

Somerset West and Taunton

West Monkton & Cheddon Fitzpaine Revised Neighbourhood Plan SWT Council Regulation 16 Representation

West Monkton and Cheddon Fitzpaine Parish Councils are the first in the Somerset West and Taunton (SWT) are to undertake a neighbourhood plan review. It is clear from the documents that a great deal of thought and time has been invested in this revised neighbourhood plan.

The following comments and observations are provided from different specialisms within SWT. It is possible that different specialists will take varying, perhaps opposing, views on the same topic or policy. We have endeavoured to balance those observations with the legislative context of neighbourhood planning and the neighbourhood planning guidance issued.

As throughout the development of the Neighbourhood Plan (NP), SWT's representation is intended to help the Parish Councils to secure a legally compliant NP that meets their objectives for development and their vision for the future of their NP Area.

General:

The NPPF and PPG get revised at intervals and it's not uncommon for changes to paras and references between various stages of the neighbourhood plan process. All references will need to be updated before the Plan is Made.

Vision:

No comments

Objectives:

We note that there is no change to the Housing, Employment and Recreation Objectives. We support these Objectives and have no specific detailed comments to make on the text. We note that some additional explanation has been provided to the supporting text to highlight or clarify the type and range of things that may help support or deliver the objectives.

Transport Objective has addition of text which clarifies that a sustainable transport network is one that is joined up and takes note of existing networks, and SWT would suggest proposed networks, outside of the development boundary. SWT suggest this is in keeping with 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)...*". The NP Objective is also supported by [TDBC CS Policy CP6](#) and [TDBC SADMP A3](#) which seeks to encourage cycling and walking to key destinations through routes and facilities, as well as the [Taunton Cycling Walking Infrastructure Plan](#) and the [SCC Future Transport Plan](#) which seeks to support the provision of appropriate and well connected cycling facilities and journeys on foot.

Policies:

E4 Social Care Employment Opportunities and R1 Dark Skies

We note two policies have remained unchanged, E4 Social Care Employment Opportunities and R1 Dark Skies. We support these Policies and have no specific detailed comments to make on the text. We note that additions to the supporting text of R1 provides some clarity on the types of lighting supported by the SCC Ecological Services Team, whom SWT seek specialist advice from with regard to policies and the determination of planning applications.

The other policies are taken in the order they appear in the Revised Neighbourhood Plan (NP).

H1: Housing Suitable for Older People

SWT supports this policy which has been amended to include support for supported-living accommodation for older persons. We suggest this in keeping with [TDBC CS Policy CP4](#) which seeks a range of housing tenures to meet identified need. The latest SWT Local Housing Needs Assessment, by Opinion Research Services, published in August 2021, identified that the only age range that will increase will be those over 65, and within that category those over 85 years of age will more than double by 2040. The c.85% of households over 65 are single or couples without children, and 80% of single person households are those over the age of 85.

In addition to an increase in 1 and 2 bed households, partly to accommodate a growing elderly population who wish to stay in private or affordable homes, the LHNS identified that the District will be require an additional 3,705 units of Specialist Older Persons housing by 2040. We support that H1 is subject to a viability assessment.

H2: External Materials for Residential Development

SWT supports the principal of this policy which has been amended to include reference to energy efficient and climate resilient design and materials, whilst retaining original reference to locally distinctive materials. High quality design which appropriately responds to the distinctive local context whilst delivering modern, energy efficient and climate resilient design reflects [NPPF \(July 2021\)](#) para 126 *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve... and para 153 “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...” and para 154. “New development should be planned for in ways that...can help to reduce greenhouse gas emissions, such as through its location, orientation and design...”* It is also in conformity with [SWT Climate Positive Planning Interim Statement](#) and [TDBC Core Strategy Policy DM5](#), which requires *“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”*.

H3: Refuse Bin Storage for Residential Development

SWT supports this policy which has been amended to reference current Somerset Waste Partnership recycling practices in the NP Area.

H4: Affordable Housing

SWT support the principal of this policy which has been amended to expand information on viability assessments and self-build. Both viability and self-build were previously mentioned in the policy. The statement “viability assessments are only carried out on schemes where less than the policy requirement of 25% affordable housing...is being delivered” reflects current practice SWT and policy which may be subject to change in the future. It may be more appropriate to move that sentence to the supporting text, so that if SWT practice changes (either in terms of percentage of affordable housing required or when we require viability assessments

are needed) NP Policy H4 does not risk being out-of-date. As the original policy text remains and makes reference to viability assessments these would still be required. SWT supports the inclusion of encouraging developers to provide market self-build plots within a development. The SWT Register of Interest for Self-Build and Custom-Housebuilding shows that there is a small need for such residential development within the NP Area. However, SWT is aware that the Register may not fully reflect the latent demand for Self-Build and there may be other persons and groups looking to undertake such a project.

