

**Somerset West
and Taunton**

Firepool Masterplan and Design Guidance

***Strategic Environmental Assessment and
Habitat Regulations Assessment***

Screening Report

September 2022

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1	For internal consultation with Legal	23/07/2021
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Firepool Masterplan and Design Guidance

SEA/HRA Screening Report

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1. Introduction and Summary

- 1.1 Firepool is a major regeneration area within Taunton town centre, with aspirations for its development for many years. The adopted Taunton Town Centre Area Action Plan (TCAAP, adopted 2008) allocates the site for development. A Firepool Masterplan and Design Guidance are now being prepared to guide the site’s development.
- 1.2 In the TCAAP, Firepool is comprised of a number of sites surrounding Taunton station, the Bridgwater & Taunton Canal and the River Tone, with individual policies allocating each site and identifying the policy expectations for development. Policies Fp1 and Fp2 of the TCAAP deal with “Riverside” which comprises land either side of the River Tone, the site of the former livestock market and other buildings on the north side, and former surface car park on Priory Bridge Road on the south side. The site referred to as “Firepool” in this Screening Report, and for which a Masterplan and Design Guidance are being prepared, is broadly the area allocated by Policies Fp1 and Fp2 and referred to as “Riverside” in the TCAAP (though areas which have already been developed have been excluded). The emerging Masterplan boundary is identified in figure 1, below.

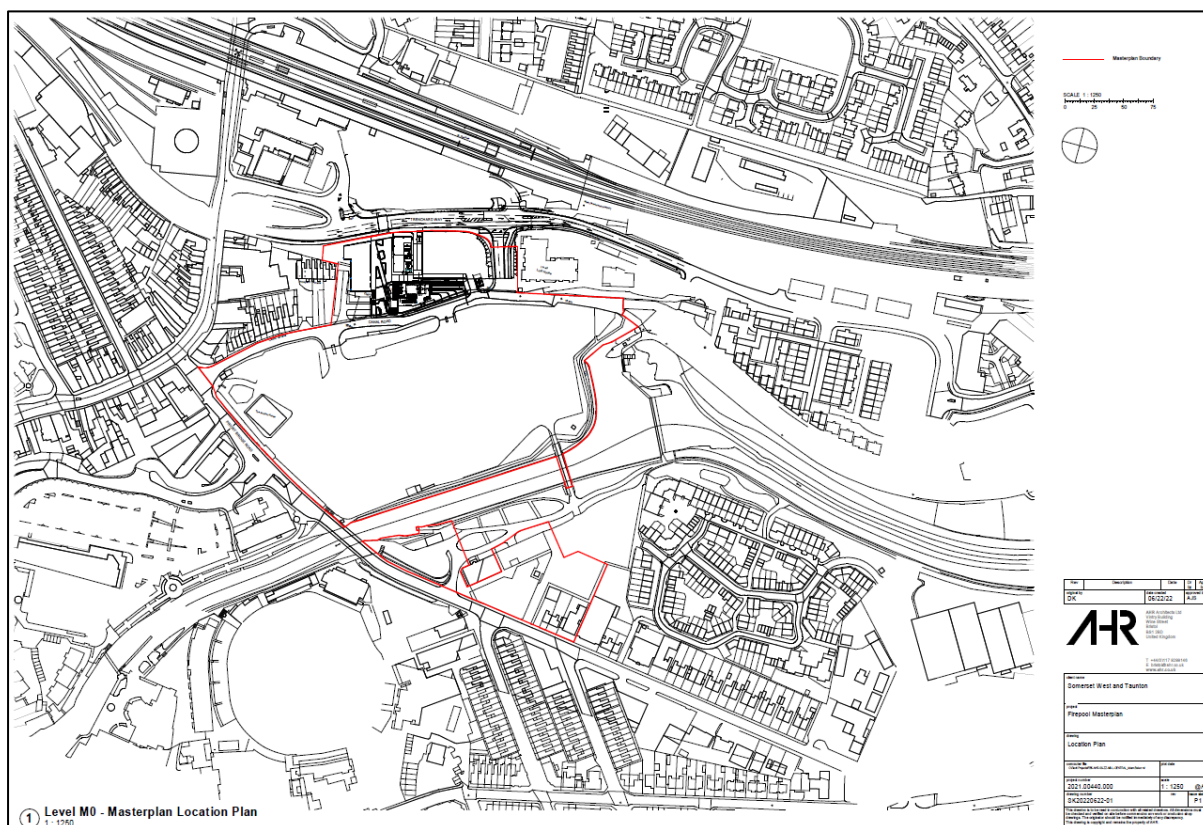


Figure 1 Emerging Masterplan Boundary subject to Screening

- 1.3 Policy Fp1 of the TCAAP allocates the Firepool “Riverside” site for an office-led mixed-use development comprising offices, retail and leisure, residential, multi-storey car park, hotel and other uses. Policy Fp2 sets out the transport measures which will be required to accompany the development.
- 1.4 Numerous proposals have been tabled for the development of the Firepool site since its allocation, with a retail-led mixed-use scheme being refused in 2016 and an

amended application approved with conditions in 2019. Since the office-led allocation in the TCAAP was adopted, and since the retail-led scheme was approved, circumstances have changed including:

- markets for both town centre office and retail would appear to have changed quite significantly;
- the COVID pandemic hit in early 2020, followed by an accompanying recession and plans for economic recovery to “build back better”;
- a cost of living crisis and energy crisis have hit;
- Natural England advised in August 2020 that, in light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should require an Appropriate Assessment under the Habitat Regulations and where an adverse impact is identified require appropriate mitigation.
- Somerset West and Taunton Council came into being (April 2019);
- the Council has declared a Climate Emergency (February 2019) and Ecological Emergency (November 2020) – setting out how it commits to working towards carbon neutrality by 2030 in the adopted Somerset Climate Emergency Strategy (October 2020) and SWT Carbon Neutrality and Climate Resilience Action Plan (October 2020);
- the Council has set out its Vision for Taunton Garden Town (July 2019);
- adopted a Garden Town Charter and Checklist (December 2019 Districtwide Design Guide SPD (December 2021) and Taunton Garden Town Public Realm Design Guide SPD (December 2021); and
- Government policy and strategy has moved on in a number of cases including in relation to the National Planning Policy Framework (July 2021), Net Zero Strategy and Heat & Buildings Strategy (November 2021), Building Regulations updates (December 2021), Gear Change and Local Transport Note 1/20 (July 2020), and legislation including the Environment Act (November 2021) has received Royal Assent.

1.5 The Firepool site is owned and is being developed by Somerset West and Taunton Council. The Council are also the Local Planning Authority (LPA). The Council therefore has two distinct and separate roles with regards to the site, as Developer and as the LPA. As a result, the Council, as Developer, is producing a Firepool Masterplan and accompanying Design Guidance, and the Council as LPA is working with the Developer to ensure that it can support the proposals.

