

Lisa

Further to my email below, South West Heritage Trust has reiterated its previous comments of no objection subject to the imposition of an archaeological investigation condition.

The EHO has read the Parish Council's concerns but cannot see any issues that he would be worried about from an Environmental Protection perspective, other than the points raised in the consultation response dated 20th September 2022. That response is on the website but, to remind you, the EHO stated that, whilst Environmental Health would not wish to object to this proposed development, there is a potential for loss of amenity with the proximity of residential dwellings which can be managed with the application of suitably worded conditions. As such, he requested that standard conditions be applied to any granted permission to provide the following:

- A noise assessment to assess the potential for the development to have a detrimental effect on nearby sensitive receptors. The assessment should include the use of delivery vehicles and potential use forklifts in the day to day running of the commercial units. Plant should be considered in the assessment/s which should be to British Standards and industry best practice. Mitigation measures should be proposed if required as an output to the assessment/s.
- Details of lighting to be used at the development to show that lights used will not cause a loss of amenity.
- A Construction Environmental Management Plan (CEMP) to protect nearby sensitive receptors during the construction phase from noise and vibration and dust. Construction delivery times should be restricted to 08:00-18:00hs Monday-Friday and 08:00-13:30 Saturdays with no time on Sundays and Bank Holidays.
- Hours of use are restricted so that no early or late operating (including that of machinery or delivery occurs, with the use).

The Council's Tree Officer, Phil Poulton, has reiterated his previous comments from 9th December 2022. He initially expressed serious concerns regarding the proposed site access and subsequently objected to an amended site access. His concerns related to the potential for significant root damage to either of the protected Oaks (referred to within the application as: 'T1' & 'T2'). Further to those concerns, a site meeting was arranged between the applicant's appointed Arboricultural Consultant (Mr Nick Hellis) and Mr Poulton. The dimensions of both Oak trees were very carefully measured and their corresponding Root Protection Area requirements were accurately marked onto the ground in-accordance with *British Standard 5837: 2012 – Trees in relation to design, demolition and construction*. The findings of those measurements subsequently informed a re-designed site access. The comments from Mr Poulton on 9th December 2022 stated that, subject to securing effective landscaping and tree protection measures on a pre-commencement basis, he was able to confirm from the measurements recently carried out on-site that the amended layout design would be very unlikely to cause any significant damage to the adjoining protected Oak tree. If an outline consent were to be granted, he requested the imposition of conditions relating to tree and hedgerow protection measures and implementation of a landscaping scheme. To clarify, his views today remain consistent in that, subject to imposing effective tree protection measures, he again confirm that the most recently revised site access is acceptable from an arboricultural perspective because the impacts ought to be negligible. Therefore, he is professionally obliged to maintain that he can have no arboricultural objections to this outline proposal.

These responses have been uploaded onto the website for public information.

Whilst I have noted all the various concerns expressed by the Parish Council, I trust your Council will appreciate that I have drawn all such concerns to relevant consultees and none are raising objections. No statutory or other consultees agree that such concerns justify an overriding objection and I cannot therefore recommend refusal to my elected Members based on the grounds your Council have stated because of this.

Regards
Dave Kenyon

David Kenyon
Development Management Specialist
[Somerset Council](#)
+44 (0) 300 123 2224

Please note that my email address has now changed to david.kenyon@somerset.gov.uk



From: David Kenyon <david.kenyon@somerset.gov.uk>
Sent: 17 August 2023 10:00
To: Sparkford Parish Clerk <sparkford.clerk@gmail.com>
Subject: RE: 22/01598/OUT - SPC response to Ecology information

Lisa

Further to the email trail below, I have now received the following comments from consultees in response to the concerns expressed by the parish Council, all of which have been uploaded onto the website.

Somerset Ecology Services

The ecology concerns below have all really been addressed by the EclA. The parish council's response includes concerns about foraging/commuting bats and birds, foraging terrestrial mammals, damage to trees (namely the oaks), and loss of habitat. I have taken these into account in the conditions I recommended for this application including a lighting design, biodiversity enhancements for bats, birds and terrestrial mammals, buffers around the trees and hedges, replacement habitat at a of 2:1 ratio, and a grassland buffer of wildflowers for various species.

As such, I have no further comment to make on this application at this time.

LLFA

Thanks for consulting us on the objections raised by Sparkford Parish Council. Amongst all the concerns raised by PC, following all the ones that are related to drainage and flood risk:

1. The field is a water meadow that has flooded to the eastern side several times this year. The main use of the land is to graze horses and harvest for winter hay every year, not silage as stated.

4. The ditch to the northern boundary floods onto the footpath after heavy rain.

11. *Allowing that field to be filled with concrete and tarmac will only increase the likelihood of flooding rather than draining slowly through the fabric of the field, which it does at present.*

Previous LLFA response dated 09/12/22 consisted of following points:

1. *Based on ground conditions and on tests carried out in neighbouring sites, infiltration is not likely to be feasible. The LLFA agrees to secure infiltration testing to BRE 365 Digest standard by condition.*
2. *The Strategy proposes to discharge into an existing drainage ditch. Evidence of consultation with the relevant authority and the acceptability of any discharge into their system should be presented for consideration at detailed design stage. The applicant is advised to obtain the Land Drainage Consent required under section 23 and 66 of the Land Drainage Act 1991 from the LLFA for any construction in, or within, 9m of the watercourse and for the introduction of additional flow into the watercourse.*
3. *In terms of SuDS, the strategy proposes swales, permeable paving and an attenuation basin, which is welcomed. Green roofs and rainwater harvesting should also be considered and the LLFA would expect to see appropriate justification if these are not proposed.*

The previous comments which the LLFA made on 09/12/22 are still relevant to this application. However, in light of the anecdotal evidence provided above, the LLFA would like the applicant to provide a little more detail to ensure that the surface water flood risk is suitably managed.

