

# Response of Shapwick Parish Council to planning application 43/22/0005

## Summary

- Shapwick Parish Council met on 1 September 2022, to consider the above application.
- The Council voted unanimously to **object** to the application.
- The principal reason is that **the application does not meet the criteria for a development outside the settlement boundary of a Tier 4 settlement.**
- The Council also objects to the application on a number of other criteria, as set out below.
  - Site outside the settlement boundary of a Tier 4 Settlement: pp. 1-5
  - Relationship of Application to Climate Emergency Strategy: pp. 5
  - Drainage, including Surface Drainage, impact on RAMSAR site and Foul Drainage: pp. 6-9
  - Wildlife/Environmental Impact: pp. 9-10
  - Highways: pp. 10-15

Prior to the meeting on 1 September 2022 the Parish Council consulted villagers at an Extraordinary Parish Meeting on the 18 August 2022, held at Shapwick Cricket Pavilion. Over sixty villagers were present. Prior to that meeting the applicant was notified of the time and place of the meeting. The applicant's representative was offered an opportunity to address the meeting but was unable to attend. The applicant was present. The villagers raised a number of objections to the application; no one spoke in favour of the application. Draft minutes of this meeting at <https://www.shapwickparishcouncil.org.uk/wp-content/uploads/2022/08/5.-SPC-minutes-18.08.22-1.pdf>

## The Site

As stated in the application, the site is at the edge of Shapwick village and is outside the defined settlement boundary. The application is stated to be based upon the provisions for development outside the settlement boundary in Tier 4 Villages in the Sedgemoor Local Plan 2011-2032 (SLP), Policy T4, and the provision for cross funding with market housing where a plan is not otherwise financially viable. The Local Plan states that housing proposals in such circumstances will be supported **only where it is demonstrated that it meets all of the criteria.** The application should be **rejected** as it fails on every point when tested against this policy.

(For ease of reference Policy statements are in italics)

#### **Tier 4 Settlements:**

**□ 5.188 Given the exceptional nature of such schemes to meet existing needs, it will normally be expected that any planning applications will provide full details in order to demonstrate how it meets all of the policy requirements. Consideration will be given, where exceptionally outline proposals are accepted, to limit by condition the time for reserved matters to be submitted. As such outline applications would need to be supported by a detailed master plan and only matters such as house types, materials and detailed architectural design would normally be reserved for future consideration.**

o Objection: - The application has failed to meet this requirement: no detailed master plan has been provided; the application refers to a concept plan only. The Parish Council is also concerned that no indication has been given of the type of ownership or tenure that is proposed for the affordable homes.

The concept plan that has been supplied clearly indicates that the completed and occupied development would have significant impact, by way of noise and disturbance, on the existing properties fronting Mill Lane. Furthermore, access points are shown as directly opposite these properties which would result in a loss of privacy and residential amenity for those properties.

**□ 5.189 Outside the defined settlement boundaries speculative market led schemes will not be supported in Tier 4 settlements given their limited facilities and poorer self-containment.**

o Objection: - given the ratio of market housing to affordable housing this is clearly a speculative market led scheme and is therefore in breach of policy.

**□ It fulfils an identified local housing need for affordable housing as evidenced by an up to date assessment of local housing needs agreed with the District Council;**

o Objection:- As identified in the Parish of Shapwick Housing Need Assessment 2021 the Housing Need is 4 affordable homes, 2x2 bedroom and 2x3 bedroom. The application exceeds the affordable requirement by 50% and only provides for 3 and 4 bedroom houses.

**□ The scale of development should be appropriate to the size, accessibility, character and physical identity of the settlement;**

o It is accepted that the applicant has provided a Heritage Assessment, but the Parish Council supports the report filed by the Council for the Protection of Rural England that the assessment is deficient in that it fails to give sufficient weight to the peculiar nature of the Shapwick village layout and the fact that no mention is made of the major study carried out by Bristol University, under Professor Mick Aston and Professor Christopher Gerrard, *Interpreting the Village; Landscape and Community at Shapwick Somerset*, 2013. This study identifies Shapwick as a planned medieval village, with a distinctive ladder

system. The application if successful would not adhere to the ladder system; it is out of character for the village.

