Gravity

Smart Campus

Gravity LDO Environmental Statement

Volume 2 – Appendices

Appendix 5.3 LDO Scoping Opinion

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Reference: 42/21/00021
Contact: Mr. Stuart Houlet
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Date: 27 September 2021

Dear Ms. Sophie Nioche,

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (AS AMENDED)

Location: Gravity Enterprise Zone, Land at Former, Royal Ordnance Factory, Woolavington Road, Puriton, Bridgwater, Somerset, TA7 8AD
Proposal: Scoping Opinion for the Environmental Impact Assessment for the Gravity Local Development Order (LDO)
Agent: Stantec

INTRODUCTION

I write in reference to your email dated 29 June 2021 and the accompanying Environmental Statement – Scoping Report (Stantec, Rev: Final for Consultation | Date: June 2021) in relation to the proposal as described above. The Scoping Opinion was accompanied by a series of Appendices and seven Parameter Plans in relation to:

- Existing Buildings to be Demolished (Drawing Number: 49102/5505/SK04 | dated: 03.06.2021);
- Land Uses (Drawing Number: 6599_PP201L (Rev L) | dated: 08.09.21);
- Transport and Movement Strategic Infrastructure (Drawing Number: 6599_PP202F (Rev F) | dated: 09.09.21);
- Transport and Movement Micromobility (Drawing Number: 6599_PP203E (Rev E) | dated: 08.09.21);
- Building Heights (Drawing Number: 6599_PP204H (Rev H) | dated: 08.09.21);
- Strategic Landscape (Drawing Number: 6599_PP206F (Rev F) | dated: 08.09.21); and
- Infrastructure and Utilities (Drawing Number: 6599_PP205E (Rev E) | dated: 08.09.21).

I can confirm that your request for a Scoping Opinion has been made in accordance with Regulation 15 as amended by Regulation 32 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ('the EIA Regulations 2017'). This letter provides the Council's Scoping Opinion for the intended submission of an Environmental Statement (ES) relating to prepare a Local Development Order (LDO) for the Gravity Enterprise Zone to facilitate the delivery of a smart campus and community.

The authority must not adopt a Scoping Opinion until they have consulted the consultation bodies as required by Regulation 15(4) as amended by Regulation 32(6) of the EIA Regulations 2017.

Regulation 15(6) as amended by Regulation 32(6) of the EIA Regulations 2017, states that before adopting a Scoping Opinion the authority must take into account—

> *(a) any information prepared by the local planning authority in accordance with paragraph (2) about the proposed development;*
>
> *(b) the specific characteristics of the particular development;*
>
> *(c) the specific characteristics of development of the type concerned; and*
>
> *(d) the environmental features likely to be significantly affected by the development.*

The Scoping Report has been the subject of consultation in accordance with Regulation 32 of the EIA Regulations 2017, and copies of the responses, to which the Applicant should refer in undertaking the EIA, are available to view on Sedgemoor's Planning Online website under planning reference 42/21/00021. A full list of the consultation bodies is provided at the end of this letter. In forming this Scoping Opinion, the authority has taken account of the responses received from those consultation bodies. A list of the consultation bodies who have not yet responded is also provided. Following issue of a draft of the Scoping Opinion on 23 August 2021, further responses were received, the Local Planning Authority had updated this Scoping Opinion to reflect all responses.

The submitted ES should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided as part of the ES summarising the scoping responses from the consultation bodies and how they have been addressed (or not) in the ES. Where the recommendations of the consultation bodies have not been incorporated into the EIA, a justification for their omission should be provided in the ES.

APPLICANT'S INFORMATION – OVERVIEW OF THE SITE AND THE PROPOSED DEVELOPMENT

The Scoping Report received set out a description of the Site and the Proposed Development (in the Executive Summary and Chapter 4 – Proposed Development).

The Site comprises 261.54 hectares of land, of which approximately 250 hectares was part of the former Royal Ordnance Factory (ROF) that closed in 2008. The majority of the Site, associated with the ROF, is brownfield, previously developed land that has been incrementally developed over the past 70 years. The area of the Site associated with the ROF has been cleared and remediated under the separate planning permission for the remediation works approved by SDC on 3 April 2012. The Site also includes a new access road, part of the 2017 Planning Consent, which is due to be completed in late Summer 2021.

The description of development, as amended by the Applicant on 10 August 2021, is as follows:

a. *any operations or engineering works necessary to enable the development of the Site, including demolition, excavation and earthworks, the formation of compounds for the stockpiling, sorting and treatment of excavated materials, import of material to create development platforms, piling, and any other operations or engineering necessary for site*

mobilisation, office and worker accommodation, communications, drainage, utilities and associated environmental, construction and traffic management.

b. the development of a smart campus including

i) commercial building or buildings with a total Gross External Area of up to 1,000,000m2 which would sit within current Use Classes E(a) - (g), B2, B8 and sui generis floorspace uses and

(ii) a range of buildings up to 100,000m2 within use classes C1, C2, E (a) – (g), F, B8, including restaurants / cafes, shops, leisure, education and sui generis uses; and

(iii) up to 750 homes in use class C3

together with associated infrastructure including restoration of the railway line for passenger and freight services, rail infrastructure including terminals, sidings and operational infrastructure and change of use of land to operational rail land, multi-modal transport interchange, energy generation, energy distribution and management infrastructure, utilities and associated buildings and infrastructure, digital infrastructure, car parking, a site wide sustainable water management system and associated green infrastructure, access roads and landscaping.

