
**NORTH SOMERSET COUNCIL (BANWELL BYPASS AND
SOUTHERN LINK CLASSIFIED ROAD) (SIDE ROADS) ORDER 2022**

**NORTH SOMERSET COUNCIL (BANWELL BYPASS AND
SOUTHERN LINK) COMPULSORY PURCHASE ORDER 2022**

STATEMENT OF REASONS

Sections 239, 240, 246, 248, 249, 250, and 260 Highways Act 1980
and
Acquisition of Land Act 1981

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1 INTRODUCTION

- 1.1 This is the Statement of Reasons of North Somerset District Council (known as North Somerset Council) ("the Council") for making the North Somerset Council (Banwell Bypass and Southern Link Classified Road) (Side Roads) Order 2022 ("the SRO") and the North Somerset Council (Banwell Bypass and Southern Link) Compulsory Purchase Order 2022 ("the Order"). This document is the non-statutory Statement of Reasons ("Statement") prepared in compliance with the Department for Levelling Up, Housing and Communities "Guidance on Compulsory purchase process and The Crichel Down Rules" dated July 2019 ("the CPO Guidance") (**Document 1**).
- 1.2 The Council resolved to make the Order and the SRO on 12 July 2022 under the powers contained within the Highways Act 1980 (**Document 24**). The Order and the SRO were both made on 6 October 2022.
- 1.3 The Council has provisionally classified the proposed Banwell Bypass and Southern Link as the A371 and A368 (see **Documents 7 and 8**).
- 1.4 Confirming the SRO will enable the Council to improve highways, stop up highways, construct new highways, stop up private means of access to premises and to provide new private means of access to premises.
- 1.5 The Council has made the Order to compulsorily acquire land (and rights over land) for the development of the Scheme (as defined below in section 4). The land subject to the Order is located to the north of Banwell, North Somerset and in surrounding villages ("the Order Land") as shown on the plan accompanying the Order ("the Order Map") (**Document 4**).
- 1.6 To enable the Council to acquire the land and rights necessary for the construction and maintenance of the Scheme the Order seeks to acquire all interests in the Order Land including rights, easements, the benefit of covenants, etc. except where otherwise expressly stated in the Schedule to the Order (**Document 3**).
- 1.7 The Council recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest which justifies overriding private rights on the Order Land. It is considered that a compelling case exists here.
- 1.8 The Order has been made and will be submitted to the Secretary of State for Transport ("the Secretary of State") for confirmation pursuant to the provisions of the Highways Act 1980 and the Acquisition of Land Act 1981 ("ALA 1981").
- 1.9 On confirmation of the Order the Council intends to either serve Notice(s) to Treat or execute General Vesting Declaration(s) in order to secure unencumbered title to the Order Land.

2 SCHEME OVERVIEW

2.1 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.

2.2 Further details of the Scheme are set out in section 4 below.

3 NEED FOR THE SCHEME

3.1 Introduction

3.2 The Council submitted an expression of interest on 28 September 2017 to the Housing Infrastructure Fund (“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 9,182 (now revised to 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 (3,075) will be subject to the new Local Plan process.

3.3 Following a successful shortlisting, the business case for the Scheme was progressed and submitted to Homes England 7 February 2019.

3.4 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.

3.5 The Scheme 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 Statement.

- 3.6 On 16 June 2020, the Council's Capital Programme was increased by £97,067,550 (the total HIF grant from Homes England) in response to receiving the approval and funding to finance the Scheme (Document 21).

3.7 **Existing Situation**

- 3.8 The current highway network through Banwell (the A371 and A368) generally comprises a single carriageway road with one lane in each direction. The routes pass through the villages of Banwell, Churchill, Sandford, Winscombe and Locking. The sections of the highway between the villages provide access to residential, commercial and agricultural properties.

