

SWT Councils opinion on whether changes to the West Monkton & Cheddon Fitzpaine Neighbourhood Plan are minor or material modification including if these are significant or substantial and reasons.

In line with the Planning Practice Guidance *the local planning authority must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons (Paragraph: 085 Reference ID: 41-085-20180222, Revision date: 22 02 2018)*. This document sets out Somerset West and Taunton Council's (SWT) opinion with regard to the Revised West Monkton and Cheddon Fitzpaine Neighbourhood Plan.

Introduction/Context:

There are 3 types of modification which can be made to a neighbourhood plan or order...

- *Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.*
- *Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan. [These SWT refer to as Material and Significant in the tables below]*
- *Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development. [These SWT refer to as Material and Substantial in the tables below]*

Paragraph: 106 Reference ID: 41-106-20190509

Revision date: 09 05 2019

SWT's option on whether changes are minor or material modifications including if these are significant, or substantial is listed in the first column after Objective or Policy text. For ease of reference, we have also included the Parish Councils opinion too.

Objectives

Objective Ref and whether changes are Minor/Significant/Substantial	Text Change	Reason
<p>(i) Housing Objective</p> <p><i>The NP area will see significant housing growth over the plan period. This is an opportunity to provide a range of property types at affordable prices with a particular emphasis to meet the housing needs of young and older people. This housing provision should include both affordable and market housing to ensure inclusive communities and allow people with local connections to return or remain as part of a growing community.</i></p> <p>SWT opinion - No Change to Objective</p> <p>NP Group opinion - Significant</p>	<p>No Change to Objective text</p> <p>Supporting text on what the Objective will promote, or support, has been amended.</p>	<p>Does not materially affect the Objective or the overall strategy of the NP. The Objective text is the same as the Original Made NP and the National and Local planning context has not changed in a way that effects this Objective.</p> <p>The supporting text has been amended to reference:</p> <ul style="list-style-type: none"> • changes to Building Regulations which support the move to Zero Carbon developments; • Future Homes Standard; • Delivery of community aspirations; • Community support for development; • Masterplans for development. <p>A definition of <i>promote</i> is <i>to support</i>. This additional text is clarifying what things will help support the delivery of the Objective.</p>
<p>(ii) Transport Objective</p> <p><i>To provide sustainable transport infrastructure to meet the existing and future travel needs of local people. This</i></p>	<p>Addition of text "...within new development and linking to the wider network beyond..."</p> <p>The supporting text has not changed.</p>	<p>Does not materially affect the Objective or the overall strategy of the NP. The additional text clarifies that a "...joined-up foot and cycle network..." should be within the development site and to the</p>

<p><i>will include a joined-up foot and cycle path network within new development and linking to the wider network beyond and improved public transport options to encourage bus and rail use.</i></p> <p>SWT opinion - Minor</p> <p>NP Group opinion - Minor</p>		<p>wider network. Which is explained by the supporting text.</p> <p>The supporting text to the Original Made NP Transport Objective, which is in the Revised NP, explains that the objective seeks to “...<i>encourage people to walk and cycle within the NP area, to destinations at the surrounding parishes and Taunton, such as the town centre and railway station, by providing a well-connected and convenient foot and cycle path network...</i>”</p>
<p>(iii) Employment Objective</p> <p><i>To bring an economic advantage to the NP area by encouraging a broad range of local employment opportunities, at a scale appropriate to the planned population growth.</i></p> <p><i>To create and maintain local jobs to allow residents to work as close as possible to where they live so as to encourage sustainable commuting, whilst at the same time preserving the rural character of the NP area</i></p> <p>SWT opinion - No Change to Objective</p> <p>NP Group opinion - Minor</p>	<p>No Change to Objective text</p> <p>Supporting text on what the Objective will help to do has been amended.</p>	<p>Does not materially affect the Objective or the overall strategy of the NP. The Objective text is the same as the Original Made NP and the National and Local planning context has not changed in a way that effects this Objective.</p> <p>Added to the supporting text is “...<i>encourage working from home where appropriate...</i>” This additional text is clarifying what will help deliver the Objective.</p> <p>The Original Made NP supporting text listed local employment opportunities which reduces commuting. Working from home is an example of reducing commuting for work purposes.</p>

<p>(iv) Recreation and Environment Objective</p> <p><i>To successfully accommodate the significant growth planned for the NP area by ensuring that sustainable places are created to support the provision of excellent community facilities for local people to enjoy, benefitting their health and well-being. Future developments must provide a high-quality mix of private and open space uses which meet local needs, including children’s play areas, sports pitches, allotments, and amenity green spaces which safeguard and enhance the natural environment by promoting connectivity for people and wildlife. The creation of sustainable places must also include measures to attenuate extreme rainfall events (which often adversely impact the NP area due to its position at the foot of the Quantock Hills) by working closely with partner organisations to reduce the overall flow of upstream floodwater down into the NP area and further downstream.</i></p> <p>SWT opinion - No Change to Objective</p> <p>NP Group opinion - No Comment</p>	<p>No Change to Objective text</p> <p>No Change to supporting text</p>	<p>Does not materially affect the Objective or the overall strategy of the NP. The Objective text is the same as the Original Made NP and the National and Local planning context has not changed in a way that effects this Objective.</p>
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Policies