The Applicant had previously excluded B8 floorspace from the description of development associated with the 100,000sqm identified in part b) (ii) of the description above. This inclusion of B8 use has been made to provide flexibility to accommodate potential uses that are complementary to Advanced Manufacturing occupiers, such as data centres, in other suitable and appropriate locations across the Site. The B8 uses proposed are not the 'traditional distribution type' use, but rather those directly related to the operation and supply chain of Advanced Manufacturing. This change to the description of the development is not considered by the Local Planning Authority to affect the Scoping Opinion to be adopted, provided that it is assessed as part of the EIA process and the scope of the ES.

LPA'S SCOPING OPINION

The authority broadly agrees with the approach to EIA set out in the ES Scoping Report at Chapter 6 The Proposed Scope of the ES. For each factor listed in paragraph 4 of Schedule 4 of the EIA Regulations 2017, this opinion provides comment on whether the Council agrees with the scope proposed by the Applicant in the Scoping Report, therefore this Scoping Opinion should be read in conjunction with the Scoping Report (and associated Appendices) submitted by the Applicant.

Where the Council disagrees with the Applicant, this Opinion endeavours to identify the receptor likely to be affected, the characteristics of the development likely to affect the receptor, the significance of the effect, the type of effect and the evidence necessary to enable an informed decision to be made.

Population (Relevant Chapter(s) of ES Scoping Report: Chapter 7 Economics; and Chapter 8 Health, Social and Wellbeing)

The Council agrees with the socio-economic effects and receptors to be scoped into the ES. The Economic Development Team has been consulted on the ES Scoping Report and has stated that

Chapter 7 which relates to economic impacts provides a comprehensive overview of issues that will need to be considered as a part of the ES.

It is noted that the proposal will significantly increase volume of the development in comparison to the existing hybrid consent that is in place, therefore it would be desirable to provide updated and more accurate levels of jobs that could be created on site. An analysis of the job levels in relation to the proposed floorspace would provide a good indication of the likely number of employment opportunities that would be created.

Gravity's ambition to host new sectors on the site is welcomed and it would be beneficial to understand how the new sectors, that will be the audience market, would fit and enhance the existing business landscape and its supply chain.

Omissions are noted from the policy table in paragraph 2.8.1:

Economics:

- Policy S1 Presumption in favour of sustainable development
- Policy S2 Spatial Strategy for Sedgemoor
- Policy CO3 – brownfield sites in the countryside

Human Health (Relevant Chapter(s) of ES Scoping Report: Chapter 8 Health, Social and Wellbeing; Chapter 9 Transport and Access; Chapter 10 Noise and Vibration; Chapter 11 Air Quality; and Chapter 13 Water Environment)

The Council is satisfied that appropriate Human Health receptors (nearby residents, construction workers and future residents) and effects have been identified within the scope of Chapter 8 Health, Social and Wellbeing as well as the transport, noise, air quality and water ES topics.

In relation to the impacts arising from changes in lighting in relation to the proposed development, given the outline nature of the LDO, the lighting assessment will consist of a qualitative assessment of construction effects and operational effects and will identify lighting design objectives and mitigation measures (if required) that will inform the future detailed lighting design that will be submitted for approval as part of a condition of the LDO. The data gathered during the lighting survey will also be used to feed into other assessments as appropriate, primarily biodiversity and landscape. This proposed approach has been considered by the Council's Landscape Officer, Environmental Health Officer and SCC's Ecology Officer in advance of the Scoping Report being submitted, and they have confirmed that this approach to scope out lighting is appropriate.

Omissions are noted from the policy table in paragraph 2.8.1:

Health, Social, Wellbeing and Inclusion:

- Policy S2 Spatial Strategy for Sedgemoor
- Policy T2b Tier 2 Settlements – unmet local housing need

- Policy CO1 Countryside

Biodiversity (including Flora and Fauna) (Relevant Chapter(s) of ES Scoping Report: Chapter 12 Biodiversity)

The Council agrees that Biodiversity should be scoped into the ES. Natural England and Somerset County Council (Ecology) were consulted on the ES Scoping Report.

Annex A to Natural England's consultation response provides detailed advice on the scope of the EIA. Section 2 of Annex A of the Letter provides advice specific to Biodiversity and Geology.

The SCC (Ecology) provided the following comments on specific aspects of the ES Scoping Report:

- *Designated Sites within the 2032 Baseline [Paragraph Reference: 12.3.11]*

  The 2017 Planning Consent and the LDO Development are not considered to give rise to any likely significant effects on any of the above designated sites. However, a standalone shadow Habitats Regulation Assessment (HRA) Report will be prepared and submitted along with the ES and other LDO documentation. It should be noted in relation to the shadow HRA that the site is not hydraulically connected with the Somerset Levels and Moors Ramsar Site. – I can confirm following reviewing the latest catchment mapping that the area is outside of the Ramsar catchment boundary.

