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**** Supplementary Dispatch**

To all Members of the Planning and Regulatory Committee

Dear Sir or Madam

Planning and Regulatory Committee – Wednesday, 15 March 2023

I refer to the agenda for the above Planning and Regulatory Committee meeting and attach the following item, marked 'to follow':

6. Planning Application No: 22/P/1768/R3EIA Banwell Bypass (Agenda item 6)
(Pages 3 - 8)

Construction of a 3.3km single carriageway road from the A371 Summer Lane to A368 Towerhead Road, including a 3m shared use path to Sandford, one bridge, ten culverts, associated infrastructure, and landscaping. Construction of a 0.63km (including junction link to Banwell Bypass) single carriageway Southern Link Road, including associated infrastructure and landscaping. Mitigation and enhancement measures, which consist of environmental mitigation and enhancement measures in connection with the Banwell Bypass and the Southern Link including flood compensation areas, planting and habitat creation, attenuation basins, associated infrastructure and landscaping. Placemaking improvements within Banwell, comprising mitigation and enhancement measures to the public realm. Active travel routes including works to footpaths, cycleways and bridleways. Improvements to the wider local road network in Sandford, Churchill, Locking and Winscombe and creation of shared use paths between Sandford and Churchill and Langford and Churchill

Section 1 report of the Director of Place Directorate (attached)

Yours faithfully

Assistant Director Legal & Governance and Monitoring Officer

Agenda Item 6

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Section 1

Item 6 – 22/P/1768/R3EIA – Banwell Bypass, land to north and east of Banwell, including mitigation highway land In Sandford, Winscombe and Churchill

Updated description of development

The updated description of the development was used in consultation and is set out below. Additional wording to that in the committee report is shown as underlined.

“Construction of a 3.3km single carriageway road from the A371 Summer Lane to A368 Towerhead Road, including a 3m shared use path to Sandford, one bridge, ten culverts, associated infrastructure, and landscaping. Construction of a 0.63km (including junction link to Banwell Bypass) single carriageway Southern Link Road, including associated infrastructure and landscaping. Mitigation and enhancement measures, which consist of environmental mitigation and enhancement measures in connection with the Banwell Bypass and the Southern Link including flood compensation areas, planting and habitat creation, attenuation basins, replacement playing fields at Banwell Football Club, associated infrastructure and landscaping. Placemaking improvements within Banwell, comprising mitigation and enhancement measures to the public realm. Demolition of a wall at 25 Castle Hill. Active travel routes including works to footpaths, cycleways and bridleways. Improvements to the wider local road network in Sandford, Churchill, Locking and Winscombe and creation of shared use paths between Sandford and Churchill and Langford and Churchill”

Clarification

The application lies predominantly within Banwell parish and Banwell and Winscombe wards, but for the avoidance of doubt does also include small areas within Hutton and Locking wards (Locking Parish) and Blagdon and Churchill ward (Churchill Parish).

Additional information

Habitats Regulations Assessment

The LPA as the Competent Authority for this scheme, has now considered the applicant's HRA document 'ES Appendix 8.C Habitats Regulations Assessment' (ARUP, 2023) which has been updated to reflect amendments to the application submitted on 15th December 2022. The applicant's HRA document presents a Screening Stage for the Scheme and a statement to inform an Appropriate Assessment. The applicant's HRA document correctly identifies all potentially affected European sites, pathways for likely significant effects and potential impacts at the screening stage. The statement to inform the Appropriate Assessment therefore considers all key impacts. The Council as LPA is therefore satisfied that, with the application of the mitigation set out, there will be no likely significant effects and therefore no adverse impacts on the integrity of any European sites. On this basis, the LPA, as the Competent Authority under the Habitat Regulations, is adopting the applicant's HRA document as its Appropriate Assessment. This document was submitted to Natural

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England for comment and NE concurs with the conclusions reached (see response below). As the HRA requirement has been met the recommendation in the report has been amended as set out below.

Impact of Scheme on Scheduled Monument (Banwell Roman villa)

Preliminary assessment has identified potential hydraulic connectivity between the Scheduled Monument of Banwell Roman Villa and the Tidal Flat Deposits. It has highlighted the potential for changes to the water environment, as a result of the Scheme. Any significant changes identified to the water environment through this process which do not support preservation will require suitable mitigation. This may be through archaeological excavation to recover material before it is lost. Further assessment is required to clarify this, which can be achieved through tiered assessment in accordance with Historic England's Preserving Archaeological Remains Guidance: Appendix 3 Water Environment Assessment Techniques (see recommended amendment to condition 26 below). If mitigation is required, this would be implemented as part of the Archaeological Mitigation Strategy (recommended condition 25). Historic England has been consulted and its further response is summarised below.

Additional Third Party comments

Two additional letters of support has been received since the report was published. No issues are raised which have not been previously considered.

A further representation has also been received re-stating that the scheme will have a significant detrimental health impact an occupier of The Old Police House, particularly during the construction phase.

Officer comment

The applicant has carried out an Equalities Impact Assessment (EqIA) which will be further updated at the detailed design stage. The impacts on the living conditions of The Old Police House have been fully taken into account during the consideration of the planning application. Impacts during construction phases are proposed to be managed through the Construction Environmental Management Plan required by condition 5 and informed by the EqIA.

