of the working population commutes daily, we therefore believe that residents on this proposed development would mainly commute into Bristol rather than work in Nailsea.

The main vehicle routes from the proposed development to Bristol and Weston super Mare, via the A370, or towards Clevedon and the M5, via Tickenham depend upon the B3130. Today there are frequent traffic delays in Wraxall where the carriageway is not sufficiently wide for two large vehicles to pass each other requiring one to back up to a passing place. This then forces traffic onto Wraxall Hill, which is a winding narrow country lane with a junction at the top which is the scene of many traffic incidents. There is no continuous pavement along the length of Wraxall village, so it is dangerous for residents to walk from one end of the village to the other to gain access to the school, Church Cross Tree community centre, the Wraxall Club and the Battleaxes, when redeveloped, or to visit neighbours, particularly at night.

The increased traffic from the proposed development will only exacerbate the situation. LVA's solution to resolving this problem is to install a roundabout on the B3130 at the junction with Wraxall Hill (as shown below). This is a poorly, ill-conceived idea that lacks any design assumptions, or traffic flow analysis. The current traffic flow includes large buses and delivery lorries feeding Nailsea. LVA has failed to demonstrate how the increased traffic flow will benefit from such a design not to mention the fact there is so little space available at the junction of Wraxall Hill, that a roundabout is not only impractical but will not fit into the current landscape.



LVA's unsubstantiated plan to alleviate traffic congestion on the B3130
Nailsea and Backwell railway station is a small village station with limited amenities, a part time ticket office, relatively little dry waiting space, no toilet facilities and limited car parking. The additional load on these basic facilities will lead to an increase in on-road parking in the Nailsea / Backwell area, overcrowding on the narrow platforms, and frustration with the limited and problematic ticket purchasing/ collection facilities. The planning application has not considered in sufficient detail the day-to-day commuting needs of the new residents.

The B3130 between Jacklands Bridge (BS21) and the junction with the B3138 (Tickenham Hill) at Stone Edge Batch is very narrow with no footpaths on either carriageway. Traffic flow is regularly halted for several minutes because opposing traffic such as goods vehicles, lorries or buses cannot pass each other over a significant distance, requiring extended careful maneuvering, or more difficult backing-up, to re-start traffic flows. This scenario is a regular occurrence during the daily rush-hour periods but occurs sporadically throughout the day depending upon vehicle types and timing of movements. The additional log jams and tail backs that will result from the increased vehicular traffic stemming from the proposed development will cause delays to commuters, school buses and emergency services, reduce air quality, increase general pollution and noise. Traffic jams and stationery vehicles consume vast amounts of energy needlessly, and the resulting carbon footprint cannot possibly be justified based on an increased number of residential dwellings in an area that has inadequate supporting infrastructure.

The new link road through the proposed development may well be used as a shortcut for traffic from the east and west ends of the estate to avoid the traffic lights in Nailsea. Although it is winding and narrow. This means that the traffic flow through the proposed residential area will be significant, potentially becoming a Nailsea by-pass, introducing

noise and pollution into another location which is currently quiet, unspoilt Green Belt pasture and marshland.

The proposed layout, albeit indicative, shows that the pedestrian and cycle links to Nailsea itself are very few in number and poor quality. The links shown utillise only the two existing pedestrian links, one of which will be upgraded for use by cyclists, and the only vehicular link is to the proposed commercial area.

In light of this the majority of pedestrian and cycle movements to gain access to Nailsea itself, local services, schools and other community facilities will be via the much longer and arduous route of Clevedon Road to the east and west. No further information appears to have been provided to show what improvements on Clevedon Road and beyond are proposed to facilitate active travel.

Furthermore, while the plans indicate improvements to footpaths within the boundaries of the application, no consideration is given to the footpaths outside of the designated access points. For example, the access point indicated to the northwest corner of the site, has no designated external path. Access is direct onto the B3130, with no pavement and a narrow-unmade track used by adults and children making their way into, or from Nailsea. To suggest that this is a suitable means for pedestrian and cyclists to gain entry to, or from, the new development, given the increased traffic flow on the B3130 and lack of suitable pavements is unacceptable and will highly likely result in accidents and injuries, particularly in winter as no road lighting is present on this section of 40 MPH road. The existing situation is hazardous enough and introducing additional foot traffic into this area without improvements to the wider infrastructure, such as proper footpaths, cycle tracks, street lighting and a reduced road speed limit would be extremely dangerous.

