

## Minutes

of the Meeting of

## The Planning and Regulatory Committee

Wednesday, 15 March 2023

New Council Chamber - Town Hall

Meeting Commenced: 2.30 pm

Meeting Concluded: 4.10 pm

### Councillors:

James Tonkin (Chairman)  
John Crockford-Hawley (Vice Chairman)  
Mike Bird  
Peter Crew  
Ann Harley  
Patrick Keating (substitute for Robert Payne)  
Stuart McQuillan  
Timothy Snaden  
Mike Solomon  
Richard Westwood

**Apologies:** Councillors Caroline Cherry, Robert Payne, Richard Tucker

**Absent:** Councillor Peter Bryant

**Other Councillors in attendance:** Karin Haverson, Steve Bridger, Steve Hogg

**Officers in attendance:** Richard Kent (Head of Planning, Place Directorate), Roger Willmot (Strategic Development Service Manager), Sue Buck (Solicitor - Litigation Team Leader), Andrea English, (Principal Transport Policy Officer), James Wigmore (Lead Transport Planner), Emma Schofield (Principal Planning Officer), Dee Mawn (Environmental Protection Service Leader), Michèle Chesterman (Committee Services Senior Officer), Jessika Robinson (Committee Services Support Officer)

**Also in attendance:** Matthew Parker, ACOM, Transport Consultants

### **PAR Chairman's Welcome** **57**

The Chairman welcomed everyone to this face-to-face meeting of the Planning & Regulatory Committee in the New Council Chamber.

He explained the new arrangements in place for speaking on planning applications under Standing Order 17A, with speakers to be invited to address the committee immediately before an application rather than at the start of the meeting.

The Chairman then introduced those officers present at the meeting.

**PAR 58 Public speaking at planning committees (Standing Order 17 & 17A) (Agenda Item 1)**

It was noted there were no speakers under Standing Order 17.

**Resolved:** that Standing Order 17A be suspended under Standing Order 40 to allow for four speakers to address the Committee in support of the application and four speakers against, with each speaker limited to three minutes.

**PAR 59 Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda Item 3)**

None

**PAR 60 Minutes 22 February 2023 (Agenda Item 4)**

**Resolved:** that the minutes of the meeting dated 22 February 2023 be approved as a correct record.

**PAR 61 Planning Application 22/P/1768/R3EIA Banwell Bypass (Agenda item 6)**

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

The Committee's proceedings with Standing Order 17A suspended then followed. The speakers listed below addressed the meeting:-

Speakers against the application

1. Cllr Tom Nicholson, Parish Councillor, Winscombe & Sandford Parish Council, Banwell Bypass Working Group
2. Cllr Archie Forbes, Chair, Winscombe & Sandford Parish Council
3. Simon Hegarty, local resident, Churchill
4. *Philip Hale, local resident - registered to speak but was unable to attend at the last minute*

Speakers for the application

1. Allan Pitt, ARUP, on behalf of the Applicant (Banwell Bypass Project Team)
2. Cllr Paul Blatchford, Chair, Banwell Parish Council
3. Steve Voller, local resident
4. David Eddins, Mendip Activity Centre

The Chairman thanked the speakers for their addresses.

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At the conclusion of public speaking the Committee's proceedings under the provisions of Standing Orders then resumed.

The Director of Place's representative presented the report. He also drew attention to the Update Sheet published the previous day which made reference to further representations about The Old Police House. He explained the Public Sector Equality Duty including reference to the requirement to have due regard to the need to eliminate discrimination and advance equality of opportunity. He confirmed that both the applicant and the local planning authority had taken the equality duty into account and these issues would continue to be fully considered at the detailed design stages. The impacts of the development on The Old Police House were dealt with within the main report.

Reference was made to additional third party comments. Two additional letters of support had been received since the report was published. No issues were raised which had not been previously considered.

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

Additional comments were also received from Natural England (NE), National Highways (NH), Historic England (HE) and Sport England. The Update Sheet referred to the fact that as the Habitats Regulation Assessment had been concluded, and National Highways holding recommendation lifted, As the Habits Regulation Assessment had been concluded and National Highways holding recommendation lifted the Update Sheet amended the officer recommendation to delete "subject to (a) the conclusion of the Habitats Regulation Assessment and (b) the satisfactory resolution of the issues raised by National Highways". In addition, amendments were proposed to Conditions 2,4,7,8,26 and additional conditions 32 and 33 added as recommended by National Highways.

At the invitation of the Chairman, ward members, Councillors Karin Haverson, Patrick Keating (adjacent ward member) and Ann Harley to speak.