- 3.9 The A371 is the main route from Weston-super-Mare to Banwell. The route passes through Banwell and continues in a general south-easterly direction onto Winscombe, Cheddar, Wells, and eventually terminates in a junction with the A303 at Wincanton. A section of this road through Banwell reduces to two single lane sections. At certain times of the day this causes congestion, journey time delays, and uncertainty. HGV and bus movements through this section can cause issues at any time of the day with congestion.

- 3.10 The A368 corridor runs along the northern edge of the Mendip Hills Area of Outstanding Natural beauty (AONB). Starting at Banwell, it forms part of the main route from Weston-super-Mare in the west to Bath in the east. The A368 connects to the A38 at Churchill providing a strategic route to Bristol.

- 3.11 The route from Banwell to Churchill, along the A368, is a key route to school and the Churchill Academy Secondary School and Sixth Form. The route is generally narrow in character, and beyond the village centres there is a lack of suitable walking/cycling facilities along its length. Towards Churchill, there are some areas where the road narrows and the centreline has been removed.

- 3.12 These strategic routes are significant to the area, providing critical connectivity throughout the rest of the South West strategic transport network.

- 3.13 Alongside the progression of the Scheme, the Council is in the process of updating its Local Plan, which is currently going through Regulation 18 consultation. Within the emerging Local Plan (Document 19), an area of land to the north of Banwell is proposed to be allocated as a strategic housing location. As well as relieving existing congestion through Banwell, the Scheme will also help to enable this strategic development.

3.14 **Scheme Objectives**

3.15 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.

4 **DETAILS OF THE SCHEME**

4.1 The Scheme consists of a number of elements, which can be seen on the General Arrangement Plans (**Document 10**) which were submitted with the planning application for the Scheme, and which are described in detail below.

4.2 Banwell Bypass

4.3 The Banwell Bypass would primarily consist of:

- (a) signalisation and capacity improvements to the Summer Lane/Well 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.

4.4 Southern Link Road

4.5 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 AONB. The Southern Link would tie 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).

4.6 Mitigation Measures

4.7 Environmental mitigation and enhancement measures are proposed in connection with the Banwell Bypass and the Southern Link.

4.8 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.

4.9 Placemaking Improvements within Banwell

4.10 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.

4.11 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).

4.12 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.

4.13 Improvements to the wider local road network

4.14 Improvements to the local road network in the surrounding villages 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 Gate Junction (A38/A368).

- (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.
- (i) Junction improvements at the Banwell Road/A371 junction.

4.15 Replacement playing fields

As a result of the Scheme, 28,680sqm of land utilised for playing fields at Banwell FC will be lost and will need to be replaced in order to mitigate for the direct impact that is unavoidable by virtue of the highway alignment of the Bypass. A document entitled “Response to matters raised associated with Banwell Football Club” (submitted during the determination of the planning application for the Scheme) (**Document 11**) and engagement with the Club has helped identify potential replacement options, with a preferred solution being found that offers 28,680sqm of land being at least equivalent in terms of area, usefulness, attractiveness and quality to that being lost to the Scheme and which is equally accessible. The Replacement land, or temporary alternative facilities, will be provided before the land needed for the Scheme is used.

- 4.16 The Replacement land will be provided east of Banwell FC, and is included in the Order Land.

4.17 **Development of the Scheme**

- 4.18 A bypass of Banwell was proposed as long ago as 1927, with a potential alignment being pegged out by local landowners and the parish council. By 1982, the Banwell Bypass was listed in the Avon County Structure Plan as a major improvement scheme to the primary road network, which was fundamental to the highway strategy. The Bypass continued to be safeguarded in the local development plan, for example, in 1996, the Transport Policies and Programme Submission for 1997/1998 identified a bypass of Banwell in the transport plan, the Avon Structure Plan, the Mendip Hills Local Plan and the Woodspring Local Plan. Detailed route studies have been proposed for many years although insufficient funding has been available.

