

Public Document Pack

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Date: Monday, 4 July 2022

To all Members of the Council

Dear Sir or Madam

**Summons to attend the Council Meeting – Tuesday, 12 July 2022 at 6.00 pm
New Council Chamber**

You are requested to attend the Meeting of the Council to be held at 6.00 pm on Tuesday, 12 July 2022.

Please Note that any member of the press and public may listen in to proceedings at this meeting via the weblink below –

<https://youtu.be/nw1kbPHdEik>

The agenda is set out below.

Yours faithfully

Assistant Director Legal & Governance and Monitoring Officer

This document and associated papers may be made available in a different format on request.

Agenda

1. **Public Participation, petitions, and deputations (Standing Orders 2 (vi) and 17)**

The Council will hear any person who wishes to address it in accordance with the Standing Orders. The Chairperson will select the order of the matters to be heard.

Each person will be limited to a period of five minutes for public participation and deputations and three minutes for petitions. This section of the meeting must not exceed 30 minutes and discussion must not refer to a current planning application.

The Council will also receive questions from the public and provide answers thereto, subject to the Chairperson being satisfied that the questions are relevant to the business of the meeting.

Requests must be submitted in writing to the Assistant Director Legal & Governance and Monitoring Officer, or to the officer mentioned at the top of this agenda letter, by noon on the day before the meeting and the request must detail the subject matter of the address.

2. **Apologies for absence**

3. **Declaration of Disclosable Pecuniary Interest (Standing Order 37)**

A Member must declare any disclosable pecuniary interest where it relates to any matter being considered at the meeting. A declaration of a disclosable pecuniary interest should indicate the interest and the agenda item to which it relates. A Member is not permitted to participate in this agenda item by law and should immediately leave the meeting before the start of any debate.

If the Member leaves the meeting in respect of a declaration, he or she should ensure that the Chairperson is aware of this before he or she leaves to enable their exit from the meeting to be recorded in the minutes in accordance with Standing Order 37.

4. **Minutes (Pages 7 - 24)**

10 May 2022, to approve as a correct record (attached)

5. **Approval of the making of Compulsory Purchase Order(s) (and related Side Roads Orders and Traffic Regulation Orders) for the Banwell Bypass and Highways Improvements scheme (Pages 25 - 78)**

Report of Councillor Hogg (attached)

6. **MetroWest Phase 1 Update (Pages 79 - 90)**

Report of Councillor Bridger (attached)

7. Reports and matters referred from the Executive - dated 22 June 2022 (Pages 91 - 92)

The agenda item number mentioned in the heading of the individual extract refers to the agenda of the relevant Executive meeting. All Members have been supplied with the agenda papers and are commended to review them prior to the Council meeting.

EXE 8 – Bus Service Improvement Plan Enhanced Partnership (Agenda Item 9) (draft minute extract attached)

8. Petitions to be presented by Members (Standing Order No. 16)

These have to be received by the Assistant Director Legal & Governance and Monitoring Officer by 12.00 noon on the day of the meeting.

9. Motions by Members (Standing Order No. 14) (Pages 93 - 94)

(1) Proportional Representation: Councillor Gibbons (attached)

10. Question Time (Standing Order No.18)

Questions must relate to issues relevant to the work of the Executive.

Members are requested to supply the Democratic Services Officer with a note of each question at, or just after, the meeting. A summary note of each question will be included in an appendix to the minutes.

11. Matters referred from previous meeting

None.

12. Chairperson's announcements

13. Leader's announcements

14. Chief Executive's announcements

15. Forward Plan dated 1 July 2022 (Pages 95 - 106)

(attached)

16. Policy and Scrutiny Panel Report (Pages 107 - 112)

Report of Councillors Griggs and Crockford-Hawley (attached)

17. Corporate Parenting Report

None.

18. Reports and matters referred from the Policy/Overview and Scrutiny Panels other than those dealt with elsewhere on this agenda

None.

19. Reports and matters referred from the other Committees other than those dealt with elsewhere on this agenda

None.

20. Reports on joint arrangements and external organisations and questions relating thereto (Pages 113 - 114)

(1) Avon Fire Authority

None

(2) Avon and Somerset Police and Crime Panel

Report from Councillor Westwood (attached)

(3) West of England Combined Authority Joint Scrutiny Committee

None

21. Urgent business permitted by the Local Government Act 1972 (if any)

For a matter to be considered as an urgent item, the following question must be addressed: "What harm to the public interest would flow from leaving it until the next meeting?" If harm can be demonstrated, then it is open to the Chairperson to rule that it be considered as urgent. Otherwise the matter cannot be considered urgent within the statutory provisions.

Exempt Items

Should the Council wish to consider a matter as an Exempt Item, the following resolution should be passed -

"(1) That the press, public, and officers not required by the Members, the Chief Executive or the Director, to remain during the exempt session, be excluded from the meeting during consideration of the following item of business on the ground that its consideration will involve the disclosure of exempt information as defined in Section 100I of the Local Government Act 1972."

Mobile phones and other mobile devices

All persons attending the meeting are requested to ensure that these devices are switched to silent mode. The chairperson may approve an exception to this request in special circumstances.

Filming and recording of meetings

The proceedings of this meeting may be recorded for broadcasting purposes.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairperson. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting, focusing only on those actively participating in the meeting and having regard to the wishes of any members of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairperson or the Assistant Director Legal & Governance and Monitoring Officer's representative before the start of the meeting so that all those present may be made aware that it is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting.

Emergency Evacuation Procedure

On hearing the alarm – (a continuous two tone siren)

Leave the room by the nearest exit door. Ensure that windows are closed.

Last person out to close the door.

Do not stop to collect personal belongings.

Do not use the lifts.

Follow the green and white exit signs and make your way to the assembly point.

Do not re-enter the building until authorised to do so by the Fire Authority.

Go to Assembly Point C – Outside the offices formerly occupied by Stephen & Co

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Minutes

of the Meeting of

The Council

Tuesday, 10 May 2022

New Council Chamber, Town Hall

Meeting Commenced: 6.00 pm

Meeting Concluded: 9.36 pm

Councillors:

Karin Haverson (Chairman)

Wendy Griggs (Vice Chairman)

Marc Aplin
Nigel Ashton
Mike Bell
Mike Bird
Steve Bridger
Peter Bryant
Gill Bute
Mark Canniford
Ashley Cartman
John Cato
Caritas Charles
Caroline Cherry
James Clayton
Sarah Codling
John Crockford-Hawley
Ciaran Cronnelly
Donald Davies
Catherine Gibbons
Hugh Gregor
Ann Harley
David Hitchins
Steve Hogg
Nicola Holland
Ruth Jacobs
Patrick Keating
John Ley-Morgan
Stuart McQuillan
Phil Neve
Ian Parker
Robert Payne
Marcia Pepperall
Bridget Petty

Lisa Pilgrim
Terry Porter
Geoffrey Richardson
David Shopland
Timothy Snaden
Mike Solomon
James Tonkin
Richard Tucker
Richard Westwood
Roz Willis

Apologies: Councillors: Andy Cole, Caroline Goddard, Huw James

Officers in attendance: Jo Walker (Chief Executive), Amy Webb (Director of Corporate Services), Nicholas Brain (Assistant Director Legal & Governance and Monitoring Officer), Sheila Smith (Director of Children's Services), Matt Lenny (Director of Public Health), Beth Swann (Young Director) and Aaron Horner (Senior Projects Officer).

Partaking via Microsoft Teams: Councillors Peter Crew, Sandra Hearne

Officers: Lucy Shomali (Director of Place), Hayley Verrico (Director of Adult Services), Alex Hearn (Assistant Director Placemaking and Growth), Hazel Brinton (Committee Services Manager)

COU Chairman's Welcome

1

The Chairman welcomed everyone to the face-to-face meeting and noted that those councillors attending via Teams would not be in attendance formally or able to vote.

COU Election of the Chairman of the Council for the Municipal Year 2022/23

2

Motion: Moved by Councillor Petty, seconded by Councillor Gibbons and

Resolved: that Councillor Karin Haverson be elected Chairman of the Council for the 2022/23 Municipal Year.

Councillor Haverson in the Chair

Councillor Haverson thanked members for electing her as Chairperson. She thanked all councillors for their cooperation and work across all parties since 2019 and looked forward to working towards fulfilling the promise to residents to deal with the climate emergency and asked that members considered the overall common good even when fighting their own corners. She wished the Council to set an example of cooperation, communication and compromise.

On behalf of the Council, Councillor Haverson expressed her thanks and appreciation to Councillor Westwood as outgoing Chairman for his service to the Council.

COU 3 Appointment of the Vice-Chairman of the Council for the Municipal Year 2022/23

Motion: Moved by Councillor Bell, seconded by Councillor Hogg and

Resolved: that Councillor Wendy Griggs be appointed Vice-Chairman of the Council for the 2022/23 Municipal Year.

The Chairperson congratulated Councillor Griggs on her appointment and asked her to address the meeting.

Councillor Griggs addressed the council and thanked the members for her election as Vice-Chairman.

COU 4 Public Participation: Miranda Pickersgill, local resident - impact of the Banwell Bypass on the neighbouring villages of Winscombe, Sandford and Churchill

Miranda Pickersgill addressed the council on the impact of the Banwell Bypass on the villages of Winscombe, Sandford and Churchill and asked members to consider the impact of the road and related new housing on those villages. She asked that proposed mitigation measures be re-considered as they did not address the concerns of local residents particularly in light of the Climate Emergency and encouraging sustainable travel.

The Chairperson thanked Miranda Pickersgill for her address. The matter would be referred to the relevant officers and Executive Member.

COU 5 Public Participation: David Johnson, local resident - costs to the natural environment, finance and our future climate of the Banwell bypass scheme

David Johnson addressed the council on the costs to the natural environment, finance and the future climate of the Banwell Bypass. He noted the concerns of residents of Churchill and Langford around the possibility of additional costs and sources of funding, cuts to traffic mitigation measures for the villages and the impact of the proposed Southern Link Road whether developed or not.

The Chairperson thanked David Johnson for his address. The matter would be referred to the relevant officers and Executive Member.

COU 6 Public Participation: Amanda Barrett, local resident - on issues concerning the proposed development on Woodspring Golf Course, Long Ashton

Amanda Barrett addressed the council on issues concerning the proposed development on Woodspring Golf Course at Long Ashton. She noted the ongoing Climate Emergency and the importance of maintaining healthy eco-systems to mitigate some of the effect of climate change and highlighted that biodiversity loss and climate change should be tackled concurrently. She added her belief in the importance of access to open green spaces for all.

The Chairperson thanked Amanda Barrett for her address. The matter would be referred to the relevant officers and Executive Member.

COU 7 Public Participation: Colin Barker, local resident - on Code of Conduct of North Somerset Council Officers, Ward Councillors & Parish Councillors

Colin Barker addressed the council on the matter of Code of Conduct of North Somerset Council officers, ward councillors and parish councillors.

During the address, the solicitor advised members that public participation could not be used to target individuals and stated that most of the speech to that point had been used to do so. He suggested that Mr Barker used his time to direct comments at the process rather than individuals.

Mr Barker requested that an independent body investigate the complaints made to the council about the conduct of officers and members and report back to him.

The solicitor advised members that a number of standards complaints filed by Mr Barker had already been investigated by himself as Monitoring Officer and the Deputy Monitoring Officer and responses given. He further confirmed that Mr Barker had been advised of the routes for appeal including the Local Government Ombudsman and a Judicial Review.

COU 8 Petitions to be presented by Members (Standing Order No. 16)

None received.

COU 9 Declaration of Disclosable Pecuniary Interest (Standing Order 37)

None declared.

COU 10 Minutes

Resolved: that the minutes of the meeting of 12 April 2022 be approved as a correct record.

COU 11 Motions by Members (Standing Order No. 14)

In introducing his motion, Councillor Charles made reference to rules and new ways of working that would create mutual respect amongst councillors and the Government's response to the 2019 report of the Committee for Standards in Public Life which suggested that councils could make changes to their own Codes of Conduct to strengthen them. He added that he wished to see training to identify bullying and intimidation that would enable appropriate action to be taken.

Motion: Moved by Councillor Charles and seconded by Councillor Cartman

"This council notes

1. That Government has very recently published its response to the Committee for Standards in Public Life 2019 report into strengthening the local government standards regime after a three year wait. The response falls short of making changes to the standards regime but suggests that councils can adopt changes themselves to strengthen conduct issues.

2. Amongst possible changes proposed are steps to improve matters such as bullying and harassment of and by councillors and the adoption of an updated model code of conduct issued by the Local Government Association.

3. That many councillors elected in 2019 have valuable experience of the pressures in the role and can assist North Somerset Council in how it can support councillors in the future.

This council resolves

1. To ask the Monitoring Officer and Deputy Monitoring Officer to review the new LGA code with a view to recommending its early adoption by Council and providing supporting training on the new code and standards matters for current councillors and its inclusion in future induction briefings for members following elections.

2. To create a group of councillors from across the council (no more than 6) to work with the Monitoring Officer and the Deputy Monitoring Officer to provide input into the adoption of the code and its related training and support with an overall objective of providing a productive and safe working environment for Cllrs in the future”

Seven members signalled their support for a debate on the Motion.

In discussing the motion, members expressed their support for the proposals. Reference was made to the wider effects of bullying and intimidation; the need for respect for alternative views; respect for the position of Chairperson including standing up when addressing members in the chamber and clarity of process for new councillors when faced with issues of bullying and intimidation. It was suggested that training for new councillors would support them when first elected.

Following further discussion, it was

Resolved: that the Motion as set out in full above be approved and adopted.

**COU
12** **Chairman's announcements**

Cllr Haverson expressed her wish to be known as Chairperson. She added that for purposes of practicality she wished members to speak clearly into the microphone when addressing the chamber but had no preference whether that was sitting or standing as long as the member could be heard. The Chairperson announced that she would be re-instating social gatherings after each full council meeting to support councillors getting to know one another.

**COU
13** **Leader's announcements**

The leader expressed his thanks to colleagues, officers, contractors and the residents of North Somerset over the previous three years. He announced that he was standing down as leader for the coming municipal year.

The Chairperson expressed sincere thanks on behalf of all members for the work

of the Leader since 2019 and was joined in this by other members.

COU 14 Chief Executive's announcements

None.

COU 15 Political Balance and Leaders and Deputy Leaders of the Political Groups for the Municipal Year 2022/23

The Assistant Director Legal & Governance reported on the current political balance as follows -

Independent 15: Conservative 13: Liberal Democrat 10: Labour 6: Green 4:
No Political Group 2

Additionally, he reported that the Group Leader for the Independent Group was now Cllr Steve Bridger,

COU 16 The Council's Constitution 2022

The Assistant Director Legal & Governance advised that the item would be dealt with under item 24 as a reference from the Audit Committee.

COU 17 Constitutional appointments etc.

The Assistant Director Legal & Governance advised that with the resignation by Councillor Davies as Leader, a new Leader would need to be appointed.

Motion: Moved by Councillor Bell, seconded by Councillor Gibbons and

Resolved: that Councillor Bridger be elected Leader of the Council for the Municipal Year 2022-23.

The Leader announced there would be eight members of the Executive, including himself, but no Assistant Executive Members. He announced the members of the Executive, along with their indicative portfolios, as follows:

Name of Councillor	Portfolio
Steve Bridger	Leader of the Council
Mike Bell	Deputy Leader of the Council and Executive Member for Adult Services, Health and Housing
Ashley Cartman	Executive Member for Corporate Services
Bridget Petty	Executive Member for Climate Emergency and Engagement
Mark Canniford	Executive Member for Placemaking and Economy
Catherine Gibbons	Executive Member for Children Young People, Life Long Learning and Skills
Mike Solomon	Executive Member for Neighbourhoods and Community Service
Steve Hogg	Executive Member for Transport and Highways

The Leader expressed his thanks to the outgoing Assistant Executive Members and welcomed Cllr Hogg to the Executive.

The Assistant Director Legal & Governance advised that with the ongoing ill health of Councillor Crosby, members were also asked to vote on the appointment of Councillor Snaden as Chairman to the Adult Services and Housing Scrutiny and Policy Panel.

Motion: Moved by Councillor Tonkin, seconded by Councillor Bridger and

Resolved: that Councillor Snaden be elected Chairman of the Adult Services and Housing Scrutiny and Policy Panel

COU 18 Municipal Calendar 2022/23

Motion: Moved by Councillor Petty, seconded by Councillor Bridger and

Resolved:

(1) that the draft Municipal Calendar for 2022-23 as attached to the report be approved and

(2) that the Leader of the Council be authorised to approve any amendments not dealt with elsewhere as necessary.

COU 19 Appointments to Outside Bodies 2022/23 (Council)

The Assistant Director Legal & Governance presented the report. He advised that the Council was no longer required to nominate a representative to Alliance Homes Board following a change to its Constitution and that there was an error in the number on the Joint Safety Consultative Committee which should show 11 members not 8 and included 3 vacancies.

The Assistant Director Legal & Governance reported on external appointments to the council's own panels; Peter Smith and Stefan Ramel for Members' Allowances Review Panel and Peter Bray and Sharon Colk, Independent Members of Audit Committee.

**COU
20 Forward Plan dated 3 May 2022**

The Leader presented the forward plan.

Resolved: that the Forward Plan be noted

**COU
21 Policy and Scrutiny Panel Report**

None.

**COU
22 Corporate Parenting Report**

The Assistant Director Legal & Governance advised that whilst there was no formal report, Councillor Gibbons and the Director of Children's Services wished to introduce the new Youth Director to the council.

Beth Swann, the new Youth Director, addressed members and explained her role. She informed members that she had been appointed to seek the opinions of young people and add in her own experiences. She outlined some areas of her role including involvement in focus groups such as the North Somerset Youth Parliament; setting up the Children in Care and Care Leavers' Award Day; running interview panels for care leavers which helped support inclusion in hiring practices; reviewing Practice Standards and the Practice Framework and involvement in the Corporate Parenting Panel. Her role was to actively understand what was meaningful to young people and helping them support their own communities.

Beth was warmly welcomed by members.

**COU
23 Question Time (Standing Order No.18)**

Oral questions were directed to members concerned and the summary notes and topics involved are contained in Appendix 1.

**COU
24 Reports and matters referred from the Executive - dated 27 April 2022**

None.

**COU
25 Reports and matters referred from the Policy/Overview and Scrutiny Panels other than those dealt with elsewhere on this agenda**

None.

**COU
26 Reports and matters referred from the other Committees other than those dealt with elsewhere on this agenda**

Audit Committee 28 April 2022
AUD29 Constitution Review 2022

Councillor Cato presented the report and informed members that it was a result of joint working between himself as Chairman of the Audit Committee, the Chairman of Partnerships, Corporate Organisation and Overview Management Policy & Scrutiny Panel (PCOM) and the Monitoring Officer. He added that the changes via a marked-up copy had been circulated to all members for comment in March and comments received had been incorporated into the final version submitted to the Audit Committee for consideration in April. He advised members that further changes over the following months would be made to the council's Financial Regulations and Contract Standing Orders.

In discussing the report members noted a desire to make the council more democratic and accountable to members, citizens and communities via the Constitution and that democratic debate between all members needed to be encouraged. Members highlighted the need for work to involve community groups particularly from Black and Minority Ethnic groups in discussing how the council's Constitution could be made to work for them and promote inclusion and diversity. Members further debated the merits of using gender neutral text in the Constitution.

An amendment to the motion to remove the time limits under 18.4 Question Time was agreed by Councillor Cato.

Motion: Moved by Councillor Cato, seconded by Councillor Charles and

Resolved: that the changes recommended by the Audit Committee as amended to include the removal of the time limit under Standing Order 18.4, Question Time be adopted by Council and that the Monitoring Officer be asked to update the Constitution and in consultation with the Chairpersons of Audit Committee and Partnerships, Corporate Organisation and Overview Management Policy & Scrutiny Panel, make the further changes required to address the points raised by officers and Councillor Petty.

COU 27 Reports on joint arrangements and external organisations and questions relating thereto: Avon Fire Authority (Agenda item (25 (1)))

Councillor Tucker presented his report and offered to find out the answers to any questions member may have.

Resolved: that the report be noted

COU 28 Reports on joint arrangements and external organisations and questions relating thereto: West of England Combined Authority (WECA) Joint Scrutiny Committee (Agenda item 25 (3))

There was no report but Councillor James whilst not present at the meeting had made it known that the minutes of the last meeting of the Scrutiny Committee were available on the WECA website.

COU 29 Dispensation Regarding Absence from Meetings under S85 of the Local Government Act 1972

The Assistant Director Legal & Governance presented his report. He noted that a dispensation was required to be given by the Council for Councillor Crosby due to ill health as the six-month rule meant that a councillor could automatically be removed from office if there had been no attendance in that time. The recommendation was to grant a dispensation until November when the matter could be considered again.

Members noted their good wishes to Councillor Crosby for a speedy and full recovery.

Motion: Moved by Councillor Bridger, seconded by Councillor Tonkin and

Resolved: that the Council waived the requirements of Section 85(1) of the Local Government Act 1972 in respect of Cllr Crosby due to his current health issues and agreed that he receive a dispensation from the requirements of section 85 until 15 November 2022

COU 30 Commissioning and Procurement Plan for New Energy Contract

Councillor Cartman presented his reported and noted that whilst he feared it would be difficult to find an affordable green contract, he was pleased to announce that a net zero green energy contract had been obtained for a premium of 3%. He added that although the council was procuring from a large supplier this time, it did not preclude purchasing from local sources in the future.

He informed members that because of pricing and volatility in the energy market, the report proposed giving delegated authority to the S151 Officer in consultation with himself and other officers to achieve the best spot price possible through the council's energy consultants. He added that a contract for 12-24 months was the best approach currently.