- *Assessment Methodology [Paragraph Reference: 12.7.5]*

  For example, the local Biodiversity Action Plan (North Somerset Biodiversity Action Plan [NSBAP]), has been used to assist in valuing features and developing mitigation strategies, where necessary. The Site is not located in North Somerset – Somerset's equivalent is Wild Somerset – The Somerset Biodiversity Strategy 2008 – 2018, however as indicated this is now expired and required updating, though can still be used as a source of local information and guidance regarding the biodiversity value associated with the site. See here, under Downloads: Biodiversity (somerset.gov.uk).

- *Assessment Methodology [Paragraph Reference: 12.7.9]*

  10% Biodiversity Net Gain will be required, as defined by the mandatory instruction within the Environment Bill, for the scope of works proposed within the LDO timeframe.

Land (for example land take) (Relevant Chapter(s) of ES Scoping Report: Chapter 17 Topics Not Included in the ES Scope – specifically, Section 17.2 Ground Conditions; and Section 17.3 Agricultural Land)

The Council agrees that the topic of Ground Conditions can be scoped out of the EIA. The Environment Agency (EA) and the Council's EHO have been consulted on the ES Scoping Report.

The EA has responded to state that, notwithstanding remediation delivered pursuant to the outline consent, that: *"there is still the potential for unsuspected contamination to be mobilized, resulting in pollution to controlled waters. This may not necessarily be of a scale which can be dealt with by way*

of CEMP alone."

The EA have advised the following steps are undertaken:

> *1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.*
>
> *2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site.*
>
> *3) The Local Authority can advise on risk to other receptors, e.g. human health. This is particularly important as we understand the site may not have been remediated to a standard appropriate for residential use.*

Matters relating to human health have been considered earlier in this Opinion. In relation to the site being remediated to a standard appropriate for residential use. Residential use is proposed within two areas: 1) a small area in the south east of the former ROF; and 2) on agricultural land to the south of the former ROF boundary.

In relation to 1) the Scoping Report proposes that a change in use assessment will be prepared with the LDO and provided as a standalone document. In relation to 2) A preliminary desk top assessment has been undertaken for the agricultural land. The ES Scoping Report states that no significant adverse impacts have been identified for this land as there is no history of contaminative land uses. The Scoping Report proposes that a desktop contaminated land assessment for the agricultural land will be prepared with the LDO and provided as a standalone document.

The Council agrees that ground conditions can be scoped out of the ES, on the assumption that the standalone documentation to be provided demonstrates that the areas of the site proposed for residential use are of standard appropriate for that use.

Soils (for example organic matter, erosion, compaction, sealing) (Relevant Chapter(s) of ES Scoping Report: Chapter 17 Topics Not Included in the ES Scope – specifically, Section 17.2 Ground Conditions)

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber, and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The Council does, however, agree that soils can be scoped out of the ES provided that the Construction Environment Management Plan (CEMP) and the Framework Site Waste Management Plan will provide details of how soil resources will be used and disposed of sustainably, in accordance with DEFRA's Construction Code of Practice for the Sustainable Use of Soil on Development Sites.

Water (for example hydro morphological changes, quantity, and quality) (Relevant Chapter(s) of ES Scoping Report: Chapter 13 Water Environment)

The Council agrees that flood risk, surface water bodies and groundwater bodies should be scoped into the ES and agrees that the correct receptors and effects have been identified.

The EA and the Somerset County Council, as Lead Local Flood Authority (LLFA), were consulted on the ES Scoping Report.

In relation to flood risk, the EA has advised that: *"We advise a sequential approach should be taken in terms of the distribution of more vulnerable uses within the site as well as any exception test requirements. These seek in the first instance to direct new development to areas at least risk of flooding.*

We are pleased to see that the scoping report confirms that a site specific flood risk assessment (FRA) will be undertaken in support of the Local Development Order. This should demonstrate how the development will remain safe over its lifetime and not increase flood risk elsewhere.

The FRA and modelling for any future submission should be updated to include the latest climate change allowance guidance published on gov.uk. It should also take into account residual risk using the worst case scenario. The 2019 Sea level rise allowances should be used, applying 100 years of climate change from the anticipated last build out phase on site. A sensitivity test using H plus plus should also be applied."

In relation to Pollution Prevention the ES advise that any Construction Environment Management Plan (CEMP) should include safeguard to minimise the risks of pollution from the development. Such safeguards should cover: the use of plant and machinery; wheel washing and vehicle wash-down; oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds; the control and removal of spoil and wastes.

The LLFA were consulted on the surface water drainage matters. The LLFA responded to state: *"Overall, it's noted there's a significant history regarding this site, any forthcoming application should provide sufficient narrative of what has previously agreed and how this application updates and changes anything previously agreed."*

The Applicant is reminded that no new connections are permitted to Highways England's drainage network. In the case of an existing 'permitted' connection, this can only be retained if there is no land use change.

Air (Relevant Chapter(s) of ES Scoping Report: Chapter 11 Air Quality; and Chapter 10 Noise and Vibration)

The Council agrees that Air Quality and Noise should be scoped into the ES. Changes to noise and air quality, given the potential for likely significant effects as a result of emissions to air primarily associated with emissions from traffic during the operational stage, and the impact of both existing and proposed noise and vibration sources on sensitive receptors.