Following debate it was:

**Resolved** that the application be **APPROVED** as recommendation on Update Sheet

Subject to the following conditions (with amended condition 8 in italics):

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site location plan

BNWLBP-ARP-LSI-XXXX-DR-ZL-000013

Red line Boundary Plans

Sheet 1 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000018

Sheet 2 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000005

Sheet 3 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000006

Sheet 4 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000007

Sheet 5 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000008

Sheet 6 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000009

Sheet 7 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000010

Sheet 8 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000011

Sheet 9 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000012

PMA Visibility Drawing 1 BNWLBP-ARP-HGN-X\_BB\_Z-DR-CH-000009

PMA Visibility Drawing 2 BNWLBP-ARP- HGN-X\_BB\_Z-DR-CH-000010

SBR-0550-Culvert GA SBR-0550 Wallymead Rhyne Culvert (West)

General Arrangement Drawing BNWLBP-ARP-SBR-X\_BB\_Z-0550-DR-CB-000001

SBR-1375-Culvert GA SBR-1375-Wallymead Rhyne Culvert (East)

General Arrangement Drawing BNWLBP-ARP-SBR-X\_BB\_Z\_01375-DR-CH-000001

SBR-1760 Culvert GA SBR-1760 Old Yeo Rhyne Culvert (East) General

Arrangement Drawing BNWLBP-ARP-SBR-X\_BB\_Z\_1760-DR-CB-000001

SBR-1930 Bridge GA SBR-1930 Banwell River Underbridge Approval in Principle Drawing BNWLBP-ARP-SBR-X\_BB\_Z\_1930-DR-CB-000001

SBR-2310 Culvert GA SBR-2310 East Mead Rhyne Culvert General Arrangement Drawing BNWLBP-ARP-SBR-X\_BB\_Z\_2310-DR-CB-000001

Moor Road Diversion Structures BNWLBP-ARP-SBR-XXXX-SK-CB-00017 Plan and Profile – Mainline