In discussing the report, members were reassured by Councillor Cartman that as much as possible a robust approach to Russian gas supplies would form part of the contract. Members further noted that an "Invest to Save" approach to installing solar panels on the roofs of council buildings would support the drive to lower costs.

Motion: Moved by Councillor Cartman, seconded by Councillor Canniford and

Resolved: that the Council approved the Commissioning and Procurement Plan and that authority for the re-procurement of the energy supply contracts from 1st October 2022 be delegated from the Executive to the Section 151 Officer, in consultation with:

- Principal M&E Engineer (advised by Energy Management Consultants)
- Climate Emergency Project Manager and
- Executive Member for Corporate Services

COU Accommodation Strategy Update

31

Councillor Bridger presented the report which required the Council to decide whether to formally transition out of Castlewood and remove it from the council's office requirement. The Town Hall would be retained as the primary office and consideration of other buildings would be given to facilitate face to face meetings.

Councillor Bridger informed members that further work would be required over the coming months if the decision was taken to vacate the site as to how it should be repurposed, redeveloped or sold. In presenting the report, he highlighted the decrease in staffing number from 2009-10 and that the pandemic had accelerated the transition permanently to a more flexible and agile form of working which did not require the same amount of office space. He noted that the council required a smaller primary office space based on the need of the council to deliver services to residents. He added that the building was costing the council £1m to run after rental income was considered and was in the worse category of public building in the country for energy use. Further reductions in occupancy and revenue were expected. Additionally, there was a maintenance backlog.

Councillor Bridger concluded by suggesting that the new Customer Service Strategy agreed by the Executive in April would deliver a service to residents that was more accessible than Castlewood had ever been and that there was an opportunity to deliver something in its place that both Clevedon and North Somerset needed.

In debating the report, members highlighted concerns over the loss of Castlewood and the role it had played in North Somerset and Clevedon. Mention was made of the impact of staff working from home on the delivery of services to residents and the instability of the council's website and online services which were expected to take over from face-to-face delivery of services. Concerns were highlighted over a "jobs anywhere" culture and the need to put a replacement face to face capability in place before Castlewood was exited. Consultation with residents of Clevedon and the north of the district and the Town Council were requested as was innovation in the use of community hubs.

In response to some of the points made, it was highlighted that all members and Clevedon Town Council had been made aware of the possible decision to vacate Castlewood and that the latter had been actively consulted and was working with North Somerset Council to produce a community hub in Clevedon town centre.

The Director of Corporate Services explained that working from home was an option where the role made this possible and that the designation of work styles was based around the needs of the business and the council's customers not the personal preference of the staff member. Consultation on work styles had been undertaken with the Accommodation Strategy PCOM Panel at whose bi-monthly meetings all members were welcome to attend. She undertook to issue further communication to all members on the Accommodation Strategy and programme.

In summing up, Councillor Bridger noted that he felt that way of working for staff was a matter for the Head of Paid Service and that this differed from members' access to officers. He invited members to rigorously scrutinise the Customer Services Strategy to ensure it was delivered as promised but that this was a

different matter to the decision on the council's asset strategy which included a decision on the future of Castlewood. He added that there was a consultation currently out until the end of June on development sites in the area including Castlewood and responses had already been received.

Motion: Moved by Councillor Bridger and seconded by Councillor Canniford

Resolved: That Council agreed to:

- (1) Transition out of Castlewood to remove it from the council's office requirement, and release it for development
- (2) Develop a preferred way forward through progressing a package of technical, planning and development workstreams, alongside soft market testing and preplanning engagement; and
- (3) Delegate to the Section 151 officer, Director of Place and Head of Strategic Procurement, the commissioning, procurement and appointment of technical, planning and development workstreams, alongside soft market testing and preplanning engagement.

COU 32 Urgent business permitted by the Local Government Act 1972 (if any)

None.

Chairman

**North Somerset Council
Council Annual Meeting, 10 May 2022
Question Time (Agenda Item 21)**

Question 1

From Councillor Keating

To Councillor Canniford, Executive Member for Placemaking and Economy

Jubilee Garden in Churchill

Councillor Keating asked Councillor Canniford whether it would be possible for residents' groups and Churchill Parish Council to acquire a suitable piece of land from North Somerset Council to set up a Jubilee Garden which would be accessible to all residents and beyond the village.

Councillor Canniford thanked Councillor Keating for his question and responded that if a suitable piece of land within the village owned by North Somerset Council could be identified by the residents' groups then North Somerset Council would be willing to enter into discussions. He added however that looking at the map of Churchill, the council owned little land in the village other than that occupied by the school and leisure centre and small parts adjacent to the highway.

Question 2

From Councillor Charles

To Councillor Solomon, Executive Member for Neighbourhoods and Community Service

Use of Pesticides

Councillor Charles asked the Executive Member if there were plans to remove and ban the use of glyphosate pesticide by North Somerset Council contractors in Portishead for the clearance of open spaces.

Councillor Solomon thanked Councillor Charles for his question and agreed that the council was looking to move away from the use of glyphosate as soon as possible and was looking at an alternative. He added it was currently used on the highways to remove vegetation such as knotweed but that one sub-contractor appeared to be using where it shouldn't, and they were being tackled about this. Councillor Solomon proposed taking the matter of finding an alternative to the relevant Policy and Scrutiny Panel.

Question 3

From Councillor Ashton

To Councillor Canniford, Executive Member for Business, Economy and Environment and Councillor Cartman, Executive Member for Corporate Services

Members' IT Equipment

Councillor Ashton requested that he receive IT equipment that allowed him to participate in online meetings and which did not lose his diary or photographs when reset.

Councillor Canniford thanked Councillor Ashton for his question and noted that whilst the equipment was fit for purpose when introduced in 2013 and could be relied upon, there was a need for a different solution. He passed the question over to Councillor Cartman as it fell within his portfolio.

Councillor Cartman observed that he was unaware of the technical issues that Councillor Ashton was experiencing and offered with the support of the Corporate Services Director to have the issue looked at the following day. He added that he felt it was time to look at the IT required for all councillors and his initial thoughts included a cross party group of councillors to discuss requirements for new councillors in 2023. He recognised there was an issue in the short term and asked that any councillor experiencing issues to email him and he would arrange for them to be addressed.

Question 4

From Councillor Harley

To Councillor Bridger, Leader and Executive Member for Housing Infrastructure Fund

Banwell Bypass

Councillor Harley asked how the council was intending to tackle the issue of residents' concerns over the Banwell Bypass and whether if it did not go ahead, that the housing associated with it would still be coming to the villages.

Councillor Bridger thanked Councillor Harley for her question and observed that the council had already carried out a second consultation which was not required under the legislation. He added that local residents had had opportunities to shape the scheme to date with comments from the first consultation being taken on board as would those from the second consultation. These would inform the planning application later in the year. Councillor Bridger noted that he did not recognise the figures in uplift in costs as mentioned by one of the public speakers earlier and that all comments from the consultation and members were welcomed and he would take them up with the Banwell Bypass team. He added that whilst not generally in favour of new road schemes, this project was an exception and would give residents of Banwell their village back. He advised that he was committed to the proposed mitigation measures for the other villages which was integral to the project whilst

being mindful of costs. There would be a statutory consultation around the planning process.

Question 5

From Councillor Aplin

To Councillor Solomon, Executive Member for Neighbourhoods and Community Service

Rewilding area in Worle

Councillor Aplin asked whether there was any process for reassessing areas designated as rewilding zones as one of the areas in his ward was used by children to play. As the grass grows, they are losing their play area and retreating back indoors. Families in the area are supportive of rewilding but asked whether an alternative area could be found.

Councillor Solomon thanked Councillor Aplin for his question and would discuss the matter further with him.

Question 5

From Councillor Parker

To Councillor Solomon, Executive Member for Neighbourhoods and Community Service

Petition regarding roads on Bournville Estate

Councillor Parker asked "On the 11th March I presented you with a petition containing 683 signatures calling for the roads on Bournville to be brought to an acceptable level of repair. Realising the cost would be in excess of £5m I asked that the council seek funding from external sources. What progress has been made on this request?"

Councillor Solomon thanked Councillor Parker for his question and noted that the portfolio would pass to Councillor Hogg the following day. He said sums had been put aside and would be happy to share the programme of repairs with Councillor Parker but that the council's total road repair budget was only £8m for North Somerset as a whole.

Question 6

From Councillor McQuillan

To Councillor Canniford, Executive Member for Placemaking and Economy

Local Plan and National Planning Policy

Councillor McQuillan asked if he and other residents could be reassured that the council was studying the Queen's Speech from earlier and if changes to planning policy and housing targets resulted in a change of direction in planning policy then the North Somerset Local Plan would remain flexible to take account of these.

Councillor Canniford thanked Councillor McQuillan for his question and said that the changes were welcome news. He hoped the government would choose to reduce the housing targets for North Somerset which were extremely challenging for the previous administration 5 years ago to find sites, but this had been made considerably worse by a recent 20% increase. He added that whilst he hoped the figures would be reversed, this could not be assumed so all sites would be built on by developers. He said that if the figures were reduced, this would be reflected in the council's Local Plan.

Question 7

From Councillor Snaden

To Councillor Cartman, Executive Member for Corporate Services

Choice of operating system for councillors' tablets

Councillor Snaden asked whether the Android system could be considered instead of the Apple operating system for members' IT as he found the latter hard to work with.

Councillor Cartman thanked Councillor Snaden for his question and agreed to look into the issue but noted that there were IT security implications.

Question 8

From Councillor Codling

To Councillor Bridger, Leader and Councillor Petty Executive Member for Climate Emergency and Engagement

Councillor Codling asked how the council intended to carry out effective and inclusive consultation and engagement with the council's most vulnerable residents and those with low levels of literacy who cannot necessarily engage with online consultations. She was particularly concerned in relation to consultation on large projects which were primarily online and with identified cohorts of predominantly community active residents. She felt this excluded those with low levels of literacy, the poorest in society, those with English as a second language and those with learning disabilities

Councillor Bridger thanked Councillor Codling for her question and replied that whilst he felt progress had been made, he also felt the council needed to "grown bigger ears" and become more creative with its consultations. He noted that there was a lot of disquiet around the consultation on major projects and wished to see the council being more upfront with the questions posed. He recognised it was an issue and it was a key priority for him.

Councillor Petty responded that changes to her portfolio meant that she would be responsible for inclusion and diversity and that she felt the council needed to properly recognise the different groups in society including those with health-related issues and those who were ethnically diverse. She wished to see further reach with different techniques during consultations and added that she had recently met with the Chairman of the Access Forum and would work closely with the Leader on this issue.

Councillor Gibbons added that on the back of the Anti-Racism motion, work had already begun on engaging with groups across the district.

Question 9
From Councillor Shopland
To Councillor Bridger, Leader

Extension of Banwell Bypass

Councillor Shopland asked whether an extension of the Banwell Bypass to the A38 had been considered to obviate traffic problems in the area.

Councillor Bridger thanked Councillor Shopland for his question but noted that the matter was quickly taken out of scope of the project several years previously and there were no plans to bring it back.

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North Somerset Council

Report to Full Council

Date of Meeting: 12 July 2022

Subject of Report: Approval of the making of Compulsory Purchase Order(s) (and related Side Roads Orders and Traffic Regulation Orders) for the Banwell Bypass and Highways Improvements scheme (“the Scheme”)

Town or Parish: Banwell and surrounding parishes

Officer/Member Presenting: Councillor Steve Hogg

Key Decision: No

Reason: This is not an Executive Decision.

Recommendations

It is recommended that the Full Council:

- (a) approve the area to be the subject of a compulsory purchase order (“CPO”) or supplemental CPO as shown edged red on the plans at **Appendix 1 (“the CPO Plan”)**, which identifies the outline area of the land and rights to be acquired for the Scheme (“**the CPO Land**”) by voluntary acquisition or compulsory purchase;
- (b) authorise the making of CPO(s) by the Council under sections 239, 240, 246 and 250 of the Highways Act 1980 in respect of all or part of the CPO Land (including any additional land which may be required to deliver the Scheme as a result of the requirements of the Scheme planning permission), which includes any land or rights that may be required for environmental enhancement and mitigation, flood compensation, replacement land provision or otherwise needed for the Scheme;
- (c) authorise the making by the Council of Side Roads Orders (“SRO”) under the Highways Act 1980 as may be required for the Scheme;

- (d) authorise the making by the Council of Traffic Regulation Orders (“**TRO**”) under the Highways Act 1980 as may be required for the Scheme;
- (e) authorise the making by the Council of an application to the Secretary of State for Transport (“**the Secretary of State**”) for the grant of a certificate under section 19 of the Acquisition of Land Act 1981 (“**section 19 certificate**”) in respect of any special category land that may be required for the Scheme;
- (f) authorise all necessary steps to be taken to secure the making, confirmation and implementation of each CPO, SRO and any TRO (together “**the Orders**”) and section 19 certificate, including the publication and service of all notices, requisitions for information, statement of reasons and the preparation and presentation of the Council’s case at any public inquiry required to secure confirmation of the Orders and section 19 certificate by the Secretary of State;
- (g) note, and give due regard in determining whether or not to authorise the making of the Orders, the public sector equality duty contained in section 149 of the Equality Act 2010 and the requirements of the Human Rights Act 1998, as detailed further in sections 3 and 9 of this Report;
- (h) authorise agreements to be entered into with landowners to secure the withdrawal of objections to any of the Orders and/or a section 19 certificate and to authorise the Director of Place and the Director of Corporate Services to take all necessary steps to acquire by agreement land and/ or rights over the CPO Land, subject to any consideration payable being within the Scheme budget as set out in section 5 of this Report;
- (i) delegate to the Executive Member for Major Infrastructure Projects the authority to make and submit the CPO, SRO and section 19 certificate to the relevant Secretary of State for confirmation and to take all necessary steps to secure the making, confirmation and implementation of the CPO and SRO, including the preparation and presentation of the Council’s case at any public inquiry;
- (j) subject to confirmation of the CPO and SRO, delegate the authority to the Director of Place, and the Assistant Director Legal & Governance and Monitoring Officer to acquire all the land and rights over the CPO land, including service of a general vesting declaration, notice to treat or notice of entry, subject to any compensation to be paid being within the Scheme budget as set out in section 5 of this Report;

- (k) delegate to the Executive Member for Major Infrastructure Projects, in consultation with the Director of Place, the authority to make any necessary amendments to the Orders;
- (l) delegate to the Director of Place and the Assistant Director Legal & Governance and Monitoring Officer (or the Executive Member for payments of over £500,000) the authority to negotiate and settle all necessary compensation and professional fees (including interim payments) either as agreed with landowners or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land or rights forming part of the CPO Land in accordance with the Land Compensation Act 1961, the Compulsory Purchase Act 1965 and the Land Compensation Act 1973 provisions in force at the relevant time and the body of case law relevant to the assessment of compensation, where any compensation to be paid is within the Scheme budget as set out in section 5 of this Report;
- (m) authorise the instruction of the Scheme Project Team's legal advisers, Burges Salmon LLP, to prepare and serve such documentation as may be required for the Orders and section 19 certificate.

1. Summary of Report

1.1 The following Council decisions have preceded this Report:

- (a) On 16 June 2020, the Council approved an increase in the Council's Capital Programme by £97,067,550.00 in response to receiving approval and funding in relation to the Housing Infrastructure Fund ("HIF") (Forward Fund) in order to finance the Scheme.
- (b) On 7 October 2021, the Executive Member for Assets and Capital and the Director of Place approved route 2 of the three northern route options as the preferred route for the proposed Banwell Bypass (see decision 21/22 DP 213).
- (c) On 28 April 2021, the Executive authorised all the steps necessary to prepare for the making of a CPO for the Scheme and to enter into voluntary agreements with landowners for the acquisition of land and rights required for the Banwell Bypass, subject to relevant financial limits (see decision EXE 13).

1.2 Work has been progressing on the Scheme design. The Scheme design is close to finalisation and work on the environmental impact assessment ("EIA") is also near

completion. Once the EIA work has been completed, a planning application will be submitted to the Council in its capacity as planning authority. This application is expected to be submitted in July 2022.

- 1.3 This Report makes reference to the draft Environmental Statement which contains the output of the EIA. As the Environmental Statement is yet to be finalised, it is not yet publicly available. This Report summarises some of the key findings of the EIA process so consideration can be given to the impacts of the Scheme for which compulsory purchase powers are sought, although it should be noted that, because this work is currently ongoing, these findings are subject to change until the planning application is submitted. The determination of the planning application for the Scheme does not form part of the resolutions sought in this Report. The planning application will be submitted shortly and will be subject to a separate process of formal consultation and consideration. Therefore, the planning application documents (including the draft Environmental Statement) have not been appended to this Report.
- 1.4 The Scheme will likely require the promotion of CPO(s) and will also require the promotion of SROs and TROs. The Scheme will also likely require the acquisition of special category land, and it is anticipated that a section 19 certificate will need to be secured from the Secretary of State to confirm that the relevant statutory exceptions apply and no replacement land is required.
- 1.5 This Report seeks authority to make and publish the Orders for the Scheme and subsequently to secure the confirmation and implementation of those Orders. The Report also seeks authority to negotiate the withdrawal of any objections to the Orders or the section 19 certificate.

2. Policy

Summary

- 2.1 The planning application for the Scheme is being considered against the national, regional and local planning policy framework. Chapter 4 of the Environment Statement will contain a full description of the relevant policy requirements, including current national policies in the National Planning Policy Framework (2021), existing regional policies, with a focus on The West of England Combined Authority (“**WECA**”), and local planning policy in the adopted and emerging North Somerset Council development plan.

- 2.2 Although the Council is not part of WECA, some policies and strategies do apply to the Council where it is in partnership with WECA.
- 2.3 A Planning Statement will be submitted with the planning application for the Scheme which will set out the policy framework in detail and assess the Scheme's compliance with, or divergence from, relevant policies. This Report does not set out the detail of that analysis as it is primarily relevant to the determination of the planning application. However, this section of the Report does set out the key relevant local and regional policies which are important to consider in assessing the need and policy support for the Scheme for which compulsory purchase powers are sought.
- 2.4 It is acknowledged that careful assessment of the planning merits of the Scheme and its compliance with policy will need to be undertaken by the Council in its capacity as local planning authority once the planning application is submitted. The purpose of this Report is to authorise the making, confirmation and implementation of the Orders. It is not within the scope of this Report to undertake a detailed analysis of the planning merits of the application.
- 2.5 Subject to the consideration of the planning application by the local planning authority, the Project Team is not aware of any reason why the planning permission would not be granted and is not, therefore, aware of any known planning impediment at this stage which would prevent the CPO and associated orders/certificates from being confirmed by the Secretary of State. The Project Team has engaged in extensive pre-application discussions with the local planning authority and other consultees, as explained further in section **Error! Reference source not found.** below.

National Policy

- 2.6 Relevant national planning policies are summarised in **Appendix 2** of this Report.

Regional Policy

- 2.7 The main relevant regional policy is the Joint Local Transport Plan 4 (“**JLTP4**”). JLTP4 is a strategic transport policy document which encourages modal shift and identifies one of its aims as ensuring that transport is carbon neutral by 2030. The document identifies the need for highway improvement and traffic management schemes, including a bypass of the village of Banwell.

Local Policy

North Somerset Council Core Strategy

2.8 This Scheme is supported by Core Strategy policies including:

- (a) Vision 1: North Somerset Vision
- (b) Vision 6: Service Villages Vision
- (c) CS1: Addressing climate change and carbon reduction
- (d) CS3: Environmental Impacts and flood risk Impacts
- (e) CS4: Nature Conservation
- (f) CS5: Landscape and the historic environment
- (g) CS7: Planning for waste
- (h) CS9: Green Infrastructure
- (i) CS10: Transportation and movement
- (j) CS12: Achieving high quality design and place making
- (k) CS13: Scale of new housing
- (l) CS14: Distribution of new housing
- (m) CS15: Mixed and balanced communities
- (n) CS16: Affordable Housing
- (o) CS26: Ensuring safe and healthy communities
- (p) CS27: Sport, recreation and community facilities
- (q) CS32: Service Villages
- (r) CS34: Infrastructure delivery and development contributions

Site and Policies Plan Part 1: Development Management Policies

2.9 The following Development Management policies are of particular relevance to the Scheme:

- (a) DM20: Major Transport Schemes. This policy safeguards the previous alignment of the Banwell bypass from inappropriate development. The safeguarded route is broadly equivalent to the adopted route alignment for the Scheme.
- (b) DM68: Protection of sporting, cultural and community facilities. This policy is considered to be applicable due to the acquisition of part of the land currently occupied and used by Banwell Football Club for the Scheme. As a result of the need to acquire this land, it is proposed to include the acquisition of replacement land within the CPO which satisfies the requirements of policy DM68. The land identified to replace the land lost by BFC is considered to comply with the requirements of policy DM68 and be the most appropriate replacement land.

2.10 The Scheme is also supported by the following Development Management policies:

- (a) DM1: Flooding and drainage
- (b) DM3: Conservation Areas
- (c) DM4: Listed Buildings
- (d) DM6: Archaeology
- (e) DM7: Non-designated heritage assets
- (f) DM8: Nature Conservation
- (g) DM9: Trees and Woodlands
- (h) DM10: Landscape
- (i) DM11: Mendip Hills Area of Outstanding Natural Beauty (AONB)
- (j) DM19: Green Infrastructure
- (k) DM24: Safety, traffic and provision of infrastructure, etc. associated with development
- (l) DM25: Public rights of way, pedestrian and cycle access
- (m) DM26: Travel Plans
- (n) DM28: Parking Standards
- (o) DM29: Car Parks

(p) DM52: Equestrian Development

Emerging Local Plan policies

- 2.11 The Council has recently undertaken Regulation 18 consultation on the new North Somerset Council Local Plan (2023-2038). The emerging Local Plan, as currently prepared, continues to safeguard the Banwell bypass.
- 2.12 The new Local Plan currently proposes the allocation of 2,800 homes around Wolvershill Road to the north of Banwell. The Scheme is essential for enabling the delivery of this housing.