Climate (for example greenhouse gas emissions, impacts relevant to adaptation) (Relevant Chapter(s) of ES Scoping Report: Chapter 15 Climate Change)

The Council agrees that Climate Change should be scoped into the ES. Overall, the scope and methodology set out is considered reasonable and fits in with IEMA guidance, as well as SDC's recently published Climate Emergency Strategy and Action Plan. Given the UK has legally binding GHG emission reduction targets we would recommend the scope explicitly includes reference to how the EIA will give due consideration to how the project will contribute to the achievement of these targets.

We note that in relation to GHG emissions it is proposed to take into account sources from both construction and operational stages. A review of the potential GHG emission sources during construction and operation should ensure we are able to understand expected emissions from the site, which will help with our pledge to work towards carbon neutrality by 2030 in the district. We look forward to reviewing the details as part of the Environmental Statement.

A qualitative assessment is proposed, justified on the basis of this methodology being acceptable where mitigation has been agreed early on in the design phase. The Scoping Report refers to embedding several mitigation measures to reduce GHG emissions, referring to a Clean and Inclusive Growth Strategy and creation of a low carbon campus. In our Climate Emergency Action Plan and Local Plan, we have included a focus on clean growth, which the Scoping Report has captured with the mention of providing low and zero carbon energy infrastructure, creating green-collar jobs and transitioning to net zero transport; therefore supporting low carbon economic growth overall. It is important that these factors are followed through in order to keep the emissions in the operation stage to a minimum. We would therefore agree that the qualitative assessment proposed is appropriate and proportionate, provided the details of the mitigation measures referred to can be secured with the necessary certainty as part of the Local Development Order. Mitigation measures should therefore be set out in detail as part of the Environmental Statement and other relevant LDO material.

In relation to climate adaptation and resilience we support the use of latest UKCP18 projections and note the conservative use of the high emission RCP8.5 scenario (i.e. business as usual) when assessing the vulnerability and resilience of the proposed development. In line with IEMA guidance it should be considered whether any further sensitivity testing is appropriate taking into account the vulnerability of receptors. If following an assessment of susceptibility/vulnerability of receptors further sensitivity testing is not considered appropriate, we would recommend this is explained/justified as part of the Environmental Statement. In relation to receptors to assess we would agree that these can be grouped into three broad categories – Building and Infrastructure, Human health / future users, and environmental receptors (e.g. habitats, species, landscaping and planting).

The Council agrees with the Applicant that the development is unlikely to contribute significantly, in EIA terms, to climate change during the construction phase and so can be scoped out of the EIA. This opinion is on the understanding that the likely effects of climate change during construction will be appropriately taken into consideration in combination with the effects of the development when assessing human health and ecological impacts, such as through implementation of a CEMP. The vulnerability of the proposed development to the predicted impacts of climate change (i.e. the

relationship between sea-level changes and flood risk) during the operational phase should be addressed within the ES.

In light of the recent Climate Emergency Declaration made by the Council, the ES should discuss (as far as is practicable) carbon footprint, energy requirements, sustainability, construction materials, waste management, water efficiency, recovery and reuse of material resources, the scope for meeting energy performance standards, the scope for on-site renewables generation, assessment of transport carbon implications and consideration of resilience and adaptation to the implications of climate change.

SCC were also consulted in regard to climate. They have responded as follows:

> *"As you will be aware, SCC, along with the other District Councils in Somerset all passed resolutions declaring a climate change emergency. Working jointly together, all of the Somerset Councils produced the Somerset Climate Emergency Strategy (SCES) document, published in 2020. This sets out Somerset's aspiration to be carbon neutral by 2030 and to build our resilience for and adapting to the impacts of a changing climate. 3 Clear goals are set out in this document:*
>
> 1) *To decarbonise local authorities, wider public sector and reduce our carbon footprint;*
> 2) *To work towards making Somerset carbon neutral by 2030; and*
> 3) *Making Somerset prepared for and resilient to the impacts of climate change.*
>
> *The Gravity scheme is referenced several times in the SCES as being a great example of how a new development needs to be delivered and constructed in order to reach our climate change goals. The clean growth agenda lies at the heart of the SCES. The Gravity project is identified as one of the key development projects that will play an important role in delivering the clean growth agenda. In particular, delivering low carbon growth, climate resilient industries, and providing a range of high value jobs that will help Somerset reach its net zero future.*
>
> *A number of different sectors that will have major impacts on our ambition to become carbon neutral are outlined in the SCES. These include amongst others, Energy, Transport, Local Economy and water resources. Whilst it is acknowledged that the Scoping report is not a planning application, hence many specific details will only emerge with any subsequent planning application(s), it is noted that the key objectives and goals of the SCES align with details outlined in the Gravity Scoping Opinion. Various key Strategies referred to in the Scoping Report that will underpin the Gravity development include a Clean and Inclusive Growth Strategy, an Energy Strategy, Water Strategy and a Travel Plan. These will help deliver an integrated live, work, and play living environment which will respond positively to the challenge of clean growth and transport decarbonisation.*
>
> *SCC welcome the key principles to address climate change that have been outlined in the Scoping Report, in particular reducing need to travel, providing quality pedestrian and cycle*

links, good public transport and rail connectivity. The Energy Strategy looks to increase low carbon power generation, energy storage and management on site. The construction of the various new buildings on site will be subject to a Sustainable Procurement Plan in order to reduce waste generation and to maximise energy efficient buildings.