The proposed development would have a detrimental impact on the visual landscape, particularly the open aspect when entering the village.

***The proposal is well related to and complements the existing built form of the settlement, providing opportunities for walking and cycling to local services and facilities;***

**Services:** Shapwick has fewer services than all other Tier 4 settlements, and does not have the potential to be a self-contained settlement. The Council objects in line with Policy S4 Sustainable Development Principles of the Local Plan.

***Supports where appropriate access to local job opportunities, including opportunities for on-site provision;***

o There is little employment within Shapwick and therefore any occupants are likely to have to travel for work or education. The application site is in an area where public transport services are being gradually withdrawn. The proposal would significantly increase car journeys, along narrow lanes, to employment, education, retail and recreation opportunities. This does not meet Policy D13 or D14 requirements of the Sedgemoor Local Plan. The Council objects on sustainable transport grounds.

***The development appropriately contributes to local infrastructure priorities identified, for example, in Neighbourhood plans or in agreement with Parish Councils;***

o The proposed development does not contribute any identified infrastructure priorities beyond the minimum required for such a development and there has not been any discussion with the current Parish Council as to the proposals.

***Maintains and where appropriate incorporates enhancements to the local environment, landscape, and historic environment, including where appropriate habitat creation and community woodland planting.***

o The proposed development does not incorporate any such enhancements. It only proposes the minimum to reinstate the habitat loss created by the development. Please see below for the full response regarding the environmental impact.

In addition the Local Plan states where delivery of such schemes is not financially viable, cross subsidy by way of market housing will be considered where all the following criteria are met:

***The Council is satisfied it is essential for the successful delivery of the development demonstrated through an independent open book financial appraisal;***

o Objection: - No such appraisal has been presented as required by the policy.

***Market housing does not exceed the affordable housing element unless exceptionally the proposal delivers other locally agreed infrastructure priorities;***

o The proposal for 8 “market houses” clearly exceeds the affordable housing element by 33%. In addition the applicant has inflated the affordable housing figure to 6 affordable properties rather than utilising the four properties identified in the housing needs assessment which is a 50% increase.

***The affordable housing should form part of the overall development and be well integrated***

o Objection: - the proposal does not include the correct type and number of affordable houses identified in the Housing Needs Assessment, nor does it show the location for the affordable housing on the plans submitted and as such it does not meet this requirement

***Meaningful and robust engagement and consultation with the Parish Council, local community and other local stakeholders will be encouraged to ensure that the planning impacts identified by the local community have been appropriately addressed as far as possible.***

o Objection: - there has been no meaningful engagement or consultation with the local community and specifically not with the current Parish Council (please see comment from Shapwick Parish, placed on the planning portal on 11 August 2022)

***Any such proposal that includes affordable housing will be supported by a local lettings policy.***

o Objection: - the proposal provides no information as required, and does not explain the nature of ownership / tenure that is proposed for the affordable housing

***Exceptionally sites that deliver other local infrastructure priorities instead of affordable housing as agreed with the relevant Parish Council may be acceptable subject to considerations above.***

o Objection: - no such discussions have taken place

o Objection: - the proposal makes reference to a number of “community benefits” none of these have been discussed with the Parish Council. Furthermore the Parish Council would make the following comments:

Micro-allotments, (a term yet to be accurately defined): - these are poorly located on the exposed cold windy North West edge of the site and remote from the village centre

The Open Space and play areas are no more than would be required by the local planning rules and cannot be used to justify further market housing and

disproportionately benefit the application. (Ref Sedgemoor "Play Strategy Benefits")

The proposal does not explain how the applicant intends to provide for the continuous maintenance of the proposed "community benefits"

***Where necessary proposals will be required to include assessment under the Habitats Regulations and have been informed by its findings.***

o Objection: - although the applicant has submitted a Preliminary Ecological Assessment it makes no reference to a "Habitats Regulations Assessment" so it is not clear that this has been carried out.