Corporate Plan

- 2.13 The Scheme also supports the North Somerset Council Corporate Plan 2020-2024 as the delivery of the Scheme is a project which is a measure of success against the priority of delivering a broad range of new homes to meet growing need, with an emphasis on quality and affordability.
- 2.14 The Corporate Plan acknowledges that, despite good strategic links, travelling around North Somerset by road or public transport is not always easy due to congestion and a limited bus network. The Corporate Plan has a priority of a transport network that promotes active, accessible and low carbon travel. The Scheme includes infrastructure which enhances routes for walking, cycling and equestrian use. It also includes mitigation measures to improve highway safety, and environmental mitigation to reduce the Scheme's impact on the environment.
- 2.15 The Corporate Plan also acknowledges that there is a need for significantly more homes to meet the demand of the Council's growing population and government targets, including affordable homes. The Corporate Plan places a priority on delivering the Banwell Bypass by 2024 to ensure that the Council can support a policy of supplying quality and affordable homes to ensure a five year supply is in place. An objective of the Scheme is to deliver infrastructure that enables housing (subject to the new Local Plan process), and so in this way the Scheme supports the provision of new housing.

3. Details

Background

- 3.1 The Council submitted an Expression of Interest on 28 September 2017 to the HIF Forward Fund. The objectives of this bid were to provide infrastructure and education provision which can support the delivery of existing and potential housing allocations totalling 7,557 new dwellings. 4,482 of the homes are to be located at the existing Weston Villages development sites; the specific numbers and locations of the residual dwellings will be subject to the new Local Plan process.
- 3.2 Following a successful shortlisting, decision COU18 on 8 May 2018 gave authority to work up the business case for this Scheme, as part of Stage two: Co-Development. This work was completed and the HIF business case was submitted on 7 February 2019 following approval under 18/19 DE341.
- 3.3 What is now the Department for Levelling Up, Housing and Communities, recommended to (the now) Secretary of State for Levelling Up, Housing and Communities approval for the Council's HIF Forward Fund bid. This was confirmed on the 26 November 2019 in a letter to the Council.
- 3.4 The Scheme is part of the wider project which is financed under the HIF Forward Fund. The HIF Forward Fund will be used to build the new bypass of the village of Banwell, fund online improvements to the surrounding highway network, improve the area's utilities network, and provide an expansion of the Winterstoke Hundred Academy secondary school in Locking Parklands. The expansion of the Winterstoke Hundred Academy does not form part of the Scheme and is not relevant to this Report.
- 3.5 The Capital Programme was increased by £97,067,550, the total HIF grant from Homes England, at the Full Council meeting on 16 June 2020.

Scheme Objectives

- 3.6 The overall objectives for the Scheme (which must be delivered within cost, quality, and programme targets) are to:
 - (a) Improve the local road network to deal with existing congestion issues.
 - (b) Improve and enhance Banwell's public spaces by reducing traffic severance and improving the public realm.

- (c) Provide the opportunity to increase active and sustainable travel between local villages and Weston-super-Mare.
- (d) Deliver infrastructure that enables housing development (subject to the Local Plan).
- (e) Ensure the development respects the local area and minimises visual impact upon the surrounding countryside and Mendip Hills Area of Outstanding Natural Beauty (“**AONB**”).
- (f) Innovative and efficient in reducing and offsetting carbon from the design and construction of the infrastructure.
- (g) Ensure the development provides the opportunity to increase Bio-Diversity Net Gain by at least 10%.
- (h) Proactively engage with stakeholders in a way that is both clear and transparent. Deliver infrastructure that enables housing development.

Scheme Description

3.7 The full extent of the Scheme is shown edged red on the plan at **Appendix 3 (“the Scheme Plan”)**. The Scheme Plan shows the extent of the planning application redline boundary, subject to any further changes prior to submission of the planning application.

3.8 The Scheme comprises the following distinct elements:

- (a) a bypass of the village of Banwell (referred to as the “**Banwell Bypass**”);
- (b) a route connecting the A371 at Castle Hill and the A368 at East Street (referred to as the “**Southern Link**”); and
- (c) mitigation and enhancement measures, which broadly consist of the following:
 - (i) environmental mitigation and enhancement measures in connection with the Banwell Bypass and the Southern Link, examples of which include (but are not limited to) flood compensation areas, planting and habitat creation, attenuation basins etc.
 - (ii) placemaking improvements within Banwell, comprising mitigation and enhancement measures to the public realm; and

- (iii) traffic mitigation in connection with the Banwell Bypass and the Southern Link, including improvements to the wider local road network.

Banwell Bypass

3.9 The Banwell Bypass would primarily consist of:

- (a) signalisation and capacity improvements to the Summer Lane/Wells Lane junctions on the A371;
- (b) a 40mph single carriageway bypass, connecting the existing A371 (east of Summer Lane) to A368 (west of Towerhead Farm);
- (c) a 3 metre wide shared use path provided along the Banwell Bypass providing a link from Weston-super-Mare and the strawberry Line (Sandford) as well as various links back into Banwell village;
- (d) Banwell West Junction – a three arm roundabout with road lighting, located east of Knightcott Industrial Estate at the western end of Banwell;
- (e) Wolvershill Road Junction – a traffic signalised junction with road lighting, providing access for all users to the west, east, and north. Access to the south would be restricted to public transport and walking, cycling and horse-riders, and limited agricultural access only;
- (f) Banwell River Bridge – an overbridge across Riverside and the River Banwell. There would not be a direct connection between Riverside and the Bypass;
- (g) Moor Road to Riverside Link – a side road connection between Riverside and Moor Road; and
- (h) Banwell East Junction – a three-arm traffic signalised junction, with dedicated turning lanes from the bypass towards the Southern Link.

Southern Link Road

3.10 The Southern Link will provide the new primary route south to Winscombe, as Castle Hill and Dark Lane are proposed to be stopped up. The Southern Link would be a 30mph single carriageway, connecting the A368 (East Street) to the A371 at Castle Hill. The Southern Link would be located within the Mendip Hills Area of Outstanding Natural Beauty (“AONB”). The Southern Link would link into the Banwell Bypass at

the Banwell East Junction. A T-junction located along the Southern Link would provide access into the east of Banwell (at East Street).

Mitigation Measures

- 3.11 Environmental mitigation and enhancement measures are proposed in connection with the Banwell Bypass and the Southern Link.
- 3.12 The Scheme would include mitigation measures which are provided to offset the impact of the Banwell Bypass proposal. These include (but are not limited to):
- (a) flood mitigation to ensure that the Banwell Bypass does not increase flood risk for third-party properties;
 - (b) essential environmental mitigation, such as ecology and landscape mitigation;
 - (c) sustainable urban drainage systems (e.g. attenuation basins and swales), and additional groundwater mitigation, to prevent adverse water quality impacts (including the Source Protection Zone): and
 - (d) replacement land to mitigate the impact of the scheme on Banwell Football Club.

Placemaking Improvements within Banwell

- 3.13 As a result of the Banwell Bypass, there would be a reduction in traffic through Banwell. The reduction in traffic (and resulting reduction in congestion) through the village could result in higher traffic speeds without mitigation.
- 3.14 A reduced 20mph speed limit through Banwell would discourage vehicles from travelling at higher speeds, whilst also discouraging the use of the road as a through route (instead of the Banwell Bypass).
- 3.15 The reduction of traffic through Banwell due to the provision of the Banwell Bypass provides the opportunity to make improvements to the existing road and public spaces within Banwell to enhance the historic and urban setting of the village. These improvements would include, but are not limited to:
- (a) alteration to the road and footways including resurfacing, widening, and narrowing (which would encourage drivers to comply with the posted 20mph speed limit);
 - (b) incorporation of active travel measures;

- (c) soft landscaping and ecological improvements; and
- (d) street signage improvements.

Improvements to the wider local road network

3.16 Improvements to the local road network in the surrounding villages of Churchill, Sandford and Winscombe are proposed to mitigate increases in traffic as a result of the Banwell Bypass. These mitigation measures would consist of:

- (a) Lowered speed limits:
 - (i) 20mph: A368 through Churchill, A368 through Sandford, A371 through Winscombe.
 - (ii) 30mph: A368 between Churchill and Sandford Villages.
- (b) Gateway Features when entering and exiting the villages of Sandford, Churchill and Winscombe.
- (c) Non-physical traffic calming measures through and between villages (e.g. road markings and speed signage).
- (d) Capacity improvements to the Churchill Junction (A38/A371).
- (e) Provision of new / improvements to existing pedestrian and cycling crossings.
- (f) Active travel measures along the A368, with improved footway/cycleway access from Sandford, Churchill, and Langford to Churchill Academy.
- (g) Improvements to footways, shared pedestrian, and cycleway.
- (h) Soft landscaping, native planting, rewilding, and ecological enhancements.

Rights of Way to be Stopped Up

3.17 There are public rights of way proposed to be stopped up as part of the Scheme. Suitable alternative re-provision and connections will be made. The full detail of these arrangements will be made available at the point of publishing the SRO, however, a summary is set out below.

3.18 The following public rights of way are currently proposed to be stopped up as part of the Scheme:

- (a) Well Lane will be stopped up and a replacement connector road to the A371 will be constructed.
- (b) Part of public right of way AX3/11/10 will be stopped up where the new classified road crosses that footpath.
- (c) Part of the A371 Knightcott Road will be stopped up to prohibit vehicular access, and alterations made to accommodate the new Banwell West Junction and new Summer Lane junction.
- (d) Wolvershill Road will be stopped up to allow for the construction of the Banwell Bypass junction. Wolvershill Road will then be reopened with traffic restrictions southbound from the junction with the Bypass.
- (e) Part of public right of way AX3/6/10 will be stopped up from a point 109 metres north east of Whitecross Cottage for a distance of 34 metres north east and from a point 259 metres north east of Whitecross Cottage. An alternative public right of way connection will be provided
- (f) Part of public right of way AX3/6/10 will be stopped up for a length of 320 metres in a generally north easterly direction, from its junction with Cook's Lane, with an alternative path provided along Cook's Lane. A crossing over the Banwell Bypass is provided to allow continuity of this route.
- (g) The existing Moor Road under the trace of the Banwell Bypass would be stopped-up. The southern section of Moor Road would become a 'no through road' accessed from Riverside only, with no direct access from the Banwell Bypass.
- (h) Parts of the A371 Castle Hill and Dark Lane would be stopped-up at their southern ends where they meet the Southern Link, with no direct vehicular access provided onto the Southern Link.
- (i) Part of the A368 in the area around Abbey Lodge and Towerhead Farm will be stopped up to allow for the construction of the Banwell East Junction.
- (j) Eastermead Lane will be stopped up from a point 270 metres north east of Banwell Football Club Pavilion for a distance of 119 metres to the north east.

3.19 Some other public rights of way (footpaths) will be stopped up under the SRO, but only to allow for the creation of new public rights of way classed as bridleways in the same location. These currently include:

- (a) A public right of way referenced as AX14/21/20, for its entire length from its junction with the A368 to its junction with Churchill Green.
- (b) A public right of way, referenced as AX14/36/30, AX14/36/20 and AX14/36/10, from its junction with Church Lane (near St John the Baptist's Church) in a generally easterly direction to its junction with Ladymead Lane.

3.20 The following private means of access are currently proposed to be stopped up:

- (a) Unclassified field access off existing A371 located 101 metres west of Knightcott Motors garage.
- (b) Unclassified field access directly off existing A371 located directly opposite Knightcott Motors.
- (c) Unclassified field access directly off existing A371 located 71 metres east of Knightcott Motors garage.
- (d) Unclassified field access directly off Wolvershill Road located 173 metres north west of Stonebridge Farm.
- (e) Unclassified field access directly off Riverside located 304 metres north of junction between Moor Road and Riverside.
- (f) Unclassified field access directly off A368 East Street located 15 metres west of junction between A368 East Street and Eastermead Lane.
- (g) Unclassified field access directly off A368 East Street located 84 metres east of junction between A368 East Street and Eastermead Lane.
- (h) Unclassified field access directly off A368 Towerhead Road located 208 metres west of junction between A368 Towerhead Road and Catworthy Lane.

3.21 Where private means of access are stopped up, suitable alternative access arrangements will be put in place and provided for in the SRO where required. Details of all new private means of access will be included within the SRO.

The CPO Land

3.22 The CPO Plan at **Appendix 1** identifies the extent of the land and rights required for the Scheme. This sub-section sets out an overview of the site of the Scheme.

Banwell village and surrounding area

3.23 Banwell is a village and civil parish in North Somerset, its population is 2,929 (according to 2011 Census). The centre of Banwell village is designated as a Conservation Area. Banwell Village is located approximately 3.5 miles east of Weston-super-Mare and 17 miles southwest of Bristol. There are several villages in the vicinity of Banwell, including Sandford and Churchill to the east, Winscombe to the southeast, and Locking and Hutton to the west. The immediate surrounding land use is predominately agricultural, with the Mendip Hills AONB to the south of the village. The nearest railway stations are Worle Station and Weston Milton Station, both on the Weston-super-Mare to Bristol line, which are approximately 2.5 miles and 3 miles northwest respectively. Weston-super-Mare main line station is 4 miles to the northwest. Bristol Airport is 7.5 miles northeast of the village.

Description of land to be included in the CPO

3.24 The CPO Land (as demarcated on the CPO Plan) is described below, starting with the western part of the Scheme through to the eastern part of the Scheme.

- (a) The eastern extent of the CPO Land includes parts of the existing A371, Wells Lane and Summer Lane, including land on which existing highways infrastructure is located (such as footways, verge, a bus stop, signage, lighting columns and bollards).
- (b) At the start of the Banwell Bypass route alignment the Scheme moves north across agricultural land. In this area the CPO Land includes typical agricultural features such as fields, hedges, access tracks and farm outbuildings. This section also includes part of the Stonebridge Caravan Park, through which runs the Wallymead Rhyne. Along the route corridor for the Banwell Bypass, in addition to the proposed new road and active travel route, land is required for environmental and flood mitigation areas and attenuation ponds.
- (c) The CPO Land crosses Wolvershill Road (including part of the road to the north and south required for the junction alterations) and then to the east includes further agricultural land and associated agricultural features.

- (d) Part of Moor Road is required for the Scheme, together with an adjacent field and pond. Immediately west and parallel to Moor Road is the Old Yeo Rhyne, which the route of the Banwell Bypass would cross.
- (e) A separate strip of agricultural land to the north of the proposed Banwell Bypass route is also included in the CPO Land for the provision of the new Moor Road to Riverside Link.
- (f) The CPO Land includes part of Banwell River and Riverside where the new Riverside Crossing overbridge will be constructed. Further east, the Scheme then crosses a small section of the traditional orchard at Riverside and part of the land in use as playing fields by Banwell Football Club.
- (g) The Banwell Bypass alignment will then turn south towards the A368, and the land required in this section includes further agricultural fields adjacent to the existing solar farm. A separate agricultural field is included in the CPO Land in this area for the re-provision of recreational land for Banwell Football Club.
- (h) At the southern extent of the main route alignment, the CPO Land includes agricultural fields required to enable the construction of the proposed Banwell East Junction and part of the A368 for tie-ins to the existing road network and connection to the proposed Southern Link.
- (i) The Southern Link, including environmental mitigation land, is proposed to be located on an agricultural field to the south of the A368 within the boundary of the Mendip Hills AONB. Parts of Castle Hill and Dark Lane are included within the CPO Land to the south to enable alterations to the existing highway and public rights of way network to accommodate the Southern Link.
- (j) In addition to the land required for the Banwell Bypass and Southern Link, a corridor for an active travel route is included in the CPO Land crossing from Eastermead Lane to the east, through the solar farm and then south to connect with the A368. This corridor is predominantly existing private access routes and agricultural land.
- (k) East of the Banwell Bypass, in the Churchill area, the CPO Land includes three further sections required for improvements to the active travel network and existing highway junctions:

- (i) A route running north-south between Greenhill Road and Churchill Green, alongside an existing public right of way, which is required for improvements to the existing public right of way network.
- (ii) A route running east-west from Church Lane to Ladymead Lane. This land is an existing public right of way and is required to implement widening and improvements to this route. The widening at the eastern extent includes some open space land near Ladymead Lane.
- (iii) A small section of land between the west and south arms of the existing Churchill Gate junction, which is required for improvements to the junction to mitigate the traffic impacts of the Scheme. This section is also believed to be open space land.

Need for Compulsory Purchase Powers

- 3.25 The Highways Act 1980 authorises the Council, as highway authority, to compulsorily acquire land that is required for the construction or improvement of a highway. The relevant statutory provisions are set out in section 6 below. The CPO Land is required for delivery of the Scheme and, where applicable, conforms to the distance limits on compulsory acquisition contained in the 1980 Act.
- 3.26 Government guidance provides further advice on the use of compulsory purchase powers. The Department for Levelling Up, Housing and Communities ‘*Guidance on Compulsory purchase process and The Criche! Down Rules*’ (2019) (“**the CPO Guidance**”) states:
- (a) Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life.
 - (b) A compulsory purchase order should only be made where there is a compelling case in the public interest.
 - (c) Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects.

Alleviation of congestion

- 3.27 The primary purpose of the Scheme is to alleviate long-standing traffic congestion in the area around the village of Banwell. Banwell has experienced the negative impact of traffic congestion on its local community, economy and environment since the 1930s. These problems have worsened over the years as new developments have brought increased population and traffic to the area in combination with rising numbers of car ownership and economic factors. The Scheme is proposed in order to tackle these long-standing issues.
- 3.28 The A371 corridor through Banwell provides important local and regional connectivity. Congestion through the village causes journey time delays and uncertainty. This in turn, has economic, transport, cultural, environmental impacts to the area and the wider network. The Scheme strives to address these issues.
- 3.29 Extensive traffic modelling has been undertaken to inform the Scheme design and planning application. The draft modelling, which will be finalised and made available with the planning application, shows that without the Scheme the traffic pressure in the Banwell area will increase by the modelled opening year (2024) and congestion issues will be made worse by the design year (2039) (i.e. the year for which the Scheme is being designed to accommodate future conditions on the road network) as a result of anticipated residential and employment development in the area through new Local Plan allocations.
- 3.30 The draft modelling shows that in the opening year with the Banwell Bypass and the Southern Link (but without the wider mitigation measures) the traffic flows on the A371 through Banwell are forecast to decrease by around 80% compared to the scenario without the Banwell Bypass and Southern Link due to redistribution of traffic onto the bypass. This will significantly reduce congestion and delay in the village.
- 3.31 There is a forecast increase in traffic on the wider local road network as a result of traffic from alternative routes utilising the Banwell Bypass and Southern Link. This will lead to traffic flows (without the mitigations works in place) increasing by around 15% on the A368 near Churchill, 25% on the A368 near Sandford and 5% on the A371 near Winscombe.
- 3.32 In the design year, with the anticipated development as a result of the emerging Local Plan and the Scheme in place, traffic flows in Banwell are anticipated to decrease by around 70% when compared against the scenario without the bypass. Traffic is

expected to increase elsewhere on the local road network. Further increases above those identified in the opening year are generally attributable to the new development anticipated in the emerging Local Plan.

- 3.33 Detailed information regarding traffic modelling and transport impacts will be available in the planning application once submitted.
- 3.34 The need for a bypass for the purposes of alleviating congestion is already established in the current North Somerset Council Development Management Policies: Sites and Policies Plan (Part 1). Policy DM20 (Major Transport Schemes) confirms that the Banwell bypass is one of a number of major transport schemes which are safeguarded by the policy.

Enabling new housing

- 3.35 Funding for the Scheme comes from Homes England's Housing Infrastructure Fund, which has been awarded to deliver the essential infrastructure needed to benefit existing communities and support the delivery of 7,557 new homes. 4,482 of these new homes will be located at the existing Weston Villages development sites of Haywood Village and Locking Parklands where homes are already under construction.
- 3.36 The location of the remaining homes will be decided through the new Local Plan process. Whilst the Local Plan and subsequent future housing still needs to go through the plan-making process to become adopted policy, the Scheme is vital to support the delivery of new development as it improves access to homes, employment and education in the area.
- 3.37 The new housing will result in additional traffic on the local road network, which has been considered as part of the design of the Scheme.

Economic benefits

- 3.38 Improvements to the transport network in the area around Banwell will result in significant economic benefits associated with unlocking the area for new residential and employment opportunities. A draft Economics Appraisal has been prepared to inform the planning application for the Scheme and will be made available when the application is submitted. It shows the potential for significant economic benefits as a result of transport user benefits and significant gross land value uplift for the area, generated by the Scheme.

Complexity of land assembly

- 3.39 Although negotiations with landowners have commenced, it is currently envisaged that the land and rights required for the Scheme cannot be assembled without the use of compulsory purchase powers. The land assembly for the Scheme is complex and requires the acquisition of a range of different land interests over a significant number of landholdings. It is highly unlikely that this can be achieved without a CPO.
- 3.40 The CPO is therefore required to deliver these important benefits to the area and it is considered that there is a compelling case in the public interest for the CPO. This case will be advanced in more detail through the statement of reasons prepared at the point of making the CPO and SRO, if authorisation is secured to progress to that stage. Ultimately, the Secretary of State will need to confirm the CPO (and the SRO) before it can be implemented, and be satisfied that a compelling case has been made.
- 3.41 Further details of the compulsory purchase powers to be relied upon for the CPO are contained in section 6 below.