It is therefore unsurprising that Active Travel England have objected to the proposals identifying that the application has either failed to meet the required standards or submitted the level of information required so significantly that they have been identified as critical issues that need to be addressed:

- Trip generation and assignment
- Active Travel Audit
- Pedestrian access to local amenities
- Cycling Accessibility
- Access to Public Transport
- Off-site transport infrastructure
- Site layout, permeability and placemaking
- Travel Planning
- Cycle parking and trip-end facilities – concern

The objections raised by Active Travel England are extensive and demonstrate that the application is woefully inadequate in presenting an acceptable development where active travel and highway safety is concerned.

Overall the proposal would have a significant harmful impact on highway safety, fails to provide a wide choice of modes of transport, particularly those that do not rely on the private car, and is therefore contrary to Policy CS10 of the North Somerset Core Strategy and Policies DM24 and DM25 of the Sites and Policies Plan Part 1.

Flood Risk and Unsustainability

The application site is within Flood Zones 1, 2 and 3 and paragraph 165 of the NPPF states:

> Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 173 of the NPPF further states:

> When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment59. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
> a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
>
> b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
>
> c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
>
> d) any residual risk can be safely managed; and
>
> e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Policy CS3 of the Core Strategy and Policy DM1 of the Sites and Policies Plan Part 1 are also relevant.

The land is low lying and flood risk affects part of it, while other parts are above the current flood plain. With climate change accelerating we can expect flood zones to increase in size. The Environment Agency are due to publish updated data on flood levels in

December 2024. It would be prudent to delay any decision on the development of this site until the latest data is available.

The North Somerset Levels has identified that:

- Flood Risk Authority has failed to take into consideration the flood risk associated with the ordinary watercourses on site.
- The LVA Sustainable Drainage Systems (SuDS) proposal relies on the use of attenuation ponds to attenuate storm water, these should not be situated within Flood Zone 3 inclusive of an allowance for climate change. During a flood event, such features would be at risk of filling with fluvial floodwater thus rendering them ineffective for storm water management
- These ponds are located within tight spaces, with no space for access nor for maintenance. A 6 m easement around each pond needs to be provided for a machine access for maintenance and an access path provided from the road

Development will increase run off into the river and increase flooding. Increased run off into the river is likely to cause pollution that will affect local businesses such as the trout farm at Jacklands and the SSSI on the other side of the B3130 at Tickenham that is fed by the river.
The storm water run-off from the land to the north of the proposed development is accommodated by the Land Yeo from the East of the proposed development, close to Wraxall and to the west of the development at Jacklands bridge and beyond through Tickenham and Clevedon. The river cannot cope with periods of heavy rainfall throughout the year. This is particularly so since the Environment Agency decided that seasonal vegetation will not be removed, nor will dredging be continued as has been completed in previous years.

The new development, as confirmed in the planning application, will cause more intense run-off volumes within a shorter space of time. This will lead to more regular flooding of the Land Yeo, more regular breaching, and overflows to the B3130 at Jacklands Bridge, across the narrow pedestrian footpath, generating hazards to road users due to raised ironworks. There is a genuine threat to public safety in terms of road users and pedestrians resulting from the proposed development. The attenuation provisions proposed to deal with storm water include a number of attenuation ponds, between 1.4 and 2.3m in depth. These are located throughout the development site, some close to designated child play areas but are insufficient and lacking detailed understanding.
The management and maintenance of the attenuation facilities and the land drainage system including cleaning, de silting and de-vegetation, together with the management, repair and replacement of multiple water butts and maintenance of the landscape represents a huge financial burden. It is assumed that this cost will be borne by the future residents of the development, rather than NSC, Nailsea Town Council or Wraxall and Failand Parish Council. Nevertheless, this is a substantial ongoing, endless and ever-increasing cost to the future occupiers at a time when housing affordability is in crisis.

The result of high-water levels in the Land Yeo will be experienced throughout its lower-level catchment area, detrimentally affecting businesses and residential accommodation between Watercress Farm, Wraxall House all the way to Clevedon. There is no recognition as to the damage that will be caused in this respect by the proposed development. Wessex Water have also raised significant concerns on a number of points including the fact that private sewers and pumping stations have not been adequately accounted for in the indicative layout.

Chapter 10 of the Environmental Statement - Flood Risk and Drainage notes at Table 10.2 that there is a high risk of flooding affecting residents downstream, Tickenham, Nailsea and Kenn Moors SSSI. The mitigation methodologies proposed, that are not certain of success and incur an ongoing maintenance and operational commitment.
Research undertaken by Global Strategic Communications Council when assessing areas across the U.K. that are risk of rising sea levels and severe flooding list nearly 200,000 homes at risk of being abandoned by 2050. They identified 20 places around the U.K. that would be hardest hit with North Somerset topping the U.K. list.

