Ministry of Housing,
Communities &
Local Government

Our ref: APP/E3335/V/25/3360037
Your ref: 2021/1675/EOUT

Matthew Kendrick
Grass Roots Planning Ltd
Bristol North Baths
Gloucester Road
Bristol, BS7 8BN

2 April 2026

Sent by email only
[redacted]

Dear Matthew Kendrick,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY LAND VALUE ALLIANCES & LANDOWNERS CONSORTIUM
LAND SOUTH OF FROME BOUNDED BY MARSTON ROAD, B3092/RAILWAY LINE AND A361 (FROME BYPASS) AND INCLUDING LAND TO THE SOUTH OF A361, FROME, SOMERSET
APPLICATION REF: 2021/1675/EOUT

This decision was made by the Parliamentary Under-Secretary of State for Housing and Local Government, Baroness Taylor of Stevenage, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of Stephen Normington BSc, DipTP, MRICS, MRTPI, FIHE, FIQ, who held a public local inquiry between 5 and 9 August 2025 into your client's application for outline planning permission for the erection of up to 1,700 dwellings (Use Class C3), two care homes (Use Class C3), 6.9 hectares of employment land (Use Classes E, B2 and B8), a mixed use local centre for primary school (Use Class F1), cafes/restaurant and convenience store (Use Class E) and other supporting social and physical infrastructure (Use Classes F1, F2 and E), provision of greenspace and other supporting ancillary works. All matters (Access (within the site), Layout, Scale, Appearance, Landscaping) reserved except for four new vehicular site access points from the existing highway, in accordance with application Ref. 2021/1675/EOUT, dated 4 August 2021, and amended as set out in IR1.10.

2. On 3 February 2025, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act (TCPA) 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the application be approved and planning permission be granted, subject to conditions.

Ministry of Housing Communities & Local Government Email: PCC@communities.gov.uk
Emma Hopkins, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, and agrees with his recommendation. He has decided to grant planning permission, subject to conditions. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the revised Environmental Statement June 2025 which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspector's comments at IR1.3, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. A list of representations which have been received since the inquiry is at Annex A. The Secretary of State is satisfied that the issues raised do not affect his decision, and no new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter.

7. At the time of the Inquiry a Local Plan Part II Limited Update with additional site allocations was under examination (IR5.4-5.5). The Limited Update was adopted on 25 September 2025. The Secretary of State agrees with the Inspector that the allocations in this revised Plan are not relevant to the consideration of this application and he is satisfied he did not need to refer back to parties on its adoption.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

9. In this case the development plan consists of the Mendip District Local Plan Part I (adopted 2014) (LPP1), the Mendip District Local Plan Part II (adopted 2021) (LPP2) and Limited Update (adopted 2025), the Frome Neighbourhood Plan 2008-2028 (made 2016), the Somerset Minerals Local Plan (adopted 2015), and the Somerset Waste Core Strategy (adopted 2013). The Secretary of State considers that relevant development plan policies include those set out at IR5.6-5.22 and IR5.24.

10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework) published on 12 December 2024 and updated on 7 February 2025, and associated planning guidance ('the Guidance').

Emerging plan

11. The emerging plan comprises the emerging Somerset Local Plan, following the incorporation of Mendip District Council into Somerset Council on 1 April 2023. The

Secretary of State notes that the parties agree that no weight can be given to the emerging Plan (IR6.3).

12. Paragraph 49 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The emerging Somerset Plan is at an early stage of preparation. In accordance with paragraph 49 of the Framework, the Secretary of State agrees with parties that no weight can be given to this plan.

Main issues

13. The Secretary of State agrees with the Inspector that the main issues to be addressed are those set out at IR12.1.

Housing land supply and the locational policy for new housing

14. For the reasons given at IR12.2-12.10, IR12.160 and IR12.164-12.165 the Secretary of State agrees with the Inspector at IR12.9 that there is a pressing and compelling need to boost the supply of market and affordable housing in the former Mendip District Council area and that there is little prospect of the current position improving over the next few years. He agrees at IR12.10 that the proposed development of 1,700 homes would make a significant contribution to housing supply and further agrees that 30% of the dwellings (up to 510) would be affordable in accordance with policy CP11 of the LPP1. Like the Inspector he considers that the delivery of 1,700 homes including 510 affordable homes, in circumstances where the Council is only able to demonstrate a 2.84 year housing supply, carries very significant weight (IR12.160).

15. The Secretary of State has had regard to the Inspector's analysis at IR12.11-12.16, IR12.87, IR12.155-12.157 and IR12.164. He agrees with the Inspector that there would be a breach of the elements of Policy CP1 of the LPP1 which seeks to ensure that development should be strictly controlled within the open countryside (IR12.13) and that the proposal would not accord with the locational provisions of policy CP6 which seeks to ensure that housing development is located within development limits (IR12.14). However he agrees that these policies are out of date (IR12.157), and further agrees that the proposal would broadly meet the spatial strategy of LPP1 as set out in Policy CP1 given that the site lies on the edge of Frome, which is the largest settlement within the District, offering a wide range of everyday facilities and services (IR12.16). Overall, the Secretary of State considers that harm arising from development in open countryside, in conflict with local policies carries limited weight.

Employment land

16. For the reasons given at IR12.17-12.30, IR12.160 and IR12.164 the Secretary of State agrees with the Inspector that there is a clear need for employment land in Frome that can be delivered by the application proposals (IR12.130). He agrees that there would be some conflict with Policy DP25 of LPP2, as the Council's focus is to support proposals within established employment areas and specific allocations (IR12.127). He further agrees that Policy DP25 allows for the flexibility that unallocated land for employment may come forward, including in locations on the fringes of the main towns and further agrees that the proposed development would be in broad accordance with Policy DP25 of LPP2 and consistent with LPP1 policies CP1, CP2 and CP6 as it will help achieve the

aims of the development plan to deliver a minimum amount of employment land over the plan period (IR12.30). He also agrees that the proposed development would broadly accord with the objective of LPP1 Policy CP3 by supporting business development and growth (IR12.25).

17. The Secretary of State agrees that the delivery of 6.9 ha of dedicated employment land with the potential to generate 565 full time equivalent jobs with an additional 200 jobs in other employment generating space including retail, education and care homes carries significant weight, and the creation of between 271 to 350 construction jobs per year that would be sustained over the 15 year build phase carries separate significant weight (IR12.160).

Character and appearance

18. For the reasons given at IR12.31-12.51, IR12.65-12.69 and IR12.158 the Secretary of State agrees with the Inspector that the proposed development would result in moderate to major adverse visual effects for some receptors including residents and users of the public rights of way network. These effects would be localised and would occur as the consequence of the loss of the rural landscape to built development (IR12.46). The Secretary of State agrees that that landscape impacts would be highly localised to within and immediately adjacent to the application site but that nonetheless, the landscape effect as a consequence of the proposed development to the character area B2.5 would be major adverse. He agrees that there would be minor harm to the wider landscape of the LCA and there would be conflict with Policy DP4 of LPP1 (IR12.51).

19. For the reasons given at IR12.52-12.64 and IR12.67-68 the Secretary of State agrees that the development would introduce new light sources when viewed from within the International Dark Sky Reserve (incorporated into the Cranborne Chase National Landscape) and however, this impact would be in the context of the existing uncontrolled sky glow from Frome (IR12.59). The Secretary of State agrees that the development would provide alternative open space provision which may not only contain recreational activity within the site but also provide access to open space for existing residents to the nearby countryside who might otherwise be currently travelling into the Cranborne Chase National Landscape. Like the Inspector he does not consider that the proposals would result in additional pressure on the Cranborne Chase National Landscape to the extent that visual harm would be caused (IR12.62). The Secretary of State therefore agrees that the proposals would not cause any material harm to the setting of the Cranborne National Landscape or the quality of darkness experienced within the wider Dark Sky Reserve (IR12.67). He agrees that the proposals would not conflict with the provisions of Policy DP4 (part 1) of LPP1 that set out that proposals in areas adjacent to the AONB (now National Landscape) should not compromise the setting of the designated area, nor conflict with the provisions of Policy DP8 (part 3) of LPP1 which requires that development proposals, particularly those in a rural setting, should make all reasonable efforts to minimise light pollution (IR12.63). The Secretary of State further agrees that the statutory duty under the revised Section 85 of the Countryside and Rights of Way Act 2000 would not be breached (IR12.64).

20. Overall, the Secretary of State agrees that having regard to the site's local level of visual containment and the proposed extent of Green Infrastructure mitigation that the visual

and landscape impact of the scheme carries moderate weight against the proposal (IR12.158).

Highway safety and the free flow of traffic

21. For the reasons given at IR12.70-12.86, IR12.160 and IR12.165, like the Inspector the Secretary of State does not consider that the proposed development would result in an unacceptable impact on highway safety, nor would it give rise to a severe residual detrimental impact on the safe and efficient operation of the highway network in the vicinity of the application site. He agrees that relevant mitigation measures to the primary route network have been identified, designed and secured and that there would be no conflict with Policy DP9 of LPP1 (IR12.85).

22. He agrees with the Inspector at IR12.86 that the proposed development would make a significant contribution to the delivery of requirements set out in Policy DP27 of LPP2 which, amongst other things, states that Strategic Road Network schemes to the A36 Beckington roundabout and the A36 White Row roundabout shall be provided during the plan period to support the delivery of the development strategy for Frome. He agrees there would be benefits of moderate weight relating to highway improvement works to the A36 (IR12.165)

Sustainable location and travel

23. For the reasons given at IR12.87-12.112, IR12.160 and IR12.165 the Secretary of State agrees that the proposed development would not only limit the need for travel, by the provision of facilities in the Local Centre, but would offer a choice of transport modes to access facilities within Frome (IR12.110). He further agrees that the application site would be sustainably located and has been designed, as embedded in the Design Principles Framework Document, to reduce the reliance on the private car and provide a real choice of transport modes (IR12.111).

24. The Secretary of State agrees that improvements to sustainable transport and active travel assets in Frome, in particular greater frequency of the bus service and geographical coverage and improvements to key active travel corridors, carry moderate weight in favour of the proposal (IR12.160). He further agrees that there would be no conflict with the relevant parts of Policy DP9 of LPP1 (IR12.112).

Effect on nearby heritage assets

25. For the reasons given at IR12.113-12.130 IR12.159, and IR12.161-IR12.162 the Secretary of State agrees with the Inspector at IR12.159 that the proposal would fail to preserve the settings of two listed buildings, namely Keyford House and Conservatory and Manor Farmhouse (both Grade II Listed). He agrees that there would be less than substantial harm to the significance of these listed buildings as a consequence of the changes that would occur to their respective settings. He further agrees that consequently, there would be conflict with Policy DP3 of LPP1. In line with paragraph 212 of the Framework the Secretary of State gives great weight to the less than substantial harm to the significance of the above designated heritage assets.

26. In line with the heritage balance set out at paragraph 215 of the Framework, the Secretary of State has considered whether the identified less than substantial harm to the significance of Keyford House and Conservatory and Manor Farmhouse is

outweighed by the public benefits of the proposal. His conclusion is set out at paragraph 39 below.

Other matters

27. For the reasons set out at IR12.131-12.139 the Secretary of State agrees with the Inspector at IR12.139 that the proposed development would remain safe from all sources of flooding, now and in the future, without increasing flood risk elsewhere. He further agrees that there would be no conflict with the relevant provisions of Policy DP23 of LPP1 or paragraphs 170, 181 and 182 of the Framework.

28. For the reasons set out at IR12.140-142 the Secretary of State agrees that the proposed design principles would result in a form of development that would be legible and deliver a sense of coherence and continuity across the whole site. He agrees that the Design Principles Framework Document and Parameters Plans provides a suitable framework and appropriate principles to enable detailed design to be considered at reserved matters stage, and that there would be no conflict with Policy DP7 of LPP1 (IR12.142).

29. For the reasons set out at IR12.143-12.150 the Secretary of State agrees that condition 44 would prevent any occupation of affected dwellings until the Hazardous Substances Consent has been revoked. He further agrees that the existence of the historic Hazardous Substances Consent would not be an impediment to the delivery of the site (IR12.150).

30. The Secretary of State agrees with the Inspector's conclusion at IR12.151 regarding alternative sites.

31. The Secretary of State is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2017 and for the reasons set out at IR12.152 he agrees with the Inspector that he is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of any affected European site in view of each site's conservation objectives. The site is the Mells Valley Special Area of Conservation. The Secretary of State agrees with the assessment and findings in Annex F of the IR. He therefore adopts Annex F as the necessary Appropriate Assessment in his role as the Competent Authority on this matter, and agrees that the proposed development would be unlikely to have an adverse effect on the integrity of the Mells Valley SAC alone or in combination with the other planned developments.

32. The Secretary of State agrees that the delivery of Biodiversity Net Gain which would deliver +11.3% in overall habitat units, hedgerow units of +77.59% and watercourse units of +29.05% carries moderate weight in favour of the scheme. He further agrees that the provision of Public Open Space and Green Infrastructure that exceeds the relevant policy requirements carries moderate positive weight (IR12.160).

Planning conditions

33. The Secretary of State had regard to the Inspector's analysis at IR10.1-10.16, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 57 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 57 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

34. The Secretary of State has had regard to the Inspector's analysis at IR11.1-11.5 and IR1.11-1.13, the Section 106 Agreement (dated 1 October 2025), the revised Community Infrastructure Levy (CIL) Compliance Statement (dated 15 September 2025) and the Education Contribution Statement, paragraph 58 of the Framework, the Guidance and the CIL Regulations 2010, as amended. The Secretary of State agrees at IR11.5 that the obligations comply with Regulation 122 of the CIL Regulations 2010, and is satisfied that the obligations comply with the tests at paragraph 58 of the Framework.

Planning balance and overall conclusion

35. For the reasons given above, the Secretary of State considers that the application is in partial conflict with Policies CP1, CP6, DP3, DP4 of LPP1 and DP25 of LPP2, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

36. As the Council cannot demonstrate a five year supply of housing land, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

37. Weighing in favour of the proposal is the delivery of 1,700 homes including 510 affordable homes, which carries very significant weight; jobs arising from the employment land as well as construction employment, which each carry significant weight; improvements to sustainable transport and active travel assets in Frome, highway improvement works to the A36, delivery of Biodiversity Net Gain, and provision of open space and green infrastructure that exceeds the relevant policy requirements, which each carry moderate weight.

38. Weighing against the proposal is visual and landscape impacts, which carry moderate weight; the less than substantial harm to the significance of designated heritage assets which carries great weight; and the harm arising from development in open countryside, in conflict with local policies carries limited weight.

39. In line with the heritage balance set out at paragraph 215 of the Framework, the Secretary of State has considered whether the identified less than substantial harm to the significance of the designated heritage assets is outweighed by the public benefits of the proposal. Taking into the account the public benefits of the proposal as identified in this decision letter, the Secretary of State agrees with the Inspector at IR12.161-12.162 that the benefits of the appeal scheme are collectively sufficient to outbalance the identified less than substantial harm to the significance of Keyford House and Conservatory and Manor Farmhouse. He considers that the balancing exercise under paragraph 215 of the Framework is therefore favourable to the proposal.

40. The Secretary of State considers that there are no protective policies which provide a strong reason for refusing the development proposed. He further considers that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The presumption in favour of sustainable development therefore applies.

41. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that despite the conflict with the development plan, the material considerations in this case indicate that permission should be granted.

42. The Secretary of State therefore concludes that that the application should be approved, and planning permission granted, subject to conditions.

Formal decision

43. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for the erection of up to 1,700 dwellings (Use Class C3), two care homes (Use Class C3), 6.9 hectares of employment land (Use Classes E, B2 and B8), a mixed use local centre for primary school (Use Class F1), cafes/restaurant and convenience store (Use Class E) and other supporting social and physical infrastructure (Use Classes F1, F2 and E), provision of greenspace and other supporting ancillary works. All matters (Access (within the site), Layout, Scale, Appearance, Landscaping) reserved except for four new vehicular site access points from the existing highway, in accordance with application ref. 2021/1675/EOUT, dated 4 August 2021, and amended as set out in IR1.10.

44. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.

Right to challenge the decision

45. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.

46. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

47. A copy of this letter has been sent to Somerset Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Emma Hopkins

Decision officer

This decision was made by Parliamentary Under-Secretary of State for Housing and Local Government, Baroness Taylor of Stevenage, on behalf of the Secretary of State, and signed on her behalf

Annex A Schedule of representations

General representations

Party	Date
S Williams	6 August 2025
C Montes	7 August 2025
C Montes	7 August 2025

Annex B List of conditions

1) **Outline Reserved Matters Time Limit (Compliance)**

(a) No phase, as defined on approved plan 'Parameter Plan 6 – Phasing (Ref: 1731.2034 Rev.D) of the development hereby approved shall be commenced unless and until an application for written approval of the matters reserved by this planning permission (the Reserved Matters) in respect of that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The Reserved Matters applications shall include plans, sections and elevations (as appropriate) detailing:

- Access
- Layout
- Scale
- Appearance
- Landscaping

(b) The first application for approval of the Reserved Matters shall be submitted not later than the expiration of two years from the date of this permission;

(c) The development shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the first of the Reserved Matters to be approved whichever is the latest.

2) **Plans List**

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

- Site Location Plan (Ref: 1731.2000 Rev F)
- Parameter Plan 1 – Land Use (Ref: 1731.2026 Rev.Q)
- Parameter Plan 2 – Building Heights (Ref: 1731.2027 Rev.S)
- Parameter Plan 3 – Green Infrastructure (Ref: 1731.2028 Rev.N)
- Parameter Plan 4 – Density (Ref: 1731.2029 Rev.H)
- Parameter Plan 5 – Access (Ref: 1731.2033 Rev.K)
- Parameter Plan 6 – Phasing (Ref: 1731.2034 Rev.D)
- Proposed three arm roundabout access from Marston Road (Ref: 19016-PHL-A01_ Rev.J)

- Proposed three arm roundabout access from the A361 (Ski Jump Hill) (Ref: 19016-PHL-B02_ Rev.J)
- Proposed works to Little Keyford Lane, including the provision of a bus gate and cycle and footway works (Ref: 19016-PHL-C03_ Rev.H)
- Proposed junction access to southern employment area at Blatchbridge (Ref: 19016-PHL-F02_ Rev.E)
- Design Principles Framework Document v11 (July 2024)

3) **Site Wide Infrastructure Plan**

No part of the development hereby approved shall be commenced unless and until a Site Wide Infrastructure Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Wide Infrastructure Plan shall include details of the following:

(a) Spine Road network

(b) Strategic open space and Green Infrastructure

(c) Surface water drainage, informed by the results of the updated hydraulic model undertaken in connection with Condition 20

(d) Foul water drainage

(e) The Active Travel Bridge over the River Frome

The Site Wide Infrastructure Plan shall include a timetable for implementation. The development shall be implemented in accordance with the approved Site Wide Infrastructure Plan.

4) **Phasing (Details)**

Each Reserved Matters application shall comprise a phase of the development (as shown on Drawing 1731.2034 Rev.D) and shall include details of the sequencing and programme for the construction and completion of buildings, roads, cycle routes and footpaths; landscaping and areas of public realm including the provision of Neighbourhood and Local Equipped Areas of Play and Local Areas of Play; and the location of fire hydrants.

The development shall be implemented in accordance with the approved details.

5) **Land Use Reconciliation (Compliance)**

Each Reserved Matters application shall be accompanied by a Reconciliation Statement specifying:

(a) what is proposed in the Reserved Matters application;

(b) what is permitted by this outline permission but not the subject of Reserved Matters application or approval;

(c) what has been completed at the date of the Reserved Matters application; and

(d) what has Reserved Matters approval but is not built.

The Reconciliation Statement shall demonstrate how the development the subject of the Reserved Matters application is consistent with the overall proposals for the site as established by the approved Parameter Plans.

The Reconciliation Statement shall include a development table which shall include details of the following:

(a) The Use Class and floor area of all non-residential use(s) (sqm GIA) by reference to the approved Land Use Parameter Plan (Ref: 1731-2026-Q); and

(b) The number of dwellings and housing mix (Use Class C3).

6) **Design Codes**

Prior to the submission of any Reserved Matters application(s), detailed Design Codes for the phase of development to which it relates shall be submitted to and approved in writing by the Local Planning Authority. The Design Codes shall include details of:

(a) Site layout principles;

(b) Architectural strategy and design styles relevant to that phase;

(c) Block types, separation distances, building depths and house types;

(d) Facing and roofing materials, boundary treatments;

(e) Hard and soft landscaping and public realm strategy including materials and surfacing types; and

(f) Sustainable construction techniques, on-site renewable energy generation and carbon emission reduction measures.

These details will be in compliance with the approved Design Principles Framework Document.

The relevant phase of the development shall be implemented in accordance with the approved Design Code.

7) **Compliance Statement**

Applications for the approval of Reserved Matters shall be accompanied by a statement demonstrating how they accord with the approved Parameter Plans and the approved Design Codes.

8) **Noise Mitigation**

Each Reserved Matters application for new dwellings shall include details of noise mitigation (where required) to support the indicative design specification for residential properties within and adjoining the site as detailed in 11.7 (Mitigation Measures & Monitoring) and 11.8 (External Noise Affecting the Proposed New Housing) of the Environmental Statement. The approved measures shall be implemented prior to first occupation of any dwelling requiring the measures. All sound level measurements are to be expressed as ‘A’ weighted “Fast” response levels.

9) **Electric Vehicle Charging**

Each Reserved Matters application shall include a detailed plan of the location and specification of Electric Vehicle (EV) charging provision in accordance with the Somerset Parking Strategy, or any relevant document that supersedes this guidance.

The approved vehicle charging points for each dwelling in each phase shall be provided and operational prior to occupation of that dwelling and shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

With respect to non-residential development, the approved vehicle charging points shall be provided and operational prior to occupation of each non-residential building to which the charging points relate.

10) **Material Samples**

Each application for approval of Reserved Matters shall include a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, for the phase of development to which it relates, in accordance with the approved Design Codes set out in condition 6. The relevant phase of the development shall thereafter be carried out only in accordance with the approved schedule of materials.

11) **Hard and Soft Landscaping**

Each application for approval of Reserved Matters shall include a hard and soft landscaping/planting scheme for the phase of the development to which it relates, which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

(a) size, species and positions for new trees and plants;

(b) details of boundary treatments, including any walls, bunds, and/or fences;

(c) surfacing materials (including parking, turning, roadways, drives, patios and paths);

(d) any retained trees/plants including confirmation of protection measures for all existing trees on the site that are to be safeguarded in accordance with BS5837:2012;

(e) Scope of ground works to be undertaken including a soil management plan that qualifies the extent of any soil to be exported from the site; and

(f) a detailed programme of implementation.

The approved landscaping/planting scheme shall be implemented in full within the first available planting season from the date of commencement of the relevant phase of the

development. No trees/plants shown as retained shall be removed or otherwise damaged.

Any trees or plants indicated on the approved scheme (including retained trees/plants) which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

12) **Construction Environmental Management Plan (Residential Amenity)**

Each phase of the development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in order to ensure the safe operation of the highway and minimise the effect of noise, odour and dust from the demolition, preparatory groundworks and construction phases of development on occupiers of nearby properties in the interests of residential amenity and sustainable development.

The CEMP shall include, the following:

(a) Details of the routing of delivery and construction vehicles to/from the site

(b) Details of the working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site;

(c) Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration;

(d) Details for the safe disposal of waste materials confirming that no burning of site generated waste is permitted;

(e) Delivery and construction working hours;

(f) Loading and unloading of plant and materials;

(g) Storage of plant and materials used in constructing the development;

(h) Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities;

(i) Prevention of nuisance caused by radios, alarms, PA systems or raised voices;

(j) The parking of vehicles of site operatives and visitors; and

(k) Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to ground or watercourses. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within any flow routes.

Noise generating activities shall not occur outside of the following hours:

Mon – Fri 08:00-18:00

Sat – 08:00 – 13:00

All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

13) **Construction Environmental Management Plan (Biodiversity)**

A Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted with each Reserved Matters application for the phase of the development to which it relates. The CEMP: Biodiversity shall include the following:

(a) Risk assessment of potentially damaging construction activities to existing ecological habitat;

(b) Identification of biodiversity protection zones;

(c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including matters raised in the Environmental Statement '7.0 Chapter 7: Ecology & Nature Conservation' and associated appendices (dated June 2025) in addition to any recommendations obtained from updated ecological and habitat surveys where deemed appropriate by a suitably qualified ecological consultant;

(d) The location and timing of sensitive works to avoid harm to biodiversity features;

(e) The times during construction when specialist ecologists need to be present on site to oversee works;

(f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;

(g) The role and responsibilities on site of the employed ecological clerk of works (EcoW) or similarly competent person responsible for overseeing the delivery of the approved CEMP Biodiversity, including regular compliance site meetings with

the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases);

(h) Use of protective fences, exclusion barriers and warning signs; and

(i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

No development of the relevant phase shall commence until the CEMP: Biodiversity has been approved in writing by the Local Planning Authority and the development of that phase shall thereafter be carried out in accordance with the approved details.

14) **Lux Contour Plan (Lighting Strategy)**

A Lighting Strategy (including biodiversity impact) shall be submitted with each Reserved Matters application for the phase of the development to which it relates. The Lighting Strategy shall:

(a) Identify those areas/features of the site that are particularly sensitive for bats and other identified light sensitive species identified in documents titled 'Outline Horseshoe Bat Mitigation Strategy' (contained in appendix 7.C of the June 2025 Environmental Statement) that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging.

(b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

(c) The design should accord with Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

(d) Show the design is broadly consistent with the principles set out within the 'Outline Horseshoe Bat Mitigation Strategy' contained in appendix 7.C of the June 2025 Environmental Statement.

(e) Demonstrate that the proposed lighting includes luminaire columns that have an Upward Lighting Ration of 0 value and meets the requirements of Environmental Lighting Zone E1.

No development of the relevant phase shall commence until the Lighting Strategy has been approved in writing by the Local Planning Authority and all external lighting shall thereafter be installed in accordance with the approved specifications and locations set out in the approved Lighting Strategy and shall be maintained thereafter in accordance with the said strategy.

No external lighting shall be installed on any external surface, including houses, other than in accordance with a scheme which has first been submitted to, and agreed in writing by the Local Planning Authority.

15) **Further Updated or Supplementary Surveys (Habitats, Badgers, Bats, Reptiles, Water voles, Otters, Invertebrates, Hazel Dormouse, Birds)**

No works shall commence on a phase until updated supplementary ecological surveys for habitats, badgers, bats, reptiles, water voles, otters, invertebrates, hazel dormouse and birds of that phase of the site have been undertaken submitted and approved in writing by the Local Planning Authority as part of any Reserved Matters application. Surveys shall be undertaken in accordance with the most up-to-date good practice guidelines pertaining to the respective habitats and species.

16) **Reptile Mitigation Strategy**

No development of a phase shall take place (including ground works or vegetation clearance) until a Reptile Mitigation Strategy (if deemed necessary by virtue of the requirements under Condition 15) for that phase has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include the following:

(a) The proposed construction working practices to avoid harming reptiles;

(b) Details of proposed location, to accommodate any reptiles discovered during the works;

(c) The timing of works to minimise the impact on reptiles; and

(d) If required, details of the location and status of translocation site.

The development of the relevant phase shall thereafter be carried out strictly in accordance with the approved Reptile Mitigation Strategy.

17) **Biodiversity Enhancement and Management Plan (BEMP)**

A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted with each Reserved Matters application for the phase to which it relates. The BEMP will include details of the proposed enhancements as outlined in the Environmental Statement ‘Chapter 7: Ecology & Nature Conservation’ and relevant appendices (dated June 2025).

No development of a phase shall commence until the BEMP for that phase has been approved in writing by the Local Planning Authority and the development of that phase shall thereafter be carried out in accordance with the approved BEMP.

18) **Post Construction Biodiversity Monitoring**

No phase of the development shall commence, including demolition, ground works and vegetation clearance, until a Biodiversity Monitoring Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The purpose of the Biodiversity Monitoring Strategy shall be to monitor retained, enhanced, and created habitats as well as associated protected species which they are designed for. The content of the Biodiversity Monitoring Strategy shall be in accordance with the Habitat Management and Monitoring Plan (HMMP) as outlined in the HMMP guidance template provided by Natural England and shall include the following details:

(a) Aims and objectives of monitoring to match the stated purpose;

(b) Identification of adequate baseline conditions prior to the start of development;

(c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;

(d) Methods for data gathering and analysis;

(e) Location of monitoring;

(f) Timing and duration of monitoring;

(g) Responsible persons and lines of communication; and

(h) Review, and where appropriate, publication of results and outcomes;

The Biodiversity Monitoring Strategy for the relevant phase will be implemented in accordance with the approved details.

A report describing the results of monitoring shall be submitted to and approved by the Local Planning Authority at intervals identified in the approved Biodiversity Monitoring Strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, approved by the Local Planning Authority, and then implemented so that the development cumulatively delivers the fully functioning biodiversity objectives of the originally approved scheme.

19) **Roost Compensation (bats)**

No development of any phase shall commence until details of roosting compensatory measures to be provided in the design of the buildings in that phase, in accordance with the results of the updated bat activity surveys submitted under Condition 15, have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location of roost entrances and internal details. Any areas that are accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats. Modern roofing membranes will not be permitted in areas which are accessible to bats. Any timbers that are to be retained and requiring remedial timber treatment should only be treated with 'bat friendly' chemicals (see https://www.gov.uk/guidance/bat-roosts-use-of-chemical-pest-control-products-and-timber-treatments-in-or-near-them).

The compensatory measures will be implemented in strict accordance with the approved design and maintained for the exclusive use of bats thereafter.

20) **Surface Water Drainage**

No development of any phase shall be commenced until details of the sustainable surface water drainage scheme (SuDs) to control and attenuate surface water for that phase, in accordance with the details approved under Condition 3 (Site-Wide Drainage Infrastructure) to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by the National Planning Policy Framework (2023) and the Flood and Water Management Act 2010, has been submitted to and approved in writing by the Local Planning Authority.

This shall include the following details:

a) Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. These proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design;

b) Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:

   i) Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.

   ii) Where relevant, calculations should consider the use of surcharged outfall conditions.

   iii) Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates. Results should be provided as a summary for each return period (as opposed to each individual storm event). Evidence may take the form of software simulation results and should be

supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network;

c) Detailed drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific;

d) Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk; and

e) Details on watercourse crossings, any works to watercourses and outfall locations.

The development of the relevant phase shall be implemented in accordance with the approved details for that phase and maintained at all times thereafter.

21) **Surface Water Drainage (Updated Hydraulic Model**)

No development shall commence until an updated hydraulic model with the most up to date climate change figures been submitted to and approved in writing by the Local Planning Authority. The development shall include measures to control and manage flooding from all sources and prevent flooding to infrastructure and dwellings.

The development shall be implemented in accordance with the approved measures to control and manage flooding from all sources and prevent flooding to infrastructure and dwellings. Such measures shall be maintained at all times thereafter.

22) **Surface Water Drainage: Management and Maintenance**

No phase of the development shall be occupied or brought into use until a scheme for the future management responsibility and maintenance of the surface water drainage system serving that phase has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the following details:

(a) Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed application under Section 104 of Water Industry Act 1991) or management company; and

(b) A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.

The development of the relevant phase shall be implemented in accordance with the approved scheme.

23) **Foul Drainage Strategy**

A detailed foul drainage strategy must be submitted with every Reserved Matters application, in accordance with the details approved under Condition 3 (Site-Wide Drainage Infrastructure Strategy) which shall be approved in writing by the Local Planning Authority. The detailed foul drainage strategy must be in broad accordance with the Preliminary Foul Water Drainage Strategy VD19204A and show how the phase, where necessary, facilitates connections for future phases in accordance with VD19204A in accordance with a timetable to be agreed. The Foul Drainage Strategy for the whole site, and for each phase, should demonstrate how additional storage capacity will be delivered and operational prior to the occupation of any building within each Reserved Matters application phase.

The development shall be implemented in accordance with the approved detailed strategy and maintained at all times thereafter.

24) **Pollution Prevention (Construction)**

No development on each phase approved by this permission shall be commenced until a scheme for prevention of pollution during the construction of the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The scheme should include details of the following:

(a) Site security including hoarding, bunding;

(b) Fuel oil storage, bunding, delivery and use;

(c) How both minor and major spillage will be dealt with;

(d) Containment of silt/soil contaminated run-off;

(e) Disposal of contaminated drainage, including water pumped from excavations;

(f) Site induction for workforce highlighting pollution prevention and awareness;

(g) A control/management plan for Himalayan balsam on the site; and

(h) Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

The development shall be undertaken in accordance with the approved details for the duration of development within that phase.

25) **Contaminated Land Assessment**

No development shall commence for each phase unless an investigation and risk assessment of the nature and extent of contamination on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This risk assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The risk assessment shall consider all previous uses and shall be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM) 2019'. The risk assessment and written submission shall include:

(a) a survey of the nature, extent and significance of any contamination;

(b) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments; and

(c) an appraisal of remedial options, and proposal and justification for the preferred option(s).

26) **Submission of Remediation Scheme**

Unless the findings of the approved investigation and risk assessment required by Condition 25 conclude that a remediation scheme is not required, no development in that phase shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, ecological systems, buildings and other property and sites of historical interest, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall include:

(a) Details of all works to be undertaken.

(b) Proposed remediation objectives and remediation criteria.

(c) Timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures.

(d) Where required, a monitoring and maintenance programme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

(e) Where required, additional contingency measures designed to safeguard future users and receptors.

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of each phase of development (other than those works required to carry out remediation) or in accordance with the approved timetable of works.

27) **Verification Reporting**

Unless the findings of the approved investigation and risk assessment required by Condition 25 conclude that a remediation scheme is not required, no occupation of each phase shall be permitted (or where the site is subject to an already approved phasing plan, there shall be no occupation of any part of each phase) until a verification report has been submitted to and approved in writing by the Local Planning Authority. The verification report shall confirm that the approved remediation required by Condition 26 has been completed and demonstrate the effectiveness of the remediation carried out.

28) **Reporting of Unexpected Contamination**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless revised arrangements for remediation have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and, where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised remediation scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the remediation scheme approved pursuant to Condition 26.

29) **Programme of Works in Accordance with a Written Scheme of Archaeological Investigation**

No development hereby permitted for each phase shall commence until a programme of archaeological work is implemented in accordance with a Written Scheme of Investigation (WSI) to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The WSI shall include details of the

archaeological investigations including geophysical survey, trial trenching and potential mitigations. A subsequent report must be produced if the archaeological evaluation leads to further excavations on the site. The development hereby permitted shall be carried out in accordance with the approved WSI.

30) **Archaeology and Ensuring Completion of Works**

No building shall be occupied on each phase until the site archaeological investigation required by Condition 29 has been completed and post-excavation analysis has been initiated in accordance with the approved WSI and provision for analysis, dissemination of results and archive deposition has been secured.

31) **Secure By Design**

Each Reserved Matters application shall include a statement demonstrating how the design and layout of that part of the development will achieve the objectives set out in the relevant Secure by Design Guide(s). The design and layout shall be implemented in accordance with the approved details.

32) **Plant & Equipment Installation (Noise)**

Prior to installation details of any plant and equipment on non-residential buildings (including kitchen ventilation and extraction systems and any new refrigeration/air conditioning plant) shall be submitted to an approved in writing by the Local Planning Authority. The rating of the noise emitted from fixed plant on the site shall be a minimum of 5dB below the existing background level at any time. The noise levels shall be determined at the I of any noise sensitive property. The measurements and assessments shall be made by a suitably qualified acoustic consultant according to BS 4142:2014: Noise from Fixed Plant and Machinery (General). That part of the development shall not be occupied until the details and any necessary and approved mitigation scheme has been implemented in full.

33) **Class E – Hours of Use**

Any floorspace occupied by Use Class E a), b), c) shall be open to customers only between the hours of 07.00am- 22.00pm Monday to Sunday. No deliveries to premises occupied for these uses shall be taken at or dispatched and no delivery vehicles shall park within the application site outside these hours.

34) **Highway Details**

The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls,

service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details for each phase which have first been submitted to and approved in writing by the Local Planning Authority.

For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority, and approved, before the commencement of each phase of the development.

The proposed roads, including footpaths and where applicable turning spaces and cycle way connections, shall be constructed in accordance with the approved details, in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

35) **A36 Junction Works Phase 1**

No more than 400 dwellings or up to 6,500sqm of employment (Classes E, B2 and B8) floorspace shall be occupied prior to the delivery of improvement works to the A36 White Row and A36 Beckington junctions as generally shown on drawings 19016-PHL-302 Rev J and 19016-PHL-402 Rev J, or an alternative scheme which provides equal or greater capacity and safety benefit as may be approved in writing by the Local Planning Authority (who shall consult with National Highways), has been completed in accordance with the Local Planning Authority's approval and are open to traffic.

36) **A36 Junction Monitoring**

The Applicant/Developer shall commission annual monitoring surveys of the A36 northbound approach to the A36 'White Row' roundabout junction, following the occupation of the 401st dwelling or in excess of 6,500 sqm of employment (Classes E, B2 and B8) floorspace (the 'Trigger Point') and until the first anniversary of 90% occupation of the whole development hereby approved.

The surveys shall be undertaken over a two week period, during term time in a neutral month and the survey timing, methodology and definition of a queue length shall be approved in writing by the Local Planning Authority in consultation with National Highways within six months of the Trigger Point. The survey findings and data shall be presented in a report (the survey report), and submitted to the Local Planning Authority within 1 calendar month of the survey being undertaken.

In the event that the survey identifies that the 'Phase 2' works to the A36 'White Row' roundabout are required, as set out in drawing referenced 19106-PHL-304 Rev E (or other scheme as approved by the Local Planning Authority, no further monitoring surveys are required.

37) **A36 'Phase 2' Works**

If the survey report required by Condition 36 records that the A36 northbound queue length to the White Row roundabout, measured from the roundabout entry point, exceeds 700m for a cumulative duration of 100 minutes measured over 10 consecutive surveyed working days, then junction improvement (i.e. 'Phase 2') works shall be undertaken in general accordance with Drawing referenced 19106-PHL-304 Rev E, or other scheme as approved by the Local Planning Authority.

There shall be no further occupations on the development if the works have not been completed in accordance with the Local Planning Authority's approval and are not open to traffic within 24 months of the survey report's submission.

38) **Temporary Diversion of Public Rights of Way**

No development (including site clearance, groundworks, or construction) shall commence on individual phases that affect Public Rights of Way FR14/39 and FR14/40 and bridleway FR14/UN, until a scheme for the temporary diversion of these rights of way has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

(a) A scaled plan showing the proposed temporary diversion route, including connection points to the existing public right of way network;

(b) Details of the surface treatment, width, gradients, and any structures to be provided along the temporary route to ensure accessibility for all users;

(c) Signage proposals to clearly direct users along the temporary route, both at the diversion points and at appropriate intervals along the route; and

(d) A timetable for implementation and removal of the temporary diversion, including reinstatement of the original route (or alternative permanent alignment if agreed).

The approved scheme shall be implemented in full prior to the temporary closure of the existing route and maintained for the duration of the diversion period.

39) **Access to Employment Centre Infrastructure and Marketing**

The proposed highway infrastructure and associated drainage and utility infrastructure to service the Blatchbridge Employment centre as shown on approved plan 19016-PHL-F02 Rev.E shall be implemented in full within three years of the commencement of the development.

