

APPENDIX B

DETAILED CONSULTEE RESPONSES

From: Bull, Richard [mailto:richard.bull@environment-agency.gov.uk]
Sent: 02 December 2011 16:47
To: planning
Cc: Adrian Noon; harry@origin3.co.uk
Subject: 05/00661/OUT - WX/2005/007189

Customer Services (Planning) West
South Somerset District Council
The Council Offices
Brympton Way
Yeovil
Somerset
BA20 2HT

Our ref: WX/2005/007189/03-L01
Your ref: 05/00661/OUT
Date: 02 December 2011

Dear Sir/Madam

COMPREHENSIVE MIXED USE DEVELOPMENT FOR 525 DWELLINGS, EMPLOYMENT (B1, B2, B8) PRIMARY SCHOOL, COMMUNITY FACILITIES, PLAYING FIELDS, PARKLAND, P.O.S, STRUCTURAL LANDSCAPING AND ASSOCIATED INFRASTRUCTURE INCLUDING LINK ROAD AND HIGHWAY IMPROVEMENTS AT CREWKERNE KEY SITE 1, LAND EAST OF CREWKERNE BETWEEN A30 AND A356 YEOVIL ROAD, CREWKERNE - ENVIRONMENTAL IMPACT ASSESSMENT

Thank you for referring the above application, which was received on 14 November 2011.

The Environment Agency has no objections to the proposed development but wishes to make the following comments.

We have reviewed the updated Flood Risk Assessment (FRA) Supplementary Statement (FRASS) included with this application dated October 2011.

The Local Planning Authority (LPA) should satisfy themselves that the Sequential and Exceptions Tests have been applied and passed according to the guidance provided in Planning Policy Statement (PPS) 25.

We are satisfied that the site has been considered sequentially in respect to flood risk and in accordance with PPS25. Development has only been proposed within Flood Zone 1 the low risk zone, except for the proposed link road from the A30 to the A356 and possibly a small section at the very north of the employment development in the south of the site.

Since the previous FRA's there has also been the publication of your councils Strategic Flood Risk Assessment (SFRA). The SFRA classifies the area of Flood Zone 3 which falls within this site as Flood Zone 3b Functional Flood Plain. It is therefore vital to ensure that all development is kept out of this area.

The proposal of a link road which travels through Flood Zone 3b could be classed in PPS25 as 'essential infrastructure' (Table D.2 Annex D PPS25). PPS25 requires an

exceptions test to be undertaken and the council should satisfy themselves that, should this link be necessary, it is proposed in the correct location, considering the flood risk.

Section 3.2 of the FRASS lists other sources of flooding. The SFRA highlights Crewkerne as a location which suffers from surface water flooding, and this does not appear to have been picked up in the FRASS. However, we have addressed this in our suggested conditions below.

Section 3.3 confirms that the residential, school, retail area and employment area are located in Flood Zone 1. As stated above, the employment area looks like it just creeps into the Flood Zone 3b outline. It would be useful to have a development plan superimposed onto the flood map (now and with climate change) to ensure all development can be kept out of the Flood Zone 3b area. This could be submitted to satisfy the first condition suggested below.

Therefore conditions which meet the following requirements should be included within the Decision Notice:

CONDITION:

There shall be no development, except that associated with the link road, within that part of the site liable to flood as shown 1 in 100 year plus climate change floodplain shown in South Somerset District Council's Strategic Flood Risk Assessment drawing Tile Set 3, Tile C.

REASON:

To ensure that there will be no risk of flooding to people or property.

CONDITION:

No development approved by this permission shall be commenced until a surface water run-off limitation scheme (master plan and phased plans) has been submitted to and approved in writing by the LPA. The scheme must be in accordance with run off limitations proposed in the FRA-Supplementary Statement dated November 2011 by Phoenix Design Partnership Limited. The scheme shall:

- identify details of attenuation features,
- identify future ownership, operation and maintenance liability of all drainage infrastructure works,
- confirm connections to the public/private drainage system,
- detail proposed local SuDs,
- provide details on mitigation from any existing surface water flood risk including risk from the existing culvert under station road,
- flow routes through the site from exceedance or failure,
- provide details of proposed planting scheme(if any),
- be implemented in accordance with the approved programme and details.

REASON:

To prevent the increased risk of flooding and to provide satisfactory drainage for the development.

CONDITION:

No development approved by this permission shall be commenced until details of the existing and proposed finished ground and floor levels have been submitted to and approved in writing by the LPA.