Policies which remain unchanged

Policy Ref		
<p>E4: Social Care Employment Opportunities</p> <p>SWT opinion - No Comment as unchanged</p> <p>NP opinion - No Comment</p>	<p>No Change to Policy text</p>	<p>Does not materially affect the policies or the overall strategy of the NP. The policy text is the same as the Original Made NP and the National and Local planning context has not changed.</p>
<p>Policy R1: Dark Skies</p> <p>SWT opinion - No Comment as unchanged</p> <p>NP opinion - Significant</p>	<p>No Change to Policy text.</p> <p>Additional explanatory text specifying type of lighting "...should only be of warm white LED or other equivalent and lux levels...do not cause disturbance or prevent the use of those habitats..." and "...red lamps could also be used..."</p>	<p>Does not materially affect the policies or the overall strategy of the NP. The policy text is the same as the Original Made NP and the National and Local planning context has not changed. The addition of explanatory "what difference will it make text" clarifies the type of lighting supported by SCC ecologists.</p>

Minor (non-material) modifications which do not change the nature of the plan, for example: correcting errors, reference to a supporting document, changes to national planning policy framework or planning practice guidance.

Policy Ref and whether changes are Minor/Significant/Substantial	Text Changes	Reason
<p>Policy H1: Housing for Older People (Amended Policy)</p> <p>SWT opinion – Minor</p>	<p>Addition of bullet point referencing support for "supported-living accommodation"</p>	<p>Does not materially affect the policies or the overall strategy of the NP. The requirement to provide a percentage of dwellings for older persons within the development, subject to a viability</p>

<p>NP Group opinion - Minor</p>		<p>assessment, was in the Original Made NP text and remains in the Revised NP text. This allows applicants to justify why the policy doesn't apply. The addition of "supported living accommodation" is a clarification of the type of older persons accommodation that will be supported by the NP.</p>
<p>Policy H3: Refuse Bin Storage for Residential Development (Amended Policy)</p> <p>SWT opinion – Minor</p> <p>NP Group opinion - Minor</p>	<p>Addition of sentence "the store must be large enough to accommodate sufficient bins to fulfil the local recycling opportunities"</p>	<p>Does not materially affect the policies or the overall strategy of the NP. The requirement to provide a suitable storage for household refuse and recycling containers incorporated within the front of the dwelling/curtilage is in the Original Made NP. The text adds additional details to the existing policy for clarification to reflect current recycling practices in the area.</p>
<p>Policy H4: Affordable Housing (Amended Policy)</p> <p>SWT opinion – Minor</p> <p>NP Group opinion - Significant</p>	<p>Addition of sentence clarifying "viability assessments are only carried out on schemes where less than the policy requirement of 25% affordable housing...is being delivered" and encouragement of developers to "wherever practicable, to offer sites available for private self-build"</p>	<p>Does not materially affect the policies or the overall strategy of the NP. The Original Made NP refers to "viability considerations", which allows applicants to justify why the policy doesn't apply. The additional text adds clarification. It states the SWT position on when Viability Assessments are used.</p> <p>Encouraging developers to offer sites for <i>private self-build within a development area</i> does not alter the overall strategy of</p>

		the plan. The Original Made NP text encouraged “ <i>affordable self-build to meet local demand</i> ”.
<p>Policy E1: Starter Workshop Units</p> <p>SWT opinion – Minor</p> <p>NP Group opinion - Minor</p>	Change of use classifications from “B” to “E”.	Does not materially affect the policies or the overall strategy of the NP. It reflects the national changes to Use Classification brought in on 1 September 2020.
<p>Policy E2: Sustainable Diversification of Rural Buildings for other Employment Uses</p> <p>SWT opinion – Minor</p> <p>NP Group opinion - Minor</p>	Addition of reference to WM&CF NDP Policy R1 Dark Skies,	Does not materially affect the policies or the overall strategy of the NP. As the plan should be read as a whole this cross reference is only highlighting another policy in the plan, and a policy of which the text is the same as the Original Made NP .
<p>Policy E5: Wider Roll out of Broadband Connectivity</p> <p>SWT opinion – Minor</p> <p>NP Group opinion - Minor</p>	Additional text “...It is expected that all new dwellings will be supplied with fibre to the premises.”	<p>Does not materially affect the policies or the overall strategy of the NP. The Original Made NP policy, text which remains in the Revised NP is supportive of “<i>open access broadband infrastructure</i>”. The additional text clarifies the desire to see, but it is not a requirement to provide.</p> <p>It reflects TDBC CS Policy DM1 “...<i>The site will be served by utility services necessary for the development proposed, including high speed broadband connectivity...</i>” and NPPF (July 2021) para 144 “...<i>Planning policies and decisions should support the expansion of electronic communications networks,</i></p>

		including...full fibre broadband connections..."
<p>Policy R2: Green Space and Wildlife (Amended Policy)</p> <p>SWT opinion – Minor</p> <p>NP Group opinion - Significant</p>	<p>The Original Made NP Policy R2 "...New development must...provide net gains in biodiversity wherever possible...". The Revised Policy states "...wherever practicable..."</p> <p>Additional text "...Access to quality and interconnected green space must be provided in all new major developments..." and additional bullet point under <i>every opportunity will be taken to</i> "...Ensure that all new and existing green spaces achieve their full potential to accommodate habitat for pollinators and work towards the key objectives within the Somerset Pollinator Action Plan."</p>	<p>Does not materially affect the policies or the overall strategy of the NP. The Original Made NP text referred to "habitats and networks" and stated the policy was to be applied wherever possible.</p> <p>"practicable" means feasible or capable of being done; which allows applicants to justify why the policy doesn't apply.</p> <p>The definition of a "network" is something which is interconnected. The text "access to interconnected green space...in all new major developments..." is therefore the meaning as expressed in the Original Made NP.</p> <p>The Original Made NP referred to "new wildlife habitats". The reference to the Pollinator Action Plan reflects the SCC Ecological Services guidance with regard to opportunities for pollinator habitats as part of the green space within development sites.</p> <p>It reflects the NPPF (July 2021) para 98 "...Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the</p>