- 4.19 In 2000, the North Somerset Local Transport plan safeguarded an alignment for a bypass of Banwell to remove through traffic from the village. A Banwell Transport Area Study was also commissioned in 2000 by the Council to consider and assess transport options for the Banwell area. This concluded that a bypass should be progressed, with a route recommendation to the north of Banwell to reduce congestion through the village. This

formed the basis for the route that is currently safeguarded for planning purposes within the Council's Local Plan under Development Management Policies Plan DM20 (July 2016) (Document 17).

- 4.20 In 2001, the Banwell Area Transport Study (BATS), developed two traffic models to assess future year scenarios and produced various options. These included: (a) the existing (at that time) safeguarded route for the bypass, (b) an alternative northern bypass route, (c) the alternative northern bypass route with a southern link from the A368 east of Banwell back to the A371 at the southern end of Castle Hill; and (d) options that included bypasses of Winscombe. The option recommended to be progressed was the alternative northern bypass route with a southern link road. The original safeguarded route and the options that included bypasses of Winscombe were not recommended to be taken forward, due to their impacts on the environment, the AONB and a designated nature reserve (amongst other things).
- 4.21 A Greater Bristol Strategic Transport Study (GBSTS) (Atkins) in 2006 proposed a Banwell, Churchill and Sandford bypass to improve movements in and out of the greater Bristol region. The GBSTS examined the impact of a series of bypasses to provide relief to the villages and identified that, because the use of bypasses would increase the length of journeys, the net impact of the schemes was diminished such that the overall NPV was - £2 million with a BCR of 0.96. The scheme was therefore considered to have local rather than strategic merits and was not included in the GBSTS strategy.
- 4.22 The bypass of Banwell continued to be proposed and safeguarded in the local development plan, for example in the North Somerset Replacement Local Plan (2007); the North Somerset Council Core Strategy (2012) and the Development Management Policies – Sites and Policies Plan Part 1 (2016).
- 4.23 In July 2017, the Government announced a £2.3billion fund, known as the Housing Infrastructure Fund ("HIF"), with the intention for the funds to be used to invest in infrastructure to facilitate new housing development.
- 4.24 The Council submitted an expression of interest in the HIF on 28 September 2017. 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.
- 4.25 Following a successful shortlisting, the business case for the Scheme was progressed and submitted to Homes England 7 February 2019 and subsequently approved on the 26 November 2019.

- 4.26 The Scheme is financed under the HIF. The HIF 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 Statement.
- 4.27 On 16 June 2020, the Council's Capital Programme was increased by £97,067,550 (the total HIF grant from Homes England) in response to receiving the approval and funding to finance the Scheme (**Document 21**).
- 4.28 Following award of the funding, the Council appointed design and build contractors, Alun Griffiths, to commence work on the potential different options for the Scheme. An EIA Combined Screening and Scoping exercise was undertaken in July 2021. The purpose was to identify the likely significant environmental issues resulting from the Scheme and establish the scope of the EIA across a range of environmental topics.
- 4.29 The EIA Combined Screening and Scoping Report, July 2021 covered specialist topic chapters and also included a Habitat Regulation Assessment (HRA) Screening, Equality Impact Assessment (EQiA) Screening and Health Impact Assessment (HIA) Screening as Appendices. A Transport Assessment Scoping Report was also undertaken in October 2021, which set out the proposed requirements for the Transport Assessment to support the planning application for the Scheme.
- 4.30 An Options Appraisal Report ("OAR") (**Document 13**) was prepared, which considered the various different potential options available in order to meet the Council's objectives for the Scheme. Non-statutory public consultation on the options was undertaken to inform the development of the Scheme between 5 July and 16 August 2021.
- 4.31 The results of the detailed OAR, alongside the outcomes of the public consultation, led to a decision by the Council in October 2021 on the preferred route of the Bypass (**Document 22**).
- 4.32 Further design work was then undertaken to progress the Scheme design. An additional non-statutory consultation was held between 10 March and 22 April 2022, which asked for comments on the more detailed Scheme proposals, including the wider mitigation measures being proposed in surrounding villages.
- 4.33 The planning application for the Scheme was then finalised and submitted to the Council on 18 July 2022. The planning application was validated on 25 July 2022.
- 4.34 **Detailed description of the Scheme Route**
- 4.35 The Order Land (as demarcated on the Order Map (Document 4)) is described below, starting with the western part of the Scheme through to the eastern part of the Scheme.