REASON:

To ensure that the development is subject to the minimum risk of flooding.

NOTE:

Floor levels should be based on fluvial and surface water flood risk.

CONDITION:

There must be no new buildings, structures or raised ground levels within:

- a) 8.0 metres of the top of any bank of watercourses, and/or
- b) 8.0 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the LPA.

REASON:

To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

CONDITION:

No development approved by this permission shall be commenced until such time as engineering and hydraulic analysis details of the proposed highway link road crossing of the Viney Brook watercourse have been submitted to and approved by the LPA. The scheme must:

- include flood depths and extents for all events up to and including the 1 in 100 plus climate change.
- Clear indication on the impact on surrounding area.
- Be implemented in accordance with the approved programme and details.

REASON:

To ensure that the link road is not put at flood risk, nor increases flood risk to adjacent third party land upstream of the crossing.

CONDITION:

No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the LPA. The scheme shall be implemented in accordance with the approved programme and details.

REASON:

To alleviate the increased risk of flooding.

NOTE:

Flood water storage compensation is required for any land raising or structures within the flood plain in the 1 in 100 year plus climate change scenario.

CONDITION:

There shall be no temporary or permanent storage of any materials, including soil, within that part of the site liable to flood as shown 1 in 100 year plus climate change floodplain shown in South Somerset District Council's Strategic Flood Risk Assessment drawing Tile Set 3, Tile C.

REASON:

To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

CONDITION:

Flood warning notices shall be erected in the public open space in numbers, positions and with wording all to be agreed with the LPA. The notices shall be kept legible and clear of obstruction.

REASON:

To ensure that users of the land are aware that the land is at risk of flooding.

CONDITION:

The culvert carrying the Viney Brook under the proposed new link road should be designed to allow passage for otters on both banks. Any ledges or separate culverts should be set above high water levels but still have adequate headroom. Guide fencing should be provided where necessary. Dimensions and headroom should follow the guidance given in the Design Manual for Roads and Bridges (Nature Conservation Advice in Relation to Otters).

REASON:

Otters are believed to now occupy nearly all available territory in Somerset. One of the biggest causes of mortality is road traffic accidents especially during periods of high rainfall when routes under bridges are flooded or drowned and otters are tempted to run across roads.

NOTE:

Although the Natural Heritage report indicates in Para 7.6.15 that mammal underpasses would be incorporated in the bridge design with appropriate guide fencing, the cross section drawing of the culvert does not appear to show the passes.

CONDITION:

No development shall commence until an agreement has been established for the future maintenance and management of the proposed areas of open space including the watercourses.

REASON:

To ensure the long term management of the open space and water bodies.

CONDITION:

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the LPA), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:

- 1) A preliminary risk assessment which has identified:
 - all previous uses,
 - potential contaminants associated with those uses,
 - a conceptual model of the site indicating sources, pathways and receptors,
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

REASON:

To protect controlled waters.

CONDITION:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON:

To protect controlled waters.

CONDITION:

No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA. The scheme should include details of the following:

1. Site security.

2. Fuel oil storage, bunding, delivery and use.
 3. How both minor and major spillage will be dealt with.
 4. Containment of silt/soil contaminated run-off.
 5. Disposal of contaminated drainage, including water pumped from excavations.
 6. Site induction for workforce highlighting pollution prevention and awareness.
- Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

REASON:

To prevent pollution of the water environment.

NOTE:

Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

Where conditions have been imposed on the advice of the Agency, details submitted in compliance with the conditions should be submitted to the Agency for comment, before the conditions are discharged.

The following informatives and recommendations should be included in the Decision Notice.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8.0 metres of the top of the bank of the River Parrett, designated a 'main river'. This will apply to the construction of any new surface water outfall from the residential site to the River Parrett.

Under the Water Resources Act 1991 and The Land Drainage Act 1991 both the Agency and LPA have permissive powers to maintain watercourses. Their jurisdiction depends on the watercourse designation as 'Main River' or 'Ordinary Watercourse'. However, responsibility for general maintenance of the watercourses and their banks, rest with riparian owners.

The proposal also includes watercourse crossing proposals, the details of which will require the prior formal consent of the Environment Agency under the terms of section 23 of the Land Drainage Act 1991.

Any culverting of a watercourse requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.