		<p>health and well-being of communities...” para 174 d) <i>“Planning policies and decisions should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...”</i> and para 179 <i>“To protect and enhance biodiversity and geodiversity, plans should:... pursue opportunities for securing measurable net gains for biodiversity...”</i> and para 180 <i>“...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity...”</i></p>
<p>Policy R3: Flood Attenuation (Amended Policy)</p> <p>SWT opinion – Minor</p> <p>NP Group opinion - Minor</p>	<p>Additional text “...seeks to achieve substantial environmental change, improved biodiversity, reduction in run-off from impermeable areas into combined sewers, amenity improvements and higher water quality...”</p> <p>Additional text “...Major development should holistically demonstrate environmental net gain...”</p>	<p>Does not materially affect the policies or the overall strategy of the NP.</p> <p>Additional text “..R3 seeks to achieve” sets out the aim of the policy which is reflected the Original Made NP Objectives which said future development must safeguard and enhance the natural environment, including:</p> <p><i>“...encourage all relevant stakeholders to make improvements of the surface water run-off systems to restrict flooding in the</i></p>

	<p>Additional text about the “<i>Taunton Strategic Flood Alleviation and Improvements Scheme</i>”</p> <p>Additional text of “...<i>residential extensions and renovations</i>” to the description of the type of planning applications water management elements of this policy applies to.</p> <p>Additional text on water management design features being supported for “...<i>residential extensions and renovations</i>...”</p> <p>Additional text that “...if they include water management design features, which have already proved to be effective in the buildings and public spaces of the same neighbourhood by minimising flooding, facilitating irrigation, and making habitats resilient against flooding and climate change...”</p> <p>Additional text “...Given the proximity of the RAMSAR sites on the Somerset Levels, compliance with Natural England’s phosphate’s planning advice will also be required...”</p> <p>Additional text “...developments that utilise nature-based solutions (soft</p>	<p><i>three main feeder brooks into the River Tone using recognised field work initiatives to restrict flows during periods of heavy rain.</i></p> <p><i>work with local upstream farming communities to help the Farming and Wildlife Advisory Group (FWAG) implement field work initiatives to reduce peak water flows across farmland.”</i></p> <p>The Original Made NP Policy R2 “...<i>New development must...provide net gains in biodiversity wherever possible</i>...”.</p> <p>Additional text “...<i>Major development should holistically demonstrate environmental net gain</i>...” does not materially affect the policies or the overall strategy of the NP. The Original Made NP Policy R2 said “...<i>New development must...provide net gains in biodiversity wherever possible...In particular, every opportunity should be taken to: Provide new wildlife habitats and networks which enhance and protect local watercourses for wildlife and flood attenuation purposes</i>”.</p> <p>This also reflects NPPF (July 2021) para 120 “<i>Planning policies and decisions should:... a) encourage multiple benefits</i></p>
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	<p>solutions) in preference to engineered solutions (hard solutions) wherever possible, including the following will be supported...”</p> <p>Additions to the list “nature-based” or “soft” solutions</p>	<p><i>from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside...”</i></p> <p>Additional text about the “<i>Taunton Strategic Flood Alleviation and Improvements Scheme</i>” does not materially affect the policies or the overall strategy of the NP. This is highlighting the Framework and Project Development Plan which was endorsed by SWT Full Council on 26 Feb 2020 (Item 138), a suite of strategic flood projects, some of which are within the NP Area. Projects TTC1, BP0 and BP2 are wholly or partially within the NP Area.</p> <p>It provides clarification on measures to meet the Original Made NP Recreation and Environment Objective which stated that “...<i>The creation of sustainable places must also include measures to attenuate extreme rainfall events (which often adversely impact the NP area due to its position at the foot of the Quantock Hills) by working closely with partner organisations to reduce the overall flow of upstream floodwater down into the NP</i></p>
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		<p><i>area and further downstream....” Which have endorsed by SWT.</i></p> <p>The additional text “...<i>residential extensions/renovations...</i>” does not materially affect the policies or the overall strategy of the NP. The statutory definition of ‘development’ which is set out in section 55 of the Town and Country Planning Act 1990 includes “<i>building operations</i>” which is defined as including “a) <i>demolition, b) rebuilding, c) structural alterations or additions to buildings...</i>” and those works which materially affect the external appearance of the building. The addition text is clarification that residential extensions and renovations (where they meet the S55 of the TCPA 1990 definition) are included under “New residential...developments” in the Original Made NP policy text. It is implicit in the Original Made NP.</p> <p>Additional text that “...<i>developments will only be supported if they include water management design features, which have already proved to be effective in the buildings and public spaces of the same neighbourhood by minimising flooding, facilitating irrigation, and making habitats resilient against flooding and climate</i></p>
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		<p><i>change...</i>” does not materially affect the policies or the overall strategy of the NP. The Original Made NP Policy R3 supported development that included measures to reduce flooding and specifically include sustainable water management. The additional text is clarifying that these types of measures will minimise flooding and make habitats resilient to flooding and climate change.</p> <p>Additional text “...phosphates planning advice...” does not materially affect the policies or the overall strategy of the NP. It is referencing advice received by the LPA since the Original NDP was Made. The Levels & Moors Ramsar is at risk from the effects of eutrophication caused by excessive phosphates from, amongst other things, new development within the catchment of the River Tone (which includes the NP Area). To address phosphates effecting the Somerset Levels and Moors Ramsar site nutrient neutrality is required to mitigate for impact. The additional text is clarification of this issue which has arisen since the Original Made NP, but such matters is implicit in Original Made NP Policy R2 which states that development must “...minimise impacts on biodiversity...”.</p>
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		<p>Additional text "...developments that utilise nature-based solutions (soft solutions) in preference to engineered solutions (hard solutions) wherever possible, including the following will be supported..." does not materially affect the policies or the overall strategy of the NP. The list in the Original Made NP contained natural solutions; the additional text is clarifying that these are preferred over hard engineered options.</p> <p>Additional text on SUD's does not materially affect the policies or the overall strategy of the NP. The Original Made NP referred to "...other rain water capture features...". SUD's are a water management measure that by infiltration, attenuation and/or evapotranspiration reduces the quality and quantity of run-off from developments. The additional text about ownership and maintenance reflects the current published West of England SUD's Guidance and develops from SCC's Taunton Surface Water Management Plan, 2013 and the emerging Design and Construction Guidance and Wessex Water SUD's Adoption Guidance.</p> <p>This policy links to TDBC CP CP8 "<i>The Borough Council will conserve and</i></p>
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		<p><i>enhance the natural and historic environment, and will not permit development proposals that would harm these interests or the settings of the towns and rural centres unless other material factors are sufficient to override their importance. Proposals that will have an adverse impact on Natura 2000 and Ramsar sites and/or features which provide ecological support for their conservation objectives will not be supported...Development sites will need to ensure that flood risk is not exacerbated from increased surface water flows by ensuring that existing greenfield rates and volumes are not increased off-site through the adoption of multi-functional SUDS. The Council will seek to reduce flood risk and mitigate for the impacts of climate change within Taunton Deane (and in particular the Taunton urban area) through the provision of a strategic flood attenuation scheme to which development sites will need to contribute...”.</i></p>
<p>Policy R4: Recreation and Community Facilities</p> <p>SWT opinion – Minor</p> <p>NP Group opinion - Minor</p>	<p>Additional text to list of recreational and community facilities to include: “...public open spaces...”</p> <p>Additional text “..or the improvement and enhancement of existing facilities which will continue to meet a local need...”</p>	<p>Does not materially affect the policies or the overall strategy of the NP. It provides calcification of the types of recreational and community facilities that development could support. The Original Made NP policy wording listed examples of open space to be provided that</p>