Within three months of the highway infrastructure and associated drainage and utility infrastructure approved being completed, a marketing scheme for the serviced employment land must be submitted to and approved in writing by the Local Planning Authority. The marketing scheme shall be implemented as approved.

40) **Circulation routes within the site**

In respect of each Reserved Matters Application, no development shall commence until plans and particulars of the accessibility within that particular reserved matters application, including circulation routes and how these fit into the network of approved access points and principles shown on Parameter Plan 5 – Access (Ref: 1731.2033 Rev.K) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

41) **Visibility Splay Requirements**

At the proposed access points into the development areas there shall be no obstruction to visibility between 600 and 1,050 millimetres above adjoining road level within the visibility splays shown on any plan submitted pursuant to the requirements of this condition. Plans confirming the scope of the required visibility splays shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of each of the proposed new access points. Following confirmation of the approved visibility splay requirements the approved details shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained for the lifetime of the development.

42) **Highway Survey Requirements**

No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Local Planning Authority prior to the survey being undertaken. The survey shall consist of:

(a) A plan to a scale of 1:1000 showing the location of all defects identified;

(b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

43) **Estate Phasing**

No housing development on each phase shall commence until an estate street phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority. The estate street phasing and completion plan shall set out the development phases and completion sequence by which the estate streets serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved estate street phasing and completion plan.

44) **Hazardous Substances**

There shall be no occupation of residential development that falls within the Health and Safety Executive defined ‘Inner’ and ‘Middle’ Consultation Zones, as defined on plan referenced 397.A4.HSC.060825, until it has been confirmed that these dwellings have been removed from said zones, following the confirmation of the revocation of the existing Hazardous Substance Consent at the Marston Park Industrial Estate.

45) **Active Travel Corridor – River Frome**

The Active Travel bridge and associated footways across the River Frome, shall be constructed in accordance with the plans approved pursuant to Condition 3 and opened for pedestrian/cycle use within three months of occupation of 50% of any permitted floor space in Phase 1b (as shown on Parameter Plan 6: Phasing (Ref: 1731.2034 Rev D), or prior to the occupation of any convenience shopping floorspace in phase 2 (as shown on Parameter Plan 6: Phasing (Ref: 1731.2034 Rev D), whichever is the earliest.

Planning Inspectorate

Report to the Secretary of State

by Stephen Normington BSc, DipTP, MRICS, MRTPI, FIHE, FIQ

Inspector appointed by the Secretary of State

Date 7th January 2026

TOWN AND COUNTRY PLANNING ACT 1990

SOMERSET COUNCIL

APPLICATION BY

LAND VALUE ALLIANCES & LANDOWNERS CONSORTIUM

Inquiry held 5 – 9 August 2025

Site visit held 12 August 2025

Land south of Frome bounded by Marston Road, B3092/Railway Line and A361 (Frome Bypass) and including land to the south of A361, Frome, Somerset.

File Ref: APP/E3335/V/25/3360037

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Documents handed up to the Inquiry (Inquiry Documents) and Core Documents can be accessed via the electronic library at https://publicaccess.durham.gov.uk/online-applications/appealDetails.do?activeTab=documents&keyVal=R8SAAYGD0A400

LIST OF ABBREVIATIONS

TERM	DEFINITION/DESCRIPTION
CIL	Community Infrastructure Levy
dpa	Dwellings per annum
dph	Dwellings per hectare
BNG	Biodiversity Net Gain
DPFD	Design Principles Framework Document
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
FoRF	Friends of the River Frome
FRA	Flood Risk Assessment
FTE	Full Time Equivalent
GI	Green Infrastructure
HDT	Housing Delivery Test
HLS	Housing Land Supply
HSC	Hazardous Substance Consent
HSE	Health and Safety Executive
LCA	Mendip Landscape Character Area Assessment 2020
LHN	Local Housing Need
LPP1	Mendip Local Plan Part 1
LPP2	Mendip Local Plan Part 2
MDC	Mendip District Council
NCA	National Character Area
NL	Cranborne Chase National Landscape
POS	Public Open Space
SAC	Special Areas of Conservation
SGC	Selwood Garden Community
sHRA	Shadow Habitats Regulations Assessment
SM	Standard Method
SHMA	Strategic Housing Market Assessment
SoCG	Statement of Common Ground
TA	Transport Assessment
ULR	Upward light ratio
WMS	Written Ministerial Statement

File reference: APP/E3335/V/25/3360037
Land south of Frome bounded by Marston Road, B3092/Railway Line and A361 (Frome Bypass) and including land to the south of A361, Frome, Somerset

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 3 February 2025.
- The application is made by Land Value Alliances and Landowners Consortium to Somerset Council.
- The application reference 2021/1675/EOUT, is dated 4 August 2021.
- The development proposed is for Outline Planning Permission for the erection of up to 1,700 dwellings (Use Class C3), two care homes (Use Class C3), 6.9 hectares of employment land (Use Classes E, B2 and B8), a mixed use local centre for primary school (Use Class F1), cafes/restaurant and convenience store (Use Class E) and other supporting social and physical infrastructure (Use Classes F1, F2 and E), provision of greenspace and other supporting ancillary works. All matters (Access (within the site), Layout, Scale, Appearance, Landscaping) reserved except for four new vehicular site access points from the existing highway.
- The reason given for making the direction was that the Secretary of State has considered the policy on calling in planning applications. This gives examples of the types of issues which may lead to a conclusion that the application should be called in. In light of the policy, the Secretary of State has decided to call-in the application.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of consideration of the application:
  a) the extent to which the proposed development is consistent with Government policies for delivering a sufficient supply of homes in the NPPF (NPPF Chapter 5);
  b) the extent to which the proposed development is consistent with Government policies for building a strong, competitive economy in the NPPF (Chapter No.6);
  c) the extent to which the proposed development is consistent with Government policies for promoting sustainable transport in the NPPF (Chapter No.9);
  d) the extent to which the proposed development is consistent with Government policies for conserving and enhancing the natural environment in the NPPF (Chapter No.15);
  e) the extent to which the proposed development is consistent with the development plan for the area; and
  f) any other matters the Inspector considers relevant.

Summary of Recommendation: That the application be approved and planning permission granted for the development proposed subject to the conditions outlined and with the benefit of the obligations in the Section 106 Agreement

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Throughout this Report, core documents (listed at Annex B) are referred to with the prefix 'CD' followed by the relevant number. Documents handed up during the Inquiry (listed at Annexes C and D) are prefaced with 'ID' followed by the relevant reference number.

PROCEDURAL MATTERS

1.1 The application was 'called in' for determination by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on

3 February 2025. The application was made in outline with all matters reserved for future consideration except for four new vehicular site access points from the existing highway.

1.2 In addition to the detailed plans relating to the vehicular site access points, a number of 'parameter' plans were submitted with the application including plans relating to Land Use, Building Heights, Green Infrastructure, Density, Access and Movement, Phasing and a Design Principles Framework Document (DPFD). These are submitted for approval as part of the application to ensure that the detailed proposals are in within the parameters that have been assessed. They have informed my consideration of the application accordingly.

1.3 The application scheme constitutes Environmental Impact Assessment development, and the application was accompanied by an Environmental Statement (ES) prepared pursuant to the Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 2017 (as amended). Having undertaken its own review on behalf of the Secretary of State, the Planning Inspectorate considered that further information was required pursuant to Regulation 25 of the EIA Regulations. A revised ES was provided in June 2025[1]. Having undertaken further review, the Planning Inspectorate considers the ES June 2025 to be satisfactory in terms of Schedule 4 of the EIA Regulations. Having considered the content of the ES June 2025, I am satisfied that it is fit for purpose and identifies the likely environmental effects arising from the application scheme and is satisfactory in terms of Schedule 4 of the EIA Regulations.

1.4 The application, dated 4 August 2021, was submitted to Mendip District Council. However, following local government re-organisation on 1 April 2023, the District Council was incorporated into the new Somerset Council which is now the local planning authority.

1.5 The planning application was initially presented to the Council's Planning Committee East meeting held on 3 December 2024. The Officer Report[2] recommended that planning permission be granted subject to a number of conditions and the completion of a Section 106 Agreement. The determination of the application was deferred at that meeting.

1.6 A further Officer Report[3] was proposed to be presented to the Committee on 4 February 2025 with the same recommendation. However, the Committee did not consider the application as the Secretary of State had issued a call-in direction on the 3 February 2025 pursuant to section 77 of the Town and Country Planning Act 1990. Therefore, the Council was no longer able to make a decision on the application and the Committee item scheduled for consideration the day after (the 4th) was withdrawn from the agenda.

1.7 In order to clarify the Council's position for the Public Inquiry, the application was considered at a specially convened Planning Committee East meeting on 28 March 2025[4]. At that meeting it was resolved that the Committee "*agrees that the Council adopt a strictly neutral position in respect of the proposed development at the*

[1] CD2.7a - 2.7q, CD2.8a – CD2.8q and CD2.9
[2] CD9.3
[3] CD9.4
[4] CD9.5

Public Inquiry, wherein the Council will offer no evidence against the principle of development and only contest what conditions and/or financial contributions are appropriate (if not agreed)".

1.8 In view of the above position, the Council did not submit a Statement of Case, did not call any witnesses and did not seek to cross examine any evidence provided by the Applicants during the Inquiry. However, the Council did make an opening statement to explain the position to be taken during the Inquiry and assisted in discussions relating to the proposed planning conditions and Planning Obligation.

1.9 A Statement of Common Ground (SoCG) was provided and signed by the Council and the Applicants on 2 July 2025. This identified that there are no substantive matters of disagreement between the parties.

1.10 The description of the application in relation to the area of employment land was amended during the consideration period by the Council. I have used the area of the proposed employment land as being 6.9ha, as set out in the SoCG, in the consideration of this application.

1.11 A Planning Obligation pursuant to section 106 of the Town and Country Planning Act 1990 was provided, signed and dated by the Applicants and the Council on 1 October 2025[5]. A draft version of the Planning Obligation[6], along with a Draft Community Infrastructure Levy Compliance Statement[7] were discussed at the Inquiry. I shall return to the Planning Obligation and its content later.

1.12 The Council provided a final Community Infrastructure Levy (CIL) Compliance Statement dated 15 September 2025[8] together with an Education Contribution Statement[9] to justify the purpose and level of education contributions sought. The Compliance Statement considered the obligations provided against the tests set out in regulation 122(2) of the Community Infrastructure Regulations 2010 (CIL Regulations) and concluded that the Council is satisfied that the planning obligations in the Section 106 Agreement are Regulation 122 compliant.

1.13 The Inquiry was formerly closed in writing on 3 October 2025 following the receipt of the completed Planning Obligation and the accompanying CIL Compliance Statements.

1.14 The proposed development is referred to by the Applicants as the 'Selwood Garden Community' (SGC). Several submission documents refer to the proposal as the SGC and this description has been commonly used by the Council, interested parties and statutory and non-statutory consultees. Consequently, I have used the abbreviation 'SGC' in this report.

1.15 Prior to the submission of this report to the Secretary of State, on 16 December 2025 the Government published a consultation National Planning Policy Framework: proposed reforms and other changes to the planning system. This sets out proposed reforms to the National Planning Policy Framework (the Framework) along with other changes to the planning system. The consultation was

[5] ID48
[6] ID28
[7] ID25
[8] ID49
[9] ID50

accompanied by a Written Ministerial Statement (WMS). The consultation draft Framework does not constitute Government policy or guidance as it may be subject to change before the final document is published. However, it may, along with the WMS, be treated as material considerations in the determination of applications and appeals.

1.16 Both main parties were invited to comment on any implications arising from the consultation proposals. The Council advised on 5 January 2026 that it had no comments to make regarding the consultation draft Framework and WMS in terms of the determination of the planning application proposal.

1.17 The Applicant provided comments on 6 January 2026. These recognise that the weight to be given to the emerging changes in the consultation draft Framework in determining the application has to be tempered. However, the WMS is a material consideration that places greater emphasis on the imperative of dramatically boosting the supply of housing and the importance of achieving this to boost the national economy. As such, the Applicants consider that the content of the WMS is a material consideration in this case.

1.18 With regard to the content of the consultation draft Framework, the Applicants have provided detailed comments in respect of some of the emerging policies that may be relevant to the consideration of the application. In particular, Policy S5 is considered to reflect the situation in this case in relation to circumstances where a five year supply of housing cannot be demonstrated. The Applicants note that parts 'j' and 'i' of the emerging policy relate to development which would address an evidenced unmet housing need and where it is well related to an existing settlement, and be of a scale which can be accommodated, taking into account the existing or proposed availability of infrastructure.

1.19 The Applicants consider that other emerging policies relating to Strategic Sites, Detailed Housing Policy, The Needs of Business, Density, Design and Transport would also support the application proposals and that the emerging policies would attribute substantial positive weight to the delivery of housing, the economic benefits of the scheme, its design quality, measures to reduce carbon emissions and the delivery of community facilities.

1.20 Having regard to the comments provided by the main parties, I have taken into account the relevant provisions of the consultation draft Framework and the WMS in the consideration of this application.

2. THE SITE AND SURROUNDINGS

2.1 The site and its surroundings are described in the SoCG and other application documents. The site occupies approximately 94.8 hectares and is located on the southern edge of Frome, adjacent to the areas of Marston Gate, Lower Keyford and The Mount.

2.2 The main site proposed for development is contained by Marston Road to the west, the B3092 and railway line to the east, and the A361 (the Frome bypass) to the south. Agricultural land lies beyond in southerly, westerly and easterly directions. The site is bounded to the north by the sites allocated within the Local Plan Part 2 (LLP2) (Sites FR2, FR3a and FR8) which are allocated for housing, mixed-use and employment development. These developments have now commenced and are

progressing. Site allocation FR7 (land at Little Keyford) is included within the SGC site area and is allocated for self and custom build housing. Employment and retail areas of the Marston Estate and Wessex Fields, and residential areas, lie beyond these allocations.

2.3 The main site consists of agricultural fields in pastoral and arable use which range in size. They are generally irregular in shape and contain a number of interspersed individual houses and farmsteads. The fields are generally divided by hedgerows and there are areas of scattered and isolated copses and mature trees, which are predominantly located in or adjacent to the hedgerows. Trees also line the banks of the River Frome.

2.4 Several public rights of way run through the site (including paths FR14/39, FR14/40 and FR14/32) and along part of the perimeter of the site (FR 14/41). The River Frome and some small tributaries run through the site. The majority of the site is located within Flood Zone 1, with the area adjacent to the River Frome in Flood Zone 3.

2.5 The site slopes gently from the west and more steeply from the north, towards the centre, where there are two gentle combes that act as surface water flow paths during times of heavy rainfall.

2.6 Little Keyford Lane runs on broadly a north to south axis through the main part of the site, linking into the bypass to the south. There are a number of smaller roads, set within high-hedged country lanes, which include Paddles Lane and Vinney Lane, running through the site.

2.7 There are no designated heritage assets located within the application site boundary. The southern extent of the Frome Conservation Area, which comprises the Keyford Character Area, lies some 450m to the north. There are five Grade II listed buildings nearby, four to the north and one to the east. A Grade II* building (Marston House) and associated Grade II Listed Registered Park lie approximately 1.1 km to the south. A Scheduled Monument (the “deserted medieval site southwest of Tythertington Bridge”), is located within 1km of the site, within the grounds of Marston House and Gardens. Further afield is Cley Hill Scheduled Hill Fort approximately 6km to the east.

2.8 The application site itself is not subject to any nationally designated ecological designations. The Mells Valley Special Area of Conservation (SAC), designated due to the breeding population of Greater Horseshoe bat and habitats, is located approximately 2.6km to the north-west. Greater and Lesser Horseshoe bats are known to be present in the local area including across the application site. The nearest statutorily designated wildlife sites are the Vallis Vale SSSI (2.5km northwest), Postlebury Wood SSSI (3km southwest) and Bradley Woods SSSI (3.8km southeast).

2.9 The application site is not within a nationally designated National Landscape area (formerly Area of Outstanding Natural Beauty) nor within or affecting the setting of locally designated Special Landscape Features. However, the site is within the wider setting of the Cranbourne Chase National Landscape (incorporating the International Dark Sky Reserve), located approximately 2km to the southeast.

2.10 With regard to landscape, the site is located within the National Character Area (NCA) of Avon Vales and Blackmore Vale and Vale of Wardour and adjacent to Mendip Hills NCA. It also lies within the Frome Valley Landscape Character Area as defined in the Mendip District Landscape Character Assessment 2020 (LCA)[10].

2.11 The majority of the application site is located within Character Area B2.5 (Little Keyford and Blatchbridge) of the LCA which is identified as having low value landscape. Character Area B1.1 (Greensand Ridge) includes the part of the site where the nature reserve is proposed and is identified as having a high landscape value. The site adjoins Character Area B2.4 (Frome Bypass and Infrastructure Corridor) which generally reads as a green corridor along the route of the bypass to the south of Frome and is identified as having low landscape value.

3. RELEVANT PLANNING HISTORY

3.1 Although there have been various small-scale planning applications within the site over the years, mostly relating to domestic properties or agricultural usage, there have been no applications in the last five years that are relevant to the consideration of this application.

4. THE PROPOSAL

4.1 The application is in outline with all matters reserved other than four points of access from existing roads around the perimeter. The application proposes the development of land to the south of Frome comprising up to 1,700 dwellings; care homes (up to 105 beds combined); 6.9 hectares of employment land; a primary school; retail, cafes/restaurants, and community space; greenspace and other infrastructure and ancillary works. An area of land to the south of the A361 is also included within the site boundary which is proposed as Greenspace/Nature Reserve.

4.2 The proposed development is defined by a number of Parameter Plans that prescribe the location of different land uses across the site; the range and location of building heights; the location and type of green infrastructure (GI) and open space; the range and location of housing densities; the location of access to the site; and phasing. These Parameter Plans serve to establish an envelope in which the detailed design and discharge of reserved matters should follow.

4.3 The DPFD is also submitted for approval as part of the application and covers matters such as the layout of the development parcels within the site as well as open space; design guidance for buildings including measures to improve sustainability; and the proposed road hierarchy and design specifications for different types of routes. The Council describes the DPFD as providing a stepping stone between the high-level Parameter Plans and the vision and aspirations set out in the Design and Access Statement.

4.4 An Illustrative Masterplan has been submitted with the application which shows how the site could be laid out. However, this plan is illustrative in demonstrating one of the possible ways that the site could be developed and is not submitted for approval. I have therefore considered this plan as being indicative only.

4.5 Four new all vehicle access points are proposed:

[10] CD5.3

- a roundabout on Marston Road/B3090, located just to the northeast of the junction with Marston Lane and Paddles Lane;
- a roundabout on the A361, just to the northwest of Vinney Lane incorporating a signalised pedestrian/cycle/equestrian crossing;
- a two-way access on the B3092 at Blatchbridge, just to the south of the Cross Keys public house incorporating a proposed re-prioritisation of traffic movements on the B3092; and
- a new access on Little Keyford Lane, just to the west of the lane connecting to the B3092, incorporating a bus gate and permitting access to existing dwellings on Little Keyford Lane only. A new access would also be created on Little Keyford Lane to a development parcel on the north side of the lane.

4.6 The Land Use Parameter Plan shows a number of development parcels including areas of residential (Class C3) that also allows for up to 5% of the floorspace to be for non-residential uses including Care Homes (Class C2) and employment space (Class E). Located towards the centre of the site would be a mixed use 'community hub' comprising a Primary School, commercial uses (including a convenience store, restaurant/cafe, hot food takeaway, dentist, community meeting space, employment uses, care home and residential uses). An area of Class B2, B8 and E(g) commercial space is proposed to the southeast of the River Frome, with access off the B3092 at Blatchbridge (described in the application as the Blatchbridge Employment Zone). An area of employment space Class E (g) is also proposed adjacent to Paddles Lane.

4.7 The Building Heights Parameter Plan specifies the maximum height of buildings across the site. The tallest buildings (up to 16m to top of ridge/maximum four storeys) would be located around the community hub, located towards the lowest part of the site, with building heights reducing to the north and east. The majority of the areas for residential development would permit buildings up to 12m/maximum three storeys in height (including pitched roof), with lower buildings (up to 9m/maximum two storeys in height) generally permitted around the fringes of the site. This would include sections of Little Keyford Lane, to the B3092 and to the west on Marston Road. The areas of employment use would be up to 12m/maximum two commercial storeys in height.

4.8 The Housing Density Parameter Plan proposes a range of residential densities across the site. The highest density, at up to 60 dwellings per hectare (dph), would be located in the vicinity of the community hub. This would be surrounded by a higher density area at up to 42dph, with the majority of housing adjacent to existing properties at 35-38dph. A low-density area (up to 21dph) is proposed on the northeastern fringe where the existing site levels are steepest.

4.9 The Green Infrastructure Parameter Plan identifies areas between development parcels for a range of open space purposes, together with a buffer around the perimeter of the site. It also includes larger areas of informal recreational open space and hedge lines, areas for allotments (adjacent to the main area of recreational space), community orchards and foraging woodland and land identified for an informal sports pitch. In addition, land on the south side of the A361 is identified as a natural/semi natural green space that would provide supporting/replacement habitat for bats. This plan also identifies the location of veteran and other significant trees.

4.10 The Access Parameter Plan identifies points of access to the site and the general alignment of the principal vehicular routes through the site. These routes would connect at the community hub. It shows that there would be no vehicular access between the development parcels either side of Little Keyford Lane other than for buses, cyclists and pedestrians. The plan also identifies vehicular access to the proposed employment space at Blatchbridge. Little Keyford Lane, Paddles Lane and Vinney Lane (the latter currently a no-through road), which are currently open to all traffic, are proposed to be re-classified as Greenways/Quiet Lanes. These would be accessible for pedestrians, cyclists and horse riders only, other than for vehicles accessing existing houses that outside the application site boundary. The plan also shows indicative active travel routes for non-car modes. A pedestrian bridge is proposed over the River Frome, linking the community hub and main employment area at Blatchbridge. The proposed site access on the A361 includes a signalised pedestrian, cycle and equestrian crossing linking two sections of Vinney Lane that are currently gated either side of the A361

4.11 The Phasing Parameter Plan identifies six principal phases with development over a projected 15 year period as follows:

Phase 1a

- Following the construction of the new access off Marston Road to service land to the west of Little Keyford Lane, Phase 1a (projected build years 1-5) would involve the construction of around 400 homes as well as an area for residential-led development with the potential for care homes or employment uses. This phase includes the main area of public open space as well as allotments and an area of community orchard. The land south of the A361 would be planted to establish new areas of natural habitat.

Phase 1b

- Phase 1b comprises the new access off the B3092 to service the employment land at Blatchbridge and the preparation of the employment site development platforms.

Phase 2

- Comprises the construction of the new site access on the A361 and extends the area of development to the east/south of Little Keyford Lane. It would have a projected build of 2 – 8 years. This phase includes the community hub and new school as well as the open space around the River Frome.

Phase 3

- This phase (projected build years 7-9) would develop the area of land between Paddles Lane and Marston Road/A361 for housing and employment space.

Phases 4 and 5

- Phase 4 (projected build years 9-11) and 5 (projected build years 9-15) would predominantly involve the development of housing to the east of Little Keyford Lane. The new access from Little Keyford Lane (buses and pedestrians/cyclists only) would link through to the community hub, with Phases 4 and 5 served by the access off the A361. In addition, phase 4 would include development of a

relatively small allocated site, FR7 (land at Little Keyford), located to the east of Little Keyford Lane for up to 20 custom build homes.

Phase 6

- This final phase would comprise residential development on the northeastern edge of the site.

4.12 In summary the application proposes the following uses, located in accordance with the Land Use Parameter Plan:

- Green Infrastructure – 37.9ha
- Residential (Use Class C3) – 32ha
- Mixed Use Community Hub (including Primary School) (Use Classes C3, F1, F2, E, C2 and Sui Generis) – 5.6ha
- Residential led mixed use (Use Classes (C2, C3 and E) – 10ha
- Commercial/Employment (Use Classes B2, B8 and E) – 6.9ha
- Residential Compatible Commercial (Use Class E) – 1ha

5. POLICY AND GUIDANCE

5.1 The relevant planning policy is set out in Section 3 of the SoCG and Section 9 of the Officers Report[11]. I summarise the main points below.

5.2 The Development Plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990, against which the application proposals fall to be considered consists of:

- Mendip Local Plan Part 1 (2014) (LPP1)[12]
- Mendip Local Plan Part 2 (2021) (LPP2)[13]
- Somerset Minerals Local Plan (2015)[14]
- Somerset Waste Core Strategy (2013)[15]
- Frome Neighbourhood Plan 2008-2028 (2016)[16]

5.3 LPP1 has a Plan period 2006 to 2029 and sets out the strategic decision-making framework for the former Mendip area. It also established settlement boundaries. The large majority of the application site falls outside the defined settlement boundary of Frome and a such lies within the 'countryside'.

5.4 LLP2 was intended to provide additional housing and employment allocations to meet the strategic requirements set out in LPP1. Following the adoption of LPP2 in December 2021, the Plan was the subject of a successful legal challenge. The High Court ordered the deletion of five site allocations and required the Council to review and reconsider allocations to meet the district wide requirement for 505 dwellings in

[11] CD9.3
[12] CD1.1
[13] CD1.2
[14] CD1.4
[15] CD1.5
[16] CD1.3

accordance with Core Policies 1 and 2 of LPP1. The remainder of LPP2 was to remain as adopted.

5.5 The revised plan containing new allocations was subject to regulation 19 consultation in 2024 and examination hearings were held in early 2025. Main modifications were subject to consultation in May 2025 and adoption is expected later this year. The proposed allocations in this revised Plan are not relevant to the consideration of this application.

5.6 The policies of LPP1, identified below, are the most important policies relevant to the determination of this appeal.

5.7 Core Policy 1 (Mendip Spatial Strategy) (CP1) sets out, amongst other things, that the majority of development will be directed towards the five principal settlements of the former Mendip area which include Frome. It further states that Development in the open countryside will be strictly controlled. Any proposed development outside the development limits, will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.

5.8 Core Policy 2 (Supporting the Provision of New Housing) (CP2) sets out the number of additional dwellings to be provided in the Plan area over the Plan period. For Frome, 2,300 dwellings should be delivered in the period 2006 – 2029, representing 25% of the district requirement at an annual provision rate of 105 dwellings.

5.9 Core Policy 3 (Supporting Business Development and Growth) (CP3) sets out a requirement for 20.2 hectares of employment land to be delivered in Frome over the plan period.

5.10 Core Policy 4 (Sustaining Rural Communities) (CP4) is primarily a restrictive policy regarding certain types of development being acceptable in the countryside.

5.11 Core Policy 6 (Frome Town Strategy) (CP6) states that Frome is designated as a principal settlement serving a market town role to its wider rural catchment area. During the lifetime of the LPP1 the overarching aim is to improve its self-containment and 2,300 new homes are to be delivered in line with the needs of the local market and job creation. Of these, around 1,700 homes will arise from previously developed sites and other urban land within the existing Development Limits. The policy also sets out that provision for between 2,700 and 2,900 new jobs will be made including, amongst other things, on other fringes of the town where proposals bring forward additional land which deliver flexible modern workspace. The policy also states that a Green Infrastructure Strategy will Identify how around 8 hectares of new open space, including provision for new allotments, will be secured from new development sites and other initiatives. It also identifies education and other infrastructure requirements for Frome over the Plan period.

5.12 The policies of LPP2, as set out below, are of relevance in the determination of the application.

5.13 Policy LP1 (Future Development Plan Review) sets out, amongst other matters, that the Council commits to an immediate review of the Local Plan Part 1 and Part 2. It states that the review of the Local Plan will commence within 2 months of adoption of the Local Plan Part 2. It further states that the Council will submit a

successor development plan to the Planning Inspectorate within 3 years of commencement.

5.14 As a consequence of Policy LP1, the Council has commenced work on a new 'Somerset Local Plan'. The Somerset Local Development Scheme 2025[17] indicates the adoption of the new Plan by March 2029.

5.15 Policy DP3 (Heritage Conservation) sets out, amongst other things, that development proposals will need to justify any harm to a heritage asset and demonstrate the overriding public benefits which would outweigh the damage to that asset or its setting.

5.16 Policy DP4 (Mendip's Landscapes) sets out that proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported.

5.17 Policy DP9 (Transport Impact of New Development) sets out, amongst other things, that development proposals must demonstrate how they will improve or maximise the use of sustainable forms of transport (particularly by means other than the private car), and shall include the submission of Travel Plans and/or Transport Assessments. In addition, development proposals should make safe and satisfactory provision for access by all means of travel and avoid causing traffic or environmental problems within the wider transport network. In respect of primary routes, the policy states that direct access on to a National Primary Route should be avoided where the proposals are outside designated development limits, unless access via such route is essential for the type of development proposed and that mitigation on and off site is fully undertaken as part of the development.

5.18 Policy DP11 (Affordable Housing) identifies that the Council will negotiate the provision of a contribution towards meeting the district's housing need from all housing proposals. Proposals will contribute through either on-site provision or a combination of on-site provision together with a development contribution on residential developments of 7 or more dwellings, or sites of a size greater than 0.25 hectares. Proposals will make provision for 30% of the total number of new homes to be provided in affordable tenures.

5.19 Policy DP23 (Managing Flood Risk) requires development to follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. In addition, all development will also be expected to incorporate appropriate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable urban drainage systems.

5.20 Policy DP25 (Employment Land) sets out specific allocations of land for employment use in Table 7. It also explains, amongst other things, that the Council will explore the potential for additional sites in the following locations: adjacent to existing employment areas which have the potential for extension; locations on the fringes of the main towns; and accessible locations close to the primary highway network.

5.21 Policy DP27 (Highway Infrastructure Measures for Frome, Beckington and Rode) sets out that key infrastructure measures will be provided during the plan period to

[17] CD1.10

support the delivery of development within Frome, Beckington and Rode. In particular, the policy sets out that Strategic Road Network schemes, comprising the A36 Beckington roundabout and the A36 White Row roundabout, shall be provided during the plan period to support the delivery of the development strategy for Frome.

5.22 Policy FR7 (Land at Little Keyford) is an allocation of at least 20 dwellings exclusively for serviced self-build plots. This forms a small part of the wider SGC site (included in Phase 4 on the proposed Phasing Parameter Plan).

5.23 The Somerset Minerals Local Plan and Somerset Waste Core Strategy do not contain policies that are relevant to the determination of the application.

5.24 The geographical coverage of the Frome Neighbourhood Plan is limited to the administrative boundaries of Frome Town itself. Therefore, it only directly applies to the part of the site that lies within this area – namely the land covered by LPP2 allocation FR7. Although Policy H3 of the Frome Neighbourhood Plan (Self Build and Community Housing) identifies that such development may be permitted adjoining the existing development limit of the town, there are no specific policies relating to allocation FR7 itself.

6. AGREED MATTERS BETWEEN SOMERSET COUNCIL AND THE APPLICANTS

6.1 The SoCG sets out the areas of agreement between the Applicants and the Council. The description of the site and proposed development; application documents; statutory consultation responses; the relevant development plan policies; planning history and changes to the appeal scheme during the period of consideration by the Council are not in dispute.

6.2 However, there are some areas within the SoCG where the Council adopts a neutral stance. In summary, these are the accessibility and sustainability of the location, archaeology, highway impacts, landscape impact, ecology and heritage.

6.3 The key areas of agreement are:

- That the adopted LLP1 housing requirement is out-of-date and that those policies that relate to the supply of housing and/or strictly control housing outside of settlement boundaries are out of date.
- Notwithstanding the out-of-date nature of these policies the Development Plan's spatial strategy, as set out in Policies CP1 and CP2, supports the provision of housing at Frome.
- Whilst the site is not specifically allocated for employment development, the spatial strategy set out in CP1 directs the majority of development to the principal settlements, of which Frome is the largest, and Policy CP3 allows for economic development proposals to come forward outside of settlement boundaries, subject to certain criteria listed in the policy.
- That Policy DP25 supports the provision of additional employment land on the 'fringes of the Main Towns', of which Frome would be one of those main towns.
- That until a new plan for the wider Somerset Area is adopted, the five year housing land supply (HLS) is to be calculated on the basis of the former Mendip District Council area.

- The Council's published land supply position for the former Mendip District Council area, prior to the changes to the Standard Method (SM) that were made in December 2024, was 3.67 years. Once the new SM is taken into account the Council's position is that the land supply stands at 2.27 years at the date the SoCG was agreed.
- It is acknowledged that there is a clear and pressing need for affordable housing in the former Mendip District Council area, and specifically in Frome itself.
- The Council cannot currently demonstrate a five year HLS for the former Mendip area. As a result, the policies most relevant to the determination of the SGC scheme - CP1, CP2, CP3 CP4, CP6 and DP25 are out of date. Accordingly, the 'tilted balance' set out in paragraph 11 (d) of the National Planning Policy Framework (the Framework) is engaged.
- With regard to the emerging Somerset Plan, the Somerset Local Development Scheme 2025 anticipates Regulation 18 consultation in April 2026, Regulation 19 publication in October 2027, submission for examination and potential adoption by March 2029. Due to the early stage of preparation of the Somerset Local Plan, no weight can be given to this emerging Plan.
- The proposals seek to deliver +10% biodiversity net gain (BNG), with the proposals predicted to deliver overall net gain in habitat units of +11.3%, hedgerow units of +77.59% and watercourse units of +29.05%.

6.4 There are no substantive matters of disagreement. The Council neither agrees nor disagrees whether or not planning permission should be granted and is therefore neutral upon the weighting to be applied to the key material considerations.

7. THE CASE FOR LAND VALUE ALLIANCES AND LANDOWNERS CONSORTIUM (THE APPLICANTS)

The case for the Applicants is taken primarily from the Closing Submissions[18] but with regard to its Statement of Case, Proofs of Evidence from Matthew Kendrick (Planning), Neil Brant (Highways and Transportation) and Peter Baker (Landscape).

7.1 LPP1 covers the period 2006 to 2029, and was adopted 11 years ago in December 2014. It then took a further 7.5 years for LPP2 to be adopted which did no more than bring forward allocations to meet the need set out in LPP1. LPP1 was adopted based upon grossly outdated development needs, establishing settlement boundaries to meet that outdated need. LPP2 also sought to make allocations to meet that outdated need. Had the plan-led system been pursued with the expedition expected by Parliament then the plan ought to have been reviewed at least twice since the adoption of LPP1. It has not, which is a gross failure of the plan-led system, a failure which is compounded by the fact that the actual needs of the area have steadily grown over the last decade. Yet even the outdated targets in the LPP1 have not been met.

7.2 The consequences of that plan-led failure are set out below:

[18] ID40

a. A deficit of 642 homes against the delivery targets of the adopted LPP1[19];

b. The need has steadily risen[20] to almost double that of LPP1 to the current Standard Methodology figure of 904dpa;

c. When the application was presented to members in December 2024 there was only a 3.67 year housing land supply[21];

d. At the time of the Inquiry the supply was 2.84 years[22];

e. At the time of preparation of proofs that figure had been even lower at 2.27[23];

f. The Housing Delivery Test figure for Somerset East (ie the former Mendip area), is the lowest in Somerset, is on a steady downward trajectory. On 12 December 2024 the latest HDT measurements were published and identified that in the former Mendip District Council area only 79% of the housing target had been met.

g. There is no (mandatory) action plan to address that deficit[24];

h. There is no up to date Strategic Housing Market Assessment (SHMA), so the Applicants' planning witness has had to request specific information on affordable housing need within Somerset East, which is reported at paragraph 4.47 of his proof of evidence:

(i) There are 2,253 households registered in need;

(ii) Of those 793 households have a preference to live in Frome;

(iii) In what is considered to be one of the more affluent parts of the UK, there are 253 homeless applications.

(iv) The affordability ratio[25] shows that Somerset's unaffordability is on an upward trend and is materially in excess of the national average.

7.3 Appeals are sometimes heard in the context of an immediate shortfall against housing supply, but with the optimism that the deficit is about to be remedied by the imminent adoption of a Local Plan Review. There is no such prospect in this case. The Council suggests that the emerging "New Plan for Somerset" is scheduled for adoption in March 2029. Therefore, the emerging plan, even on an optimistic basis, is some years away. The prospect of resolution of the local housing crisis by the plan led system is similarly some years away.

7.4 This position is unsatisfactory. Adoption of a part 1 plan based upon outdated needs in 2014, and possible adoption of a new plan to address up to date needs will not take place until 2029. This would be 15 years later, and ironically in the final year of the plan period which has markedly failed.

[19] Table 4, Matthew Kendrick Proof of Evidence – there is a deficit against LPP1 delivery of 642 since 2006
[20] Table 5, Matthew Kendrick Proof of Evidence
[21] CD9.3 paragraph 10.13.3
[22] ID33
[23] Matthew Kendrick Proof of Evidence paragraphs 4.57 and 4.58
[24] Matthew Kendrick Proof of Evidence paragraph 4.36
[25] Matthew Kendrick Proof of Evidence paragraph 4.48 Figure 6

7.5 It is understandable that some local residents suggest that a development of this scale should have been promoted through the plan-led system. Indeed, even the Applicants' planning witness explained that this was his intention when he was first instructed. However, what has become apparent is that waiting for the plan-led system to resolve the local housing crisis would result in an unacceptable delay. Where the plan-led system fails then the development management system has to step in. Not to do so means that needs are not met.

7.6 This is a site which has been extensively consulted upon. The scheme has evolved considerably over time as a result of that consultation and engagement. It has been presented to the South West Design Review Panel three times[26], in part at the behest of the Town Council, and the scheme was amended to address their concerns.

7.7 The key changes that have taken place are:

a. The proposals have been reduced in scale with all of the built development south of the A361 bypass removed from the application. Only a publicly accessible nature reserve is now proposed in this area.

b. The development area in the body of the site has also been reduced in its geographical extent, primarily to increase the width of GI corridors and increase green buffers to adjacent development on the site's north-eastern fringes. This was done in response to Natural England's comments regarding bat mitigation and to address comments made by the Council's landscape officer, as well as to provide additional structural landscaping within the site.

c. The all-weather pitch that was initially proposed as part of the community hub was removed. This was in line with Sport England's objection to its provision, given the existing provision elsewhere in the town, and concerns that a new pitch of this type would undermine the viability of the existing pitches.

d. Grass pitches that were located within the Riverside Parkland area were removed. This was in response to engagement with Friends of the River Frome. A single informal pitch is retained in this area to provide a kickabout area for residents. In light of these changes, contributions to create improved formal pitch provision off site have been agreed with Sport England.

e. Access proposals were amended. This was to prevent private vehicular access through the site via the introduction of bus gates, including the proposed access works to Little Keyford Lane to achieve a bus only link.

7.8 Having the conditional support of Frome Town Council[27] is no small thing for a large-scale expansion of the town. This has only arisen after much dialogue and positive engagement to assuage their understandable initial scepticism. Equally the conditional support of the Frome Chamber of Commerce is not just an endorsement of the employment development, but a clear recognition of the huge, economic benefits from both the construction and the operational phases of the development.