Sheet 1 of 6 - BNWLBP-ARP-HML-X\_BB\_Z-DR-CH-000101

Sheet 2 of 6 - BNWLBP-ARP-HML-X\_BB\_Z-DR-CH-000102

Sheet 3 of 6 - BNWLBP-ARP-HML-X\_BB\_Z-DR-CH-000103

Sheet 4 of 6 - BNWLBP-ARP-HML-X\_BB\_Z-DR-CH-000104

Sheet 5 of 6 - BNWLBP-ARP-HML-X\_BB\_Z-DR-CH-000105

Sheet 6 of 6 - BNWLBP-ARP-HML-X\_BB\_Z-DR-CH-000106

Plan and Profile – Side Road

Sheet 1 of 6 - BNWLBP-ARP-HSR-X\_BB\_Z-DR-CH-000101

Sheet 2 of 6 - BNWLBP-ARP-HSR-X\_BB\_Z-DR-CH-000102

Sheet 3 of 6 - BNWLBP-ARP-HSR-X\_BB\_Z-DR-CH-000103

Sheet 4 of 6 - BNWLBP-ARP-HSR-X\_BB\_Z-DR-CH-000104

Sheet 5 of 6 - BNWLBP-ARP-HSR-X\_BB\_Z-DR-CH-000105

Sheet 6 of 6 - BNWLBP-ARP-HSR-X\_BB\_Z-DR-CH-000106  
 Typical Cross-Section  
 Sheet 1 of 2 – BNWLBP-ARP-HGN-X\_BB\_Z-DR-CH-000006  
 Sheet 2 of 2 – BNWLBP-ARP-HGN-X\_BB\_Z-DR-CH-000007  
 Placemaking Site Layout Drawing  
 Sheet 1 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000002  
 Sheet 2 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000003  
 Sheet 3 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000004  
 Sheet 4 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000005  
 Sheet 5 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000006  
 Sheet 6 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000007  
 Sheet 7 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000008  
 Sheet 8 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000010  
 Sheet 9 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000011  
 Highway Drainage Drawing  
 Sheet 1 of 7 – BNWLBP-ARP-HDG-X\_BB\_Z-DR-CD-000001  
 Sheet 2 of 7 – BNWLBP-ARP-HDG-X\_BB\_Z-DR-CD-000002  
 Sheet 3 of 7 – BNWLBP-ARP-HDG-X\_BB\_Z-DR-CD-000003  
 Sheet 4 of 7 – BNWLBP-ARP-HDG-X\_BB\_Z-DR-CD-000004  
 Sheet 5 of 7 – BNWLBP-ARP-HDG-X\_BB\_Z-DR-CD-000005  
 Sheet 6 of 7 – BNWLBP-ARP-HDG-X\_BB\_Z-DR-CD-000006  
 Sheet 7 of 7 – BNWLBP-ARP-HDG-X\_BB\_Z-DR-CD-000007  
 Drainage Catchment Drawings Set 1 of 2  
 Sheet 1 of 2 – BNWLBP-ARP-HDG-X\_BB\_Z-SK-CD-000001  
 Sheet 2 of 2 – BNWLBP-ARP-HDG-X\_BB\_Z-SK-CD-000001  
 Private Means of Access Visibility Plan  
 BNWLBP-ARP-HGN-X\_BB\_Z-DR-CH-000010  
 Wider Network Mitigation General Arrangement Plans  
 Sheet 1 of 13 - BNWBP-ARP-GEN-X\_A368WCH\_Z-DR-CH-000001  
 Sheet 2 of 13 - BNWBP-ARP-GEN-X\_A368WCH\_Z-DR-CH-000002  
 Sheet 3 of 13 - BNWBP-ARP-GEN-X\_A368WCH\_Z-DR-CH-000003  
 Sheet 4 of 13 - BNWBP-ARP-GEN-X\_A368WCH\_Z-DR-CH-000004  
 Sheet 5 of 13 - BNWBP-ARP-GEN-X\_A368WCH\_Z-DR-CH-000005  
 Sheet 6 of 13 - BNWBP-ARP-GEN-X\_A368WCH\_Z-DR-CH-000006  
 Sheet 7 of 13 - BNWBP-ARP-GEN-X\_A368WCH\_Z-DR-CH-000007  
 Sheet 8 of 13 - BNWBP-ARP-GEN-X\_A368WCH\_Z-DR-CH-000008  
 Sheet 9 of 13 - BNWBP-ARP-GEN-X\_A368WCH\_Z-DR-CH-000009  
 Sheet 10 of 13 - BNWBP-ARP-GEN-X\_A368WCH\_Z-DR-CH-000010  
 Sheet 11 of 13 - BNWBP-ARP-GEN-X\_A368WCH\_Z-DR-CH-000011  
 Sheet 12 of 13 - BNWBP-ARP-GEN-X\_A368WCH\_Z-DR-CH-000012  
 Wider Network Mitigation Standard Detail for Raised Zebra Crossings  
 Draw-ng - BNWLBP-ARP-GEN-X\_A368WCH\_Z-DR-CH-000014  
 Wider Network Mitigation Standard Raised Detail for Raised Signalised  
 Crossings Drawing – BNWLBP-ARP-GEN-X\_A368WCH\_z-DR-CH-  
 000015  
 Environmental Master Plans  
 Sheet 1 of 6 - BNWLBP-TACP-ELS-X\_BB\_Z-DR-LE-000010  
 Sheet 2 of 6 - BNWLBP-TACP-ELS-X\_BB\_Z-DR-LE-000011  
 Sheet 3 of 6 - BNWLBP-TACP-ELS-X\_BB\_Z-DR-LE-000012  
 Sheet 4 of 6 - BNWLBP-TACP-ELS-X\_BB\_Z-DR-LE-000013  
 Sheet 5 of 6 - BNWLBP-TACP-ELS-X\_BB\_Z-DR-LE-000014  
 Sheet 6 of 6 – BNWLBP-TACP-ELS-X\_BB\_Z-DR-LE-000015

General Arrangement Drawings

Sheet 1 of 6 – BNWLBP-ARP-HGN-X\_BB\_Z-DR-CH-000001

Sheet 2 of 6 – BNWLBP-ARP-HGN-X\_BB\_Z-DR-CH-000002

Sheet 3 of 6 – BNWLBP-ARP-HGN-X\_BB\_Z-DR-CH-000003

Sheet 4 of 6 – BNWLBP-ARP-HGN-X\_BB\_Z-DR-CH-000004

Sheet 5 of 6 – BNWLBP-ARP-HGN-X\_BB\_Z-DR-CH-000005

Sheet 6 of 6 – BNWLBP-ARP-HGN-X\_BB\_Z-DR-CH-000006

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

Plans and Drawings Update Report

Planning Statement

Planning, Design and Access Update Report

Environmental Statement

Environmental Statement Update Report

Flood Evacuation Plan

Health Impact Assessment

Walking Cycling Horse-riding Assessment Report

Walking Cycling Horse-riding Review Report – Preliminary Design

Transport Assessment

Stage 1 Road Safety Audit Response

Wider Network Mitigations Measure Speed Limits Assessment Report

Surface Water Drainage Strategy

Lighting Strategy

Carbon Management Plan

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No works, including any site clearance or demolition works, shall take place until a Works Programme, showing the subdivision of the scheme into defined work phases has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development hereby approved shall not proceed other than in accordance with the approved phasing details.

Reason: It is necessary that the stages of development and the provision of associated infrastructure follow a co-ordinated sequence and in accordance with Policy CS2 of the North Somerset Core Strategy

4. Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction work on any phase of the development a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority in consultation with National Highways The approved Plan shall be adhered to throughout the construction period. An Early Works Construction Management Plan will be prepared to cover the early works only. The Construction Management Plan shall provide for:
  - a) Construction hours, and how the loading and unloading of plant and materials and other goods will be managed to (i) avoid conflict with peak periods of vehicle activity on local approach and trunk roads and junctions and (ii) reduce potential conflict with pedestrian movement.