In December 2021 a new tenure of Affordable Housing came into being, First Homes. Introduced by [Ministerial Statement on 24 May 2021](#), as of 28 Dec 2021 it required a minimum of the first 25% of affordable housing units to be discount market properties. After this the affordable mix should be as set out in the LPA's DPD (TDBC CS Policy CP4 60% social 40% intermediate). The NP policy asks for 80%/20% split "*where there is evidence to support this*". In line with [PPG Paragraph: 018 Reference ID: 70-018-20210524](#) the NP policy does not have to reflect first home because it reached publication stage (Reg14) before 28 June 2021 and subsequently submitted for examination (Reg15) before 28 December 2021. The Parish Councils should note however that First Homes will still apply in the NP Area but will not be a requirement of Rural Exceptions Sites. The NP policy could therefore still be achieved on Rural Exception sites, and for other development sites there would be 25% First Homes and then the possibility of the remainder being Social Rent or the remaining 75% of affordable housing mix being achieving 80% Social Rent 20% Intermediate, subject to viability.

H5: Building and Climate Change

This is a new policy area for the NP. SWT support the principal of a policy which looks to build on general principles of [TDBC CS DM5](#) to deliver significant carbon reductions from new developments and for the urban extensions (now garden communities) to meet higher carbon reduction standards. However, there are elements of the policy which may not meet the Basic Conditions as currently drafted.

We note the inclusion of the line "*...having regard to viability and feasibility: development should consider...*" in the second paragraph which allows for applicants to demonstrate why it would not be appropriate to apply this policy. For example: Listed Buildings, those in Conservation Areas and Scheduled Monuments where compliance with the energy efficiency requirements would unacceptably alter their character or appearance, or on development sites with significant issues or constraints such as contamination, topography or flooding.

SWT suggest that the first paragraph could benefit from being clearer. Perhaps something like *“New development, including extensions and restorations, should include appropriate measures, through both design and materials, that address the climate change emergency. [footnote that SCC, SWT have declared a Climate Emergency and the two Parishes support measures to address the Climate Emergency] Development should provide information on performance and certification of energy efficient measures used. Proposals that are highly efficient and those which move towards zero carbon emission buildings will be supported.*

SWT appreciates that for a policy to be most effective it should be specific. However, in the detailed wording the policy needs to be mindful of matters outside the remit of planning and advice issued by the Secretary of State. In this instance we suggest reference to the Building Regs documents G and L should be in the supporting text and not the policy. Text stating *“in line with the NPPF and DM5”* is implicit by the fact that the NP should be read in the context of those documents and be broadly in conformity with them, so it doesn't need to be explicitly stated in the Policy. It also risks the NP Policy being out-of-date when SWT sets our standards in a new Local Plan.

The policy is looking to respond to [NPPF \(July 2021\)](#) para 148 *“The planning system should support the transition to a low carbon future in a changing climate....It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions”*; para 153 *“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...”* para 154 *“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...”* para 157 states: *“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”... and para 170, policies and decisions should “[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...”*

It attempts to reflect [SWT Climate Positive Planning Interim Statement](#) which supports [TDBC Core Strategy Policies CP1, CP8 and DM5](#). CP1 requires *“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 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...” and view favourably “development of renewable and low carbon sources of energy”. CP8 requires development to “protect habitats and species, including those listed in UK and Local Biodiversity Action Plans, and conserve and expand the biodiversity of the Plan Area”; and DM5 requires “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”.

It also links to 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.

The Policy seeks to respond to [The Somerset Climate Emergency Strategy](#) (SCES) and [SWT’s CNCR Action Plan](#) which 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 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.

In addition, the Policy 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](#)

T1: Developing a comprehensive and high-quality cycle and footpath network

SWT support the principal of this policy which has been amended to reference an integrated cycle and footpath network (including those along the waterways) within new development and which is mindful of key designations in the wider NP Area as well as linkages into the existing and future planned networks; and the facilities needed to support this. However, there are elements of the policy which may not meet the Basic Conditions as currently drafted.

The principals of an integrated network and cycling facilities conforms with 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)...*”. It links with 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...*” and Central Government guidance [Manual for Streets II \(2010\)](#) advises on the application of the national policy and includes information on width, gradient and crossways of paths suitable for wheelchair users.

In addition, the Original Made NP Policy implied a network in the text “*...convenient public cycle and footpaths which connect with existing foot and cycle networks within the NP area and which also link into cycle and foot networks adjoining the NP area...*”, this text has carried forward to the Revised NP.