	<p>Additional text "...towpath improvements and enhanced linkages.." with regard to what improvements might include to the Bridgwater & Taunton Canal.</p> <p>Additional text "wheelchair accessibility wherever possible" in regard to rights of way.</p>	<p>"Subject to a viability assessment..." were "...to meet demonstrated local needs...". This remains in the Revised NP which allows applicants to demonstrate why the policy does not apply. This also reflects the TDBC CS Policy CP5 and TDBC SADMP Policy C2.</p> <p>The inclusion of "...or the improvement and enhancement of existing facilities which will continue to meet a local need..." does not materially affect the policies or the overall strategy of the NP as this the Original Made NP required "<i>new recreation and, or, community facilities...to meet demonstrated local need...</i>". The additional text clarifies that improvement of existing facilities is a way to address <i>identified need</i> stated in the Original Made NP policy text. This also reflects TDBC SADMP Policy C2</p> <p>The text about towpath improvements does not materially affect the policies or the overall strategy of the NP, as the Original Made NP listed examples of "...recreation and, or, community facilities..." including "...improvements along the line of the Bridgwater Canal...". It provides clarification that this is an area of an existing facility in the NP Area which can be improved. This also</p>
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		<p>reflects TDBC SADMP Policy ENV5 which requires development within the vicinity of waterways to “...a) <i>Improve public access to, along and from the waterway and improve the environmental quality of the waterway corridor..</i>”.</p> <p>The text “...<i>wheelchair accessibility wherever possible...</i>” does not materially affect the policies or the overall strategy of the NP, it provides clarity that this is an example of something that can improve the rights of way network.</p> <p>These additions reflect the NPPF (July 2021) para 98 “<i>Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities... Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate...</i>” and NPPF (July 2021) Annex 2 Glossary “<i>Open space: All open</i></p>
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		<p><i>space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity”</i></p>
<p>Policy R5: Local Green Spaces (Amended Policy)</p> <p>SWT opinion – Minor</p> <p>NP Group opinion - Minor</p>	<p>Deletion of following sites:</p> <ul style="list-style-type: none"> • Gadds Valley Local Nature Reserve • Green Triangle at Upper Cheddon <p>Addition of following sites as LGS:</p> <ul style="list-style-type: none"> • Green Triangle at Hobb Lane/Bridgwater Road • Green Triangle as part of Western Relief Road WRR construction at bottom of Yallands Hill A3259 	<p>Does not materially affect the policies or the overall strategy of the NP. It takes account of changes to an LPA designation (LNR) and ownership for the two deleted LGS’s and the two additions have been created as the TDBC CS allocation Monkton Heathfield Garden Town development area has been built out since the Original NP was Made.</p> <p>Gadds Valley Local Nature Reserve was de-designated by SWT in May 2019.</p> <p><i>“Notice is hereby given that, following the expiry of the Management Agreement between the former Taunton Deane Borough Council and the owner of the land, the Local Nature Reserve declared on 16 September 2010, comprising approximately 3.9 hectares of land situated at Gadds Valley, Cheddon Fitzpaine, Nr Taunton in the County of Somerset has been de-designated with immediate effect. There will be no public access to the site from 20 May 2019. TDBC Governance Manager”</i></p>