[26] Pages 58-64 of the DAS (see CD2.13) includes greater detail of the feedback from all three Design Review Panel SW reports & how each influenced the design.
[27] Letter from Frome Town Council to the Planning Inspectorate 2nd April 2025

7.9 Crucially, the support of officers ought to carry strong weight in the consideration of this application. Officers have been engaged in this application over a period of years. There are no outstanding statutory consultee objections to the proposals, and in December 2024 the application was recommended for approval in a carefully written report[28].

7.10 Faced with an explanation as to why each of Planning Committee's concerns in December 2024 did not warrant the refusal of planning permission (including landscape), and in three consistent reports from their officers, in respect of a proposal that has been on the books for 4 years, which seeks to address housing needs which are acute – the Council does not oppose the grant of permission.

7.11 One of the areas considered in the February 2025 committee report[29] needs to be addressed. The Committee were rightly advised that the circumstances set out in the Framework[30] in which prematurity may be justified are simply not made out in this case. That is for the obvious reason that the local plan is nowhere near submission (the point before which prematurity is 'seldom' justified). Each witness who has come forward and declared that the application should be determined through the plan led system, when asked, has expressly disavowed a refusal on the grounds of prematurity, despite the obvious dissonance of such a position.

7.12 Similarly, whilst some third parties have sought to point to other sites, the stark fact is that there is literally no other site, of scale, which is not already built or under-construction, which is being promoted to a formal stage in the planning process.

7.13 The application scheme is not a panacea – there is a need for the scheme and much more. This is not one of a number of direct alternatives which will, alone, address a finite need. Given the new Standard Methodology (904 dpa), Somerset East will have to accommodate far more than just the application site over the next plan period.

7.14 In addition to the issues of delivering housing, the benefits of this scheme are substantial as follows:

a. Delivery of a significant number of affordable homes to meet the acute need that is specifically identified in the town of Frome, as well as contributing to meeting the affordable needs of Somerset as a whole.

b. Delivery of general market housing on land in a sustainable location to address an immediate and acute deficit in HLS and to thereby assist in providing an ongoing reliable supply in the next five years. The contribution to five Year HLS will amount to between 276 and 296 homes within the five-year period[31].

c. Providing a reliable, consistent and planned pipeline in supply over the subsequent 5-10 year and 10-15 year periods.

d. The provision of much needed employment land and related job creation to enable a sustainable pattern of land uses to be created.

[28] CD9.3
[29] CD9.4 repeating paragraph 10.2.9 of CD9.3
[30] Paragraphs 50 and 51
[31] Proof of Evidence Matthew Kendrick paragraph 5.7

e. The creation of jobs during construction, and generation of ongoing economic benefits as the homes are occupied and the employment delivered.

f. Delivery of highways works to the A36. This would deal with an existing issue where there is no alternative way of securing the funding to deliver the works required by policy DP27 to accommodate the LPP2 allocations. There would also be extensive sustainable transport improvements within the town including providing new bus service provision by substantially upgrading the No. 30 bus with greater geographical coverage and regularity.

g. The delivery of BNG despite this not being a statutory requirement at the time that the application was made[32].

h. Improving on-site bat habitat relevant to the nearby SAC[33].

i. Energy efficiency/sustainability measures that significantly exceed policy and Building Regulation requirements[34].

j. Delivery of development in a highly sustainable location in a vision-led manner which meets the objective of national transport policy.

k. Provision of extensive areas of public open space for new and existing residents of Frome which would be well in excess of policy requirements[35] and which would be accessible to all residents. At present the south of the town is poorly served in terms of access to open space[36].

i. Using lower quality agricultural land in preference of that of higher quality[37].

m. Natural flood management that would be delivered in the Frome Riverside Corridor. This would provide additional floodwater storage during times of peak flows in the River Frome over and above what is required to deal with surface water run-off from the site, thereby delivering wider public benefits[38].

Housing and Strategy

7.15 If the Government is to reach its target of an additional 1.5 million homes by the end of this Parliament, then applications such as this will need to be dealt with more swiftly and plans promoted with more alacrity than has happened to date in Mendip/Somerset.

7.16 The result of the local failure of the development plan system is that, against the adopted LPP1 targets, this area has consistently failed to deliver enough houses. The target against which that under-delivery is measured has been consistently increasing from the moment that the Standard Methodology was introduced, and for Mendip now sits over double the annualised requirement in LPP1. Even the Council

[32] Proof of Evidence Matthew Kendrick paragraph 5.30: Biodiversity net gain of habitat units of +11.3%, hedgerow units of +77.59% and watercourse units of +29.05%
[33] Proof of Evidence Matthew Kendrick paragraph 5.38: a 2.25ha and 7.87ha on-site gain for lesser and greater horseshoe bat respectively.
[34] CD2.6 page 43 paragraph 6.5
[35] Proof of Evidence Peter Baker page 59
[36] Proof of Evidence Matthew Kendrick page 59 Figure 9
[37] Proof of Evidence Matthew Kendrick paragraphs 5.67 to 5.70 and CD2.8p
[38] Proof of Evidence Matthew Kendrick paragraph 5.71

accepted in 2019 that the housing requirement must change in response, the deficits have been far more acute[39].

7.17 The targets in LPP1 should have been reviewed long ago – the consequences being that the basis upon which the development plan has operated for the last 11 years is an increasingly out of date one, and that allocations ought to have been brought forward literally years ago to address the growing unmet needs.

7.18 Had the Council produced an Action Plan once the Housing Delivery Target plummeted below 80% then it would no doubt have recognised that it would be necessary to look to greenfield sites in order to meet that need. In Somerset East, policy CP1 of LPP1 could not be clearer. The place to direct development is not the lower tier settlements, but the principal market town of Frome. This is the obvious and best place to direct large scale strategic development.

7.19 Once one reaches that conclusion the obvious question is where should such development go? Had there been a large area of previous developed land close to the town centre then it would have been developed long ago. It is only at the periphery of the town where there is an opportunity for large scale development to be accommodated. That will inevitably be on undeveloped land.

7.20 The LCA assessed the landscape value of the whole of the former Mendip area and came to the conclusion that the only location where there was a significant tract of low value landscape was the application site. On the basis of the evidence of the Applicants' landscape witness, the proposal would result in a development whose adverse landscape effects would be highly localised.

7.21 It is common ground that in Somerset East the Council is unable to demonstrate a five year HLS. That simple observation belies a number of big points:

a. At the time of writing his proof, the Applicants' planning witness calculated the Council's current supply as 2.27 years – which meant that:

- there was an immediate need for more consents to deliver more housing;
- the extent of the deficit was huge, at over 3000 homes; and
- that was the overall immediate need, within which was an acute need for affordable housing.

b. Even with the increased supply claimed, at the very last minute, the Council can only demonstrate 2.84 years HLS, but even then:

- that is a drop in supply from 3.67 years in December 2024;
- the requirement is now subject to a 20% buffer because the Housing Delivery Test result is only 76%; and
- the deficit is still huge at 2284[40].

[39] Proof of Evidence Matthew Kendrick page 32 Table 5
[40] ID33, paragraph 30

c. There is no suggestion that the Council will be able to retrieve that position for years as:

- The Local Plan Review is nowhere;
- It would take multiple large-scale consents to redeem the situation and there are no such applications in the system;
- The application scheme if consented would deliver a constant and significant contribution to the rolling five Year HLS supply for years to come;
- The application site would deliver up to 296 units in the current five year period; and
- On the basis of the delivery of the 113 dpa, thereafter the development would be contributing 565 units to the rolling five Year HLS for the following twelve years;

d. Across the wider Somerset Authority area, the position is little better as CD6.3 demonstrates.

7.22 LLP1 was formulated to accommodate housing growth of 420 dwellings per annum (dpa). The Standard Method has now identified that the Local Housing Need (LHN) within the former Mendip Local Plan should be a minimum of 904 dpa, which represents a 115% increase on the level of growth that LPP1 planned for.

7.23 During the Inquiry, the Council published the latest Somerset East Area (former Mendip District LPA) Statement on Five Year Housing Land Supply - July 2025[41] (the Statement on 5 Year HLS). This sets out that the applicable LHN figure for Mendip (June 2025) is calculated to be 5,287 dwellings. This includes a 20% buffer to reflect under-delivery in Mendip as measured in the last national Housing Delivery Test (HDT).

7.24 With a Standard Methodology requirement of 904 dpa, and an existing supply of 3003 dwellings, if the Local Plan Review were to be adopted tomorrow (for a 15-year period) that would still leave a residue of 10,557. It is acknowledged that there will be other components of supply (such as windfalls), but that figure gives a clear indication of the scale of the imminent challenge. The appeal scheme at 1700 units is only 16% of the residue. The actual amount of housing that the former Mendip area will need to find for the next plan period is almost an order of magnitude greater.

7.25 With regard to affordable housing, the most recent assessment of need for the Mendip area is set out in the Mendip, Sedgemoor, South Somerset and Taunton Deane: Strategic Housing Market Assessment (October 2016)[42] (SHMA). The SoCG confirms that the 2016 assessment is the only available evidence of affordable housing needs for Somerset. This document identified a need for Mendip of 240 affordable units per annum.

7.26 The Council's most recent monitoring data from 2024[43] sets out that over the 2006-2024 period a total of 1,668 affordable dwellings have been delivered in the MDC

[41] ID33
[42] CD6.8
[43] CD6.2

area, equating to 92.7 per annum over this 18-year period. Therefore, it is clear that there has been a significant undersupply of affordable housing against the need identified in the SHMA[44].

7.27 In the former MDC area there are 2,253 households registered as being in need of affordable housing, of which 793 persons have a local connection to Frome. There are also 235 live homeless applications. Furthermore, the affordability ratio (the ratio between median earnings and median house prices) has been consistently higher than the national average for England and Wales since the publication of data in 2003.

7.28 The application scheme is therefore acutely needed:

a. to meet immediate housing needs;

b. to help to address a growing five Year HLS;

c. to contribute to the HLS for the next decade or so;

d. to help meet an immediate and acute affordable need; and

e. to help with the massive task of finding enough houses to address the Local Plan review.

7.29 The site is adjacent to the largest settlement in the district on land with the lowest landscape value[45], and is therefore in a location consistent with the spatial strategy of the LPP1.

7.30 Insofar as there is a conflict with LPP1, because the development sits outside of the settlement boundary of Frome, that conflict ought to be afforded limited weight since it is based upon a policy whose geographic extent is founded upon out-of-date development needs. That latter point is important since the courts have made it clear that when assessing compliance with the development plan as a whole, the decision maker is entitled to have regard to whether a breached policy is out of date or not[46].

Employment

7.31 Policy CP3 of LPP1 sets out that 20 hectares of new employment land should be delivered in Frome over the 2006-2029 plan period, and a total of 62.1 ha across the former MDC area as a whole. In respect of Frome, the Vision for the Town set out in LPP1 outlines that: "*Commerce Park is now fully occupied and additional sites within the existing built up area provide offices and workshop space allowing employees to travel to work without the need to use a car."* Therefore, it can be seen that the demand for Commerce Park was very strong given that it was fully occupied when the LPP1 plan was adopted in December 2014. There has been no further large-scale dedicated employment land delivered in the Town since that point.

7.32 The most recent employment land monitoring report (April 2020)[47] indicated that at that time, 79% of this allocation had been built out and a further extension, beyond the A361, is an allocation in LPP2. However, this was not informed by a review of

[44] Proof of Evidence Matthew Kendrick Figure 6
[45] CD5.3
[46] Basingstoke v Secretary of State CD8.6 per Holgate J. at paragraph 103
[47] CD6.5

LPP1 to consider strategic requirements for employment land beyond the 2019 date by which the primary strategic plan should have been updated. Table 6 of the LPP2 provides a useful summary of the balance of employment land requirements across the main towns of the former MDC area.

7.33 This shows that while a surplus of 3.52ha is shown for Frome, that is predicated on the allocation of additional land to the east of the existing Commerce Park. Without that allocation of an additional 5.6ha coming forward there is in fact a deficit of approximately 2ha against the CP3 target of 20.2 ha. No planning applications have been made for this land even though the site has been earmarked for development for a considerable number of years.

7.34 There is an acute need for additional employment land in Frome[48]. Within the Applicants' planning witness evidence (appendix 5) is a letter from a local commercial agent, Myddleton and Major, who observe that:

"Current supply equates to 18 months of take up, based on the average local take up of industrial and warehouse space over the last 24 months. There is only one site available which could accommodate a building up to 2787 sq m (30,000 sq ft). Accordingly, there is no flexibility in the town to attract larger scale occupiers or relocate those existing occupiers looking to obtain a larger premise to retain their business and workforce in the Town. Blatchbridge Employment Zone offers the Frome area an opportunity to deliver what is clearly needed, new employment development, in a timely manner in a location that would be of interest to occupiers and of a scale to accommodate the wide range of sizes for businesses in the local area."

7.35 Whilst the focus is understandably on the plan failing to address housing needs, the point can be made with equal force that the plan is out of date in not meeting up to date employment needs.

7.36 Far from being unsustainable, the application proposals would be quite the reverse, providing the opportunity for new residents to access employment close to their homes, offering a genuine chance to take advantage of sustainable modes of travel to get to work.

7.37 Once operational, the scheme would deliver around 770 full time jobs[49], which would have a significant positive impact on the economy of Frome and wider area. That has generated understandable conditional support from the Chamber of Commerce.

7.38 In addition to the direct jobs created on-site there would also be indirect jobs created through the supply chain and the spending power of those employed on site. The Homes and Community Agency (HCA) Additionality Guide[50] estimates a supply linkage multiplier effect of between 1.21 for retailing and 1.29 for offices (with recreation being 1.56), which would provide a further boost to creating and supporting jobs both directly and indirectly.

7.39 Therefore, the 770 permanent jobs that would be created in the commercial development proposed as part of the SGC would in fact be a minimum representation

[48] Proof of Evidence Matthew Kendrick paragraphs 4.64 – 4.76
[49] Table 13.2 of the Socio-Economic Chapter of the ES – CD2.7
[50] CD6.4

of the total job creation that would result as there would be significant additional jobs provided via the multiplier effect. A reasonable estimate of this, based on the HCA's Additionality Guide, would be that a similar number of jobs as created on site would also be created in the wider economy (i.e. around a further 770).

7.40 The Council's economic development officers identify[51], amongst other matters, that:

"The creation of employment space within the Selwood Garden Village is an integral part of the creation of the new community and is an opportunity to increase the business base of the town. The space is well-located to provide easy access from the by-pass whilst also integrating back into the development and town to create good access to local labour force. This location is well-placed to be attractive for local business expansion and in attracting new business to the area. The broad range of employment uses proposed is positive. This will ensure that local organisations from most business sectors could find appropriate space for expansion should they need to".

7.41 The scheme would also bring about construction jobs, as well as other spin off expenditure and economic growth. The ES suggests that, overall, there would be from 4,080 to 5,270 full time equivalent (FTE) construction jobs spread over a fifteen year construction period (271 - 350 jobs every year)[52].

7.42 In a climate where the country needs economic growth, meeting an immediate local need for employment in a sustainable location is a significant positive factor.

Green Infrastructure and Ecological Benefits

7.43 The application scheme proposes generous green infrastructure (GI) to assimilate the proposed development into the landscape. The Council's "Supplementary Planning Document; Greenspace 2023"[53] sets out ratios for the provision of the types of greenspace required in new housing developments. This indicates that a minimum area of 29.33ha should be provided in the SGC scheme[54]. The proposal would provide a total of 37.73ha of greenspace and thus exceed the policy requirement by approximately 8.4ha.

7.44 The result of the submitted BNG calculation[55] confirms that the proposed development would provide a significant uplift in the overall biodiversity of the application site. The proposal would provide a biodiversity net gain (BNG) of habitat units of +11.3%, hedgerow units of +77.59% and watercourse units of +29.05%. Importantly that is to be judgment against a nil BNG requirement given the timing of the application.

7.45 Separate to the consideration of BNG is the fact that the development is within the consultation zone defined in the 'Mendip District Bat Special Areas of Conservation (SAC): Guidance on Development (version 2.1 – March 2019)'. There has been a considerable amount of work to ensure not just the avoidance of harm to protected bat species, but for there to be a positive impact. Thus, there would be a 2.25ha

[51] CD9.4 paragraph 2.11
[52] CD2.7n paragraphs 13.6.7 and 13.6.8
[53] CD5.4
[54] Proof of evidence Peter Baker – paragraph 6.44
[55] CD2.8j1

on-site gain for lesser horseshoe bats and a 7.87ha on site gain for greater horseshoe bat[56], resulting in positive SAC impacts.

7.46 In terms of ecology, the evidence clearly demonstrates that the ecological impacts would be limited. Extensive work has gone into assessing the habitat value of the site and the range of species that utilise it, as well as devising suitable avoidance and mitigation measures. Natural England, who have been heavily involved in the consideration of the ecological impacts of the scheme, and Somerset Ecologists raise no objection to the proposals.

7.47 Whilst the Cranborne Chase National Landscape Board consultation responses identified that the proposed development would be visible from within the National Landscape. Their concerns thereafter have been primarily focused upon confirming that dark skies within the National Landscape can be secured and that recreational pressures within the National Landscape from the proposals have been properly assessed.

7.48 Dark skies have been assessed and ID1 confirms that there is no residual concern in this regard. The effect of such a generous area of public open space close to the existing and future population of Frome, far from resulting in greater pressure on the National Landscape is likely to have, at worst, a neutral effect and, in reality, a beneficial effect.

7.49 Whilst the Applicants' landscape witness considers that there would be a minor change to the landscape visible in views from the National Landscape, the overall effect would be at the very lowest end of the spectrum. This conclusion, together with the dark skies evidence means that the statutory duty under the revised Section 85 of the Countryside and Rights of Way Act 2000 would not be breached.

Landscape

7.50 The Applicants' landscape witness has worked on the project for the past 10 years, whilst also living in the area for 20 years. His evidence was founded upon a wealth of background material which is referred to in his proof of evidence.

7.51 The site has no international, national or local landscape designation in landscape quality terms. Nor does it form part of a "valued landscape". Accordingly, it should not be assessed against paragraph 187(a) of the Framework, instead paragraph 187(b) is applicable. The former involves protection, the latter requires recognition of the qualities of the countryside. These are quite different policy tests.

7.52 Overall, the Applicants have established that the landscape-led approach to the application has responded appropriately to the field pattern, topography, distribution of existing landscape features and the local views.

7.53 There has been an extensive consultation and engagement which has informed the design and progress of the application. The Council's landscape consultant scrutinised the Applicants' landscape work at every stage. The final consultation response pronounced that he was methodologically satisfied with the Applicants' approach to the assessment of landscape impact and that landscape and visual

[56] Matthew Kendrick Proof of Evidence paragraph 5.38 and Alex Heath Report

issues would not provide a reason for the refusal of planning permission[57]. The extent of the study area had been agreed with the Council's landscape consultant at 6km.

7.54 The scheme had not merely been scrutinised by the Council's landscape consultant but also has passed through the rigorous scrutiny of three South West Design Review Panels, all of which involved a landscape architect as the panel chair and another member who was also a landscape architect.

7.55 As a result of the above scrutiny, changes were made to the built element of the proposals, which are now contained within the bypass, and the extent of GI has increased substantially. Thus, the scheme offers substantial new GI, some 39.8% of the total site area, which is an over-provision of one third (8.4ha) above the Council's policy requirement. That figure does not include any smaller areas of GI within the development parcels. It is acknowledged that the GI would be multi-functional and would encompass areas of BNG and drainage attenuation. There is nothing inconsistent in such land fulfilling multiple roles. Public open space (POS) is often better with water bodies and watercourses running through it and can be left unmown providing habitat whilst also providing a recreational resource. There is no question that extensive POS would be delivered, together with drainage and flood attenuation and BNG.

7.56 The extent of the overprovision of POS is about 9.5 to 10 football pitches. The total area of POS provided would equate to between 40 to 45 full sized football pitches. This would be a substantial increase, even judged against the whole of the existing POS in Frome.

7.57 The mitigation measures that have been incorporated into the masterplan that have reduced landscape and visual impacts are:

a) Existing trees and hedgerows protected as far as possible.

b) Green Infrastructure network which provides continuous 'belts' of trees, hedges and woodland.

c) Limits on building heights in specific areas, most notably in the upper areas of the site and near existing dwellings.

d) Density reduced in more sensitive parts of the site to allow for a greater density of planting.

e) Significant areas of GI along the River Frome in the SGC development area.

f) Consideration for the visibility of materials in the landscape to avoid bright colours that would increase the visual impact.

g) The creation of nature reserves in two fields next to Tytherington, at the western end of the application to reduce the potential for future landscape and visual impacts on the Marston Park registered garden.

7.58 With regard to landscape effects, the SoCG identifies that the Council relies on the position as set out within the LCA. This identifies that the majority of the application

[57] CD3.10

site falls within 'Area B2.5, Little Keyford and Blatchbridge'. It further notes that the area is 'sandwiched' between the existing built area of Frome and the A361 bypass and categorises the value of the landscape as 'low'[58]. The proposed nature reserve would be located within Area B1.1 with the part of the site located adjacent to the Frome Bypass (Greensand Ridge) and is identified as having a high landscape value. The site adjoins Character Area B2.4 (Frome Bypass and Infrastructure Corridor) which generally reads as a green corridor along the route of the bypass to the south of Frome and is identified as having low landscape value.

7.59 After mitigation, the following type and magnitude of impact for these areas would be as follows[59]:

a) B2.5 – Major Adverse – due to the size and scale of the direct landscape effects within the overall size of the character area.

b) B2.4 – Moderate Adverse – largely due to the change of the nature of the road alongside the scheme from being largely rural to including additional built-form.

c) B1.1 – Slight Adverse – largely due to the removal of development from the area and inclusion of two fields as a nature reserve. These changes reduce the impacts on this character area to slight adverse by permanently creating a landscape, or non-developed separation between the character area as a whole, as well as Marston House Registered Garden and the village of Tytherington.

7.60 The residual impacts in the low value area were reduced by the mitigation measures described above. These included mitigation measures that reduced impacts on the landscape itself, increasing the area of GI as well as considering visual impacts by lowering building heights and the layering of vegetation in views from the wider landscape.

7.61 Turning to visual impacts, 31 representative viewpoints in total were agreed with both the Council's landscape consultant[60] and Historic England[61]. Of the 31 viewpoints assessed in the ES, 12 (viewpoints 1 – 3, 8, 19 and 21 – 27) are identified as receiving a moderate to major adverse visual effect following the establishment of mitigation measures as a consequence of the proposed development. These viewpoints are located within the site, or within 200m of the site boundary. The adverse impacts are largely the result of a change in the character of the views with one the result of the cumulative impact of neighbouring committed development. The viewpoints consider the introduction of built form into the view which is perceived as a significant impact when compared with the nature of the existing views. In the context of a 6000m study area, this indicates how visually contained the scheme would be after mitigation planting has matured.

7.62 The Cranborne Chase NL was assessed as a landscape receptor with viewpoints representative of sensitive receptors. Sensitive receptors include those accessing the NL via rights of way. The ES LVIA assessed that the direct and indirect residual impacts on the NL after mitigation would be Neutral Adverse. This was assessed as

[58] CD5.3 page 195
[59] Proof of Evidence Peter Baker paragraph 5.11
[60] CD3.4,3.9 and 3.10
[61] CD3.1

having been “minimised” as pursuant to the requirements of paragraph 189 of the Framework through the mitigation measures described above.

7.63 Visual impacts on the NL were carefully considered, explored and mitigated within the ES LVIA. The viewpoints 6, 7, 12, 13 and 17 are within the NL. Cley Hill (viewpoint 13) is a scheduled monument and Site of Special Scientific Interest located within the NL but outside of the 6km study area. However, it is a significant landmark within the study area and was therefore included in the ES LVIA.

7.64 The overall impacts on viewpoints within the NL was that four of the five viewpoints, after mitigation, would result in Neutral Adverse impacts. One, viewpoint 17, would be Slight Adverse, where changes would be reasonable to assess as being at slight variance with the existing landscape character, and/or cannot be fully mitigated but resulting in only a small residual adverse effect. This demonstrates how the scheme has minimised adverse impacts in accordance with paragraph 189 of the Framework.

7.65 In respect of the veteran trees, the landscape fabric has been properly surveyed[62]. This was done alongside consultation with the Environment Agency over flood risk, both across the site and from the river.[63] The GI plan[64] identifies the retention of veteran trees which would be protected by conditions.

7.66 Direct landscape impacts would be limited to within the bypass. Outside of the bypass the proposed nature reserve would not be at variance with the character area that is defined as high value within the LCA. As with visual impacts, the landscape impacts would be highly localised to within and immediately adjacent to the application site. The landscape character area into which the appeal site primarily falls is identified as of low value. That is the clearest possible evidence of its appropriateness to accommodate development of this scale.

7.67 Building heights would be controlled by the height parameter plan and the lower heights are directed to the higher ground. Upon maturity, the proposed tree planting would readily assimilate the built form.

7.68 The footpaths and lanes being retained would be within GI corridors. These would be wide and pleasant environments, with the lanes being repurposed to be low key recreational corridors with only residential access permitted along them. Densification issues have been extensively tested in the DPFD[65] with the maximum densities being informed by both location and topography.

7.69 Overall, the Applicants have presented a robust landscape case and demonstrated that landscape harms on strategic sites are always of significance. Here, the effects are localised and would only affect very close viewpoints[66]. Large-scale developments such as SGC inevitably have the potential to result in significant effects on the landscape, especially close to the site itself. However, it is of note that many of the key identified visual receptors are within or immediately adjacent to the site. Thus, whilst it has been demonstrated that not all effects can be avoided or limited, the overall conclusion is that with suitable mitigation the site has the capacity for the scale of development proposed. Accordingly, as with all large-scale

[62] CD2.12 and CD5.18
[63] Proof of Evidence Peter Baker paragraph 5.09
[64] CD2.5c parameter plan
[65] CD2.6
[66] Proof of Evidence Peter Baker paragraph 6.3

development some effects are unavoidable but need to be balanced against the need for, and benefits of, any proposed development. Nonetheless, it is of particular note that the principal effects of the proposed development would be highly localised to the site and land immediately adjacent to it.

Transport

7.70 The planning application was accompanied by a Transport Assessment (TA)[67], a number of supporting technical documents[68] and a Transport Section of the ES[69]. The Council, in its capacity as local highway authority, and National Highways, in its capacity as strategic highway authority, raised no objection to the proposed development subject to the imposition of conditions and the relevant measures contained within the Section 106 Agreement. That is not a view which has been arrived at without extensive consideration of detailed and complex evidence. The Applicants' highways and transportation witness confirmed that there was extensive engagement with the various stakeholders from as early as 2019[70].

7.71 The cross discipline working, evidenced by the DPFD, reflects that transport is a fundamental element of the scheme[71]. A hierarchical approach to travel, placing greatest emphasis on the most sustainable forms of travel and cascading downwards to road-based travel has been embraced and fully adopted in the access strategy and masterplan for SGC. This approach is both carried forward into the DPFD and Access and Movement Parameter Plan that would be secured by a planning condition.

7.72 In the first instance, a mix of complementary land uses is being proposed within the site that provides for many of the everyday needs of residents, workers, and visitors to SGC and thereby reduces a need to travel outside of it or further afield.

7.73 The Department for Transport Manual for Streets identifies that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas[72]. A 10 - 20 minute walk time would cover the whole of the proposed SGC site such that the hub could be reached within a reasonably short walk.

7.74 The community hub/local centre would be a focal point and would be located within an 800m radius of all residential and employment development areas. The hub would be delivered from year 2 from first occupation and estimated at 3 years for full completion and provisionally at the 350th occupation. It would comprise the following uses:

- Primary School (420 Pupil)
- Nursery (connected to the Primary School)
- Healthcare - Dentist (350 sqm)

[67] CD4.1
[68] CD4.2 – CD4.30
[69] Cd2.7f
[70] Proof of Evidence Neil Brant paragraph 4.1 onwards
[71] Proof of Evidence Neil Brant paragraphs 3.2.5 and 4.3.5
[72] CD4.45

- Shops (250 sqm)
- Cafés (250 sqm)
- Food Takeaway (250 sqm)
- Community Space (250 sqm)

7.75 A Street Design Code[73], incorporated in part into the DPFD, identifies that the SGC would be provided with a three-tier network of walking and cycling routes. Primary routes would provide direct and continuous access between key parts of SGC as well as points of external connection to foot and cycleways across the wider area. Secondary routes would be less direct and provide inter-linking connections across the SGC as well as providing for leisure and recreational use. Recreational routes would provide circular walking and running trails within the site.

7.76 Beyond the site, the aim is to maximise travel containment within Frome, and to provide appropriate levels of non-car access. Frome contains the majority of facilities and amenities necessary to sustain its resident and visiting population and therefore travel outside of the town can be largely considered as optional for most journeys as opposed to being necessary. The next level of the hierarchical approach is therefore the wider containment of travel within Frome itself, again with a view to reducing the overall distance travelled to access everyday facilities and services, particularly where there is a greater propensity for active and sustainable travel over shorter travel distances.

7.77 Good design has been a key consideration in the access strategy evolution so as to maximise sustainable transport usage and reducing the need to travel and the layout of SGC has acknowledge how it will have a significant impact on how residents, workers and visitors choose to travel.

7.78 The SGC approach is that streets are primarily designed to accommodate the needs of pedestrians, cyclists, and public transport to make sustainable modes of travel attractive, convenient, and accessible. A design approach has been employed so as not to prejudice the priority of active and sustainable travel, and this is set out in pages 32-39 of the DPFD.

7.79 There would be excellent connectivity offered by the scheme with active travel routes and a substantially improved bus service within minutes of all homes and off-site connections.

7.80 This location is sustainable, being located within walking, cycling and public transport reach of existing travel destinations in Frome, such as retail and employment areas. With the proposed active travel corridor improvements introduced, the Design Review Panel considered the town centre to be walkable from the application site.

7.81 The table below shows the proximity of the application site to a number of facilities, together with approximate walking/cycling times:

[73] CD4.1 – Appendix A

Facility	Distance	Walk Time (min)	Cycle Time (min)
Christ Church CoE First School	1,150m	14-15	4-5
Oakfield Middle School	2,800m	35	10-11
Frome College	3,600m	45	13-14
Frome Health Centre	3,200m	40	12
Acorn Pharmacy	1,600m	20	6
Co-Op Convenience Store	1,000m	12-13	3-4
Sainsburys including Pharmacy & Argos	700m	8-9	2-3
Wessex Fields Retail Park	800m	10	3
Town Centre	2,200m	30	8-9
Marston Trading Estate	800m	10	3
Railway Station	2,400m	30	9

7.82 In terms of the transport strategy generally, a sustainable policy compliant approach has been deployed. This approach has sought to build upon what is already there, including a compact walkable town, enhancements to active travel routes, use of the railway station and bus service upgrades.

7.83 In order to improve accessibility to the town and along the riverside by cycling and walking, four active travel corridors are proposed comprising the Oakfield School Corridor, Town Centre Link, Dippy/The Station Link, and the Riverside Corridor. A number of measures to improve the attractiveness of these travel corridors for walking and cycling is set out in the Technical Note 14: Off-Site Active Travel Corridors[74] with funding secured through the Section 106 Agreement. These works would deliver improved pedestrian and cyclist infrastructure.

7.84 The active travel routes would connect all destination across SGC by means of safe and convenient walk and cycle provision, including:

- Play Areas (LEAPs and NEAPs)

[74] CD4.12

- Education Facilities – Pre-School and Primary School
- Public Open Spaces
- Employment zones
- Local Centre including Mobility Hub
- Allotments and community orchards
- External links to adjoining areas

7.85 SGC would benefit from a comprehensive network of walking and cycling routes catering for all needs and abilities within the Site itself, adopting the following characteristics:

- Primary routes would be provided for direct, safe, and continuous access between key parts of SGC as well as points of external connection to foot and cycleways across the wider area.
- Secondary routes would be less direct than Primary ones but provide inter-linking connections across SGC as well as providing for leisure and recreational use.
- Primary and secondary routes would be lit, and road crossings designed to give priority to pedestrians and cyclists.
- Recreational routes would provide for residents with circular walking and running trails within SGC, use of historic lanes a re-purposed 'Greenways' and external connections to Public Rights of Way.

7.86 Existing lanes, including Vinney Lane, Paddles Lane, Tytherington Lane and parts of Little Keyford Lane, would be repurposed as greenways providing for pleasant walking and cycling recreational routes with only existing farms and cottages retaining vehicular access. The greenways will be unlit and have a country lane shared-use character.

7.87 It is proposed to utilise a Mobility as a Service (MaaS) approach to SGC by the use of a dedicated Travel Planning App for residents, workers and visitors. The single platform approach would break down barriers of accessing information across multiple locations by bringing them into a single location.

7.88 The Travel Plan[75] agreed with the Council includes specific reference of how the SGC App would be employed as one of fifteen 'measures' to achieve mode shift away from private car use. In summary, Section 5.9 'SGC Personal Travel Planning App' of the Travel Plan sets out that:

All residents, employees and parents of pupils will have access to an individual Personal Travel Plan (PTP) App or Website, which in effect will replace the typical and traditional Travel Information Pack (TIP) used within Somerset. The bespoke SGC PTP App or Website will give all residents and employees real-time sustainable

[75] CD4.22

travel advice and options, including potential cost and environmental benefits, compared to single occupancy car journeys.

In addition to real-time travel information, the PTP App will provide information about the sustainable travel options to the development scheme from a single and convenient reference source, including:

- *Details of the SGC Travel Plan objectives and measures.*
- *Links to travel planning websites and apps.*
- *Walking and cycling maps showing routes and proximity to local facilities.*
- *Public transport information with an interactive map showing routes and bus stop locations.*
- *Summaries of public transport information for the local area.*
- *Information and links to car sharing and car club schemes.*
- *Information on supermarkets offering home delivery in the local area.*
- *Contact details for the Travel Plan Co-ordinator.*
- *Details about the Green Travel Voucher scheme*.

7.89 Complimentary land-uses within SGC, comprising residential, primary school, local centre facilities, sport and recreation, and significant employment, have been a material consideration in reducing the need for wider travel from the inception stage and has informed a key target within the Travel Plan[76]. The Travel Plan includes a specific target of self-containment of travel within SGC of 22% in the AM peak hour and 15% in the PM peak hour of travel made by residents of SGC to be contained within the scheme. t

7.90 Whilst the Council no longer project a need for a secondary school within SGC, the agreed self-containment target remains as a realistically achievable outcome in the Travel Plan as travel to/from secondary education only represents 16% of AM peak travel and 1.7% of PM peak travel.

7.91 Making key bus services, such as the No.30, more commercially viable would reduce the burden on the Council. The No. 30 presently requires subsidy from central government through its BSIP 2025/26 funding award. A 15-year underwriting of the bus service, until the development is essentially complete, provides confidence that the bus service would be well patronised from year 5.

7.92 The existing No.30 town bus service would have an extended operation through SGC and also its frequency would be increased to every 20 minutes (weekdays and Saturdays), alongside an extension of the route to the north of Frome to include the Community Hospital, Healthcare Centre, College and Leisure Centre. These proposals are set out in detail in the TA.

7.93 To promote and maximise the comparative benefit of bus services, it is proposed to provide two bus gates, one at the access from Little Keyford Lane and one mid-way

[76] CD4.22

along the bus loop road between the Marston Road junction and the SGC local centre hub. Bus stops would be located so as to place all parts of SGC within no greater than a 400m (5 minute) catchment.

7.94 In order to encourage active travel both the north-south and east-west links across the site were reimagined so as to provide continuous pedestrian, cycle and bus routes, but not other vehicular access. This would be ensured by the provision of the two bus gates. The resulting effects are that journey distances for future residents within SGC for walking and cycling would be significantly shorter (as they are more direct) than for car travel which require travel out on to the adjacent B3090, B3092 and/or A361 before re-entering SGC.

7.95 For travel to/from Frome, there would be no direct vehicular access points (other than bus) along the built edge abutting SGC. The clear emphasis here has been to prioritise direct and convenient sustainable access to the town and to deliberately inconvenience (through less direct routes) vehicular journeys. This has been a visionary approach so as to prioritise convenience to sustainable travel and purposefully inconvenience car use for travel within SGC or between SGC and Frome trip destinations.

7.96 In respect of road safety, the evidence of the Applicants' highways and transportation witness demonstrates that there would be no residual impact on road safety, and that there would be no residual network impacts which could be considered severe. All the proposed highways' works were subject to independent Stage 1 Road Safety Auditing[77].

7.97 There is understandable public concern with regards to road safety on the A361 Frome Bypass. The submitted TA reviewed road safety using publicly available data at that time (up to end 2020). That review found that over the course of the preceding five year period there were six injury accidents on the A361, spread along the length within the study area and not clustered, and that no injury accidents occurred on either the B3090 or B3092, or any of the other roads and lanes (Little Keyford Lane, Paddles Lane, Vinney Lane) passing adjacent to or through the scheme.

7.98 The local highway authority also undertook a study of road safety on the Frome Bypass and published the Route Analysis Report dated November 2024[78]. In so far as there have been recent traffic collisions on the bypass, their cause has been carefully explored. It has been identified that the causes were driver behaviours and not inadequate highway design or traffic conditions. There are no inherent road conditions that would preclude development being delivered safely. Furthermore, vehicular speeds would reduce slightly, not increase, and the increased volume of traffic through the A361/A362 Rodden Down junction would be modest[79].

7.99 In so far as road capacity is concerned, the effect of traffic upon the network has been extensively modelled using a detailed VISSIM dynamic model which assessed 31 different routes across the area. The Frome VISSIM and A36 VISSIM models take into account the cumulative effects of consented and planned development, as well as the growth in traffic through local, regional and national economic conditions.

[77] Proof of Evidence Neil Brant paragraph 4.15.3
[78] CD4.42
[79] Proof of Evidence Neil Brant paragraph 5.3.4

7.100 In terms of the traffic impacts on the local highway network, the Frome VISSIM model reports set out the detail of operational performance of the highway network in the peak periods, a 3-hour period in both the AM and PM peaks. For the purposes of the comparison of the effects of SGC, a 2029 Futurebase scenario was assessed, and which included all committed and planned development, plus other traffic growth. The SGC scenario assessed the cumulative effects of the 2029 Futurebase plus SGC.

7.101 The SGC scenario does not assess the effects of the Travel Plan mode shift targets. As such, the results of the Frome VISSIM modelling assessment should be considered as worst case and robust assessment scenarios.

7.102 Although modelling data is provided for a number of junctions and eight route sections, an overall summary[80] identifies that any increase in journey times across Frome would verge on the indiscernible. Overall traffic volumes in the AM peak hour would increase by 1,699 vehicles (18%). However, as a consequence of a combination of the latent spare capacity in the road network and the proposed highway mitigation works, this increase in traffic would only result in an increase in average delay per vehicle of 5.79 seconds (8.2%), a reduction in average speed of 1.65mph (6.2%) and an increase in the amount of time stopped of 4.17 seconds (20%).

7.103 In the PM peak hour traffic volumes across the Frome network would increase by 1,444 vehicles (14%). As a consequence of a combination of the latent spare capacity in the road network and the proposed highway mitigation works, the increase in traffic would only result in an increase in average delay per vehicle of 4.47 seconds (6.0%), a reduction in average speed of 1.49 mph (5.7%) and an increase in the amount of time stopped of 0.71 seconds (2.7%).

7.104 It is apparent from the above summary of overall network performance that the degree and actual traffic impact of SGC is not severe and, in reality, would be barely noticeable. This is a level where there would be no discernible effect to any driver.

