

DELEGATED REPORT

Application No:	20/P/2727/EXT	Target date:	27.11.2020
Case officer:	Sally Evans	Extended date:	
Proposal:	Application for Additional Environmental Approval to extend the time limit for implementation of planning permission 14/P/0746/F2 (large scale major application for Leisure complex together with an Environmental Impact Assessment with change of use from agricultural lakes to tourist facility(D2) providing a water-park for cable-tow wake-boarding, water-skiing, canoeing and other non-powered water-based sports with construction of retaining bank for a series of lakes consisting of a long lake for triathlon with 2no islands, a main lake with central island, up to 8 masts for cable-skiing, a balancing lake and a training lake. Works to include erection of club house with showers/wc, restaurant/cafe, equipment hire/shop(A1), kitchen(A3 and A4), offices, training facilities and grounds management. Erection of a boat and equipment storage building, boiler room, pumping and control cabins, parking for 65 vehicles , reed-bed treatment plant, associated landscaping with hardsurfaced tracks and water-control features for attenuation of excess water. (part retrospective)		
Site address:	Weston Park Lakes, Accommodation Road, Bleadon,		

SUMMARY OF MAIN ISSUES AND RECOMMENDATION

Planning History/Background – most recent applications

Reference	Proposal	Decision
17/P/0302/MOD	Modification of Section 106 legal agreement on application 14/P/0746/F2 (Large scale major application for Leisure complex together with an Environmental Impact Assessment etc	Approve
14/P/0746/F2	Large scale major application for Leisure complex together with an Environmental Impact Assessment with change of use from agricultural lakes to tourist facility(D2) providing a water-park for cable-tow wake-boarding, water-skiing, canoeing and other non-powered water-based sports with construction of retaining bank for a series of lakes consisting of a long lake for triathlon	Approve

with 2no islands, a main lake with central island, up to 8 masts for cable-skiing, a balancing lake and a training lake. Works to include erection of club house with showers/wc, restaurant/cafe, equipment hire/shop(A1), kitchen(A3 and A4), offices, training facilities and grounds management. Erection of a boat and equipment storage building, boiler room, pumping and control cabins, parking for 65 vehicles , reed-bed treatment plant, associated landscaping with hardsurfaced tracks and water-control features for attenuation of excess water. (part retrospective)

11/P/0305/F	Construction of 3no lakes to store water for irrigation of agricultural land to be fed by River Axe (under license 16/52/012/S/035) and to include the import of materials for construction of bunds with associated pumping equipment, alteration to field access to the north to improve visibility onto Accommodation Road, hardsurfaced parking area for 4 vehicles and construction of a culvert.	Approve
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Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary for Bleadon
- NS and Mendip Bat Zone C
- SFRA tidal flood zone 3a
- EA flood zone 2 and 3
- PROW at small section of the north east boundary.
- Local nature reserve at the north west and eastern site boundaries.

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS7	Planning for waste
CS8	Minerals planning
CS9	Green infrastructure

CS10	Transport and movement
CS11	Parking
CS20	Supporting a successful economy
CS22	Tourism Strategy
CS26	Supporting healthy living and the provision of health care facilities
CS27	Sport, recreation and community facilities
CS34	Infrastructure delivery and Development Contributions

The Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM22	Existing and proposed railway lines
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM28	Parking standards
DM29	Car parks
DM32	High quality design and place making
DM53	Employment development on greenfield sites in the countryside
DM55	Extensions, ancillary buildings or the intensification of use for existing businesses located in the countryside
DM56	Conversion and re-use of rural buildings for employment development
DM57	Conversion and re-use and new build for visitor accommodation in the countryside
DM69	Location of sporting, cultural and community facilities
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
SA2	Settlement boundaries.

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

Section No	Section heading
1	Introduction
2	Achieving Sustainable Development
3	Plan-making
4	Decision-taking
6	Building a strong, competitive economy
8	Promoting healthy and safe communities
11	Making effective use of land
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Travel Plans SPD (adopted November 2010)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

Consultation summary

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Natural England.

"I have reviewed the Environmental Report which has been submitted (Stantec, 15 September 2020). In light of this report, and especially in light of the information which has been submitted in support of condition discharge applications pursuant to the original permission, my view is that, if the application for [planning permission were made now, the previous Environmental Impact Assessment and Habitats Regulations Assessment remain up to date. I therefore have no objection to the application to extend the time period for implementation.](#)

[The Habitats Regulations Assessment \(HRA\) for the original application was a Shadow HRA. For completeness, I recommend that your authority documents adoption of the conclusions of that HRA, taking account of the implications of the People over Wind decision \(the need to exclude mitigation from the initial screening stage but to include it at the Appropriate Assessment stage\)".](#)

[Environment Agency: No objection.](#)

[Somerset Internal Drainage Board: No comments on the application.](#)

[NSC Highways and Transport Officer: No comments on the application.](#)

NSC Flood Risk Officer: No further comments to make on this application, and our previous response to the original application is not altered by this application extension.

NSC Archaeology Officer: No comments in regard to this application. All archaeological interests were dealt with under the original application.

Conclusions

1) The principle of consent.

The Business and Planning Act 2000 temporarily modifies the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 to enable the time period for the implementation of certain planning permissions and listed building consents in England which have lapsed or are due to lapse during 2020, to be extended. This is in recognition of the effect coronavirus has had on the planning system and the construction sector and in particular the delays it has caused to the commencement of new development.

The implementation period for some consents is automatically extended. However for those that lapsed between 23rd March 2020 and 19th August 2020, (which includes this consent ref 14/P/0746/F2) the applicants have to apply for Additional Environmental Approval, in order to extend the life of the consent to the standard period (until 1st May 2021.)