		<p>The policy change reflects the wishes of the current owners for it be de-designated LGS.</p> <p>“Green Triangle at Upper Cheddon” passed into private ownership May 2019. The policy change reflects the wishes of the current owners for it be de-designated LGS.</p> <p>The two new LGS are additional allocations to an existing list of LGS designations in the original NP. They have been constructed since the original NP was Made and are part of the building-out of the TDBC CS allocation Monkton Heathfield Garden Town development which is under construction. They do not alter the overall strategy of the plan.</p>
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Material modifications which are significant but do not change the nature of the plan

Policy Ref and whether changes are Minor/Significant/Substantial	Text Changes	Reason
<p>Policy R6: Trees and hedgerows (New Policy)</p> <p>SWT opinion - Significant NP Group opinion - Significant</p>	<p><i>“All new developments are required to include plentiful tree planting and subsequent care to ensure their establishment. Appropriate species should be used (native/British grown),</i></p>	<p>A Material modification which on its own does not change the nature of the NP, because although a new area of policy it provides addition detail to the Original Made NP Policy R2 which requires Major development to “...provide new green</p>

	<p><i>taking into account soil type and volume and the surrounding architecture.</i></p> <ul style="list-style-type: none"> • <i>Tree planting within the street scene, appropriate to the location and surrounding context, will be encouraged to support the climate change agenda wherever practicable or, if not possible, then compensatory planting should be done in the closest Public Open Space (POS). Trees should be planted to contribute to health and wellbeing of communities, support biodiversity and wildlife, and the 'grow and green' agenda.</i> • <i>When tree loss due to development is unavoidable, mature trees must be replaced 'like for like' wherever possible; regardless of the state of health of the tree unless the entire tree is declared dead by an arboriculturist. Policy ENV1 of the SADMP states that development which would result in the loss of Ancient Woodland or Aged/Veteran Trees will not be permitted. Where replacement is unavoidable, like for like species replacement is required, and the rate should be 3 for every 1 lost.</i> • <i>Trees and significant hedge and shrub masses should be retained and maintained in good order as an integral part of the design of the development</i> 	<p><i>space and wildlife areas...In particular every available opportunity will be taken to... Protect and create hedgerows, woodlands, individual specimen trees and orchards."</i></p> <p>The Revised NP Policy provides examples of the locations, spread, types and characteristic of trees to be planted in the context of the NP Area.</p> <p>It responds to NPPF (July 2021) para 131 "Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible ..."</p> <p>and para 180 "...c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists..."</p>
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	<p><i>except where their long-term survival would be compromised by their age or physical condition or there are exceptional and overriding benefits in accepting their loss. Trees and significant hedge and shrub plants lost to natural causes should be replaced by disease resistant strains to ensure the trees, shrubs or hedge mass are retained.</i></p> <ul style="list-style-type: none"> <i>• Where the loss of trees is accepted in these circumstances, developers will be required to provide at least equivalent replacement. The biodiversity enhancement required will be at least in accordance with the Environment Bill (2019 -2021). This should be provided on-site unless the developer can show exceptional circumstances which would justify replacement provision elsewhere. The DEFRA Biodiversity Metric 2.0 Calculation tool ‘... can measure the value of habitats ranging in scale from individual street trees and green roofs through to very important priority habitats.’</i> <i>• Re suitability of trees within the built environment, they should always complement the architecture, historic environment and the local landscape in the longer term. Colour of backdrop should also be taken into consideration</i> 	<p>It links to TDBC CS CP8 “...Development will need to mitigate and where necessary, compensate for adverse impacts on landscape, protected or important species, important habitats and natural networks...”</p> <p>TDBC SADMP Policy ENV1 “Development should seek to minimise impact on trees, woodlands, orchards, historic parklands and hedgerows of value to the areas landscape, character or wildlife and seek to provide net gain where possible. Where the loss is unavoidable, the works (or development) should be timed to avoid disturbance to species that are protected by law. Adequate provision must be made to compensate for this loss.</p> <p><i>Development which would result in the loss of Ancient Woodland, Aged or Veteran Trees will not be permitted. The proper management of this resource for nature conservation purposes will be sought.”</i></p> <p>However, a ratio for new or replacement trees or hedgerows is not specified in the TDBC CS or SADMP.</p>
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	<p><i>(for example a Birch will not be clearly visible against a light background). Given the local historic association with cider and perry making, apple and pear community orchards will be encouraged. Attention should be paid to the ratio of evergreen to deciduous trees on the street scene. Measures to counteract the effect of fallen leaves on drainage systems should be included.</i></p> <ul style="list-style-type: none"> • <i>Space should be allowed for newly planted trees to reach their full mature height and spread without causing nuisance or structural damage.</i> • <i>British grown trees should be purchased to reduce risk of importing diseases and remove the need to quarantine tree stock prior to planting. Tree and shrub planting should be plastic free i.e., no plastic tree guards and supports; biodegradable plastic is not acceptable as it takes too long to degrade. Tree stakes should be FSC certified wood. Where hedges are planted, some could be laid to provide variety in habitats and growth form. Management Companies should set up maintenance plans which secure the ongoing stewardship of trees.</i> 	<p>Policies cannot place an unjustifiable and disproportionate financial burden on development, if it did it would fail the test of reasonableness under NPPF (July 2021) para 50. The policy, as currently worded, includes a ratio for replacement trees of 3 to 1 however, this is a transposing error as the policy is quoting TDBC SADMP ENV2 which requires “...Adequate provision must be made to compensate for this loss...”.</p>
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Material modifications which are substantial and change the nature of the plan