7.105 In order to mitigate the effect of the SGC scheme on the local highway network, a number of mitigation works are proposed to be delivered through Section 106 Agreement contributions consisting of:

- A361 / B3090 roundabout widening to two approach lanes on the Marston Road (B3090) arm;
- A361 / B3092 Blatchbridge and A361 / Clink Road roundabouts and placing each roundabout under partial or full signal control, and associated works;
- B3090 The Butts local traffic management and on-street parking scheme;
- B3090 / A362 Gore Hedge gyratory and Bath Street roundabout placing each junction under full or partial signal control, and associated works.

7.106 With regard to the Strategic Road Network, the A36 VISSIM model was used. In discussions with National Highways, concerns were raised regarding the current and future operational performance of the A36 roundabout junctions at Beckington and

[80] Proof of Evidence Neil Brant – Table NDB 6.4 and paragraphs 6.6.21 – 6.6.26

White Row, a distance of about 7km from SGC. The model informed proposed mitigation works to these roundabouts to address the cumulative effects of developments proposed in LPP1, LPP2 and SGC, as illustrated on drawings Nos. 19016-PHL-302J (White Row Roundabout Phase 1/2)[81], 19016-PHL-304F (White Row Roundabout Phase 3)[82], and 19016-PHL-402J (Beckington Roundabout Phase 1/2)[83]. As a consequence of the proposed A36 highway works, no significant or severe residual impacts would occur at the White Row and Beckington junctions.

7.107 Where highway impacts warrant mitigation, as required by Policy DP27, such interventions would be modest in scale. These would be localised lane flaring, traffic management and the partial reconfiguration of two roundabouts on the bypass. Importantly, Policy DP27 requires the mitigation of the cumulative impact of LLP2 sites, but the Section 106 contributions accrued to date by the Council, fall well short of delivering finance for the necessary works. Only with the proposed development can this mitigation be delivered. Without it, the existing capacity issues will continue[84]. It follows that the direct effect of this proposal will be to facilitate sufficient capacity within the highway network to accommodate LPP2 allocations. This is yet another benefit of the scheme.

7.108 In short, the application is a vision led scheme in terms of accessibility measures and, in the terms of the Framework, it does not give rise to either unacceptable safety or severe residual impacts.

7.109 The essence of the highway measures is that of making short car journeys less convenient. An example of this being the bus gate to facilitate rapid transit for bus passengers through the site. Car drivers would be forced to travel out onto the bypass. The introduction of this strategy is a conscious decision and is part and parcel of a 'carrot and stick' approach. The access strategy seeks to inconvenience car travel journey times for short trips, by directing those trips outwards first. The relative journey times of other forms of travel, such as walking, cycling and bus services, would thereby become more attractive.

7.110 In challenging the highways and transportation evidence, interested parties have made a number of detailed points. However, before addressing some of them, it is important to note that the overall scheme has been devised after a long and exhaustive process involving relevant consultees. It represents the culmination of that process, on which there is a consensus.

7.111 With regard to street lighting of routes and pedestrian safety, the Access Parameters Plan shows that primary and secondary routes would be lit. Only recreational routes would be unlit. The stopped-up lanes would be for access only, and there are good ecological reasons not to light those routes.

7.112 With regard to edge of town policy, some objectors sought to derive support from paragraph 110 of the Framework. However, the application site is located on the existing urban edge of the town, immediately adjacent to a large area comprised of retail and employment land use, and alongside new residential development at Sandy's Hill Lane and Keyford. This land use pattern places the start and finish point

[81] CD4.35a
[82] CD4.35b
[83] CD4.35c
[84] Proof of Evidence Neil Brant paragraph 6.7.6 to 6.8.2

of many trips purposes within distances that would enable walking and cycling, thereby achieving good self-containment.

7.113 In terms of modelling, a detailed transport assessment has been undertaken, using the latest form of microsimulation models for Frome and the A36. All of the technical analysis has been audited and peer reviewed by two highway authorities and their respective independent consulting teams. The relevant technical evidence remains essentially unchallenged.

7.114 With regard to trip generation, there appears to be a fundamental misunderstanding on the part of interested parties whereby the Travel Plan mode shift targets have been conflated within the Transport Assessment Baseline which was used to assess trip generation. The Travel Plan targets have not been used to influence trip generation inputs which are based entirely on empirical evidence of existing travel patterns in the area. No mode shift away from the Frome Baseline level is assumed within the Transport Assessment or the microsimulation modelling. Therefore, traffic generation is not underestimated but is on par with existing Frome residents travel behaviour.

7.115 A number of other highways related matters were raised by interested parties in the Inquiry including a suggested need for a crawler lane on a sloping section of the A361 and a need for a footbridge over the A361 to link the SGC site to the proposed nature reserve. The evidence of the Applicants' highways and transportation witness sets out the reasons why neither of these highway interventions are necessary.[85]

7.116 Overall, the Applicants' highways and transportation evidence has conclusively demonstrated that there are no reasonable grounds to withhold consent on any highway/transportation grounds. This evidence before the Inquiry stands essentially unchallenged.

Heritage

7.117 The Heritage Chapter[86] of the ES and the Technical Note – Heritage set out that 1km and 3km study areas around the site were used to identify built heritage assets that might be affected by the proposed development. The application site is not located within a conservation area and there are no listed buildings or scheduled monuments within the site.

7.118 There would be some heritage impacts[87], although these would be surprisingly minor for a scheme of this scale. A comprehensive assessment has been undertaken concluding a minor effect upon two designated heritage assets. These comprise Keyford House and Conservatory and Manor Farmhouse. Whilst mitigation would minimise those effects, it is accepted that any harm to designated assets ought to be afforded considerable weight when undertaking the internal heritage balance required by the Framework.

7.119 Historic England responded on several occasions to consultation requests from the Council[88]. Although no specific objection was raised, comments were made regarding the effect of the proposed development on the wider landscape setting of

[85] Neil Brant Proof of Evidence section 7.9 and 7.14
[86] CD2.7m and CD2.8o
[87] Matthew Kendrick Proof of Evidence Appendix 3
[88] CD3.1, CD3.2 and CD3.3

the Scheduled Monuments. These responses resulted in some design changes to the scheme. The final response dated 9 April 2024[89] reiterated some concerns but did not identify a formal objection.

7.120 The heritage harms identified, have been afforded moderate rather than minor negative weight to reflect their importance with reference to paragraph 212 of the Framework. Having undertaken the internal heritage balance required by paragraph 215, it is concluded that public benefits would clearly and decisively outweigh the low-level heritage harms identified.

Flood risk/drainage

7.121 The application was accompanied by a Hydrology and Flood Risk Assessment[90] and Flood Risk Assessment Addendum (FRA)[91]. In addition, further technical evidence providing a summary of flood risk and drainage matters, including responses to third party comments, was provided in the Inquiry.

7.122 The majority of the site lies within flood zone 1, within which development is considered to be appropriate in terms of flood risk. However, given the significant scale of the site, and fact that the River Frome travels through part of it, a very small proportion of the site lies within Fluvial Flood Zones 2 and 3.

7.123 In terms of flood risk and drainage matters, there are no objections from any statutory undertaker or consultee. The rebuttal evidence of the Applicants' drainage and flood risk consultant[92] which relates to the representations made by the Friends of the River Frome (FoRF) to the revised ES, as well as to the technical note of 30 June 2025, outlines a summary of flood risk and drainage matters. It also provides a response to comments made by the public, Councillors and other organisations in response to the application.

7.124 Overall, the Applicants have demonstrated that the comments raised by the FoRF do not raise any in principle concerns that might question whether the proposed development would conflict with national and local planning policy in respect of drainage and flood risk matters. Where disputes remain, they are capable of being addressed by the imposition of conditions.

7.125 Wessex Water has raised no objection to the scheme, subject to conditions. The informal sports pitch, which is of concern to the FoRF, can be designed to flood during times of high rainfall. There is no evidence that retaining this as part of the scheme would somehow exacerbate flood risk.

Planning balance and the decision tree

7.126 The Applicants submit that:

a. Looking at the development plan as a whole, and noting which policies are out of date, there is compliance with the development plan. The statutory presumption in section 38(6) is engaged as is paragraph11(c) of the Framework, and since material considerations neither "indicate otherwise", nor

[89] CD3.3
[90] CD2.7i
[91] CD2.8k
[92] Appendix 1 Technical Note on Drainage and Hydrology to Applicant's Planning Proof of Evidence

"significantly and demonstrably outweigh" the harms then permission should be granted "without delay".

b. If there is found to be a breach of the development plan taken as a whole, because the proposals sit outside of the settlement boundaries of Frome, then the substantial benefits of the scheme comprise "other material considerations" which warrant the grant of permission despite the presumption of section 38(6). Permission should be granted under the 'flat balance'.

c. In any event (and even if the flat balance is not surmounted) then by reason of the out of datedness of the local plan, and the lack of a five year HLS, the presumption in favour of sustainable development in paragraph 11(d) of the Framework is engaged (and not disengaged), and the benefits of the proposals are not significantly and demonstrably outweighed by the harms of the scheme.

7.127 This is not a marginal case, whichever branch of the decision tree one looks at. In terms of the presumption in the Framework, the Applicants have demonstrated that there are no significant adverse impacts that would outweigh the substantial benefits of the proposed development.

Health and Safety Executive (HSE)

7.128 Finally, in relation to the late issue raised with regards to HSE, there is detailed evidence of the position, which is uncontroversial[93]. In response to consultation by the Council on the planning application, the HSE raised concerns that the illustrative masterplan showed sensitive development located in the inner and middle consultation zones, affecting the southwest corner of the SGC site.

7.129 The control of Hazardous Substances falls under the Hazardous Substances Act 1990, as well as the 1992, 1999 and 2015 Regulations. Where a licence was given for the storage of hazardous substances prior to the 1990 Act coming into effect, Section 10 of the Act provides for a "deemed consent" for existing hazardous uses at the time the Act came into force, but only if the person in control of the land applied within the specified time limit and could demonstrate that the use of the site for this purpose was lawful and ongoing. The 1992 Act required a time limit of 12 months from the date that Act was brought into force. Whilst it is not known for certain whether that requirement was met, the HSE has a record of the deemed Hazardous Substance Consent (HSC) coming into effect so it is assumed that there was such an application back in the 1990s.

7.130 A HSC which is either granted or deemed to be granted can still be revoked in one of a number of ways, most notably under either section 14 or section17 of the 1990 Planning (Hazardous Substances) Act. Compensation can be payable for a revocation if there is evidence of recent active use of the HSC. If it is redundant then there is a process of revocation by the Hazardous Substance Authority (here the Council) without consent under section 14.

7.131 In line with the site history[94], it is agreed between the parties that the original holder of the HSC no longer exists as a legal entity. There has been a further change in control of part of the site relating to a lease by Marston Foods Ltd. From the planning

[93] ID3
[94] ID3 page 21

history it is overwhelmingly likely that other leases relating to other businesses on the site have been granted over time on the land which is the subject of the HSC, including one application to the land registry which is pending.

7.132 Furthermore, following this change in control no application for the continuation of the HSC has been made to the Hazardous Substance Authority. Therefore, it would appear that there has been a severance of the title over which the HSC is held and consequently section 17 of the Act means that the HSC is automatically revoked. There is no formal process under the 1990 Act by which such an automatic revocation can be proven, other than by seeking declaratory relief from the Courts. For the avoidance of doubt, the Applicants' firm position is that revocation has taken place under section 17.

7.133 Notwithstanding this, the applicants have formally requested that the Council make an application under section 14 of the 1990 Act on the basis that the evidence gathered identifies that Fertilizer Grade Ammonium Nitrate has not been stored on the site for a significant amount of time (well in excess of the requisite five years) and a series of implemented planning permissions have given rise to material changes in use that have since become lawful. These factors all indicate that revocation without compensation applies, irrespective of section 17. Crucially, as ID3 explains, in all of the planning applications since 2010 the application form has noted that no hazardous substances are or will be stored on site, thus, to resume any such storage would require a HSC.

7.134 In light of this conclusion, it is agreed between the parties that the HSE consultation zones would no longer apply to the Marston Park Industrial Estate as section 17 is engaged and will no longer apply as and when a section 14 revocation is granted. The process for the latter has been initiated and a condition is proposed to ensure that delivery of the phases of this site affected by the middle zone are not occupied until the HSC has been formally revoked under section14.

7.135 There is no reason to expect that this will not take place well before the determination of any reserved matters application, let alone the potential completion and occupation of that phase. Having taken advice from those previously involved in the process it has been confirmed that if no representations are made to the Secretary of State by interested parties, a revocation order will aim to be completed within 12 weeks. Should there be any objections, a hearing will be undertaken by the Planning Inspectorate to allow such representations to be heard before making a final decision. Legal advisors of the Applicants have indicated their experience is that this process can take around five months. However, given the evidence presented and the history of the site, it is considered to be unlikely that any revocation process would be frustrated by this process.

Conclusion

7.136 It is firmly submitted that the benefits of the scheme are exceptionally positive and wide ranging. There is consistency with the general thrust of the development plan, but if there is not compliance with the plan taken as a whole then there are plainly material considerations which more than outweigh the policy conflict. When viewed through the prism of the presumption in favour of sustainable development the answer becomes even more obvious that this application should be granted.

7.137 The public benefits secured by the Section 106 obligation are extensive and they are substantial. It is inconceivable that the potential adverse effects could outweigh the benefits in this case, let alone significantly and demonstrably do so. Therefore, the Applicants respectfully request that planning permission be granted.

8. THE CASES FOR INTERESTED PARTIES APPEARING AT THE INQUIRY

8.1 There were twenty-five interested parties who spoke at the Inquiry, many of whom provided copies of speaking notes. I summarise the representations made below. The written submissions have been added as Inquiry Documents.

Councillor Barry Clarke[95]

8.2 There are in excess of 500 objectors on the Council website with a further 100 to my email box. That is in excess of 600 people, not one of whom is in favour of this development. Objections cover matters of inadequate sewage treatment, flooding, traffic, lack of jobs, loss of countryside, archaeology, effect on nature reserves, loss of country lanes and loss of food and crops from the land which will be built over.

8.3 Residents see the local lanes being used by traffic from 1700 houses, meaning that they would lose the ability to walk them safely. Even the much vaunted bicycles would cause chaos if everybody chose to use them at the same time but the reality is that they would be used very little.

8.4 1700 houses would have about 6800 occupants at full capacity of two adults plus two children. A small development of industrial units is proposed which is a benefit. However, this is in the absence of any clear industrial policy from the Council for the area which should provide the economic incentive for jobs for the occupants, rather than having to commute out of the area by car to find work.

8.5 Trudoxhill Parish, one of the touching parishes, in particular is worried about the proposed nature reserve on the southern side of the bypass and believe it would quickly become disused. This, and the hedge management proposal for the estate in perpetuity, would be very unlikely to be achieved.

8.6 The bypass is very dangerous, contributing to many deaths in the last two years. It lacks a climbing lane to ameliorate the traffic issues likely to be raised by this development on the steepest part of the by-pass leading to the Marston roundabout.

8.7 Traffic issues will be this site's (and Frome's) legacy for years to come if this scheme goes ahead. 1700 houses equates to about 5000 cars at full occupation. The Butts is one of the nearest roads to this development and cannot cope with traffic now, yet additional traffic is proposed with no modifications to layout to ease traffic flow.

8.8 The 'Illustrative Master Plan' is meaningless. It supposedly, in part, echoes the cultural heritage of Frome by replicating the Bartons' architectural style yet a detailed inspection of the plans reveals no sympathetic matching; not even the materials are the same. The final result would be a patchwork quilt of estates. Conditioning a particular developer is not a satisfactory way to get results. All conditions can be removed.

[95] ID19

Councillor Shane Collins

8.9 The proposal would be the largest expansion of Frome since it was founded resulting in an unprecedented 23% expansion in the population. A development of this size should be considered as part of the development plan process.

8.10 There would be an 82% increase in morning traffic and 91% in the afternoon. This would lead to congestion and is totally at odds with the climate change emergency. The proposed effect of traffic would be severe in the context of the Framework and would have an unprecedented detrimental impact on Frome's medieval road layout. There would be a detrimental impact on the sewerage infrastructure, particularly if new infrastructure is not constructed at the outset. The proposed dwellings would do little for persons currently on the housing waiting list.

Dr Patricia Smith, Frome and District Civic Society[96]

8.11 The application is not consistent with any local development plan and does not accord with Chapter 5 of the Framework which cover larger-scale housing developments. Its proposals for design control cannot fulfil the requirements of Chapter 12 of the Framework for achieving well designed places.

8.12 The application represents a departure from the Mendip District Local Plan adopted in 2014. This is because this plan is now deemed out of date. Due to the fact that Somerset Council cannot meet its housing land targets, many applications for exception housing sites are coming forward.

8.13 What distinguishes this proposal from any others is its sheer scale. Housing schemes consented or under development in the Frome area typically range from around 70 to 230 units. This site is of a completely different order: 1700 homes with other mixed uses on 100 hectares. It would be the second largest development in the county of Somerset.

8.14 We believe it is unprecedented for something on this scale to be approved outside a local plan. Chapter 5 of the Framework sets out different processes for identifying small to medium sized housing sites, and those for larger scale developments. Paragraph 77 states that the supply of large numbers of new homes can often be best achieved through planning for new settlements or significant extensions to existing villages and towns, as in this case. The clear implication is that larger-scale development should be plan-led, and that selected sites should have gone through the local plan process of consultation, which this has not.

8.15 This proposal also escapes paragraph 77 policy on design for larger scale housing sites, which require that the strategic authorities should:

- set clear expectations for the quality of large-scale places to be created and how this can be maintained (for example by following Garden City principles);
- ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed homes; and
- identify opportunities for rapid implementation (such as through joint venture or locally-led development corporations).

[96] ID9

8.16 This application does not answer to any strategic policy. It also offers no lead developer, consortium or joint venture by way of governance. Although styled as a 'garden community', it does not meet the criteria set out in the Government's 2016 prospectus. There is no Masterplan to optimise quality and delivery across the site. As each parcel is sold, the Applicants will cease their interest in it, so from the very first sale there will no longer be oversight of the whole project, by any governing body.

8.17 Paragraphs 5.21 to 5.23 of the SoCG refer to our concerns that, given the scale of the outline proposal, with parameter plans defining only its maximum extent, design quality could not be assured. Consequently, design quality might be ignored or watered down by future developers of individual parcels or phases.

8.18 The DPFD remains in draft and would require considerable amendments. We have extracted the numbered Principles on which it is based and consider that 17 of them set out basic planning or regulatory requirements for the site wide proposals indicated in the parameter plans. A further 12 describe 'wish lists' of design features that the proposed Character Areas should include. In neither case is there much, if any, quantifiable detail and no indicative measures of success. The rest of the DPFD is in our view a glorified Design and Access Statement.

8.19 The DPFD proposes that individual purchasers of each land parcel would be required, by condition, to create their own Design Codes based on the principles before submitting any reserved matters applications. This proposed protocol is unworkable and does not comply with the provisions of the Framework's Chapter 12, Achieving Well Designed Places, paragraphs 133-4, which set out clearly how Design Guides and Codes should be drafted.

8.20 To carry weight in decision-making, these instruments should be produced by the local authority and be adopted as part of a development plan or supplementary planning documents. They must be consistent with the principles set out in the National Design Guide and National Model Design Code. In the absence of locally produced design guides or codes, which is the case here, these national documents should be used to guide decisions on applications.

8.21 The National Design Guide sets out Key Characteristics for achieving a well-designed place to be taken into account in decision-making. Any local or site-specific guide must set out how those characteristics will be achieved in practice. The Government guidance is the exemplar which any large scale scheme must follow to demonstrate good practice and achieve design excellence. The DPFD makes no reference to this requirement and we can see no evidence that the National Design Guide has been consulted in its preparation. The Applicants' proposed condition requiring compliance with the DPFD is therefore wide open to challenge because the document itself does not comply with the requirements of the Framework.

8.22 The Applicants' proposed condition requiring individual land purchasers to create their own Design Codes will be considered unreasonable and therefore also open to challenge. The result will be a resounding absence of any design control or governance at all for this large-scale, strategic development. This would be in breach of paragraphs 135 and 139 of the Framework which are intended to ensure that poorly designed developments do not make it through the planning system.

8.23 Both paragraphs are specifically named in paragraph 11(d) as key policies that should be taken into account in determining the tilted balance on housing applications. So even if 11(d) were invoked, any benefit perceived in achieving the housing quantum must be set against the risk of creating an incoherent, poorly designed development, with potential for significant delays or even incomplete delivery of those homes.

8.24 This application lies outside the scrutiny of any local plan process which means we cannot know whether, in strategic terms, this is the right scheme in the right place to meet Frome or Somerset's longer term housing needs. We do not believe there is such an urgency for the housing quantum that a proposal of this scale should proceed now, when the Somerset Council Development Plan to 2045 is moving at pace towards adoption by March 2029. In the absence of any viable means of design control for this major site, we argue that it is fundamentally unsound in respect of both national and local policy.

Councillor Dunk, Somerset Council[97]

8.25 The representations focus on landscape impact but also rely on the comments of Mr Thomson. It will not be possible to mitigate the effects of the proposed development on the setting of Frome and the loss of the public amenity that the site offers. This landscape is valued by the community and even if it were not to be considered as 'valued' within the context of the Framework, this does not mean that it has no value.

8.26 The field system is characteristically of small, hedged fields dotted with mature trees and forms a continuous rural landscape. It contains the 'Best and Most Versatile' farmland on the top of the slope and its loss is impossible to mitigate or replace. The public amenity value of the landscape, which has value, is considerable and would be lost. There are more suitable sites for housing than this one.

Hugh Williams, Somerset CPRE[98]

8.27 The rural setting of Frome contributes enormously to its identity as a market town. If this setting is significantly eroded on its southern side, then its connection to the countryside will be largely severed, and Frome will lose its identity as a historic market town.

8.28 The proposed extension would effectively be an urban extension that would be more appropriate to the biggest towns in the county, such as Yeovil, Taunton and Bridgwater. Not to an historic rural market town such as Frome.

8.29 Development on this scale should be in the local plan, not brought forward as purely speculative development on a large unallocated site by a land promoter. The opportunity will be lost for a discrete stand-alone garden village to be consulted on in the local plan, with its own schools and medical and dental facilities.

8.30 Mendip Local Plan Policy DP4 says that proposals for development that would individually or collectively significantly degrade the quality of the local landscape will

[97] ID13
[98] ID14

not be supported. This applies to the entire spectrum of landscapes in the district regardless of whether they are designated or not.

8.31 Policy DP1 seeks to protect and enhance local identity and distinctiveness. It expects proposals to recognise that distinctive views, scenery, hedges, trees, rights of way and other features generate a distinctive sense of place and local identity. Such features may not always be designated or otherwise formally recognised. We consider that this development entails significant and demonstrable harm to the historic landscape setting of Frome, and to its local identity and distinctiveness, and that the tilted balance is disengaged.

8.32 The landscape studies conclude that the planning application is inappropriate for development of the kind proposed due to the harm it would cause to the setting of Frome. The Landscape Statement of Mr Thomson, jointly commissioned with Councillor Michael Dunk, has eight landscape findings:

a. The perceived character of Frome as a characterful historic town with a strong landscape setting is important to the identity of the town.

b. The proposals comprehensively fail to comply with Mendip's Policy DP4, or paragraph 187 of the Framework which confirms that planning decisions should contribute to the local environment.

c. The site forms a significant part of the visual and physical link between the town and its broader setting.

d. The scheme impacts on almost the whole of the Little Keyford Local Character Area.

e. The visual impacts on the highly sensitive parkland setting to Grade 11* listed Marston House, one of the few important houses in Mendip that can be appreciated from public viewpoints, will be 'Major Adverse'.

f. We question the need for development in sensitive areas, such as the top of the Marston Ridge; West of Paddles Lane; or development encroaching on the natural landscape of Frome River corridor.

g. The location of the overall development would compromise the Cranborne Chase National Landscape setting.

h. Given the sloping nature of the site and the scale of development, the proposed mitigation will be ineffective even after 15 years.

8.33 The Applicants have entered into option arrangements with a range of landowners as part of its promotion of development. If it gets planning permission, it intends to sell off plots of undisclosed size on a piecemeal basis to developers. Each of these developers will have its own design code.

8.34 There is no information in the planning application on either the distribution or amount of public areas of open space, nor whether the amount of open space, sports provision and play provision to be provided, will meet the 'Fields in Trust' standards 2024. The amount of 'public realm' is not specified in the urban design commentary, there is no indication when infrastructure will be delivered during the 15-year delivery phase and the designs do not confirm building heights.

8.35 As the proposal is premature ahead of the emerging Somerset Local Plan, it seriously diminishes opportunities for a co-ordinated GI strategy for the site, for the town and for the wider landscape.

8.36 In our opinion, there is no masterplan meriting such description. Paragraph 77(c) of the Framework provides that appropriate tools such as masterplans should be used to secure a variety of well-designed homes to meet the needs of different groups in the community. The proposed piecemeal development and the absence in substance of a masterplan means that the proposed development conflicts with paragraph 77 of the Framework.

8.37 Moreover, LP Policy DP7 emphasises the importance of masterplans as part of the process of achieving high quality design. The absence of a substantive master plan conflicts with Policy DP7, and this conflict should be given significant weight.

8.38 Although the Framework indicates that developers may choose to prepare design codes in support of a planning application and that these may be an appropriate tool in some cases, the guidance in the Framework is that they should be based on effective community engagement and reflect local aspirations for the development of their area.

8.39 The developers design codes have not been disclosed as the land has not yet been parcelled up, and the identity of the developers is unknown. In any case, these codes could not and would not reflect local aspirations given the extent of objections to the scheme.

8.40 In the emerging Somerset Local plan there is a revised Landscape Assessment. The application site and existing settlement form an important foreground in long-distance views outwards from the wooded hills of the Cranborne Chase National Landscape. The application site would be visible from high points within the Cranborne Chase National Landscape and will form part of the urban context.

8.41 Where gaps exist, distant views are possible, overlooking the easterly sloping topography of the application site towards the River Frome, increasing its sensitivity to development. Intervisibility of the application site from within the Cranborne Chase National Landscape also increases its sensitivity to development. As does the settlement edge, being located along areas of plateau landform, avoiding steeper sloping sections. These factors increase the landscape sensitivity rating to moderate for both residential and commercial development.

8.42 In short, the development will harm the rural setting of the historic market town, with major adverse effects. Furthermore, the scheme lacks substantive detail, and does not have a masterplan meriting the description, and for that reason also it should be refused.

Mark Pollock, Friends of the River Frome[99]

8.43 We continue to object to this development which risks having a serious detrimental impact on the River Frome. For this reason, the proposed development is inconsistent with Government policies for conserving and enhancing the natural environment as set out in the Framework, specifically paragraph 187.

[99] ID20

8.44 There is an existing and well documented environmental crisis in our rivers as a result of ongoing sewage spills, and the River Frome is no exception. The Frome town wide foul drainage infrastructure is already over capacity and the Technical Note on drainage matters submitted by SLR Consulting confirms that the "development will increase the risk of downstream effluent flooding and pollution" (paragraphs 4.3 and 5.13).

8.45 It will therefore be critical that further foul drainage design details are provided from the outset to ensure certainty that there will be no additional sewage spills into the river resulting from this development. These additional design details must include a fully worked up strategic foul drainage master-plan for the site which should dovetail with drainage infrastructure improvements planned by Wessex Water.

8.46 This level of detail is essential for this major proposal as it is not within the Local Plan process which would normally provide the necessary strategic oversight for an urban extension on this scale. The "preliminary" and "indicative only" foul drainage strategy does not provide the level of design detail needed to guarantee that there would be no additional sewage spills. This lack of certainty is even more concerning given the complexity of delivery with multiple reserved matters applications, different housebuilders and a likely patchwork of sewage operators each contracting separately with Wessex Water, as is already happening on neighbouring development sites.

8.47 There is further delivery uncertainty as we cannot assume that other regimes of public regulatory control will operate properly given the recent Cunliffe review into the future of Ofwat and the wider water industry. This makes it even more imperative that the foul drainage arrangements should be clearly defined at the outline planning stage to properly address material planning concerns relating to water quality and the wider environment.

8.48 It is concerning to note that the draft Section 106 agreement makes no reference to foul drainage infrastructure delivery in contrast to the requirement to provide SUDS prior to occupation for each reserved matters stage. A robust condition would be needed to provide certainty that there will be no additional sewage spills into the river.

8.49 Finally, with respect to the remaining playing pitch located within the riverside park, the submitted Technical Note clearly shows it to be partly within flood zones 2 and 3 and local knowledge would confirm that this area is liable to flooding during the winter months. Friends of the River Frome would therefore wish to see this area better used to provide additional natural flood storage and/or biodiversity improvements and that the informal kick about area, if needed, is relocated to a more suitable location within the site.

Lollie Melton, Stop SGC[100]

8.50 The Covid lockdown reinforced how important green spaces are for both mental and physical health. The proposed SGC site is used often by local residents for recreation purposes. Frome is an old town with undeniably poor road infrastructure

[100] ID41

particularly in the south, adding a significant influx of more cars is a cause for concern.

8.51 The trip generation has used very high levels of car sharing ranging from 16% to 32% dependant on the dwelling type compared to the ONS figures for Frome which are just 6%. It does rather raise the question whether the TRICS sites selected bear any relevance to Frome. The evidence suggests that the residents of SGC will number 4,000. The plans provide for 4,591 bedrooms, assuming at least 1,500 dwellings will contain couples and families, is it not more feasible that the residents could number 5-6,000. There could be a 20% increase in Frome's population. Overall, 83.17% of all out-of-town commuting is by car. The addition of SGC will have a significant impact on Somerset's and Wiltshire's roads and no cross-boundary consultation was undertaken to jointly assess these impacts.

8.52 The planning evidence states that SGC will provide 770 jobs. This does not seem congruous with the number of residents who would be living in SGC, even if we take that figure as being 4000. Some of these people would work at home, but increasingly some office presence is required. It is assumed that the other 930 households would be commuting out to work, probably more as two incomes are often needed to sustain mortgages and pay the "affordable rents" needed to live in these dwellings. The evidence states that the construction work would create jobs for 2,040 workers. We can presume these workers would be commuting into the site as they build it and it is not clear if this has been allowed for in the transport assessment.

8.53 With regard to public transport, due to limited services and timings, the attractiveness of the train, aside from leisure trips to Bath and Bradford upon Avon, is limited. The Royal United Hospital Bath has major capacity issues. These capacity issues mean that patients are often diverted to Yeovil or Devizes or even further afield, into different counties. The journey to Bath takes on average 90 minutes to two hours by public transport but only 40 minutes by car. More people moving into the area will stress the health system even more. Public transport links are inadequate and would require extraordinary investment to become a feasible sustainable option.

8.54 With regard to traffic numbers, the baseline traffic survey was undertaken in 2020 and calculated the traffic movements across 31of Frome's junctions. A "Future Base 2029" was created adding the additional housing approved since 2020 which will have 1,728 car spaces and for each car giving 3 movements across those junctions in peak hours. The impact of SGC was then projected in the "Future Base 2029 plus SGC". The projected traffic generation is not credible given the number of parking spaces that would be provided in the SGC. This is a large development on the edge of town where car use will probably be even higher, not lower.

8.55 The preferred maximum distance for commuting and travelling to school is 2km. The middle schools and the college in Frome are 3 to 4.1km away. Commerce Park is 5.6km and Vallis Road Estate is 3.4km so these would all be car journeys. The walk to the town centre is 2.9km away. Frome is a hilly place, and many journeys will involve two hill climbs for SGC's residents. It's difficult to see how SGC's residents will be walking more than Frome's existing residents. As such, use of the car is likely.

8.56 The modal shift targets proposed are very aspirational and don't bear any resemblance to the travel modes used in the trip calculations which are significantly different to the ONS 2011 figures. The claims to reduce car use conflict with the facts. This is an edge of town development, which is potentially likely to become a dormitory estate for commuters to the surrounding towns. Giving extra vouchers for e-bikes will not change commuter habits to such a major degree. You cannot do the weekly food shop on an e-bike. More money for e-bikes is to be offered if the modal targets are not achieved but it is not clear how these targets will be measured. Contributions to e-bikes will not compensate for the increased road usage and subsequent road alterations and upgrades that will be needed.

8.57 Therefore, the travel modal shift is overly optimistic. It is assumed that SGC's residents would walk far beyond established preferred maximum distances. Many appear to be projected as working in Frome and walking and cycling to work. Frome's public transport is inadequate. SGC will be a car dependent, edge of a town, dormitory suburb and will result in very unsustainable transport.

Jenny Raggett, Transport for New Homes[101]

8.58 We actively support new housing genuinely built around walking, cycling, excellent public transport connections, a good range of local amenities and within easy range of a high density of jobs and services. By contrast we highlight development which does not match this profile, and which is based primarily around the car.

8.59 Our judgement is that SGC would almost certainly be a very much car-based development with limited sustainable transport connectivity. The problem is a combination of its location and the sustainable transport limitations associated with its orientation around the Frome bypass, and the lack of a spine road through the estate joining it with the town, as is normal for urban extensions. It is in many ways functionally cut off from Frome.

8.60 In terms of public transport the SGC is a very large site for a small historic town in a rural area with limited public transport. The development is too far for most people to walk into Frome and to its rail station.

8.61 Rail services are infrequent with waits of up to two hours between trains. Getting to the hospital in Bath means a one-way journey of one and a half to two hours from SGC. The public transport offer to this large development is a town minibus which currently loops around Frome and would do an extra loop around the estate, which we think falls far short of what is needed. It would no doubt stop in the evenings.

8.62 With regard to employment, there is a lack of major employers in Frome and lack of a good spread of jobs locally in and around the town, particularly of well-paid jobs. Access to further education requires a journey outside of Frome necessitating a long journey by public transport involving slow and often infrequent bus services or infrequent trains, which diminish in the evenings.

8.63 The constrained nature of the site is a further problem. The site is physically constrained by the A361 bypass, and by new build at the top of the hill, forming a barrier between SGC and the existing town (it appears that there has been no discussion or plans for integrating the two).

[101] ID37

8.64 The site has a comparatively high density of natural features, with several kilometres of hedges and over 4 kilometres of country lanes. The many constraints in terms of habitat and nature conservation appear to have impacted on the urban form which is not so much about a dense community built around pavements and streets as in a conventional urban extension. This appears to be instead a diffuse place built around GI.

8.65 The walking routes proposed are often not along continuous pavements and overlooked streets, but along lanes and greenways. Consequently, these may be unsuitable for everyday use and unsafe for children or women walking alone especially in the dark. Regular routes need to be overlooked by houses along pavements and streets. We note that the walking distances within the estate, for example to the single small hub, are substantial.

8.66 Given the above constraints and geographical context, the developers have on one hand proposed a car-based place built with easy access and in close association with the A361 Frome Bypass, and yet at the same time they hope for 'self-containment'. We have never seen a place this size which is 'self-contained', especially given the paucity of local amenities, the parking and the direct access onto the primary route network.

8.67 Use of the car is likely to be the dominant travel mode. The A361 Frome bypass is a lorry route for east west travel across Somerset and Wiltshire. Extra capacity is needed at a number of junctions on the A361 including on the A36 trunk road, reflecting the results of 'predict and provide' traffic modelling.

8.68 It is our experience that building a large area of new housing with the main entrance directly feeding onto the primary route network is a sure formula for car-based living, wider commuting and traffic generation. Very unusually the bypass appears to double up as a distributor road for the 1,700 homes with traffic from the estate forced to use it rather than drive directly into Frome or even to the Sainsburys retail area and Marston Trading Estate. This will be frustrating for residents, and dangerous.

8.69 Home working may reduce pressures on transport networks at peak times, at least on some workdays, and internet services may reduce the need for physical trips. There may however be more local trips and increased deliveries and services to the home. Importantly, people need to be doing the right kind of jobs for homeworking in the first place, and to have big enough homes for the purpose

8.70 The population in Frome is quite different from larger towns in terms of education and qualifications. The 2021 Census data indicates about 13% in professional and technical jobs, which might be suitable for homeworking. It also highlights the 11% in caring or service occupations, 10.2 % in elementary occupations and 12.1% in skilled trades.

8.71 Working from home may not actually be practical especially for those in affordable housing who may not be in the well-paid jobs for which home working is an option. The same kind of employment profile in Frome applies to Trowbridge, Westbury and Melksham.

8.72 In summary, we think that SGC will end up very much a car-based development bringing with it more traffic and catering for multi-car households and those who are able to drive. Those relying on public transport will find opportunities very limited

when it comes to work, education, leisure and other daily needs. This will affect especially those moving to affordable homes.

Justin Thomson, McGregor Smith[102]

8.73 The visual impact of the proposed development risks being consistently underappreciated within the LVIA/ES. The National Landscape team have set out how they anticipate the additional population arsing from 1700 extra homes will impact on the sensitive landscapes of the northern part of the National Landscape. I believe the whole topic of recreational use of the landscape is a significant omission from the ES.

8.74 I believe it is clear there will be some displacement of existing users from the approximately 4.5 km of minor lanes and public footpaths within the application area. As illustrated within my supporting figures there is a good level of existing jogging, walking, cycling activity across these areas.

8.75 The suggestion that the recreational value of these lanes will remain unchanged clearly ignores the point that the rural character of the landscape surrounding the lanes and views across the site and out to the wider landscape is very much part of their appeal. I am particularly concerned by the basic lack of appreciation of this point within the LVIA.

8.76 The Applicants remain silent on the impact on the public right of way footpath routes (which form a network with the lanes). The rebuttal contains some detail on this but still ignores the point that the landscape experience of using the paths will be fundamentally different and markedly poorer, particularly during the construction period.

8.77 At the end of Section 4 within my statement I have set out a comparison of reported residual effects. I noted the effects on permeable townscape/active travel and recreational access as a Major Adverse Impact. There is no comparative assessment on this aspect within the ES LVIA.

8.78 The National Landscape Team have concerns regarding the additional pressure they anticipate from the additional homes. This is an additional significant adverse impact which needs to be considered alongside the impact of displaced existing users who may well choose to head out towards and into the National Landscape.

8.79 The Applicants assert that ‘access to the site would be significantly increased’ and refers to existing Public Rights of Way, National Cycle Network, Lanes and Roads and to ‘providing access to areas not currently accessible and to the wider countryside with safe crossings’.

8.80 This assessment seems to miss some key considerations. While the physical extent of accessible space may be increased relative to the existing lanes and paths; the settings of these routes will be fundamentally changed from a generally unspoilt rural condition to that of much more urban amenity spaces (in some cases path routes may become much more urbanised if subsumed within new streets/ housing areas). The new areas may well be attractive to new residents for such activities as play and

[102] ID10

daily dog walking, but they are seriously degraded from the experience that the existing community can currently enjoy as an 'extra-urban' experience.

8.81 At present the existing access routes are within easy walking and cycle distance of the existing residential areas. With the loss of the site as accessible countryside, those looking for a rural recreational experience would need to travel further. For some this may mean a car journey out to the northern edge of the National Landscape is the preferable option. There will also be times when some of the new residents would want to access a more rural environment, with the National Landscape being a clear draw. These are the kind of effects that the National Landscape Team are referring to and they are not adequately addressed in the ES LVIA.