From a climate change perspective, SCC are keen to ensure that the Gravity project delivers the goals of the SCES. SCC welcomes the clear ambition of the Gravity project to deliver clean growth and would welcome the opportunity to be consulted on any subsequent development proposals."

Material assets (Relevant Chapter(s) of ES Scoping Report: Chapter 16 Cultural Heritage; and Chapter 17 Topics Not Included in the ES Scope – specifically, Section 17.2 Ground Conditions and Section 17.6 Waste)

The Council agrees that Material Assets should be scoped into the ES. This is proposed to be addressed as follows:

- Chapter 9 Transport and Access
- Chapter 16 Cultural Heritage (see next section of this Opinion)
- Section 17.2 Ground Conditions
- Section 17.6 Waste

Transport and Access

The Council agrees that Transport and Access should be scoped into the ES. This should describe (and, where possible, quantify) the likely impact on transport and access, and enable an understanding of the likely significant transport and access effects. Highways England (now 'National Highways') and Somerset County Council (Local Highway Authority) were consulted on the ES Scoping Report.

Highways England set out general areas of concern that the ES needs to consider:

- Assessment of transport impacts.
- Environmental impacts arising from construction, traffic volume, composition or routing change and transport infrastructure modification and environmental impact of road network on upon development.
- Adverse changes to noise and air quality.
- No new connection to Highway England drainage network.
- No Surface water on SRN.

In addition, Highways England provided 'location specific considerations' on the scope of the ES:

- *Highways England are currently engaging in regular meetings with SDC, SSC and the applicants technical team regarding the proposal and assessment methodology. Highways England*

should continue to be involved in discussions relating to the use of the relevant traffic model in order to ensure that the scope of the model and its outputs will be acceptable to Highways England.

- *The transport assessment should consider the impact of the development (including during the construction phase), on the operation of the strategic road network, in this case the M5 motorway, in line with national planning practice guidance and DfT Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'. Where the proposals would result in a severe congestion or unacceptable safety impact, mitigation will be required in line with current policy.*
- *The effects of the proposed development should be assessed cumulatively with other schemes and we would expect the applicants to agree an appropriate list of relevant other schemes, including committed development in the area, with the Council.*
- *Analysis of accident data for the latest available full five-year period regarding the SRN surrounding the site should be undertaken. Any relevant collision clusters or recurring accident causation factors should be assessed and properly mitigated where the proposed scheme is shown to make conditions worse.*
- *Suitable NMU facilities should be provided. These should be fully integrated to ensure that levels of severance are not detrimental.*
- *The potential impact of construction vehicles on the SRN should be included within the assessment work. During the construction of the development appropriate consideration is given to the timing of works and potential diversion routes to ensure any impact upon the operation of the SRN is fully understood and managed. At the application submission stage, these issues will need to be addressed as part of a construction traffic management plan.*

SCC, as local highway authority, were consulted and responded to state they were satisfied with the proposed approach set out in this scoping report and will continue to work with the Applicant on the transportation and access aspects through the pre-application process. In SCC's detailed comments they stated:

> *"The key aspect of these documents is to bring forward sustainable modes of travel and how they can be incorporated into the development to reduce the impact on the surrounding highway network. These key areas have been highlighted in paragraph 9.2.6 of the document and sets out the applicant's drive towards the reduction in the use of the car by improving access and movement for other more sustainable modes through their mobility strategy. This is approach is accepted by the Highway Authority and has formed part of the pre-application discussions which are currently progressing with the applicant.*
>
> *The TA has adopted a 'Vision and Validate' approach which has meant producing a methodology to enable them to test the required variables as part of their proposal. As part of*

the scoping process the Highway Authority has been working with the applicant to agree a set of variables which will then be brought forward as part of the final TA.

Sections 9.5 and 9.6 looks at the potential significant and not significant effects through both the construction and operation phases of the development. There are a number of points including the restoration of the rail head and the phased delivery of the site. It is accepted that at this stage the applicant is not able to provide the details on these elements at this time, but we would expect the full details, but we would expect an update to be provided before the final report is finalised.

The Highway Authority, through our discussions with the applicant, is aware that the applicant may not be able to utilise the Sedgemoor Transport Model as part of the TA methodology. As a consequence, the Highway Authority is working with the applicant to find a suitable alternative.

Finally, with regard to the assessment methodology we are satisfied with what has been proposed. It is noted that under the IEMA Guidelines that the assessment must adhere to the two rules set out in paragraph 9.8.3. It's noted that the applicant is yet to undertake this assessment however they have anticipated that the transport and access effects would be similar to the previous Environmental Statement which was undertaken in 2017. Although the Highway Authority broadly agrees with the applicant's assumptions, we would expect through the scenario testing that if required additional links will be added to the list as part of the finalised Environmental Statement."