Summary of Negotiations

- 3.42 The Council, via their appointed agents, wrote to all parties identified as owners of land impacted by the Scheme to explain the Council's intentions to negotiate heads of terms for the acquisition of land and rights required for the Banwell Bypass. Correspondence in relation to the main elements of the Scheme was issued in late 2021 and then correspondence in relation to the wider mitigations areas in early 2022.
- 3.43 All parties with interests in land required for the main Banwell Bypass and wider mitigations have been approached, via their agents where appointed. The Council has proposed terms for land and rights acquisitions in order to progress negotiations. Additional work is still being undertaken to finalise designs for the improvements to public rights of way and wider mitigations which form part of the wider Scheme, however, all impacted owners have been consulted on the initial proposals and heads of terms will be issued soon.
- 3.44 If all of the land and rights required for the Scheme can be acquired voluntarily, it will not be necessary to implement the CPO.

Human Rights Act and Evidence of Compliance

3.45 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (“**the Convention**”). It includes provisions in the form of Articles which aim to protect the rights of the individual.

3.46 Paragraph 12 of the CPO Guidance sets out how an acquiring authority should take into account Human Rights:

“An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.”

3.47 The Human Rights Act 1998 incorporated into domestic law the provision of the Convention. The relevant articles can be summarised as follows:

(a) Article 1 of The First Protocol ‘Protection of Property’: protects the rights to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest.

(b) Article 6 of the Convention Rights and Freedoms ‘Right to a fair trial’: entitles those affected by compulsory powers to a fair and public hearing.

(c) Article 8 of the Convention of Rights and Freedoms ‘Right to respect for private and family life’: protects the right of the individual to respect for his private and family life, his home and his correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.

(d) Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the Convention.

3.48 The CPO, if made, may infringe the human rights of persons with an interest in land. This infringement is authorised by law provided that:

(a) There is a compelling case in the public interest for the compulsory acquisition powers included within the CPO, and that proper procedures are followed.

(b) Any interference with a human right is proportionate and otherwise justified.

3.49 Of the land being acquired for the Scheme, the plots listed in the table below are worth noting in particular because the acquisition affects either residential or commercial properties. However, it is considered that the acquisition in each case is proportionate and justified.

Residential properties	
25 Castle Hill, Banwell	Hedgerow and part of garden of property required only. Minor impact only.
Commercial Properties	
Stonebridge Farm Caravan Park	Caravan Park, with mix of full service (electric, drainage & water), standard pitches (electric and shared water) and non-electric pitches. Associated dog walking area and drive. Surrounding farmland also within ownership of the site. Significant impact.
Banwell Football Club	As mentioned above, land used by Banwell Football Club is required for the scheme. Although this is a significant impact, suitable replacement land is proposed to be provided in compliance with policy DM68.
Court Farm Country Park	Farm based visitor attraction. Main attraction area is unaffected, however agricultural land located to the south of the farm is affected by the scheme. Minor impact only.

16.1 It is recognised that the Scheme may have an impact on individuals; however, this is outweighed by the significant public benefits that will arise from the Scheme, as set out in this Report. The Council must strike a fair balance between the public interest in seeing the Scheme proceed (which is unlikely to happen in the absence of the compulsory acquisition powers being obtained) and the private rights which would be affected by the compulsory acquisition.

16.2 In relation to both Articles 1 and 8, the compelling public interest case for the compulsory acquisition powers included within the CPO has been demonstrated in this

Report. The land over which compulsory acquisition powers are sought is the minimum necessary to ensure the delivery of the Scheme. The Scheme has been designed to minimise detrimental impacts, whilst achieving its publicly stated objectives. In this respect the interference with human rights is both proportionate and justified.

- 16.3 In relation to Article 6 it is the case that proper procedures have been followed for both the consultation on the Scheme and for the determination of the compulsory purchase powers included within the scheme. Throughout the development of the Scheme, persons with an interest in the land have had full opportunity to comment on the proposals in a non-statutory capacity, and the Council has endeavoured to engage with landowners. The Council has been responsive to landowner feedback in both the initial design of the scheme and in iterative design changes throughout the development of the Scheme. The approach which has been taken to considering alternatives and design changes is explained further in section 13 of this Report. Further statutory consultation will be undertaken when the planning application is submitted.
- 16.4 Any person affected by the exercise of compulsory acquisition powers may be entitled to compensation.

4. Consultation

- 17.1 The Council has undertaken a wide range of consultation with the public, statutory environmental bodies and other key stakeholders. Summaries of the main consultation undertaken are set out in this section of the Report. As mentioned above, there will be a further opportunity for statutory consultation when the planning application is submitted.
- 17.2 Where relevant and feasible, all feedback received as part of the consultation has been used to develop the design of the Scheme.

First Non-Statutory Consultation (July-August 2021)

- 17.3 This consultation asked the public for views on:
- (a) How they use the A371 and A368 and what the existing problems are.
 - (b) The Council's favoured Banwell Bypass route.

- (c) Possible mitigations or enhancements for Banwell and the wider local road network.
- 17.4 On Monday 5 July 2021 the consultation was launched online using the council's eConsult system. Ensuring the consultation was both inclusive and accessible was a key priority and so paper consultations were also made available (on request) for residents without internet access and the Council's customer services team were available to support over the phone.
- 17.5 In addition to the public information drop-in events, statutory and non-statutory groups were invited to engage in environmentally focussed discussions – including Natural England, Somerset Internal Drainage Board, Environment Agency, and Mendip Hills AONB.
- 17.6 In total 1,135 responses were received of which 32% were made by residents of Banwell, and 38% were made from the surrounding villages of Sandford, Winscombe, and Churchill. Formal responses were received from residents, businesses and other local bodies, including Banwell, Churchill and Winscombe & Sandford parish councils.
- 17.7 The following points were observed from the written responses received in response to the public consultation:
- (a) Principle of needing to overcome traffic issues in Banwell is generally supported, with many recognising that a bypass is the most appropriate solution.
 - (b) Concern around the bypass resulting in additional traffic through villages along the A371 and A368 (namely Churchill, Langford, Sandford and Winscombe). Many respondents request additional highways measures to mitigate these impacts, including a bypass directly to the A38. These concerns came largely from residents of these villages.
 - (c) Impacts upon neighbouring settlements will need to be fully assessed and appropriately mitigated.
 - (d) Concerns from landowners around loss of land, particularly related to route 2.
 - (e) Residents of Banwell generally resist the loss of the football pitches at Banwell Football Club, identifying them as important community assets.

- (f) Concerns around amenity impacts (noise, pollution, etc) during construction and operational stages, particularly residents of Banwell.
- (g) Concerns around environmental impacts, particularly biodiversity and flood risk. Issues have also been raised around impacts on the AONB and Groundwater Source Protection Zone related to the Southern Link Road. Impacts upon increased traffic within Churchill Conservation Area also raised.
- (h) Respondents requested that further traffic modelling information is made available and included analysis to show impact of proposed future housing development.
- (i) Many respondents would like to see a better-connected network of pedestrian/cycle routes as part of the wider scheme of improvements.

17.8 All consultation responses received were analysed to understand individual views, opinions and suggestions on the bypass and improvements to minimise potential impacts of the scheme. This first consultation was early in the design process and feedback was used by the design team to identify areas of aspiration and concern to inform the design.

17.9 The outcomes of this consultation are set out in the Banwell Bypass & Highway Improvements Consultation Report at **Appendix 4**.

Second Non-Statutory Public Consultation (March-April 2022)

17.10 This was a supplementary non-statutory consultation to gather feedback to help inform particular elements of the design development of the Banwell Bypass and associated proposed changes to Banwell village and its surrounding area, including measures to reduce likely impacts of the Scheme in nearby villages Sandford, Churchill and Winscombe.

17.11 In total, 441 responses were received to the online survey and 36 letters were received.

17.12 The feedback, along with the findings from the environmental surveys and technical investigations and assessments, will be used by the Council to decide how best to develop the Scheme and associated works to mitigate impacts resulting from the Banwell Bypass before the planning application is submitted.

17.13 As part of the consultation, the Council provided information about the Scheme and asked stakeholders including the public for views on:

- (a) The latest iteration of the design of the Banwell Bypass and Southern Link.
- (b) Proposed improvements to the village of Banwell.
- (c) Proposals to nearby roads and villages, including measures to address likely impacts of the Scheme.

17.14 Information in support of the consultation included plans and drawings showing the latest design changes to the Banwell Bypass and Southern Link following feedback from the first public consultation. Information also showed and described proposed changes to Banwell village and proposed changes to nearby roads and villages. In addition, results of the latest environmental surveys and technical investigations and assessments were provided, to help evidence some of the latest decision making.

17.15 The key themes identified were:

- (a) Horse riding: comments on need for improved access lack of consideration.
- (b) Wolvershill Road: comments on design and proposals and general objection to access restrictions.
- (c) Rat running: comments concerning increased/worsening of rat runs and traffic in surrounding villages.
- (d) Impact on greater horseshoe bats should be considered more.
- (e) Negative impact on farming and risks to livestock.
- (f) Concern over associated new housing being delivered.
- (g) Comments regarding biodiversity net gain.
- (h) Speed restrictions: the proposed 20mph speed limits were acknowledged, but further measures are considered necessary to slow traffic. It was suggested that speed cameras are installed.
- (i) Churchill Academy: it is important that Churchill Academy students have a safe route to school and therefore a controlled pedestrian crossing point should be provided on the A368 Dinghurst Road close to the junction with Hilliers Lane bus stop.

- (j) Requests that mitigation measure budget is ring fenced to ensure funds are not used in over-spend of constructions costs.

17.16 The outcomes of this consultation are set out in the draft Second Consultation Analysis Report at **Appendix 8**.

Environmental Consultees

17.17 The following consultation has been undertaken and is ongoing with statutory and non-statutory environmental bodies:

- (a) Environmental Liaison Group: regular sessions have been held with both statutory and non-statutory environmental bodies to update them on the progress of the planning application and EIA. Specific concerns were noted and have informed the design of the Scheme and the progress of the EIA.
- (b) Environment Agency: consultation has been held to agree the scope of flood risk, to consider the risk of impacts on Source Protection Zones and the scope of the Water Framework Directive assessment. This consultation has informed the Scheme design and mitigation measures.
- (c) Natural England: early advice was sought on the requirements of the Habitat Regulations Assessment for the Scheme, the impact on bat populations and foraging areas and the Scheme mitigation proposals.
- (d) Lead Local Flood Authority: regular meetings have been held to discuss the flood risk and drainage strategy and the approach to surface water flooding and mitigation. Feedback has informed the Flood Risk Assessment and flood modelling.
- (e) Internal Drainage Board: consultation was held to discuss flood risk and proposed mitigation.
- (f) Bristol Water: consultation was held to discuss the potential impacts of the band drains, which form part of the Scheme design, on the artesian groundwater supply which supports Banwell Spring. Further targeted groundwater monitoring is being undertaken.

Internal North Somerset Council Consultation

17.18 The following consultation has been undertaken and is ongoing internally within the Council:

- (a) Development Management team: regular consultation has been undertaken with members of the Development Management team to discuss the detail of the Scheme.
- (b) Local Plan team: regular meetings have been held with the team developing the emerging Local Plan to ensure that there is alignment between these two projects. This feedback has been important given the objective of the Scheme to enable new housing being brought forward through the emerging Local Plan, and the design of the Banwell Bypass has taken account of the anticipated location of new housing in the area.
- (c) Public Rights of Way and Sustainable Transport teams: consultation on the Walking, Cycling and Horse-riding Assessment and strategic connectivity including interface with other Council schemes.

Other Key Stakeholders

17.19 The following consultation has been undertaken with other key stakeholders:

- (a) Members of Parliament: the Project Team has been in regular contact with local Members of Parliament to update them on the progress of the design.
- (b) Banwell, Churchill, Winscombe & Sandford Parish Councils: the Project Team has worked closely with the Parish Councils of these villages, providing formal updates and regularly attending Parish Council meetings.
- (c) Public Working Groups: community working groups have been established with the help of the Parish Councils. These groups have provided a forum group members, put forward by the Parish Councils as representative of a broad range of local views, to raise concerns about the possible impacts of the Scheme on the local area.
- (d) Banwell Football Club: due to the need to acquire land occupied by the Club for the Scheme, the Project Team has met with representatives of the Club on several occasions to discuss their needs and seek to minimise any adverse impact on the Club.
- (e) Placemaking drop-in session: an event was arranged at Banwell Youth Community Centre to outline the proposals for placemaking improvements within Banwell. Feedback has helped shape this element of the Scheme.

- (f) Banwell Equestrian Centre: consultation was held to discuss the potential impacts of the Scheme to horse-riding access in the area.
- (g) Greener Church Road (Winscombe) Action Group: this discussion with a local residents' group focused on the mitigation proposals located on Church Road in Winscombe.
- (h) Walking, Cycling and Horse-riding Workshop: a workshop was arranged with local and regional walking, cycling and horse-riding groups to discuss local issues and areas of concern, as well as areas for potential improvement.
- (i) British Horse Society: a meeting was arranged to discuss provision for horse-riders in the area.
- (j) Sustrans & Cycling UK: a virtual meeting was held to discuss provision for cyclists which led to a review of active travel connections.
- (k) Woodspring Rambler: correspondence has been exchanged seeking views on potential impacts on walkers in the area. A meeting was declined.

5. Financial Implications

- 18.1 Before confirming the CPO, the Secretary of State will need to be satisfied that the scheme for which the CPO is sought is viable and likely to proceed. This section sets out headline information about the costs of the Scheme and the funding which is in place.
- 18.2 The cost of progressing the CPO (and other required orders and consents) and constructing the Scheme will be accommodated within the project budget.

Funding

- 18.3 On 24 August 2020, the HIF Grant Development Agreement (“**GDA**”) was entered into between the Council and Homes England. The GDA governs the funding for the Banwell Bypass. The total funds available are approximately £97,100,000 (which have been allocated to build the new bypass of the village of Banwell, fund online improvements to the surrounding highway network, improve the area’s utilities network, and provide an expansion of the Winterstoke Hundred Academy secondary school in Locking Parklands). The funding which is specifically available for the Scheme is approximately £65,300,000. It is available in two tranches:

- (a) Stage 1 (preliminary): approx. £17,300,000. This includes the costs of the design work, land acquisition and securing the Orders.
- (b) Stage 2 (construction): approx. £48,000,000. This relates to the construction costs for delivering the Scheme.

Stage 1 funding

18.4 The Stage 1 funding has already been drawn down and is available. It is this funding which is primarily relevant to the resolutions proposed in this Report because it includes the costs of land acquisition (whether voluntarily or by compulsory purchase) and securing the Orders.

18.5 The decision to proceed with the Orders and assemble the land therefore has all necessary funding already available. The budget for land acquisition within the Stage 1 funding is sufficient to meet the costs based on the current property costs estimates, which are set out in the costs section below.

Stage 2 funding

18.6 The Stage 2 funding relates to the construction costs of the Scheme. Prior to drawing down the Stage 2 funding, further approval is required from both Homes England and the Executive.

18.7 Before being able to draw down on the Stage 2 (construction) funds, the Council must provide certain information and documents to Homes England, including:

- (a) a copy of the grant of planning permission and any other consents required for that part of the infrastructure works that are the subject of the claim;
- (b) a satisfactory valuation in respect of the infrastructure site; and
- (c) certificate of title in respect of ownership or rights over the infrastructure site.

18.8 It is therefore a requirement for the Council to secure legal and beneficial ownership and vacant possession of all land and rights required for the Scheme (i.e. those required for the bypass, online improvements and utility upgrades). The land must be secured and the Scheme delivered by certain defined dates. All of the land and rights required for the Scheme will need to be acquired in accordance with the terms of the GDA.

- 18.9 It is this requirement to acquire the land interests in advance of the defined dates which drives the need for the CPO. If the Scheme is not supported by the exercise of compulsory purchase powers this could result in significant delays to the acquisition of land, which may result in the Council not being able to meet the defined dates in the GDA. This could lead to the Council not being able to draw down the Stage 2 funding for construction.
- 18.10 There is some inherent risk in not being able to meet the defined dates as a result of slippage in the Scheme programme. However, based on the current milestones in the GDA and the current progress of the Scheme, it is reasonable to conclude that the Stage 2 funding will be available. Homes England is consulted regularly and there is the potential to agree changes to the funding milestones if needed (although this should not be relied upon).
- 18.11 As will be noted in relation to costs (below), the Stage 2 funding available through the GDA is necessary to support, progress and deliver the Scheme. The level of funding allocated is sufficient to cover the anticipated costs of Scheme construction and associated consultant and professional costs. It should be noted that the Council is required to fund any costs overruns which exceed the total HIF budget. There is potential for funding to be available through developer contributions secured through section 106 agreements towards improvements in the area. As things stand, however, it is not anticipated that such alternative funding will be required.
- 18.12 The risk of the Council being exposed to a funding deficit as a result of failing to meet the GDA milestones is mitigated by the phased approach of delivering the Scheme.
- 18.13 Before commencing the construction of the Scheme (reliant on the Stage 2 funds), the Project Team will be in a position to evaluate progress against the GDA milestones and ensure that the timescales can be met before the funding is drawn down and any costs are incurred. As mentioned above, the decision to draw down the Stage 2 funds is also subject to prior approval and scrutiny from Homes England and the Executive.
- 18.14 The risk of any wasted costs from Stage 1 if the decision has to be taken not to proceed with Stage 2 is mitigated by the staggered approach to land acquisition. The availability of funding can be reviewed following confirmation of the CPO but prior to it being implemented and the land being vested in the Council which would trigger the compensation liability. The CPO could, if necessary, be aborted at that stage.

18.15 Similarly, for agreements entered into voluntarily with affected landowners, it is proposed, where possible, to enter into option agreements to secure the land interests. This will reduce the upfront costs payable by the Council, and the options can then be exercised when possession is required, triggering the consideration payable under the terms of the agreement. If the Scheme does not progress for any reason, the options need not be exercised.

Costs

18.16 High level property costs estimates have been prepared by the Council's advisers. These estimates are subject to further analysis and updates as the design of the Scheme and construction working requirements are finalised. This work will be undertaken before the CPO is made and will inform the statement of reasons which will be published alongside the CPO. The estimates are also unpinned by a number of assumptions and caveats which could cause them to change as further analysis is undertaken.

18.17 The current estimates which have been provided are:

- (a) £4,015,171 including £1,060,000 in potential Part 1 claims, principally covering the Banwell Bypass alignment and some assumed construction working areas and mitigation sites (see the Fisher German report dated 15 October 2021 at **Appendix 6**).
- (b) £70,147 for the Langford footpath improvements from Churchill Academy and £19,701 for the A368 to Churchill Academy footpath improvements (see the Fisher German report dated 28 January 2022 at **Appendix 7**).

18.18 Even acknowledging the potential for these estimates to change, there is comfortable headroom in the current Stage 1 budget to deliver the Scheme and acquire the land interests (whether by compulsion or agreement).

Stage 2 costs

18.19 The current construction cost estimate attributed to the Scheme is £37,289,585. This figure includes detailed design cost estimate of £1,245,000.

18.20 The Stage 2 costs will be reviewed against the funding available prior to construction commencing.

18.21 There is, therefore, not considered to be any funding impediment to the Scheme.

6. Legal Powers and Implications

Compulsory Purchase Order

- 19.1 The Council's powers of compulsory purchase to acquire land and interests in land for the Scheme are contained in the Highways Act 1980.
- 19.2 A CPO will not be required for every element of the Scheme. Placemaking improvements within the village of Banwell and the majority of other wider mitigation works in the surrounding villages will be delivered within the existing boundary of the adopted public highway. These works will be undertaken under other powers contained in the Highways Act 1980 available to the Council as local highways authority, and no additional land is required. A comparison of the plans at **Appendix 1** (the CPO Plan) and **Appendix 3** (the Scheme Plan) illustrates the extent of the CPO compared to the Scheme as a whole.
- 19.3 It is a condition of the exercise of the relevant compulsory purchase powers that the land in question is "required" for a particular purpose. The land to be acquired by the Council is required for the following purposes under the relevant sections of the Highways Act 1980:
- (a) Section 239: for the construction and improvement of a highway which is to be a highway maintainable at the public expense.
 - (b) Section 240: for the improvement of a highway and to acquire land necessary for implementing the SRO.
 - (c) Section 246: for the mitigation of any adverse effect which the existence or use of a highway constructed or improved has or will have on the surrounding of the highway.
- 19.4 In addition the Council may, under section 250 of the Highways Act 1980, provide for the creation of new rights over land as well as for the acquisition of rights already in existence.
- 19.5 Section 249 of the 1980 Act sets out distance limits from the middle of the existing or new highways beyond which land to be acquired must not exceed. These limits do not apply to land and rights required for mitigation of the adverse impacts of the Scheme.

The land and rights required for the construction or improvement of the Banwell Bypass and Southern Link are within these limits.

- 19.6 Procedural matters relating to the service and making of the CPO are contained in the Acquisition of Land Act 1981.
- 19.7 The Acquisition of Land Act 1981 also provides that where special category land is acquired by compulsory purchase a special parliamentary procedure must be completed unless the Secretary of State issues a section 19 certificate.
- 19.8 A section 19 certificate can only be issued where the Secretary of State is satisfied that suitable replacement or exchange land is being provided (where relevant), or where:
- (a) the land does not exceed 250 square yards in extent; or
 - (b) is required for the widening or drainage of an existing highway (or partly for the widening and partly for the drainage of an existing highway);
- and
- (c) where providing exchange land is unnecessary, whether in the interests of persons with rights over the land being acquired or in the interests of the public.
- 19.9 There is no land included in the CPO Land in respect of which exchange land is required. There are some parcels of land proposed to be acquired which are, or may be, special category land. This land includes potential open space land and potential allotment plots. The status of this land has been reviewed by the Project Team's advisers and, subject to further land referencing being undertaken, all of this potential special category land is considered to fall within the exceptions set out at paragraph 19.8 above. A section 19 certificate will be required, but there are no known impediments to securing the grant of the certificate.
- 19.10 In addition, land referencing has identified that there may be land within the CPO Land boundary in the ownership of a Parish Council at Castle Hill. Where land in the ownership of a Parish Council is acquired by a local authority (such as North Somerset Council) using compulsory purchase powers, although the land may be in principle categorised as special category land there is no additional process which must be followed in order for the land to be acquired. This is confirmed in section 17 of the Acquisition of Land Act 1981.