***5.187 It is generally expected that such schemes will be community-led. Promoters will be encouraged to carry out meaningful and robust engagement and consultation with Parish Councils and other local stakeholders in advance of a detailed scheme being submitted.***

o Objection: - There has been no meaningful, robust engagement with the Parish Council or other local stakeholders.

## **Climate Emergency Strategy**

The application does not provide sufficient evidence to address the Sedgemoor Climate Emergency Strategy 2021 and how the application will support both Shapwick Parish and Sedgemoor meeting their targets by 2030. Any mitigations are still likely to leave a residual carbon surplus for the development due, for example, to the inevitable increase in unsustainable travel. The proposed alternatives in the outline Sustainability statement are unspecific. The Council therefore objects on Climate Sustainability grounds.

The Sustainability Statement is generic. The statements on minimising waste production, exceeding current Buildings Regulations on energy, carbon and water efficiency, and orientating the buildings to maximize solar gain, are noted however other elements leave the actual implementation, problematically, to the end users of the buildings, namely orientation that will "allow solar panels to be installed", considering, rather than committing to, passive ventilation, future energy efficiency that "may" include ground source heat pumps (notoriously expensive to install retrospectively). The statements regarding allotment space reducing car usage and the carbon footprint of food production are disingenuous as, realistically, the impact of a total allotment space about the size of a single house plot and described in the Concept Plan itself as "micro allotments" would be minimal.

## **Drainage**

The Parish Council object to the drainage proposals on the grounds of system capacity and the phosphate mitigations that may be required. The application site would discharge into a foul water pumping station that is already at or above capacity with significant spill events already in recent years. The application has not addressed how additional loadings from 14 premises could be accommodated.

The applicant does not address phosphates for RAMSAR sites and what mitigations will be required and put in place to meet local requirements

## **Foul drainage**

There is no reference to the foul drainage arrangements in either the main application, the planning statement or the drainage strategy provided. The consultant makes clear in the drainage strategy document that the document is a "Flood Risk Assessment" and therefore there is no reference to sewage or foul water systems.

Shapwick is currently served by mains drainage. The flood risk assessment identifies a high water table at the site, accordingly the assumption is that a connection to mains foul sewer is the only option to deal with foul drainage. If this is the case drainage will flow to Shapwick pumping station at the bottom of the village. Shapwick Pumping Station (ST418387) has an overflow where effluent can flow down the road into the Shapwick Heath National Nature Reserve rhyne system. Additionally, for example, on 24 April 2020 in dry weather the sewerage system blocked and overflowed along Kent Drove and into the rhyne system that feeds Catcott Heath National Nature Reserve, ST415387). This was reported to both the Environment Agency and Wessex Water. This was via a surcharging manhole in a field where livestock were present.

In late 2021 the Parish Council set out its concerns to Wessex Water following issues raised by residents. The Parish council received a written response as well as a data set of spill events at the pumping station. A Wessex Water site investigation outlined that the system is impacted by sewage loadings but also significant groundwater ingress into the system. The dataset confirms that the pumping station overflows or spills 30 to 40 times a year (not restricted to any one season of the year), discharging nitrates / phosphates into the national important nature reserves on our doorstep. In 2020, the overflow ran for 7% of the year, as some of the spills go on for more than 24 hours.

This is likely to be further compounded by the reopening of Shapwick School, now as Dovecote School, which will reopen from September 2022, adding into the existing sewerage system sewage loadings for 75 students and 10 teaching staff.

As a result of the change of previous school buildings to residential use since 2020, Shapwick has already seen an increase in the population of approximately 14

people,. This already increases the sewerage volume into an over stretched and outdated system. Planning permission has been granted for an additional four infill properties in Blacksmiths Lane, which will continue to add increased volume to the struggling sewerage network.

Shapwick Cricket Club and Pavilion have seen a significant increase in use and Friday evenings are extremely popular with a reported 100 plus children supporting and using the facilities to learn to play cricket. This again adds further sewerage volume to the network. The network has not been adapted in any way to accommodate this increase and is completely reliant on the old infrastructure.