SCC, Rights of Way Officer, was consulted and responded to confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site (public footpath BW 28/2) and PROWs that run adjacent to the site (public footpaths BW 37/2, BW 28/4, public bridleway BW 28/1 and restricted byway BW 28/1/1). The Rights of Way Officer provided a specific comment to state that consideration should be given to access for equestrian users from the green bridge heading N/NE and/or at the SW corner of the old ROF site; and a general comment that any proposed works must not encroach onto the width of the PROW.

Network Rail was consulted and responded to confirm that they are working with the Applicant with a view to reconnecting the site to national rail network, in their response they stated:

"Should the branch line from Huntspill reopen, consideration must be given to the effect this will have on the affected level crossing along with the signalling required. We therefore recommend any transport assessment be submitted contain an assessment of the impact the development would have on the nearby LC. The assessment should include any suggested mitigation. As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to also include any developer contributions to fund such improvements with an appropriate legal agreement linked any planning permission."

With regard to safety, Network Rail, in their response also advise that any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start.

Waste infrastructure

The Council agrees that the topic of Waste can be scoped out of the ES. Somerset County Council (Waste Authority) were consulted on the ES Scoping Report. They responded to state:

> *"From a mineral policy perspective, it is agreed that the proposed development does not raise any mineral safeguarding issues. The site is not located close to a working quarry nor located in a designated mineral safeguarding area as defined in the Somerset Minerals Plan. Accordingly, no mineral policy issues are raised.*
>
> *In regard to waste policy, the comments within the planning statement are noted and the clear objective to ensure waste and materials are managed effectively is supported. The various documents outlined in the supporting statement that will be used to manage waste, including the Framework Site Management Plan, are supported. Ensuring that any waste generated is directed up the wate hierarchy is supported and in accordance with the Somerset Waste Core Strategy. Accordingly, no specific issues from a waste policy perspective."*

The generation of waste from the construction and operational phases of this development is unlikely to be significant and can be scoped out of the EIA on the basis that a Framework Site Waste Management Plan will be prepared and appended to the ES and that the proposals accord with policies within the Somerset WasteCore Strategy and all relevant legislation, standards, and guidance. In accordance with the waste hierarchy, we wish the Applicant to consider reduction, reuse, and recovery of waste in preference to offsite incineration and disposal to landfill during site preparation and during the construction phase.

Utilities

The Council agrees that the topic of Utilities can be scoped out of the ES. The proposed development will increase demand on each of the utility and service networks – water, gas, sewerage/foul drainage, and electricity. It is noted from the ES Scoping Report that it is proposed that this will be addressed within a Utilities Strategy report that will sit alongside the ES, the Council agree with this approach.

Responses from Cadent Gas and National Grid were received as part of the consultation on the ES Scoping Report.

Cultural heritage (including architectural and archaeological aspects) (Relevant Chapter(s) of ES Scoping Report: Chapter 14 Landscape and Visual; and Chapter 16 Cultural Heritage)

The Council agrees that Cultural Heritage should be scoped into the ES. The Scoping Report identifies potential significant effects to the Cultural Heritage resource (archaeology, built heritage, geoarchaeology, etc.) . Historic England and Somerset County Council (South West Heritage Trust)

were consulted on the ES Scoping Report.

Historic England have also provided detailed comments. In their view this development could potentially have an impact upon a number of designated heritage assets and their settings in the area around the site.

Historic England would draw attention, in particular (although not exclusively), to the following:

- Brent Knoll hillfort and associated field system (NHLE 1008248)
- Motte with two baileys, Down End (NHLE 1019291)
- Church of St Michael and All Angels, Puriton NHLE 1344664)
- Church of St Mary, Woolavington (NHLE 1060144)
- The prehistoric activity within the site constraints (as well as later activity) from the preceding programme of works by Wessex Archaeology.

Historic England also recommend that there should be a close relationship between the Landscape and Visual Impact Assessment and the Cultural Heritage Assessments, in order to provide a robust assessment of the impact of development on the significance designated heritage assets derive from their settings including, but not limited to visual impacts.

Historic England advise that Heritage Assets are key visual receptors and any impact upon them would need to be considered in depth with appropriate selection of viewpoints relevant to the significance of the assets in question and the likely impacts. Historic England recommend the inclusion of long views and any specific designed or historically relevant views and vistas within this historic landscape.

Given the potential heights of the structures associated with the proposed development and the surrounding landscape character, this development is likely to be visible across a very large area and could, as a result, affect the significance of heritage assets at some distance from this site itself. Historic England expect the assessment to clearly demonstrate that the extent of the proposed study area is of the appropriate size to ensure that all heritage assets likely to be affected by this development have been included and can be properly assessed.

SW Heritage Trust responded to state:

> *"The scoping report indicates that impacts on cultural heritage and heritage assets will be assessed following the methodology laid out in the DMRB. This is a method used for many larger proposals and we have no objection to the method or scope of assessment as detailed in the report."*

<u>Landscape (Relevant Chapter(s) of ES Scoping Report: Chapter 14 Landscape and Visual</u>)

The Council agrees that Landscape and Visual impact should be scoped into the ES. Natural England and SDC Landscape Officer were consulted on the ES Scoping Report.