19.11 The primary legal implication of not securing a CPO is that the land required for the Scheme may not be capable of being secured, or alternatively may not be secured in line with the GDA milestones. Additional risks relevant to securing the CPO are set out in section 10 of this Report.

Side Roads Order

19.12 The Scheme will require alteration and the stopping up of side roads and accesses and the provision of new highway and private means of access (see paragraphs 3.18 to **Error! Reference source not found.** above). These alterations will require a SRO, which must be confirmed by the Secretary of State.

19.13 The SRO will be made under sections 14 and 125 of the Highways Act 1980. The SRO is required to authorise the Council (as highways authority) to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road ("the road" in this context being the Banwell Bypass and/or the Southern Link), or which may be otherwise affected by the construction or improvement of the road. The SRO will also authorise the construction of a new highway for purposes concerned with such alteration, or for any other purpose connected with the road or its construction.

19.14 Section 125 of the Highways Act 1980 also allows the SRO to be used to stop up or create new private means of access to premises for the purposes of constructing the Scheme. Where the SRO permits stopping up of a private means of access, the SRO will only be authorised if the Secretary of State is satisfied that no access to the premises is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided.

19.15 It is a requirement that provision be made in the SRO for the preservation of any rights of statutory undertakers and telecommunications code operators in respect of their apparatus affected by the SRO, subject to section 21 of the Highways Act 1980. Section 21 applies certain provisions of the Town and Country Planning Act 1990 (subject to modifications) which allow the extinguishment of these rights where a highway is stopped up or diverted under an SRO.

19.16 Owners or occupiers to which a supply was provided by that apparatus may be entitled to compensation for costs incurred due to the removal of the apparatus and the need to install a new connection with other apparatus.

Traffic Regulation Order

- 19.17 The Scheme will also require a TRO which will be secured under the Road Traffic Regulation Act 1984.
- 19.18 The TRO will be required to implement the following requirements over various elements of the Scheme:
- (a) Changes to speed limits, including speed reductions in Banwell and the surrounding villages.
 - (b) Weight and width restrictions to replace/relocate the current restrictions on Castle Hill.
 - (c) Prohibition of stopping or waiting or loading (extents to be determined).
 - (d) Creating a rural clearway (although note there is ongoing consideration as to whether this is the best mechanism for enforcement).
 - (e) Prohibition of traffic with an exemption for buses, bicycles at some agricultural traffic turning onto Wolverhill Road southbound.
 - (f) Prohibition of traffic with an exemption for bicycles (this may be required for active travel routes depending upon designation as part of the final design).

7. Climate Change and Environmental Implications

- 20.1 The purpose of this Report is to secure authority to make, confirm and implement the Orders required to assemble land and deliver the Scheme and to authorise the acquisition of land required for the Scheme. Detailed assessment of the climate change and environmental implications of the Scheme will be undertaken by the Council, in its role as local planning authority, in determining the planning application.
- 20.2 There are no climate change or environmental implications which stem directly from the authority to use compulsory purchase powers or voluntary acquisition to assemble the land required for the Scheme.
- 20.3 As explained above, the Environmental Statement supporting the planning application for the Scheme is being finalised and will be submitted with the application. All of the environmental information will be available as part of the application documents.

- 20.4 For the purposes of this Report, a high level summary of the likely significant effects of the Scheme is provided below:
- (a) Air quality: improvements to air quality in Banwell Village as a result of reduced traffic, and no exceedances to air quality objectives in surrounding villages.
 - (b) Carbon emissions: the construction and operation phases of the Scheme which fall within legislated national carbon budget periods are not expected to have a significant impact on the ability of the UK Government to meet its carbon budgets. The Scheme will also take the aims of JLTP4 into account as part of the formal assessment provided as part of the planning application.
 - (c) Climate change: there will be some risks associated with climate change relating to matters such as increased potential for fires, erosion, changes to the ground and surface water and other weather pattern changes as a result of climate change. Design changes are being considered to mitigate these risks.
 - (d) Landscape and visual impact: some adverse visual impacts on landscape character areas are predicted in the area around the Scheme and in particular the Mendip Hills AONB, although mitigation will be provided. There will also be impacts on visual amenity from public rights of way as a result of the Scheme.
 - (e) Ecology: potential adverse ecological impacts are anticipated to arise resulting from changes to bat habitats associated with the Mendips Bat Special Area of Conservation. There will also be impacts on other species' habitats including but not limited to dormice, reptiles, otters and badgers, although a comprehensive scheme of translocation and mitigation has been devised.
 - (f) Noise: noise impacts are anticipated for certain properties as a result of the changes to the road layout in the area (and during construction), although there will be significant benefits for many receptors associated with traffic redistributing out of Banwell village once the Scheme is operational.
 - (g) Heritage: impacts on heritage assets in the surrounding area due to changes to their setting are anticipated to occur. There will also be some benefits (due to removing traffic from the Banwell Conservation Area) and adverse impacts which will be mitigated where possible.

8. Risk Management

- 21.1 The main risk associated with the authorisation of the CPO relates to the successful delivery of the Scheme. If private agreements cannot be reached with any landowner then the absence of access to compulsory purchase powers could pose a real risk to delivery of the Scheme. If the delivery of this Scheme is delayed then the GDA funding could also be at risk due to the funding milestones. If the GDA funding is put at risk, the viability of the Scheme as a whole will be affected.
- 21.2 The Scheme is required for the Council to deliver on a number of its housing priorities, and so access to compulsory purchase powers for this project is essential in order for the Council unlock residential and employment development land.
- 21.3 The Project Team has prepared and continues to monitor and update a risk register which details potential risks and treatment plans. The key relevant risks to the authorisation of the CPO are outlined in the table below, together with mitigation proposals.

Risk	Explanation	Mitigation
<p>Public inquiry required to consider objections to the CPO/SRO.</p> <p>The likelihood of this risk occurring is HIGH.</p> <p>The likely impact of the risk is LOW because the inquiry has been included in the programme.</p>	<p>Whilst this is a project risk in terms of the potential to increase professional costs and the timescales for confirmation of the CPO, objections and the required public inquiry as a result are expected for CPOs of this nature and the inquiry is part of the proper due process of determining the CPO.</p>	<p>The programme has time allocated for a CPO inquiry.</p> <p>Legal advice has been sought to ensure that the CPO is properly made and the correct powers are incorporated.</p> <p>Landowners are being actively engaged with as the Scheme progresses in an effort to reach agreement and minimise objections.</p>
<p>Design changes are made due to planning requirements after the CPO is published</p>	<p>Design changes made after the CPO is prepared, particularly as a result of the determination of the planning application, risk the</p>	<p>The best mitigation for this risk would be to wait until planning permission has been granted prior to making the CPO. However, this may</p>

<p>resulting in additional land being required.</p> <p>The likelihood of this risk occurring is MEDIUM.</p> <p>The likely impact of the risk occurring is MEDIUM. It could result in the need for a second CPO which would incur cost and potentially programme delay.</p>	<p>need for additional land interests not included in the CPO as made.</p> <p>This could result in the need for a supplemental CPO if the interests cannot be acquired voluntarily, resulting in delay and increased costs.</p>	<p>not be possible due to programme constraints.</p> <p>The CPO will not be made until the planning application has been submitted and an opportunity for statutory consultee comments and public representations has been given, in case design changes are required to accommodate concerns.</p> <p>Extensive consultation has already been undertaken prior to the submission of the planning application, which further mitigates this risk.</p> <p>This report recognises that more than one CPO may be required and therefore any supplemental CPO can be advanced relatively quickly.</p>
<p>Land is identified as being required which is not currently included in the CPO Land due to omission</p> <p>The likelihood of this risk occurring is LOW.</p> <p>The likely impact of the risk occurring is MEDIUM. It could result in some</p>	<p>It is possible that additional land interests will be identified which may need to be acquired for the Scheme but which are not in the CPO when made.</p> <p>This could result in the need for a supplemental CPO if the interests cannot be acquired voluntarily, resulting in delay and increased costs.</p>	<p>Professional advisers have been undertaking extensive land referencing and analysis to minimise this risk.</p> <p>There is the potential to acquire land interests voluntarily if they are not within the CPO.</p> <p>Early consultation with key stakeholders has been undertaken to help ensure that all land interests which are required will be included in the CPO.</p> <p>This report recognises that additional land may be required</p>

<p>additional cost and programme delay.</p>		<p>outside of the ambit of the current CPO Land and that more than one CPO may be required, and therefore any supplemental CPO can be advanced relatively quickly</p>
<p>Costs risk to progressing the CPO in advance of securing planning permission</p> <p>The likelihood of this risk occurring is LOW.</p> <p>The likely impact of the risk occurring is LOW. The costs risk is being managed through the approach taken to promoting the Scheme.</p>	<p>The programme may require the CPO to be made before planning permission is granted.</p> <p>If planning permission is refused and the Scheme does not proceed, this means that any costs incurred preparing the CPO and negotiating with landowners could be wasted.</p>	<p>The abortive costs risk is not significant because the main costs liability associated with CPO is the compensation payable upon implementation. If the planning permission is not granted then the CPO would not be implemented and the compensation liability would not be triggered.</p> <p>Any potential wasted costs would therefore primarily be professional advisers' fees.</p> <p>Where possible, it is also proposed to enter in option agreements with landowners which can be exercised when possession is required.</p>

9. Equality Implications

Have you undertaken an Equality Impact Assessment? Yes

22.1 In order to satisfy the public sector equality duty (“**PSED**”), pursuant to section 149 of the Equality Act 2010 the Council must have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic (as defined in the Act) and persons who do not share it; and

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 22.2 An Equality Impact Assessment (“**EqIA**”) has been undertaken for the Scheme (**Appendix 9**). As with the environmental impacts, the outcome of this assessment is primarily relevant to the determination of the planning application rather than the land assembly which is the subject of this Report. The EqIA is currently in draft whilst the planning application documents are finalised.
- 22.3 None of the impacts identified in the EqIA relate to land acquisition. There are therefore no equality implications directly associated with the subject matter of this Report.
- 22.4 Consultation was undertaken as part of the EqIA process and the responses were used to inform the assessment. A very high level summary of the conclusions of this assessment is outlined below:
- (a) Disabled people: potential adverse impact during construction and operation of the Scheme due to accessibility of essential public infrastructure.
 - (b) Women and carers: potential disruption related to changes to the public highway network affecting the school run during construction phase.
 - (c) People on a low income: potential impact due to disruption accessing bus stops during the construction phase.
 - (d) People in particular age groups: potential disruption related to changes to the public highway network affecting the school journey and potential changes to walkways affecting the elderly and less mobile during the construction phase.
- 22.5 An action plan is being prepared to address these issues as part of the planning process. The construction phase adverse impacts will become beneficial impacts during the operation phase due to improvements to the local public transport and public rights of way network. No adverse impacts on equality are predicted during the operational phase.
- 22.6 In order to comply with the PSED the Council must continue to monitor and consider equality issues routinely throughout the implementation of the Scheme. This includes the need to consider the duty in relation to the CPO and SRO processes, such as ensuring that notices are served in a way which is accessible to any protected groups and that any public inquiry is accessible. The EqIA will be review and updated as necessary as the CPO and SRO are progressed.

22.7 A Health Impact Assessment (“**HIA**”) is also being prepared to inform the planning application (**Appendix 10**). The HIA is currently in draft whilst the planning application documents are finalised. It identifies beneficial impacts in the following areas during the operational phase of the Scheme:

- (a) Access to health and social care services.
- (b) Access to open space and nature.
- (c) Neighbourhood amenity.
- (d) Accessibility and active travel.
- (e) Social cohesion and inclusive design.

22.8 It also identifies the following adverse impacts:

- (a) Visual amenity.
- (b) Crime reduction and community safety (resulting only from safety issues due to increased traffic as a result of the Scheme).

22.9 Further information in relation to these issues will be available as part of the planning application.

10. Corporate Implications

23.1 The provision of key enabling infrastructure that the Bypass and associated road and active travel improvements provide widely supports the Corporate Plan objectives and priorities (as explained further in section 2 above); but specifically within the priority of a Thriving and Sustainable Place.

23.2 The Scheme is being progressed at the same time as the Council’s new Local Plan. The Scheme represents an important opportunity to enable housing allocations in the new Local Plan and support development. However, there are also challenges associated with this, including limitations due to state aid and ensuring alignment between the Scheme and the development to be delivered through the Local Plan, which is problematic because of the current lack of certainty as to the exact location of Local Plan development before the plan it is adopted.

11. Options Considered

- 24.1 As explained at paragraphs 3.39 and 3.40, the land assembly for the Scheme is complex and is highly unlikely to proceed without the use of compulsory purchase powers. Negotiations with landowners are proceeding, and wherever possible voluntary agreements will be entered into.
- 24.2 However, reliance on voluntary negotiations presents a risk to the Scheme because:
- (a) It is unlikely that all affected landowners will enter into agreements voluntarily.
 - (b) The GDA requires vacant possession to be secured and construction to be undertaken in accordance with defined dates. If compulsory purchase powers are not utilised, this could result in delays to land assembly which may prevent the Council from being able to draw down funding under the GDA for the construction of the Scheme.
- 24.3 Therefore, the most likely alternative to the use of compulsory purchase powers is that the Scheme will not proceed.
- 24.4 Chapter 3 of the Environment Statement, once finalised, will set out a full summary of the alternatives considered for the Scheme design. The design of the Scheme has been iterative and has taken into account a wide range of considerations and alternative options. It has also responded to the consultation which has been undertaken (see, for example, the summaries of consultation undertaken in section 4 above).
- 24.5 The alternatives considered have resulted in a Scheme that better meets the needs of the public, whilst reducing its environmental impact and improving constructability. The Scheme has also been designed to minimise the impact on affected landowners as far as possible. It will continue to be improved during detailed design.
- 24.6 A long list of options was identified as part of the Options Appraisal Report 2021 (**Appendix 5**). The options appraisal process resulted in Decision 21/22 DP 213, which approved route 2, the alignment that forms the basis of the Scheme.

Author:

Burges Salmon on behalf of:
Maduabuchi Ani, Senior Project Manager

Appendices:

Public appendices

- (a) **Appendix 1:** CPO Plan
- (b) **Appendix 2:** Summary of National Planning Policy
- (c) **Appendix 3:** Scheme Plan
- (d) **Appendix 4:** Highway Improvements Consultation Report
- (e) **Appendix 5:** Option Appraisal Report 2021

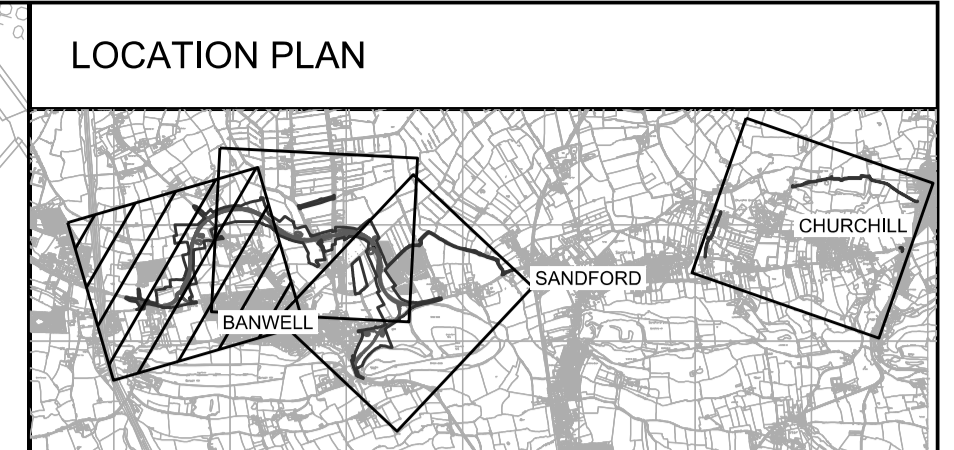
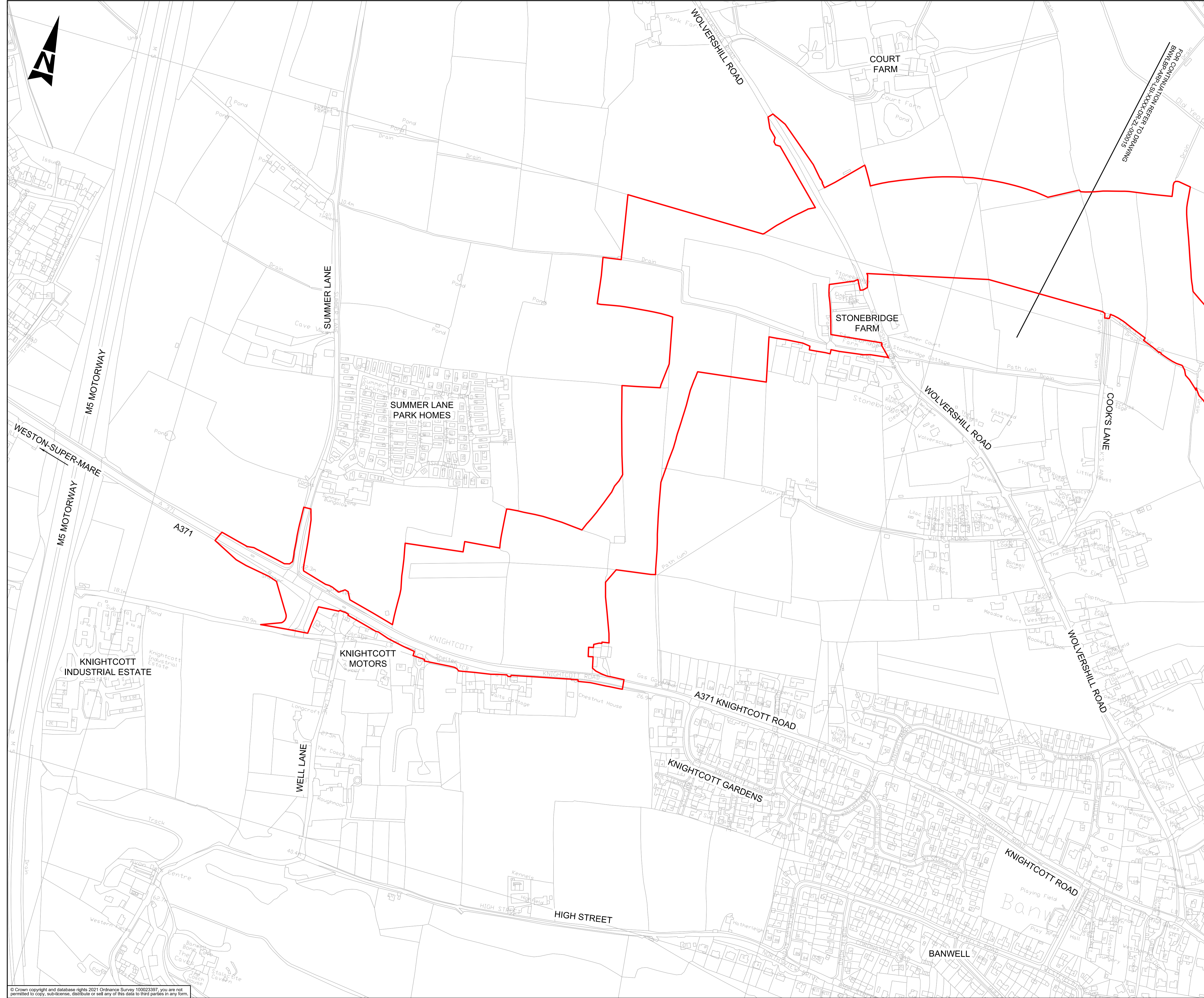
Exempt appendices

- (f) **Appendix 6:** Fisher German report dated 15 October 2021
- (g) **Appendix 7:** Fisher German report dated 28 January 2022
- (h) **Appendix 8:** Second Consultation Analysis Report (draft)
- (i) **Appendix 9:** Equality Impact Assessment (draft)
- (j) **Appendix 10:** Health Impact Assessment (draft)

Background Papers:

- (a) Previous Council decisions as detailed in the report

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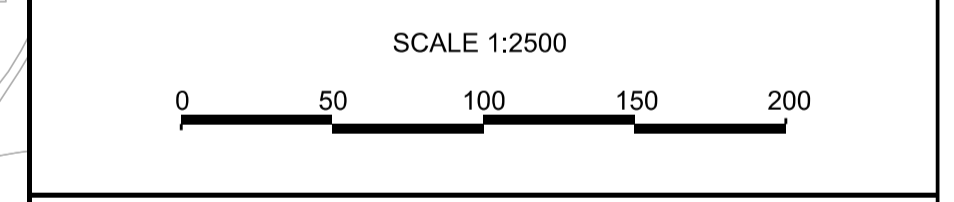