- a. *If the option to discharge to the northern ditch is required, the applicant should provide further information into the viability of using this ditch. This should include providing details into the condition of this ditch and the ditch outfall. Any flooding arising from this ditch should be kept onsite to not increase flood risk downstream.*
- b. *Detailed flow paths through the site should be included. There should be an investigation as to where the flows through the path outfalls. Where there are culverts under the railway embankment, these should be investigated to ensure that the flow is allowed to naturally leave the site.*
- c. *The applicant is also advised to obtain permissions from relevant authorities about the acceptability of any discharge into their system and to obtain required Land Drainage consent as also mentioned in point no 2 of our previous response dated 09/12/22 (also mentioned above).*

In summary, the LLFA believes that if above measures are taken, the proposed strategy seems achievable without causing harm to people or properties.

I still await comments from the Tree Officer and the EHO.

In respect of the archaeology concern expressed by the Parish Council, the detailed response dated 1st July 2022 from South West Heritage Trust has recommended an archaeological investigation condition be attached to any grant of consent that may be forthcoming.

Regards
Dave Kenyon

David Kenyon
Development Management Specialist

Somerset Council

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Please note that my email address has now changed to david.kenyon@somerset.gov.uk



From: David Kenyon <david.kenyon@somerset.gov.uk>

Sent: 22 May 2023 17:48

To: Sparkford Parish Clerk <sparkford.clerk@gmail.com>

Subject: RE: 22/01598/OUT - SPC response to Ecology information

Lisa

Thank you for your Council's comments which I will upload onto the website for public information. In addition, I have forwarded said comments to Somerset Ecology Services, the LLFA, the Council's Tree Officer, the Council's Environmental Health Officer and South West Heritage Trust for information and inviting responses to the concerns that have been expressed.

Regards

Dave

David Kenyon

Development Management Specialist

Somerset Council

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Please note that my email address has now changed to david.kenyon@somerset.gov.uk



From: Sparkford Parish Clerk <sparkford.clerk@gmail.com>

Sent: 22 May 2023 15:50

To: David Kenyon <David.Kenyon@southsomerset.gov.uk>

Cc: Planning South <planning@southsomerset.gov.uk>

Subject: 22/01598/OUT - SPC response to Ecology information

Notice: This email was sent to a legacy email address. Please update the sender with your new somerset.gov.uk email address.

Hi Dave

Further to your email on 2 May, Sparkford Parish Council have the following comments on the Ecological Impact Assessment:

1. The field is a water meadow that has flooded to the eastern side several times this year. The main use of the land is to graze horses and harvest for winter hay every year, not silage as stated.
2. In the summer many bats that roost nearby can be seen foraging over the field, and many wild birds, such as buzzards, kestrels, field fare, house martins, redwing and others can be seen in the field at different times of the year.

3. The grass is left to grow high for hay, allowing many other species to forage, such as hedgehogs, rabbits, foxes etc. It is stated in the report that one walk over has taken place. Obviously, this isn't enough to establish the true diversity of the wildlife that inhabit the meadow.
4. The ditch to the northern boundary floods onto the footpath after heavy rain.
5. The field has a medieval ridge and furrow system which possibly has archaeological interest.
6. Photograph 5 shows a view along the High Street hedgerow but there are no photographs that show the proposed access and the protected oak trees.
7. There is no mention of the impact and damage that the proposed development will cause to the root structure of the oak trees each side of the proposed site entrance.
8. Nowhere in the document is there any mention of the pollution that will be caused by the impact of this development, and no consideration is given to the quality of life for people who live in the local area.
9. This development goes against everything that people who responded to the Sparkford Community Plan Survey valued about living in Sparkford, 90% said they liked living close to the countryside, 75% valued green spaces.
10. The Ecological Impact Assessment fails to mention the public footpath running along the northern boundary and therefore does not take into account the visual impact this proposed development will have when using the path.
11. Allowing that field to be filled with concrete and tarmac will only increase the likelihood of flooding rather than draining slowly through the fabric of the field, which it does at present.

Parish Councillors feel that the impact of the recent storm on North Cadbury and Queen Camel should serve as a warning to us and the planning authority before considering approving this or any application without a truly robust drainage solution that does not rely on existing ditches.

Parish Councillors walked around the fields alongside the river and surrounding area the evening of and morning after the flooding and it was quite clear that the majority of Sparkford had a lucky escape. There was evidence of water overflowing a number of ditches and at least three properties were flooded. Had this land been developed and the storm more directly over Sparkford, things would have been significantly worse., particularly for the lower Church Road area.

Regards

Lisa

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Parish Clerk
Sparkford Parish Council