Section 3 of Annex A of Natural England's consultation response provides advice specific to

'Designated Landscapes and Landscape Character', as outlined below:

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change

and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant National Character Areas which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm .

The Council's Landscape Officer has provided detailed comments on the proposed scope of the Landscape and Visual chapter of the ES, these are set out below.

"It is noted that the methodology for undertaking the LVIA will follow the guidelines set out in Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3) (2013). It is agreed that this forms the appropriate approach although noted that this will be amended as necessary to cover any specific site issues.

Viewpoints

The draft scoping report sets out proposed viewpoints at paragraph 14.3.13 and in Appendix N Viewpoints RevB (Scoping). The proposed viewpoints have been previously discussed and agreed as providing an appropriate basis on which to assess the visual impact of development as set out in the accompanying parameters plans. In particular these include agreed viewpoints from protected landscapes that include the Quantock Hills and Mendip Hills AONB's as well as other significant landscape features.

The draft scoping report at paragraph 14.6 states that while the proposed development would theoretically be visible from the more distant viewpoints within the Quantock and Mendip AONB, they would ordinarily be difficult to pick out with the naked eye. However, the effects from the AONB will be assessed in the ES. Given the scale of development set out in the parameters plan with building heights of 35m plus an additional 10m for stacks and a single building of 1million sq.m, it is probable that in fact this will be visible with the naked eye and it is premature to suggest that there will not be any significant effects.

Similarly, in paragraph 14.5.7 it again refers to the development being theoretically visible form more distant viewpoints but as referred to above, given the scale of the building to be assessed it is extremely likely that it will indeed be visible from all viewpoints. It will be for the LVIA and ES to determine the significance of these impacts and the scoping report should not prejudge this.

Character areas

Paragraph 14.7.6 refers to the local character areas, Appendix N includes a plan showing these. In identifying local character areas, the key document to consider is the Sedgemoor Landscape Assessment and Countryside Design Summary (2003). This document identifies Landscape Character Areas (Map 5). This document confirms that the relevant character areas are:

- *Levels – equivalent designation CA3 Moors and Levels adjacent to the M5*

- *Polden Hills - equivalent designation CA7 The Polden Hills*
- *Clay Moors - equivalent designation CA2 Moors and Levels north of Woolavington.*

It is not entirely clear why slightly different names have been used for the character areas and it would be more consistent to use the character area designations and descriptions set out in the adopted Landscape Assessment. This avoids confusion and is also relevant given that the character descriptions set out in the Assessment will be important in assessing the impact of any development and the appropriateness of any required mitigation.

CA5 and CA6 are Puriton and Woolavington villages. It is important to recognise that these villages do sit within the aforementioned character areas but identifying them as effectively existing built up areas is agreed. The extent of the two villages should be defined by the settlement boundary in the local plan (this is on the interactive map - https://www.sedgemoor.gov.uk/LocalPlan). This will remove currently undeveloped greenfield land around Puriton from the CA5 designation and place it within the CA7 category. As it stands, whilst used for a different purpose, it gives the impression that land outside of the settlement boundary that is undeveloped is in fact part of the built-up area.

In terms of CA1, this represents the extent of the brownfield former ROF site. Whilst this clearly has a different local character to the surrounding area it is important to recognise that it falls within the Levels character area shown in the Sedgemoor Landscape Assessment. This again is important to acknowledge as the characteristics associated with the levels landscape will inform the type and form of any development within this area.

[Note: following discussion with the Applicant and the SDC Landscape Officer it was noted that the Applicant is using a 2032 baseline and therefore not focused on the patterns established by the ROF.]

The final designation is CA4 land to the south of the former ROF site. It is not immediately clear why this area has been identified separately or what the defining character is compared to the land immediately south of the Puriton to Woolavington Road. From the Landscape Assessment document, it would appear that this area forms part of the Polden Hills character area. Its physical characteristics are similar to the land to the south. It does not appear to be a distinct area in itself and it is suggested that this is deleted, and the area is included as CA7 Polden Hills.

It is sensible to have as much consistency as possible with the adopted Sedgemoor Landscape Assessment but if there is compelling evidence to suggest deviation from this then this should be set out clearly in the methodology.

[Note: following discussion with the Applicant and the SDC Landscape Officer it was agreed that certain character areas would be clarified and added to the key and text where relevant in the ES Chapter, Appendices and Figures.]

The suggested methodology as set out follows accepted best practice, but it is noted that due

to the scale of development and the uncertainties as to the phasing of development this does present challenges. Paragraph 14.8.2 expands on phasing but concludes that operational effects will be assessed at Year 1 and year 15. Given that the parameters plan identifies a single large building this would most likely be constructed as a single phase although ancillary uses and potential residential development might well be phased over a longer period. The main impact would likely to be an extended construction period and a delay in the establishment of any necessary landscape mitigation and the LVIA should acknowledge this."

The Council considers that further discussion with the SDC Landscape Officer regarding the above as part of the ES preparation would be helpful.

The Quantock Hills AONB Office responded to state that they had no comments to make on the ES Scoping Report.