- 4.36 The eastern extent of the Order 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).
- 4.37 At the start of the Banwell Bypass route alignment the Scheme moves north across agricultural land. In this area the Order 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.
- 4.38 The Order 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, including impacting an existing public right of way (AX3/06/10) near Cooks Lane.
- 4.39 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.
- 4.40 A separate strip of agricultural land to the north of the proposed Banwell Bypass route is also included in the Order Land for the provision of the new Moor Road to Riverside Link.
- 4.41 The Order 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.
- 4.42 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 Order Land in this area for the re-provision of recreational land for Banwell Football Club.
- 4.43 At the southern extent of the main route alignment, the Order 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.
- 4.44 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 Order Land to the south to enable alterations to the existing highway to accommodate the Southern Link.

4.45 In addition to the land required for the Banwell Bypass and Southern Link, a corridor for an active travel route is included in the Order Land crossing from Eastermead Lane to the east, through the solar farm, further east to cross the existing National Grid haul road, and then south to connect with the A368. This corridor is predominantly existing private access routes and agricultural land.

4.46 East of the Banwell Bypass, in the Churchill area, the Order Land includes two further sections required for improvements to the active travel network and existing highway junctions:

- (a) 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.
- (b) 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.

4.47 **Bridges and Structures**

4.48 The Scheme includes a number of bridges and structures, all of which are located along the main Bypass alignment:

- (a) Riverside and River Banwell Crossing – this includes an overbridge across Riverside, the River Banwell and the adjacent unnamed rhyne that runs parallel, so that traffic on both routes can flow independently of each other. The proposed structure would be a single span bridge with a minimum clearance underneath of approximately 4.5m. The overall structure would be approximately 7 – 8m above existing ground level.
- (b) Moor Road Retaining Wall – this would retain the proposed highway embankment at Moor Road, adjacent to the existing Rowtech Engineering workshop. The retaining wall would be of concrete construction, 24m in length and would be 3m high.

4.49 **Landscaping and ecological measures**

4.50 The Scheme will provide a range of landscaping and ecological measures, including the following essential mitigation:

- (a) Retained vegetation, retention of field boundaries, translocation of hedgerows, coppice stools where appropriate;
- (b) Scheme planting for landscape integration, visual screening, and habitat creation, to include species rich hedgerows, native woodland and woodland edge planting,

specimen trees, areas for rewilding and a mosaic of grassland and wildflower meadows;

- (c) Flood compensation areas to compensate for loss of flood storage capacity. These would include biodiversity measures to include scrapes, reptile hibernacula, wet meadows, etc.;
- (d) Noise attenuation barrier on Southern Link;
- (e) Provision of bat, bird and dormouse boxes and other hibernacula, resting places, bat hop overs, etc.;
- (f) Mammal and other environmental fencing;
- (g) Gateway features;
- (h) Replacement wildlife pond to replace the pond adjacent to Riverside that would be lost to the Scheme;
- (i) Access to severed land; and
- (j) Access to individual field parcels.

4.51 Planting will be done to provide ecological as well as landscape benefits by including species rich grasslands and other planting of ecological value.

5 NEED FOR AND BENEFITS OF THE SCHEME

5.1 The full case for the Scheme is set out in the Planning Statement that was submitted with the planning application for the Scheme.

5.2 Transport Need and Benefits

5.3 The A371 and A368 are strategic routes providing critical connectivity through North Somerset. The existing volumes of traffic result in significant congestion and delay, particularly on the narrow sections of the A371 within Banwell.