All existing information sets out a sewerage system which is at or above capacity, with a lack of controls to protect the local environment. As well as the immediate local impact of such incidents, the increased phosphate loading on the doorstep of such an important conservation area is an ongoing concern.

### **RAMSAR Site**

Parts of the Somerset Levels and Moors are designated as a Special Protection Area (SPA) under the Habitat Regulations 2017 and listed as a RAMSAR Site under the RAMSAR Convention which protects wetlands. These are sites of national and international significance for wildlife.

On 17 August 2020, Sedgemoor and other Somerset authorities received a letter from Natural England about the high levels of phosphates in watercourses affecting the condition of the RAMSAR site.

Natural England have advised that, in light of the unfavourable condition of the Somerset Levels and Moors RAMSAR Site, before determining a planning application that may give rise to additional phosphates within the catchment risk area, competent authorities should undertake a Habitats Regulations Assessment (HRA). In practice, this means many housing and other applications will need to include measures to reduce phosphates in water runoff and sewerage so it becomes 'nutrient neutral'. A planning application will only be able to proceed to a positive recommendation if the proposed development is phosphate neutral or there is identified mitigation that can be secured.

### **Surface Drainage**

The application makes no reference to changing or improving drainage channels and existing water courses in and around the proposed development, other than reference to an attenuation pond, but please see comments below.

The area around the proposed development is regularly affected by excessive surface water "run off" and current drainage channels are currently insufficient. Disruption to the natural "run off" in fields once developed could result in further flooding. The proposed application site itself often has issues with flooding and surface water. Water runs off the fields at the village boundary and onto Church Road and then down Kent Lane.

This is already a significant safety hazard for drivers using this road and particularly at night and in colder months of the year.

There have been occasions of serious flooding in this area and the screenshot of a video taken by a local resident shows the issue. This screenshot is of the area where there is likely to be an entrance/exit to the proposed development.



At present in times of rain, water collects at edge of the proposed site and does not flow into the channels that surround the area. The existing culvert under Church Road is inadequate for the road as it is now, and further development of the surrounding area without significant investment or change in the drainage infrastructure will result in this recurrent issue becoming more frequent.

Water which currently runs off the fields at this location and onto Church Road should feed into the small drainage channels that flow into the levels. The system cannot cope at present with the increased water possibly resulting from climate change. Should the land be built on, the volume of surface water able to penetrate the land and be absorbed will be drastically reduced.





There are existing residential dwellings in Kent Lane and the surrounding area and these could be affected by any further flooding.

Mill Lane also floods in times of increased rainfall and currently has inadequate drainage for the road. Water flows down Mill Lane and onto Church Road due to the gradient of the road and this can be hazardous at times as well as affecting residents along that road with potential financial loss in damage to gardens and buildings.

The applicant refers to and indicates the possible introduction of an attenuation pond to the proposed development. There is no real detail on how this will work and if the proposed site of this pond will prevent the issues that occur in that area already. We are also concerned that the introduction of this pond in the village could be a health and safety risk to children, since from the plans it appears to be of significant size.

## **Wildlife/ Environmental**

The application site, as confirmed by Natural England, is in the fluvial catchment of the Somerset Levels and Moors RAMSAR site. It is notable that the phosphates issue is not addressed in either the application, ecological assessment or drainage report.

The Parish Council objects to this application as the site is unlikely to meet the "small scale threshold guidance" set by Somerset Ecology Services relating to Phosphates. The Somerset County Council guidance on small scale thresholds and nutrient thresholds from May 2021 set out three criteria for likely "Significant Effects" on phosphate loadings.

The development site meets the criteria for "Significant Effects" in that:

- there is a clear connectivity or pathway from the pumping station to the fluvial catchment of the RAMSAR site.
- the proposed development has not set out how the plan for 14 properties would reduce nutrient loadings from the current situation.
- the addition of 14 houses (or nearly 7%) will clearly be significant, and not easily or even possible to mitigate without significant investment in the entire pumping main and pumping station by Wessex Water.