In designing temporary works to facilitate or protect construction in watercourses or flood plain, the applicant/ developer should be aware that flood levels may rise as a result of cofferdams or bunding. Although the Agency's consent is normally required for such works, it is the applicant's responsibility if third party interests are detrimentally affected.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

It is recommended that you consult with your Technical Services Department, as the Drainage Authority for 'ordinary watercourses', in order to establish that

- a) The development does not obstruct overland flood flow routes, or
- b) Additional surface water drainage from this site discharging to a watercourse, ditch or culvert (excluding statutory main rivers) will not cause or exacerbate flooding in these.

It is recommended that the developer investigate the use of Sustainable Drainage Systems (SuDs) for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:

- a) Interception and reuse
- b) Porous paving/surfaces
- c) Infiltration techniques
- d) Detention/attenuation
- e) Wetlands.

Areas of the public open space are considered to fall within the flood risk zone of the adjacent watercourse, and may be prone to flooding during more extreme conditions in the river.

Please be aware that an important opportunity exists to redirect a section of the Viney Brook that is currently culverted, into a new open channel at the edge of the proposed development. This would enhance the natural environment, and remove the inherent problems that are often associated with culverted watercourses.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

A copy of the subsequent decision notice would be appreciated.

We have sent a copy of this letter to the applicant's agent for information.

Please quote the Agency's reference on any future correspondence regarding this matter.

Yours faithfully

RICHARD BULL
Planning Liaison Officer

From: Tucker, Linda (NE) [mailto:Linda.Tucker@naturalengland.org.uk]
Sent: 28 November 2011 17:58
To: Adrian Noon
Cc: Terry Franklin
Subject: 05/00661/OUT: Crewkerne Key Site 1 Land East of Crewkerne

For Adrian Noon

copy to Terry Franklin

Dear Adrian

**Consultation on the Addendum to the Environmental Statement of 2005:
05/00661/OUT: Crewkerne Key Site 1 Land East of Crewkerne**

Thank you for consulting Natural England on the Addendum Environmental Statement, your letter was received by Natural England on 14 November 2011. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We can offer the following comments on ecology. We have not commented on landscape as we defer to Robert Archer your landscape architect.

Dormice

We note that the site will be developed over a long period of time and under Article 12 of the Habitats Directive member states, of which this country is one, we are required to prohibit the deterioration and destruction of breeding sites and resting places for EPS. The Commission guidance makes it clear that 'deterioration' must be linked to an action (in this case isolating good quality hedgerows), which can take place over an extended period. The Article 12 guidance summarises this as: *'deterioration can be defined as physical degradation affecting a breeding site or resting place. In contrast to destruction, such degradation might also occur slowly and gradually reduce the functionality of the site or place'*.

The Commission Guidance also goes on to note that breeding sites and resting places are crucial to the life cycle of the animals and that the aim of the protection under the Directive is to safeguard the continued ecological functionality (CEF) of such places. Functionality in the case of the dormouse would mean trying to retain connectivity of dormouse habitat through the maintenance of hedgerows, scrub etc, to allow for an appropriate level of movement of the species for distribution across their habitat but also to maintain woodland, scrub, hedgerows etc for the purposes of breeding and nurturing young.

The installation of a dormouse green bridge over the Link Road is proposed which should ensure that connectivity for the dormice is maintained across the site and that no population fragmentation occurs. We understand that the land to the west has not been surveyed but has been assessed as being suitable habitat for dormice, NE agrees with that assessment. Although as NE's complex casework panel have indicated it would be better for surveys to have been undertaken of that land so the mitigation is appropriate for the impacts on the population and maintaining favourable conservation status (FSC) and continued CEF.

The previous surveys last undertaken in 2008 were not updated as we advised in our scoping letter of 11th July 2011 that 2-3 year old surveys should be updated. We accept that dormice are still on the site (one was found in 2011) but it is likely before an EPS licence can be granted by Natural England that more surveys will need to be

done. However, you should note that advice given by the Land Use Operations Team is not a guarantee that NE's licensing team will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to them as part of the licence application. They will require a mitigation scheme that ensures no net loss of habitat, maintains habitat links and secures the long-term management of the site for the benefit of the European protected species. We will expect the consultants to ensure that the habitat quality can be improved as quickly as possible by promoting appropriate planting regimes, with a suitable mix of species.