The amended text adds the “*...waterways...*” to the list of key destinations within the NP Area and amends green wedge to “*...Green Necklace...*”. NPPF (July 2021) Annex 2 Glossary references areas of water as “*...open space of public value...*” and the policy links to [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...*”. Whilst the Green Necklace is mentioned in TDBC CS Policy SS1 as the multi-purpose space of *landscape and public open space surrounding the settlement providing allotments, outdoor recreation and wildlife habitat... offset woodland habitat...*” and buffer planting between the Garden Town development and the M5, SWT suggest that reference to the Green Wedge should also remain as this is an existing designation that the “Green Necklace” and Country Park will fall within.

Policies should pass the test of reasonableness ([NPPF \(July 2021\) para 50](#)). In that regard SWT is mindful that the additional sentence “*...in place before or soonest after first occupancy in the case of new developments.*” may not be feasible on major development or allocations, for example where the site is built-out over a long period of time and occupancy of early phases may begin long before the entire development is completed. Policies must not place an unjustifiable and disproportionate financial burden on development. SWT therefore suggest that the Policy may need to include a sentence that recognises this, for example: “*...at the earliest opportunity...*” or “*...where feasible...*”.

E1: Starter Workshop Units

SWT support the updating of this policy to reference the national changes to Use Classification brought in on 1 September 2020.

E2: Sustainable Diversification of Rural Buildings for other Employment Uses

SWT understand why they have drawn attention to another policy in the Revised NP. However, as the Plan should be read as a whole cross-referencing other policies is not necessary.

E3: Retain Existing Employment Land/Buildings for Employment Usage

SWT understand the desire of the Parish Councils to ensure there is adequate employment land available for businesses in the NP Area. However, there are elements of the policy which may not meet the Basic Conditions as currently drafted.

This revised policy is in some way influenced by a decision by the then TDBC to release some of the employment land within the TDBC CS allocation SS1, land south of Manor Farm, Langaller, for residential use. In order to address the shortfall in housing delivery at Monkton Heathfield Garden Town development, and delivery issues around employment land, TDBC resolved to release some of the Employment land, south of Manor Farm, Langaller for residential use including affordable housing and the delivery of significant areas for green infrastructure.

The NP Policy states loss of employment land "...will not normally be supported unless..." the additional text "...where practicable an equivalent area could be relocated..." may be seen as an example of where the NP would support the loss of employment land or buildings. However, it could also be read as a requirement. If a requirement the text "...*If purely due to location, where practicable an equivalent area of similar use employment land could be relocated within the NP area...*" could be seen as onerous and may make a development, particularly small-scale development, unviable. 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\)](#).

SWT suggest that the policy also needs to be mindful that circumstances change and therefore an element of flexibility is required. The [Employment Retail and Leisure Study \(October 2018\)](#) identified that overall there was a surplus of identified employment land, but also highlighted that there is an ongoing demand for smaller scale employment sites aimed at the local market. 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 going forward.

[TDBC CS Policy CP2](#) states that loss of employment 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. SWT would require as part of a planning application evidence that the employment use or land allocation was no longer appropriate or required for other employment generating uses before being released for non-employment generating uses. The SWT Policy does not require replacement provision. The [SADMP Policy EC1](#) provides flexibility to allow some other types of employment generating uses in existing employment areas, these may not be the traditional employment use classifications (for example: C2A Secure Residential Institution).

Within the Monkton Heathfield Garden Town development (strategic allocation [TDBC CS Policy SS1](#)) land swaps could occur that, overall, would still provide the same quantum of overall land uses; subject to that employment use or new employment generating uses being required. The NP policy could support a land swap where a more appropriate location is identified for employment and where evidence supports this.

E5: Wider Roll out of Broadband Connectivity

SWT support this policy which includes additional text clarifying that the Parish Councils expect “...*all new dwellings will be supplied with fibre to the premises.*”. This reflects TDBC [CS Policy DM1](#) “...*The site will be served by utility services necessary for the development proposed, including high speed broadband connectivity...*”. It is consistent with [NPPF \(July 2021\)](#) para 144 “...*Planning policies and decisions should support the expansion of electronic communications networks, including...full fibre broadband connections...*”

R2: Green Space and Wildlife

SWT support this policy. The additional text “...access to quality and interconnected green space...” reflects the Original Made NP Objective, which is carried forward in this Revised NP. The additional text in bullet point 1 and 3 adds examples of ways green space can be interconnected and provide net biodiversity gains.