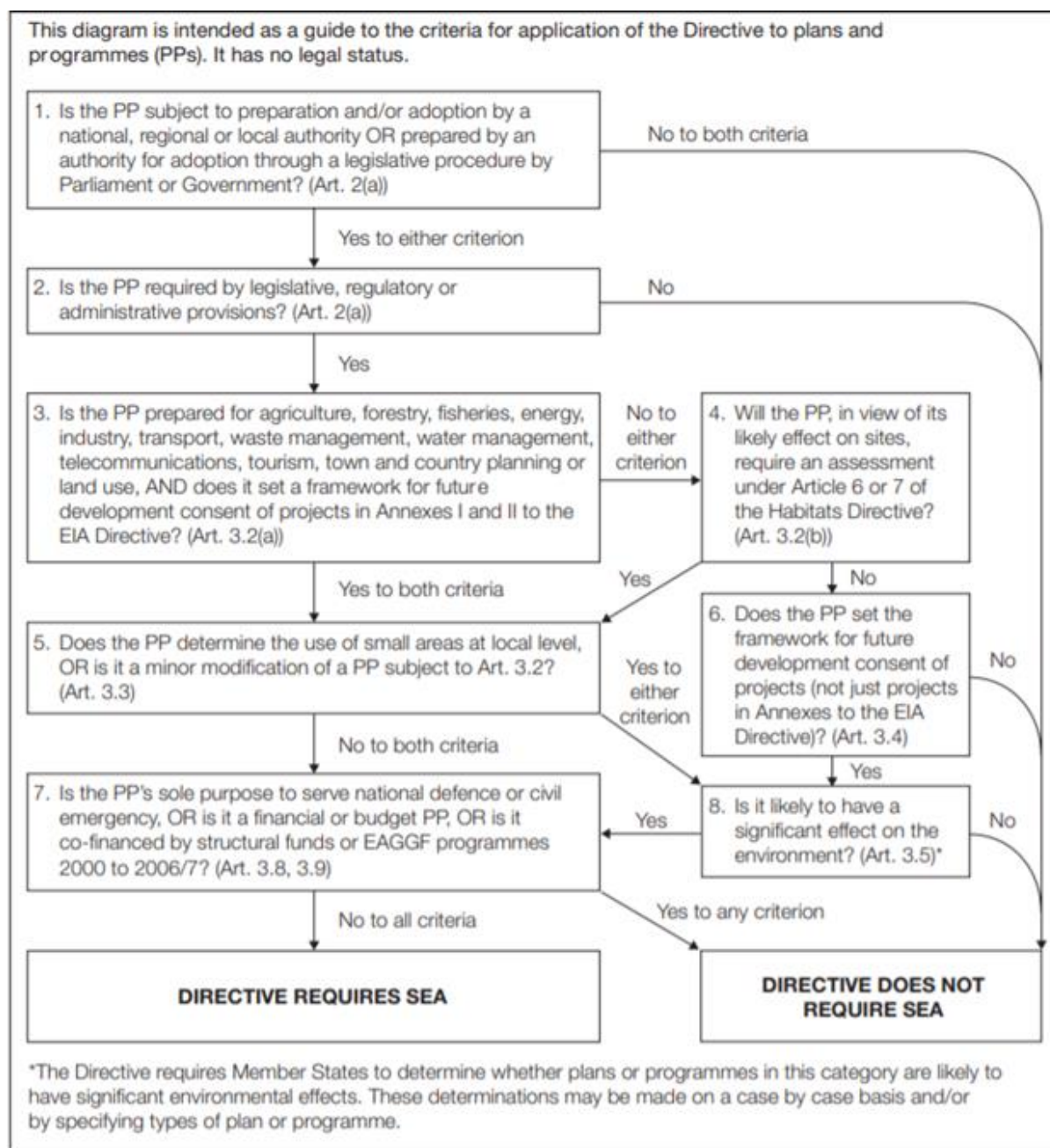
1.6 The intention is for the LPA to approve a Masterplan as a means of providing an up to date, holistically considered and evidenced context which can act as a material consideration in the determination of subsequent individual planning applications for development within the site. The principle of development is already accepted by the allocation of the site for development. Where the Masterplan and Design Guidance deviate from adopted policy including in relation to site boundaries and development mix, this will be fully evidenced and justified. The intention is for the LPA to approve the Masterplan and Design Guidance as a material consideration in the determination of future planning applications on the Firepool site. It will be for the LPA to determine the correct balance between application of policy and consideration of material considerations in the determination of any relevant planning applications.

- 1.7 The purpose of this Report is to determine whether the Firepool Masterplan and Design Guidance should be subject to:
- a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations); or
 - a Habitat Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- 1.8 Under the above pieces of legislation, an SEA is required for all plans which are likely to have significant environmental effects; and an HRA is required when it is likely that the implementation of the plan is likely to have a significant effect upon protected European Sites.
- 1.9 An early developer draft Masterplan (dated July 2021) was used for the draft SEA/HRA Screening Report. The draft Screening was sent to the statutory consultation bodies (Historic England, Environment Agency and Natural England) for their views in August 2021. This final Screening is based on that same early developer draft Masterplan and informed by the responses of the consultation bodies and subsequent evidence that has been provided by the Developer since then.
- 1.10 The conclusion of the assessment is that the Masterplan will require full SEA and HRA to be conducted.**

2. SEA Screening

- 2.1 The basis for Strategic Environmental Assessments legislation is European Directive 2001/42/EC (SEA Directive), transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Detailed guidance on these regulations can be found in the Government publication ‘A Practical Guide to the Strategic Environmental Assessment Directive’ (ODPM 2005).
- 2.2 The objective of SEA is *“to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of development plans.... with a view to promoting sustainable development”* EU Directive 2001/42/EC (Article 1).
- 2.3 Under Article 2(a) of the SEA Directive, a plan or programme requires an SEA to be conducted where they are:
- *“subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and*
 - *required by legislative, regulatory or administrative provisions.”*
- According to the ODPM guidance, “administrative provisions” are *“likely to be that they are publicly available, prepared in a formal way, probably involving consultation with interested parties. The administrative provision must have sufficient formality such that it counts as a “provision” and it must also use language that plainly requires rather than just encourages a plan or programme to be prepared”*.
- 2.4 The national Planning Practice Guidance states that *“In exceptional circumstances a Strategic Environmental Assessment may be required when producing a Supplementary Planning Document”* (Paragraph: 008 Reference ID: 61-008-20190315). The Masterplan and Design Guidance are not intended to be adopted as SPD. However, other plans and projects may still require SEA, the Council is legally obliged to advise on whether it is their opinion that an SEA is required or not.
- 2.5 In order to determine whether or not an SEA is required, a “screening” exercise has been undertaken by the Council. The screening evaluates the contents of the Masterplan and Design Guidance against the criteria set out in the SEA Directive. These criteria are presented over the page in Figure 2.
- 2.6 Should the screening conclude that the Masterplan and Design Guidance is applicable and will have a “significant impact on the environment”, then a full SEA will be required. Should the conclusion be that an SEA is not required, then any future significant variations or additions to the Masterplan and Design Guidance will need to be subject to further screening.