List courtesy or Global Strategic Communications Council:

> "A total of 20 local authorities have 2,000 or more (some with tens of thousands) at risk of being lost to sea level rise including (ranked in order from most numbers of properties to fewest):

1. North Somerset
2. Sedgemoor
3. Eastbourne
4. Wyre
5. North East Lincolnshire
6. Warrington
7. Swale
8. Dover
9. Portsmouth
10. Tendring
11. Ipswich
12. Gloucester
13. Bristol City
14. Maldon
15. Adur
16. Cornwall
17. East Devon
18. East Lindsey

19. East Suffolk
20. West Lancashire”

- North Somerset already has the highest proportion of properties at risk of flooding in England of any local authority
- The site itself is at risk of river, reservoir and surface water flooding
- The national flood risk map update will be released by the Environment Agency in December 2024 and won’t show an improved situation, it will be worse as updated climate scenarios are used to update the maps
- The Land Yeo is a statutory main river all the way inland to the Watercress Farm weir. The river channel and embankment requires improvements, updated and regular maintenance.
- Similarly, there is concern that, as a result of long-term maintenance of any surface water drainage systems, drains in Nailsea and Wraxall would be blocked. For example the surface water pond for the Elms development is not operating effectively
- Further development will also exacerbate current water quality issues, which will lead to further poor water quality in the Severn estuary

The Environment Agency have raised an objection to the proposals, recommending refusal of planning permission, on the grounds that the submitted Flood Risk Assessment is inadequate, insufficiently detailed and does not take into account fluvial flooding.
As raised by the Environment Agency, as part of the site is within Flood Zones 2 and 3, and therefore at significant risk of flooding, a sequential test should also have been carried out for this development to ensure that all development is located in areas at the lowest risk of flooding. It is considered that this proposal would very likely fail such a test.

Wraxall & Failand Parish Council agrees with the Environment Agency, Internal Drainage Board and Wessex Water concerns and believes that any development that increases the flood risk would not be sustainable development which would be contrary to Chapter 14 of the NPPF and Policy CS3 of the Core Strategy and Policy DM1 of the Sites and Policies Plan Part 1.

Design, Density and layout

It is clear that this site has numerous constraints including Flood Zones 2 and 3, numerous underground services and tree preservation orders. Furthermore 381 dwellings plus commercial and community buildings is a lot of development considering.

In light of this it is surprising that the indicative layout shows such a spacious layout and doubt is therefore raised whether this is a true or accurate indication of the final density of the development. A quick count of the buildings shown falls far short of the 381 dwellings proposed even when 2 or even 3 storey flats are factored in.

It is well known locally that there are various services that exists under the fields. These services include utilities such as sewage and water courses but also historic pipelines

including the private surface water sewers and the oil pipeline that connected into the Government Pipeline and Storage System (GPSS).

While the indicative layout allows for the oil pipeline easement, Wessex Water has raised concerns that the site is crossed by numerous public sewers which have not been shown or assessed within the submission. The sewers, plus the necessary statutory easements should have been accounted for in the layout and clearly have not.

There are also private sewers plus a private pumping station, which itself requires a 5-15 easement, and a culvert that have not been shown or allowed for in the indicative layout. The location and number of attenuation basins are also of significant concern. There are a huge number of attenuation basins shown throughout the development and, in many locations, restricting access to the green open space beyond. Of further concern are the objections raised in relation to the submitted Flood Risk Assessment which may mean that the number of attenuation basins necessary will need to be increased further.

The basins severely restrict the amount of useable public open space available for the future residents which, given the concerns already highlighted above, is likely to result in even more open space being lost in order to accommodate the built development, oil pipeline, undergound services, flood plain and attenuation basins. This impact will be worsened if further basins are required.
There is therefore a significant concern that the proposed layout is unachievable and that the final layout submitted at reserved matters stage will be very different, pushing development into the flood plain, significantly increasing density within the built up areas of the scheme and generally representing a poorly designed development.

This would be contrary to Polices DM32, DM33 and DM36 of the Sites and Policies Plan Part 1.

Biodiversity Nett Gain

The LVA application, based on the little detail that is available, overstates the Biodiversity Net Gain that will be delivered by the proposed development. Common sense dictates that it is very difficult to take an open environment of green fields, hedgerow and river, build 381 homes on the land and increase the biodiversity by 10% as required by law.

The biodiversity calculations provided by LVA achieve a net gain by clearly understating the value of the current environment. The calculations provided by LVA cannot, at this time, be properly checked as they lack detail, clarity, justification and any clear basis for calculation. The information provided by LVA is unreadable in its current form and therefore cannot be checked for accuracy.

A request for clarification and the provision of documents that were not blurred was submitted to LVA on 2 October 2024 by the NSC Case Officer supported by the Parish Council, an Environmental expert and the District Councillors.