It is in conformity with 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 health and well-being of communities...”, para 174 d) “*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...*” and para 179 “*To protect and enhance biodiversity and geodiversity, plans should:... pursue opportunities for securing measurable net gains for biodiversity...*” and para 180 “...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...”. It also reflects [TDBC CP CP8](#) “*The Borough Council will conserve and enhance the natural and historic environment...*” which continues “*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...*”.

R3: Flood Attenuation

SWT support the principal of a Flood Attenuation Policy.

The addition of text referencing the Taunton Strategic Flood Alleviation and Improvement Scheme (TSFAIS) is welcome. 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. The scale of these projects means they are being delivered by SWT in partnership with EA and other agencies/organisations. There will be further detailed work as each individual project within the TSFAIS is taken forward.

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...” references 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...*”. Sustainable water management solutions for development sites and wider River Tone catchment (which the NP Area is within) and improvements to biodiversity are integral to the reduction of phosphates entering the Levels & Moors Ramsar.

The expansion of the types of “soft” or natural flood management solutions, and statement that they would be preferred, is building on the list of examples of such measures in the Original Made NP. In addition the 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](#).

The inclusion of “...*residential extensions/renovations...*” is implicit in the Original Made NP. The statutory definition of ‘development’ which is set out in [section 55 of the Town and Country Planning Act 1990](#) includes “*building operations*” which is defined as including “a) *demolition, b) rebuilding, c) structural alterations or additions to buildings...*” 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 and therefore require planning permission) are included under “New residential...developments” in the Original Made NP policy text.

Policy R3 reflects [NPPF \(July 2021\)](#) para 120 “*Planning policies and decisions should:... a) encourage multiple benefits 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...*” and links to [TDBC CP CP8](#) “*The Borough Council will conserve and 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...*”.

For consistency across the NP Policies SWT suggest any “ref” should appear as a footnote to the Policy or be explained in the supporting text (i.e. “*ref leaky damb...FWAG at Allens Brook*”, “*ref. www.susdrain.org*”.

SWT suggest that the first sentence is a statement about what the policy is seeking to do and therefore should go in the supporting text. The fourth paragraph which starts “New residential developments...” sets out how the substantial environmental change, improved biodiversity, reduction in run-off from impermeable areas into combined sewers, amenity improvements and higher water quality will be achieved.

As the NP should be read as a whole SWT suggests that the second paragraph sentence on environmental net gain is implicit in Policy R2 “*Protect, maintain, link, and enhance our existing green spaces, water, and woodland, for people and wildlife (e.g., supporting Somerset Pollinator Action Plan), whilst providing new wildlife and wildflower habitats and networks which enhance and protect local watercourses for wildlife and flood attenuation purposes....*”. There is no need to repeat policies within the NP.

R4: Recreation and Community Facilities

SWT support this policy. The additional text provides calcification of the types of recreational and community facilities that development could support and improve. The Policy is in conformity with [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 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...*” and Annex 2 Glossary “*Open space: All open 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*”. The Policy also reflects [TDBC CS CP5](#) which seeks provision and access for all to formal and informal green space and the promotion of walking and cycling [TDBC SADMP Policy C2](#) which seeks provision recreational open space arising from new residential development and [TDBC SADMP Policy ENV5](#) which requires development within the vicinity of waterways to “...a) *Improve public access to, along and from the waterway and improve the environmental quality of the waterway corridor..*”.

R5: Local Green Spaces

SWT supports this policy. Changes to the original Policy include:

Deletion of:

- Gadds Valley Local Nature Reserve
- Green Triangle at Upper Cheddon

Addition of:

- Green Triangle at Hobb Lane/Bridgwater Road
- Green Triangle as part of Western Relief Road WRR construction at bottom of Yallands Hill A3259

The amended text 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. The NP would benefit from clarification of how the new proposed LGS designations meet definition in [NPPF \(July 2021\)](#) para 102.

Gadds Valley Local Nature Reserve was de-designated by SWT in May 2019.

“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”

R6: Trees and hedgerows

This is a new policy area for the NP. SWT support the principal of the provision and protection of trees and hedgerows. The Policy builds on, and provides addition detail to, the Original Made NP Policy R2 which requires Major development to “...*provide new green space and wildlife areas...In particular every available opportunity will be taken to... Protect and create hedgerows, woodlands, individual specimen trees and orchards.*” Those policy elements of R2 are carried forward in the Revised NP.

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 ...” 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...*”. It also 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...*” and [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...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...*”

The word “plentiful” in the policy is vague, and it should be born in mind that the number of trees would depend on factors such as the location, size of the development and site constraints (location for overhead cables, underground services, etc) which is referenced under some of the bullet points along with caveats of “*equivalent replacement*”, “*like for like*” and “*appropriate to the location and context*”.

SWT is mindful that 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...*” it does not specify a specific ratio.

December 2021

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