Bats

A bat roost was recorded within the tree in the north east of the site although the tree would not be directly affected by the proposed development, street lights could have an impact and we would expect mitigation in the form of a buffer to offset the impact. Foraging and commuting bats of light adverse species will also potentially be impacted upon by the new road. Natural England would support a lighting regime that is sympathetic to bats (and dormice) in the open space/green infrastructure area of the development. Somerset County Council Highways may be able to advise on such a scheme as they have done in another district to help ameliorate the impacts upon bats and dormice by a new road and associated development.

Badgers

We note that the proposed development would sever two existing badger territories in the application site and the road would divide the main sett of the northern group from areas of their current territory including the subsidiary sett, adjacent to the cemetery. It is proposed that the dormouse green bridge will provide a safe crossing for badgers. As far as I am aware this has not been discussed with NE. Natural England's standing advice on badgers advises that a development that isolates a badger territory by surrounding it with roads or housing should be avoided as this can often result in problems such as increased road traffic collisions and badger damage to gardens and houses. Therefore, we accept that appropriate mitigation must be provided to avoid road traffic accidents.

Reptiles

We are pleased to note that a reptile exclusion and translocation will be undertaken as a successor to the one carried out in 2008 to the North of the site.

Water voles

We agree that prior to the construction of the bridge/culvert over the water course and drainage outlet, a precautionary survey of impacted reach of the stream including a 100m length upstream and downstream of the proposed Link Road (where accessible) would be undertaken to determine whether water vole are present as evidence of the species was found in 2008.

To conclude there is enough information for your council to determine this application, and we support the preparation of a Landscape and Ecological Management Strategy for the site.

If you have any questions please let me know.

Regards

Linda

Linda Tucker

Land Use Operations

Exeter Team

tel: 0300 060 1941

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Conservation Consultation Response (Ecologist)

To : Adrian Noon
From : Terry Franklin, Ecologist
Date : 30 November 2011

Application Ref : 05/00661/OUT – Crewkerne Key Site 1.

Subject : Wildlife issues and Habitats Regulations – concluding response.

The addendum Environmental Statement (October 2011) chapter 7 provides updated wildlife survey information and assessment to address aspects that were either out of date or absent from earlier information. The additional information includes all that was requested via the EIA scoping opinion. I believe there is now sufficient information to allow determination of this application.

I have no objections subject to wildlife mitigation and compensation measures being secured by conditions and a Section 106 agreement.

Relevant legislation and policy

- Conservation of Habitats and Species Regulations 2010 (a.k.a. 'Habitats Regulations') (European protected animal species)
- Wildlife and Countryside Act 1981 (as amended) (All protected animal species)
- The Protection of Badgers Act 1992
- The Natural Environment and Rural Communities Act 2006 (Section 40: 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 41 lists habitats and species of 'principal importance for the conservation of biodiversity'.)
- EIA Regulations 2011 (impacts to European Protected Species are considered a significant environmental effect)
- PPS9 (Biodiversity and Geological Conservation)
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation)
- Local plan policy EC7 (Networks of natural habitats – hedges)
- Local plan policy EC8 (Protected species)

Habitats Regulations 2010 and implications for decision making

The committee decision must take account¹ of the legislation applicable to dormouse (the Habitats Regulations 2010) by assessing the development against the three derogation tests below. **Such assessment should be included in the relevant committee report.**

Permission can only be granted if all three derogation tests are satisfied. If any single test is deemed not to be satisfied, the application should be refused.

The tests are:

¹ Confirmed by Judicial Review Judgement, Woolley v Cheshire East Borough Council and Millennium Estates Limited, 2009.

1. the development must meet a purpose of *'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'*
2. *'there is no satisfactory alternative'*
3. the development *'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'*.

These tests need to be assessed in respect of dormouse only. I consider it unlikely that the development will contravene the Habitats Regulations in respect of any other European Protected Species.

Guidance on interpretation of the derogation tests

There is limited guidance on the interpretation of these tests. Natural England guidance (in respect of Licence applications that also have to address the same 3 tests) advises that they will consider or expect the following in respect of:

Test 1:

- the requirement to maintain the nation's health, safety, education, environment (sustainable development, green energy, green transport);
- complying with planning policies and guidance at a national, regional and local level;
- requirements for economic or social development (Nationally Significant Infrastructure Projects, employment, regeneration, mineral extraction, housing, pipelines, .etc.).