Policy Ref and whether changes are Minor/Significant/Substantial	Text Changes	Reason
<p>Policy H2: External Materials for Residential Development (Amended Policy)</p> <p>SWT opinion - Substantial</p> <p>NP Group opinion - Significant</p>	<p>Addition of text requiring development materials to be “of high quality, energy efficient, climate resilient and sustainable which maximise a) opportunities to reduce embodied carbon (e.g., through re-use and individual material properties and provenances), and b) carbon storing potential of buildings (e.g., through building with biomass)”</p>	<p>A Material modification which changes the nature of the NP, because it adds a new area of policy to the Revised NP: <i>energy efficient and climate resilient design</i>.</p> <p>It reflects SWT Climate Positive Planning Interim Statement and TDBC Core Strategy Policy DM5, which requires “<i>all development, including extensions and conversions, to incorporate sustainable design features to reduce their impact on the environment, mitigate and adapt to climate change, and particularly help deliver reduction in CO2 and other greenhouse gas emissions</i>”.</p> <p>It responds to the NPPF (July 2021) para 126. <i>The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve...</i> and para 153. <i>Plans should take a proactive approach to mitigating and adapting to climate change...Policies should support appropriate measures to ensure the future resilience of communities...</i>” and</p>

		<p>para 154. <i>“New development should be planned for in ways that..can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.</i></p> <p>Although it reflects national and local planning policy, it is a new policy area for the NP and therefore a Material modification which changes the nature of the NP.</p>
<p>H5: Building and Climate Change (New Policy)</p> <p>SWT opinion – Substantial</p> <p>NP Group opinion - Substantial</p>	<p>“Building styles and materials that address the climate change emergency should be included in all new builds and extensions/restorations. Highly Energy Efficient Buildings Development proposals should demonstrate that the proposed buildings will show on performance monitoring a net emission rate of zero or below or are proposed to be certified by a quality regime, e.g., Passivhaus.</p> <p>Measures which reduce Carbon Emissions will be supported, having regard to feasibility and viability (Key Criterion Buildings Regs Part L):</p> <p>Development should consider:</p>	<p>A Material modification which changes the nature of the NP because it adds a new area of policy to the Revised NP: <i>Measures, design and materials, that reduce carbon emissions.</i></p> <p>The policy supports, subject to a viability assessment, measures which address the climate emergency.</p> <p>It reflects SWT Climate Positive Planning Interim Statement which supports TDBC Core Strategy Policies CP1, CP8 and DM5. CP1 requires <i>“proposals should result in a sustainable environment, and will be required to demonstrate that the issue of climate change has been addressed...[including] protection of the</i></p>

	<ul style="list-style-type: none"> • The orientation, massing and landscaping of buildings wherever practicable to ensure maximum solar gain in line with NPPF and DM5; roof structures designed to accommodate PVs without need for additional structural reinforcement (NB while solar panels offer a feasible and viable means of achieving emissions-reduction targets, strategies to maximise solar gain should also include strategies to avoid overheating). • A fabric-first approach to efficiency is more beneficial in reducing carbon emissions and reducing fuel poverty than just solar panels and direct electric heating; external materials and extra insulation to increase energy efficiency should make maximum possible use of sustainable modern technologies. • Increasing water resilience in dwellings by use of systems that reduce water consumption and allow for the re-use of rain water; any measures which enhance the environment and make more of managing our water, e.g. reducing the water footprint or increasing water efficiency in conformity with the 	<p><i>quality, quantity and availability of the water resource... Incorporation of measures which promote and enhance the resilience of ecosystems and biodiversity networks... minimise and mitigate the risks to the development associated with expected climate change impact...</i> and view favourably <i>“development of renewable and low carbon sources of energy”</i>. CP8 requires development to <i>“protect habitats and species, including those listed in UK and Local Biodiversity Action Plans, and conserve and expand the biodiversity of the Plan Area”</i>; and DM5 requires <i>“all development, including extensions and conversions, to incorporate sustainable design features to reduce their impact on the environment, mitigate and adapt to climate change, and particularly help deliver reduction in CO2 and other greenhouse gas emissions”</i>.</p> <p>It responds to the NPPF (July 2021) para 148 states: <i>“The planning system should support the transition to a low carbon future in a changing climateIt should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions”</i>; para 153. <i>“Plans should take a proactive approach to mitigating and adapting to climate</i></p>
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	<p>national BR optional requirement of 110 litres per person per day (see ‘Buildings Regulations Approved Document G – Hot Water Safety, Efficient use of Water within a Property and Sanitary Conveniences Including Washing Facilities and Food Preparation Areas’, which addresses the water supply and flow within a property).</p> <ul style="list-style-type: none"> • Heating from low-carbon and renewable reductions, e.g., air, water, and ground source; biomass as a low-carbon source of heat; energy-efficient boilers; district heating schemes; site-wide solutions across areas such as the urban extensions. • Provision of accessible electric charging points for all new dwellings and appropriate infrastructure in the public realm. • Power generation from on-site renewable sources. • Inclusion of green roofs, walls, and other similar measures where appropriate. • Following any ecological survey identifying key species at risk, the ‘building-in’ of permanent biodiversity measures designed to support their 	<p><i>change...Policies should support appropriate measures to ensure the future resilience of communities...</i>” and para 154. “<i>New development should be planned for in ways that..can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards...</i>” and para 157 states: “<i>In determining planning applications, local planning authorities should expect new development to... take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption</i>”... and para 170, policies and decisions should “<i>[prevent] new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality...</i>”</p> <p>The National Design Guide: Section R1 refers to implementation of an energy hierarchy and strategies to minimise energy use and carbon emissions.</p>
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	<p>retention and re-establishment, e.g., bee bricks and swift boxes.”</p>	<p>The PPG states that “<i>when setting any local requirement for a building’s sustainability... [they are expected]...to do so in a way consistent with the government’s zero carbon buildings policy and adopt nationally described standards</i>” (Reference ID: 6-009-20150327)</p> <p>It also links to measures required to address the unfavourable condition of the Somerset Levels and Moors Ramsar Site (Natural England Letter to SWT 17 August 2020) which requires consideration of phosphate impact of development within the catchment of the River Tone as part of the determination of planning applications. Phosphates on the Somerset Levels and Moors Ramsar Site requires nutrient neutrality of certain types of developments to protect the ecology of the Somerset Levels and Moors Ramsar Site</p> <p>It also reflects The Somerset Climate Emergency Strategy (SCES) and SWT’s CNCR Action Plan which clearly identify the importance and scale of the issue relating to the retrofit of existing buildings across the district as part of targets to achieve carbon neutrality. There are</p>
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		<p>limited opportunities for the Council to influence the improvement of existing buildings, but planning applications for the conversion or extension of them is one. In addition the SCES and the Council's CNCR Action Plan identify projected local risks associated with climate change including that of drought and water stress.</p> <p>In addition, it reflects The Somerset Parking Strategy 2013 which expects: All new dwellings to include a 16 amp electric vehicle charging point, in garages or car ports or through shared charge points; and All new non-residential developments (50+ car parking spaces), to include 16 amp electric vehicle charging points in 2% of spaces (rounding down). The Somerset Councils have developed a Somerset EV Charging Strategy</p> <p>Although it reflects national and local planning policy, it is a new policy area for the NP and therefore a Material modification which changes the nature of the NP.</p>
<p>Policy T1: Developing a comprehensive and high-quality cycle and footpath network. (Amended Policy)</p>	<p>Addition to first sentence "...<i>meet our goal to provide fully integrated walking and cycling networks which are user friendly for all with wheelchair access</i></p>	<p>Although the majority of the additional policy text is a clarification, the requirement on the delivery of walking and cycling routes in Major developments</p>