Figure 2 – Application of the SEA Directive to plans and programmes



The Firepool Masterplan and Design Guidance

2.7 The Firepool Masterplan and Design Guidance is being produced as a means of providing an up to date, holistically considered and evidenced context which can act as a material consideration in the determination of subsequent individual planning applications for development within the site. The overriding objective is to achieve a successful, high quality sustainable development with a sense of place which reflects the Firepool site’s strategic importance, meets with requirements and aspirations of adopted policy whilst accounting for the materially changed circumstances since policy for the site was adopted, and which responds to the aspirations of the local community.

2.8 The Masterplan and Design Guidance will build upon the original vision for the Firepool site, the policies of the Town Centre Area Action Plan (particularly policies Fp1 and Fp2) and other adopted development plans, and the design guidance provided by the Town Centre Design Code SPD and Districtwide Design Guide SPD and Taunton Public Realm Design Guide SPD. It will provide guidance on how the Council wishes to see development come forward on the site considering the changes in circumstances which have occurred since the relevant policies of the development plan were adopted (see paragraph 1.4, above). The Masterplan and Design Guidance will illustrate the realistic aspirations of the Council with regards to the site, which in places differ to the requirements set out by adopted Development Plan policies as a result of taking account of evidenced material considerations. In doing so, the Masterplan and Design Guidance will not seek to alter existing or set new policy but seek to provide a well-rounded and updated plan for the site which responds to the changed circumstances, and for this to become a material consideration in the determination of future planning applications for the site. It will be for the LPA to determine the correct balance between application of policy and consideration of material considerations in the determination of any relevant planning applications

2.9 The developer draft Masterplan and Design Guidance upon which this Screening is based (dated July 2021) illustrates the Council's aspirations to develop the Firepool site as a residential-led mixed-use development. It suggests that the development might accommodate:

- Approximately 592 homes
- Leisure & Entertainment zone including:
 - 871 seat Multi-plex Cinema
 - 120 bed Hotel
 - 1,000 seat Multi-purpose Venue
- Approximately 7,399 sqm of office space including Innovation Centre (already approved)
- Approximately 3,776 sqm retail (primarily food and beverage, plus some limited convenience retail and other retail uses)
- 248 space Multi-storey car park for users of the site, plus a further 398 car parking spaces across the development site including limited resident parking.
- High quality pedestrian and cycle access boulevard linking Taunton train station through the site to the river and on into the town centre.

The above aspirations on development content/mix and other aspects of the Masterplan may well change by the point at which the final Masterplan is approved. However, the above is the most up to date, comprehensive understanding that the LPA has in relation to the Developer's aspirations for the Masterplan. As such it is this mix of uses and the proposals of the developer draft Masterplan dated July 2021 that are used for this Screening. If the proposals change significantly, there may be a need to re-visit this Screening.

2.10 The following objectives are key to the Masterplan and Design Guidance:

- to ensure high quality development and design in order to create a sense of place;
- to deliver on the Garden Town Vision for Taunton;

- to ensure the site demonstrates exemplar zero carbon and sustainable design and construction and works towards the target to make the district Carbon Neutral by 2030;
- to ensure that flood mitigation works associated with the Firepool site are appropriately reflected and accommodated by the Masterplan and subsequent planning applications, coordinating with other related flood alleviation work in Taunton;
- to ensure a strategic approach to infrastructure, sustainable transport interventions and modal shift, maximising the opportunities of the site as a sustainable transit-oriented development;
- to ensure potential opportunities to deliver wider social, economic and environmental benefits to Taunton town centre and adjacent areas is effectively considered and reflected by the Masterplan and subsequent planning applications

2.11 In responding to these objectives the developer draft Masterplan and Design Guidance provides for:

- Creating medium to high-rise buildings which make the best use of land in the town centre and cater to a wider and varied demographic of incomes and age groups.
- Active frontage along the boulevard leading to a vibrant and accessible riverfront as an effective, modern extension to the town centre.
- Delivering a benchmark for carbon neutral and climate resilient development in the South West through building and public realm design, construction and performance.
- Pedestrian and Cycle links through and beyond the site to maximise the active travel options of this sustainably located site, including via the Firepool Boulevard, capitalising on location adjacent to the station.
- Primary vehicular access from Trenchard Way, but low traffic design.
- Retention and refurbishment of the Goods House and preservation and framing of key vistas to important landmarks in Taunton town, such as the Somerset cricket ground, church towers, Blackdown Hills, listed buildings, River Tone and other landscape features.

2.12 The developer draft Masterplan covers much of the Firepool (Riverside) site as allocated by Policies Fp1 and Fp2 of the TCAAP. However, some parts of the allocated site have been built out, as such these areas are not included. In addition to the areas allocated by the TCAAP, some additional areas immediately adjoining were also included within the site boundary of the developer draft Masterplan and Design Guidance. However, the latest emerging boundary for the Masterplan now excludes the most significant part of this unallocated land at 82 Priory Bridge Road.

2.13 The intention is that the Masterplan and Design Guidance will be adopted as a Council document and become a material consideration in the determination of relevant planning applications. This means that it will carry weight in the decision-making process, although it will not in itself be part of the adopted development plan. It includes no policies and does not allocate any land for development. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case.

The SEA Screening Assessment

2.14 Table 1, below contains the criteria from Figure 1, above. It identifies whether the Council considers the answer to each criterion to be Yes or No, and gives the reason for this conclusion.

Table 1 – SEA Screening assessment following the process identified in Figure 1

Stage	Y/N	Reason
1. Is the Plan or Programme (PP) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The Masterplan has been prepared and is intended to be adopted/approved by Somerset West and Taunton Council as a material consideration. There is no legislative procedure covering the adoption/approval of material considerations.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	The Masterplan is not formally <i>required</i> by any legislative, regulatory or administrative provisions. However, Paragraph 126 of the NPPF states that “ <i>To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes</i> ”. Policy DM4 of the Taunton Deane Core Strategy sets out that “ <i>a sense of place will be encouraged by addressing design at a range of spatial scales...using planning documents that relate to each scale</i> ” including use of Masterplans for strategic development sites in Taunton. However, this does not amount to a requirement. So, whilst a Masterplan and Design Guidance are not <i>required</i> by policy, it is recommended/encouraged. Due to how circumstances have changed since policies Fp1/Fp2 were adopted, the LPA is of the view that it requires a holistically considered Masterplan supported by up to date evidence, to inform the determination of future planning applications. The Masterplan will be publicly available and will be consulted on in line with the Council’s Statement of Community Involvement.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management,	Y	The Masterplan has been prepared for the purposes of town and country planning and informing consideration of development proposals most likely