8.82 The LCA included a district wide appraisal of Landscape Value. This identifies the main landscape character area within the site (area B2.5) as a Low Landscape Value area. However, this assessment was based on site visits in 2019/2020 and reflects some subtleties from that time that should be noted.

8.83 These visits were prior to the construction of the new housing at Sandy's Hill Lane. At that time there was an incongruous relationship between the commercial urban areas and the route down into Litte Keyford Lane. This has changed with the introduction of small-scale residential development. At that time, I had not appreciated the level of recreational activity that occurs within the lanes and paths.

8.84 Reference is made to the recent Capacity/Landscape Sensitivity study undertaken on behalf of Somerset Council. It is fair to say that the study identifies moderate degrees of sensitivity towards residential and commercial development within the mapped 'sensitivity parcels'. However, it should be noted that the parcel assessed does not extend to the full extent of application area. Most notably the area to the south of the River Frome (and most of the area below Vinney Lane) is not included at all. The application area of commercial development is a particularly concerning element of the scheme. The study did not contemplate a development of the extreme scale of 1700 homes as proposed in this application.

8.85 Among the Development Management Guidelines point (a) notes the recommendation to "Carefully avoid placing development on the sloping landform beyond the plateau edge, keeping with the existing settlement pattern". Point (c) notes "Seek to better contain the settlement edge with hedgerows and woodland buffers, particularly where existing gaps in hedgerows allow views towards the settlement edge from the Cranbourne Chase National Landscape to the east."

8.86 The proposals clearly fail to respect the existing settlement edge and offer a wholesale infill to the A361 bypass in a way that fundamentally impacts on the perceived landscape context and setting of the town.

Jane Llewwllyn, Frome Town Council[103]

8.87 Frome has been the victim of piecemeal development, meaning that the necessary infrastructure to support the overall amount of housing has not been provided, with only the bare minimum of S106 contributions. The most important benefits to Frome

[103] ID17

are the affordable housing and employment, but we need to be sure that the people of Frome and Selwood will be able to access the housing and local jobs.

8.88 The Town Council has always supported a master planned approach that provides the desperately needed housing and most importantly infrastructure improvements that mean existing residents are not burdened with the consequences of an increasing population.

8.89 The proposed development has a strong masterplan philosophy with a Design Principles Framework. We need to be confident that there are appropriate conditions and Section 106 obligations in place to ensure the Design Principles are adhered to.

8.90 The Town Council's relationship with the Applicants has been productive. We were instrumental in arranging a design review panel to look at the proposals and make recommendations, some of which have been incorporated into the final design.

8.91 Residents' concerns fell into a few key areas (articulated in other representations). The Town Council has listened to those concerns and through negotiation with the Applicants, consider that best outcome has been achieved. Frome Town Council has declared a Housing Crisis within the town and there are hundreds of families on the waiting list. There is a desperate need for smaller units in Frome.

8.92 Given our declaration of a Housing Crisis, we are always weighing up the benefit of any development providing the necessary housing against the impact it will have on the Town. Following negotiation, the Town Council now considers that its concerns have been addressed and are happy that the Section 106 and conditions are mostly acceptable but wish to ensure that the following are secured:

- Contribution for highways works at The Butts, to be safeguarded for other works if works to The Butts are not necessary.
- Space provided for medical provision if necessary.
- Locals first condition for the intermediate housing.
- Safeguarded sum for Active Travel.
- Safeguarding of the sustainable transport contribution to be able to spend on alternative measures if necessary.
- Employment land delivery.
- Safeguarding of the offsite sports contributions to be able to spend on alternatives if necessary.
- Rodden Down junction improvements and Locks Hill corridor contributions.

Councillor Richard Hammons, Selwood Parish Council[104]

8.93 Land Value Alliances, the land promoter, have no experience nor expertise in delivering large complex sites over an extended period as they are proposing here. There is a prospect that the site will be sold to multiple developers, each developing their own design codes, no doubt altering the illustrative vision that the Applicants

[104] ID16

have suggested. It would be beneficial if the site could be passed onto a master developer who could adopt, own and deliver the masterplan and create rigorous design codes from the start.

8.94 Good design can enhance road safety. The proposed new roundabout on the A361 Frome Bypass conflicts with Policy DP9 and could very easily cause significant slowdowns in traffic as HGV's will struggle to climb up the steep slope known locally as the Ski Slope from a standing start.

8.95 The Applicants' transportation and highways witness suggests that the main users of the Ski Slope are the quarry lorries coming downhill loaded and heading east and going back up empty. Quarry lorries are not the issue. A substantial number of HGV's use the A361, a county road, and a vital link between the M5 and the A303, A350 and the A36. That is why climbing lanes are provided on many of the hills in the area. I am sure the existing climbing lanes were not put in place just to facilitate the quarry traffic. Fully loaded HGV's use the bypass in both directions. Thus, a climbing lane should be provided. At 5.62% the incline is the steepest slope in the area by some margin.

8.96 The Design Manual for Roads and Bridges insists on a climbing lane at 6% and it can be appropriate at more than a 2% incline. This development will probably sell for nearly a £700m. Therefore, there are sufficient funds available to fund road improvements.

8.97 With regard to the Little Keyford Lane Bus Access, the Applicants suggest that a road suitable for a bus route should be a minimum of 6.1m wide. Little Keyford Lane, which is planned for use as a bus access route, is just 5.09 m wide, reducing to 4.81m and then it reduces further to a just 3m. How will a 2.35m wide bus and a car pass with any degree of safety?

8.98 The cars of 76 existing properties would share this narrow lane. There are several properties in the vicinity with no off-street parking. The width of the road, together with the need for on-street parking would render the proposed bus route as totally impractical.

8.99 The shuttle system, proposed on the narrowest part of the lane, may look feasible on a drawing but it does not withstand physical examination. There is no sightline due to the bend and slope of the road, as our photos demonstrate.

8.100 We are trying to help SGC by not wasting their money in building a bus access route that will be unsuitable. Better routes into the site are available. The bus could enter and leave the site via the new roundabout on the B3090. Why do the Applicants persist in using this narrow little lane which is often used by walkers and cyclists and local residents?

8.101 The entrance to the Blatchbridge Industrial estate would be squeezed in between two houses. The Applicants state that the sightlines of the properties adjacent to this access road are safe and improve on the current situation but that is not the opinion of the residents. This access is a blight on the hamlet of Blatchbridge and the change in the road priority of a main arterial route into Frome brings an increased risk of road accidents.

8.102 Having a pedestrian crossing of the A361 at the end of Little Keyford Lane would reflect current use and be more centrally accessible to the development's housing.

That route needs to be made safe by the provision of a footbridge. The expense of the proposed Pegasus crossing could be dispensed with, saving cost and without disturbing the traffic flows when people cross.

8.103 The A361/A362 Rodden Down junction is an infamous local blackspot crying out for improvements. Most local people avoid right turns at that junction. A roundabout would be best, but smart traffic lights would work. The Applicants are offering money towards an assessment. If improvements are recommended, the Council has no resources to implement them. The Applicants should fully fund the study and pay for the implementation of any necessary works.

8.104 Most of the above matters are not captured by the S106 Agreement. Consequently, Somerset Council will be very hard put to find the funds to correct these matters. Getting this wrong will cause misery to the residents of Frome and of SGC.

Peter Quintarna, Frome and District Chamber of Commerce[105]

8.105 The Chamber neither support nor oppose this development but wish to try to find a way of working with the developer and other stakeholders to ensure that should this planning application be approved, it delivers maximum benefit to Frome and the people who live here. My focus is on the employment space, and the businesses that would be attracted to it.

8.106 Earlier this month, Somerset Council adopted the proposed Somerset Economic Prosperity Strategy 2025-2045, which sets out a vision for a flourishing, fair and green Somerset economy. It identifies strategic priorities to support realisation of this vision with a focus on:

- capitalising on Somerset's distinctive assets and opportunities for economic transformation;
- building an aspirational workforce that responds to the needs of the local economy, enabling all residents to access training and employment opportunities and to achieve their full potential;
- creating an environment to stimulate and support business start-up, growth, innovation and investment;
- fostering economic opportunity and wellbeing in Somerset's communities; and
- ensuring the necessary enabling infrastructure.

8.107 Currently 60% of Frome working people commute out to their employment. The proposed commercial space included in SGC needs to attract businesses that can provide long-term employment opportunities not just for the people coming to live in the new housing, but for all the town. Replicating what was built on Commerce Park will not help to deliver the Prosperity Strategy objectives. Storage and distribution space provides very few employment opportunities, will not address the skills of new people moving into the town, and will increase the risk of Frome becoming a dormitory town.

[105] ID15

8.108 I would like the developer, and their planning consultants, to work alongside Frome Town Council, Somerset Council, Frome Chamber, Somerset Chamber and all other interested stakeholders, to find a way to identify and then attract an anchor tenant, perhaps a manufacturing or engineering business that would offer skilled employment opportunities and also bring their supply chain to Frome, and then to design the employment space to suit their operation.

8.109 Included in the Section 106 Agreement is an amount of money being set aside for local labour and skills initiatives. I appreciate that this is being earmarked for construction apprenticeships but would like to suggest that allocating some of it to be used for skills development aligned to the anchor tenant's needs would be an incentive to locating in Frome.

8.110 There is a proposed condition that the services for the employment space must be implemented in full within 3 years of starting work. That it is going to be some time before detailed planning for the employment space is put forward. However, we should not wait. Our goal should be for that anchor tenant to have been identified before the next stage of planning, so the proposed design can be tailored to their needs.

Katy Duke[106]

8.111 "The Applicants state that this site was identified after a comprehensive review of all alternatives and determined to be the most suitable location for addressing Frome's housing and infrastructure needs. The Council's Planning Policy Officer advised that "we haven't done a comprehensive review of SGC against all alternatives or provided a policy response saying that SGC was the most suitable". Therefore, I am not sure where the statement in the Officers Report that "planning [policy] officers are in agreement" comes from.

8.112 The Applicants also state that alternative locations for accommodating the proposed development were considered in other areas around Frome. Alternative locations around the north of Frome were discounted due to matters of protected landscape and sewage, locations to east due to the railway and to the west due to the escarpment.

8.113 Looking at other options for expanding Frome, the river, railway and the bypass are often seen as a barrier to town expansion, or as a 'natural boundary'. However, there are in fact many crossings points over or under these 'barriers', which could allow for the town to be expanded outwards. These new developments would still remain connected to the town centre, especially on foot.

8.114 There are opportunities to the north, northeast and southwest of the town to allow it to expand with far less impact than the SGC proposal, on sites that clearly have not been reviewed by the Applicants.

8.115 Having explored existing pedestrian links to four potential development sites, there are three sites which have clear advantages over the SGC proposal. All are closer on foot to the town centre and existing facilities, with safe traffic-free pedestrian routes and fewer steep inclines, plus each site is far less visually intrusive within the landscape than SGC.

[106] ID11

8.116 The Oldford site to the north, located approximately 2.2km from the town centre, has recently been put forward as a housing development site for up to 400 homes by Barwood Land. This location has good modern wide road connections to the town centre and the wider road network with good local services on the adjacent Stonebridge Estate. It is not a protected landscape to my knowledge.

8.117 The Clink site, approximately 3km from the town centre and located to the northeast, is adjacent to a roundabout with direct access from the A361. It is close to amenities and employment at the Commerce Park site. It has a traffic-free pedestrian route into the Stonebridge development to the north of the town, and a school nearby.

8.118 The Styles site, approximately 2.9km from the town centre, to the east is relatively small and is the least suitable of the four sites considered. The Rodden Down site off the A362 has the capacity to become a true 'Garden Village' site. It could be self-contained and has capacity for both mixed uses and 1500 homes. It is well connected to the town. Existing facilities at Asda and the Station are close. There is a traffic-free pedestrian route under the bypass into the Edmund Park site to the south of Asda. Importantly, it has been previously been put forward by the owners as a development site through a previous call for sites in 2015 (FRO21OM). It was rejected by the planning authority at the time due to its distance from the town centre. However, it is considerably closer to the centre than the SGC site and the walking route is flat in comparison.

8.119 Had a thorough assessment of the alternative sites been undertaken by either the Applicants or the planning policy team, the assertion that the SGC site constitutes the most appropriate option would have likely been discounted as unsound.

Rosemary Ramsey

8.120 There is no mention of increased medical facilities in Frome related to this application. Staff at the Frome Minor Injuries Clinic cannot cope with the level of demand now and would not cope with an additional estimated 6,500 people. I am very concerned that this essential medical service would not be available for those living in the 1700 new homes of the proposed SGC.

Rachael MacKay

8.121 In addition to the comments made by others, wishes to emphasise that the proposed development would be disproportionate to the size of Frome.

Tamson Edmunds

8.122 Concerned regarding the loss of greenspace and the disproportionate size of the proposal. In addition, the development would increase commuter traffic and there is no confidence in the ability of the Council to enforce planning controls.

Julian Hight, Heritage Tree Specialist, Chair of Wessex Ancient Tree Forum and Verifier for the Woodland Trust Ancient Tree Inventory[107]

8.123 The historic landscape was once part of the Royal Forest of Selwood. In total, 62 ancient, veteran and notable trees were recorded and included on the Woodland Trust Ancient Tree Inventory.

[107] ID12

8.124 The developer's report suggests incorporating veteran and notable trees, but the removal of 44 other trees, 20 tree-groups and 11 hedgerows, would adversely affect biodiversity. Veteran trees support far more wildlife than young trees. Oak, our best tree for biodiversity, can support up to 2,300 species. This habitat cannot be replicated with offset planting.

8.125 Paragraph 175 (c) of the Framework states that 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.

8.126 I therefore recommend securing written guarantees to retain the trees and include adequate Root Protection Areas (BS 5837:2012) for heritage, recreation, carbon sequestration and biodiversity.

Elaine Pugsley

8.127 The proposed development is situated too far from the town centre to provide sustainable modes of transport. It would take in excess of 30 minutes to walk to the town centre and 35 minutes to the train station. There are also brownfield development sites are that more conveniently located closer to the town centre. The recreational value of the landscape would be lost and a more constrained feel to Frome would prevail.

Ken McCall[108]

8.128 The Framework says quite clearly that, "The planning system should be genuinely plan-led". That means that enormous housing developments like this always go through a different process than the ordinary smaller planning applications. This massive development should have gone through the Local Plan process.

8.129 If a Council doesn't manage to achieve a five-year housing land supply, then it leaves itself wide open to speculative housing proposals of perhaps a hundred or so homes but not 1,700 homes. This sets an undesirable precedent.

8.130 This development will occupy the equivalent of nearly a square kilometre of countryside. There is no certainty the wildlife and habitat around such a close network of lanes and miles of hedges and a river, would be maintained throughout the reserved matters stages and during construction.

8.131 This would be a complex construction project on hilly terrain with impacts of associated noise, light and other pollution, the upheaval of the land and the re-working of nearly 100 hectares over sixteen years or more. There is no main contractor to co-ordinate everything, let alone protect ecological interests.

8.132 The attenuation ponds or "cascading wetlands" may not be maintained and clean and safe for children to play nearby. There could be impacts from the employment area on the river. Although there is a design framework, there is no evidence that any large engineering companies or contractors actually looked at this site to determine whether the project is feasible and viable.

8.133 The Marston Trading Estate, just like those in West Wiltshire, is full of builder's merchants, glaziers, car repairs and services and the recycling centre. The

[108] ID38

Commerce Business Park is mostly about home improvements, cars and self-storage warehousing. Frome is not a place with much employment for the professions nor for the scientific or hi-tech "geek". The better paid jobs for the professions are in Bath, Bristol, Swindon and even further afield.

8.134 New large-scale employers tend to consider Bridgwater and Taunton which benefit from their position by the M5 or Yeovil which is near the A303. The Gravity "Campus" Giga Factory development has been in the news confirming thousands of new jobs near J23 of the M5. Bridgwater, Taunton and Yeovil also have railway stations with good services.

8.135 Lots of people commute out of Frome as it is, as witnessed by the traffic in the area and into West Wiltshire during peak periods, and explained in the objection by Frome Town Council. More car-based development will only add to the severe traffic jams at Bradford on Avon and Limply Stoke heading into Bath and across Wiltshire on the A361 to Trowbridge and to the A350 at Yarnbrook.

8.136 With regard to the DPFD, there are many things in this document make no sense at all or have been entirely missed out. There is no confidence that the parameter plans will robustly dictate to the major housebuilders what and how they should build on the plots of land that they have bought. Each house builder has its own product.

8.137 The proposal provides inadequate provision for local facilities such as shops and community space. There is no proper park to serve a new population of perhaps 6,000. This development is cut off from the town. Despite the DPFD, new development near Sainsbury's and Keyford would not join up with the streets proposed in this development. Consequently, the SGC would be a separate place to the rest of Frome.

8.138 The bus gates are described as being critical to blocking traffic going through the estate. They would cause an artificial barrier to force people wanting to go to Frome itself or even get to Sainsbury's by car to detour around the bypass. An increase in local cars hopping on and off the bypass is an accident waiting to happen.

8.139 The development is the wrong side of town and too far to walk to many places. The other side of Frome has the hospital (which houses GP's), Frome College the Merlin Theatre and other educational and local amenities. The Beckington GP practice and dentist are too far away for most new residents to walk. This is also the case for the town centre and main bus stops and the railway station.

8.140 The Council should have insisted on progressing the scheme as a strategic site through the Local Plan. The plan-led approach to the regulation of land and development, places Local Plans at the heart of the town and country planning system. This development should be considered in the same manner.

Jackie Simpson

8.141 The proposed development would result in the loss of productive farmland which is difficult to replace with an equivalent production capacity. The CPRE suggest that since 2010 there has been a loss of 13,000ha of best and most versatile agricultural land with 60% of the remaining being at high risk. Farmland such as this should be retained for the UK’s food security and provide a valued space for people to view and use.

Sally Williams (read by Barry Clarke)[109]

8.142 The road infrastructure in Frome is currently inadequate for the number of cars in the town. Building more houses will only exacerbate this and increase congestion, impacting quality of life. Crossing the A361 and A362 on foot or by bike is already difficult due to the sheer number and speed of cars. This is a dangerous and busy bypass. It will get worse with SGC.

8.143 The Rodden Nature Reserve supports an array of wildlife including birds, frogs and toads. This is depressingly close to the proposed site. Wildlife does not exist in islands. Recent housing developments near to the proposed site include very little green space, few trees and small gardens.

8.144 Sixteen out of the eighteen bat species can be found here and the rare Greater Horseshoe Bat has been detected in Frome. Bats benefit from organic, cattle grazed farmland, meadows, hedgerows and woodland areas. The proposal will contribute to the depletion in wildlife in Frome. Furthermore, the SGC is in direct contradiction to Somerset's Climate Emergency Strategy.

Lyn Sands[110]

8.145 Frome has just under 29,000 residents. This proposal will raise that by around 7000 people. This is a significant level of growth that the landscape, environment and infrastructure cannot sustain. The proposal would result in the loss of rural fields with the loss of food production potential.

8.146 With an estimated 15 years of building works, the proposal would increase pollution, have a huge carbon footprint and reduce biodiversity. The extent of road building proposed confirms that use of the car would predominate. The remoteness from local facilities would discourage travel by sustainable means and put a strain on the local highway network. The proposed attenuation basins do not represent safe spaces for children to play.

Tina Meldon[111]

8.147 The landscape of Frome is characterised by a grand sweep of fields, lined with old roads and ancient hedgerows, and dotted with old farmhouses and beautiful old trees. The classic old countryside of an ancient market town. If this development goes ahead Frome will lose its field landscape buffer.

8.148 The Ecological Report seems to trivialise the wildlife here. How can the destruction of 197 acres of green habitat, which is ideal for the wildlife that lives there, including about two miles of ancient and diverse hedgerows, and substituting it with 157 acres of built development be mitigated?

8.149 A development having a construction period of 15 years cannot make a serious contribution to BNG. The proposed Nature Reserve and Wildlife Area are no compensation for the huge existing wildlife habitat that already exists in these fields. Where will the displaced wildlife, if they survive their habitat destruction, find their food during the 15 years of construction and beyond? This is not a trivial issue

[109] ID27
[110] ID26
[111] ID31

considering the significant decline in wildlife and habitats throughout the UK brought about by the climate crisis and other stressors. The UK already has a significant biodiversity crisis.

8.150 The proposed development would bring no actual benefit to Frome, its people or its wildlife. There would be thousands more cars clogging and polluting our narrow roads. Run-off flooding down the hill has the potential to pollute the river. The proposed sustainable drainage systems may not work, particularly as they do not work on nearby recent developments.

8.151 The site is outside the Local Plan and is far too big and not needed. Many developments are already being built or planned elsewhere in Frome, within the Local Plan areas. There are other available brownfield areas to build on in Frome. This development will be detrimental to the town, the landscape and ecology.

Verity Fox (read by Tina Meldon)[112]

8.152 Vinney Lane is subject to flooding that may not be properly understood. In late winter the river Frome burst its banks engulfing fields between Vinney Lane and the river. On the proposed plans this water would cover the proposed all weather pitches. Vinney Land is also subject to surface water pooling in the proximity of Brick Chimney Farm and towards the A361, making the road impassable. The proposed development has the potential to exacerbate flooding both during construction and on completion. Vinney Lane, due to its width and alignment, cannot accommodate any traffic arising from the development

Councillor Helen Kay, Somerset Council[113]

8.153 With regard to surface water disposal, there is a current problem with the way surface water drainage is being implemented on nearby sites with same geology as SGC site. The underlying geology comprises forest marble which is basically impermeable clay with lobes (lenticular) of sandy limestone incorporated. As a result of unfinished work, water has spilled out of unfinished ponds and flowed downhill during heavy rain in January and February, thus causing damage to neighbouring properties and washing away topsoil from the allotments. There is a risk that the same issues could occur with the SGC scheme.

8.154 Surface water could be discharged in a combined sewer overflow into the River Frome, probably at Innox Hill on the north-eastern side of Frome which would be unacceptable. I therefore support the Conditions being proposed by Friends of the River Frome regarding foul drainage and a properly phased plan for foul drainage being built before any houses are occupied.

With regard to transport issues, the fact that over £4 million is going towards the A36 roundabouts several miles from Frome seems like an admission that this development will cause traffic stress from all the new commuters going towards Bath and Trowbridge. At the same time, only £400,000 is offered to cope with the roads within and immediately around Frome.

[112] ID23
[113] ID32

8.155 With regard to Active Travel networks, these are not good enough and funding is insufficient. There should be more Section 106 monies offered for this regardless of whether or not the modal shift occurs. There is a safeguarding sum in case modal shifts are not achieved but this should be offered upfront to complete the river path to the station, to discourage car use by commuters and encourage walking to the station. Going via the river footpath would cut about 10 minutes of the walking time. If the modal shifts are not achieved, then there will be major traffic problems at the town's junctions.

8.156 Insufficient monies are offered for delivery of works that would most likely be needed in future, such as a one way system around southern Frome. The proposal would result in transport stress on main roads around the perimeter of town, particularly the dangerous A361/362 junction. Although £50,000 is proposed to be set aside in the S106 for a feasibility study of how the junctions can be improved, there is insufficient resources to fund any identified improvements.

8.157 There would be landscape and environmental harm, including harm to the setting of the town, and views from within and without, and an increase in artificial light. A condition is necessary stopping skylights being allowed under Permitted Development, in order to protect bats foraging and to protect views from the Cranborne Chase national landscape and dark skies area. Root protection zones should be added with the planning conditions and mitigation planting should be introduced at an early stage. The River Frome corridor and floodplain should not be hindered by any built structures or uses, even a grass football pitch.

8.158 This area is very well used for recreational purposes. A number of speakers have already articulated how important this area is for recreation and mental health. The proposed development would be a great loss to southern Frome.

8.159 A proper governance and enforcement framework is necessary to manage the whole 15 year project with clear criteria for how Reserved Matters are to be assessed and, regular reporting of how infrastructure and community facilities are progressing' including progress on The Green Parameter Plans and Design Frameworks. A Governance structure is necessary in order to manage all the likely variations, deviations, and conditions.

8.160 Sustainable construction standards should be adopted and developers should be required to install solar panels, despite the Mendip Local plan having very weak policies on sustainable design and construction. This application proposes that only 50% of houses would have solar panels and only 20% of the employment units should have them. This is not only unambitious but irresponsible towards future generations and future occupants of the housing. Renewable energy sources should be a consideration on each Reserved Matters application.

8.161 Currently 60% of Frome working people commute out to their employment. The employment space needs to attract businesses that address the likely skills of the people coming to live in the new housing. There needs to be a proper plan for the employment space which should not just comprise warehousing and distribution.

8.162 Provision for local people to be prioritised for the social housing component of the affordable housing should feature in the Section 106 Agreement. We have already taken 2000 homes within an area of less than 2 square miles over the last 20 years,

and it is not fair or proportionate for us to take another 2000 in the next 15 years to service the affordable housing needs of the whole of Somerset.

9. WRITTEN REPRESENTATIONS

9.1 As set out in the Officer's reports, there was considerable public interest in this planning application. Some 465 public representations were received (including more than one representation from some parties) together with a petition in objection with 37 signatories.

9.2 Following the call-in of the application, 56 written representations were submitted by interested parties objecting to the scheme. These responses are generally reflective of the themes identified above. These themes are also reflective of the oral representations made by interested parties during the Inquiry, as set out above

10. PLANNING CONDITIONS

10.1 The main parties provided a list of agreed planning conditions prior to the opening of the Inquiry. The conditions were discussed at a round-table session which included representatives of the Friends of the River Frome and Selwood Parish Council. Suggested conditions proposed by these interested parties, including those proposed by the Civic Society, were discussed following which further amendments were made with a final list[114] that was submitted after the close of the Inquiry.

10.2 I have considered these against the advice given in paragraph 57 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the PPG. Where necessary I have amended them in the interests of clarity, precision, conciseness or enforceability.

10.3 To provide certainty, standard conditions covering time limits and the approved plans and reports would be necessary [Conditions 1 and 2]. The submission of a site wide infrastructure plan is necessary to ensure that the development comes forward in a coherent and planned manner to deliver necessary internal roads, drainage, open space and GI and the proposed active travel bridge over the River Frome [3].

10.4 To ensure that the development is delivered in accordance with the Parameter Plans, conditions are necessary requiring the submission of details of phasing of infrastructure works with each reserved matters application and the provision of a land use reconciliation statement identifying, amongst other things, what parts of the development have been completed and what aspects have approval but are not yet built [4 and 5].

10.5 In order to ensure that the detailed design of the development accords with the principles of the DPFD, conditions are necessary requiring the submission of detailed Design Codes for each phase of development and a compliance statement to demonstrate how reserved matters applications accord with the Parameter Plans and Design Code [6 and 7].

10.6 In order to protect the living conditions of the occupants of existing and proposed residential properties during construction works and on commencement of the employment uses, conditions are necessary requiring the submission of a

[114] ID47

Construction and Environmental Management Plan [12], details of noise mitigation to be installed in the proposed dwellings [8], details of any plant and equipment proposed to be installed on non-residential buildings, including noise emission levels [32] and hours of use for floorspace to be occupied by Use Class E a), b), and c) [33].

10.7 In the interests of sustainable development, a condition is necessary to ensure that each dwelling has accessibility to electric vehicle charging points [9].

10.8 To protect the character and appearance of the site and surrounding area, conditions are necessary requiring details of proposed materials and details of hard and soft landscaping [10 and 11]. In the interests of protecting and enhancing ecological interests and the integrity of the Dark Sky Reserve, conditions are also necessary requiring the submission of a Construction Environmental Management Plan (Biodiversity) [13], a Lighting Strategy [14], provision of updated and supplemental ecological surveys [15], and submission and implementation of a Reptile Mitigation Strategy and Biodiversity Enhancement and Management Plan for each phase of the development [16 and 17]. A condition is also necessary requiring the submission of a Biodiversity Monitoring Strategy for each phase of development [18]. For the same reasons, a condition is necessary requiring details of bat roost compensation measures for each phase of development [19].

10.9 In order to ensure that the development is properly drained and to ensure that any flood risk is managed, conditions are necessary requiring details of the proposed sustainable surface water drainage scheme for each phase of development [20], provision of an updated hydraulic model with the most up to date climate change figures [21], details of the management and maintenance arrangements of the surface water drainage systems [22] and the submission of a Foul Water Drainage Strategy [23].

10.10 To prevent pollution of the water environment, a condition is necessary requiring the submission and implementation of a scheme for prevention of pollution during the construction of the relevant phase of development [24]. Conditions are also necessary requiring the submission of a contaminated land assessment for each phase of the proposed development [25], the submission and implementation of a remediation scheme [26], subsequent verification that the remediation scheme has been completed [27] and measures to deal with any unexpected contamination [28]. These conditions are necessary to ensure that the development can be safely undertaken and occupied.

10.11 In order to protect archaeological interests, conditions are necessary requiring the submission and implementation of a programme of archaeological investigation [29] and details of any post-excavation analysis [30]. A condition is also necessary requiring the submission and implementation of measures to demonstrate how the design and layout of that part of the development will deliver the objectives set out in the relevant Secure by Design Guide(s) [31]. This condition is necessary to ensure the safe occupation and use of the proposed development.

10.12 To ensure that the roads and public highway are designed, laid out and constructed to an adoptable standard, a condition is necessary requiring the submission of design details of internal vehicle and pedestrian infrastructure for each phase of the development [34]. In the interests of highway safety and the free flow of traffic on the

Strategic Road Network, conditions are necessary requiring the implementation of the A36 Junction Works Phase 1 prior to the occupation of no more than 400 dwellings or up to 6,500sqm of employment (Classes E, B2 and B8) [35] and the provision of annual monitoring surveys of the A36 northbound approach to the A36 White Row roundabout junction [36].

10.13 Also in the interests of highway safety, conditions are necessary requiring the implementation of the 'A36 Phase 2 Works' that are found to be necessary as consequence of the monitoring of the requirements prescribed in condition No 36; ensuring that necessary visibility splays are maintained; the provision of details of pedestrian and vehicular circulation routes for each phase of the development; the provision of pre-commencement highway condition surveys; and, the provision of an estate street phasing plan [37, 40, 41, 42 and 43].

10.14 To ensure the public rights of way remain available and safe for use during the construction period, a condition is necessary requiring details of temporary diversions [38]. A condition is also necessary to ensure that the proposed highway infrastructure and associated drainage and utility infrastructure to service the Blatchbridge Employment Centre is implemented within three years of the commencement of the development and that the availability of the serviced employment land is suitably marketed [39]. This condition is necessary to ensure that the economic benefits of the proposed development are delivered.

10.15 A condition is necessary to prevent the occupation of residential development that falls within the Health and Safety Executive defined Inner and Middle Consultation Zones, as defined on plan reference 397.A4.HSC.060825, until it has been confirmed that these dwellings have been removed from said zones, following the confirmation of the revocation of the existing Hazardous Substance Consent at the Marston Park Industrial Estate. Although this matter is considered later in this report, the condition is necessary to ensure that the relevant parts of the development can be safely occupied [44].

10.16 In order to ensure sustainable transport provision, a condition is necessary to ensure that the Active Travel Bridge over the River Frome and associated footways, as required pursuant to the provisions of condition No.2, are implemented and opened for pedestrian/cycle use within three months of occupation of 50% of any permitted floor space in Phase 1b, or prior to the occupation of any convenience shopping floorspace in phase 2 [45].

11. PLANNING OBLIGATION

11.1 The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 58 of the Framework set a number of tests for planning obligations. They must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.

11.2 A draft Deed of Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (Section 106 Agreement) was submitted by the Applicants and revised during, the Inquiry[115]. It was supported by a CIL Compliance Statement

[115] ID28

prepared by the Council which sets out its reasons for concluding that the various obligations would accord with Regulation 122 of the CIL Regulations[116].

11.3 Both documents were the subject of discussion in the Inquiry and further refined. I allowed a period after the close of the oral sessions for the submission of the signed Section 106 Agreement[117] (dated 1 October 2025) and a revised CIL Compliance Statement[118] (dated 15 September 2025) and an Education Contribution Statement[119].

11.4 The Section 106 Agreement includes a number of obligations that would come into effect if planning permission were granted. These obligations would secure:

(i) Schedule 2 (affordable housing)

- 30% of the dwellings (510) would be affordable in accordance with policy with an agreed tenure split of 80:20 social rented to intermediate;
- that affordable housing would be subject to rigorous delivery controls as well as being required to be marketed locally.

(ii) Schedule 3 (education) on the basis of 1700 houses the development would provide the following (based on the Two Tier Option):

- a delivery mechanism for the on-site primary school;
- financial contributions of up to:-

  Early years of £3,978.070.00 and First Tier Education (5-9 years old) of £7,610,100.00.

  Middle Tier Education (9-13 years old) of £6,376,356.00.

  Upper Tier Education (13 -16 years) of £4,190,329.00.

  Special Educational Needs of £1,583,013.86.

  Total contribution of £23,737.868.86.

(iii) Schedule 4 (Green Infrastructure)

- the delivery of open space which is 8.4 ha in excess of policy requirement and increasing the extent of POS in the town as a whole by over 50%.
- a management structure for the POS.
- delivery of the areas for BNG and drainage measures .

(iv) Schedule 5 (Off site pitch contributions).

- £400,000 for the delivery of local sports improvements.

(v) Schedule 6 (BNG).

[116] ID25
[117] ID48
[118] ID49
[119] ID50

- delivery of a minimum 10% net gain for habitats, 75% for hedgerow units and 25% for watercourse units with a 30-year covenant period.

(v) Schedule 7 (Travel Plan)

- a residential travel plan.
- an education travel plan.
- a workplace travel plan.
- a safeguarding measures sum of £718,044 (reviewed annually).
- monitoring and a travel plan co-ordinator.

(vi) Schedule 8 (off site highways works)

- a financial contribution £432,200 total, to be paid in six tranches at the 100th, 250th, 500th and 1000th dwellings: towards: Rodden Junction study, Town Traffic Movement Study, junction signalisation and Butts scheme.

(vii) Schedule 9 (strategic highways works)

- Phase 1 (Cost Cap: £3,120,992).
  - Design Costs (20%): £624,198 payable by 100th dwelling.
  - Council delivers Detailed Design by 200th dwelling.
  - Tranche 1 Residual Cost due by 299th dwelling.
  - Option to submit alternative delivery proposal post-300th dwelling.
  - Phase 2 (Cost Cap: £1,107,033).
  - Triggered by Monitoring Survey (post Phase 1 implementation).
  - Surveys of queue lengths in excess of 700m for 100 mins over 10 days.
  - Owner pays Design Cost within 28 days of survey report.
  - Council provides cost package by 100th dwelling thereafter.
  - Tranche 2 payment due by 200th dwelling from Design Cost payment.

(viii) Schedule 10 (Sustainable Transport)

- Contribution Total: £953,250 (Index Linked).
  - Car Club: £41,250 payable on 100th occupation.
  - E-Mobility (e-scooters/bikes): £187,000 payable in 4 tranches of £46,750 at 200th, 400th, 600th, and 800th dwelling occupations.
  - Off-site Cycle & Pedestrian Links (£600,000).
  - Station Approach Study - £25,000 at 200th occupation.
  - Cycle Stands & Wayfinding Signage (£50,000 each).

(ix) Schedule 11 (Public Transport)

- Contribution Total: £247,000 (Index Linked).

(x) Schedule 12 (Healthcare)

- Total Contribution: £290,000.

(xi) Schedule 13 (Community and Employment Infrastructure)

- delivery mechanism to ensure delivery.

(xii) Schedule 14 (Local Labour and Skills)

- £250,000 total contribution.

(xiii) Schedule 15 (Primary Care provision)

- delivery mechanism to ensure delivery.

11.5 The above obligations are not in dispute and the information before me sets out the detailed background and justification for each of the obligations[120]. At the Inquiry, no party suggested that any of the obligations would not comply with the relevant tests. I am satisfied from the evidence before me that the obligations are necessary, directly related to the proposal and fair and reasonable in scale and kind to the appeal scheme. As a result, the obligations are Regulation 122 compliant. Consequently, I have taken them into account in forming the recommendation set out below.

[120] ID49 and ID50

12. INSPECTOR REASONS

The numbers in square brackets [n] refer to earlier paragraphs in this report

12.1 Taking into account the matters upon which the Secretary of State particularly wishes to be informed for the purposes of considering this application, along with other matters that I consider relevant, the main considerations in this case are:

- The extent to which the proposed development accords with planning policies for the delivery of housing with particular regard to housing need, five year Housing Land Supply and the location of new housing development.
- The extent to which the proposed development accords with planning policies for the delivery of employment land with particular regard to the location of new employment development.
- The effect of the proposed development on the character and appearance of the site and the surrounding area.
- The effect of the proposed development on highway safety and the free flow of traffic.
- Whether the proposed development would be sustainably located in relation to existing local facilities and whether adequate provision would be made for infrastructure requirements and opportunities for sustainable travel arising from the proposal.
- The overall planning balance and compliance with the Framework and Development Plan and whether any harms would significantly and demonstrably outweigh the benefits of the application scheme.

Housing land supply and the locational policy for new housing

Housing need and supply

12.2 The Mendip Local Plan Part 1 (LPP1) was formulated to accommodate housing growth of 420 dwellings per annum (dpa). The Standard Method has now identified that the Local Housing Need (LHN) within the former Mendip Local Plan should be a minimum of 904 dpa, which represents a 115% increase on the level of growth that LPP1 planned for. The latest Somerset East Area (former Mendip District LPA) Statement on Five Year Housing Land Supply - July 2025 sets out that the applicable LHN figure for Mendip (June 2025) is calculated to be 5,287 dwellings. This includes a 20% buffer to reflect 'under-delivery' in Mendip as measured in the last national Housing Delivery Test (HDT). [7.22 - 7.24]

12.3 The HDT is a measure of an authority's performance in meeting its current housing requirements. On 12 December 2024 the latest HDT measurements were published and identified that in the former Mendip District Council area only 79% of the housing target had been met. [7.2]

12.4 Paragraph 79 (a) of the Framework sets out that where delivery falls below 95% the authority should produce an Action Plan which is to be published within six months of the delivery test being published (12 May 2025). No evidence was presented in the Inquiry to suggest that an Action Plan has been produced. [7.18]

12.5 The Council estimates the deliverable supply of housing as of 1 April 2025 to be 3,003 dwellings. This equates to a 2.84 year supply when compared with the LHN. The overall shortfall is 2,284 dwellings. [7.21 - 7.24]

12.6 The Statement on Five Year HLS confirms that Somerset Council cannot demonstrate a five year supply for the former Mendip District Council (MDC) area. It sets out that, as a consequence, the adopted policies in the Mendip Local Plan which are related to the delivery of housing may be treated as out of date where they are relevant to the determination of a housing application. It further states that in these circumstances, the adopted policies may carry less weight in a planning decision for housing as set out in paragraph 11(d) of the Framework.