As referred to earlier in this response the development would drain into a foul drainage system served by Shapwick Pumping Station which is already at capacity. Shapwick Pumping station is one of the closest stations in Sedgemoor to our national nature reserves.

Wessex Water data from 2020 suggests that the pumping station spills / overflows for 7% of the year (by duration). This overflows into the Shapwick Moor National Nature Reserve, and when blocked there have been instances of the system overflowing into Catcott Heath National Nature Reserve as well.

Wessex Water have undertaken some investigative and resultant remedial work to partially address and respond to the issues. However, there is an acknowledgement from their engineers that, due to the high water table and groundwater intrusion into the system, the risk of spills and hence increased phosphate loading into the adjoining rhyme systems remain.

It is our assessment that therefore a full Habitats Regulation Assessment should be required for this site. Without prejudging this work, it is likely that the risk of any increased phosphate loadings cannot be mitigated in totality and therefore, on this basis the Parish Council objects to the proposal. It is notable that the phosphates issue is not addressed in either the application, ecological assessment or drainage report.

## Highways

Shapwick Parish Council objects to the proposed Highways Plan on the basis that it increases the risk of accident and injury to motorists, motorcyclists, cyclists, horse riders and pedestrians.

The proposed fourteen new properties could lead to an additional 25/30 vehicles, which Somerset Highways advise would result in 216 additional vehicle movements each day.

The "Preliminary Access Arrangement" calls for multiple exits onto both Mill Lane and Church Road. Shapwick Parish Council would make the following comments concerning the issues associated with these options.

Bearing in mind the Sedgemoor Planning Policy for Tier 4 exception sites (quoted on p. 1 above), it is clear that highways and access cannot be a reserved or preliminary issue and should be part of the required detailed master plan.

**Mill Lane:** - is a very narrow country lane running north to south & forming the western edge of the village settlement boundary. Mill Lane varies in width between 3.00m – 3.50m and serves as the direct access route for 16 houses along the eastern edge of Mill Lane and 1 on the western edge.

Mill Lane has no passing places and, with space for only a single car, drivers encountering oncoming traffic habitually encroach on residential driveway entrances to pass through.

The Parish Council consider Mill Lane totally unsuitable as the location of the suggested main access Position A (see map appendix).

Position A would be the access and exit point for 7 houses and is located between the two Positions B, the access and exit points for a further 3 houses. (NB the plan is confusing, and poorly presented, as it has two separate Position B's, one either side of Position A: please see map appendix)

The photograph below is taken from the approximate location of Positions A & B and shows that there is a blind corner, the apex of which is approximately 20m from Position A; this would obviously make exiting the site difficult and hazardous.

The second Position B is situated directly on the apex of this blind corner.



Positions A & B would exit / enter the site directly opposite terraced residential properties on Mill Lane and would create a significant adverse effect on these neighbouring residential properties – including noise, disturbance, pollution, overlooking, loss of privacy, and not least light pollution from car headlights.



Position F is northwards near the junction with Church Road which is the proposed exit / entrance for 2 properties plus the possible play area. All of the points referred to above apply save that it is the junction with the main road (Church Road) that is with 30m of Position F.

Exiting Mill Lane: -It is most likely that traffic would head north, from Positions A & B: -In order to turn right (eastwards) ,when a car reaches the give way lines, on the junction with Church Road, this is the typical view when looking to the right / eastwards:



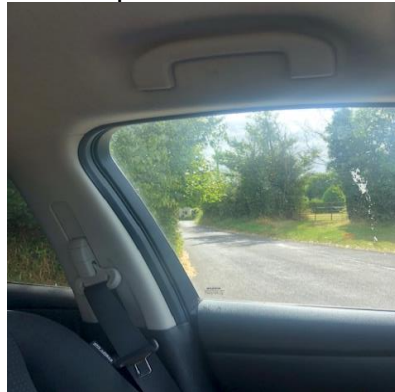
A car then needs to pull this far out in order to the check for westward heading traffic:



If drivers head south the traffic would then go past many more houses and enter an even narrower stretch of lane. On reaching the give way lines, at the junction onto High Lane, this is view to the left (east):



So a car needs to pull out to this point in order to check for westbound traffic:



**Church Road:-**

Regarding the proposed Church Road exits / entrances we would make the following comments:

Church Road is the main approach to Shapwick from the west for cars, farm machinery, motor cyclists, cyclists (using the popular Sustrans route 3) and HGV's, in particular those travelling from the other Polden villages or having arrived via the A39. In addition there are occasional horse riders and horse drawn carriages.