Churchill Parish Council

A further email and attachments has been received from Churchill Parish Council reiterating comments previously made including concerns about the impact on surrounding villages, the volume of traffic; travel times; active travel and safety of children attending Churchill Academy.

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Additional comments received.

Natural England (NE)

NE has reviewed the HRA and is satisfied that harm to protected sites can be avoided through securing the mitigation measures identified. It notes that the Council, as the Competent Authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). NE is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, NE concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured as part of any planning approval.

National Highways (NH)

On the basis of further information and plans provided by the applicant, NH has lifted its holding recommendation and indicated it will replace it with a recommendation of planning conditions. These conditions will require the submission of further details relating to drainage and construction traffic management prior to commencement and require the proposed cycleway to be delivered in general accordance with the scheme set out in drawing number BNWLBP-ARP-HGN-XXX-DR-CH-000002 REV P01, or an alternative scheme designed in accordance with DMRB to be agreed with National Highways. NH makes clear the applicant will be required to enter into S278 and/or other relevant legal agreement(s) for any and all works proposed to National Highways assets or its estate.

Officer comment

The lifting of the holding recommendation and the requirement for conditions is reflected in the amended recommendation below.

Historic England (HE)

The applicant has submitted a Tier 1 “Water Environment Assessment”, which considers the potential for water environment changes within the scheduled area of Banwell Roman Villa, in the context of the wider Scheme. This has identified potential hydraulic connectivity between the Scheduled Monument and the Tidal Flat Deposits. It has highlighted the potential for changes to the water environment, as a result of the Scheme. Further assessment is required to clarify this. Therefore, the Tier 1 Assessment recommends progression to Tier 2 Assessment. HE recommends that recommend that a condition is added to any consent granted requiring that the Tiered assessment is undertaken.

Officer comment

This is addressed through an amended condition 26 below to allow for agreement of the methodology for the tier 2 and potentially tier 3 and 4 assessment prior to implementation.

Sport England

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Sport England has confirmed it does not wish to raise an objection to this application subject to 3 conditions.

Officer comment

The conditions are included in the report as conditions 21, 22 and 23.

AMENDMENT TO RECOMMENDATION:

As the Habitats Regulation Assessment has been concluded and National Highways holding recommendation lifted the recommendation is amended as follows:

Delete

“(a) the conclusion of the Habitats Regulation Assessment and
(b) the satisfactory resolution of the issues raised by National Highways”

Amendments to conditions

Condition 2 add:

“Cross section A371 M5 Overbridge BNWLBP- ARP-HGN-XXXX-DR-CH-000002- P01”

Condition 4 amend as follows (additional wording shown underlined):

4. Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction work on any phase of the development a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority in consultation with National Highways. The approved Plan shall be adhered to throughout...(continue as per published wording)

Condition 7 amend paragraph 2 as follows (additional wording shown underlined):

The development shall thereafter be implemented in accordance with the approved plans and details. unless otherwise agreed in writing by the Local Planning Authority prior to the first use of any part of the road by the public with the exception of the Banwell placemaking works which shall be carried out in accordance with an agreed timetable and planting that may be carried out no later than during the first planting season following the first use of any part of the road by the public. Trees, hedges(continue as per published wording)

Condition 8 amend as follows (additional wording shown underlined):

8. Prior to the commencement of implementation of the proposed wider traffic mitigation works in Sandford, Winscombe and Churchill submitted as part of the development hereby approved , a speed monitoring plan shall be submitted to and approved in writing by the Local Planning

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Authority. Speed monitoring will thereafter be carried out in accordance with the approved plan and any further speed reduction measures as may be required shall be implemented in accordance with details to be submitted to and approved by the Local Planning Authority in accordance with a timetable to be agreed with the Local Planning Authority

Condition 26: substitute “Tier 2” with “tiered”.

Additional conditions

Additional conditions as recommended by National Highways:

32. A cycleway scheme across the M5 Knightcott Overbridge/A371 which is compliant with the Design Manual for Roads and Bridges shall be delivered generally in accordance with design drawing BNWLBP-ARP-HGN-XXXX-DR-CH-000002-P01, subject to any necessary changes identified during the detailed design and Road Safety Audit process, or an alternative scheme as may be agreed in writing by the Local Planning Authority (in consultation with National Highways).
Reason: To protect the integrity of the M5 Knightcott Overbridge and in the interest of the safe and efficient operation of the strategic road network.
33. Prior to the commencement of the development hereby permitted, a detailed drainage strategy shall be submitted to and approved by the Local Planning Authority (in consultation with National Highways). The drainage strategy will include:
- Surveys of all existing drainage assets on and adjacent to the M5 Knightcott Overbridge in accordance with the requirements of CS551 ‘Drainage Surveys’ of the Design Manual for Roads and Bridges.
 - Full details of any works to existing connections or points of discharge into the National Highways drainage asset.
 - Details of future access arrangements to National Highways drainage assets following construction of the cycleway scheme to ensure our ability to access and maintain our drainage assets will not be compromised.
- The drainage strategy shall give due regard to the requirements of DfT Circular 01/2022 and shall be implemented in accordance with the agreed design and be maintained as such thereafter.
Reason: in the interest of the safe and efficient operation of the strategic road network and to safeguard the National Highways drainage assets.

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