The Act requires that the application should include details of:

- The planning permission to which the application relates;
- The condition(s) which set out the time limit(s) for implementation;
- Any condition(s) or other agreements which relate to environmental mitigation or enhancement measures;
- Whether the original permission was subject to an Environmental Impact Assessment and/or a Habitats Regulation Assessment, or screening for either type of assessment.

As the original planning permission was subject to both an EIA and HRA assessment, applicants were also required to provide details of:

- The original assessment(s) or screening(s) and a summary of the key findings;
- Information on any mitigation measures secured to address environmental effects, and the progress toward delivering these measures;
- An environmental report containing a reasoned explanation of why in the applicant's view there have been no changes to environmental circumstances which would make the original screening or assessment out of date. For example, it may be appropriate to include:
 - (i) an analysis of any further committed development proposals which may affect the assessment of cumulative effects, and why in the applicant's view this does not make the original assessment out of date;
 - (ii) a description of any changes to the factual circumstances of the proposed development, such as a new environmental designation, new environmental information or other changes of circumstance, and
 - (iii) an analysis of why in the applicant's view this does not make the original assessment out of date.
- Any other relevant information which would in the applicant's view support the case that the previous screenings or assessments remain up to date.

The purpose of the Additional Environmental Approval consent is to ensure that there have not been any changes since the original consideration of Environmental Impact Assessment and Habitats Regulation Assessment which would make that consideration out of date. Local planning authorities are required to consider the information submitted by the applicant and take into account any other information available to them.

Additional Environmental Approval should then be granted for a development where the authority is satisfied that, if the application for planning permission were made now, the previous Environmental Impact Assessment and/or Habitats Regulation Assessment remain up to date. This includes the necessity to take into account the implications of any recent legal judgements including People over Wind (ie the need for Appropriate Assessment.)

The Regulations allow for a right of appeal if the Council decides to refuse the application.

2) Revisions to Adopted local plan policies since the previous consent.

Since the previous consent was granted in 2015, a number of the North Somerset Core Strategy policies relating to residential development and the four main towns have been revised but none of these affect this application site.

The North Somerset Sites and Policies Parts 1 & 2 Development Management Policies and Sites Allocations Plan have been adopted. These have been assessed and it is agreed with the applicant that the new local plans would be highly unlikely to lead to a different assessment of the proposals, HRA and EIA.

3) Habitat Regulations Assessment and protected species.

The previous consent was assessed under the Habitats Regulations and a 'shadow' HRA was adopted by the Council with the support of Natural England. Since July 2015 the Habitats Regulations have been amended (2017) and an amendment to the HRA process was agreed through the April 2018 Court of Justice (EU) decision regarding People over wind and Sweetman which clarified that when undertaking the HRA screening, any required mitigation measures should be through separate Appropriate Assessment.

Natural England has advised that the previously agreed HRA remains valid but that the mitigation measures encompassed within it should be placed in a separate AA and formal sign off carried out by the Council. This process is underway but as it does not impact on this decision it will not be delayed until it is completed.

The ecological surveys submitted with the previous consent are out of date however the Technical Assessment accompanying this application confirms that updated surveys were carried out in 2018 and 2019 to inform the information submitted and approved to discharge pre-commencement planning conditions and is satisfactory.

4) Environmental Impact Assessment.

Planning consent ref no 14/P/0746/F2 was submitted March 2014 and approved 24th July 2015 with a S106 agreement. It was subject to EIA. The development fell within Schedule 2 part 10 (Infrastructure Projects) of the EIA Regulations in force at that time (dating from 2011). The site area is 44 ha's which exceeded the threshold of 0.5 ha and was located

within an area of high flood risk the potential impacts on nearby sensitive areas (The Severn Estuary SSSI) and protected species were to be assessed through EIA. Since the application was approved the EIA Regulations have been updated. The most recent Regulations date from 2017 and were updated in October 2020. However there have been no significant amendments to the environmental designations or consents affecting the site, the proposals or in the surrounding area which would impact on how this development was assessed in the EIA. Additionally none of the updates to the EIA Regulations are considered to require that the EIA needs to be updated. It is also acknowledged that the majority of the planning conditions attached to the 2014 consent have recently been discharged and therefore on the basis of up-to-date information and in accordance with recent Council and Legislative requirements.

5) Discharge of planning conditions attached to the previous consent.

With the exception of the surface water drainage conditions, the pre-commencement conditions have been discharged in recent months on the basis of up-to-date information and requirements. This process addresses the requirement for additional ecological surveys and Natural England supports this conclusion.

6) Impacts on heritage assets

No new heritage assets have been designated within an area surrounding the application which would be adversely affected by the development and it does not fall within the setting of any heritage assets. It is concluded that the previous assessments carried out in relation to 14/P/0746/F2 remain valid until 1st May 2021.

7) Designated Protected Areas.

The proposal is outside the boundary of the Mendip Hills AONB but will be visible in wider Landscape views in association with it. The boundary of the AONB has not been revised since this application was consented and there is no material change to the impacts of the development on the AONB which would require further Landscape Impact Assessment or revisions to the previous one.

8) Drainage and flood risk

There are conditions attached to the previous consent which address these requirements. The Environment Agency has confirmed that it has no objections to the extension of time for implementation. Therefore it is concluded that this proposal is acceptable.

9) Impact on neighbours

The impacts to neighbouring residents were considered with the previous consent and it is not considered that these require reassessment.

10) Parking and highway safety

The Highways and Transport team have not objected to the application nor required further or updated assessment.

Recommendations

APPROVE.

In recommending this application, I have taken into consideration the relevant policies of the Development Plan and the comments made by the consultees and other interested parties and the:

- Natural Environment and Rural Communities (NERC) Act 2006
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Public Sector Equality Duty, Equality Act 2010

Signed: Sally Evans