This shall include procedures for emergency deviation of the agreed working hours;

- b) Any necessary temporary closures or diversions of highways and Public Rights of Way;
- c) Procedures for maintaining good public relations including complaint management, public liaison, and communicating planned works in advance to help minimise disruption;
- d) Wheel washing facilities or other measures to prevent or clear mud or debris from the highway where appropriate;
- e) Provision for construction staff car parking, times of site operation, waiting or parking areas for construction vehicles and safety measures such as banksman. This shall include measures for traffic management including routing of vehicles to and from the site, details of the number and frequency and sizes of vehicles and proposed on-site parking for vehicles associated with the construction works including site personnel, operatives and visitors and the provision made for access thereto;
- f) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- g) Location of construction compounds, the type and location of activities to take place within the construction compounds and any required lighting;
- h) The location and design of the construction accesses including visibility splays. This shall include the proposed route(s) to and from the site including temporary site access, including connections to work compounds;
- i) The erection and maintenance of security hoarding, including displays and facilities for public viewing where appropriate;
- j) Stockpile management including location, heights and coverage.

The development shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety and to minimise the impact on the development of nearby residents in accordance with Policies CS3 & CS10 of the North Somerset Core Strategy and Policy DM24 of the North Somerset Sites and Policies Plan Part 1.

5. Prior to commencement of any development for each work phase approved under Condition 3 (Phasing), a detailed Construction Environmental Management Plan (CEMP) which accords with the outline CEMP for that phase shall be submitted to and approved in writing by the Local Planning Authority. The level of detail included in the CEMP shall be appropriate to each phase and shall outline:

(a) All site clearance and construction works to be in accordance with the Environmental statement.

(b) Arrangements for liaison with the Local Planning Authority's Pollution Control Team and on site presence to enable appropriate responses to matters such as unforeseen contamination.

(c) Mitigation measures to rectify any potential capacity impact, damage to structures or highway.

(d) Proposals for the temporary movements and stockpiling of a soil and spoil and proposals for the testing of soils to be used in soft landscaping areas for contamination.

(e) Measures to control the emission of vibration, dust and dirt during construction including a piling works risk assessment and verification plan and details of how vibration, dust and dirt during construction will be mitigated to protect the pollution from entering local watercourses. The treatment and removal of suspended solids from surface water run-off during construction works and measures to prevent building material finding its way into a watercourse.

(f) A scheme for recycling/disposing of waste resulting from demolition

(g) Details of measures to ensure the Rhyne network and any other aquatic habitats on or adjacent to the development site are not adversely affected during construction (to include no light spill to dark corridor during the construction phase);

(h) Details of measures to protect wildlife habitats, protected species and Section 41 species during construction. The approved plan shall be implemented and adhered to thereafter at all time during construction.

(i) The employment of an Environmental Clerk of Works.

(j) Procedures for emergency deviation of the agreed working hours.

(k) The use of a 'Considerate Contractors' or similar regime and arrangements for site induction for workforce highlighting pollution prevention and awareness.

(l) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

(m) Arrangements for briefing contractors and sub-contractors on the importance of the ecological features which are to be retained on site and the ecological value of the SNCIs in particular. The CEMP should follow best practice pollution control measures and biosecurity.

(n) A detailed Ecological Method Statement to include mitigation measures to protect ecological features during the construction and to include precautionary working measures for key species, including:

(i) Best practice construction methods for the scope of works;



- (ii) Suitable protection measures of ecological fencing and hedgerows with protective fencing and signage;
- (iii) All works to be completed with suitable toolbox talks and ecological watching briefs;
- (iv) Sensitive storing and siting of materials, chemicals and machinery;
- (v) Pollution control measures to protect quality of surface and ground waters;
- (vi) Measures for disposal of waste;
- (vii) Sensitive construction lighting scheme including minimisation of night-time working.

(o) Details of a baseline survey to identify the working locations of invasive botanical species, for example not limited to where floating pennywort is located, and to detail the management of these species to ensure a high level of biosecurity when working near identified species or habitats found to contain them, to reduce the risk of spreading identified invasives. The CEMP should follow best practice pollution control measures and biosecurity.

The development shall be implemented in accordance with the approved details and subject to review of ongoing monitoring surveys for protected and notable species identified as being impacted by the works, without mitigation, and as referenced in the supporting documentation.

Reason: In the interest of public safety and to minimise the impact on the development of nearby residents as required by policies CS3, CS4 and CS10 of the North Somerset Core Strategy and to comply with the Habitats and Species Regulations (2010) and ensure the survival of rare or protected species, and the protection of a Wildlife Site in accordance with Policy CS4: Nature Conservation in the adopted North Somerset Core Strategy.