<p>telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))</p>	<p>associated with energy, transport, water management and other land uses, including in relation to some of the projects referred to in Annex II of the EIA Directive (i.e. urban development projects and flood-relief works).</p> <p>The Masterplan will not formally set the framework for future development consent of such projects as this is already set by the existing adopted local plans covering the Taunton area of the SWT district. In particular, policies Fp1 and Fp2 of the adopted Taunton Town Centre Area Action Plan allocate the Firepool site and set out the broad requirements for development on the site. The Masterplan provides additional guidance in relation to how development might come forward on the site, taking account of specific adopted planning policies and wider circumstances. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Masterplan would be a material consideration to be balanced alongside all other material considerations. As such, it would not technically set a framework for future development consents, but would clearly be intended to heavily influence the determination of such planning applications.</p> <p>In particular, the developer draft Masterplan proposes a quite different mix of development uses to those explicitly stated in adopted policy Fp1, essentially changing the nature of the development from being an office-led mixed-use scheme to a residential-led mixed-use scheme, with the number of housing units increased from approximately 400 to around 560 units. The intention of preparing the Masterplan is to understand how the site can be developed as a whole in a modern context. By being adopted as a material consideration the intention would be that it will directly influence determination of any subsequent planning applications as a departure from the adopted policy in this regard.</p>
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		As such, the Masterplan can be considered to be setting a framework for future development consent.
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	N	The Masterplan will set out the Council's aspirations for the use of the Firepool site. The site is larger than what might generally be considered to be a small area, being of around 6.5 hectares in size. The Masterplan will not determine the use of land within this area, rather it will be a material consideration in the determination of subsequent planning applications which would provide this role. The Masterplan suggests modification to the development mix for an urban development project as proposed by policy Fp1 of the Taunton Town Centre Area Action Plan. This may potentially be considered minor in scale, though the Masterplan would not technically be modifying the adopted PP.
7. Is the PP's sole purpose to serve national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structure funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	N	None of these criteria apply to the Masterplan.

2.15 As a result of the above responses to the SEA Screening questions, the SEA Directive requires that the Masterplan and Design Guidance are subject to full SEA.

2.16 For completeness, the remaining screening questions have also been completed in Table 2, below:

Table 2 – Responses to remaining SEA Screening questions

4. Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b))	Y	Development of the site in accordance with the Masterplan currently suggests it may result in likely effects on the Somerset Levels and Moors Ramsar site and as such an assessment will be required under Article 6 of the Habitats Directive. See section 3 of this Screening Report in relation to HRA Screening.
6. Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	Y	See response to Q3 in Table 1.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Y	See screening assessment for environmental effects in Table 3 of this report, below.

2.17 Criterion 8 requires an assessment of whether the Masterplan is likely to have a significant effect on the environment in reference to Article 3.5 of the SEA Directive and Regulation 9(1) of the SEA Regulations. Schedule 1, Annex II of the SEA Regulations contains the criteria for determining the likely significance of effects on the environment. Table 3, below contains the criteria from Schedule 1 Annex II of the SEA Regulations and an assessment of whether the Plan would likely have a significant environmental effect or not.

Table 3 – Environmental impact screening assessment

Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)	Is the PP likely to have a significant environmental effect?	Justification for Screening Assessment
The characteristics of plans and programmes:		
<p>a) the degree to which the PP sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;</p>	Y	<p>The Masterplan must be produced in conformity with the National Planning Policy Framework and influenced by the Planning Practice Guidance and National Design Guide. The Masterplan will provide guidance as to how development may come forward within the Firepool site. Whilst the Masterplan will not technically set a framework for decisions to be made against, it is intended to heavily influence planning decisions in relation to the development of the site (see response to Q3 in Table 1).</p> <p>The vast majority of the site is allocated for development by the TCAAP, with the exception of an area of approximately 0.1ha in the far north-west of the site fronting Trenchard Way and Canal Road, which already benefits from planning permission. Those areas covered by the Masterplan but which are beyond the TCAAP allocation boundaries are located within the settlement limit for Taunton as defined by the Taunton Deane Core Strategy, therefore the framework already exists for the general location for development. The Masterplan will identify the broad location for buildings and other aspects of the built and natural environment to be located within the site. Locational considerations within the site may be relevant to whether the resulting development will have significant environmental effects or not, particularly in relation to flooding where a large proportion of the site is within the functional floodplain, and in relation to biodiversity where the location and nature of proposals within the site could have a greater or lesser impact considering the site’s location within the Band C consultation zone for the Hestercombe House Special Area of Conservation</p>

		<p>(SAC) and the Local Nature Reserve and Local Wildlife Site designations associated with the River Tone, Bridgwater and Taunton Canal and Children’s Wood and protected species these areas support. Therefore, there may potentially be significant effects depending on how the development comes forward, and the Masterplan would be a key influence on this.</p> <p>The developer draft Masterplan explicitly proposes changes to the nature of the development’s mix of uses over those previously identified in the TCAAP allocation policies, including amongst other things, more residential units than previously proposed. A greater number of residential units will give rise to greater environmental effects related to the number of units or persons inhabiting a development (e.g. in relation to phosphate loading on the Somerset Levels and Moors). It also proposes the nature of the development’s design which is stated as intending to minimise and avoid significant environmental effects on the built and natural environment, and to be an exemplar in responding to the climate challenge. It shifts the primary purpose of the site from being an employment-led scheme to being residential-led with a significant proportion of leisure uses. This may alter the environmental effects associated with travel. This may well be less negative than the allocated mix of uses given the low traffic and active travel-focused nature of the proposals, though this is not yet clear and the inclusion of aspects such as the multi-story car park and lack of major consideration for external active travel connections beyond the site boundaries suggest more work is needed in order to realise this. There would still remain some environmental effects.</p> <p>The developer draft design guidance is intended to influence the size of buildings, suggesting that it is aiming to minimise and avoid significant environmental effects on the historic environment and landscape in doing so. However, the developer draft is accompanied with insufficient information to determine the full impact in this regard, particularly in relation to the settings and significance of the Grade I Listed Church of St Mary Magdalene and Grade II* Listed St James Church, and overall townscape visual impact. Therefore there may be potential for impacts here in relation to the Masterplan setting the framework for building heights which needs further consideration.</p> <p>The Masterplan will influence operation conditions of the prospective development.</p>
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		<p>Overall, the Masterplan is intended to heavily influence how the development comes forward, though its status as a material consideration means it will only encourage and guide in this respect and it will be for the LPA to determine the correct balance between application of policy and consideration of material considerations such as this in the determination of any relevant planning applications.</p>
<p>b) the degree to which the PP influences other plans and programmes including those in a hierarchy;</p>	N	<p>The Masterplan will influence the development of the Firepool site including more detailed project-level plans and proposals to be developed as part of planning applications which may potentially need to be subject to project level EIA (depending on the scale and nature of proposals). It may also influence future policy development (e.g. for future Local Plan, Design Code, or wider town centre plans). However, new development plan policy will, once prepared and adopted be part of the development plan, hold statutory weight and as such sit above the Masterplan in a hierarchy and will be subject to its own Assessment. In this way, the Masterplan is intended to influence the production of other plans and programmes.</p> <p>However, it is considered that the degree of influence of the Masterplan is limited in this regard and subsequent project level EIA and plan level SA/SEA processes will address any concerns. With regards to influence of project level plans and proposals, the Masterplan is <i>intended</i> to influence these to a high degree and should result in improving positive environmental effects and avoiding and minimising negative environmental effects.</p>
<p>c) the relevance of the PP for the integration of environmental considerations in particular with a view to promoting sustainable development;</p>	N	<p>The Masterplan and Design Guidance must be produced in line with the NPPF and PPG and balance a range of social, economic and environmental considerations including development plan policy and justified material considerations with a view to guiding and promoting sustainable development within the Firepool site. The Masterplan and Design Guidance are intended to help ensure high quality design which is integral to sustainable development and which will result in environmental (e.g. climate impact), social (e.g. health and wellbeing improvement) and economic (e.g. town centre vitality) benefits to the area.</p> <p>The integration of a wide range of social, economic and environmental factors has already been assessed and achieved via the existing adopted development plans. The relevance and influence of the Masterplan will be balanced in decision making alongside all</p>