<p>SWT opinion – Substantial</p> <p>NP Group opinion - Significant</p>	<p><i>included; to ensure they provide door to door connectivity within new developments and to key destinations such as education, workplaces and retail; lit in accordance with the Dark Skies Policy R1; in place before or soonest after first occupancy in the case of new developments.”</i></p> <p>Addition of “waterways” to list of examples of places footpaths and cycleways should link to.</p> <p>Additional bullet point requiring “Providing secure, easy to use covered cycle parking at public places...”</p> <p>Addition of sentence referencing parking standards in TDBC SADMP appendix E</p>	<p>is a Material modification which changes the nature of the NP because it adds a new requirement on development: timing of walking and cycling infrastructure.</p> <p>The first part of the revised sentence “...fully integrated walking and cycling networks...” and “...door to door connectivity to key destinations...” does not materially affect the policies or the overall strategy of the NP as it reflects the Original Made NP Transport Objective (Pg.27) “a joined-up foot and cycle path network within new development and linking to the wider network beyond and improved public transport options to encourage bus and rail use” which is also retained the Revised NP Transport Objective (Pg.28).</p> <p>It responds to NPPF (July 2021) para 150 “Planning policies should... provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)...” and TDBC CS Policy CP8 “A network of green infrastructure assets has been identified and should be retained and enhanced, including through the development of green wedges and corridors as envisaged through the</p>
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		<p><i>Taunton Deane Green Infrastructure Strategy...a country park...as an integral part of the urban extensions at Monkton Heathfield and Nerrols” as well as the Taunton Cycling Walking Infrastructure Plan and SCC Future Transport Plan which seeks to “support the provision of appropriate and well connected cycling facilities” and “...help people make more trips on foot...”</i></p> <p>The words “...with wheelchair access included...” in reference to the footpath and cycle network, does not materially affect the policies or the overall strategy of the NP, it provides clarity that this is an example of something that will “...Provide safe and convenient public cycle and footpaths...”</p> <p>It reflects NPPF (2021) Para 130 “<i>Planning policies and decisions should ensure that developments:...f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...</i>” and Central Government guidance Manual for Streets II (2010) which advises on the application of the national policy and includes information on width,</p>
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		<p>gradient and crossways of paths suitable for wheelchair users.</p> <p>Additional text requiring walking and cycling routes to be “...<i>in place before or soonest after first occupancy in the case of new developments...</i>” is a new requirement that was not in the Original made NP and as such is a Material modification which changes the nature of the NP.</p> <p>This may place an unjustifiable and disproportionate financial burden on all scales of development and would therefore fail the test of reasonableness (NPPF (July 2021) para 50). It may not be feasible on major development or allocations where the site is built-out over a long period and occupancy of early phases may begin long before the entire development is completed. As currently worded, it is an additional requirement on development.</p> <p>The addition of “waterways” does not materially affect the policies or the overall strategy of the NP it clarifies that this is an element of the existing open space, footpath and cycle network within the NP Area.</p>
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		<p>This reflects NPPF (July 2021) Annex 2 Glossary which referenced areas of water as “...open space of public value...” and TDBC CS Policy CP8 “A network of green infrastructure assets has been identified and should be retained and enhanced, including through the development of green wedges and corridors as envisaged through the Taunton Deane Green Infrastructure Strategy...a country park...as an integral part of the urban extensions at Monkton Heathfield and Nerrols”.</p> <p>Text about “...secure, easy to use covered cycle parking at public places...” does not materially affect the policies or the overall strategy of the NP it clarifies that this is part of safe and convenient integrated cycle connections.</p> <p>All of the amendments listed above also respond to NPPF (July 2021) para 150 “Planning policies should... provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)...” and reflect TDBC CS Policy CP6 and TDBC SADMP A3 CP6: “Development should contribute to...Improving accessibility by public</p>
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		<p><i>transport, cycling and walking to key destinations...</i> and <i>“Managing public and private car parking”</i>, as well as A3 <i>“...New development...where relevant should provide for: A. On and off-road cycleways...C. Convenient and secure cycle parking facilities...”</i> and SCC Future Transport Plan which seeks to <i>“support the provision of appropriate and well connected cycling facilities...”</i></p> <p>In addition, the above is a local response to NPPF (July 2021) para 92 <i>“Planning policies and decisions should aim to achieve healthy, inclusive and safe places which...c) enable and support healthy lifestyles...for example through...layouts that encourage walking and cycling”</i>, Para 130. <i>“Planning policies and decisions should ensure that developments:...f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...”</i>.</p> <p>Reference to the WM&CF NDP Policy R1 Dark Skies, does not materially affect the policies or the overall strategy of the NP. R1 is an existing policy, and the Original Made NP wording has remained the same in the Revised NP.</p>
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		<p>Text referencing TDBC SADMP Appendix E Parking Standards which is linked to SADMP Policy A3 does not materially affect the policies or the overall strategy of the NP, it references the LPA standards which promote measures to reduce car use and promote walking and cycling.</p>
<p>Policy E3: Retain Existing Employment Land/Buildings for Employment Usage</p> <p>SWT opinion - Substantial</p> <p>NP Group opinion - Minor</p>	<p>Additional text “...<i>demonstration of the marketing strategy used and results obtained...</i>” and “...<i>If purely due to location, where practicable an equivalent area of similar use employment land could be relocated within the NP area...</i>”</p>	<p>The additional text about viability assessments does not materially affect the policies or the overall strategy of the NP, as it provides clarification to the Original Made NP policy text. However, the criteria to consider if “...<i>an equivalent area of similar employment land could be relocated within the NP area...</i>” is a Material modification which changes the nature of the NP because it adds a new criterion to be assessed and balanced when making a planning application decision, that was not in the Original Made NP.</p> <p>Additional text “...<i>demonstration of the marketing strategy used and results obtained...</i>” does not materially affect the policies or the overall strategy of the NP, as it clarifies that the applicant should explain the viability and marketing used. The Original Made NP policy text</p>