6. Prior to the commencement of development, a detailed Landscape Ecological Management Plan (LEMP) which accords with the outline LEMP ) and provides for the long term post establishment 25 year period for the mitigation planting, habitat creation, grazing regime and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a detailed scheme of mitigation, compensation, habitat management, and biodiversity net gain and enhancement measures including a timetable for the monitoring, management responsibilities, and maintenance and grazing schedules for all landscape and ecological areas including but not limited to planting and habitat creation, essential mitigation and enhancements, flood compensation areas, attenuation basins, grazing areas identified, and other requirements set out within the approved plans. This shall include planting specifications comprising locally appropriate native species; annual habitat management prescriptions; table of works and monitoring regimes; and location and installation prescriptions of species-specific mitigation and enhancements.. The development shall be implemented in accordance with the approved details.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended)], Protection of Badgers Act 1992 and the Wild Mammal Protection Act 1996; North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8. All sites should achieve net ecological gain in accordance with the NPPF, UK Government 25 Year Environment Plan.

7. For each work phase approved under condition 3 (phasing), detailed plans and details of the following aspects shall be submitted as a single submission for each phase and be approved in writing by the Local Planning Authority before the works approved in that phase are begun:
  - (a) Materials and hard landscaping details (including paving, surfaces, edge details and kerbing);
  - (b) Soft landscaping details showing existing planting to be retained and new planting (including location, number, species, size and planting density of any proposed planting, cultivation, finished ground levels, importing of materials and other operations to ensure plant establishment) and a programme of implementation;
  - (c) Street furniture and equipment (including signals, control equipment and signage);
  - (d) Bicycle storage and hubs;
  - (e) Placemaking works (including how these take into account nearby heritage assets);
  - (f) Riverside bridge design and screening;
  - (g) Street lighting (including a lighting level contour plan to assess light spill impacts upon ecology);
  - (h) Bus stop infrastructure;
  - (i) Noise attenuation barrier and screening;
  - (j) Boundary fences and treatments (including the location, design, height and any vehicle or pedestrian gated access points) and security arrangements;
  - (k) Surface water drainage.
  - (l) Measures to prevent unauthorised access along shared use paths
  - (m) Signage strategy including any parking restrictions
  - (n) A detailed assessment of road surface materials to demonstrate if noise reduction can be achieved with a low noise surface material.

The development shall thereafter be implemented in accordance with the approved plans and details. unless otherwise agreed in writing by the Local Planning Authority prior to the first use of any part of the road by the public with the exception of the Banwell placemaking works which shall be carried out in accordance with an agreed timetable and planting that may be carried out no later than during the first planting season following the first use of any part of the road by the public. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first

available planting season with others of such species and size as the Authority may specify.

Reason: To ensure a coordinated design of the elements identified so as to ensure the satisfactory appearance and functioning of the development and to accord with Policies CS3, CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM1, DM3, DM4, DM8, DM9, DM10, DM11, DM24 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

8. Prior to the commencement of implementation of the proposed wider traffic mitigation works in Sandford, Winscombe and Churchill submitted as part of the development hereby approved, a speed and traffic monitoring plan shall be submitted to and approved in writing by the Local Planning Authority. Speed and traffic monitoring will thereafter be carried out in accordance with the approved plan and any further speed and traffic reduction measures as may be required shall be implemented in accordance with details to be submitted to and approved by the Local Planning Authority in accordance with a timetable to be agreed with the Local Planning Authority

Reason: To provide information to inform any evaluation of the Performance of the speed reduction measures

9. No above ground work shall take place for each work phase approved under Condition 3 (Phasing), until details of the surface water drainage works for that phase have been submitted to and approved in writing by the local planning authority. The submitted details shall:
  - (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to greenfield run off rates and volumes, taking into account long-term storage, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
  - (ii) include a timetable for its implementation.

Reason: To reduce the risk of flooding to the development from surface water/watercourses, and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan Part 1 (Development Management Policies).

10. No above ground work shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details to be submitted shall include:
  - a) a timetable for its implementation and maintenance during construction and handover; and

b) a management and maintenance plan for the lifetime of the road which shall include details of land ownership; maintenance responsibilities to secure the operation of the sustainable drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements, routes and details of routine and periodic maintenance activities.

Reason: To reduce the risk of flooding and to ensure that maintenance of the SUDs system is secured for the lifetime of the development, and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

11. No above ground work shall take place until details of the implementation, maintenance and management of the flood mitigation areas have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details to be submitted shall include:

a) a timetable for its implementation and maintenance during construction and handover; and

b) a management and maintenance plan for the lifetime of the road which shall include details of land ownership; maintenance responsibilities to secure the retention of the flood mitigation areas throughout its lifetime; together with the identification of individual assets, services and access requirements, routes, and details of routine and periodic maintenance activities.

Reason: To reduce the risk of flooding and to ensure that the flood mitigation areas are secured for the lifetime of the development, and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

12. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) ('HIF Banwell Bypass and Highways Improvements Project – ES Appendix 13.B – Flood Risk Assessment', ref. BNWLBP-WHS-GEN-X\_BB\_Z-RP-CD-000003 rev. P05 dated 27 September 2022, Wallingford Hydrosolutions) and the following mitigation measures it details:

- The proposed crossing of the River Banwell by the Moor Road Riverside link road shall have a minimum soffit level equivalent to the 1 in 100 (1%) flood level including climate change allowance, as stated in section 3.3.7 of the submitted FRA.
- All other crossings of designated 'main rivers' shall have a minimum soffit level equivalent to the 1 in 100 (1%) flood level including

climate change plus 600mm freeboard, as stated in section 5.4.1 of the submitted FRA.