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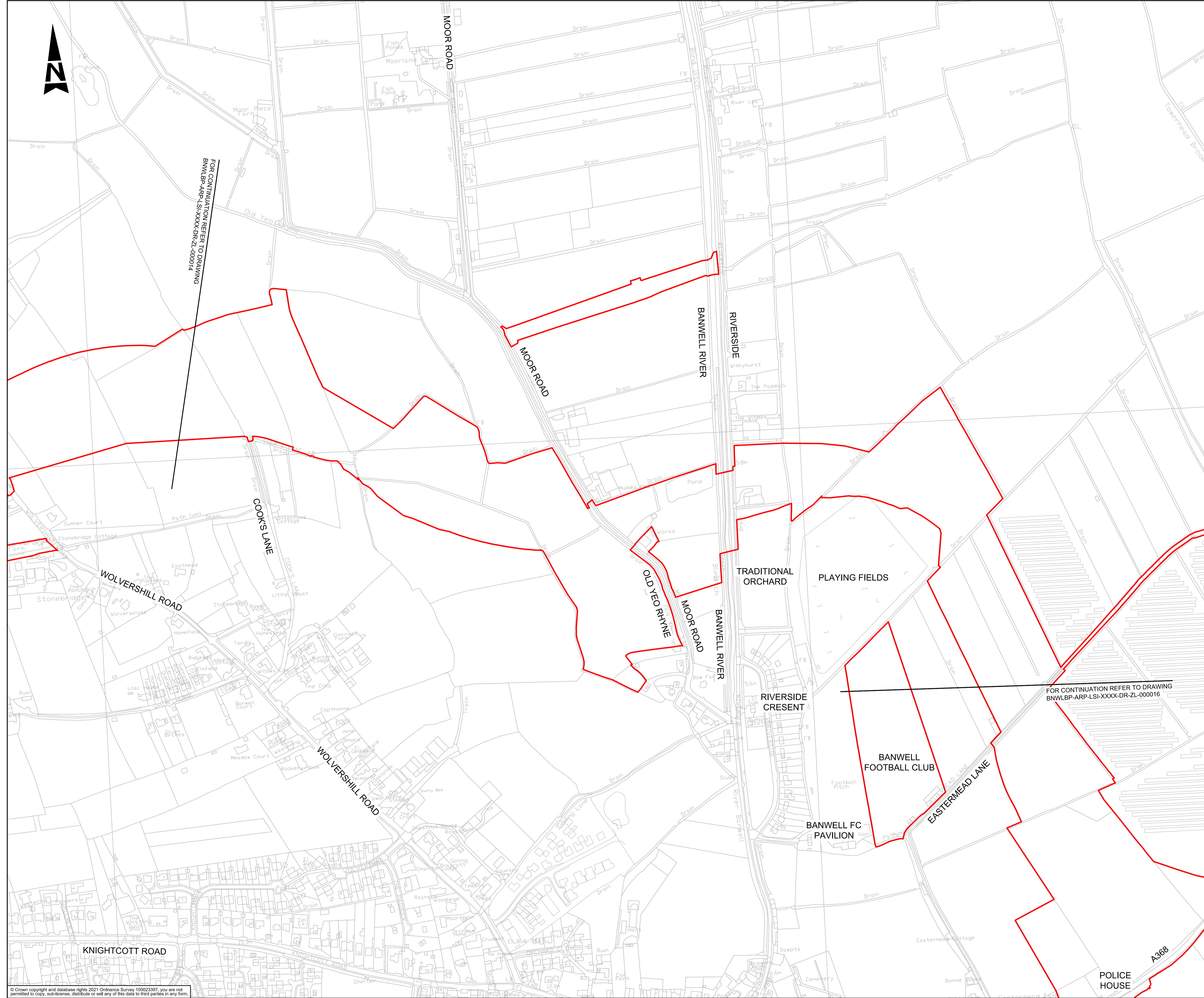
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THE NORTH SOMERSET COUNCIL (BANWELL BYPASS AND HIGHWAY IMPROVEMENTS) PLANNING APPLICATION

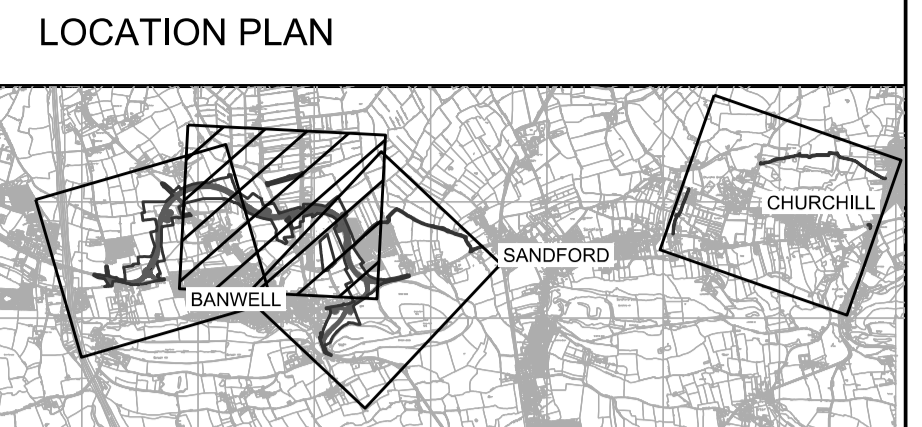
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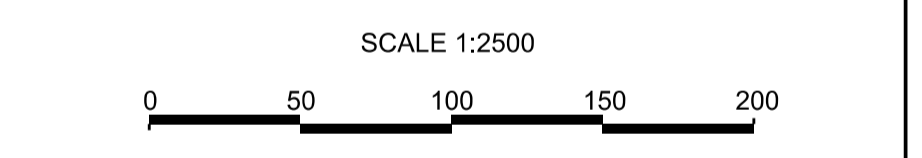
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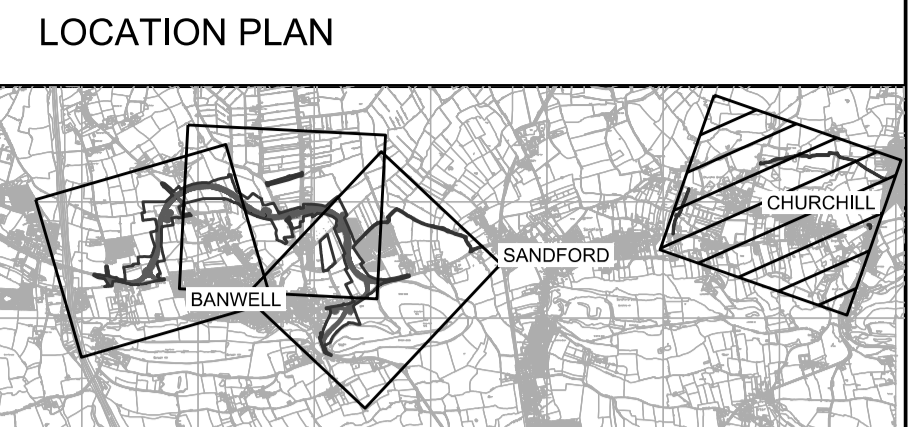
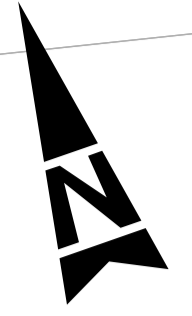


**THE NORTH SOMERSET
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 APPLICATION**

**CPO RED LINE PLAN
 SHEET 2 OF 4**

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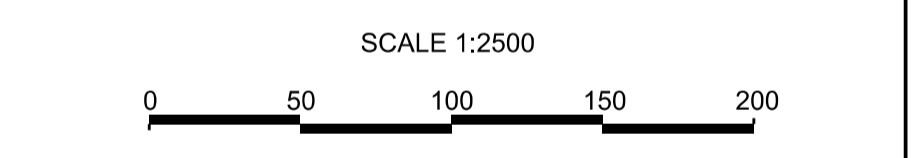
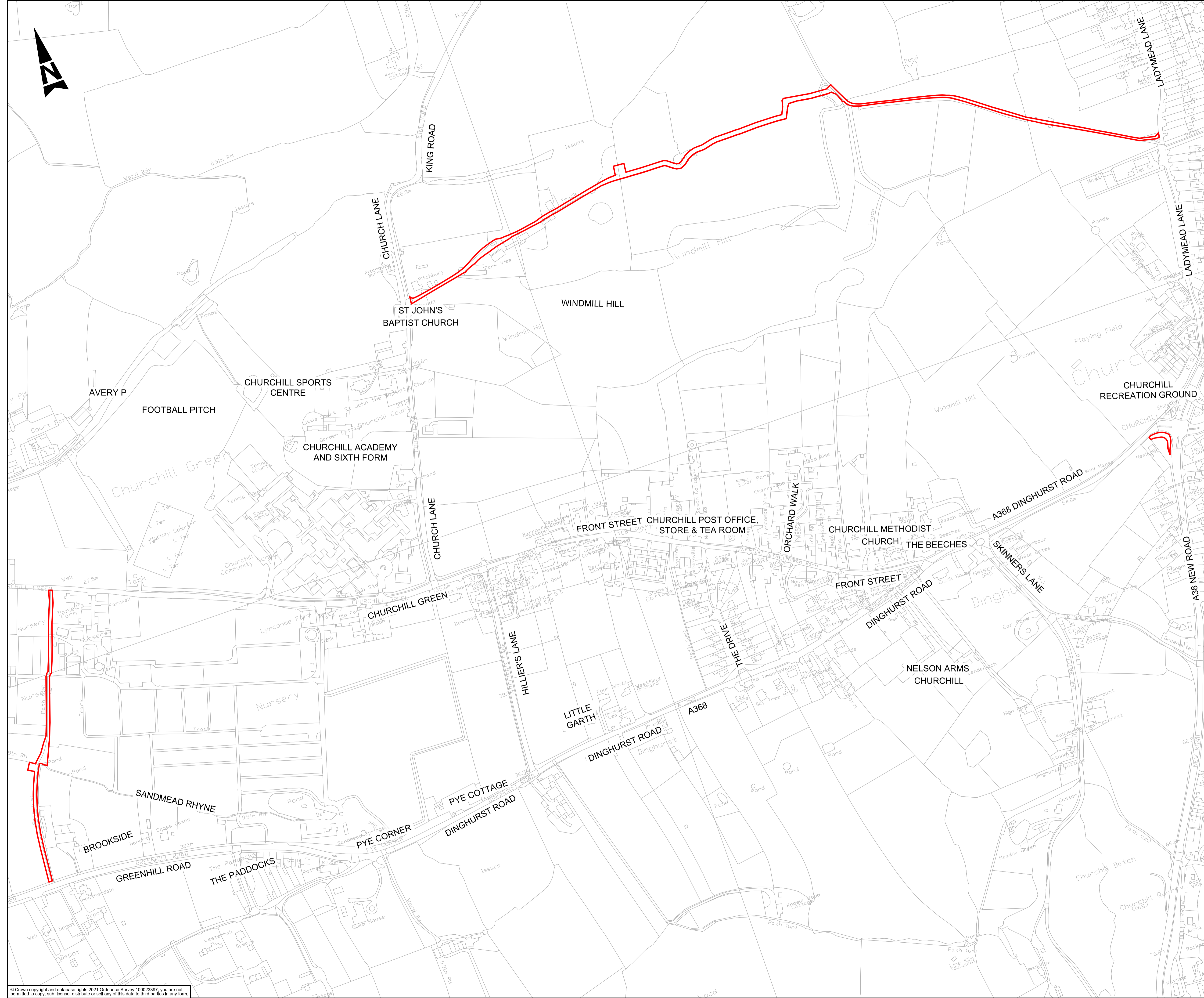
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**THE NORTH SOMERSET
COUNCIL (BANWELL BYPASS
AND HIGHWAY
IMPROVEMENTS) PLANNING
APPLICATION**

**CPO RED LINE PLAN
SHEET 4 OF 4**

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North Somerset Council

Report to the Council

Date of Meeting: 12th July 2022

Subject of Report: MetroWest Phase 1 – Update

Town or Parish: All

Officer/Member presenting: Cllr Steve Bridger, Leader of the Council and Executive Member for Major Infrastructure Projects

Key Decision: No

Reason:

Not an Executive Decision

Recommendations

The Council is asked to:

1. Note the project update and that the project is currently paused, and will remain paused, while formal confirmations are awaited from the Department for Transport and the West of England Combined Authority regarding additional funding required to take the project forward, as set out in recommendations 2 and 3,
2. Agree that, subject to:
 - a. approval of the final business case (anticipated autumn 2023),
 - b. confirmation from the West of England Combined Authority of increased capital funding of £10m
 - c. confirmation of increased contribution to capital funding by Department for Transport of £15.58m, and
 - d. confirmation by the Department for Transport that it will take the delivery risk for all the railway works,the North Somerset Council capital funding contribution to MetroWest will be increased by £10m, to be funded from borrowing, and
3. That the capital budget be amended to increase the budget by £35.58m to £152.01m to be funded by the additional £10m as per recommendation 2, a further £15.58m by the Department for Transport and a further £10m by the West of England Combined Authority (subject to formal confirmation by the Department for Transport and the West of England Combined Authority).

1. Summary of Report

- 1.1. MetroWest Phase 1 (the Project) proposes to upgrade the existing local train service for the Severn Beach Line and the Bath Spa to Bristol Line (Phase 1A) and re-open the Portishead rail line with stations at Portishead and Pill (Phase 1B). The Project is being promoted by North Somerset Council and the West of England Combined Authority (WECA) on behalf of the authorities across the West of England including; Bath & North East Somerset, Bristol City and South Gloucestershire Councils. The Project forms part of a wider MetroWest programme to deliver strategic enhancements to the local rail network over the medium term.
- 1.2. This report provides an update on progress since the last report to Council on 19th July 2021, noting that the project is currently on hold awaiting resolution of the funding gap and granting of the Development Consent Order. It summarises the position of the DfT on allocating additional funding for the project following detailed negotiations and seeks authorisation for the allocation of additional NSC funding required to proceed with delivery of the project

2. Policy

- 2.1. The project is identified in the Joint Local Transport Plan 4, and North Somerset's Core Strategy as a priority for early delivery. Re-opening the Portishead line was also included in the 2007 Replacement Local Plan and successive Local Plans over a number of decades. MetroWest contributes to the package of infrastructure to support the delivery of housing land in North Somerset through urban intensification, job creation and sustainable growth. As part of a wider package of public transport advancements across North Somerset and the region, the project will promote alternatives to car use and improve the resilience of the existing and future highway network.
- 2.2. The delivery of the project aligns with the vision and priorities set out in the North Somerset Council Corporate Plan 2020 – 2024. The project underpins 'An open, fair and green North Somerset Council', through the delivery of a mode of transport that will be accessible to all including young and elderly people (many of whom have limited access to transport), with step free access to station platforms enhancing transport equality. This is reflected in the Councils priorities to achieve:
 - A thriving and sustainable place
 - A council which empowers and cares about people
 - An open and enabling organisation

3. Background

- 3.1. The key driver for the re-opening of the Portishead Line is to transform rail access and connectivity for Portishead and the surrounding area, whilst resolving the current highway congestion on the A369 highway. The A369 is the only transport corridor between Portishead and Bristol. The A369 has major bottlenecks at both ends of the corridor because of the one of the busiest sections of the M5 dissecting the corridor at the Junction 19, east of Portishead and at the other end of the corridor there is systemic congestion into and through Bristol City Centre. These bottlenecks cause major disruption to the local community and business through

poor highway journey times, poor journey time reliability and severe lack of highway network resilience.

3.2. The following are the primary benefits of the scheme:

- Significantly reduced travel time into Bristol from Portishead to 23mins compared to bus (60min+) & car (50min) significantly improving people's access to employment and services.
- Over 50,000 people brought within direct catchment of a rail station (Portishead & Pill) for the first time in over 60 years,
- 1.2m additional rail journeys and £7m revenue within 15 years of opening.
- Benefits to the regional economy in Gross Value Added (GVA) of £43m per annum
- Delivers the removal of 13 million car-km annually by 2041.

3.3. The primary objectives and phases of MetroWest 1 are the following:

- MW1a: Severn Beach Line infrastructure and service enhancements, including two services per hour to Avonmouth, with one continuing to/from Severn Beach.
- MW1a: Additional trains and necessary upgrades to existing infrastructure to create an overall half-hourly service calling at all stations between Bristol Temple Meads and Westbury.
- MW1b: New hourly service between Portishead and Bristol Temple Meads, consisting of existing 9km freight-only and re-opening 5km of disused railway with two new stations at Portishead and Pill.

3.4. The infrastructure enhancement works associated with MetroWest 1a have been completed. The services between Bristol Temple Meads and Severn Beach have been operational since December 2021. The current plan is to implement the enhanced service to Westbury from May 2023.

Progress since the last update to Full Council in July 2021

3.5. As set out in the last report to Full Council in July 2021. The infrastructure required to support the re-opening of the Portishead line (Phase 1b) is to be delivered via Network Rail (NR). Network Rail started procurement for its Main Works Contractor (design and build contract) in spring 2021, with contract award for detailed design planned to commence in early 2022. NR is currently undergoing a live procurement exercise with their supply chain and obtained market prices for the infrastructure works in December 2021. The returned market prices were significantly higher than forecasted in 2017, when the scheme funding was secured in line with the Outline Business Case (£116.42m).

3.6. The anticipated final cost (AFC) of MetroWest 1 scheme is now estimated at £163.26m, resulting in a funding gap of £46.82m, when compared to the funding secured through the Outline Business Case (£116.42) in 2017. The £163.26m AFC comprises an estimated £152.01m capital expenditure (CAPEX) and up to £11.24m operational expenditure (OPEX), as set out in the following table.

	Estimated Capital Cost (Capex)	Estimated Operational Cost (Opex)	Anticipated Final Cost (AFC)
Revised estimated cost	£152.01m	Up to £11.24m	£163.26m
Less current budget	£116.43m	£0	£116.43m
Funding gap	£35.58m	£11.24m	£46.82m

- 3.7. There have been a variety of different factors that have caused an increase in the estimated overall scheme cost. The main reasons for these increases are linked to the following:
- In 2017, the operating expense costs (OPEX) (of up to £11.24m) were not included within the original funding requirement as these were still under negotiation with GWR. It was expected at the time that any potential funding support between service cost and proposed revenue would be negligible, but this was prior to the impact of COVID-19 on expected revenue.
 - Major delays to the Development Consent Order (DCO) process, due to more onerous demands than anticipated to prepare and submit compliant Development Consent Order (DCO) application.
 - Changes in project scope resulting in delay and re-design,
 - Market prices were greater than those previously estimated, which were caused by, but not limited to, the following:
 - Uncertainty caused by Covid 19 [significant impact on the OPEX costs]
 - Increasing underlying inflation and material costs increases reflecting national and international inflationary increases.
- 3.8. There has been significant effort with all parties (NSC, CA, NR, DfT & GWR) to collaboratively reduce the anticipated final cost of the project to ensure a Minimum Viable Product is being delivered. This included several rounds of scope reduction workshops, value engineering assessments and scope challenge meetings. This process has delivered considerable savings, reducing the funding gap which initially reached £93.2m to the current funding gap of £46.82m.
- 3.9. As part of this exercise, the following scope changes have been made:
- Reduction of scope to bring the existing freight line up to passenger train line standards
 - Reduction of Portishead and Pill platform lengths from 5-Car to 3-Car
 - Removal of Portishead Station building
 - Reduction in selected highway scope (car parks, footpaths, bridge works)
 - Change in governance model, with DfT taking on the client role.
- 3.10. The economic appraisal of the scheme forecasts a Benefit-Cost Ratio (BCR) of 1.5:1, including wider economic benefits. A BCR of greater than 1.5 represents medium value for money.

- 3.11. On the 19th April 2022, the DfT announced the Secretary of State for Transport is 'minded to consent' the Development Consent Order (DCO), subject to the positive resolution of the current funding gap. The decision date for the DCO was deferred to February 2023 but representatives of the DfT have advised that this date can be brought forward if additional funding contributions from NSC and WECA can be agreed to bridge the existing funding gap.

4. Consultation

- 4.1. Extensive public consultation has been undertaken over several years on the project proposals. The response to the consultations was very high with almost 2,000 separate responses received over both stages and the level of support for the scheme is also very high with 95% of community respondents fully or mainly in support of the proposals. Further information on the project consultation is set out in the DCO Consultation Report which is a DCO application document and is available from: <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/portishead-branch-line-metrowest-phase-1/?ipcsection=docs>
- 4.2. A members briefing was given to Group Leaders and the chairperson of PCOM Scrutiny panel on 5th May 2022 and a briefing for the Place / PCOM Scrutiny Panel/s is being arranged for w/c 27th June 22.
- 4.3. This paper has been developed by North Somerset Council in liaison with WECA and Network Rail. No further consultation is required on the content of this paper.

5. Financial Implications

- 5.1. The outline business case included funding as follows:

Funding source	Available Funding (in £m)
Local Growth Fund	£18.87
Economic Development Fund	£49.53
Contributions to date by West of England councils	£4.41
NSC additional contribution	£5.86
CA Investment Fund	£5.86
DfT RYR contribution	£31.90
Total	£116.43

- 5.2. As outlined in paragraphs 3.6-3.11, the revised capital cost (CAPEX) of MetroWest 1 scheme is now estimated at £152.01m, resulting in a funding gap of £35.58m. The proposals to close the capital funding gap, subject to ministerial decision and local agreements, are outlined in the table below.

Funding source	Available Funding (in £m)
Total outline business case funding	£116.43
NSC additional contribution 2022 - 50/50 agreement*	£10.00
WECA additional contribution 2022 - 50/50 agreement*	£10.00
DfT additional capital contribution	£15.58
Capital funding requirement - subject to confirmation from all parties	£152.01m

* There is agreement in place between WECA and NSC that the project will be jointly funded 50/50 up to delivery phase, therefore any additional contributions will need to be matched.