		<p>included a requirement for viability and marketing which remains in the Revised NP.</p> <p><i>Additional text "...If purely due to location, where practicable an equivalent area of similar use employment land could be relocated within the NP area. Evidence of need should be provided..."</i> is a Material modification which changes the nature the policy or the overall strategy of the NP. It is a new criterion to be considered when making a planning application decision.</p> <p>The definition of practicable is <i>able to be done or put into practice successfully</i>.</p> <p>Policies cannot place an unjustifiable and disproportionate financial burden on development, if it did it would fail the test of reasonableness under NPPF (July 2021) para 50.</p> <p>The existing requirement in the Original Made NP to provide viability assessment, marketing strategy and evidence that the employment land or buildings is no longer needed would provide the information on whether there is no need due to location.</p>
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		<p>As the policy states "...will not normally be supported unless..." the additional text "...where practicable an equivalent area could be relocated..." may be an example of where the NP would support the loss of employment land or buildings. However, it could also be read as a requirement.</p> <p>TDBC CS and SADMP permits loss of employment land where there is evidenced it is no longer be required. It does not require replacement provision to be provided.</p> <p>TDBC CS Policy CP2 "...Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site..." this aims to retain existing employment provision and allocations in the urban areas to provide local opportunities for employment and economic growth and to react to changing economic requirements. It is acknowledged that a range and choice of sites are needed to provide a balanced and diverse employment base, to assist self-containment, to ensure space is</p>
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		<p>available for all employment sectors with a range of size, quality and cost, to provide opportunities for existing firms to expand and new businesses to start up, to provide local employment opportunities within urban extensions and for a range of tenure opportunities. An element of flexibility is required to enable change of use if overriding benefits would result, such as other forms of employment generation (excluding retail), subject to consistency with other national and local policies. Where unsustainable historic allocations or unimplemented permissions exist, these may not be renewed unless there is an identified wider need or justification for retention. The applicant needs to provide evidence that existing employment buildings, land or allocations is no longer required. SWT published an Employment, retail and leisure study dated Oct 2018 which included a review of the TDBC CS allocations. A new SWT Economic Needs Assessment (May 2021) was commissioned to inform decision making and plan making with regard to the type, scale and mix of employment sites and premises needed to accommodate the net changes in the economy. The SADMP Policy EC1 provides flexibility to allow some other types of employment</p>
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		<p>generating uses in existing employment areas.</p> <p>The NPPF (July 2021) para 123 states that LPA's "...<i>should support proposals to...use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors</i> [and where it is not an allocated site]...".</p>
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January 2022

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