		<p>relevant policies of the development plan and other material considerations with a view to promoting sustainable development in the round. Therefore, the Masterplan has relevance to the integration of environmental considerations as part of promoting sustainable development. However, the effects of the Masterplan in this regard are unlikely to be significant as the balance of different social, economic and environmental factors is already determined at a strategic level by the adopted development plan, with environmental considerations integral to what constitutes sustainable development and identified by requirements in policies such as CP8 of the Core Strategy. Planning applications for any resulting Firepool development will be determined in line with the development plan unless material considerations indicate otherwise (material considerations including <i>but not limited to</i> the Masterplan and Design Guidance). Social, economic and environmental concerns will be balanced appropriately on a case-by-case basis at this stage in order to result in sustainable development.</p>
<p>d) environmental problems relevant to the PP;</p>	<p>Y</p>	<p>The Firepool site has a number of environmental constraints. Development of the site may result in environmental problems if not appropriately addressed/mitigated. Such environmental problems which may occur without appropriate mitigation may include phosphate loading on the Somerset Levels and Moors European Sites; increased flood risk; contamination, impacts upon designated and non-designated heritage assets; landscape, townscape and visual impacts; ecological impacts both in the immediate surroundings of the site and in relation to European Sites, transport and air quality impacts and wider contribution to climate change through carbon emissions.</p> <p>The developer draft Masterplan and Design Guidance considers to an extent, the environmental constraints and potential environmental problems that may be associated with development of the site and proposes broadly how concerns have been taken into account and can be ameliorated where the concern is within the scope of the Masterplan or Design Guidance, recognising that it does not deal with every issue to the level of detail that a planning application would. The developer draft contains insufficient information in relation to a number of areas to be able to ascertain the full level of impact or how such impacts might be avoided/minimised/mitigated, including heritage impact; townscape and visual impact; on- and off-site ecology; phosphate load; flood risk; transport and</p>

		<p>movement evidence and strategy; and energy strategy.</p> <p>Despite this, the Masterplan must be produced in line with the NPPF and PPG, and take account of specific adopted planning policies and wider circumstances, and as such, the LPA will only approve the Masterplan once sufficient information has been provided to understand the level of impacts associated with these problems and ways that the Masterplan mitigates these where necessary. Future planning applications must also be determined in accordance with the development plan unless material considerations indicate otherwise. Existing planning policy deals with the above concerns and planning applications would need to show how they respond to these policies on these potential environmental problems. As a result of all of the above, it is not expected that the Masterplan will lead to significant environmental effect in relation to the majority of the above potential environmental problems.</p> <p>In relation to the environmental problem of phosphate loading: the site is located in the catchment for the River Tone which runs through and has a high degree of impact on the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar European Sites.</p> <p>In August 2020 Natural England advised all the Local Planning Authorities in Somerset that, in light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should require an Appropriate Assessment under the Habitat Regulations and where an adverse impact is identified require appropriate mitigation. This stance by Natural England reflects the Dutch Nitrogen Ruling. The developer draft Masterplan proposes a range of uses including residential units, hotel development and destination facilities (e.g. the venue) within the site. These proposed uses may have an effect on the levels of phosphate reaching the designated site thus contributing to the existing unfavourable condition and further preventing the site in achieving its conservation objectives.</p> <p>In such a situation, legal advice is to refer to Regulation 63 of the Habitat Regulations duty which prevents activities which are likely to damage the environment from being authorised without prior assessment of their impact on the environment; and with the “strict precautionary” approach required under Article 6 of the Habitats Directive.</p>
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		<p>To assist in the implementation of this duty, a Phosphates Budget Calculator has been developed to provide a transparent and rapid calculation of net phosphate loading from developments, including phosphate offsetting calculations for on or off site locations. All the technical data behind the calculator has been approved by Natural England, it is free to use and provides affected applicants with the necessary information to calculate the phosphate load arising from their development. Turning to longer term solutions, in partnership with the other Somerset LPA's, Natural England, the Environment Agency; and Wessex Water, we are also exploring strategic term solutions and mechanisms for achieving phosphate neutrality. The Somerset LPA's are also liaising with Wessex Water to consider interim phosphate solutions. This may be a potential approach for those developers who are unable to find on-site solutions to the phosphate issue. The Somerset Levels and Moors Phosphate Mitigations Solutions technical report was published in February 2022.</p> <p>Despite this, it is important to recognise the limited influence that the Masterplan and Design Guidance themselves are able to have on mitigating these effects save for removing the relevant uses from the proposed development mix. A strategic off-site solution would not be included within the Masterplan as this is specific to the site itself. The Building Regulations set out criteria where on-site specific measures can be implemented when in close proximity to a statutory sewage system/network. The Masterplan will set out certain expectations and aspirations in relation to the site layout and design, but it will not be planning policy, it's adoption/approval will not represent an implementing decision for the development, and it does not mean that detailed development proposals for the site are guaranteed to be permitted. In particular, any future planning applications would need to show how they respond to policy CP8 of the Core Strategy which includes a requirement to avoid adverse impacts upon European Sites. As such, it would be expected that SEA would take this into account and be more nuanced in its conclusion and recommendations for mitigation through the Masterplan and Design Guidance than would be necessary for EIA in relation to a detailed planning application. Even so, the Masterplan will need to be accompanied by sufficient information to enable the LPA to discharge its duties under the</p>
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		<p>Habitat Regulations and this means that both SEA and HRA will be required.</p> <p>The LPA consider that the SEA and Appropriate Assessments accompanying the Masterplan will need to include the following information as a minimum:</p> <ul style="list-style-type: none"> • Advise on the land uses affected / not affected by the phosphate issue and quantify the likely phosphate load to be mitigated against using the Somerset phosphate budget calculator. • An accompanying narrative explaining these inputs and what the outputs mean for the impacts upon the Ramsar Site and upon the development/Masterplan. • A narrative explaining: <ul style="list-style-type: none"> ○ the range of solutions (e.g. on site, water restrictions, SUD's, off site secondary treatment , acquiring p credits from trading platforms also bearing in mind the Technical Report recently published on potential mitigation solution and associated costs), ○ that solutions may involve a phased approach to mitigation. ○ what work has been undertaken so far in considering these solutions, and ○ the preferred solutions being taken forwards in the way of mitigation. • A statement recognising that the calculations, approach, and costs will need to be kept under review in light of evolving guidance and processes, and in relation to the forthcoming targets and planned investments associated with the new 5 year Asset Management Period 8 (AMP 8) for the water industry beginning in 2025. • A statement recognising that the development will not be able to go ahead unless a project level EIA and Appropriate Assessment can demonstrate that the proposals will not adversely affect the integrity of the Ramsar Site. <p>The site also lies within the Band C consultation zone in relation to the Hestercombe House SAC, which requires the Developer to take advice from their ecology consultants on the relevance of the site and adjacent areas to horseshoe bats (including whether a commuting structure is present and the suitability of the adjacent habitat to support prey species hunted by horseshoe bats). It is understood that it is unlikely that the site and adjacent areas have significant relevance, but further information is required to be certain.</p>
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		<p>In relation to environmental problem of heritage impact and townscape and visual impact, the consultation response from Historic England suggested that building displacements and associated heights in the developer draft Masterplan may have the potential to generate impacts upon the settings of offsite heritage assets (particularly the Grade I Listed Church of St Mary Magdalene and Grade II* Listed St James Church). However, it was noted that there was insufficient information provided in terms of assessment of townscape visual impact and the settings and significance of these assets. The developer has since submitted a Townscape Visual Impact Assessment (TVIA, Feb '22), Heritage Assessment (July '20) and response to comments from Historic England (March '22) as part of the planning application for Block 3 (38/21/0436). The latter was provided in response to concerns raised by Historic England in relation to the lack of analysis of skyline impacts upon the settings of the church towers. The officer's report on the application concluded that the Block 3 building would result in less than substantial harm to the significance of the designated heritage assets, and that on balance, the public benefits of the proposal outweighed any residual concerns. The conclusion reached, and evidence referred to above were in relation solely to Block 3, but also included information relevant to the wider site and developer draft Masterplan. From this it is considered that it would be unlikely that the proposals would lead to significant effects in terms of historic and townscape impacts, however, this cannot be completely ruled out, and needs to be kept under review as the detailed proposals for the Masterplan evolve and subsequent development proposals come forward.</p>
<p>e) the relevance of the PP for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).</p>	<p>N</p>	<p>Development of the Firepool site will need to satisfy the requirements of Community legislation in relation to waste management and water protection (e.g. the Water Framework Directive).</p> <p>The site's location fronting the River Tone and the Bridgwater and Taunton Canal mean that they are particularly susceptible to pollution and contamination both during construction and once in use. In addition to this, the site's historic uses and associated ground contamination present a specific aspect to this issue. Pollution and contamination of these water bodies could present significant environmental effects both locally and further downstream. The River Tone runs through and has a high degree of impact on the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar European Sites.</p>