12.7 With regard to affordable housing, the most recent assessment of identified a need for the MDC area of 240 affordable units per annum. The Council's most recent monitoring data from 2024 sets out that over the 2006-2024 period a total of 1,668 affordable dwellings have been delivered in the MDC area, equating to 92.7 per annum over this 18-year period. Therefore, it is clear that there has been a significant undersupply of affordable housing against the need identified in the SHMA. [7.25, 7.26]

12.8 In the former MDC area there are 2,253 households registered as being in need of affordable housing, of which 793 persons have a local connection to Frome. There are also 235 live homeless applications. Furthermore, the affordability ratio (the ratio between median earnings and median house prices) has been consistently higher than the national average for England and Wales since the publication of data in 2003. [7.25, 7.26]

Housing need and supply conclusion

12.9 Taking the above factors into account, it is clear that there is a pressing and compelling need to boost the supply of market and affordable housing in the former MDC area. There is little prospect of the current position improving over the next few years, particularly as the emerging Somerset Local Plan is some years away from adoption.

12.10 The proposed development of up to 1700 dwellings would make a significant contribution to housing supply. In addition, 30% of the dwellings (up to 510) would be affordable, in accordance with policy CP11 of LPP1, with an agreed tenure split of 80:20 social rented to intermediate. These benefits are afforded very significant positive weight in the planning balance below.

Locational policies for new housing

12.11 Policy CP1 of LPP1 sets out the spatial strategy for the plan area and identifies that the majority of new development will be directed to the five principal settlements of Frome, Glastonbury, Shepton Mallet, Street and Wells. Of these settlements, Frome is by far the largest representing approximately 40% of the total population of the settlements. The policy sets out that by delivering the majority of development here, this will "*enable the most sustainable pattern of growth for Mendip District*". [5.7]

12.12 Furthermore, the policy further states that any proposed development outside the development limits, will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.

12.13 With regard to development in the countryside, Policy CP1 seeks to ensure that development should be strictly controlled within the open countryside. Therefore, there would be a breach of this element of the policy given that the site sits outside the development limits.

12.14 Policy CP6 identifies a strategy for development in Frome with its primary aim to improve the self-containment of the Town through the provision of around 1,700 homes to be located on previously developed sites and other urban land within the existing development limits. Although the quantum of development proposed in the policy is less than that now required by national planning policy, the proposal would not accord with the locational provisions of the policy which seeks to ensure that housing development is located within development limits. [5.11]

12.15 However, the Council cannot demonstrate a five year supply of deliverable housing sites. In these circumstances paragraph 11(d) of the Framework provides that the policies which are the most important for determining the planning application are out of date and that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. [6.3, 7.2, 7.21]

12.16 Taking into account the above, I consider that the proposals would broadly meet the spatial strategy of LPP1, as set out in Policy CP1, given that the site lies on the edge of Frome, which is the largest settlement within the District, offering a wide range of everyday facilities and services. Furthermore, due to the lack of a five year HLS and deficit in delivery of housing across Mendip, I consider that reduced weight should also be given to the breach of the elements of policies CP1 and CP6 regarding development outside of the settlement boundary. Moreover, as discussed above, there is little prospect of the supply position improving over the next few years without the consideration of unallocated sites. These are likely to lie outside of the settlement boundary.

Employment Land

12.17 Policy CP3 sets out that the development plan should deliver 20.2 ha of new employment land in Frome over the period 2006-2029, and a total of 62.1 ha across the former MDC area as a whole. A significant part of the employment land proposed for Frome comprised a relatively large allocation, Commerce Park, located to the northeast of the town. [5.9]

12.18 The most recent employment land monitoring report (April 2020)[121] indicated that, at that time, 79% of this allocation had been built out. An extension, beyond the A361, is identified as an allocation in LPP2 but no development has occurred yet on this site. There has been no further large-scale employment land delivered in Frome since that point. [7.32]

12.19 The employment land required to serve the former MDC area has not been informed by a review of LPP1 which would have enabled consideration of the strategic requirements for employment land beyond 2019. This is the date by which LPP1 should have been updated.

[121] CD6.5

12.20 Table 6 of LPP2 provides a summary of the balance of employment land requirements across the main towns of the former MDC area. While a surplus of 3.52ha is shown for Frome, that is predicated on the allocation of additional land to the east of the existing Commerce Park coming forward for development. Although the site has been earmarked for development for a considerable number of years, there is no evidence of any planning applications having been made. Without that allocation of an additional 5.6ha coming forward there is in fact a deficit of around 2ha against the target of 20.2 ha as set out in Policy CP3. [7.32, 7.33]

12.21 There is very clear evidence that there is strong demand for additional employment land in Frome. Letters from local commercial agents, Cooper and Tanner, dated 26 June 2025, and Myddleton and Major, dated 30 June 2025, identify that there is existing unmet demand for additional employment space in the town, the latter observing that:

"*Current supply (in Frome) equates to 18 months of take up, based on the average local take up of industrial and warehouse space over the last 24 months. There is only one site available which could accommodate a building up to 2787 sq m (30,000 sq ft). Accordingly, there is no flexibility in the town to attract larger scale occupiers, or relocate those existing occupiers looking to obtain a larger premise to retain their business, and workforce, in the Town. Blatchbridge Employment Zone offers the Frome area an opportunity to deliver what is clearly needed, new employment development, in a timely manner in a location that would be of interest to occupiers and of a scale to accommodate the wide range of sizes for businesses in the local area."* [7.34]

12.22 The Frome Chamber of Commerce take a neutral stance on the proposed development. However, they recognise the need to identify and then attract an anchor tenant, perhaps a manufacturing or engineering business that would offer skilled employment opportunities and also bring their supply chain to Frome. The Council's economic development officers also identify that the proposed development is an opportunity to increase the business base of the town with the location being well-placed to be attractive for local business expansion and in attracting new business to the area. [7.37, 7.40, 8.108]

12.23 The SGC scheme would deliver 6.9 ha of dedicated employment land which would assist the Council in meeting its current LPP1 requirement of a minimum of 20.2ha of employment land in Frome as set out in Policies CP2 and CP6. In addition, it would provide a boost to the supply of employment land to address the failure to review the plan in 2019. [4.12, 5.8, 5.11]

12.24 Policy CP3 sets out the Council's policies for supporting business development and growth. It requires development to accord with the spatial strategy; encourage a diverse local economy; enhance the image of the area; limit the growth in demand for private transport; and offer higher quality job opportunities to local people. It also sets out targets for job growth (2,696 jobs). [7.33]

12.25 The proposed Blatchbridge Employment Zone would be positioned on land between the River Frome and the rail line at Blatchbridge with convenient access to the A361 Frome Bypass via the B3092. In addition, other employment opportunities would be available arising from the proposed school, local centre and care facilities. Adopting a figure of 50sq m per person, the ES suggests that the Blatchbridge Employment

Zone could generate approximately 565 full time equivalent jobs (FTE) with an additional 200 FTE jobs in other employment generating space including retail, education and care homes. In addition, it is estimated that between 271 to 350 construction jobs per year would be generated during the 15 year construction phase of the proposed development. Overall, I consider that the proposed development would broadly accord with the objective of Policy CP3 by supporting business development and growth. [4.6, 4.12, 7.37, 7.38, 7.39, 7.41]

12.26 Policy CP6 identifies the strategy for development in Frome, with its primary aim being to improve its self-containment, through the provision of new jobs and homes, a new primary school, green infrastructure, as well as a need to improve infrastructure and services within the area. The proposals would assist with this significantly given the amount of employment land the scheme would deliver, alongside the provision of other community facilities including the school, local centre, and significant amount of green infrastructure. All of this would support existing and future residents and meet the aims of CP6, notwithstanding that I give reduced weight to this policy due to the fact that it plans for a quantum of growth significantly below that now required by national planning policy. [5.11]

12.27 Turning next to Policy DP25 of LPP2, there would be some conflict with this policy as the Council's focus is to support proposals within established employment areas and specific allocations. However, the policy does state that additional future employment areas will be considered in other locations, such as on the fringes of the main towns, or accessible locations close to the primary highway network. Both of these elements of the policy are applicable to the application proposals. [5.20]

12.28 In my view, the flexibility within Policy DP25 suggests that unallocated sites, such as the application site, can come forward to provide new jobs and employment land. Furthermore, the proposals would not prevent the delivery of other existing employment allocations. The evidence provided by commercial agents demonstrates that there is significant demand in the area for employment development.

12.29 Although interested parties suggest that the proposed development may only attract jobs associated with warehousing and distribution, there is no evidence to support this contention. There is clear recognition by the Council's economic development officers and the Frome Chamber of Commerce that the employment zone would be attractive to the market and I have no reason to suggest that the proposed mix of uses (Class E(g), Class B2 and Class B8) would not be delivered. [8.161]

12.30 Taking the above factors into account, I conclude that there is a clear need for employment land within Frome that can be delivered by the application proposals. This would contribute to meeting the out of date minimum requirements that LPP1 planned for. I recognise that planning policies and decisions need to retain flexibility to meet such demand and ensure economic growth, which is a key requirement of the Framework. In my view, Policy DP25 allows for the flexibility that unallocated land for employment may come forward, including in locations on the fringes of the main towns, which is clearly applicable to the application proposals. As such, I consider that the employment element of the proposed development would be in broad accordance with Policy DP25 and consistent with policies CP1, CP2 and CP6 as it will help achieve the aims of the development plan to deliver a minimum amount of employment land over the plan period.

Character and appearance

12.31 The application site is not within a nationally designated National Landscape area (formerly Area of Outstanding Natural Beauty) nor within or affecting the setting of locally designated Special Landscape Features. However, the site is within the wider setting of the Cranbourne Chase National Landscape (NL) which incorporates the International Dark Sky Reserve, and is located approximately 2km to the southeast. [2.9]

12.32 The Mendip Landscape Character Area Assessment 2020 (LCA) identifies that the majority of the site falls within the 'Area B2.5, Little Keyford and Blatchbridge' character area. It further notes the area is 'sandwiched' between the existing built area of Frome and the A361 bypass and categorises the value of the landscape as low. [7.58]

12.33 Landscape impacts are reported and assessed in the ES (Chapter 6: Landscape and Visual Impact) (LVI) based on 31 different viewpoints, the locations of which were agreed with the Council. These include locations within and adjoining the site, including middle and longer distance views. A 6km radius was adopted for the Landscape Baseline Study. I consider that this radius would pick up all relevant receptors, including sensitive receptors such as the NL and Scheduled Monuments. [7.61]

12.34 The SCG scheme is described by the Applicants as a 'landscape led approach' to this development. There have been several iterations of the Parameter Plans since the initial submission of the application which followed from scrutiny on three occasions by the South West Design Review Panel. [7.54]

12.35 Substantial revisions were made to landscape mitigation and design in response to these consultations. This culminated in the provision of strategic green infrastructure, as shown on Parameter Plan 3 – Green Infrastructure (Ref: 1731.2028 Rev.N). Approximately 39.8% of the total site would be provided with Green Infrastructure (GI) and providing a measurable biodiversity net gain of 11.3% for habitats, 77.59% for hedgerows and 29.05% for watercourse units. The proposal would provide a total of 37.73ha of greenspace and thus exceed the policy requirement by approximately 8.4ha. [7.43, 7.44]

12.36 In addition, adjustments to building heights and development parcels close to the edge of the site as well as maintaining existing vistas in key locations, such as on Little Keyford Lane, were also made. [7.55]

12.37 The Council has raised no objections to the visual and landscape impact of the proposed development. In particular, the Council's landscape consultant's final response[122] included the following:

"I conclude that there are major to moderate adverse effects arising from the proposed development that cannot be fully mitigated.

Notwithstanding this conclusion, given the existing landscape character and quality, if i) the totality of the measures specified on the Green Infrastructure Parameter Plan are implemented in full (with details of the landscaping including the provision of

[122] CD3.10

additional greenspace within parcels such as local equipped areas for play not currently defined on the Green Infrastructure Parameter Plan being secured by condition) and ii) the green infrastructure is properly managed going forward through a Landscape and Ecological Management Plan (appropriately funded and secured by condition) then these effects are not in themselves considered to be a reason for refusal". [7.54]

12.38 At the Inquiry there was a wide difference of opinion between the views of interested parties and the Applicants' landscape witness regarding the visual and landscape impacts of the proposed development. Whilst I have had regard to all of the landscape evidence presented, my assessment is also informed by my observations on the site visit which had the benefit of being after I had heard the evidence of the landscape witness and interested parties. [8.25,8.26,8.32, 8.74 – 8.86]

Landscape and visual impacts

12.39 The evidence of the Applicants' landscape witness and the LVI section of the ES sets out in detail the effect of the proposed development on landscape and visual receptors. It was accepted in the Inquiry that this evidence accords with guidance provided in the 'Landscape Institute's Guidelines for Landscape and Visual Impact Assessment 3rd Edition (Published April 2013)'.

12.40 Although there are large areas of the site that are not publicly accessible, the existing footpaths and lanes through the site have local value to existing residents for walking and general enjoyment of the open countryside and the agricultural landscape on the edge of Frome. In particular, the existing lanes through, and adjacent to, the site provide a pleasant walking environment offering longer views to the NL. Recreational use of the lanes would be largely unchanged as a consequence of the proposed development and access to the river would be significantly improved within the new Riverside Park. Although there was a suggestion that Veteran Trees would be lost, this would not be the case. [7.65, 8.123- 8.126]

12.41 It is clear that the publicly accessible routes through and adjacent to the site have local value. However, the LCA identifies the landscape value of the site as a whole as being low value. Many of the recreational attributes would be retained and enhanced through the provision of GI. Although forming part of the pleasant rural landscape, taking into account the LCA, I do not consider that the application site should be regarded as a valued landscape within the context of paragraph 187 of the Framework. [7.51]

12.42 Of the 31 viewpoints assessed in the ES, 12 (viewpoints 1 – 3, 8, 19 and 21 – 27) are identified as receiving a moderate to major adverse visual effect following the establishment of mitigation measures as a consequence of the proposed development. These viewpoints are located within the site, or within 200m of the site boundary. The adverse impacts are largely the result of a change in the character of the views with one the result of the cumulative impact of neighbouring committed development. The viewpoints consider the introduction of built form into the view which is perceived as a significant impact when compared with the nature of the existing views. [7.61]

12.43 A number of mitigation measures are proposed to reduce the landscape and visual impact of the proposed development. These include the provision of GI which incorporates continuous belts of trees, hedges and woodland, limiting building

heights in the higher areas of the site and reducing the density of development in parts of the site to enable increased planting. However, given the scale and scope of the proposed change to the existing agricultural landscape, I consider that it is inevitable that the development would cause significant effects on all close-range receptors within or immediately adjacent to the application boundary, including residential properties and users of Public Rights of Way (PROW's) and the local lane network within the site. These effects cannot be fully mitigated. [7.43, 7.57]

12.44 The ES concludes that the significant visual impacts of the proposal would be limited to the application site and its immediate surroundings. No significant visual impacts on the town of Frome were identified due to the minimal likely visibility of the proposed development from within the town itself.

12.45 Middle and longer distance views include a number of receptors of high sensitivity. These include heritage assets such as Marston House and Cley Hill. However, given their distance from the site, intervening features and wider context of the existing built-up area of Frome, the magnitude of change is assessed as minor or negligible and the significance of effects on these receptors as minor adverse to negligible. I agree with the ES assessment of these visual impacts.

12.46 Concluding on visual effects, the proposed development would result in moderate to major adverse visual effects for some receptors including residents and users of the PROW network. These effects would be localised and would occur as the consequence of the loss of the rural landscape to built development.

12.47 In terms of landscape effects, the majority of the application site lies within character area B2.5 of the LCA which is identified as having low landscape value. The proposed nature reserve would be located within character area B1.1 which is identified in the LCA as having a high landscape value. [7.58]

12.48 The ES identifies that direct landscape impacts would be predominantly limited to area B2.5 located to the north of the bypass. Even with proposed mitigation measures the loss of the undeveloped rural landscape within the application by the introduction of built development would result in a major adverse landscape effect. [7.59]

12.49 The area to the south of the bypass would become a nature reserve which would not be at variance with the character area. There would be a slight adverse landscape effect on this part of the character area B1.1 as a consequence of the loss of two fields to the proposed nature reserve. [7.59, 7.66]

12.50 The ES also considered the landscape effects on the surrounding landscape character areas. Taking into account the contained nature of the application site, I agree that the effect on these to be in the range of neutral to slight adverse. [7.66]

12.51 Overall, I find that landscape impacts would be highly localised to within and immediately adjacent to the application site. Nonetheless, the landscape effect as a consequence of the proposed development to the character area B2.5 would be major adverse. There would be minor harm to the wider landscape of the LCA. Consequently, there would be conflict with Policy DP4 of LPP1. This policy, amongst other things, sets out that proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported and that decision-making will take into account efforts made by applicants

to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location.

Effect on the National Landscape

12.52 The boundary of the NL is approximately 2km from the proposed development and the intervening land to the south and east of the A361 is assessed in the LCA as being of 'high' or 'very high' value. The application site is visible from the fringes of the NL which is situated on rising land to the east which forms part of the Penselwood-Longleat Greensand Hills character area in the Cranbourne Chase AONB Landscape Character Assessment (2003). Extensive woodland (including areas of nationally significant ancient woodland), forestry operations and designated parkland are described as providing a unifying feature across the area and form a strong contrast to the open character of adjacent farmed landscapes. The AONB Character Assessment concludes that the landscape condition in this area is good but notes that because of the area's proximity to local towns such as Warminster, Frome and Wincanton there is likely to be further pressure for new built development.

12.53 The ES assessed the NL as a landscape receptor with viewpoints representative of sensitive receptors. These also include those accessing the NL via rights of way. Viewpoints 6, 7, 12, 13 and 17 are within the NL. Viewpoint 12, is the point from which the largest area of the scheme would be visible. [7.62]

12.54 I agree with the findings in the ES that the direct and indirect residual impacts after mitigation would be neutral adverse for viewpoints 6, 7, 12 and 13. Viewpoint 17, would be slight adverse, where changes would be reasonable to assess as being at slight variance with the existing landscape character; and/or cannot be fully mitigated thereby causing a small residual adverse effect. These impacts were assessed in the ES as having been minimised through the proposed mitigation measures. [7.63, 7.64]

12.55 Cley Hill, is a scheduled monument and Site of Special Scientific Interest within the NL, which I also visited on my site visit. Although it lies outside of the 6km study area, it is a significant landmark within the local area and was therefore included in the LVIA of the ES. Initial assessment of the significance of landscape effects, without mitigation, with and without cumulative impacts, was that they would be slight adverse. After mitigation, this would be reduced to neutral adverse.

12.56 Taking the above factors into account, I find that there would be no direct landscape effects on the NL as the proposed development is not within any part of it. There would likely be limited slight visual impacts on the setting of the NL by increasing the presence/built area of Frome in relation to the NL but within in a limited part of it. However, the size and scale of effect would be small. The magnitude of effect is considered to be slight with the overall significance of effect being slight adverse. The proposals would not cause any change to the landscape character as a whole nor would it compromise its setting.

12.57 The Cranborne Chase NL Board originally objected to the planning application but focussed their concerns on the status of the NL as an International Dark Sky Reserve. In particular, concerns were raised regarding sky glow from external lighting as well as from buildings. The Board recommended a lighting strategy be developed based on Environmental Lighting Zone E1 (categorised by the Institution of Lighting Professionals as 'intrinsically dark'). The Board also recommended that

in the detailed design rooflights should be avoided given the potential for light pollution. [7.47, 7.48]

12.58 In the LCA, the application site is identified as already being affected by lights from Frome, whereas land to the south of the A361 and beyond is increasingly dark. Given that the existing SGC site area is not currently illuminated (other than the occasional house lights) the proposal would introduce artificial lighting from houses and roads closer to the Dark Sky Reserve. As the site is not within the NL area, the scheme proposes that Zone E2 (low lighting typical of relatively dark outer suburban locations in rural surroundings) would be applied to the majority of the site, with Zone E3 (medium lighting typical of small town centres and suburban locations) applied in the central/community hub area. Street lighting along the main transport routes would be specified to have 0% Upward Light Ratio (ULR).

12.59 The SGC development would introduce new light sources when viewed from within the Reserve. However, this impact would be in the context of the existing uncontrolled sky glow from Frome. The Applicants provided further information during the Inquiry regarding the proposed future lighting design[123] which was considered by the NL Board. This confirmed that the proposed lighting strategy sets out design criteria which includes a proposed luminaire column that has a ULR of 0 value. A 0 value ULR complies with the requirements of 'GN01-ILP-2021' (Guidance Note 1 for the reduction of Obtrusive Light 2021, Institution of Lighting Professionals) for Environmental Zone classification E1). The Applicants confirmed that this design criteria would be adopted through the detailed design stage. Having considered the proposed lighting strategy, the NL Board withdrew their objection.

12.60 The Dark Sky Reserve also covers an extensive area that already experiences some reduction in the quality of darkness as a consequence of existing built-up areas including those located close to its fringes such as Warminster and, at a greater distance, Frome. Given this context, the proposal to limit lighting levels across the majority of the SGC development to Zone E2 (typical of outer suburban locations in rural surroundings) is considered to be an acceptable approach. Therefore, the development would not significantly impact on the quality of darkness experienced within the wider Dark Sky Reserve.

12.61 The potential for the proposed development to introduce recreational pressures on the NL were also raised by the Cranborne Chase NL Board. In particular, the Board is concerned that this could result in visual harms in the form of inappropriate parking and damage to verges and laybys. I have considered these concerns in the context of the recreational opportunities that would be created on the application site and the access to the wider countryside that would also be provided as a consequence of the improvements proposed to sustainable travel. [7.47, 7.48]

12.62 Although there are PROWs crossing the site, and the lanes in the vicinity are used for recreation, large parts of the SGC site offer little in the way of public access. Access to the site for recreational purposes would be increased, as set out within the illustrative recreation plan of the DPFD. A significant amount of new public open space would be created in an area where there is currently a deficit. Within this area of strategic public open space, a wide range of types of recreation routes and activities would be delivered, as set out in the DPFD. This would provide alternative

[123] ID1

open space provision which may not only contain recreational activity within the site but also provide access to open space for existing residents to the nearby countryside who might otherwise be currently travelling into the NL. Consequently, I do not consider that the proposals would result in additional pressure on the Cranborne Chase NL to the extent that visual harm would be caused.

12.63 Taking the above factors into account, I do not consider that the proposals would conflict with the provisions of Policy DP4 (part 1) of LPP1. This part of the policy sets out that proposals in areas adjacent to the AONB (now NL) should not compromise the setting of the designated area. Furthermore, there would be no conflict with the provisions of Policy DP8 (part 3) of LPP1 which requires that development proposals, particularly those in a rural setting, should make all reasonable efforts to minimise light pollution.

12.64 Whilst there would be a minor change to the landscape visible in views from the NL, the overall effect would be at the very lowest end of the spectrum. Taking this factor into account, together with my findings in respect of the impact on the Dark Sky Reserve, leads me to find that the statutory duty under the revised Section 85 of the Countryside and Rights of Way Act 2000 would not be breached.

Character and appearance conclusion

12.65 The proposed development would result in the loss of the existing open countryside and agricultural landscape. Large-scale developments such as SGC have the potential to result in significant effects on the landscape. In this case, these potential effects have been identified and mitigating them has clearly been an important consideration in formulating the proposed masterplan strategy for the site.

12.66 The proposed GI would assist in mitigating some of the landscape impact. However, there would remain a moderate to major adverse effect on the landscape of the application site as a consequence of the proposed development.

12.67 Having regard to the site's local level of visual containment and the proposed extent of GI mitigation, there would be minor adverse harm to the wider landscape of the LCA. I have found that the proposals would not cause any material harm to the setting of the NL or the quality of darkness experienced within the wider Dark Sky Reserve.

12.68 Overall, I consider that the level of harm to the character and appearance of the area would be moderate rather than significant. Nonetheless, there would be conflict with the provisions of Policy DP4 of LPP1.

12.69 However, given that many of the visual receptors are within or adjacent to the site, not all effects can be limited and, as with all large-scale development, some effects are unavoidable and need to be balanced against the need for, and benefits of, any proposed development.

Highway safety and the free flow of traffic

12.70 Although the development has been designed to promote a modal shift to journeys other than by means of a car, as considered below, there will remain a residual demand for vehicular traffic. Each of the four proposed vehicular access points have been subject to a Stage 1 Road Safety Audit which has not identified any outstanding design or road safety issues that are incapable of being resolved at the detailed

design stage. Each of the proposed junctions incorporate a number of measures to reduce vehicular speeds and provide opportunities for sustainable modes of travel. [7.94]

12.71 The western part of the development would be accessed off the B3092 Marston Road in the vicinity of the Masons Arms Public House. The junction would be built as a medium sized roundabout. Access to Marston Lane (the Masons Arms) and Paddles Lane would be separate from the roundabout. An active travel route heading to/from Marston Lane has been incorporated into the junction design by extending the 30mph speed limit to encompass the roundabout and its approaches. There would be a shared pedestrian and cycle crossing of the main road (B3090) linking to the proposed cycle and footways within the development. Paddles Lane would revert to providing vehicular access to existing properties only and serve as a greenway with a cycleway connection made to it from the proposed crossing. [4.5, 7.103]

12.72 The main access to the development would be formed to the south via a proposed roundabout off the A361 Frome bypass. The speed limit for this section of the bypass would be reduced to 40mph, with the development access roads being 30mph. A signal-controlled crossing for equestrians, cyclists and pedestrians would be created to the east of the roundabout, within the 40mph speed limit, linking Vinney Lane on both sides of the bypass. [4.5, 7.103]

12.73 The northern access would be off Little Keyford Lane. There would be a bus gate on the northern SGC site boundary, such that the road connection would be made from the proposed north-south spine road to Little Keyford Lane which would only provide access for buses, cycles and pedestrians. [4.5, 7.91, 7.92]

12.74 The proposed eastern access would be formed by a new access road off the B3092 at Blatchbridge, a short distance from its roundabout with the bypass. The layout of the B3092 would be altered with priority given to traffic to/from the SGC commercial area so as to deter traffic from using the B3092 to the north. The speed limit would be reduced from 60mph to 30mph in the vicinity of the junction. Pedestrian and cycle access would predominantly be taken via a new bridge over the River Frome linking to the Blatchbridge commercial area and to the community centre hub of the development. [4.5]

12.75 My attention was drawn to visibility constraints on the B3092 in the proximity of the proposed access and in particular the egress visibility from Keepers Cottage and Blatchbridge Villa. However, I am satisfied that sightlines from these properties would not materially be compromised as a consequence of the installation of the proposed junction. In addition, there would be a degree of benefit as a consequence of the reduction in the speed limit proposed in the vicinity of these properties. [8.101]

12.76 A number of concerns from interested parties were raised regarding road safety on the A361 Frome Bypass, in particular the number of accidents that have occurred in the last five years. Although the TA reviewed road safety using publicly available data at the time of the submission of the planning application (up to 2020), the Council undertook a study of road safety and published the Route Analysis Report dated November 2024. The study looked at the full length of the A361 Frome bypass between the Marston Road (B3090) and Oldford (B3090) roundabouts and considered a number of collisions including those involving fatalities. The study did

not identify any highway design deficiencies that were contributing factors to these road traffic accidents. [7.96, 8.6]

12.77 In order to assess the effect of the likely traffic to be generated by the proposed development on the local highway network, VISSIM modelling (Frome VISSIM and A36 VISSIM) was used. This was based on vehicular flow surveys undertaken in 2020 and subsequently re-validated in 2025. The modelling sets out the detail of operational performance of the highway network in the peak periods and takes into account the cumulative effects of consented and planned development, as well as the growth in traffic through local, regional and national economic conditions. [7.97 - 7.99]

12.78 For the purposes of the comparison of the effects of SGC, a 2029 Futurebase scenario was assessed. This included all committed and planned development, plus other traffic growth. The SGC scenario assessed the cumulative effects of the 2029 Futurebase plus the SGC. The trip generation rates did not assume any reductions as a result of the proposed travel plan measures. As such, the resulting traffic numbers are considered to be a worst case and represent a robust assessment scenario. [7.97 – 7.99]

12.79 Although modelling data is provided for a number of junctions and eight route sections, an overall summary identifies that in the AM (08.00 – 09.00) peak hour traffic volumes across the Frome network would increase by 1,699 vehicles (18%). However, as a consequence of a combination of the latent spare capacity in the road network and the proposed highway mitigation works, this increase in traffic would result in an increase in average delay per vehicle of 5.79 seconds (8.2%), a reduction in average speed of 1.65mph (6.2%) and an increase in the amount of time stopped of 4.17 seconds (20%). [7.100]

12.80 In the PM (16.45 – 17.45) peak hour traffic volumes across the Frome network would increase by 1,444 vehicles (14%). Similarly, as a consequence of a combination of the latent spare capacity in the road network and the proposed highway mitigation works, the increase in traffic would result in an increase in average delay per vehicle of 4.47 seconds (6.0%), a reduction in average speed of 1.49 mph (5.7%) and an increase in the amount of time stopped of 0.71 seconds (2.7%). [7.101]

12.81 The modelling identified a number of junctions where capacity issues would be caused and for which mitigation works would be necessary. In particular, in order to mitigate the cumulative effects of the proposed development together with planned development identified in LPP1 and LPP2, improvements would be necessary, as set out below, which would be secured by contributions set out in the Section 106 Agreement. In summary, the works consist of:

- A361 / B3090 roundabout widening to two approach lanes on the Marston Road (B3090) arm;
- A361 / B3092 Blatchbridge and A361 / Clink Road roundabouts, placing each roundabout under partial or full signal control, and associated works;
- B3090 The Butts local traffic management and on-street parking scheme; and
- B3090 / A362 Gore Hedge gyratory and Bath Street roundabout placing each junction under full or partial signal control, and associated works. [7.103]

12.82 The A36 VISSIM Modelling considered the current and future operational performance of the A36 roundabout junctions at Beckington and White Row, a distance of about 7km from the SGC site. This identified that junction improvements would be necessary, primarily involving lane widening to give an extended flare into the roundabout. These works would be secured by the contributions set out in Schedule 9 of the Section 106 Agreement. They are required to be implemented prior to the occupation of 400 dwellings or 6,500m2 of commercial space. Further works (Stage 2) may be needed dependent on the outcome of the monitoring of queue lengths at the White Row roundabout. The monitoring requirements and financial contributions would also be provided by virtue of Schedule 9 of the Section 106 Agreement. [7.104, 7.105]

12.83 A number of other highways related matters were raised by interested parties in the Inquiry including a suggested need for a crawler lane on a sloping section of the A361 and a need for a footbridge over the A361 to link the SGC site to the proposed nature reserve. I observed the suggested location for these measures at the site visit. [8.95, 8.102]

12.84 These suggested measures are not proposed to be provided in the application scheme. Having assessed these suggestions, neither the Applicants nor the highway authority has identified that they are necessary to make the application acceptable in planning terms. I share that position. [7.113]

12.85 Taking the above factors into account, I do not consider that the proposed development would result in an unacceptable impact on highway safety, nor would it give rise to a severe residual detrimental impact on the safe and efficient operation of the highway network in the vicinity of the application site. Relevant mitigation measures to the primary route network have been identified, designed and secured. Therefore, there would be no conflict with Policy DP9 of LPP1.

12.86 Furthermore, the proposed development would make a significant contribution to the delivery of requirements set out in Policy DP27 of LPP2 which, amongst other things, states that Strategic Road Network schemes to the A36 Beckington roundabout and the A36 White Row roundabout shall be provided during the plan period to support the delivery of the development strategy for Frome.

Sustainable location and travel

12.87 It is clear that, in respect of the spatial strategy of LLP1, Frome is the main focus for growth. Developing new housing and employment land in this location would accord with the overall spatial strategy of the development plan, notwithstanding that the strategic policies are out of date for the reasons I have explained earlier.

12.88 Frome sits at the top of the spatial strategy's (as set out in policy CP1) hierarchy of settlements. This reflects its scale and importance in the eastern part of Somerset, and the wide range of facilities, services, employment opportunities and public transport links that it provides. The SGC site lies directly adjacent to the existing settlement edge and the design principles of the scheme adopt a hierarchical approach to travel. This includes placing the greatest emphasis on the most sustainable forms of travel and cascading downwards to road-based travel. This

approach has been adopted in the access strategy and masterplan for SGC and carried forward into the DPFD and Access and Movement Parameter Plan[124].

12.89 The first hierarchal principle proposed in the design of the scheme is the containment of travel within the SGC itself by the provision of a mix of complementary land uses including the Local Centre Hub. This would provide for many of the everyday needs of residents, employees, and visitors to SGC, thereby negating a need to travel further afield. [7.71]

12.90 The Local Centre would form the hub of all modes of travel within SGC and would be located within an 800m radius of all residential and employment development areas. The DPFD sets out that the hub would be delivered within two years of first occupation with three years estimated for full completion. [7.73, 7.74]

12.91 The Department for Transport Manual for Streets identifies that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas. The 10-minute walk time would cover the majority of the proposed SGC site such that the hub could be reached within a reasonably short walk.

12.92 The Travel Plan, which would to be secured by the Section 106 Agreement, includes specific targets for self-containment of travel by residents within SGC with a Mode Shift Target for self-containment of travel of 22% in the AM peak hour and 15% in the PM peak hour. [7.88]

12.93 A Street Design Code, incorporated in part into the DPFD, identifies that the SGC would be provided with a three-tier network of walking and cycling routes. Primary routes would provide direct and continuous access between key parts of SGC as well as points of external connection to foot and cycleways across the wider area. Secondary routes would be less direct and provide inter-linking connections across the SGC as well as providing for leisure and recreational use. Recreational routes would provide circular walking and running trails within the site. Existing lanes, including Vinney Lane, Paddles Lane, Tytherington Lane and parts of Little Keyford Lane, would be repurposed as greenways providing for walking and cycling recreational routes with only existing farms and cottages retaining vehicular access. The greenways would be unlit and would have a country lane shared-use character. [7.75, 7.86]

12.94 The second tier of the hierarchal approach is to maximise travel containment within Frome, and to provide appropriate levels of non-car access in order to access the wider facilities in the town. Four active travel corridors are proposed comprising the Oakfield School Corridor, Town Centre Link, Dippy/The Station Link and the Riverside Recreation Link. Delivery of improved pedestrian and cycle infrastructure along the active travel corridors would be secured by the financial provisions contained within Schedule 10 of the Section 106 Agreement. [7.76, 7.83, 11.4]

12.95 The Institution of Highways and Transportation, Guidelines for Providing for Journeys on Foot (IHT 2000)[125] suggests that the preferred maximum acceptable walking distance to a town centre is 800m and for commuting/school is 2000m (approximately 25 minutes).

[124] CD2.4e
[125] Proof of Evidence Neil Brant – Appendix NCD-R

12.96 Some facilities within Frome are located beyond the suggested 2000m distance. The package of measures to improve the four active travel corridors, secured by the Section 106 Agreement, would enhance their attractiveness for use by walking and cycling from SGC to facilities in Frome. [7.81]

12.97 Notwithstanding the active travel corridor improvements, it is recognised that for some residents, the distance to some of the facilities in Frome may not be undertaken by walking. Interested parties also raise concerns that the topography on some parts of the site may act as a disincentive to walking and thereby encourage the use of the car. It is therefore necessary to consider the extent to which other modes of transport, other than the car, may be available to access facilities in Frome.

12.98 All facilities in Frome would be located within a reasonable cycling distance. The proposed travel corridor improvements, and the provisions of the Travel Plan, include opportunities for segregated and advisory cycle lanes, wayfinding improvements and legibility of walking and cycling routes along the travel corridors. A number of other sustainable travel measures are also proposed to promote non-car modes of transport including funding proposed in the Section 106 Agreement towards the provision of E-scooters and/or E-bikes for local journeys and public E-Cycle charging points. Overall, I am satisfied that the proposed development would provide acceptable opportunity to access the facilities in Frome from SCG by cycling.

12.99 Currently the application site is not served by public transport, although there are two bus services running along on its western edge and a service to the north with bus stops approximately 400m and 500m away. Frome train station is approximately 2.4km from the application site but is not currently connected to the site by a bus service.

12.100 The application proposes the extension of the existing No. 30 Bus service into the site with new bus stops, thereby providing a direct link with the town centre as well as extending the route to include the railway station, College, Frome Medical Centre and Leisure Centre. It is also proposed to increase the frequency of the service from 30 to 20 minutes weekdays and Saturdays. These proposals are set out in detail in the TA and Travel Plan. The No. 30 service is currently funded by the Council. Schedule 11 of the Section 106 Agreement provides financial support for the increased service provisions. [7.91, 7.92]

12.101 Interested parties suggest that some parts of Little Keyford Lane may be unsuitable for an extended bus route due to road width and on street parking. However, such constraints are encountered and negotiated on a daily basis by existing traffic. I recognise that a degree of care may need to be exercised by road users, including the drivers of the extended No. 30 bus, in the vicinity of these constraints. However, the site visit confirmed that there would be sufficient width for the bus to negotiate these constraints with care. I do not consider that the width constraints would be of an extent to render the parts of Little Keyford Lane as being inaccessible for use by the extended bus service.

12.102 The location of bus stops within SGC would form part of the reserved matters stage. However, the principles of provision, contained in the DPFD, sets out that bus stops would be positioned to ensure that all parts of SGC would be within 400m (five minute walk) of a bus stop. The provision of the bus service would enable all future

residents of SGC to have accessible opportunity to frequent public transport that would include stops at key facilities in Frome. [7.93]

12.103 The design principles have sought to promote sustainable transport measures and purposefully inconvenience car use for travel within SGC or between SGC and Frome. For travel to/from Frome, there would be no direct vehicular access points (other than bus) along the built edge abutting SGC. The design emphasis has been to prioritise direct and convenient sustainable access to the town (the north of SGC) and to deliberately inconvenience (through less direct routes) vehicular journeys.

12.104 Both the north-south and east-west links across the site would provide continuous pedestrian, cycle and bus routes, but not other vehicular access. This would be ensured by the provision of two bus gates. Journey distances into Frome for future residents within SGC for walking and cycling would therefore be significantly shorter than for car travel, which would involve using the adjacent B3090, B3092 and/or A361. [7.93, 7.94, 7.95]

12.105 The above measures are embedded within the Travel Plan Statement[126] which would inform the Full Travel Plans, one each for the residential, employment development and school, secured by the Section 106 Agreement. Initial mode shift targets for the proposed development would be secured through the Travel Plans and the Section 106 Agreement and are proposed as follows:

- Home working – at least 20% of all residents of SGC to work from home on a regular basis.
- Self-containment of travel – 22% of travel made by residents of SGC in the AM peak hour, and 15% in the PM peak hour of travel, to be contained within the scheme.
- mode shift targets:

  Walking: increase from 16.09% to 20%

  Cycling: increase from 2.41% to 10%

  Bus use: increase from 3.34% to 5%

  Rail use: increase from 1.09% to 2.5%

  Single Car Occupancy: reduction from 67.19% to 45%

  Car Sharing: increase from 5.97% to 10%

12.106 Overall, the provisional target is for a 17% shift away from single car occupancy travel to work, not including the target for home working.

12.107 The above mode shift targets would be secured through the Travel Plans and by the provisions of the Section 106 Agreement, which provides for annual surveys and monitoring over an estimated 15 year period (80% completion of SGC plus five years). In the event that annual monitoring identifies that mode shift targets are not being achieved, the Travel Plan Safeguard Sum (£718,044), would enable remedial initiatives to be introduced to assist in meeting the targets. [11.4]

[126] CD4.19

Sustainable location and travel conclusion

12.108 Paragraphs 110 and 117 of the Framework state that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering genuine choice of transport modes. Section 9 of the Framework is clear that all sustainable travel modes should be considered rather than just walking and cycling.