- Floodplain compensation areas shall be provided as indicated in Figure 12 and described in sections 5.4.2-5.4.8 of the submitted FRA.
- Areas of residual minor increase in flood risk in design conditions, as described in section 6.4 of the submitted FRA, shall be subject to a Compulsory Purchase Order (CPO) including right to flood.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent increases in flood risk elsewhere because of the proposed development and to comply with Policy CS3 of the North Somerset Core Strategy and Policy DM1 of the North Somerset Sites and Policies Plan Part 1.

13. Prior to commencement of the works, a scheme for drainage of the Towerhead catchment shall be submitted to and approved in writing by the local planning authority demonstrating no interruption of drainage channel and no increase of flood risk as a result of the works. The development shall be implemented in accordance with the approved details.

Reason: To ensure there is no increase of flood risk to third parties and to comply with Policies CS3 of the North Somerset Core Strategy and DM1 of the North Somerset Sites and Policies Plan (Part 1).

- 14 The development hereby permitted may not commence until such time as a scheme to:
  - (a) investigate, risk assess and secure de-watering of the road and embankments
  - (b) risk assess and secure the protection and sustainability of licensed and un-licensed sources of water with regard to water quality and resource availability
  - (c) risk assess and monitor the maintenance of spring-fed flows
  - (d) risk assess and secure the protection of groundwater dependent terrestrial ecosystems
  - (f) specify the form of the road foundations
  - (g) risk assess and specify any intrusive foundation design through the historic landfill area
  - (h) develop options to install additional monitoring wells to better delineate the stratigraphy and hydrogeological conditions in the deeper sections of the bedrock, and provide robust evidence of a linkage between the Banwell Spring PWS and the proposed construction site.

- (i) continue and improve where necessary monitoring of the hydrogeological conditions in both the shallow and deeper aquifer strata, water quality and hydraulic interactions in controlled water receptors prior to, during and post construction
- (j) manage the construction phase to prevent pollution of the environment and controlled waters
- (k) agree pollution prevention measures for the above ground storage of oils, fuels and chemicals during the construction phase has been submitted to, and approved in writing by, the Local Planning Authority. Any such scheme should include a maintenance programme of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing by the Local Planning Authority.

Reason: To ensure that the proposed development, including the construction, monitoring, and maintenance of the bypass, does not harm the water environment and in accordance with Policy CS3 of the North Somerset Core Strategy and Policy DM1 of the North Somerset Sites and Policies Plan Part 1.

15. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected, and inspected. The boreholes that are retained must also be secured to avoid potential uncontrolled discharge of artesian groundwater. The scheme as approved shall be implemented prior to any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies and in accordance with Policy CS3 of the North Somerset Core Strategy and Policy DM1 of the North Somerset Sites and Policies Plan Part 1.

- 16 No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

- 1. Site security.
- 2. Fuel oil storage, bunding, delivery and use.
- 3. How both minor and major spillage will be dealt with.
- 4. Containment of silt/soil contaminated run-off.
- 5. Disposal of contaminated drainage, including water pumped from excavations.
- 6. Site induction for workforce highlighting pollution prevention and awareness.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

The development shall be carried out in accordance with the approved scheme.

Reason: To prevent pollution of the water environment and to comply with Policies CS3 of the North Somerset Core Strategy and Policy DM1 of the North Somerset Sites and Policies Plan Part 1.

17. If during a phase of development, contamination not previously identified is found to be present at the site then no further development on that phase (shall be carried out unless otherwise agreed in writing with the Local Planning Authority) until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site and in accordance with Policy CS3 of the North Somerset Core Strategy and Policy DM1 of the North Somerset Sites and Policies Plan Part 1.

18. No development shall commence on any phase of the development approved under condition 3 until further ground investigation has been carried out for that phase and details submitted to and approved in writing by the Local Planning Authority to determine the extent of any landfill, including ground gas monitoring (in unflooded monitoring wells) to confirm the ground gas regime and groundwater sampling, and determine any further mitigation/on-going monitoring required. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater quality or resources and is in accordance with Policy CS3 of the North Somerset Core Strategy and Policy DM1 of the North Somerset Sites and Policies Plan Part 1.

19. Prior to the commencement of each work phase approved under Condition 3 (Phasing) as appropriate, a Road Safety Audit for that phase shall be submitted to the Local Planning Authority for that phase and the development shall be carried out in accordance with the recommendations unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy CS10 of the North Somerset Core Strategy and Policy DM24 of the North Somerset Sites and Policies Plan Part 1.

