

**Minutes of the Environment & Planning Committee  
held on Thursday 20 January 2022 at 6.30pm**

**Present:** Cllr Brake, Cllr Irven, Cllr Johnson, Cllr Murphy and Cllr Westcott (Chair)

**In attendance:** Sarah Reed, Town Clerk, 7 members of the public

Before the meeting commenced, 3 members of the public had given notice to speak during the public participation session on planning application 3/39/21/028

**21/176B To receive apologies for absence: (LGA 1972, section 85 (1))-** Cllr Westcott proposed that *'the Apologies from Cllrs Campbell and Terrett are accepted'*. Seconded by Cllr Irven. Carried.

**21/177B To receive any Declaration of Interests:**

Cllr	Item no.	Reason	Personal or Prejudicial	Outcome
Cllr Westcott	Planning application 3/37/21/033	Owner of neighbouring property	Personal & Prejudicial	Cllr withdrew from the meeting and did not participate in the discussion or voting

Cllr Westcott proposed that the *'order of business on the agenda is changed and planning application 3/39/21/028 is considered as the next item for discussion'*. Seconded by Cllr Irven. Carried

**3/39/21/028 Land North of Transmitting Station, Washford, Williton**  
Installation of a ground mounted solar farm with battery storage and Associated development.

A long discussion ensued, and the following comments were agreed:

The Committee are aware that this proposed application does not fall within the Watchet boundary, but would like to make the following observations in support of a strong objection as follows:

1. Members fully endorse and support the 10 points outlined in the attached letter from CPRE and would highlight point 10 where the soil quality is a key question members believe has not been adequately addressed or demonstrated. The quality of the farmland has been quoted as the lowest grade, but the Committee has in its possession an agricultural land classification report commissioned by the local tenant farmer that disputes this classification and grades the farmland at a grade 2. Therefore, the argument that 'solar farms should not be installed on good quality farmland' is not substantiated. The Committee fully support the logic and reason of the experts.
2. Members fully endorse and support the points outlined in the attached report submitted by PA Gannon which identifies 10 planning policies breached in this application.
3. The Committee would like it to put on record that having declared a 'climate emergency' they are in full support of solar energy, but NOT on this site.

**21/178B Traffic Analysis Working Group:**

(i) **The group presented the following report:**

Richard Fitter, Entran was contacted by the working group with the following update: Watchet Town Council are still awaiting any response from both SW&T planning and SCC Highways to the letter of objection that was submitted, and which was posted on 3/11/21 and which SCC highways rejected out of hand. The Clerk will be following up with SW&T to seek whether we will get a response and any timing of possible consideration of the application by the planning committee. Watchet Town Council will update you on any progress on this before the decision will be made on how any requests to you for further work on next stages might be progressed.

Further updates for your information:

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#### **Local residents' action group:**

A local residents' group has been established to oppose this development. One of the organisers has raised a number of questions with the Clerk, as shown in the email below, and we would ask whether you had any comments on the following questions from within the list?

#### **Questions:**

- \* Where is the TRIC figure of 6-7 extra cars per household (that SW&T normally use as an estimate when planning new developments) set down, and why is this different from the figure that highways are using for this application?
- \* Is this something we can quote as a statutory or binding figure? Could you give us reference details for where the figure is quoted?
- \* Will (should) Watchet Town Council E&P be using the TRIC figure?
- \* Why the Hydroc report uses different times for traffic movements than the Entran report. How are Highways able to dismiss this report and revert to an algorithm calculation?
- \* It has been suggested that making the PROWs usable requiring other people's land can be overcome via a Section 106 agreement, and the assumption that it will become available in the future. Could this be challenged in any way?

We think it very unlikely that SW&T will permit third parties to accompany any site visit by their planning committee if it were to go ahead, as unlike a committee meeting public do not have a right to attend.

#### **Response from Richard Fitter, Entran:**

The Trip Rate Information Computer System (TRICS) is a large database of travel surveys that is available for transport professionals to interrogate. The TRICS consortium provides guidance and best practice on the use of the database but there is always an element of subjective decision making when choosing appropriate survey sites. When interrogating the database, it is necessary to choose similar locations (in terms of geography and accessibility), similar developments (in terms of scale and mix) appropriate dates, appropriate times etc. Each of these parameters can be subject to some debate and there is the perennial discussion as to whether it is better to have a large dataset including some sites that are not like yours, or to refine the selection criteria to such a degree that you have a very small data set (one or two sites) but that are more like yours. As a result, there is no such thing as a standard expected level of traffic generation for a new housing development. Each site is treated individually and on its own merits. It is not uncommon for a developer's consultant to submit a Transport Assessment stating an expected traffic generation of X, only for the highway authority to respond saying they would have expected it to be nearer Y. It is wrong to have a pre-conceived idea of the output, but it is perfectly reasonable to have an informed discussion about the process that led to those figures. We have not conducted our own TRICS assessment for the Cleeve Hill site, but we did not find any material errors in the TRICS data contained in the original Hydroc TA which is why this was not a matter raised in our Tech Note 1.