Additional topics

The Risk of Major Accidents and/or Disasters

The Council agrees that the probability of natural disasters and major accidents can be scoped out of the ES. In respect of major accidents and disasters, those cited in the ES Scoping Report related to potential accidents during construction, a major flood event, road traffic accidents and pollution incidents. A clear cross-reference should be included in the ES to the relevant topic where the relevant information in relation to these potential risks are covered.

The inter-relationship between the above factors and cumulative effects

Consideration of the inter-relationship between the different aspects of the environments likely to be significantly impacted by the proposed development in the ES is a requirement of the EIA Regulations (regulation 4(2)(e)). Such inter-relationships arise where a number of separate impacts, e.g. noise disturbance, emissions to air, changes in hydrology, effect a single receptor such as fauna.

The LPA is of the view that the inter-relationship of different categories of impacts, and their implications for sensitive receptors must be assessed, if the EIA process is to address the environmental impacts of the proposal as a whole. Such an approach will help to ensure that the ESis not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development.

The Council agrees with the approach as set out in Section 6.2 of the ES Scoping Report regarding the 'Temporal Scope' of the EIA, in that approved developments (or those considered likely to have been approved and implemented by 2032) will be factored into the 2032 baseline, and therefore the assessment of likely significant cumulative effects with these developments will be covered by the assessment and will not be reported separately. Potential impact interactions will be assessed within each chapter of the ES to draw together the outcomes of individual topic assessments.

Alternatives

Schedule 4, paragraph 2 of the Town and Country Planning Environmental Impact Assessment

(England) Regulations 2017 requires that Environmental Statements should include an outline of the reasonable alternatives studied and an indication of the main reasons for choosing the selected option, with reference to the environmental effects. The Council welcomes the confirmation within Section 5.9 of the ES Scoping Report that the ES will fulfil the requirements of the EIA Regulations through identifying the reasonable alternatives considered, explain the main reasons for the choices made, and provide a comparison of environmental effects.

Sustainability and Energy

The Council agrees that Sustainability and Energy can be scoped out of the ES. It is noted that an Energy Strategy will be provided and submitted alongside the LDO.

Arboriculture

The Council agrees that Arboricultural Impacts can be scoped out of the ES. It is noted that a standalone Arboricultural Impact Assessment will be appended to the LVIA ES chapter.

GENERAL ADVICE

The Council wishes to take this opportunity to remind the Applicant of the following information set out in the 2017 EIA Regulations. The authority will assess the adequacy of any submitted Environmental Statement against these criteria:

- Regulation 18(3) provides a definition for the information that should be provided in an Environmental Statement;
- Regulation 18(4) sets broad parameters for the level of detail to be included;
- Regulation 18(5) sets out the requirements that ensure the completeness and quality of the information; and
- Schedule 4 sets out the requirements for the detail of the information on the characteristics of the proposed development that will need to be provided within the Environmental Statement.

If, at any time before the adoption of the LDO, the authority is of the opinion that the requirements of Regulations 18(3) and 18(4) cannot be satisfied without the ES being supplemented with additional information in order to reach a reasoned conclusion on the likely significant effects of the proposals, then the authority will require additional information to be provided ('further information'). Any such further information would form part of the ES.

Please note that this opinion is not an opinion confirming support or otherwise for the proposal and does not prejudice any future decision the Council may wish to make in relation to the LDO.

Should you wish to seek further clarification and assistance on the contents of this opinion please let me know.

Yours sincerely

Stuart Houlet

Assistant Director - Inward Investment and Growth

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LIST OF ALL CONSULTATION BODIES CONSULTED:

Ward Member

Parish Councils:

- Puriton Parish Council
- Woolavington Parish Council
- East Huntspill Parish Council

SDC contributors:

- Internal Rights of Way
- Environmental Health
- Economic Development
- Parks and Open Spaces
- Coastal and Land Drainage
- Landscape Officer
- Policy

External contributors:

- Natural England
- Historic England
- Environment Agency
- Highways England
- Network Rail
- Somerset Drainage Board
- Wessex Water
- National Grid
- Cadent Gas
- Somerset Wildlife Trust
- Somerset County Council:
    - County Highways (SCHW)
    - County Rights of Way (CROW)
    - SCC Ecology (SECO)

- SCC Lead Local Flood Authority
- SCC Archaeology
- SCC Economic Development
- SCC Waste and Minerals
- SCC Climate Change

AONB units:

- Quantock Hills AONB unit
- Mendip Hills AONB unit

LIST OF CONSULTATION BODIES WHO RESPONDED:

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- Economic Development
- Landscape Officer

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    - SCC Lead Local Flood Authority
    - SCC Archaeology

- SCC Waste and Minerals
- SCC Climate Change

AONB units:

- Quantock Hills AONB unit

LIST OF CONSULTATION BODIES WHO DID NOT RESPOND:

Ward Member

Parish Councils:

- Woolavington Parish Council
- East Huntspill Parish Council

SDC contributors:

- Internal Rights of Way
- Parks and Open Spaces
- Coastal and Land Drainage

External contributors:

- Somerset Drainage Board
- Wessex Water
- Somerset Wildlife Trust
- Somerset County Council:
  - SCC Economic Development

AONB units:

- Mendip Hills AONB unit