Test 2:

- Demonstrate that a reasonable level of effort has been expended in the search for alternative means of achieving the development whilst minimising the impact on the EPS, and provide a justification for the decision to select the preferred option and discount the others from being satisfactory.
- demonstrate that reasonable steps have been taken to minimise the impacts of a development on the EPS. These steps or measures might include (for example) alternative timing of actions, development designs and layouts, and sites.
- Consideration of the 'do nothing' scenario.

Test 3:

- The planning consultation response from Natural England and/or the inhouse ecologist usually addresses this test.

I consider it likely that tests 1 and 2 have been met by the allocation of this site through the local plan process. However, it would be appropriate to include further explanation and detail to demonstrate this.

In consideration of test 3, the main detrimental impacts on dormice, in the absence of any mitigation, are direct and indirect loss of hedge habitat, and fragmentation by the link road of the hedge habitat network thus affecting the ability of dormice to migrate through the local landscape. It is uncertain at best, or probable at worst, that divided populations of dormice remaining either side of the link road would be sufficiently large enough to remain viable in the medium to long term, with the consequence of localised extinction or reduction in range.

The proposed landscape planting is sufficient to adequately compensate the direct and indirect losses of habitat.

The bespoke 'dormouse bridge' replicates the habitat currently used (i.e. a reasonably sized hedge composed of local hedge species) that will restore some of the habitat connectivity, and will be located close to the main area of dormouse habitat that would otherwise become isolated from the wider countryside.

I regard test 3 (maintenance of favourable conservation status) will be met by provision of the proposed mitigation and compensation. **This will need to be secured by a Section 106 agreement.**

DORMICE – FURTHER EXPLANATION AND COMMENTS

Dormouse presence

Dormice have been confirmed by surveys (2005 and 2008) to be present on the application site. No formal dormouse surveys have been undertaken since 2008 but one was incidentally observed during other surveys in 2011. In the absence of any significant changes to their habitat, there's no reason question their continued presence.

Their predominant habitat is the network of hedgerows both within and to the west of the application site. The latter are generally tall and wide, and with small field sizes, could be regarded to be of high or optimum quality for dormice.

Dormouse population estimates

The Environmental Statement includes an assessment of land to the west of the application site, based on extent of habitat considered '*highly likely*' to be used by dormice. This lead to an estimate of between 23 and 72 dormice that would become isolated to the west of the link road. This is a pre-breeding figure which could expand to 100 to 300 in the autumn following breeding when juveniles are included. Natural mortality, predation, and dispersal of young would then bring the figure down again by the following spring.

The population is valued in the Environmental Statement as being of '*District*' level of importance.

It is worth noting (as mentioned in the Environmental Statement) that no formal method exists for dormouse population size assessment. Furthermore, best practice survey methods have limited value towards indicating population size (e.g. nest tube surveys are likely to under represent dormouse numbers where there is an abundance of natural nest sites such as in old hedges, as is in this case).

It is therefore unlikely that an accurate measure of the population size could ever be achieved. However, the estimates arrived at by the applicant's consultant are consistent with my own estimates and expectations.

Lack of dormouse survey on land to the west of the site

No surveys have been done to confirm the presence of dormice on land to the west of the site. The applicant claimed to be unable to do so due to it not being within their ownership nor control. I consider it a reasonable assumption that dormice are present here due to good connectivity with hedges proven to be used by dormice, and the high quality of this habitat for dormice.

Natural England have indicated that they would normally require a more up to date survey to support the European Protected Species Mitigation Licence application that will be required in this case. Also, their Complex Case Licensing Panel advised (25 Mar 2010) that '*it would have been preferable to have additional survey data for the main area of dormouse habitat further to the west.*' Their earlier response (15 Feb

2010) was *'in a case such as this where a dormouse population is likely to become isolated, data on the distribution of dormouse and its habitat throughout the areas affected by the proposed housing and link road, including those outside the footprint of the development particularly the area to the West would be required.'*

In view of application requirements for the European Protected Species Mitigation Licence, earlier Natural England comments, and the cost associated with providing a 'dormouse bridge', I consider it appropriate and justified to require the developer to make 'best endeavours' to undertake dormouse specific surveys on land to the west of the site. This would help to corroborate estimates of the dormouse population that would become isolated by the link road. **I recommend such a requirement is made part of the Section 106 agreement.**

Impact of link road on dormice

Dormice are arboreal and 'reluctant' to cross open spaces including roads. Recent research² using radio tracking found that dormice, when encountering a natural gap in a hedge, would occasionally (6% of encounters) cross a gap of 3 metres, but wouldn't cross a gap of 6 metres on any occasion. The gap that would be represented by the proposed link road and associated footway and verges is about 10 metres. Whilst there is evidence from a few locations that dormice have or do occasionally cross roads, the frequency of such crossings is unknown. In the absence of irrefutable evidence to the contrary, the consensus of opinion is that new roads do represent a significant barrier to dormouse movement, which in this case is likely to constitute a significant detrimental impact.