However, we did find fault in the peak hours used for assessment, and this is explained in full in Section 5 of TN1.

I'm afraid the question relating to the upgrading of the rights of way is probably one for a solicitor as the ownership and maintenance of public rights of way is a very complex issue. It is certainly the case that any landowner wishing to carry out work on a right of way across their land will need the permission of the highway authority. However, it is not entirely clear whether the highway authority will always need the permission of the landowner before authorising such work. For your information, I am aware of a development in Wiltshire where the developer agreed to resurface a right of way footway, but the highway authority subsequently dropped that obligation because the landowner refused permission. Importantly, however, in the case of Cleeve Hill there is a question prior to considering the legalities and that is whether it is even feasible for improvements to be made that would make the routes suitable for all pedestrians. It is insufficient for the developer's obligation to simply be payment of a sum of money with no realistic expectation that such a payment would provide adequate mitigation. The developer must first demonstrate that mitigation is possible and likely and then they may contribute to the highway authority to deliver those works. It should also be the case that in addition to the S106 obligation (presumably a financial contribution) a Grampian condition should be imposed preventing occupation of the dwellings until the highway improvements have been completed. The planning authority cannot apply a planning condition that is unlikely to be achievable because any such condition can easily be appealed and over-turned. Therefore, it is necessary for the planning and highway authorities to be confident that the necessary works can be delivered, and that they would make suitable provision for all pedestrians, prior to the application being determined. No such information has been submitted in support of this application.

#### **APPENDIX 1.1 – response from Planning Authority:**

**Re:- Outline Application: Residential Redevelopment of Agricultural Land for Estate of up to 136 Dwellings. Creation of New Vehicular Access (closure of existing). Provision of Estate Roads, Pathway, New Public Rights of Way, Cycleways and Open Recreational**

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**Space. Partial Re-alignment of Existing Public Highway (Resubmission of 3/37/18/015): Cleeve Hill, Watchet ref. 3/37/21/012**

Firstly, it needs to be emphasised that this is not a 'windfall' site. It is a site that has been allocated in the local Plan under Policy LT1: Post 2026 Key Strategic Development sites. As an allocated site the issues around its' general suitability to accommodate residential development have already been tested and considered acceptable by a Planning Inspector as part of the Local Plan adoption process. A key reason for the allocation is to secure 'a new alignment for the B3191 to address the impact of coastal erosion.' The proposal secures this benefit. The amount of development proposed is 136 dwellings. On a site of circa 5ha, this works out as 26 dwellings per hectare, which, I suggest, is comparable with modern development densities and is not excessive. The application has been made in outline with all matters except access reserved.

The Highway Authority are charged with providing the Local Planning Authority with definitive advice upon highway matters. It would only be on a very rare occasion where planning officers would disregard the views of highway colleagues in favour of those commissioned by objectors. In this case the Highway Authority were made aware of the contents and conclusions in the Watchet Town Council commissioned Entran report prior to finalising their consultation response. Watchet Town Council may disagree with the Highway Authority's views and conclusions, but it is untrue to state that they were dismissed out of hand. The Highway Authority have confirmed that they were aware of the Entrans report, they state: -

*The Highway Authority read, assessed and considered the report submitted by Watchet Town Council prior to our response to the LPA dated 21 October 2021. Notwithstanding, and with consideration of planning policy we maintained the view that there were not sufficient grounds for refusal of the development proposed subject to appropriate conditions and legal obligations being met, as recommended to the LPA. We acknowledge the concerns raised, however as an impartial consultee our comments are for the LPA to now determine within the overall planning balance.*

The prospect that the proposal will deliver the road realignment, a key policy objective, and that pedestrians sharing a carriageway with vehicles along small stretches of existing streets is not that uncommon in historic towns are factors to be weighed in that balance.

In a plan led system, considerable weight is afforded to the presumption in favour of sustainable development and the comments in paragraph 11 of the NPPF, which states: -

*For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay;*

The NPPF does continue in the next paragraph to discuss the circumstances in which a decision may depart from an up-to-date local plan

*12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*

Note firstly that this is discretionary 'may' and secondly that neither I, nor the SCC Highway Engineers, have seen convincing evidence, to date, that there are material considerations that override the presumption in favour of development, in respect of highway issues.