- 20 Prior to the commencement of works adjacent to trees shown to be retained for each work phase approved under Condition 3 (Phasing), a detailed Arboricultural Method Statement and Tree Protection Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. Tree protection fencing shall remain in place during site works. Nothing shall be stored or placed in any area fenced in accordance with this tree protection fencing and approved ecological method statements. Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No equipment, machinery or structure shall be attached to or supported by a retained tree or hedge. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area. The Local Planning Authority is to be advised prior to development commencing of the fact that all protection measures required are in place and available for inspection. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the trees to be retained are not adversely affected by the development, in the interests of the character and biodiversity value of the area, and in accordance with Policies CS4 and CS9 of the North Somerset Core Strategy, Policies DM8, DM9, DM10 and DM19 of the North Somerset Sites and Policies Plan Part 1 and the North Somerset Biodiversity and Trees SPD.

21. Prior to commencement of construction of any works on the playing field land needed for the scheme, details of the proposed temporary re-provision of facilities for sporting use during construction and during the establishment of the replacement playing field land shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason: To safeguard and secure replacement playing fields in accordance with Policies DM68 and DM69 of the North Somerset Sites and Policies Plan Part 1.

22. Prior to commencement of construction of any works on the playing field land, details of access and any site clearance works including demolition of structures and undergrounding of utilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that satisfactory replacement playing fields are provided in accordance with Policies DM68 and DM69 of the North Somerset Sites and Policies Plan Part 1, in the interests of highway safety in accordance with Policy DM24 of the North Somerset Sites and Policies Plan Part 1, to ensure satisfactory landscaping in accordance with Policy DM8, DM9 and DM10 of the North Somerset Sites and Policies Plan Part 1 and to protect bat habitat in accordance with the Conservation of



Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

23. Prior to the commencement of construction of any works on the playing field land, a written specification and schedule of works for the replacement playing field that demonstrates that the replacement playing field will be, at least, constructed and maintained to an equivalent quality and quantity as the existing playing field shall be submitted to and approved in writing by the Local Planning Authority. The approved specification and schedule shall be implemented in full and the playing field shall remain in existence for as long as the development hereby permitted exists.

Reason: To safeguard and secure replacement playing fields in accordance with Policies DM68 and DM69 of the North Somerset Sites and Policies Plan Part 1.

24. Prior to the demolition of section of wall from the medieval deer park as shown on the plans hereby approved that forms the boundary of the Banwell Conservation Area, details of its storage and future re-use shall be submitted to and approved in writing by the Local Planning Authority, including any details of any pointing, coursing, and/or jointing involved in the re-use of the wall. The development shall be carried out in accordance with the approved details.

Reason: To ensure the historic material from the non-designated heritage asset is re-use appropriately as part of the scheme and the appearance of the rebuilt wall will be satisfactory in the interests to the visual appearance of the conservation area and in accordance policies CS5 and CS12 of the North Somerset Core Strategy and policies DM3, DM7 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

25. No development shall take place until an Archaeological Mitigation Strategy has been submitted to and approved by the local planning authority in writing. The strategy shall include an assessment of significance and research questions; and;
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No development shall take place other than in accordance with the approved Archaeological Mitigation Strategy and the development hereby approved shall not be open to traffic until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Archaeological Mitigation Strategy and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies).

26. Prior to commencement of any relevant construction approved under Condition 3 (Phasing), a tiered assessment of the hydrological impact of the Scheme on the preservation environment of the Scheduled Monument (Roman Villa) and associated deposits within its setting shall be carried out in accordance with Historic England's Preserving Archaeological Remains Guidance. The results will be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies).

27. Notwithstanding the submitted drawings, prior to commencement of the relevant phase of development, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
  - (a) Means of restraint for cyclists and horse riders where the bypass shared path is adjacent to embankments.
  - (b) The hardstanding and turning area for maintenance vehicles shown at CH2300 on plan BNWLBP-ARP-HGN-X\_BB\_Z-DR-CH-000004 Rev P10 Sheet 4.
  - (c) Control feature to be provided at the terminus of Eastermead Lane.

- (d) The bend shown at CH2300 on plan BNWLBP-ARP-HGN-X\_BB\_Z-DR-CH-000004 Rev P10 Sheet 4. to be redesigned to serve cyclists and pedestrians and improve visibility.
- (e) Speed reduction measures for Sidcot Road, Hilliers Lane and Dinghurst Road.
- (f) pedestrian facilities at the Nye Road junction.
- (g) Bus bays on A368/Greenhill Road by Sandford Primary School.
- (h) Crossing point for cyclists and pedestrians at junction of upgraded PRow AX14/21 and A368/Greenhill Road to be agreed
- (i) Crossing point with give/ take section for upgraded PRow AX14/36 junction with Church Lane.
- (j) Crossing point/ narrowing for upgraded PRow AX14/36 junction with Ladymead Lane.
- (k) Bus stop improvements and safe pedestrian crossing point at Hilliers Lane/Dinghurst Road (A368).
- (l) Bus stop buildouts east of the Railway Inn

The development shall be carried out in accordance with the approved details and implemented prior to the first use of the bypass.