- 5.3. While the train services are forecast to breakeven and start to yield a revenue surplus, further work is needed on the detailed costs and forecast fare revenues in relation to assumptions on the pace that rail passenger demand recovers from covid 19. There are a number of variables that effect how quickly the services reach breakeven point and the arrangements for the train services require further discussion and negotiation with the DfT. This work will be undertaken in parallel with the detailed design (GRIP 5) over the next 18 months. The aim of this work is to mitigate the additional forecast OPEX costs.
- 5.4. The final CAPEX cost of the project will be confirmed following the outcome of the Network Rail procurement, the appointment of the design and build main works contractor and the completion of the detailed design (GRIP5). The final cost will be reported via the Full Business Case to all funders (NSC, WECA & DfT), in autumn 2023.
- 5.5. Recognising there was insufficient funding in place to complete the project, the MetroWest governance group took the decision to pause the project and minimise additional expenditure during the negotiations with the DfT on the funding gap.
- 5.6. The negotiations have progressed positively and a formal letter from the DfT is awaited, confirming the DfT will increase its capital funding contribution by £15.58m and will take the delivery risk for all the railway works. The railway works account for almost 90% of the estimated £152.01m capital cost, with the NSC / WECA scope of works accounting for just over 10% of the capital cost. The NSC /WECA scope of works includes, ecology enabling works, land assembly, minor highway works and various project integration and mitigation activities.
- 5.7. The total project capital spend to date is £31.042m up to April 2022. There is agreement in place between WECA and NSC that the project will be jointly funded 50/50, therefore NSC are currently carrying risk exposure of approximately £15m.
- 5.8. The forecast capital spend for the NSC/WECA scope for 2022-23 is estimated at £2,325,985, which can be met from the agreed project budget. The project will remain paused and no substantive further spend will be incurred by the project until the formal letter has been received from the DfT confirming the additional DfT funding and acceptance by DfT of the delivery risk for all the railway works.
- 5.9. The additional funding by NSC, WECA and the DfT needs to be allocated and agreed by each party now so that the project can proceed with the Network Rail live procurement and the DCO decision can be made. The NR live procurement process expires in late July 2022. If the additional funding is not agreed by this timescale the procurement will have to be abandoned and a new procurement would need to be started, adding approximately 9-12 months to the overall programme and the associated consequential additional inflationary costs which could amount to up to £150k per week. The impact of this delay and on the anticipated final project cost could mean that the DfT may not be willing to approve the Full Business Case in autumn 2023 if the project costs have increased further. The prompt release of funding is also critical because the project team need to progress critical ecology works in autumn 2022, on the 5km of dis-used railway. This will ensure that NSC / WECA are in a position to hand over the various works sites

to the primary deliverer Network Rail, without causing further programme delay. Should a funding decision be delayed beyond July 2022, the ecology works would need to be delayed by 12 months, to winter 2023/24 and this would directly impact the critical path of the programme.

5.10. It is therefore recommended that:

- subject to approval of the final business case and confirmation of increased capital contribution by Department for Transport of £15.58m, the North Somerset Council capital funding contribution to MetroWest will be increased by £10m, to be funded from borrowing, and
- that the capital budget be amended to increase the budget by £35.58m to £152.01m to be funded by the additional £10m as per recommendation 2, a further £15.58m by the Department for Transport and a further £10m by the West of England Combined Authority (subject to formal authorisation).

5.11. Should the council undertake additional borrowing of £10m, then this will need to be repaid through a charge to the annual revenue budget. Calculations indicate that the principal repayments would equate to £0.25m p.a. and costs may increase further if an external loan facility is drawn down. This cost is not reflected within the medium-term financial plan and so this expenditure would need to be considered alongside the council's other capital spending plans to ensure it is both affordable and sustainable across the longer-term.

6. Legal Powers and Implications

6.1. The Development Consent Order has a range of legal implications which are set out in the report to Council at its meeting of 25th June 2019.

<https://apps.n-somerset.gov.uk/Meetings/document/report/NSCPM-38-603>

7. Climate Change and Environmental Implications

7.1. MetroWest Phase 1 requires an Environmental Statement to support the Development Consent Order (DCO) application. Climate change and environmental implications have been assessed in the Environmental Statement. The Environmental Statement is a key DCO application document and is available from:

<https://metrowestphase1.org/dco-application/>

8. Risk Management

8.1. A full risk register is in place for this project and is reported regularly to the MetroWest Phase 1 Board. Project risks are under continual review by the project team, sponsors and the S151 officers.

Key Risks

8.2. As outlined throughout this report, since July 2021 considerable risk materialised and cost increases and delays outside of the control of NSC, which resulted in a funding gap emerging. Extensive efforts at officer level and by key decision makers by both NSC and WECA with the DfT have mitigated the impact of these risks resulting in an affordable project proposal, which entails all three organisations increasing their funding contributions.

- 8.3. Discussions are taking place with the DfT on the arrangements for the apportionment of funding for 2022-23 financial year and up to the completion of the Full Business Case in autumn 2023. By taking the delivery risk for all the railway works, the DfT become the project client for the railway works and will directly enter into a funding agreement with Network Rail, initially for work up to the completion of the Full Business Case. The DfT will also directly fund the non-railway scope led by NSC / WECA including ecology enabling works, minor highways / utilities works, land assembly, some legal interfaces and project management resources, up to the completion of the Full Business Case. This means the revenue reversion risk to NSC of £15m set out in para 5.7 will not increase as the project is taken forward up to completion of the Full Business Case.
- 8.4. If the project continues, the impact on and affordability of the Council's existing Capital Programme and / or future Capital Strategy will need to be considered, given the need for NSC to commit an additional £10m of capital funding as there are no resources set aside within the revenue budget or medium-term financial plan.
- 8.5. If the project continues the OPEX risk will remain and this will need to be resolved leading up to the completion of the Full Business Case. As set out in paragraph 5.3 there are various variables at play which need to be worked through with WECA, DfT and Great Western Railway, over the next 18 months. A further report will be brought back to Full Council setting out further information about the operational costs ahead of the completion of the Full Business Case in autumn 2023.
- 8.6. If the project is cancelled the total amount that will have been spent to date on the capital project will be £31.042m. A further £0.3m of spend would be required to close the project. The total committed spend by partners is £38.04m, taking account of wider project commitments.
- If the project is cancelled the Council would therefore be exposed to up to £15m of revenue reversion (as certain elements of project cost cannot be capitalised if there is no asset to attach to the expenditure), being 50% of the capital project costs
 - If the project is deferred for an extended period (beyond 2-years) or cancelled the only valuable deliverable / asset resulting from the spend to date – and therefore available to reduce revenue reversion - would be the land purchases local to Station Road, Pill Station Car Parks & Quays Avenue (west).
 - This would be subject to further discussion with DfT given the root causes of the funding gap.
- 8.7. There is ongoing risk to delivery of the project including further budget pressures. If the DfT accepts taking on the delivery risk for the railway works aspects of the project, this would significantly reduce the risk profile of the scheme for NSC / WECA.

Risk mitigations identified and implemented

- 8.8. Subject to NSC and WECA committing extra funding, the DfT will take the future 'cost risk' on the railway works aspects of the project by taking delivery lead.

- 8.9. The DfT acceptance of taking the railway works delivery risk for the project, significantly reduces the risk profile of the scheme for NSC / WECA.
- 8.10. Request for DfT to fund an additional £15.58m of Capital and further work to be undertaken jointly DfT, WECA and GWR to work through the Operational Expenditure proposals and risk required in order to deliver the project and report back to Full Council before the completion of the Full Business Case as set out in para 8.5.
- 8.11. 50/50 funding agreement in place between NSC and WECA
- 8.12. Recognising there was insufficient funding in place to complete the project, the MetroWest governance group took the decision to pause the project in April 2022 and seek to cease expenditure, therefore spend since April has been minimal during the negotiations with the DfT on the funding gap.
- 8.13. The project will remain paused and no substantive further spend will be incurred by the project until the formal letter has been received from the DfT confirming the additional DfT funding and acceptance by DfT of the delivery risk for all the railway works.
- 8.14. Since November 2021, decisions on expenditure have been made in consultation with the Director of Place and s151 officer to reduce the likelihood of spend at risk
- 8.15. Achieving a successful DCO decision by the Secretary of State for Transport will reduce the wider risk exposure and will provide greater certainty that the project will be delivered. Furthermore, the completion of the detailed design (GRIP5) and the Full Business Case in autumn 2023 will enable a decision to be made to construct the scheme.
- 8.16. Whilst the project has been paused, NSC project staff have been reassigned to other major projects within the capital programme and their costs will be recharged accordingly. Staff are being supported through regular senior stakeholder catch ups

9. Equality Implications

- 9.1. An Equality Impact Assessment has been undertaken and was attached to the report to Full Council of 10th November 2020.

10. Corporate Implications

- 10.1. The improvement of the transport network is a key priority in the Corporate Plan. The project will play a significant role in Supporting Economic Prosperity (Aim 5) and Protecting and Improving the Environment (Aim 3). There are no specific cross-service implications.

11. Options Considered

- 11.1. The WoE Joint Transport Board (superseded by the WoE Joint Committee) considered three main options at its meeting on 17th March 2017 and determined to

take a staged approach to the delivery of the scheme. Chapter 3 Scheme Development and Alternatives Considered of the Environmental Statement which is a DCO application documents sets out the options considered in detail. The document is available from:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-west/portishead-branch-line-metrowest-phase-1/?ipcsection=docs>

- 11.2. The wider context for the project option selection is as follows; the local rail network across the West of England is under-developed in comparison with similar sized city regions, the local highway network is congested at key locations on arterial corridors and the overall demand for transport continues to increase. The focus of the project option selection was to address the project objectives by making effective use of dis-used / under-used strategic rail corridors in parallel with enhancements to existing local rail lines.
- 11.3. Several other options have been considered in relation to the project funding gap and discounted at this stage:
- DfT to fund the full funding gap – This option was discounted by DfT who have advised that contributions from both the NSC and WECA will be required if the project is to proceed.
 - Reduce the project anticipated final cost further – All available options to reduce the anticipated project cost at this stage have been realised.
 - Consider other funding options – the option of submitting a Levelling Up 2 bid to DfT has been considered however it is a speculative bidding process with no certainty of success. Furthermore, the timescales for this funding do not align with the project, as the timescale for the funding decision would cause further delays and would lead to further inflation costs.
 - Delay the project – Delaying a decision on allocating additional NSC funding beyond July would make the live procurement exercise underpinning the current project estimate void. Restarting this procurement will delay the project by 12-18 months and increase the anticipated project cost by circa. £14m. Extra costs will erode the business case therefore delaying the project has been discounted unless funding cannot be secured.
 - Cancel the project - If the project is cancelled the total amount that will have been spent to date on the project will be £31.042m with the total committed spend on the project is £38.04m. NSC have exposure of to up to £15m of revenue reversion, subject to further discussion with DfT.

Author

James Willcock, MetroWest Phase 1 Programme Manager

Appendices

None

Background Papers

Report to Council 19th July 2021 MetroWest Phase 1 Delivery Update

<https://n-somerset.moderngov.co.uk/ieListDocuments.aspx?CId=169&MId=678&Ver=4>

Report to Council 23rd February 2021 MetroWest Phase 1 - 2021/22 Budget

<https://n-somerset.moderngov.co.uk/ieListDocuments.aspx?CId=169&MId=718&Ver=4>

Report to Council 10th November 2020 MetroWest Phase 1 Update - Programme and

Procurement - <https://apps.n-somerset.gov.uk/Meetings/document/report/NSCPM-38-603>

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Draft Minute Extract Executive – 22 June 2022

EXE 8 Bus Service Improvement Plan - Enhanced Partnership

Councillor Bridger invited Councillor Hogg to present the report.

Councillor Hogg summarised the main elements of the report and noted that the Bus Service Improvement Plan (BSIP) was a once in a generation funding stream that had the potential to be transformational in support of bus services in North Somerset. He added that the plan would also accelerate the council's decarbonisation plans and complement the Active Travel and Liveable Neighbourhood strategies. He noted that £48m of the funding was specific capital funding for North Somerset with an additional £58m was allocated jointly to the West of England Combined Authority and North Somerset Council.

He added that the sums involved recognised that North Somerset had proportionally more work to carry out on improving bus services than other parts of the country. The capital funding was for bus prioritisation measures to deliver supportive infrastructure whilst the revenue funding would be used to develop eye catching services and provide concessionary support to drive up patronage. The draft Enhanced Partnership was the delivery mechanism for the BSIP and would involve partners entering legally binding commitments to making improvements to bus services. He drew members' attention to some of the outcomes of the funding package as noted in the report including demand responsive transport, more affordable services, and simplified fares.

As a result of the Department for Transport's (DfT) timescales, he informed members that as some of the decisions would need to be taken at pace, a level of delegation as set out in the report was required but he was committed to engaging with other Executive members and the scrutiny process.

The Head of Public Transport Transformation informed members that a recent meeting with the DfT indicated that the department was looking for a higher amount to support the fares reduction package so this was expected to be nearer £20m rather than the £9m initially proposed. This would mean that ambitions to deliver higher frequency services was likely to be curtailed but with the ongoing driver recruitment issue, this was more appropriate.

In commenting on the report members raised a number of key issues including whether parking charges were tied into the funding package; the support for community transport where there was no access to cars; that there should be a clearly articulated expectation in the partnership that operators properly consult with communities on any schedule changes; engagement with the town and parish councils; a focus on getting the basics right including updating bus stop information and ensuring reliability and frequency and making sure bus services were provided where needed

and not just where wanted. They also noted the importance of the reliability of bus services to SEND learners and those who cannot drive.

Resolved:

That the Executive:

- (1) Noted the current iteration of the draft Enhanced Partnership Plan and Scheme as attached in Appendix 3 of the report and delegates to the Executive Member for Highways and Transport the authority to approve the final Enhanced Partnership Plan and Scheme on behalf of North Somerset Council
- (2) Agreed that the Executive member for Highways and Transport be delegated authority to determine any matters required by the Council in relation to the agreement of the final DfT funding offer including any changes to the spend profile in Appendix 2 of the report
- (3) Noted the Department for Transport (DfT) indicative BSIP funding allocations:
 - capital funding award of £47,983,473 allocated to North Somerset Council, and
 - the indicative revenue funding award of £57,505,498 allocated jointly to the West of England Combined Authority and North Somerset Council.
- (4) Noted the proposed outline BSIP delivery commissioning plan in Appendix 5 of the report to facilitate timely delivery of the Bus Service Improvement Plan works programme across North Somerset commencing in autumn 2022.

And further that the Executive **recommended to Council:**

- (5) That Council approves the commissioning plan required to deliver the BSIP and
- (6) Approves the following:
 - An increase to the Capital Programme of £47,983,473 from 2022 in recognition of the outline DfT funding award.
 - Delegation to the Director of Corporate Services/ s151 officer to increase the 2022-23 Revenue Budget by up to £12m to be funded from BSIP grant allocation

Reasons for the decision:

As set out in the report and discussed above.

Alternative options considered and rejected:

As set out in the report and discussed above.

Agenda Item 9

Councils for PR - Motion to North Somerset Council

This cross-party motion is presented by Cllr Catherine Gibbons (Labour) and has been developed in collaboration with Cllr Ashley Cartman (Liberal Democrat), Bridget Petty (Green), and Steve Bridger (Independent).

Council notes that:

- The UK general election of 2019 resulted in 44% of voters electing 56% of MP's who hold 100% of the power.
- Greater Somerset returns 8 MP's to Westminster, they are all Conservative and were elected with 56% of the vote.
- In the 2019 general election 886,400 people voted for the Green Party with only 1 MP returned to Parliament. On average it took 25,900 votes to elect each SNP MP. Over 600,000 voted for the Brexit Party without a single Brexit Party MP being elected.
- Proportional Representation (PR) is already used to elect the parliaments and assemblies of Scotland, Wales and Northern Ireland.
- The Elections Act 2022 replaces the Supplementary Vote system with First Past the Post (FPTP) for mayoral and Police and Crime Commissioner elections.

This council believes that:

- FPTP is an outdated and unfair electoral system that suppresses political diversity and disenfranchises millions.
- All votes should count equally. FPTP results simultaneously in safe seats with little democratic accountability, and a small number of marginal constituencies where the votes of a few thousand people determine the result.
- For local and national elections in the UK FPTP should be replaced with PR to ensure that all votes count and seats won better reflect the diversity of political opinion.

Council resolves to:

- Write to H.M. Government calling for a change in our outdated electoral laws to enable Proportional Representation to be used for UK general elections and local elections in England.

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Forward Plan

for the four-month period commencing on

1st August 2022

published on 1 July 2022



This Forward Plan gives details of decision items to be presented during the forthcoming four months.

Councillors are invited to review the items and to consider whether any of them should be referred for scrutiny or discussed with the appropriate Executive Member.

Executive Members (8)

Leader of the Council - Councillor Steve Bridger: External liaison including strategic partnerships; Local Enterprise Partnership, North Somerset Partnership, Joint Executive Committee (WECA and North Somerset Council), Alliance, Police; Strategic policy/Corporate Plan development, forward programme and strategic review; strategic communications and marketing (with Deputy Leader and Executive Member Engagement); major infrastructure project delivery; major schemes, including HIF and Metrowest.

Deputy Leader of the Council and Executive Member for Adult Services, Health and Housing - Councillor Mike Bell: Adult services; Rehabilitation and technology enabled care; Care reforms; Early intervention and prevention; Integrated commissioning; Domiciliary, residential and nursing care; Social work and occupational therapy; Health; Health and Wellbeing Board and Strategy; Integrated Care System and Locality Partnerships; Health improvement and health protection; Pandemic response; Substance misuse services; Regulatory services; Trading standards and food safety; Environmental protection; Licensing; Emergency Management; Housing; Homelessness and rough sleeper support; Housing solutions; Private Sector Housing; Unauthorised encampments

Executive Member for Children, Young People, Lifelong learning and Skills – Councillor Catherine Gibbons: Children and Young people's services; Children's social care; Looked after children; Corporate parenting; Family Hubs; Early help; Adoption and fostering services; Safeguarding; Children's licences and permits; Ukraine resettlement; Education; Special educational needs and disabilities; School places and admissions; Education liaison with local HE and FE institutions, schools and Multi Academy Trusts; Skills; Skills Strategy; Careers advice; Community Learning

Executive Member for Corporate Services – Councillor Ashley Cartman: Finance – revenue, capital programme and income generation; Procurement; Legal and democratic services (including electoral and registrar); Property and Asset management –financial business cases & financing; ICT, Digital and Customer Services; Lead for Business Support contracts – Agilisys and Liberata; Business intelligence; Human Resources and Organisational Development; Shareholder representative role for council companies; Property technical services and project delivery; Strategic Asset Planning; Corporate estate; Accommodation Strategy project delivery; Capital projects delivery

Executive Member for Climate Emergency and Engagement – Councillor Bridget Petty: Climate emergency; Ecological Emergency; Community engagement and consultation; Equalities and diversity; Town and parish liaison; North Somerset Together; Voluntary sector liaison, Marine environment conservation; Green infrastructure strategy

Executive Member for Placemaking and Economy – Councillor Mark Canniford: Placemaking and development; Placemaking Strategies; See Monster and legacy; Culture Strategy; Weston Placemaking delivery; Tropicana and Playhouse Theatre; Strategic Events Programme; Visitor Economy development; Development and commercial programme; Affordable Housing delivery; Planning; Policy; Spatial Planning; Building Control; Economy and recovery; Inward Investment; Business development and engagement; Employment; High Street and Town Centre renewal; Parking strategy

Executive Member for Neighbourhoods and Community Services – Councillor Mike Solomon: Libraries; Community venues; Safer Communities; Parking operational management; Environmental services; Recycling and waste minimisation; Waste and street cleansing contracts; Enforcement Strategy; Open spaces and natural environment operations; Sports and Leisure Centre contracts; Flood risk management; Seafronts, parks and lakes operational management; Crematoria and cemeteries

Executive Member for Transport and Highways – Councillor Steve Hogg: Highways Operations; Highway network management; Highway maintenance contract; Streetlighting; Highway Technical Services and Delivery; Liveable Neighbourhood schemes; Active Travel schemes; Highway Structures; Strategic Transport; Transport policy; Transport decarbonisation; Public transport; Home to School transport; Bus and Rail Strategy

The items and the final decision taker are indicative. Decision making is subject to the Constitution.