Anecdotal evidence since Victorian times, and scientific monitoring over the last 25 years, have shown a continuing national decline in dormouse numbers, with possible stabilization of this decline in only the last 5 years. One of the contributions to this decline is thought to be fragmentation of habitat, caused in part by developments and new roads.

Dormouse mitigation and compensation

The proposed landscape planting is sufficient to adequately compensate the direct and indirect losses of habitat. The timing of delivery of the landscape planting will need to ensure that it is started as early as possible to allow it to mature sufficiently to act as a habitat for dormice in advance of any significant losses of habitat. Such a consideration is an implication of the '*Continued Ecological Functionality*' referred to as a requirement in Natural England's response.

I therefore recommend the delivery of the landscape and habitat planting is made part of the Section 106 agreement.

The proposed bespoke 'dormouse bridge' replicates the habitat currently used (i.e. a reasonably sized hedge composed of local hedge species) that will restore some of the habitat connectivity, and will be located close to the main area of dormouse habitat that would otherwise become isolated from the wider countryside. Unless further surveys indicate otherwise, its delivery, including timing, will be essential to maintaining '*Continued Ecological Functionality*' and to maintaining favourable conservation status as required by the Habitats Regulations. **I therefore recommend the timing and delivery of the dormouse bridge is made part of the Section 106 agreement.**

Other mitigation measures will need to include protection for retained hedges, appropriate design of lighting to minimise impact to dormouse habitat, measures for

² 'The behaviour of dormice in hedgerows with gaps', The Dormouse Monitor (the newsletter of the national dormouse monitoring programme), Spring 2011.

the sensitive removal and translocation of hedge habitat, provision of nest boxes, and sensitive timing of operations. **I recommend these details are subject to the proposed overarching 'Landscape and Ecological Management Strategy' and the proposed individual 'Landscape and Ecological Management Plans' for each major phase of the development. The submission of the Strategy to be a condition of the outline consent, and the Plans to be a validation requirement of any detailed application.**

Dormouse monitoring clause

Post development monitoring is likely to be a condition of the European Protected Species Mitigation Licence (from Natural England). However, such monitoring is not normally reported to the local planning authority. Given the unusualness of the mitigation in this case, it would be useful, both to this authority and to the wider conservation community, to be able to assess the effectiveness of the implemented mitigation.

I recommend the Section 106 agreement includes a clause requiring monitoring of dormice at the site (e.g. submission for approval of a 'dormouse monitoring strategy').

EPS licence

A European Protected Species Mitigation Licence (from Natural England) will be required before any hedges or other potential dormouse habitat can be removed. It would be appropriate to make this requirement the subject of a condition or informative.

DORMICE – POTENTIAL DISCREPANCIES ARISING FROM ENVIRONMENTAL STATEMENT ADDENDUM

Arboreal links across A30

7.4.29 states that 'several mature trees were present either side of the A30, ... and their canopies touched to form a natural bridge for dormouse allowing possible dispersal to the north.'

Whilst I acknowledge this observation, although would query the 'strength' of this link and also its sustainability (the trees in question are drawn ash that could be removed in future for highway safety reasons), **it should be made clear that it does not offer an alternative to the dormouse bridge.**

The observed link over the A30 would serve only the dormice to the east of the link road and not those to the west of the link road. Following engineering works to create the new junction linking the development to the A30, it's extremely unlikely there would be any viable arboreal links from dormouse habitat to the west of the link road.

Whilst there may also be viable arboreal links for dormice further to the west over the A30 (i.e. in the vicinity of the cemetery), these lead to a fairly limited amount of further dormouse habitat (mature gardens and possibly also extending to Bincombe Beeches Local Nature Reserve). These areas themselves are also isolated from the wider countryside by urban areas of the town, particularly Ashlands Road and associated developed areas.

Therefore, any arboreal links across the A30 to the north currently do not directly nor indirectly connect areas of dormouse habitat to the west of the link road with the wider countryside.