Reason: In the interests of highway safety and to accord with Policy CS10 of the North Somerset Core Strategy and Policy DM24 of the North Somerset Sites and Policies Plan Part 1.

28 Notwithstanding the submitted plans and prior to the commencement of development of the relevant phase, tracking details shall be submitted to and approved in writing by the Local Planning Authority for that phase.

This is to include acceptable tracking for:

(a) Wider Network Mitigation GA Plans Sheet 1 of 13 Rev P08. 2-way tracking of the 5.5m roads at the gateway feature.

(b) General Arrangement Sheet 2 of 6. The turning head for Wolvershill Road south prior to bus gate/Bypass junction for the turning of waste/recycling vehicles.

(c) Wider Network Mitigation GA Plans Sheet 2 of 13 P08. 2-way tracking at the raised bus boarders east of the Railway Inn and at the crossing point west of Nye Road for widths (larger vehicles/HGV's/buses).

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

Reason: In the interests of highway safety and to accord with Policy CS10 of the North Somerset Core Strategy and Policy DM24 of the North Somerset Sites and Policies Plan Part 1.

29. For each work phase approved, detailed plans and details of soft landscaping details showing existing planting to be retained and new planting (including location, number, species, size and planting density of any proposed planting, cultivation, finished ground levels, importing of materials and other operations to ensure plant establishment) and a programme of implementation shall be submitted to and be approved in writing by the Local Planning Authority before the works approved in that phase are begun.

The development shall thereafter be implemented in accordance with the approved plans and details unless otherwise agreed in writing by the Local Planning Authority prior to the first use of any part of the road by the public with the exception of the planting that may be carried out no later than during the first planting season following the first use of any part of the road by the public. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure a coordinated design of the elements identified so as to ensure the satisfactory appearance and functioning of the development and to accord with Policies CS3, CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM1, DM3, DM4, DM8, DM9, DM10, DM11, DM24 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

30. No external lighting shall be installed except in strict accordance with the lighting specification and locations as shown in the approved lighting strategy and detailed mitigation plans. No lighting shall be installed until supplementary details are submitted to and approved in writing by the Local Planning Authority, including:
- (i) details of the type and location of the proposed lighting
  - (ii) existing lux levels affecting the site
  - (iii) the proposed lux levels
  - (iv) lighting contour plans

Any lighting shall be installed and operated in accordance with the approved details and subject to review of ongoing monitoring surveys for protected and notable species identified as being impacted by the works, and as referenced in the supporting documentation.

Reason: To reduce the potential for light pollution in accordance with policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations

2017 (as amended), Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

31. No development shall commence until a timescale for the implementation of the wider traffic mitigation measures in Sandford, Winscombe and Churchill has been submitted to and approved in writing by the local planning authority. The traffic mitigation measures shall be implemented in accordance with the approved timescales and prior to the first use of the bypass by vehicular traffic.

Reason: To ensure that the wider traffic mitigations are in place prior to The first use of the bypass and in the interests of highway safety in accordance with Policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

- 32 A cycleway scheme across the M5 Knightcott Overbridge/A371 which is compliant with the Design Manual for Roads and Bridges shall be delivered generally in accordance with design drawing BNWLBP-ARP-HGN-XXXX-DR-CH-000002-P01, subject to any necessary changes identified during the detailed design and Road Safety Audit process, or an alternative scheme as may be agreed in writing by the Local Planning Authority (in consultation with National Highways).

Reason: To protect the integrity of the M5 Knightcott Overbridge and in the interest of the safe and efficient operation of the strategic road network.

- 33 Prior to the commencement of the development hereby permitted, a detailed drainage strategy shall be submitted to and approved by the Local Planning Authority (in consultation with National Highways). The drainage strategy will include:

- o Surveys of all existing drainage assets on and adjacent to the M5 Knightcott Overbridge in accordance with the requirements of CS551 'Drainage Surveys' of the Design Manual for Roads and Bridges.
- o Full details of any works to existing connections or points of discharge into the National Highways drainage asset.
- o Details of future access arrangements to National Highways drainage assets following construction of the cycleway scheme to ensure our ability to access and maintain our drainage assets will not be compromised.

The drainage strategy shall give due regard to the requirements of DfT Circular 01/2022 and shall be implemented in accordance with the agreed design and be maintained as such thereafter.

Reason: In the interest of the safe and efficient operation of the strategic road network and to safeguard the National Highways drainage assets.

**PAR 62 Planning Appeals 150323 (Agenda item 7)**

The Director of Place Directorate's representative reported on appeal decisions and appeals that had been lodged since the date of the last meeting.

**Resolved:** that the report be noted.

**PAR 63 Urgent business permitted by the Local Government Act 1972 (if any) (Agenda item 8)**

None

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Chairman

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