Information formally requested of LVA included:

a. a readable map showing habitats used for the calculations.

b. inclusion of the river habitat and its condition of assessment and;

c. consultation period extension after receipt of the above information.

At the time of writing this response no such clarification has been received. Therefore, one can only assume the information provided by LVA is fundamentally flawed.

It is strongly recommended that an independent evaluation of the site is undertaken and appropriate values for the current biodiversity included in any future submissions from LVA.

The Parish Council supports the concerns raised by the following:

Historic England – considers that this portion of Green Belt merits continued protection and harm to Birdcombe Court is less than substantial but is not necessarily acceptable.
NSC Conservation & Heritage – disagrees with LVA contention that harm is negligible and considers it is contrary to policy DM4 paragraph 208. "Part I section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be applied to the planning balance and be given great weight in accordance with paragraph 205 of the NPPF."

The North Somerset Levels Internal Drainage Board

> The Flood Risk Authority has failed to take into consideration the flood risk associated with the ordinary watercourses on site.
> Reliance of the use of attenuation ponds to attenuate storm water, these should not be situated within Flood Zone 3 inclusive of an allowance for climate change as stated in the LVA Sustainable Drainage Systems (SuDS) proposal. "During a flood event, such features would be at risk of filling with fluvial floodwater thus rendering them ineffective for storm water management."
> These ponds are located within tight spaces, with no space for access nor for maintenance.

Coal Authority - The site falls partly within the Development High Risk Area with the potential for risk of ground instability and may give rise to the emission of mine gases for unrecorded mining activity.

NSC Principal Archaeologist – disagrees with LVA contention that elements of Early Neolithic to Late Bronze Age flint working site, MNS552 are likely to remain preserved.
Wessex Water – several, including insufficient existing capacity in the sewage system to support this development.

NHS - insufficient existing primary healthcare capacity locally to support this development.

Conclusion

This planning application is fundamentally flawed and fails every test set by Central Government in the NPPF, NSC in its Local Plan and Wraxall and Failand Neighbourhood Plan.

This application site was put forward as part of NSC's Call for Sites and was clearly rejected by NSC on the basis that the proposal was contrary to the Core Strategy Framework.

Furthermore the application remains contrary to the Core Strategy Framework, namely Policies CS14 and CS13.

> The application site is located outside the defined limits of development, within the open countryside where development is strictly controlled. The proposals are thereby unsustainable and contrary to the development strategy of the plan for the location of new development.
>
> The proposals are contrary to Policies CS14 and CS33 of the Core Strategy and paragraphs 2, 3, 8, 10 & 11(d) the National Planning Policy Framework (December 2023).

Furthermore the site is within the defined green belt and the development is considered to be inappropriate in the green belt and therefore by definition harmful to the green belt. This attracts substantial weight. The development also results in a loss of openness of the green belt in spatial and visual terms and causes harm to three of the five purposes of the green belt which also attracts substantial weight. Neither exceptional nor very special circumstances have been proposed that would clearly outweigh those harms and therefore neither exceptional nor very special circumstances exist to justify the granting of planning permission. The proposals are therefore in conflict with Policy CS6 of the Core Strategy and Policy DM12 of the Sites and Policies Plan Part 1.

The proposal would have a significant harmful impact on highway safety and fails to provide a wide choice of modes of transport, particularly those that do not rely on the private car, and is therefore contrary to Policy CS10 of the North Somerset Core Strategy and Policies DM24 and DM25 of the Sites and Policies Plan Part 1 and should be refused for this reason.

Nailsea has limited and insufficient facilities and infrastructure to cater for a large population increase at this location.

The proposal would cause substantial harm to the historic character and landscape of the site itself and the surrounding area as detailed in NSC's Tickenham Ridge Character Assessment which is therefore contrary to Policy CS5 of the Core Strategy and Policy CM10 of the Sites and Policies Plan Part 1.

The development would increase the flood risk both on the site and within the surrounding area and provides inadequate and unserviceable attenuation ponds which has attracted significant objections by the Environment Agency, the Internal Drainage Board and Wessex Water. The proposal is therefore unacceptable and is contrary to Chapter 14 of the NPPF and Policy CS3 of the Core Strategy and Policy DM1 of the Sites and Policies Plan Part 1.

Finally, there are significant concerns that the quantity of development proposed, when having regard to the existing constraints on the site, plus the requirement to provide a huge number of attenuation basins. Potentially more, is unachievable and that the resulting detailed design submitted as part of the layout, scale and appearance reserved matters will be significantly different, of poor design and therefore harmful. This would be contrary to Polices DM32, DM33 and DM36 of the Sites and Policies Plan Part 1.

In light of the above the development does not represent sustainable development and should be recommended for refusal for the above reasons.

End of minutes