The Mill Lane outline planning application proposes two exits / entrances onto this busy and relatively fast piece of road. The current speed limit is 60mph as per the national speed limit.

Both sides of Church Road are bound by high hedgerows that extend to the road edge.

The applicant has commissioned an Ecological Survey of the site and that one of the key recommendations clearly implies that the current species-rich hedgerows are retained:

- *Habitats: - Design the final scheme so that hedgerows are not incorporated into gardens. Plant at least one compensatory native tree on site to compensate for the loss of the domestic apple tree in the south-east of the site. Protect hedgerows during works by maintaining a minimum 5 m wide buffer area from hedgerows where no work take place, delimited by temporary fencing. Protect trees within the western boundary hedgerow by erecting temporary fencing around the root protection area or using ground protection.*

The Parish Council note the contradiction between this statement that the current hedgerows are to be left in place and the plan provided in the Preliminary Access Arrangement suggesting that hedgerows will be removed and replaced with hedges within the property gardens, contrary to the Ecological Survey's recommendations. Both cannot be correct.

The Parish Council have assessed the proposed exits / entrances on the basis that the current species-rich hedgerows would be retained.

At point D there are two access points for the two properties. The exits would be onto the 60mph section of Church Road just after oncoming traffic has negotiated a sweeping semi-blind right bend when approaching Shapwick from the west.

There is an existing farm gateway near "D". If one stands in the gateway at a point where a driver's seat would be when reaching a give way line these are the views eastwards,



and westwards. Clearly visibility to oncoming traffic is very restricted from both directions. Therefore the exiting vehicles would have to pull a dangerously long way out into Church Road to ensure that it is safe to proceed.



In addition at particular times of the farming year such as harvest, convoys of tractors with heavily laden trailers or towed machinery exit and enter the Kent Lane junction at all hours of the day and night. This agricultural traffic has recently seen a substantial increase. The impact of the traffic flow from this junction has a direct bearing on the road safety issues raised by the access points indicated on the application.

Point C: -This proposed access point is located at diagonal corner of the proposed site. It is just inside the 30mph limit and directly opposite the existing Kent Lane exit / entrance.

Kent Lane already has a restricted view when leaving to turn both east and west.



Cars leaving the single property served by C will have this restricted view looking westwards:





The junction with Kent Lane opposite is a further factor, given the significant amount of traffic entering and leaving the route including heavy farm vehicles, an increasing number of HGVs delivering to the farm depot at the end of the lane, general delivery vans plus private cars and equestrian users using both Kent and Bridewell Lanes.

As the proposed plan shows there would be two existing junctions, Mill Lane and Kent Lane within 30 metres, plus a new exit at point C directly opposite Kent Lane. This photo taken from Mill Lane illustrates the point. As highlighted above, exiting Mill Lane and Kent Lane already presents issues so the addition of another junction can only increase the risk of accident and injury.



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**In summary:** Shapwick Parish Council has assessed Outline Planning Application 43/22/0005, with a focus on Material Planning Considerations, and **objects** to this application.

Shapwick Parish Council objects to the application because of very significant concerns on the application's negative impact in relation to Climate Emergency Strategy; Drainage, including Surface Drainage, impact on RAMSAR site and Foul Drainage; Wildlife/Environmental Impact; Highways: pp. 10-15

Above all, Shapwick Parish Council **objects to the application primarily because the application fails to meet multiple criteria in relation to a Site outside the settlement boundary of a Tier 4 Settlement.**

APPENDIX MAP