12.109 The proposed development would provide convenient access for walking and cycling to the facilities within the Local Centre/Hub. The proposed travel corridor improvements would provide opportunity to access key facilities in Frome by walking and cycling. In circumstances, where walking may not be a preferred option due to the distance of a facility or the gradient of a route, the provision of the frequent bus service would provide an opportunity for residents to have access to convenient public transport supported by local public transport information delivered by the Personal Travel Plan App. [7.87, 7.88].

12.110 The proposal has been designed to encourage the opportunity for transport modes to access facilities within the town other than by car. It would discourage car use by making the route to local facilities circuitous. The proposed corridor improvements would provide safe and convenient walking and cycling routes into Frome supported by a frequent bus service. I consider that the proposed development would not only limit the need for travel, by the provision of facilities in the Local Centre, but would offer a choice of transport modes to access facilities within Frome.

12.111 Taking the above factors into account, I find that the application site would be sustainably located and has been designed, as embedded in the DPFD, to reduce the reliance on the private car and providing a real choice of transport modes. Although located in the countryside, Policy CP1 of LPP1 directs development towards the five principal settlements to enable the most sustainable growth for the Mendip District. Given that the site lies on the edge of Frome and that I have found that it would be sustainably located, I consider that it would broadly comply with the development plan strategy to direct development towards the principal towns first.

12.112 There would be no conflict with the relevant parts of Policy DP9 of LPP1 which, amongst other things, requires development proposals to demonstrate how they will improve or maximise the use of sustainable forms of transport, make safe and satisfactory provision for access by all means of travel and avoid causing traffic or environmental problems within the wider transport network.

Other Considerations

Effect on nearby heritage assets

12.113 The application site is not located within a conservation area and there are no listed buildings or scheduled monuments within the site. However, the proposal would affect the settings of listed buildings. I have therefore kept in mind the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. [2.7]

12.114 In terms of archaeology, the Somerset Historic Environment Record provides information from archaeological excavations outside but in the vicinity of the application site. This includes evidence of ditches on land to the west of Little Keyford Lane (thought to be Neolithic or Bronze Age) and on land to the north of the

site. The ES assesses the potential for evidence of activity dating to the prehistoric period within the application site as minor to moderate and for the Romano-British period as moderate. The ES also assesses the potential for evidence of medieval activity within the boundaries of the site as low to moderate.

12.115 The Council's Archaeological Advisers (South West Heritage Trust Archaeology) advised in their consultation response dated 23 September 2022[127] that the submitted Heritage Assessment concludes a minor or low potential for archaeological remains on the site and that post-determination evaluation and mitigation should take place to ensure that any archaeology present is fully recorded. Accordingly, no objections were raised subject to conditions being imposed to secure appropriate archaeological investigation and recording of the site prior to the commencement of development in each phase. These measures can be secured by appropriately worded planning conditions (Nos. 29 and 30).

12.116 The Heritage Chapter of the ES and the Technical Note – Heritage set out that 1km and 3km study areas around the site were used to identify built heritage assets that might be affected by the proposed development. A total of 600 heritage assets were identified within the Study Area. Of these assets, many were scoped out of any further assessment. These included large numbers of listed buildings within the urban core of Frome which have no intervisibility with or connection to the site. Other factors which led to the scoping out of heritage assets included topographical changes, natural features (such as woodland), and the presence of significant infrastructure (roads/rail). [7.117]

12.117 Twelve heritage assets were considered to be appropriate for further detailed assessment. The assessment identified that long-term residual impacts would occur to the settings of two listed buildings and thereby to the heritage significance of these designated assets. They are Keyford House and Conservatory (Grade II Listed Building), located close to the northern western boundary of the site, and Manor Farmhouse (Grade II Listed Building), located to the south of the proposed Nature Reserve. I agree that these are the assets where there would be impacts that need to be taken into account in this recommendation. [7.118]

12.118 The aesthetic and architectural value of Keyford House and Conservatory is derived from its attractive façade, well-proportioned appearance and the associated separately listed walls and gate piers to the south. The listed building does not derive any historical value from the wider rural environs. The immediate setting of the listed building comprises its modest gardens and surrounding relatively open fieldscape. The listed walls separate the property from Little Keyford Lane and the wider setting of the house is formed by urban Frome to the north, east and west. Agricultural land lies predominantly to the south, comprising a landscape of fields and individual dwellings and farmsteads.

12.119 There would be no impact resulting from the proposed development on the immediate setting of the listed building. No works are proposed to Little Keyford Lane adjacent to the heritage asset and the existing hedge on the southeast side of Little Keyford Lane would be retained. However, the SGC development will change the wider setting of the heritage asset as a consequence of the loss of fieldscape and the introduction of built development.

[127] CD3.40

12.120 Whilst the wider setting will undoubtedly be impacted by the proposed development, elements of the setting are already significantly impacted through the presence of the nearby industrial development to the north. However, the removal of further rural elements of the wider surrounding landscape would result in a cumulative Moderate Adverse Impact on the setting of the listed building. Overall, the significance of the listed building would be subject to less than substantial harm, lying at the middle part of the scale, largely resulting from major development within its currently rural setting.

12.121 Manor Farmhouse is Grade II Listed and dates to the 17th century, with 19th century alterations. It comprises a substantial detached property built over two storeys with attics and bays. The listed building's immediate setting comprises the former farmyard with associated outbuildings, several which have been converted for alternative business uses and includes a modern swimming pool. The farmyard and outbuildings are well-screened by stone walls, hedges and trees.

12.122 The wider setting comprises largely agricultural land, including elements of Marston House's associated Grade II Listed parkland to the west. The A361 Frome Bypass lies approximately 400m to the north, separating the listed building and its environs from the application site.

12.123 The listed building's historical value and its immediate setting would not be impacted by development at the application site which is separated from the heritage asset by both distance and modern infrastructure comprising the A361 Frome Bypass. There would be a change to the wider setting of the asset as a consequence of the introduction of built development into the rural farmland to the north of the bypass. This would cause less than substantial harm to the significance of the heritage asset. However, I consider that this would be at the lower end of such harm and is due to a change in the field scape in the wider setting as a consequence of the proposed development.

12.124 There would be no intervisibility between the application site and the Frome Conservation Area. There is existing development between the south of the conservation area and the site, comprising development on Manor Road, The Mount and surrounding streets. In addition, the conservation area is located beyond the crest of Culverhill, which is to the north of the application site. I conclude that the proposed development would not result in harm to the character, appearance or setting of the Frome Conservation Area. Nor would there be any harm to the significance of the conservation area through development in its setting.

12.125 A Scheduled Monument is recorded within 1km of the site described as a Deserted medieval site SW of Tytherington Bridge. A further six Scheduled Monuments are recorded in the 3km study area. Owing to intervening topography, landscape features and distance from the application site, I consider that the proposed development would not have any effect on the heritage significance of any Scheduled Monuments within the study area.

12.126 In addition, the Scheduled Hillfort, two bowl barrows, medieval strip lynchets and a cross dyke on Cley Hill were also assessed. Cley Hill presents a prominent horizon feature in the wider landscape, albeit some 6km from the application site. By virtue of its distinctive form and elevation, and the low and open land around it, Cley Hill is visible from the upper parts of the application site (including Marston Road, Little Keyford Lane and Paddles Lane). However, given the distance from the site,

intervening features and the existing built-up area of Frome that is evident on the ridge line and extending down towards the River Frome, I consider that the proposal would have no material effect on the heritage significance of this asset.

12.127 Historic England responded on several occasions to consultation requests from the Council which resulted in some design changes to the scheme. The final response, dated 9 April 2024, reiterated some concerns but did not identify a formal objection. [7.119]

12.128 In conclusion, the proposed development would not preserve the wider setting of the Grade II Listed Keyford House and Conservatory. The significance of the listed building would be subject to less than substantial harm, lying at the middle part of the scale, largely resulting from major development within its currently rural setting.

12.129 Similarly, the proposed development would not preserve the wider setting of the Grade II Listed Manor Farmhouse as a consequence of the introduction of built development into the rural farmland to the north of the bypass. This would cause less than substantial harm, lying at the lower part of the scale, to the significance of this heritage asset due to a change in the field scape in the wider setting as a consequence of the proposed development.

12.130 As a consequence of the above, there would be conflict with Policy DP3 of LPP1. In accordance with paragraph 215 of the Framework, I address the approach of balancing the less than substantial harm identified above against the public benefits of the proposed development in the overall planning and heritage balance below.

Flood risk and foul water drainage

12.131 The majority of the SGC site is located in Flood Zone 1 (the lowest flood risk category). The southeast part of the site is in Flood Zone 2 and Flood Zone 3. The Environment Agency (EA) raised no objections to the proposed development but commented that "*We would support the decision of the Lead Local Flood Authority (LLFA) regarding this development; however, we would ask that no development is located within 8 m from the edge of Flood Zone 2 to allow for climate change impact, and no ground raising or landscaping to take place within Flood Zones 2 and 3.*" [7.121 - 7.123]

12.132 The illustrative Masterplan and parameter plans show that the proposed employment area (Blatchbridge Employment Zone) would be set back from the River Frome floodplain by an average distance of 10 – 12m (to the hard landscaped area). Further details of the position of buildings and landscaping would be matters for consideration in any subsequent reserved matters applications.

12.133 There would be an informal playing field located within the Riverside Park that encroaches into Flood Zones 2 and 3 and would therefore be unusable when flooding events occur. However, the proposed development is not dependent on this public playing field because off-site contributions to formal pitch provision have been agreed with Sport England. Further engagement with the EA would be necessary at reserved matters stage to agree the exact details of the informal playing pitch and its design to ensure there would be no adverse impact on flooding and no raising of ground levels.

12.134 Most of the site is at a very low risk of surface water flooding although several localised surface water flow paths were identified which were subject to hydraulic

modelling. The modelling informed the need for two cascading wetland corridors within the site. The first is defined as the Cascading Wetland Park on the illustrative Masterplan which would accommodate surface water from land to the north of the application site. The second cascading wetland corridor would be located towards the south part of the site. This would be smaller and would not accommodate surface water from outside of the application site.

12.135 A conceptual, sustainable drainage strategy was outlined in the Flood Risk Appraisal (FRA) to support the outline planning application. This includes an extensive network of swales and attenuation ponds/basins. The DPFD defines key principles on how sustainable drainage would be incorporated into detailed design. Compliance with these design principles would be required via a planning condition (No. 2), in addition to the conditions requiring the details of the surface water drainage solution to be provided (Nos. 20, 21 and 22). Subject to these conditions, the Lead Local Flood Authority raised no objections to the proposed development.

12.136 The provision of the cascading wetland systems, natural flood management in the River Frome floodplain and the introduction of sustainable drainage across the application site are likely to offer a beneficial impact on flood risk downstream. In particular, there would be a 58% betterment from the existing greenfield surface water run-off as a consequence of the proposed development.

12.137 Comments have been made by Friends of the River Frome and others concerning an existing lack of sewer capacity resulting in additional foul effluent being discharged into the River Frome from combined sewer overflows. A Preliminary Foul Water Drainage Strategy[128] was prepared and submitted to Wessex Water, who raised no objection subject to a planning condition (No. 23) which requires a detailed foul water drainage strategy to be provided in respect of each relevant reserved matters application. [7.125, 8.45]

12.138 In conclusion, I am satisfied that the proposed development has adequately considered the risk of flooding and the management of foul water drainage. All relevant statutory consultees raised no objection to the proposed development. Furthermore, I consider that the proposed conditions would provide adequate controls to secure the appropriate detailed design of drainage schemes which would themselves be subject to further consultation with statutory consultees.

12.139 I conclude that the proposed development would remain safe from all sources of flooding, now, and in the future, without increasing flood risk elsewhere. Consequently, there would be no conflict with the relevant provisions of Policy DP23 of LPP1 or paragraphs 170, 181 and 182 of the Framework.

Design concerns

12.140 Several interested parties raised concerns that the proposed development would not accord with the requirements of Section 12 of the Framework in respect of achieving well-designed places. As identified above, the scheme was considered on three occasions by the South West Design Review Panel. No significant design concerns were raised by the Design Review Panel after the scheme had been amended to

[128] CD2.16

address their initial comments made at the first stage review. The Council's Urban Design Officer has raised no objection to the scheme. [8.8, 8.19]

12.141 Although detailed design would be a matter for reserved matters applications, the DPFD and Parameters Plans provide Design Principles that future design codes and then detailed reserved matters applications must adhere to. It is clear that design principles have been subject to considerable consultation and evolution. The scheme is significantly influenced by the provision of substantial areas of green infrastructure with legible transportation routes that converge towards the community hub and thus provides a clearly defined focal point. Existing topography has been taken into account, ensuring that lower height development occurs on the highest part of the site, as demonstrated in the Building Heights Parameter Plan. Overall, I find that the proposed design principles would result in a form of development that would be legible and deliver a sense of coherence and continuity across the whole site.

12.142 I am satisfied that the DPFD and Parameters Plans provide a suitable framework and appropriate principles to enable detailed design to be considered at reserved matters stage. Taking into account that the application is in outline, there would be no conflict with Policy DP7 of LPP1 which requires new development to be of a high quality design which results in usable durable, adaptable, sustainable and attractive places.

Hazardous substance

12.143 Part of the application site lies within a Health and Safety Executive (HSE) consultation distance zone of Griffin Marston Ltd (with the site being known as Marston Park) which is located to the south of the Frome Bypass. The site is identified as including a Major Hazard site by HSE following its historic use for storing agricultural fertiliser. The HSE issued a licence for the storage of around 3,000 tonnes of agricultural fertiliser in 1986. A continuation of this was deemed to be consented under Part 4 of the Planning (Hazardous Substances) 1992 Regulations. Thus, Hazardous Substance Consent (HSC) was granted. [7.128, 7.129]

12.144 In response to consultation by the Council on the planning application, the HSE raised concerns that the illustrative masterplan showed sensitive development located in the inner and middle consultation zones, affecting the southwest corner of the SGC site. [7.128]

12.145 Griffin Marston Ltd was dissolved in 2015 and no longer exists. The majority of the site is now operated as an agricultural farm machinery business and the rest is leased by Marston Foods Ltd who operate a cold desserts company. Neither company's operations involve the storage of agricultural fertiliser. [7.131]

12.146 The evidence therefore points to the clear inference that there has been a material change of use and that, after that change, there was no further storage of hazardous substances. However, the HSC still exists.

12.147 The Applicants, the Council and the HSE agree that the site is unlikely to be used for the storage of agricultural fertiliser at the current time and has not been used for this purpose for a significant period of time, most likely since 1999. It is agreed between the parties that the original holder of the HSC no longer exists as a legal entity and there has been a further change in the planning use of part of the site which is now

associated with the agricultural farm machinery and food businesses. Furthermore, following this change in use, no application for the continuation of the HSC has been made to the Council. [7.134]

12.148 Therefore, Section 17 of the Hazardous Substance Act 1990 sets out that the HSC is automatically revoked. However, there is no formal process by which such automatic revocation can be proven, other than by seeking declaratory relief from the Courts. The applicants have formally requested that the Council make an application under Section 14 of the above Act to revoke the HSC. [7.132, 7.133]

12.149 Both main parties agree that there is no reason to expect that revocation will not take place well before the determination of any reserved matters application. However, as a contingency, a condition is suggested (No. 44) to ensure that delivery of the phases of the site affected by relevant parts of the consultation zone are not occupied until the HSC has been formally revoked. [7.134]

12.150 In conclusion, the evidence suggests that the HSC has been revoked by virtue of the changes that have occurred at the site and a formal process has been initiated to confirm this. In any event, the suggested planning condition would prevent any occupation of affected dwellings until the HSC has been revoked. Therefore, I am satisfied that the existence of the historic HSC would not be an impediment to the delivery of the site.

Alternative sites

12.151 Representations were made in the Inquiry that there may be more suitable sites for development in the former MDC area than the application site. However, it is not the purpose of the Inquiry to consider the merits of alternative schemes which are not before me. I am obliged to consider the planning merits of the proposed development in making a recommendation to the Secretary of State. [8.111 – 8.119]

Habitats Regulations

12.152 It will be necessary for the Secretary of State to undertake an appropriate assessment under the Habitats Regulations in respect of designated sites. At the Inquiry all parties agreed that there would be no likely significant effects on relevant sites, subject to mitigation secured through the suggested planning conditions. Information to inform an appropriate assessment is at Annex F.

Planning balance

12.153 The Council is unable to demonstrate a five year supply of housing or anything close to it. There is no realistic prospect that the current shortfall will be remedied through the development plan process in the near future. The lack of a five year housing land supply triggers paragraph 11(d) of the Framework. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless one of two exceptions applies.

12.154 The first exception in paragraph 11(d)(i) is whether the application of the Framework's policies that protect areas or assets of particular importance, including those relating to designated heritage assets, provide a strong reason for refusing the development. The second exception in Framework paragraph 11(d)(ii) is whether the adverse impact of granting permission would significantly and demonstrably outweigh

the benefits when assessed against the Framework taken as a whole with particular regard to key policies.

12.155 The most important policies for this case include CP1 and CP6 as they inform the distribution and amount of development. Policy CP1 seeks to direct the majority of development towards the five principal settlements of the former Mendip area of which Frome is the largest. The emphasis is on maximising the re-use of appropriate previously developed sites and other land within existing settlement limits and development in the open countryside will be strictly controlled. Policy CP6 designates Frome as a principal settlement serving a market town role to its wider rural catchment area and during the lifetime of the LPP1 the overarching aim is to improve its self-containment, and 2,300 new homes are to be delivered in line with the needs of the local market and job creation.

Adverse impacts

12.156 Although the proposal would broadly comply with the development plan strategy to direct development towards the principal towns first, it would nevertheless be located within the countryside where development is to be strictly controlled. In this regard, the location of the proposed development would not be in a suitable location having regard to the development plan. There would be conflict with policies CP1 and CP6. These policies are central to the spatial strategy of the development plan.

12.157 However, it is agreed that the Council cannot demonstrate a five year housing land supply. The site is located on the edge of the largest town within the former MDC area and I have found that the proposed development would be sustainably located. As a consequence of the lack of a five year housing land supply and the engagement of paragraph 11(d) of the Framework I find that these policies are out of date. Consequently, I consider that **limited weight** should be given to these policy conflicts in terms of locational suitability.

12.158 There would be adverse visual and landscape impacts as a consequence of the proposed development. Visual impacts would be highly localised to within and immediately adjacent to the application site and would be moderate to major adverse. The landscape effects to the character area B2.5 would be major adverse. There would be minor harm to the wider landscape of the LCA. As such, there would be conflict with Policy DP4 of LPP1. However, having regard to the site's local level of visual containment and the proposed extent of GI mitigation, I attach **moderate weight** to this harm.

12.159 The proposal would fail to preserve the settings of two listed buildings, namely Keyford House and Conservatory and Manor Farmhouse. There would be less than substantial harm to the significance of these listed buildings as a consequence of the changes that would occur to their respective settings. Consequently, there would be conflict with Policy DP3 of LPP1. The Framework states that **great weight** should be given to an asset's conservation irrespective of whether this amounts to less than substantial harm to its significance.

Benefits

12.160 The benefits of the scheme and my weighting are set out below:

- The delivery of up to 1,700 new homes including a policy compliant level of 510 affordable homes, in circumstances where the Council is only able to demonstrate a 2.84 year housing supply – **very significant weight**.
- The delivery of 6.9 ha of dedicated employment land with the potential to generate 565 full time equivalent jobs with an additional 200 jobs in other employment generating space including retail, education and care homes – **significant weight**.
- Creation of between 271 to 350 construction jobs per year that would be sustained over the 15 year build phase – **significant weight**.
- Delivery of highway improvement works to the A36 which would deal with an existing problem and in circumstances where there is no other immediate prospect of securing funding for those works required by Policy DP27 – **moderate weight**.
- Improvements to sustainable transport and active travel assets in Frome, in particular greater frequency of the bus service and geographical coverage and improvements to key active travel corridors – **moderate weight**.
- Delivery of Biodiversity Net Gain, although not a policy requirement for this scheme given that the application was submitted prior to such requirements being made mandatory. The proposals would deliver +11.3% in overall habitat units, hedgerow units of +77.59% and watercourse units of +29.05% - **moderate weight.**
- Provision of Public Open Space and GI that exceeds the relevant policy requirements. Approximately 40% of the site would comprise GI that would be available to new and existing residents of Frome – **moderate weight**.

Heritage balance

12.161 In accordance with paragraph 215 of the Framework and Policy DP3, it is necessary to weigh the less than substantial harm to the significance of the listed buildings against the public benefits arising from the proposed development. All the above benefits can be regarded as public ones. In my view, the public benefits outweigh the harm to the significance of the designated heritage assets, whether those assets are considered individually or collectively. This would provide the clear and convincing justification for the loss of significance required by paragraph 213 of the Framework.

12.162 Therefore, the application of the heritage balance indicates that there would be overall policy compliance with the Framework and Policy DP3. Having regard to paragraph 11(d)(i), the application of the Framework's policies relating to designated heritage assets does not provide a strong reason for refusing the development proposed. While the heritage balance has been passed, it is nevertheless necessary to include the less than substantial harm to heritage assets in the planning balance.

Overall planning balance

12.163 The location of the proposed development would not accord with the spatial strategy of the development plan. However, for the reasons given above, only limited weight should be attached to the relevant policy conflicts. There would be adverse impacts relating to character and appearance and designated heritage assets. However, these carry no more than moderate weight.

12.164 The proposed development would provide benefits comprising other material considerations that carry significant weight in terms of the delivery of market and affordable housing, provision of employment land and job creation. Part 3 of Policy CPP1 sets out that proposed development outside the development limits will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities. In my view, the benefits outlined above would be commensurate with this aspect of the policy.

12.165 There would also be benefits of moderate weight relating to highway improvement works to the A36, improvements to sustainable transport and active travel assets in Frome, biodiversity net gain and the provision of Public Open Space and GI. The Council have a persistent under supply of housing and a plan led solution is several years off. The application scheme would partially address the housing supply position and contribute to the Government's objective of significantly boosting the supply of homes and the provision of affordable housing, as reconfirmed in the recent WMS.

12.166 Notwithstanding the engagement of paragraph 11(d) of the Framework, taking into account the development plan as a whole, and noting which policies are out of date, a flat balancing exercise would support the grant of outline planning permission as, when taken together, the substantial benefits of the scheme comprise other material considerations that would significantly and demonstrably outweigh the harms.

12.167 I conclude that the adverse impacts of the development would not significantly and demonstrably outweigh the substantial benefits of the scheme when assessed against the Framework policies taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

12.168 The proposal would be in a suitable location for housing with regard to national policy. As such, the proposed development benefits from the Framework's presumption in favour of sustainable development. Therefore, material considerations outweigh the conflict with the development plan as a whole and indicate that outline planning permission should be granted.

13. Recommendation

13.1 For the reasons set out above and having had regard to all other matters raised, I recommend that outline planning permission should be granted subject to the imposition of the conditions set out in Annex E to this Report and subject to the provisions in the Section 106 Agreement.

Stephen Normington

INSPECTOR

ANNEX A – APPEARANCES

FOR THE APPLICANT

Paul Tucker KC	Instructed by Matthew Kendrick of Grass Roots Planning

Assisted by Arevik Jackson

They called

Matthew Kendrick BA (Hons), MSc, MRTPI	Director, Grass Roots Planning
Neil Brant MSc, CMILT	Director, Neil Brant Consulting
Peter Baker BA (Hons), DipLA, CMLI	Director, Nugent Vallis Brierley Ltd

Participants on behalf of Applicant in Conditions/s106 Agreement Round Table Session:

Alex Madden, Partner Hugh James
Coral Curtis, Director Grass Roots Planning

FOR SOMERSET COUNCIL

Killian Garvey, Barrister	Instructed by Somerset Council

Council Officer's participating in Conditions/s106 Agreement Round Table Session:

Simon Trafford, Team Leader, Development Management
Gwilym Jones, Planning Consultant and Case Officer
Alison Blom-Cooper, Assistant Director: Strategic Place and Planning
Emma Meechan, Highways Planning Liaison
Hannah Virta, Solicitor Tozers
Francis Gully, Education Property Adviser

INTERESTED PARTIES

Councillor Barry Clarke	Somerset Council
Councillor Shane Collins	Somerset Council
Patricia Smith	Frome and District Civic Society
Councillor Dunk	Somerset Council
Hugh Williams	Somerset CPRE
Mark Pollock	Friends of the River Frome
Lollie Melton	Stop SCG
Jenny Raggett	Transport for New Homes
Justin Thomson	McGregor Smith
Jane Llewwllyn	Frome Town Council
Councillor Richard Hammons	Selwood Parish Council
Peter Quintarna	Frome and District Chamber of Commerce
Katy Duke	Local Resident
Rosemary Ramsey	Local Resident
Racheal MacKay	Local Resident
Tamson Edmunds	Local Resident
Julian Hight	Tree Specialist
Elaine Pugsley	Local Resident
Ken McCall	Local Resident
Jackie Simpson	Local Resident
Sally Williams (read by Barry Clarke)	Local Resident
Lyn Sands	Local Resident
Tina Meldon	Local Resident
Verity Fox (read by Tina Meldon)	Local Resident
Councillor Helen Kay	Somerset Council

ANNEX B

CORE DOCUMENTS (CD)

Core Documents can be accessed at: https://publicaccess.mendip.gov.uk/online-applications/ and quoting the planning application reference 2021/1675/EOUT

CD1 – Development Plan & National Planning Policy	
1.1	Mendip Local Plan Part 1
1.2	Mendip Local Plan Part 2
1.3	Frome Neighbourhood Plan
1.4	Somerset Minerals Plan
1.5	Somerset Waste Core Strategy
1.6	Somerset Minerals Plan Policies Map
1.7	Somerset Minerals Plan Safeguarding Areas Plan
1.8	LPP1 Inspectors Report
1.9	LPP2 Inspectors Report
1.10	Somerset Local Development Scheme 2025
1.11	National Design Guide

CD2 – Application Documents	
2.1	Application Forms
2.2	Location Plan (Ref: 1731-2000-F)
2.3	Illustrative Master Plan (Ref: 1731-2823-M)
2.4a	Land Use Parameter Plan (Ref: 1731-2026 Rev.Q)
2.4b	Building Heights Parameter Plan (Ref: 1731-2027 Rev.S)
2.4c	Green Infrastructure Parameter Plan (Ref: 1731-2028 Rev.N)
2.4d	Density Parameter Plan (Ref: 1731-2029 Rev.H)
2.4e	Access and Movement Parameter Plan (Ref: 1731-2033 Rev.K)

2.4f	Phasing Parameter Plan (Ref: 1731-2034 Rev.C)
2.5a	Proposed three arm roundabout access from Marston Road (Ref: 19016-PHL-A01_ Rev.J)
2.5b	Proposed three arm roundabout access from the A361 (Ski Jump Hill) (Ref: 19016-PHL-B02_ Rev.J)
2.5c	Proposed works to Little Keyford Lane, including the provision of a bus gate and cycle and footway works (Ref: 19016-PHL-C03_ Rev.H)
2.5d	Proposed junction access to southern employment area at Blatchbridge (Ref: 19016-PHL-F02_ Rev.E)
2.6	Design Principles Framework Document v11 (July 2024)
2.7a	Environmental Statement Contents List
2.7b	ES Chapter 1 (Introduction) – June 2025
2.7c	ES Chapter 2 (Scope and Methodology) – June 2025
2.7d	ES Chapter 3 (Site and Scheme Description) – June 2025
2.7e	ES Chapter 4 (Need and Alternative) – June 2025
2.7f	ES Chapter 5 (Transport) – June 2025
2.7g	ES Chapter 6 (Landscape and Visual Impact) – June 2025
2.7h	ES Chapter 7 (Ecology) – June 2025
2.7i	ES Chapter 8 (Hydrology and Flood Risk) – June 2025
2.7j	ES Chapter 9 (Geology and Ground Conditions) – June 2025
2.7k	ES Chapter 10 (Air Quality) – June 2025
2.7l	ES Chapter 11 (Noise) – June 2025
2.7m	ES Chapter 12 (Heritage Assets) – June 2025
2.7n	ES Chapter 13 (Socio Economic) – June 2025
2.7o	ES Chapter 14 (Climate Change) – June 2025
2.7p	ES Chapter 15 (Environmental Management) – June 2025
2.7q	ES Chapter 16 (Statement of Significance) – June 2025
2.8a	ES Chapter 1 (Intro) Appendices

2.8b	ES Chapter 4 (Need and Alternatives) Appendices
2.8c	ES Chapter 5 (Transport) Appendices
2.8d	ES Chapter 6 (Landscape) Appendices: Cover Sheet
2.8e	ES Chapter 6 (Landscape) Appendices: 6A Plan Based Figures
2.8f	ES Chapter 6 (Landscape) Appendices: 6B Viewpoint Photographs
2.8g	ES Chapter 6 (Landscape) Appendices: 6B Viewpoint Photographs
2.8h	ES Chapter 6 (Landscape) Appendices: 6C Verified Views (High Res)
2.8i	ES Chapter 6 (Landscape) Appendices: 6D Technical Photography, 3D Modelling & Verified Visualisations Methodology
2.8j	ES Chapter 7 (Ecology) Appendices
2.8j1	ES Chapter 7 (Ecology) Appendices (BNG Calculations in Excel Formal)
2.8k	ES Chapter 8 (Flood Risk) Appendices
2.8l	ES Chapter 9 (Geology) Appendices
2.8m	ES Chapter 10 (Air Qual) Appendices
2.8n	ES Chapter 11 (Noise) Appendices
2.8o	ES Chapter 12 (Heritage) Appendices
2.8p	ES Chapter 13 (Socio Econ) Appendices
2.8q	ES Chapter 14 (Climate Change) Appendices
2.9	ES Non-Technical Summary
2.10	Planning Statement Dated July 2022 (Superseded by formal Planning Evidence)
2.11	Economic Statement Dated July 2022 (Superseded by Socio Economic Chapter)
2.12	Arboricultural Impact Assessment and Tree Protection Plan
2.13	Design and Access Statement
2.14	Statement of Community Involvement (July 2021)
2.15	Travel Plan Statement v1r6, September 2022
2.16	Preliminary Foul Water Drainage Strategy April 2022

CD3 – Relevant Consultee Responses	
3.1	Historic England response dated 2nd September 2021
3.2	Historic England response dated 20th September 2022
3.3	Historic England response dated 9th April 2024
3.4	Charles Potterton response dated 9th September 2020
3.5	Natural England Response dated 16th September 2021
3.6	Natural England Response dated 30th September 2022
3.7	Natural England Response dated 19th June-2025
3.8	Somerset Ecology Response dated 21st May 2024
3.9	Charles Potterton Response (Landscape) – 3rd November 2021
3.10	Charles Potterton Response (Landscape) – 9th December 2022
3.11	Cranborne Chase Response – 8th September 2021
3.12	Cranborne Chase Comments to PINs – 2nd April 2025
3.13	Local Highways Authority Response dated 20th October 2022
3.14	Highways England response dated 9th September 2021
3.15	National Highways response dated 5th September 2022
3.16	National Highways response dated 7th June 2023
3.17	National Highways responses dated 30th May 2024
3.18	National Highways response dated 28th August 2024
3.19	National Highways response dated 28th August 2024
3.20	Land Drainage Response 4th October 2021
3.21	Land Drainage Response 4th October 2022
3.22	LLFA Response 9th May 2024
3.23	Environment Agency response 6th September 2021
3.24	Environment Agency response 21st September 2022
3.25	Environment Agency response 26th March 2024

3.26	Wessex Water response 17th March 2022
3.27	Wessex Water response 24th May 2022
3.28	Friends of then River Frome 26 March 2024
3.29	Friends of then River Frome 27th November 2024
3.30	Planning Policy Response 10th May 2022
3.31	Frome Town Council Response to PINs 2nd April 2025
3.32	Sport England Response Dated 6th September 2021
3.33	Sport England Response Dated 23rd September 2022
3.34	Sport England Response Dated 14th November 2024
3.35	Network Rail 6th October 2022
3.36	Network Rail 4th March 2024
3.37	Torbay and South Devon NHS Trust 5th March 2024
3.38	Royal United Bath NHS Trust Response 19th January 2023
3.39	Royal United Bath NHS Trust Response 19th June 2024
3.40	Somerset Archaeology Response 230922
3.41	EHO Response 10th January 2022
3.42	Charles Potterton Response Dated 14th November 2022

CD4 – Highways Related Documents	
4.1	Transport Assessment Report v1r4 (May 2021) • Frome Traffic Study – Local Plan Part 2, March 2019 – TA Appendix C • VISSIM Scoping Document, December 2019 – TA Appendix C • Technical Note 1: Surveys and Baseline Conditions, February 2020 – TA • Appendix C • Technical Note 2: Access Road Hierarchy & Strategy, February 2020 – TA Appendix C • Technical Note 3: Non-Motorised User Audit, February 2020 – TA Appendix C • Technical Note 5: Trip Rates, May 2020- TA Appendix N • Technical Note 6: Trip Distribution, May 2020 – TA Appendix O

	• Technical Note 7: Traffic Growth, May 2020 – TA Appendix P • Technical Note 8: Transport Phasing, February 2020 – TA Appendix R • VISSIM Model Calibration & Validation Report TN01, August 2020 – TA Appendix S
4.2a	Jacobs Transport Assessment Scoping Audit (June 2020)
4.2b	WSP Transport Assessment Modelling Review (July 2020)
4.3	VISSIM Modelling Report TN02 v1 (October 2020)
4.4	Travel Plan Statement v1r3 (May 2021)
4.5	WSP Transport Assessment Modelling Review (September 2021)
4.6	SCC Feedback Form for Travel Plans (August 2021)
4.7	SCC Feasibility Road Safety Audit (September 2021)
4.8	Technical Note 10: Travel Plan Audit Response v1r1 (November 2021)
4.9	Technical Note 11: Road Safety Audit Response v1r1 (November 2021)
4.10	Technical Note 11: Road Safety Audit Response v1r1 (November 2021)
4.11	Technical Note 13: MDC Sustainable Travel Audit Response (November 2021)
4.12	Technical Note 14: Off-Site Active Travel Corridors (February 2022)
4.13	Technical Note 15: National Highways Traffic Generation (February 2022)
4.14	Technical Note 16: National Highways Wider Impacts (March 2022)
4.15	Technical Note 17: Sustainable Access & Movements (May 2022)
4.16	Technical Note 18: Bus Subsidy (May 2022)
4.17	VISSIM Modelling Report TN02 v2 (May 2022)
4.18	Junctions9 Modelling Assessment TN03 v1 (May 2022)
4.19	Travel Plan Statement v1r4 (June 2022)
4.20	Technical Note 10: Travel Plan Audit Response v1r2 (updated June 2022)
4.21	Technical Note 12: Transport Assessment Audit Response v1r2 (updated June 2022)
4.22	Travel Plan Statement v1r6 – Final Agreed (September 2022)

4.23	SCC Response to development management consultation request (October 2022)
4.24	GG104 A36 Safety Risk Assessment (February 2024)
4.25	GG119 A36 Road Safety Audit (August 2023)
4.26	GG119 A36 Road Safety Audit (December 2023)
4.27	GG119 Road Safety & Technical Audit – Designers Response Log
4.28	GG142 A36 Walking, Cycling and Horse Riding Assessment & Review Exemption (October 2023)
4.29	A36 VISSIM Final Modelling Outputs (May 2024)
4.30	A36 VISSIM Final Modelling Outputs (May 2024)
4.31	SCC Transport Policies: Parking Strategy (September 2013)
4.32	Somerset Councils Electric Vehicle Charging Strategy (August 2023)
4.33	Somerset County Council, Transport Policies – Travel Planning Guidance (SCC, 2011)
4.34	SGC Preliminary Street Design Code
4.35a	A36 Highway Mitigation Works: Dwg. No. 19016-PHL-302J – White Row Roundabout Phase ½
4.35b	A36 Highway Mitigation Works: Dwg. No. 19016-PHL-304F – White Row Roundabout Phase 3
4.35c	A36 Highway Mitigation Works: Dwg. No. 19016-PHL-402J – Beckington Roundabout Phase ½
4.36	Somerset County Council, Streets in Residential Developments: Design Guidance Notes (SCC, December 2021)
4.37	MHCLG National Design Guide: Planning practice guidance for beautiful, enduring and successful places (2021)
4.38	Frome Local Cycling and Walking Infrastructure Plan (LCWIP) (March 2023)
4.39	Peninsula Transport Sub-National Transport Body Strategic Implementation Plan 2025-2050 (March 2025)
4.40	The Mulberry Park Hub, Bath

4.41	Department for Transport, LTN1/20 Cycle Infrastructure Design (HMSO, 2020)
4.42	Somerset Council: Route Analysis Report – A361 (November 2024)
4.43	Highways England MDC Local Plan Part 2 Matter 7 Representation (June 2019)
4.44	GoAhead & Stagecoach, Bus Services & Residential Development 2nd Edition (January 2025)
4.45	Manual for Streets

CD5 – Landscape Related Documents	
5.1	GLVIA (Hard Copies only due to licencing issues)
5.2a	Strategic Landscape & Visual Appraisal (SLVA) February 2018
5.2b	Strategic Landscape & Visual Appraisal (SLVA) – Appendices
5.3	Mendip Landscape Character Assessment (2020) – Online Only https://macgregorsmith.co.uk/mendip/landscape-types.html
5.4	Somerset Council's, Mendip "Supplementary Planning Document; Greenspace, Adopted 6th February 2023
5.5	Cranborne Chase National Landscape Management Plan 2019-2024
5.6	Proposed Site Sections – Northen Area
5.7	Plan of LLP2 Sites
5.8	Potterton Suggested Additional Viewpoints
5.9	Lighting Strategy
5.10	DRP Presentation
5.11	Assessing landscape value outside national designations
5.12	Charles Potterton Landscape Constraints Diagram September 2020
5.13	Superseded Illustrative Master Plan Rev D
5.14	Viewpoint Locations Plan 2020 (rev B)
5.15	HSE Zonation Plan
5.16	Charles Potterton Draft Consultation Response Sept 2020

5.17	HSE Response
5.18	Hedgerow Value Plan
5.19	Somerset Landscape Character Assessment

CD6 – Planning	
6.1	Mendip Housing Completions 2024
6.2	Mendip Affordable Housing Completions 2024
6.3	Five Year Housing Land Supply All Districts March 2025
6.4	HCA -calculating-cost-per-jobâ-best-practice-note-3rd-edition-2015
6.5	Mendip Employment Land and Premises Monitoring Report 2020
6.6	Email from Affordable Housing Officer 12th May 2025
6.7	Email from Affordable Housing Officer 20th May 2015
6.8	Strategic Housing Market Assessment_Oct2016
6.9	National Housing Federation: People in Housing Need (September 2020)
6.10	Agenda-item-4-For-decsion-whether-to-declare-a-housing-crisis
6.11	Lichfield's Start to Finish Report

CD7 – Documents Relating to Relevant Applications in the Area	
7.1	Landscaping Master Plan for 2024_0428_REM (Part of LLP2 site FR2 – undetermined)
7.2	Revised Site Layout for 2021_1659_REM (Part of FR2)
7.3	Illustrative Master Plan for 2019/1671/OTS (original outline for FR2)
7.4	Reserved Matters Layout for 2023_0634 (Site FR4)
7.5	Master Plan for Outline 2020_0341_OTS (Site FR4)
7.6	Site Layout for 2022_0529_FUL (Site FR3)
7.7	Site Layout for 2019_3076_FUL (Site FR5)