Finally, a general update. There is ongoing work in relation to the independent assessment of the applicant's land stability report and in connection with updating the viability assessment (in relation to affordable housing and contributions). When that is complete, the application will be reported to Planning Committee for a decision.

**APPENDIX 1.2 – response from Richard Fitter, Entran**

It certainly seems that both the planning and highway authorities are fixated on the realignment of the B3191 and any adverse effects of the development can be put to one side as long as they achieve that.

There is a fundamental error in both the highway response and the planning response in that they are suggesting that because the site is allocated in the Local Plan then the transport effects have already been considered and approved. That is not the case, otherwise there would be no need for a planning application once a site is allocated. This may be an outline application but means of access is to be determined in the same way as if this was a full application. It is therefore necessary for the developer to demonstrate that the proposed access arrangements, on-site and off-site, are policy compliant. They, having assessed the transport effects of the proposed development, they need to demonstrate whether off-site mitigation is required.

This developer has failed to properly assess the traffic impact of this development (and the cumulative effects of committed development). They have also failed to demonstrate that appropriate transport improvements can be made to ensure safe and appropriate access for pedestrians, cyclists and those with mobility impairments.

It is concerning that the highway authority has again referred to there being insufficient grounds for refusal. That should not be the benchmark for good development. At the very least it would

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be appropriate and proper for them to put the Town Council's concerns to the developer and ask them to respond.

The planning officer's comments regarding "pedestrians sharing a carriageway with vehicles along small stretches of existing streets is not that uncommon in historic towns" is somewhat disingenuous and completely underestimates the likely conflict between pedestrians and drivers that will occur. It is worth noting that neither the developer or the highway authority has quantified the anticipated number of pedestrians or cyclists so they cannot judge the impact.

**Instruction from the Proper Officer in liaison with the Traffic Analysis Working Group**

Having liaised with the working group Watchet Town Council would like to engage your services to produce a formal letter for the Town Council to send to SW&T based on your latest arguments. We are hoping this can be done asap, to ensure that it is received and logged by the Planning Authority before this application is considered by the Planning Committee.

**RECOMMENDATION:**

*To note the report and forward the contents onto the Cleeve Hill Action Group. The Proper Officer is delegated to forward on the response from the Planning Authority to Richard Fitter and extend the consultants fee (within existing approved budget) to further engage the services of Entran in drafting a letter on behalf of the Town Council. The Clerk to keep a monitoring brief on any further responses from the Planning Authority and progress in liaison with the traffic analysis working group.*

Cllr Irven proposed that the ' *recommendation as presented is approved*'. Seconded by Cllr Johnson. Carried.

- 21/179B To address items received from the planning authority requiring attention prior to the next Somerset West & Taunton / Somerset County Council / planning meetings: The developer of the new development at Liddymore Farm has sent a plan (see attached) with some suggested street names, and as part of the registration process, Somerset West & Taunton Council give the Parish/Town Council opportunity to suggest street names for new developments, and have therefore asked for suggestions from this Committee. Members agreed to give this matter some consideration and submit suggestions to the Clerk to forward on to the Address Management team.

**Planning and plans to be discussed:**

- 3/37/21/032 32 South Road, Watchet, TA23 0HE  
Erection of 1 No. dwelling  
*The Committee strongly object to this application on the grounds of overdevelopment of the site. This is further supported by the 'Taunton Deane adopted site and development Management Plan 2016'- Appendix E page 42, as attached, gives details on recommended off-road parking spaces to be provided for new homes in the area, and shows that for 2-bedroom homes outside of Central Taunton it requires 2 spaces per property (no information found on the SW&T website). The proposed development in South Road reduces existing parking spaces to one per existing properties 32 & 32A, as shown in the site plan submitted with the application. This supports the argument that it is over- development which will increase on-road parking in an already over congested area.*

Cllr Westcott having declared a Personal and Prejudicial Interest in this application left the meeting 7.06pm and asked Cllr Irven to preside over the meeting.

- 3/37/21/033 5 Roman Way, Watchet, TA23 0EH  
Erection of a single storey rear extension (resubmission of 3/37/21/026)  
**The Committee recommends approval.**

Cllr Westcott returned to the meeting at 7.08pm.

**21/180B Matters for the next meeting**

- liaise with the Clerk
- Condition of the footpath at Seaview Terrace – update

Meeting closed at 7.10pm

Signed: 

Date: 