		<p>The developer draft Masterplan and Design Guidance consider such issues and set out high level proposals for high quality Sustainable Drainage Systems (SuDS) to be integral to the site as part of a drive to be an exemplar in environmentally conscious sustainable development. However, the detail of these SuDS and how they might work, be managed and maintained is not currently identified. Whilst some of the detail for how any future development may impact these elements and propose to mitigate them may be beyond the detail of the Masterplan and would more likely be considered at the project (planning application) stage, the Masterplan will need to consider strategically how these elements may assist in terms of filtering water run-off. A WFD screening assessment and potentially detailed assessment will be required at the project stage.</p> <p>Existing planning policy deals with the above concerns and planning applications would need to show how they respond to these policies and the WFD. As a result of all of the above, it is not expected that the Masterplan will lead to significant environmental effects in this regard.</p>
<p>Characteristics of the effects and of the area likely to be affected:</p>		
<p>a) the probability, duration, frequency and reversibility of the effects;</p>	<p>Y?</p>	<p>The Masterplan and Design Guidance will set out guidance and aspiration for how the Firepool site may come forwards. There is no guarantee that development will come forwards in alignment with them, though the intention is that they will heavily influence future proposals. The probability of effects as referred to in the above sections varies. At this stage, the probability of effects in relation to identified environmental problems such as impacts on designated and non-designated heritage assets, townscape, landscape or visual impact etc. are far less certain than impacts in relation to phosphate loading or flood risk if left unmitigated for example. However, even in the case of phosphate loading, where a significant environmental effect is currently anticipated, a solution to avoid/mitigate the environmental problem will have to be identified if the development is to go ahead, therefore the probability of the effect is not certain.</p> <p>Some potential environmental effects relating to site preparation and construction will be short-lived and temporary. However, development of the Firepool site as envisaged by the Masterplan would result in a permanent development and therefore potentially long-term and permanent effects e.g. in relation to impacts on designated and non-designated heritage assets, townscape, landscape or visual impact etc. if</p>

		not mitigated effectively. However, effects on these elements could potentially, in theory, be reversed if necessary through subsequent alterations to buildings etc., though this is unlikely, whilst the effects of phosphate loading on the Somerset Levels and Moors and associated protected species could potentially be irreversible.
b) the cumulative nature of the effects;	Y	<p>The cumulative effect of multiple historic, current and future proposed developments as well as agricultural practices and waste water treatment across the catchment of the River Tone is the key issue in relation to phosphate loading on the Somerset Levels and Moors. However, at this stage any net increase in phosphate loading from developments is considered to result in a significant environmental effect.</p> <p>Multiple developments in and around Taunton will result in cumulative effects upon the transport network, landscape, historic environment, air quality and carbon emissions amongst others. Though through compliance with the Masterplan and existing adopted planning policy it is anticipated that significant effects can be avoided in relation to these issues.</p>
c) the transboundary nature of the effects;	N	There would be no transboundary effects.
d) the risks to human health or the environment (for example, due to accidents);	N	There are potential environmental effects arising from development of the Firepool site which may pose a risk to human health or the environment if not effectively mitigated (e.g. in relation to contamination and noise, light, water and air pollution). Some of these may be a particular risk during site preparation and construction, others related to the ongoing operation of the development. However, the developer draft Masterplan and Design Guidance propose ways that these effects can be avoided/mitigated where relevant to the masterplanning stage. More detailed consideration of these issues and mitigations is not possible until the project (planning application) stage. Therefore, the Masterplan itself is not considered likely to give rise to significant environmental effects in this regard.
e) the magnitude and spatial extent of the effects (geographical area and size of the population)	N	The developer draft Masterplan proposes a residential-led mixed-use development which includes approximately 592 homes and a range of town centre leisure, retail and business uses. The proposals would be considered as a large major planning application through development management procedures, though are limited in scale by the size of the site (as opposed to a plan covering the entire town centre or entire district for instance). Therefore the