Footpath improvements and lighting impacts

The ES non technical summary para. 1.40 mentions '*footpath improvements*'. Some of the footpaths between the site and the town are bordered by hedges likely to be used by dormice. **Any proposals for lighting that could impact upon dormouse habitat would have to be subject to further scrutiny and assessment under the Habitats Regulations, and may have to be refused.**

Viewing area

I noted the recently submitted CD containing the Environmental Statement information included

'Figs. 3.2, 3.4 (CSA 2005)' that show a viewing area on Butts Quarry Lane that requires the removal of a section of the 'double hedgerow'. This aspect would be detrimental to dormice and wouldn't satisfy the Habitats Regulations tests. I recall earlier negotiations sought to remove this from the plans. **I would like to emphasize this shouldn't be included or seek confirmation that it is no longer proposed.**

MEDIUM PRIORITY ISSUES

The following other wildlife issues are regarded as being of 'medium' priority due to a combination of legal status, level of conservation importance, and level of impact and mitigation required.

Bats (all species are 'European Protected Species' and most are of high conservation priority)

One tree on the boundary of the site is used for roosting (one pipistrelle observed entering). Most areas of the site were used for foraging by a total of nine species of bat. The site has been evaluated as being of '*Parish*' level of importance for bats (i.e. the level of use is typical for the size of the site and types of habitat present).

The tree used as a roost is not believed to be directly impacted. However, its use as a roost could be compromised by lighting. Lighting could also compromise the use of the site for foraging and commuting by bats. Loss of foraging habitat and breaks in hedgerows that act as commuting corridors are other impacts.

The compensation planting to be provided for dormice will also benefit bats. The dormouse bridge may also be used by bats as part of a commuting corridor. Proposed mitigation includes further update surveys prior to commencement of works, and provision of bat boxes. Sensitive lighting designs will also be important.

Residual impacts to bats following completion of development and mitigation are concluded to be 'negligible' for light tolerant species, and 'slight adverse' for light sensitive species.

Badgers (legally protected)

Two social groups (with separate territories) would be adversely impacted. As a relatively common species in the south west, their ecological value is rated as '*parish*' level.

Some sett closures will be required. Further impacts arise from direct loss of foraging areas and disruption to established commuting routes.

Further update surveys will be required prior to each development phase. These will further inform required mitigation which may include construction of artificial setts, badger tunnel or underpass beneath the link road, and fencing to control badger movements. The landscape and habitat planting for dormice is also likely to partly compensate for loss of badger foraging areas.

Reptiles - slow worm and grass snake (legally protected)

Surveys identified a 'medium' slow worm population and 'small' grass snake population. The findings are consistent with my expectations and fairly typical for the size and nature of the site. Their ecological value is rated as 'parish' level.

The legislation protects against reckless killing and injury (which includes construction activities) but doesn't directly protect their habitat.

Standard methods are proposed for capture and translocation of reptiles to a safe receptor area (marked as 'area to be maintained as pasture' on the Masterplan). Enhancements and management of this area to benefit reptiles are included.

Otter and water vole

Both are legally protected and of high conservation importance. Neither have a permanent presence on the site but either could use the water course through the site on a transient basis.

Mitigation is proposed to include pre-construction (of link road) surveys, and an otter ledge in the design of the bridge to prevent otters crossing the road and risking vehicle collisions during times of peak flow or flood.

Recommendations in respect of species of medium priority

I recommend mitigation measures in respect of dormice, bats, badgers, reptiles, water vole and otter are included in the proposed overarching 'Landscape and Ecological Management Strategy' (to be conditioned at outline consent) and individual 'Landscape and Ecological Management Plans' for each major phase of the development.

LOW PRIORITY ISSUES

Habitats on site

Hedges are the most significant habitat (in their own right as well as for reasons already covered above) that will be affected (some loss). They are listed as a priority habitat (Section 41 of NERC Act) and also constitute part of a network of natural habitats that are subject to Local Plan Policy EC7. They are evaluated as being of 'parish' level of importance.

Compensation is provided through the proposed landscape and habitat planting and the dormouse bridge.

Breeding birds

A number of notable bird species (particularly some 'farmland' species that are included on the NERC Act Section 41 list of 'Priority Species') were recorded breeding on the site. The assemblage of species and numbers are typical for the size and nature of the site.

Provision of bird boxes is proposed as part of mitigation. However, it's likely that the change from farmland to urban will result in a change in the assemblage of species with the replacement of farmland species of conservation priority by species associated with urban habitats.