Copies of documents listed can be obtained by contacting the officer named in the attached schedules. Other relevant documents may be submitted to the decision maker and can be requested from the named officer as they become available or may be available on the Council's website www.n-somerset.gov.uk

August 2022

1. Council and Executive Items

(NB No Council or Executive meetings scheduled for August)

2. Executive Member Items and Director Key Decisions

Decision not before	Item/Issue requiring decision	Background Documents for Consideration	Decision Taker	Exempt Item? Yes/No/Part	Policy & Scrutiny Panel Activity & Engagement / Timeline	Contact Officer for Further Details
01/08	Commissioning and Procurement Plan for remediation works to the Former Police Station Site	North Somerset Grant Funding Agreement	Executive Member (Cllr Bridger)	No	PCOM Scrutiny Panel Chairman to be consulted during May and agree if full panel consultation required.	Jonathan White jonathan.white@n-somerset.gov.uk 07711 280595 Elaine Braund Elaine.braund@n-somerset.gov.uk
Page 97 01/08	Consider initial outcome of Stock Condition Survey in relation to private sector housing and review/action recommendations as appropriate (Previously listed for May and July)	Private Rented Sector Conditions Update (ASH Panel June 2019) Committee Report NSC (modern.gov.co.uk)	Executive Member (Cllr Bell)	No	ASH Working Group – Date tbc	Contact: Howard Evans Tel: 01934 426673
01/08	Award of Contract for the Capital Works Scheme at Banwell Primary School	Commissioning and Procurement Plan for the delivery of the Capital Project at Banwell Primary School (in draft form)	Executive Member (Cllr Bridger) Director of Place due to contract value	No	PCOM Scrutiny Panel Chairman has been consulted 16.03.22 Full panel engagement not required.	Contact: Jonathan White 07711 280595 Jonathan Hughes 07769 253380 Elaine Braund
01/08	A38 MRN scheme: Acceptance of DfT Grant and approval of	Director Decision: 19/20 DE295 https://www.n-somerset.gov.uk/sites/default/	Executive Member (Cllr Bridger)	No	The Place P&SP was consulted at the OBC Submission Decision and Commissioning Plan stage	Contact: Konrad Lansdown: 07917 184804

	NSC Local Contributions (previously listed for June)	files/2020-05/19-20%20DE%20295.pdf - Exec Member Decision DP270: A38 Major Road Network Scheme Outline Business Case Submission and Local Contribution Funding - Full Council/Exec Member: Commissioning & Procurement Plans for the Design & Build Contract of the A38 Major Road Network (MRN) Scheme and associated Professional Services			during September/October 2021. An interim written briefing was provided to Place P&SP on 31 st May 2022. A further briefing will be offered to Place P&SP following OBC approval from DfT.	
01/08	Energy Company Obligation Local Authority Flexible Eligibility Statement of Intent – ECO4 (new entry)	Current Statement of Intent December 2020 Revised Local Authority Flexible Eligibility Statement of Intent (n-somerset.gov.uk)	Director of Public Health and Regulatory Services	No	Briefing paper to ASH Panel Working Group and Climate Emergency Officer Group (July 22)	Contact: Howard Evans 01934 426673
01/08	Award of Handyperson Contract (moved from July)	Commissioning Plan for North Somerset Handyperson Service	Director of Adult Social Services	No	22 March 2022 meeting with ASH Panel members Cllrs James, Haverson and Tucker	Contact: Teresa Stanley Tel: 07385515142

September 2022

1. Council and Executive Items

Meeting Date	Item/Issue requiring decision	Background Documents for Consideration	Decision Taker	Exempt Item? Yes/No/Part	Policy & Scrutiny Panel Activity & Engagement / Timeline	Contact Officer for Further Details
07/09	2022/23 Month 4 Budget Monitor	Previous Budget Monitor reports to Executive	Executive	No	Reporting to PCOM informally through timetable of scrutiny engagement as agreed with the Panel Chairman	Contact: Melanie Watts 01934 634618
07/09	Medium Term Financial Plan (MTFP) and Revenue Budget 2023/24	Previous Budget and Medium Term Financial Plan reports to Executive	Executive	No	Reporting to PCOM informally through timetable of scrutiny engagement as agreed with the Panel Chairman	Contact: Melanie Watts 01934 634618
07/09	Accept Heads of Terms and enter into options agreement for purchase of land for construction of Banwell Bypass (previously listed for June)	Executive decision for purchase of land for construction of Banwell Bypass through landowner negotiation	Executive	No	Place Scrutiny Panel to be engaged through HIF scheme scrutiny 23 August 2022	Contact: Maduabuchi Ani
07/09	Delivery and disposal options/mechanisms for Weston Business Quarter (new entry)	Report to Executive, 23rd June 2021: Development Programme and Economic Strategy: Business Case and Commissioning Plan for development of Weston Business Quarter	Executive	Yes	Place Policy & Scrutiny Panel briefing on Junction 21 Enterprise Area, July 2021.	Jenny Ford Jenny.Ford@n-somerset.gov.uk 01934426609
20/09	Transport Decarbonisation: Adoption of the Joint Local Transport Plan 4 Addendum (JLTP4 A) and approval of the engagement plan for The	JLTP4 https://www.westofengland-ca.gov.uk/what-we-do/transport/joint-local-transport-plan/	Council	No	Place Scrutiny 13 July 2022 (see background documents for consultation report)	Bella Fortune 07917 265643

	Big Conversation on Transport' (new entry)	JLTP4 was developed with extensive engagement activity which was reported in January 2020 https://travelwest.info/app/uploads/2020/05/JLTP4-consultation-report.pdf				
20/09	Future Highways contract service delivery model (new entry)	Highways programme decision report – Sept 22 (in draft)	Council	No	All member briefing on 3 August 2022	Gemma Dando Gemma.dando@n-somerset.gov.uk

2. Executive Member Items and Director Key Decisions

Decision not before	Item/Issue requiring decision	Background Documents for Consideration	Decision Taker	Exempt Item? Yes/No/Part	Policy & Scrutiny Panel Activity & Engagement / Timeline	Contact Officer for Further Details
01/09	A38 MRN scheme: Contract Award of D&B Stage 1 Contract (re-listing)	<ul style="list-style-type: none"> - Director Decision 19/20 DE295 https://www.n-somerset.gov.uk/sites/default/files/2020-05/19-20%20DE%20295.pdf - Exec Member Decision DP270: A38 Major Road Network Scheme Outline Business Case Submission and Local Contribution Funding - Full Council: Commissioning Plan for the Design & Build Contract of the A38 Major Road Network (MRN) Scheme and associated Professional Services - Executive Member: Procurement Plan for the Design & Build Contract of the A38 Major Road Network (MRN) Scheme and associated Professional Services 	Director of Place (key decision)	No	<p>The Place P&SP was consulted at the OBC Submission Decision and Commissioning Plan stage during September/October 2021. A further briefing will be offered to the Place P&SP in September 2022.</p> <p>An interim written briefing was provided to Place P&SP on 31st May 2022. A further briefing will be offered to Place P&SP following OBC approval from DfT.</p>	Contact: Konrad Lansdown: 07917 184804
01/09	A38 MRN scheme: Award of Professional Services Contract (re-listing)	<p>Director Decision: 19/20 DE295 https://www.n-somerset.gov.uk/sites/default/files/2020-05/19-20%20DE%20295.pdf</p> <p>Exec Member Decision DP 270: A38 Major Road Network Scheme Outline Business Case Submission</p>	Director of Place (key decision)	No	The Place P&SP was consulted at the OBC Submission Decision and Commissioning Plan stage during September/October 2021. A further briefing will be offered to the Place P&SP in September 2022.	Contact: Konrad Lansdown: 07917 184804

		and Local Contribution Funding Full Council: Commissioning Plan for the Design & Build Contract of the A38 Major Road Network (MRN) Scheme and associated Professional Services Executive Member: Procurement Plan for the Design & Build Contract of the A38 Major Road Network (MRN) Scheme and associated Professional Services			An interim written briefing was provided to Place P&SP on 31 st May 2022. A further briefing will be offered to Place P&SP following OBC approval from DfT.	
01/09	Flood Risk Management Plan - Approval of plan – to be published by EA	https://consult.environment-agency.gov.uk/fcrm/draft-second-cycle-flood-risk-management-plans/	Executive Member (Cllr Solomon)	No	Place Scrutiny Panel engagement in June/July	Simon Bunn simon.bunn@n-somerset.gov.uk 01934 427 362

October 2022

1. Council and Executive Items

Meeting Date	Item/Issue requiring decision	Background Documents for Consideration	Decision Taker	Exempt Item? Yes/No/Part	Policy & Scrutiny Panel Activity & Engagement / Timeline	Contact Officer for Further Details
19/10	Local Flood Risk Management Strategy - approval to consult on draft strategy	Local Flood Risk Management Strategy for North Somerset (to be drafted)	Executive	No	Place Scrutiny Panel engagement in June/July and again in Sept/Oct	Simon Bunn simon.bunn@n-somerset.gov.uk 01934 427 362


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2. Executive Member Items and Director Key Decisions

Decision not before	Item/Issue requiring decision	Background Documents for Consideration	Decision Taker	Exempt Item? Yes/No/Part	Policy & Scrutiny Panel Activity & Engagement / Timeline	Contact Officer for Further Details

November 2022

1. Council and Executive Items

Meeting Date	Item/Issue requiring decision	Background Documents for Consideration	Decision Taker	Exempt Item? Yes/No/Part	Policy & Scrutiny Panel Activity & Engagement / Timeline	Contact Officer for Further Details
08/11	Outcomes and recommendations from Development Sites consultation (new entry)	Report to Executive, 21 st June 2022: Development Programme: Updates and Consultation Programme (includes exempt appendix) (Agenda item 15) 	Council	Part	PCOM briefing (open also to Place Panel) held 23rd March 2022. A further session is proposed on 13th Sept 2022.	Jenny Ford Jenny.Ford@n-somerset.gov.uk 01934426609

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2. Executive Member Items and Director Key Decisions

Decision not before	Item/Issue requiring decision	Background Documents for Consideration	Decision Taker	Exempt Item? Yes/No/Part	Policy & Scrutiny Panel Activity & Engagement / Timeline	Contact Officer for Further Details

North Somerset Council

Report to Council

Date of Meeting: 12 July 2022

Subject of Report: Policy and Scrutiny Panel Report

Town or Parish: All

Officer/Member Presenting: Councillors Wendy Griggs, John Crockford-Hawley

Key Decision: NO

Reason: Council report not Executive decision

Recommendations

That Councillors receive and consider the report from the Chairman of the Children and Young People's Services Policy and Scrutiny Panel (CYPS) and the Chairman of the Place Policy and Scrutiny Panel.

1. Summary of Report

This report provides comments from the Chairmen of two of the Policy and Scrutiny Panels, highlighting:

- a) key areas that the Panels have focused on for the current municipal year;
- b) on-going issues progressing on into the next municipal year.

2. Policy

The Corporate Plan sets out the Council's vision for: an open, fairer, greener North Somerset. Policy and Scrutiny Panels have an integral role in the delivery of the Council's aims and priorities by engaging with the development of policy, monitoring performance and holding decision makers to account.

3. Details

3.1 Children and Young People's Services Policy and Scrutiny Panel

3.1.1 CYPS Panel Meetings

- **10 March 2022– formal meeting** – along with the standing items (Election of the Vice-chairman for the 2021-22 municipal year, Children's Services Budget Monitor, Performance Monitoring and Work Plan) Panel members received updates on Family Support and Safeguarding, the Children's Improvement Focus Group, the terms of reference for the Accelerated Progress Plan and Care Leavers NEET CYPS working groups.

- **16 June 2022 – informal meeting** – decisions to be presented to future meeting for ratification – Election of the Vice-chairman for the 2022-23 municipal year, the Children’s Services Annual Directorate Statement, an update on CYPS Panel working groups, the Overview of findings from the joint CYPS/HOSP CAMHS working group, Resetting the Education Agenda for North Somerset, the Executive Member/ Assistant Director Education Partnerships Report – Community of Practice SEND, North Somerset’s Annual Children’s Social Care Complaints and Complements Report for 2020/21 Financial Year, the Adoption West Ofsted Report in addition to the standing items (Children’s Services Budget Monitor, Performance Monitoring and Work Plan).

3.1.2 Scrutiny Steering/Working/Focus Groups

1. CYPS Front Door Working Group

- Focussing at a strategic level on scrutinising the delivery of the Children’s Improvement Plan.
- A meeting of the Focus Group took place on 7 April 2022, which looked at information received from the many partner agencies that use the Front Door. Presentation on a number of case studies showing the different pathways into the Front Door and beyond.
- A further meeting on 30 June 2022 will gather feedback from service users.

2. CYPS Accelerated Progress Plan Working Group

- The working group has been set up to identify and recommend further effective delivery of the Council SEND Improvement plan in relation to the experiences of Parents and Carers.
- Meetings on 24 March 2022 and 1 June 2022 focussed on: a review of data on waiting times for ECHP’S, referrals to health specialists, and responses from North Somerset and other partners, as well as results of any available parents / carers surveys. There was also feedback from parents and children during a working group visit to Bourneville Primary School.
- A further meeting planned for 6 September 2022 will discuss student and parent responses gathered in a secondary school context.

3. CYPS Care Leavers NEET working group

- The Working Group has been organised to identify and recommend sustainable and effective delivery and creation of opportunities for all care leavers in NSC who are NEET for the next 6-8 months and beyond.
- The meeting of 17 March 2022 looked at qualitative and benchmarking data for review by Members.
- The meeting of 28 April 2022 looked at further data.
- The meeting of 9 June 2022 looked at the barriers to mentoring by care leavers and some initiatives supporting NEET Care Leavers in North Somerset.
- The upcoming meeting of 14 July and 8 September 2022 will review evidence gathered to date in order to develop and propose an action plan to improve NEET outcomes with clear timescales over the coming 12 months.

4. School Organisation Working Group

- This Working Group looks at school operational changes, the school's capital programme and school place planning. The Steering Group met on three occasions in the 2021/22 school year.
- At the meeting on 10 September 2021 the Panel was provided with updates and asked questions about the Baytree School Expansion project, the recently completed delivery of Chestnut Park Primary and considered a draft paper about the proposed second school in the Haywood Village area
- The 15 December 2021 meeting concentrated on an Overview of the SEND Improvement Plan and outline plans for Nurture Groups/Hubs, it reviewed the responses to the updated Baytree Consultation Review in relation to this school's expansion and received, as part of its regular updates, progress on actions within the Education Provision in North Somerset ~ A Commissioning Strategy 2021 – 2024
- The Working Group received an update on 18 January 2022 on the progress being made in the delivery of the Winterstoke Hundred Academy and Baytree Expansions, it reviewed and made recommendations in relation to the Term Date Consultation for the 2023/24 School Year and North Somerset's maintained schools School Admission Policies. The latter included considering the draft Community and Voluntary Controlled School Admission Arrangements 2023-24 and the North Somerset Coordinated Schemes 2023 - 24.
- Further meetings will be planned for the 2022/23 school year concentrating on further progress on actions within the Education Provision in North Somerset ~ A Commissioning Strategy 2021 – 2024, the delivery of additional SEND places and the impact of the Local Plan on school place delivery in the future.

The Chairman would like to thank the members of the panel and officers for their efforts in supporting the work of the panel.

3.2 Place Policy and Scrutiny Panel

The need to face challenges brought by Covid has given the panel opportunities to question how and where we should meet. It's been quite a learning curve for everyone. Most councillors are now happily used to on-line gatherings and our screen briefing sessions have become constructively focussed on the business in hand. iPad technology, information storage and message retrieval continue to cause councillor dissatisfaction.

For those living some distance from the Town Hall there have been clear advantages in holding 'teams' meetings. However, whilst efficient, it is difficult to understand nuance, interpret body language, catch the eye or bend a colleague's ear, or even offer those occasional touches of humour which help conversational conviviality. Worst of all it has been impossible to welcome public participation in our deliberations. Perhaps we've spent too much time talking amongst ourselves?

We appear to be moving towards a hybrid working pattern: retaining the efficiency of 'teams' meetings for straightforward briefings but re-engaging one with another for the more complex sessions.

My thanks to the vice-chairman for his constant help, and support and to all colleagues for their high degree of participation in panel proceedings. Thanks also to Leo and Brent for managing their chairman and keeping him 'on track', and thanks to all officers for helping we amateurs understand the complexities of that which we are charged to scrutinise - especially the time-consuming and inevitably controversial Local Plan. Though officers advise with exemplary thoroughness I am concerned about the increasing workload which is being placed upon their shoulders

3.2.1 Place Panel Meetings

- **14 July 2021 – informal meeting** – the Panel considered the Local List Procedure, the 2021-22 Annual Place Directorate Statement, the month 12 Place budget review, a Local Plan update, a report on Inward Investment in North Somerset, and the Panel's Work Plan.
- **24 November 2021 – informal meeting** – the Panel considered reports on Rewilding and Great Lakes, the Library Strategy update, a Local Plan update, the Month 5 Place Budget Monitor, and the Panel's Work plan.
- **10 March 2022 – formal meeting** – the Panel formally ratified the election of the Vice-chairman for the 2021-22 municipal year, and considered reports on the Development Programme, a Place Finance update, and the Panel's Work Plan.

3.2.2 Briefings:

- Housing Infrastructure Fund (HIF) – ongoing series of briefings since July 2020, held roughly every six weeks
- Marine Lake (briefings on 20th April and 28th May)
- A38 Major Road Network (MRN) – written briefing and input from Members on proposed scheme
- National Bus Strategy & (North Somerset) Bus Improvement Plan (Place-led all Member briefings 16th June and 7th October 2021, 16th May 2022)
- Travel Plan SPD (briefing on 20th July with further briefing planned post public consultation)
- Parking Standards SPD (8th September)
- WECA briefing (meeting with WECA officers on 11th October to discuss current scrutiny arrangements and accession plans/progress)
- Article 4 (Heritage) Directions (briefing on 27th September)
- Clevedon Active Travel Area TRO 11APR22
- Ash dieback action plan 01APR22
- All-Member Grounds Maintenance and Street Cleansing Proposals 28MAR22
- Adoption of the first buildings onto the Local (Heritage) List 26MAY22

3.2.3 Scrutiny Steering/Working/Focus Groups

1. Joint Cladding Working Group with ASH Policy and Scrutiny Panel

- Set up following a recommendation from Council on 23 February 2021.

- The group met on 8 April and 30 November 2021, and was on hold while national legislation was under development. Updates on these are in the bullet points below:
- The Building Safety Act (2022) to make provision about the safety of people in or about buildings and the standard of buildings which fundamentally changes the approach to design, build and management of properties has been implemented. Multiple clauses to be implemented through secondary legislation, yet to be announced.
- The Fire Safety Act (2021) applies to buildings with two or more sets of domestic premises and puts beyond doubt that the structure, external walls and flat entrance doors fall within the scope of the Fire Safety Order (FSO) and requires responsible persons to ensure that these elements are included in their fire risk assessments, if they have not been covered already. The FSO is enforced by Avon Fire & Rescue Service (AFRS). Regulations have been introduced implementing the provisions and majority come into effect on 23 January 2023.

2. Local Plan Working Group

- The working group to scrutinise and provide feedback on the Local Plan met four times in the last municipal year.
- These meetings focused on: 16 July 2021 – Sustainable Development; 16 August 2021 – Planning Policy for Rural Areas; 13 September 2021 – Broad Locations; 11 October 2021 – Appraisal of Opportunity Areas.
- Engagement at the meetings provided feedback to the development of the Local Plan.
- Further Place-led engagement with all Members is expected in September, with further engagement before the public consultation in the winter.

3. Transport and Highways subgroup

- The standing group was set up to engage Members on the significant pieces of work taking place with a highways and transport theme.
- The group met on 1 December 2021 and discussed the Highways maintenance contract extension, and also gave Members the opportunity to provide feedback on the Highways Project Spreadsheet.

4. Waste Scrutiny Steering Group

- This standing group was initiated as a successor to the CCO Panel subgroup once functions that fell under that Panel were moved to the Place Panel.
- The group met on 10 November 2021, and officers engaged Members on: the Waste Strategy update; the Street Cleansing and Grounds Maintenance contract update; a garden waste update; and the use of the online service to report issues around waste.

The Chairman would like to thank the Members of the panel and officers for their efforts in supporting the work of the panel.

4. Consultation

The Panels undertake regular consultation with officers, Councillors, the Executive Members and relevant partners through working group and steering group monitoring and Panel reporting.

5. Financial Implications

None specific

Costs

None

Funding

None

6. Legal Powers and Implications

Policy and Scrutiny Panels operate within legislation and the Council's Constitution

7. Climate Change and Environmental Implications

Climate Emergency is included in the remit of the Partnerships and Corporate Organisation Policy and Scrutiny Panel due to its council-wide responsibility

8. Risk Management

N/A

9. Equality Implications

N/A

10. Corporate Implications

None

11. Options Considered

None

Authors:

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John Crockford-Hawley, Chairman of the Place Policy and Scrutiny Panel

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Appendices:

None

Background Papers:

Policy and Scrutiny Panel agenda, reports and minutes

<https://n-somerset.moderngov.co.uk/uuCoverPage.aspx?bcr=1>

Council – 04 July 2022

REPORT OF POLICE AND CRIME PANEL

The latest meeting of the Police and Crime Panel for Avon and Somerset Constabulary took place, face-to-face on Tuesday 28 June. I've included a link to a BBC local news report on the meeting (<https://www.bbc.co.uk/news/uk-england-bristol-61974749>) as it illustrates beautifully, the relationship the Panel has with the Police and Crime Commissioner, Mark Shelford, and his relationship with Avon and Somerset Constabulary. (And the understandable confusion some members of the public may have, as to the borders between the interlocking roles each of the above three, plays!)

Putting it briefly a group of around 20 people, called 'The Lloyds Bank Complainants', who attended the Panel meeting, were correctly told their issue fell outside the remit of the Panel, and were then referred directly to Mark Shelford, who was present; he then spoke to them, at length, later that day.

It's not often that the Panel is able to do its job and have such an immediate effect!

The other main item of non-routine Panel business, was the receipt of an excellent and innovative report on 'Identifying Disproportionality in the Avon and Somerset Criminal Justice System'. This was presented by the Independent Chair of the review group into Disproportionality: Desmond Brown.

This report is available via the OPCC website and makes for fascinating reading.

Desmond Brown praised the current and previous Commissioners for their support and encouragement; and also Avon and Somerset Constabulary for their welcoming and supportive attitude. He furthermore commented favourably on the data driven and data interrogating operational style of Avon and Somerset, in contrast with...not so much of that in some neighbouring forces.

Council – 04 July 2022

Which brings us to a general comment on the current state of the governance of policing in Avon and Somerset. The Commissioner, is, in my opinion, taking his local and national commitments very seriously: he is the national lead Commissioner for Fraud and Cybercrime; and his discomfiture at the Home Office recently seeking to discount Fraud and Cybercrime completely, from the statistical record, was almost palpable.

Having said that, in comparison with other neighbouring constabularies (Gloucestershire and Wiltshire are in so called, 'Special Measures') Avon and Somerset are rated 'Good', overall, with an 'Outstanding' for Efficiency, in the latest national league tables.

So, in many ways the Commissioner has had the privilege of taking over the governance of what was always a 'going concern'!

Richard Westwood