<p>likely to be affected);</p>		<p>environmental effects of the Masterplan and any future development would be similarly limited.</p> <p>The Masterplan covers a limited area of land in the town centre of Taunton. There are no residential properties already within the boundary of the Masterplan, though a significant number of properties immediately adjoin the site and would be affected by proposals on it. The Masterplan considers these neighbouring uses and populations and proposes ways to reduce effects upon them. The proposals may be expected to have a temporary adverse environmental effect upon neighbours of the site during construction, though the longer-term effects should be ameliorated sufficiently and hopefully provide an overall positive environmental effect for these populations in the long-run if development comes forward in line with an LPA-approved Masterplan and responds appropriately to existing planning policies.</p> <p>The town of Taunton has a population of around 70,000, a significant proportion of which will have some relationship with the Firepool site (either visually, through movements, or otherwise). The site will have a key influence on the future experience of the town centre which is used by the majority of the population of the town as well as people from outside the area. Generally, the effects are likely to be positive and unlikely to be significant in relation to these populations.</p>
<p>f) the value and vulnerability of the area likely to be affected due to –</p> <ul style="list-style-type: none"> i) special natural characteristics or cultural heritage; ii) exceeded environmental quality standards or limit values; or iii) intensive land-use; and 	<p>Y</p>	<p>The district of Somerset West and Taunton has a number of special natural, cultural and heritage characteristics which are specific to the district or wider area, including a relatively high concentration of historical assets within Taunton itself including Listed Buildings, Conservation Areas and Scheduled Ancient Monuments. The developer draft Masterplan identifies these characteristics and provides guidance on how the Firepool development should respond. Further evidence provided by way of the TVIA, Heritage Assessment and response to comments from Historic England submitted alongside the Block 3 planning application (38/21/0436) provides further comfort in this regard. However, this position will need to be kept under review as the Masterplan evolves and detailed project level proposals come forward. The Developer and LPA continue to engage with the Council's cultural development team with regards to proposals for the delivery of an outdoor amphitheatre and public art as part of the Masterplan to build on the cultural heritage and identity of the town. As such the</p>

		<p>Masterplan should contribute towards the avoidance and mitigation of potential negative effects and aims to ensure positive effects.</p> <p>The Somerset Levels and Moors (located within and beyond the Somerset West and Taunton district) are protected “European Sites” recognised as Special Protection Areas and Ramsar sites. The Ramsar site in particular is identified as being in an unfavourable condition and new developments (including development of residential, hotel and destination facilities e.g. the venue) are identified as contributing towards exceedance of environmental quality standards in relation to phosphate loading. As such there is a specific natural characteristic of value which is vulnerable to significant environmental effects.</p> <p>The Masterplan will be aimed at ensuring future development proposals are designed to a high quality. The developer draft Masterplan proposes medium to high-rise built forms though sets out design guidance to guide proposals in ways to avoid inappropriately intensive land use.</p>
<p>g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>Y</p>	<p>The Somerset Levels and Moors are a protected European Site (SPA and Ramsar site). Development of the site in line with the Masterplan is at this stage likely to result in significant effects in relation to these internationally protected sites as explained above.</p> <p>The site also lies within the Band C consultation zone in relation to the Hestercombe House SAC. It is understood that it is unlikely that the site and adjacent areas have significant relevance, but further information is required to be certain. For example local ecological impacts of the development upon adjoining areas of green infrastructure such as the impact of lighting and noise upon the banks of the River Tone, Children’s Wood and other ecological features which may potentially present foraging / navigation corridors for protected species of bat associated with the SAC. Such effects may, though seem unlikely to affect bat populations associated with the SAC.</p> <p>The Masterplan is intended to promote design solutions for the site which respond effectively and appropriately to the context within which they sit. This includes in relation to impacts on protected and valued landscapes such as the Quantock Hills and Blackdown Hills AONBs. It also includes in relation to designated and undesignated heritage assets which include a number of Listed Buildings and Conservation Areas nearby the site. The Masterplan</p>

		will provide guidance on how development of the site can come forward whilst avoiding adverse effects and hopefully enhancing the relationship with these assets. The environmental effects of development coming forward in line with the Masterplan upon these designations are anticipated to be limited.
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SEA Screening Conclusion

2.18 It is the opinion of the Council that the Firepool Masterplan and Design Guidance is likely to have significant environmental effects and will require a Strategic Environmental Assessment in accordance with Part 3 of the SEA Regulations. In addition, relevant individual development proposals will need to be subject to project level Environmental Assessment as appropriate, as their detail is developed.

3. HRA Screening

- 3.1 The basis for Habitat Regulations Assessment legislation is the European Habitats Directive 92/43/EEC (Habitats Directive), transposed into English law by the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations).
- 3.2 The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context. Habitat Regulations Assessment (HRA) is a systematic process through which plans or projects are assessed for likely impact on the integrity of European Sites. European Sites, (also referred to as Natura 2000 sites), consist of Special Protection Areas (SPA), Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.
- 3.3 There are seven Natura 2000 sites within the Somerset West and Taunton district, as set out in Table 3 below:

Table 3 – European Sites / Natura 2000 sites within Somerset West and Taunton district.

European Sites / Natura 2000 sites
Exmoor and Quantock Oak Woodlands SAC
Hestercombe House SAC
Holme and Clean Moor SAC
Quants SAC
Severn Estuary SPA/SAC/Ramsar
Somerset Levels and Moors SPA/Ramsar
Exmoor Heaths SAC

- 3.4 Article 6(3) of the Habitats Directive states that:
“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives”.
- 3.5 Under the Habitat Regulations, the Council is considered to be a “competent authority”. Regulation 63(1) of the Habitat Regulations states that:
“A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –
a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
b) is not directly connected with or necessary to the management of that site,
must make an appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives.”
- 3.6 The first stage of the HRA process is to establish whether a “significant effect” is likely. This is referred to as screening. If the screening assessment concludes that a significant effect is not likely then no further action is required. If the screening assessment identifies potential effects and deems them to be significant, then further “Appropriate Assessment” is required.

3.7 The Masterplan, once adopted, would carry significant weight as a material consideration in any future applications for planning permission. As such, it is considered that the Masterplan is a ‘plan’ for the purposes of Regulation 63 and must be subject to HRA screening.

3.8 In order to establish whether the Masterplan is likely to have any significant effects upon the European Sites, this Screening assessment considers the Masterplan in relation to four steps based around the Screening methodology set out in the Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission 2001) as set out in Table 4, below.

Table 4 – Screening steps and responses

Question	Y/N	Reason
1. Is the PP directly connected with, or necessary to the management of a European site for nature conservation?	N	The Masterplan is not directly connected with, influence or set policy necessary to the management of any European Site
2. Are there any other PPs that could in combination with this PP have potential to have significant effects upon a European Site?	Y	<p>The Masterplan pertains to the Firepool development site which is allocated (though for a different mix of uses by the adopted Taunton Town Centre Area Action Plan (TCAAP). The development plan has previously been subject to Appropriate Assessment. As a result of this, the adopted plans include policies and mitigations to ensure that significant effects do not arise in relation to the European Sites (Policy CP8 of the Core Strategy). The previous Appropriate Assessment considered the effect of planned new developments on the integrity of the Somerset Levels and Moors SPA/Ramsar site, including in relation to the potential for increased pollutants affecting water quality and subsequently qualifying features. Whilst the assessment recognised the role of Policy CP8 and concluded that there will be no adverse effect on the integrity of the Somerset Levels and Moors as a result of planned development, understanding and case law on the issue has since moved on and the Masterplan now also proposes a different development mix including more residential than originally planned and subject to previous Assessment.</p> <p>Subsequent to adoption of these existing adopted development plans, in August 2020 Natural England advised all the Local Planning Authorities in Somerset that, in light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should require an Appropriate Assessment under the Habitat Regulations and where an adverse</p>