Great Crested Newt

Ponds in the vicinity of the site were surveyed in 2008 and further assessment was made in 2011 to assess their suitability for great crested newt. It was concluded on the basis of negative survey results, the majority of ponds having a low suitability

rating, and the absence of any existing great crested newt records in the area, that they are unlikely to be present.

Recommended conditions

The Environmental Statement Addendum proposes that details of creation and management of proposed and retained habitats would be documented within a '*Landscape and Ecological Management Strategy*'. This should also include the overarching strategies in relation to legally protected species. It would provide a coherent approach between landscape and ecology requirements.

I recommend a condition on the outline consent requiring submission and approval of a 'Landscape and Ecological Management Strategy' prior to any works commencing on site.

Also proposed is a more detailed '*Landscape and Ecological Management Plan*' for each development phase. These would need to be based upon further update surveys for protected species. I recommend such plans should be a validation requirement for all future full/reserved matters applications.

I understand that Robert Archer is in agreement with this approach.

Conservation Consultation Response - Landscape

TO: Adrian Noon
FROM: Robert Archer
DATE: 22 November 2011

APPLICATION: 05/00661 - Crewkerne Key Site

Adrian, I have now had opportunity to review the updated ES and revised masterplan. As I have provided detailed comment throughout the stages of bringing this application to a consideration, I will keep this response brief.

The landscape impacts likely to result from this development have been assessed as a significant issue from the site's earliest days, a view shared by the Local Plan Inspector, who considered the potential landscape impact to be substantial. The prime concerns are the impacts that will result from the housing development, due to the site's elevated topography, and its degree of separation from the town and its setting. The impact of the link road engineering and alignment is also considerable.

At the time of the Planning submission in 2005, an environmental statement was submitted that included a landscape and visual impact assessment (L&VIA). Whilst that assessment was formulated in accord with the L&VIA guidelines, I was not persuaded by the low weight of impact accorded to some of the site's receptors, nor was there sufficient landscape mitigation indicated on the masterplan to convincingly integrate the built form of the site into its wider surround.

This update now presents both a revised L&VIA and masterplan. The masterplan now illustrates a greater extent of landscape mitigation - primarily in the form of substantive planting areas - to better integrate the site into its wider setting, and to visually buffer those elements of the site that would otherwise appear obtrusive. Specifically, it provides;

- a) woodland planting across the scarp to the south of the housing area, to soften the engineered form of the highway embankment and cuttings, and the skyline presence of built form above Butts Quarry Lane;
- b) planting lines within the housing area to break up the massing effect as viewed from the northeast;
- c) retention and substantiation of the majority of the existing boundary features;
- d) additional planting at the east end of the ridge above Butts Quarry Lane, to play down the prominence of the furthestmost extent of housing toward Haselbury Plucknett;
- e) planting abounding the cemetery, and;
- f) use of planting and suitable hard landscape treatments to modify the engineering works at the point of site access off the A30, and the embankment form at the road's southern end.

The L&VIA finds a greater level of impact than originally found, yet considers the long-term (after 15 years) impact of the development upon its surrounds to be negligible in many instances. In part, this is based upon a positive view of the effectiveness of the landscape mitigation to counter the landscape impacts. I view this updated L&VIA as much better balanced than the earlier submission, though I do not fully agree with a number of the impact level ratings accorded to the site and its receptors resulting from development: SSDC's view has consistently rated the impacts to be greater. However, to a point that is academic, for I would agree that the resultant level of landscape mitigation, as illustrated by the revised masterplan, is appropriate.

Now that we have an acceptable masterplan before us, the success of this site - in design and landscape terms - will now be down to the detailed work that will follow any consent of planning. Whilst much of this detail will form part of reserved matters applications, at this stage I would advise that we need to agree conditions to cover the following topics;

- 1) a programme of planting works based upon the landscape masterplan. Note that this needs to allow for plans to be submitted and approved in time for advance planting along the head of the scarp (outside the highway corridor) in the planting season 2012-2013;
- 2) submission of design codes to guide development of the site, and;
- 3) submission of a landscape and ecology management plan for the whole of the site. As I understand it, the consultant's ecologist has suggested that this is supplied as a strategic document in the first instance, with detailed prescriptions to follow. Providing it is clear (i) what general form of management is intended, to (ii) achieve a specific vegetation type, then I am happy with that approach.

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Landscape Architect

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