CD8 – Relevant Appeal Decisions and Judgments	
8.1	NRS Saredon Aggregates Limited v The Secretary of State for Levelling Up, Housing and Communities, Worcestershire County Council v Stop the Quarry Campaign [2023] EWHC 2795 (Admin)
8.2	Barnwell Manor Wind Energy Limited v East Northamptonshire District Council, English Heritage, National Trust, The Secretary of State for Communities and Local Government [2014] EWCA Civ 137
8.3	R. (on the application of Palmer) v Herefordshire Council [2016] EWCA Civ 1061
8.4	Monkhill Limited v Secretary of State for Housing, Communities and Local Government, Waverley Borough Council [2019] EWHC 1993 (Admin)
8.5	R. (Mount Cook Land Ltd) v Westminster City Council [2004] 2 P. & C. R. 405, per Auld LJ, and Derbyshire Dales District Council v Secretary of State for Communities and Local Government [2010] 1 P. & C.R. 19, per Carnwath LJ
8.6	Basingstoke and Deane Borough Council v Secretary of State for Levelling Up, Housing and Communities Bewley Homes plc [2024] EWHC 1916 (Admin)
8.7	Hopkins Homes Ltd v Secretary of State for Communities and Local Government and another [2017] UKSC 37
8.8	The Queen (on the application of Ms Elaine Martin) v Folkestone and Hythe District Council [2020] EWHC 1614 (Admin)
8.9	Mrs Heini Wathen-Fayed v Secretary of State for Levelling UP, Housing and Communities v Horizon Cremation Limited, Tandridge District Council [2023] EWHC 92 (Admin)
8.10	Appeal Decision relating to Land at Rectory Farm (North), Chescombe Road, Yatton BS49 4BZ (APP/D0121/W/24/3343144)
8.11	Appeal Decision Relating to Land at Ham Road, Faversham, Kent ME13 7TX (APP/V2255/W/24/3350524)

CD9 – Miscellaneous	
9.1	Bat Conservation Trust's and Institution of Lighting Professional guidelines (2018)

9.2	Institution of Lighting Professionals' "Guidance Note 1 for the reduction of obtrusive light 2021"
9.3	December 2024 Committee Report
9.4	February 2025 Committee Report
9.5	March 2025 Committee Report
9.6	Minutes of December 2024 Committee Meeting
9.7	Mell Valley SAC Guidance Note (May 2019)
9.8	Wessex Water Planning Liaison Guidance Note: Capacity Appraisal
9.9	Met Office Annual Assessment 2024
9.10	Met Office Climate Change Summary 2023
9.11	Somerset Levels and Moors Ramsar – Catchment Map June 2024
9.12	Extract of Environment Agency Guidance: 'National flood risk standing advice for local planning authorities'

ANNEX C

DOCUMENTS SUBMITTED DURING THE INQUIRY (ID)

Inquiry Documents can be accessed at: https://publicaccess.mendip.gov.uk/online-applications/ and quoting the planning application reference 2021/1675/EOUT

Inquiry Document (ID)	Description of Document	Date Submitted
ID1	Emails from Cranbourne Chase regarding lighting	05.08.2025
ID2	Grass Roots Ecology response – Moths	05.08.2025
ID3	Appellant Note regarding Hazardous Substance Consent	05.08.2025
ID4	List of suggested planning conditions post exchange with Council 31.07.2025	05.08.2025
ID5	List of suggested planning conditions post exchange with Council 31.07.2025 with tracked changes	05.08.2025
ID6	Draft Section 106 Agreement	05.08.2025
ID7	Applicant Opening Statement	05.08.2025
ID8	Council Opening Statement	05.08.2025
ID9	Speaking Note Pat Smith	05.08.2025
ID10	Speaking Note Justin Thomson	05.08.2025
ID11	Speaking Note Katy Duke and maps referred to	05.08.2025
ID12	Speaking Note of Julian Height regarding trees	05.08.2025
ID13	Speaking Note Councillor Dunk	05.08.2025
ID14	Speaking Note of Hugh Williams Somerset CPRE	06.08.2025
ID15	Speaking Note of Peter Quintana – Frome Chamber of Commerce	06.08.2025
ID16	Speaking Note of Richard Hammons – Selwood Parish Council	06.08.2025
ID17	Speaking Note of Jane Llewellyn – Frome Town Council	06.08.2025

ID18	Hard copy extract CD5.3 Landscape and Visual Appraisal	06.08.2025
ID19	Speaking Note of Councillor Barry Clarke	06.08.2025
ID20	Speaking Note of Mark Pollock on behalf of Friends of the River Frome suggested amendments to planning conditions	06.08.2025
ID21	Suggested amendments to planning conditions by Frome Civic Society	06.08.2025
ID22	Friends of the River Frome comments on draft S106 Planning Agreement	06.08.2025
ID23	Speaking Note of Verity Fox	06.08.2025
ID24	Agreed Site Visit Itinerary and Map	06.08.2025
ID25	Draft CIL Compliance Statement	06.08.2025
ID26	Speaking Note of Lyn Sands	06.08.2025
ID27	Speaking Note of Sally Williams (presented by Councillor Barry Clarke)	07.08.2025
ID28	Revised draft S106 Agreement – date 6 August 2025	07.08.2025
ID29	Draft Deed of Obligation – Landowners	07.08.2025
ID30	Email from Lighting Consultant (QODA) regarding light spill	07.08.2025
ID31	Speaking Note of Tina Melton	07.08.2025
ID32	Speaking Note of Councillor Helen Kay	07.08.2025
ID33	Council Statement of 5 year Housing Land Supply 2025	07.08.2025
ID34	Suggested amendments to planning conditions and S106 Agreement proposed by Selwood Parish Council	08.08.2025
ID35	HSE Revised Consultation Zones Plan	08.08.2025
ID36	Revised schedule of suggested planning conditions dated 7 August 2025	08.08.2025
ID37	Speaking Note and Statement of Jenny Raggett – Transport for New Homes	08.08.2025

ID38	Speaking Note of Ken McCall	08.08.2025
ID39	Applicant Note 5 year Housing Land Supply	08.08.2025
ID40	Applicant Closing Submissions	08.08.2025
ID41	Speaking Note of Lollie Melton on behalf of Stop Selwood Garden Community	08.08.2025

ANNEX D

LIST OF DOCUMENTS REQUESTED BY THE INSPECTOR AND SUBMITTED AFTER THE CLOSE OF THE ORAL SESSIONS OF THE INQUIRY

ID42	Amended version of Applicant Closing Submissions with typographical corrections	13.08.2025
ID43	1731–2034-D Parameter Plan 6 – Phasing (no layout)	13.08.2025
ID44	1731–2034-D Parameter Plan	13.08.2025
ID45	397 A5 MJK 110825 Note on Infrastructure Gaps	13.08.2025
ID46	A361 Paddles Lane Crossing v1r) Rev A Plan and note in respect of the informal pedestrian crossing of A361 Frome Bypass – Paddles Lane to FR14/39A	14.08.2025
ID47	Revised Schedule of Suggested Planning Conditions	01.09.2025
ID48	Signed and completed S106 Agreement	02.10.2025
ID49	CIL Compliance Statement	02.10.2025
ID50	Education Contribution Statement	02.10.2025

ANNEX E – SCHEDULE OF RECOMMENDED CONDITIONS

1) **Outline Reserved Matters Time Limit (Compliance)**

(a) No phase, as defined on approved plan 'Parameter Plan 6 – Phasing (Ref: 1731.2034 Rev.D) of the development hereby approved shall be commenced unless and until an application for written approval of the matters reserved by this planning permission (the Reserved Matters) in respect of that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The Reserved Matters applications shall include plans, sections and elevations (as appropriate) detailing:

- Access
- Layout
- Scale
- Appearance
- Landscaping

(b) The first application for approval of the Reserved Matters shall be submitted not later than the expiration of two years from the date of this permission;

(c) The development shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the first of the Reserved Matters to be approved whichever is the latest.

2) **Plans List**

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

- Site Location Plan (Ref: 1731.2000 Rev F)
- Parameter Plan 1 – Land Use (Ref: 1731.2026 Rev.Q)
- Parameter Plan 2 – Building Heights (Ref: 1731.2027 Rev.S)
- Parameter Plan 3 – Green Infrastructure (Ref: 1731.2028 Rev.N)
- Parameter Plan 4 – Density (Ref: 1731.2029 Rev.H)
- Parameter Plan 5 – Access (Ref: 1731.2033 Rev.K)
- Parameter Plan 6 – Phasing (Ref: 1731.2034 Rev.D)
- Proposed three arm roundabout access from Marston Road (Ref: 19016-PHL-A01_ Rev.J)
- Proposed three arm roundabout access from the A361 (Ski Jump Hill) (Ref: 19016-PHL-B02_ Rev.J)
- Proposed works to Little Keyford Lane, including the provision of a bus gate and cycle and footway works (Ref: 19016-PHL-C03_ Rev.H)
- Proposed junction access to southern employment area at Blatchbridge (Ref: 19016-PHL-F02_ Rev.E)
- Design Principles Framework Document v11 (July 2024)

3) **Site Wide Infrastructure Plan**

No part of the development hereby approved shall be commenced unless and until a Site Wide Infrastructure Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Wide Infrastructure Plan shall include details of the following:

(a) Spine Road network

(b) Strategic open space and Green Infrastructure

(c) Surface water drainage, informed by the results of the updated hydraulic model undertaken in connection with Condition 20

(d) Foul water drainage

(e) The Active Travel Bridge over the River Frome

The Site Wide Infrastructure Plan shall include a timetable for implementation. The development shall be implemented in accordance with the approved Site Wide Infrastructure Plan.

4) **Phasing (Details)**

Each Reserved Matters application shall comprise a phase of the development (as shown on Drawing 1731.2034 Rev.D) and shall include details of the sequencing and programme for the construction and completion of buildings, roads, cycle routes and footpaths; landscaping and areas of public realm including the provision of Neighbourhood and Local Equipped Areas of Play and Local Areas of Play; and the location of fire hydrants.

The development shall be implemented in accordance with the approved details.

5) **Land Use Reconciliation (Compliance)**

Each Reserved Matters application shall be accompanied by a Reconciliation Statement specifying:

(a) what is proposed in the Reserved Matters application;

(b) what is permitted by this outline permission but not the subject of Reserved Matters application or approval;

(c) what has been completed at the date of the Reserved Matters application; and

(d) what has Reserved Matters approval but is not built.

The Reconciliation Statement shall demonstrate how the development the subject of the Reserved Matters application is consistent with the overall proposals for the site as established by the approved Parameter Plans.

The Reconciliation Statement shall include a development table which shall include details of the following:

(a) The Use Class and floor area of all non-residential use(s) (sqm GIA) by reference to the approved Land Use Parameter Plan (Ref: 1731-2026-Q); and

(b) The number of dwellings and housing mix (Use Class C3).

6) **Design Codes**

Prior to the submission of any Reserved Matters application(s), detailed Design Codes for the phase of development to which it relates shall be submitted to and approved in writing by the Local Planning Authority. The Design Codes shall include details of:

(a) Site layout principles;

(b) Architectural strategy and design styles relevant to that phase;

(c) Block types, separation distances, building depths and house types;

(d) Facing and roofing materials, boundary treatments;

(e) Hard and soft landscaping and public realm strategy including materials and surfacing types; and

(f) Sustainable construction techniques, on-site renewable energy generation and carbon emission reduction measures.

These details will be in compliance with the approved Design Principles Framework Document.

The relevant phase of the development shall be implemented in accordance with the approved Design Code.

7) **Compliance Statement**

Applications for the approval of Reserved Matters shall be accompanied by a statement demonstrating how they accord with the approved Parameter Plans and the approved Design Codes.

8) **Noise Mitigation**

Each Reserved Matters application for new dwellings shall include details of noise mitigation (where required) to support the indicative design specification for residential properties within and adjoining the site as detailed in 11.7 (Mitigation Measures & Monitoring) and 11.8 (External Noise Affecting the Proposed New Housing) of the Environmental Statement. The approved measures shall be implemented prior to first occupation of any dwelling requiring the measures. All sound level measurements are to be expressed as ‘A’ weighted “Fast” response levels.

9) **Electric Vehicle Charging**

Each Reserved Matters application shall include a detailed plan of the location and specification of Electric Vehicle (EV) charging provision in accordance with the Somerset Parking Strategy, or any relevant document that supersedes this guidance.

The approved vehicle charging points for each dwelling in each phase shall be provided and operational prior to occupation of that dwelling and shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

With respect to non-residential development, the approved vehicle charging points shall be provided and operational prior to occupation of each non-residential building to which the charging points relate.

10) **Material Samples**

Each application for approval of Reserved Matters shall include a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, for the phase of development to which it relates, in accordance with the approved Design Codes set out in condition 6. The relevant phase of the development shall thereafter be carried out only in accordance with the approved schedule of materials.

11) **Hard and Soft Landscaping**

Each application for approval of Reserved Matters shall include a hard and soft landscaping/planting scheme for the phase of the development to which it relates, which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

(a) size, species and positions for new trees and plants;

(b) details of boundary treatments, including any walls, bunds, and/or fences;

(c) surfacing materials (including parking, turning, roadways, drives, patios and paths);

(d) any retained trees/plants including confirmation of protection measures for all existing trees on the site that are to be safeguarded in accordance with BS5837:2012;

(e) Scope of ground works to be undertaken including a soil management plan that qualifies the extent of any soil to be exported from the site; and

(f) a detailed programme of implementation.

The approved landscaping/planting scheme shall be implemented in full within the first available planting season from the date of commencement of the relevant phase of the development. No trees/plants shown as retained shall be removed or otherwise damaged.

Any trees or plants indicated on the approved scheme (including retained trees/plants) which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

12) **Construction Environmental Management Plan (Residential Amenity)**

Each phase of the development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in order to ensure the safe operation of the highway and minimise the effect of noise, odour and dust from the demolition, preparatory groundworks and construction phases of development on occupiers of nearby properties in the interests of residential amenity and sustainable development.

The CEMP shall include, the following:

(a) Details of the routing of delivery and construction vehicles to/from the site

(b) Details of the working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site;

(c) Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration;

(d) Details for the safe disposal of waste materials confirming that no burning of site generated waste is permitted;

(e) Delivery and construction working hours;

(f) Loading and unloading of plant and materials;

(g) Storage of plant and materials used in constructing the development;

(h) Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities;

(i) Prevention of nuisance caused by radios, alarms, PA systems or raised voices;

(j) The parking of vehicles of site operatives and visitors; and

(k) Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to ground or watercourses. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within any flow routes.

Noise generating activities shall not occur outside of the following hours:

Mon – Fri 08:00-18:00

Sat – 08:00 – 13:00

All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

13) **Construction Environmental Management Plan (Biodiversity)**

A Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted with each Reserved Matters application for the phase of the development to which it relates. The CEMP: Biodiversity shall include the following:

(a) Risk assessment of potentially damaging construction activities to existing ecological habitat;

(b) Identification of biodiversity protection zones;

(c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including matters raised in the Environmental Statement '7.0 Chapter 7: Ecology & Nature Conservation' and associated appendices (dated June 2025) in addition to any recommendations obtained from updated ecological and habitat surveys where deemed appropriate by a suitably qualified ecological consultant;

(d) The location and timing of sensitive works to avoid harm to biodiversity features;

(e) The times during construction when specialist ecologists need to be present on site to oversee works;

(f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;

(g) The role and responsibilities on site of the employed ecological clerk of works (EcoW) or similarly competent person responsible for overseeing the delivery of the approved CEMP Biodiversity, including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases);

(h) Use of protective fences, exclusion barriers and warning signs; and

(i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

No development of the relevant phase shall commence until the CEMP: Biodiversity has been approved in writing by the Local Planning Authority and the development of that phase shall thereafter be carried out in accordance with the approved details.

14) **Lux Contour Plan (Lighting Strategy)**

A Lighting Strategy (including biodiversity impact) shall be submitted with each Reserved Matters application for the phase of the development to which it relates. The Lighting Strategy shall:

(a) Identify those areas/features of the site that are particularly sensitive for bats and other identified light sensitive species identified in documents titled 'Outline Horseshoe Bat Mitigation Strategy' (contained in appendix 7.C of the June 2025 Environmental Statement) that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging.

(b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

(c) The design should accord with Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

(d) Show the design is broadly consistent with the principles set out within the 'Outline Horseshoe Bat Mitigation Strategy' contained in appendix 7.C of the June 2025 Environmental Statement.

(e) Demonstrate that the proposed lighting includes luminaire columns that have an Upward Lighting Ration of 0 value and meets the requirements of Environmental Lighting Zone E1.

No development of the relevant phase shall commence until the Lighting Strategy has been approved in writing by the Local Planning Authority and all external lighting shall thereafter be installed in accordance with the approved specifications and locations set out in the approved Lighting Strategy and shall be maintained thereafter in accordance with the said strategy.

No external lighting shall be installed on any external surface, including houses, other than in accordance with a scheme which has first been submitted to, and agreed in writing by the Local Planning Authority.

15) **Further Updated or Supplementary Surveys (Habitats, Badgers, Bats, Reptiles, Water voles, Otters, Invertebrates, Hazel Dormouse, Birds)**

No works shall commence on a phase until updated supplementary ecological surveys for habitats, badgers, bats, reptiles, water voles, otters, invertebrates, hazel dormouse and birds of that phase of the site have been undertaken submitted and approved in writing by the Local Planning Authority as part of any Reserved Matters

application. Surveys shall be undertaken in accordance with the most up-to-date good practice guidelines pertaining to the respective habitats and species.

16) **Reptile Mitigation Strategy**

No development of a phase shall take place (including ground works or vegetation clearance) until a Reptile Mitigation Strategy (if deemed necessary by virtue of the requirements under Condition 15) for that phase has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include the following:

(a) The proposed construction working practices to avoid harming reptiles;

(b) Details of proposed location, to accommodate any reptiles discovered during the works;

(c) The timing of works to minimise the impact on reptiles; and

(d) If required, details of the location and status of translocation site.

The development of the relevant phase shall thereafter be carried out strictly in accordance with the approved Reptile Mitigation Strategy.

17) **Biodiversity Enhancement and Management Plan (BEMP)**

A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted with each Reserved Matters application for the phase to which it relates. The BEMP will include details of the proposed enhancements as outlined in the Environmental Statement 'Chapter 7: Ecology & Nature Conservation' and relevant appendices (dated June 2025).

No development of a phase shall commence until the BEMP for that phase has been approved in writing by the Local Planning Authority and the development of that phase shall thereafter be carried out in accordance with the approved BEMP.

18) **Post Construction Biodiversity Monitoring**

No phase of the development shall commence, including demolition, ground works and vegetation clearance, until a Biodiversity Monitoring Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The purpose of the Biodiversity Monitoring Strategy shall be to monitor retained, enhanced, and created habitats as well as associated protected species which they are designed for. The content of the Biodiversity Monitoring Strategy shall be in accordance with the Habitat Management and Monitoring Plan (HMMP) as outlined in the HMMP guidance template provided by Natural England and shall include the following details:

(a) Aims and objectives of monitoring to match the stated purpose;

(b) Identification of adequate baseline conditions prior to the start of development;

(c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;

(d) Methods for data gathering and analysis;

(e) Location of monitoring;

(f) Timing and duration of monitoring;

(g) Responsible persons and lines of communication; and

(h) Review, and where appropriate, publication of results and outcomes;

The Biodiversity Monitoring Strategy for the relevant phase will be implemented in accordance with the approved details.

A report describing the results of monitoring shall be submitted to and approved by the Local Planning Authority at intervals identified in the approved Biodiversity Monitoring Strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, approved by the Local Planning Authority, and then implemented so that the development cumulatively delivers the fully functioning biodiversity objectives of the originally approved scheme.

19) **Roost Compensation (bats)**

No development of any phase shall commence until details of roosting compensatory measures to be provided in the design of the buildings in that phase, in accordance with the results of the updated bat activity surveys submitted under Condition 15, have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location of roost entrances and internal details. Any areas that are accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats. Modern roofing membranes will not be permitted in areas which are accessible to bats. Any timbers that are to be retained and requiring remedial timber treatment should only be treated with 'bat friendly' chemicals (see https://www.gov.uk/guidance/bat-roosts-use-of-chemical-pest-control-products-and-timber-treatments-in-or-near-them).

The compensatory measures will be implemented in strict accordance with the approved design and maintained for the exclusive use of bats thereafter.

20) **Surface Water Drainage**

No development of any phase shall be commenced until details of the sustainable surface water drainage scheme (SuDs) to control and attenuate surface water for that phase, in accordance with the details approved under Condition 3 (Site-Wide Drainage Infrastructure) to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by the National Planning Policy Framework (2023) and the Flood and Water Management Act 2010, has been submitted to and approved in writing by the Local Planning Authority.

This shall include the following details:

a) Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water

discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. These proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design;

b) Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:

i) Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.

ii) Where relevant, calculations should consider the use of surcharged outfall conditions.

iii) Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates. Results should be provided as a summary for each return period (as opposed to each individual storm event). Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network;

c) Detailed drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific;

d) Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk; and

e) Details on watercourse crossings, any works to watercourses and outfall locations.

The development of the relevant phase shall be implemented in accordance with the approved details for that phase and maintained at all times thereafter.

21) **Surface Water Drainage (Updated Hydraulic Model**)

No development shall commence until an updated hydraulic model with the most up to date climate change figures been submitted to and approved in writing by the Local Planning Authority. The development shall include measures to control and manage flooding from all sources and prevent flooding to infrastructure and dwellings.

The development shall be implemented in accordance with the approved measures to control and manage flooding from all sources and prevent flooding to infrastructure and dwellings. Such measures shall be maintained at all times thereafter.

22) **Surface Water Drainage: Management and Maintenance**

No phase of the development shall be occupied or brought into use until a scheme for the future management responsibility and maintenance of the surface water

drainage system serving that phase has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the following details:

(a) Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed application under Section 104 of Water Industry Act 1991) or management company; and

(b) A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.

The development of the relevant phase shall be implemented in accordance with the approved scheme.

23) **Foul Drainage Strategy**

A detailed foul drainage strategy must be submitted with every Reserved Matters application, in accordance with the details approved under Condition 3 (Site-Wide Drainage Infrastructure Strategy) which shall be approved in writing by the Local Planning Authority. The detailed foul drainage strategy must be in broad accordance with the Preliminary Foul Water Drainage Strategy VD19204A and show how the phase, where necessary, facilitates connections for future phases in accordance with VD19204A in accordance with a timetable to be agreed. The Foul Drainage Strategy for the whole site, and for each phase, should demonstrate how additional storage capacity will be delivered and operational prior to the occupation of any building within each Reserved Matters application phase.

The development shall be implemented in accordance with the approved detailed strategy and maintained at all times thereafter.

24) **Pollution Prevention (Construction)**

No development on each phase approved by this permission shall be commenced until a scheme for prevention of pollution during the construction of the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The scheme should include details of the following:

(a) Site security including hoarding, bunding;

(b) Fuel oil storage, bunding, delivery and use;

(c) How both minor and major spillage will be dealt with;

(d) Containment of silt/soil contaminated run-off;

(e) Disposal of contaminated drainage, including water pumped from excavations;

(f) Site induction for workforce highlighting pollution prevention and awareness;

(g) A control/management plan for Himalayan balsam on the site; and

(h) Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

The development shall be undertaken in accordance with the approved details for the duration of development within that phase.

25) **Contaminated Land Assessment**

No development shall commence for each phase unless an investigation and risk assessment of the nature and extent of contamination on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This risk assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The risk assessment shall consider all previous uses and shall be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM) 2019'. The risk assessment and written submission shall include:

(a) a survey of the nature, extent and significance of any contamination;

(b) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments; and

(c) an appraisal of remedial options, and proposal and justification for the preferred option(s).

26) **Submission of Remediation Scheme**

Unless the findings of the approved investigation and risk assessment required by Condition 25 conclude that a remediation scheme is not required, no development in that phase shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, ecological systems, buildings and other property and sites of historical interest, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall include:

(a) Details of all works to be undertaken.

(b) Proposed remediation objectives and remediation criteria.

(c) Timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures.

(d) Where required, a monitoring and maintenance programme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

(e) Where required, additional contingency measures designed to safeguard future users and receptors.

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of each phase of development (other than those works required to carry out remediation) or in accordance with the approved timetable of works.

27) **Verification Reporting**

Unless the findings of the approved investigation and risk assessment required by Condition 25 conclude that a remediation scheme is not required, no occupation of each phase shall be permitted (or where the site is subject to an already approved phasing plan, there shall be no occupation of any part of each phase) until a verification report has been submitted to and approved in writing by the Local Planning Authority. The verification report shall confirm that the approved remediation required by Condition 26 has been completed and demonstrate the effectiveness of the remediation carried out.

28) **Reporting of Unexpected Contamination**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless revised arrangements for remediation have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and, where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised remediation scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the remediation scheme approved pursuant to Condition 26.

29) **Programme of Works in Accordance with a Written Scheme of Archaeological Investigation**

No development hereby permitted for each phase shall commence until a programme of archaeological work is implemented in accordance with a Written Scheme of Investigation (WSI) to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The WSI shall include details of the archaeological investigations including geophysical survey, trial trenching and potential mitigations. A subsequent report must be produced if the archaeological evaluation leads to further excavations on the site. The development hereby permitted shall be carried out in accordance with the approved WSI.

30) **Archaeology and Ensuring Completion of Works**

No building shall be occupied on each phase until the site archaeological investigation required by Condition 29 has been completed and post-excavation analysis has been initiated in accordance with the approved WSI and provision for analysis, dissemination of results and archive deposition has been secured.

31) **Secure By Design**

Each Reserved Matters application shall include a statement demonstrating how the design and layout of that part of the development will achieve the objectives set out in the relevant Secure by Design Guide(s). The design and layout shall be implemented in accordance with the approved details.

32) **Plant & Equipment Installation (Noise)**

Prior to installation details of any plant and equipment on non-residential buildings (including kitchen ventilation and extraction systems and any new refrigeration/air conditioning plant) shall be submitted to an approved in writing by the Local Planning Authority. The rating of the noise emitted from fixed plant on the site shall be a minimum of 5dB below the existing background level at any time. The noise levels shall be determined at the I of any noise sensitive property. The measurements and assessments shall be made by a suitably qualified acoustic consultant according to BS 4142:2014: Noise from Fixed Plant and Machinery (General). That part of the development shall not be occupied until the details and any necessary and approved mitigation scheme has been implemented in full.

33) **Class E – Hours of Use**

Any floorspace occupied by Use Class E a), b), c) shall be open to customers only between the hours of 07.00am- 22.00pm Monday to Sunday. No deliveries to premises occupied for these uses shall be taken at or dispatched and no delivery vehicles shall park within the application site outside these hours.

34) **Highway Details**

The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details for each phase which have first been submitted to and approved in writing by the Local Planning Authority.

For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority, and approved, before the commencement of each phase of the development.

The proposed roads, including footpaths and where applicable turning spaces and cycle way connections, shall be constructed in accordance with the approved details, in such a manner as to ensure that each dwelling before it is occupied shall be

served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

35) **A36 Junction Works Phase 1**

No more than 400 dwellings or up to 6,500sqm of employment (Classes E, B2 and B8) floorspace shall be occupied prior to the delivery of improvement works to the A36 White Row and A36 Beckington junctions as generally shown on drawings 19016-PHL-302 Rev J and 19016-PHL-402 Rev J, or an alternative scheme which provides equal or greater capacity and safety benefit as may be approved in writing by the Local Planning Authority (who shall consult with National Highways), has been completed in accordance with the Local Planning Authority's approval and are open to traffic.

36) **A36 Junction Monitoring**

The Applicant/Developer shall commission annual monitoring surveys of the A36 northbound approach to the A36 'White Row' roundabout junction, following the occupation of the 401st dwelling or in excess of 6,500 sqm of employment (Classes E, B2 and B8) floorspace (the 'Trigger Point') and until the first anniversary of 90% occupation of the whole development hereby approved.

The surveys shall be undertaken over a two week period, during term time in a neutral month and the survey timing, methodology and definition of a queue length shall be approved in writing by the Local Planning Authority in consultation with National Highways within six months of the Trigger Point. The survey findings and data shall be presented in a report (the survey report), and submitted to the Local Planning Authority within 1 calendar month of the survey being undertaken.

In the event that the survey identifies that the 'Phase 2' works to the A36 'White Row' roundabout are required, as set out in drawing referenced 19106-PHL-304 Rev E (or other scheme as approved by the Local Planning Authority, no further monitoring surveys are required.

37) **A36 'Phase 2' Works**

If the survey report required by Condition 36 records that the A36 northbound queue length to the White Row roundabout, measured from the roundabout entry point, exceeds 700m for a cumulative duration of 100 minutes measured over 10 consecutive surveyed working days, then junction improvement (i.e. 'Phase 2') works shall be undertaken in general accordance with Drawing referenced 19106-PHL-304 Rev E, or other scheme as approved by the Local Planning Authority.

There shall be no further occupations on the development if the works have not been completed in accordance with the Local Planning Authority's approval and are not open to traffic within 24 months of the survey report's submission.

38) **Temporary Diversion of Public Rights of Way**

No development (including site clearance, groundworks, or construction) shall commence on individual phases that affect Public Rights of Way FR14/39 and FR14/40 and bridleway FR14/UN, until a scheme for the temporary diversion of these rights of way has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

(a) A scaled plan showing the proposed temporary diversion route, including connection points to the existing public right of way network;

(b) Details of the surface treatment, width, gradients, and any structures to be provided along the temporary route to ensure accessibility for all users;

(c) Signage proposals to clearly direct users along the temporary route, both at the diversion points and at appropriate intervals along the route; and

(d) A timetable for implementation and removal of the temporary diversion, including reinstatement of the original route (or alternative permanent alignment if agreed).

The approved scheme shall be implemented in full prior to the temporary closure of the existing route and maintained for the duration of the diversion period.

39) **Access to Employment Centre Infrastructure and Marketing**

The proposed highway infrastructure and associated drainage and utility infrastructure to service the Blatchbridge Employment centre as shown on approved plan 19016-PHL-F02 Rev.E shall be implemented in full within three years of the commencement of the development.

Within three months of the highway infrastructure and associated drainage and utility infrastructure approved being completed, a marketing scheme for the serviced employment land must be submitted to and approved in writing by the Local Planning Authority. The marketing scheme shall be implemented as approved.

40) **Circulation routes within the site**

In respect of each Reserved Matters Application, no development shall commence until plans and particulars of the accessibility within that particular reserved matters application, including circulation routes and how these fit into the network of approved access points and principles shown on Parameter Plan 5 – Access (Ref: 1731.2033 Rev.K) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

41) **Visibility Splay Requirements**

At the proposed access points into the development areas there shall be no obstruction to visibility between 600 and 1,050 millimetres above adjoining road level within the visibility splays shown on any plan submitted pursuant to the requirements of this condition. Plans confirming the scope of the required visibility splays shall be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of the construction of each of the proposed new access points. Following confirmation of the approved visibility splay requirements the approved details shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained for the lifetime of the development.

42) **Highway Survey Requirements**

No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Local Planning Authority prior to the survey being undertaken. The survey shall consist of:

(a) A plan to a scale of 1:1000 showing the location of all defects identified;

(b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

43) **Estate Phasing**

No housing development on each phase shall commence until an estate street phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority. The estate street phasing and completion plan shall set out the development phases and completion sequence by which the estate streets serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved estate street phasing and completion plan.

44) **Hazardous Substances**

There shall be no occupation of residential development that falls within the Health and Safety Executive defined ‘Inner’ and ‘Middle’ Consultation Zones, as defined on plan referenced 397.A4.HSC.060825, until it has been confirmed that these dwellings have been removed from said zones, following the confirmation of the revocation of the existing Hazardous Substance Consent at the Marston Park Industrial Estate.

45) **Active Travel Corridor – River Frome**

The Active Travel bridge and associated footways across the River Frome, shall be constructed in accordance with the plans approved pursuant to Condition 3 and opened for pedestrian/cycle use within three months of occupation of 50% of any permitted floor space in Phase 1b (as shown on Parameter Plan 6: Phasing (Ref: 1731.2034 Rev D), or prior to the occupation of any convenience shopping floorspace in phase 2 (as shown on Parameter Plan 6: Phasing (Ref: 1731.2034 Rev D), whichever is the earliest.

ANNEX F

INFORMATION TO ASSIST THE SECRETARY OF STATE'S HABITATS REGULATIONS ASSESSMENT

1. The application site does not include any statutorily designated sites of ecological importance. However, the site is within the Consultation Zone for the Mells Valley Special Area of Conservation (SAC).

2. The Conservation of Habitats and Species Regulations 2017 (as amended) require that where a plan or project is likely to have a significant effect on a European site[129] either alone or in combination with other plans or projects, and where the plan or project is not directly connected with or necessary to the management of the European site, a competent authority (the Secretary of State in this instance) is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of the site's conservation objectives.

DESIGNATED SITES

3. The Mells Valley Special Area of Conservation (SAC) is located approximately 2.6km to the north-west of the site. The SAC is designated for the following:

    - Greater horseshoe bat.
    - Semi-natural dry grasslands and scrubland facies on calcareous substrates; dry grasslands and scrublands on chalk or limestone.
    - Caves not open to the public.

4. Also of consideration is the Mendip Woodlands SAC located approximately 4.8km to the west of the application site. This SAC is designated for the Tilio-Acerion forests of slopes, screes and ravines and mixed woodland on base-rich soils associated with rocky slopes.

5. Lesser Horseshoe and Greater Horseshoe bat populations are known to be present in the SGC area.

IDENTIFICATION OF LIKELY SIGNIFICANT EFFECTS

6. Commenting on the application, Natural England advised that the proposed development has the potential to impact on habitat available to the bat colony.

7. In response and in consultation with Natural England, the Applicants have prepared a Horseshoe Bat Mitigation Strategy that identifies a range of measures to mitigate

[129] Regulation 8 of the Habitats Regulations 2017, as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (the '2019 Regulations'), defines European sites and European marine sites. European sites include: Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) already existing at 31 December 2020; any Site of Community Interest (SCI) placed on the EU Commission's list or any site proposed to the EU prior to 31 December 2020; and any SAC or SPA designated in the UK after 31 December 2020. European marine sites are defined as European sites consisting of marine areas. As a matter of policy, the Government also applies the Habitats Regulations procedures to possible SACs (pSACs), potential SPAs (pSPAs), Ramsar sites and proposed Ramsar sites, and sites identified, or required, as compensatory measures for adverse effects on any of the above sites.

European sites in the UK will no longer form part of the EU's 'Natura 2000' ecological network. The 2019 Regulations have however created a 'national site network'. The national site network includes existing SACs and SPAs, and new SACs and SPAs designated under the Habitats Regulations 2017 (as amended), as noted above. Ramsar sites do not form part of the national site network, but all Ramsar sites are treated in the same way as SACs/SPA as a matter of policy.

impacts[130]. These include the provision of new and improved habitat across the site as well as corridors with buffer zones where light levels will be controlled. In particular, the mitigating measures are shown on the Horseshoe Bat Mitigation Plan and include:

- 9.59ha of 30m wide bat corridors
- 2.54ha of 15m wide bat corridors
- 12.87ha of further core bat habitat
- 6.79ha of other connected bat habitat
- 4,054m of retained and 1,503m of new hedgerows within the 30m bat corridors
- 1,826 of retained and 243m of new hedgerows within the 15m bat corridors
- 4,322m of retained and 392 m of new hedgerows within the remaining bat habitat

8. The Strategy concludes that a combination of the layout of the site, including bat corridors and other dedicated bat habitat would maintain foraging and navigating opportunities across the site for the local horseshoe bat populations. Overall, there would be a 7.87ha gain of optimal habitat for greater horseshoe bats. On that basis it is contended that, with mitigation, the effect of the proposed development on the bat population and status of the SAC is neutral.

9. In support of the application, the Applicants submitted a Shadow HRA (sHRA)[131] which was reviewed by Somerset Ecology Services who confirmed that the sHRA fulfils the requirements as delineated under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and recommend that subject to planning conditions and obligations the Council adopts the sHRA. The Officer Report to Planning Committee identifies that Natural England raise no objection.

10. In respect of the Mells Valley SAC, the sHRA concluded that it is unlikely that the application site would result in a significant effect upon the integrity of the greater horseshoe bat feature of the Mells Valley SAC provided the mitigation measures are secured by the Section 106 Agreement and proposed conditions. In combination with other planned developments affecting the same SAC feature, these would also provide habitat gains for greater horseshoe bats. The sHRA therefore states that it is unlikely that the development proposals would result in a significant effect upon the integrity of the greater horseshoe bat feature of the Mells Valley SAC in combination with the other planned developments affecting the same SAC feature.

11. The necessary mitigation measures would be secured by a combination of planning conditions (Nos 13, 14, 15, 17, 18 and 19), the provision of the GI as set out on Parameter Plan 3 and the delivery of the Biodiversity Net Gain measures as set out in Schedule 6 of the Section 106 Agreement.

12. With regard to the Mendip Woodlands SAC, the sHRA found that it is unlikely that the development proposals would pose a risk to this designated feature of the SAC alone or in combination with any other plan or project. As there is no pathway of potential impact upon this designated feature, it is not considered further in this assessment.

[130] CD2.8j
[131] Proof of evidence Matthew Kendrick – Appendix 1

13. Natural England were also consulted on the revised ES (June 2025). The response, dated 19 June 2025[132], advised that the "*evidence provided to date does not indicate that changes are required to the mitigation proposed in relation to the Mells Valley SAC and lesser horseshoe bat populations. The 2025 baseline surveys show that existing habitat and bat activity on the application site is broadly consistent with results of previous surveys undertaken at the site*".

14. I also consulted Natural England following the closure of the oral aspects of the Inquiry. The response, dated 12 November 2025, advised that Natural England are content the proposed mitigation measures (identified in the Horseshoe Bat Mitigation Strategy), are sufficient to avoid an adverse effect on integrity of the Mells Valley SAC. No other comments were provided on any other relevant matters.

15. Natural England have therefore advised prior to the opening of the Inquiry, and following its closure, that it is satisfied that the proposed development would not have any adverse effects on the integrity of the Protected Sites with the mitigation proposed.

16. I have considered all of the potential significant effects that could arise from the proposed development, the assessment provided in the sHRA, and the avoidance and mitigation measures which form an integral part of the development and/or which can be secured by conditions and/or the planning obligations. I am content that the development would not result in any likely significant effect alone, or in combination with other plans and projects, on the two sites identified above. Furthermore, there would be no conflict with the relevant provisions of Policy DP6 of LPP1 which requires applications for development on sites within the Bat Consultation Zone to undertake a 'test of significance' under the Habitats Regulations.

HRA CONCLUSIONS

17. With mitigation having been secured, it would be reasonable to reach a finding that the proposed development would unlikely have an adverse effect on the integrity of the Mells Valley SAC alone or in combination with the other planned developments affecting the same SAC feature.

18. These conclusions represent my summary and assessment of the evidence presented to me. This is not an appropriate assessment. That will be a matter for the Secretary of State to undertake as the competent authority.

[132] CD3.7

Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.