	<p>impact is identified require appropriate mitigation. This stance by Natural England reflects the Dutch Nitrogen Ruling. As the developer draft Masterplan proposes a range of uses including residential units, hotel development and destination facilities (e.g. the venue) within the site. These proposed uses may have an effect on the levels of phosphate reaching the designated site thus contributing to the existing unfavourable condition and further preventing the site in achieving its conservation objectives.</p> <p>In such a situation, legal advice is to refer to Regulation 63 duty which prevents activities which are likely to damage the environment from being authorised without prior assessment of their impact on the environment; and with the “strict precautionary” approach required under Article 6 of the Habitats Directive.</p> <p>To assist in the implementation of this duty, a Phosphates Budget Calculator has been developed to provide a transparent and rapid calculation of net phosphate loading from developments, including phosphate offsetting calculations for on or off site locations. All the technical data behind the calculator has been approved by Natural England and it is free to use. and provides affected applicants with the necessary information to calculate the phosphate load arising from their development. Turning to longer term solutions, in partnership with the other Somerset LPA’s, Natural England, the Environment Agency; and Wessex Water, we are also exploring strategic term solutions and mechanisms for achieving phosphate neutrality. The Somerset LPA’s are also liaising with Wessex Water to consider interim phosphate solutions. This may be a potential approach for those developers who are unable to find on-site solutions to the phosphate issue. The Somerset Levels and Moors Phosphate Mitigations Solutions technical report was published in February 2022.</p> <p>Despite this, it is important to recognise the limited influence that the Masterplan and Design Guidance themselves are able to have on mitigating these effects save for removing the relevant uses from the proposed development mix. A strategic off-site solution would not be included within the Masterplan as this is specific to the site itself. The Building Regulations set out criteria where on-site specific measures can be implemented when in close proximity to a statutory sewage system/network. The Masterplan will set out certain expectations and aspirations in relation to the site layout and design, but will not be planning policy, it’s</p>
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		<p>adoption/approval will not represent an implementing decision for the development, and it does not mean that detailed development proposals for the site are guaranteed to be permitted. In particular, any future planning applications would need to show how they respond to policy CP8 of the Core Strategy which includes a requirement to avoid adverse impacts upon European Sites. As such, it would be expected that a full Appropriate Assessment would take this into account and be more nuanced in its conclusion and recommendations for mitigation through the Masterplan and Design Guidance than would be necessary for an Appropriate Assessment in relation to a detailed planning application. Even so, the Masterplan will need to be accompanied by sufficient information to enable the LPA to discharge its duties under the Habitat Regulations and this means that both SEA and HRA will be required.</p>
<p>3. Are there likely to be any potential effects upon the identified European Site(s)?</p>	<p>Y</p>	<p>At this stage, the development and the Masterplan for which must be considered likely to result in a potential effect upon the Somerset Levels and Moors SPA and Ramsar site as a result of anticipated phosphate loading.</p> <p>The site is also approximately 3.5km from the Hestercombe House Special Area of Conservation (SAC). The site also lies within the Band C consultation zone in relation to the Hestercombe House SAC, which requires the Developer to take advice from their ecology consultants on the relevance of the site and adjacent areas to horseshoe bats (including whether a commuting structure is present and the suitability of the adjacent habitat to support prey species hunted by horseshoe bats). It is understood that it is unlikely that the site and adjacent areas have significant relevance, but further information is required to be certain.. For example local ecological impacts of the development upon adjoining areas of green infrastructure such as the impact of lighting and noise upon the banks of the River Tone, Children’s Wood and other ecological features which may potentially present foraging / navigation corridors for protected species of bat associated with the SAC. Such effects may, though seem unlikely to affect bat populations associated with the SAC. Therefore it does not seem likely that there would be any potential effects upon the Hestercombe House SAC.</p>
<p>4. What is the significance of the effects upon the identified European Site(s)?</p>	<p>Y</p>	<p>The development mix proposed by the Masterplan for the Firepool site will result in an increased loading of phosphates upon the Somerset Levels and Moors unless appropriately mitigated. Continued phosphate loading leads to increased eutrophication and will</p>

	<p>contribute to the worsening condition of the Ramsar site in particular which is already considered to be in an unfavourable condition. Continued adverse effects put protected species associated with the Ramsar designation and underlying SSSI designations at risk. At this stage, therefore it must be considered likely to result in a significant effect upon the Somerset Levels and Moors SPA and Ramsar site.</p> <p>Despite this, it is important to recognise the limited influence that the Masterplan and Design Guidance themselves are able to have on mitigating these effects save for removing the relevant uses from the proposed development mix, ensuring that property level water efficiency measures are installed, or potentially small-scale nature-based solutions such as floating wetlands. A strategic off-site solution would not be included within the Masterplan as this is specific to the site itself. The Building Regulations set out criteria where on-site specific measures can be implemented when in close proximity to a statutory sewage system/network. The Masterplan will set out certain expectations and aspirations in relation to the site layout and design, but it will not be planning policy, its adoption/approval will not represent an implementing decision for the development, and it does not mean that detailed development proposals for the site are guaranteed to be permitted. In particular, any future planning applications would need to show how they respond to policy CP8 of the Core Strategy which includes a requirement to avoid adverse impacts upon European Sites. As such, it would be expected that a full Appropriate Assessment would take this into account and be more nuanced in its conclusion and recommendations for mitigation through the Masterplan and Design Guidance than would be necessary for an Appropriate Assessment in relation to a detailed planning application. Even so, the Masterplan will need to be accompanied by sufficient information to enable the LPA to discharge its duties under the Habitat Regulations and this means that both SEA and HRA will be required.</p> <p>The LPA consider that the SEA and Appropriate Assessments accompanying the Masterplan will need to include the following information as a minimum:</p> <ul style="list-style-type: none"> • Advise on the land uses affected / not affected by the phosphate issue and quantify the likely phosphate load to be mitigated against using the Somerset phosphate budget calculator.
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	<ul style="list-style-type: none"> • An accompanying narrative explaining these inputs and what the outputs mean for the impacts upon the Ramsar Site and upon the development/Masterplan. • A narrative explaining: <ul style="list-style-type: none"> ○ the range of solutions (e.g. on site, water restrictions, SUD's, off site secondary treatment , acquiring p credits from trading platforms also bearing in mind the Technical Report recently published on potential mitigation solution and associated costs), ○ that solutions may involve a phased approach to mitigation. ○ what work has been undertaken so far in considering these solutions, and ○ the preferred solutions being taken forwards in the way of mitigation. • A statement recognising that the calculations, approach, and costs will need to be kept under review in light of evolving guidance and processes, and in relation to the forthcoming targets and planned investments associated with the new 5 year Asset Management Period 8 (AMP 8) for the water industry beginning in 2025. • A statement recognising that the development will not be able to go ahead unless a project level EIA and Appropriate Assessment can demonstrate that the proposals will not adversely affect the integrity of the Ramsar Site.
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HRA Screening Conclusion

3.9 It is the opinion of the Council that the Firepool Masterplan and Design Guidance will require Appropriate Assessment under HRA legislation. In addition, relevant individual development proposals will likely need to be subject to project level screening and potentially Assessment as their detail is developed.