5.4 The Transport Assessment (**Document 12**) submitted with the planning application for the Scheme assesses different future development scenarios in order to provide an assessment of the transport and traffic figures both with and without the Scheme. In the future “Do Minimum” scenario (i.e. without the Scheme), traffic at key locations on the A371 and A368 and around the local road network is forecast to increase by Scheme opening year (2024) and further increase by Scheme design year (2039) as a result of residential and employment development in the area. These traffic increases are forecast to worsen congestion, delay and severance caused by traffic on the existing road network.

- 5.5 In the 2024 and 2039 “Do Something” scenarios (i.e. with the Scheme), traffic on the A371 through Banwell is forecast to decrease significantly compared to the Do Minimum as traffic redistributes to make use of the Bypass. This would significantly reduce congestion, delay and severance caused by traffic in the village. This aligns with the Scheme objectives to deal with existing congestion issues and improve and enhance Banwell's public spaces by reducing traffic severance.
- 5.6 Traffic is forecast to increase on the local road network in both 2024 and 2039 in the Do Something scenarios, as a result of traffic from alternative routes switching to use the A371 and A368, which become more attractive routes with the Bypass in place. However, mitigation measures are being delivered as part of the Scheme in order to address this impact, including:
- (a) Junction improvements to improve performance and capacity at the three junctions which are forecast to operate over capacity as a result of the Scheme (A371/ Banwell Road; A371 Knightcott Road/ Summer Lane/ Well Lane; and Churchill Gate);
 - (b) Place-making improvements within Banwell, including traffic calming measures and pavement widening, which will improve and enhance Banwell's public spaces to crystallise the benefits brought about by the reduction in traffic through the village; and
 - (c) A package of measures in surrounding villages, including new and improved active travel routes, reduced speed limits, and new pedestrian crossings.
- 5.7 The Scheme will also result in significant overall decreases in journey times on the A368 (between Weston-super-Mare and Churchill) and A371 (between Weston-super-Mare and Sidcot) corridors. In the 2024 Do Something scenario, journey times are forecast to decrease by up to six minutes compared to the Do Minimum scenario. This improves further in the 2039 Do Something scenario, where journey times are forecast to decrease by up to eleven minutes compared to the Do Minimum scenario. This aligns with the Scheme objective to deal with existing congestion issues.
- 5.8 **Economic Need and Benefits**
- 5.9 The results of the economic case for the Scheme are presented in full in the Planning Statement (**Document 9**).
- 5.10 The Scheme will unlock new residential and employment opportunities through proposed development sites (to be allocated within the Council's emerging Local Plan 2038) and make housing and employment opportunities more accessible. Together this will not only address longstanding local transport issues but represents critical enabling infrastructure that will unlock significant economic development opportunity.

- 5.11 Transport user benefits of the Scheme (travel time, travel cost and wider public finances) are large; totalling around £130.6 million, as the Scheme reduces the journey times of trips through the area. This aligns with the Scheme objective to deal with existing congestion issues.
- 5.12 Overall, there is a beneficial change in noise impacts because of the Scheme, as traffic moves away from the A371 through Banwell to make use of the Bypass. The net present value of change in noise is around £3.2 million.
- 5.13 Whilst there are some adverse economic impacts, the initial benefit cost ratio ("BCR") for the Scheme is 2.83, meaning that for every £1 in cost, £2.83 is returned in benefit. In accordance with the DfT Value for Money Framework, a BCR of 2.83 represents 'High' value for money.
- 5.14 An adjusted BCR has also been calculated that considers the benefits/disbenefits of land value uplift, transport external cost and wider economic impacts in addition to the elements used in the initial BCR. The adjusted BCR for the scheme is 4.94 which represents 'Very High' value for money in accordance with the DfT Value for Money Framework. However, it should be noted that the wider economic impact results were larger than usually expected for a scheme of this type, and significantly higher than the 10% to 30% threshold of total transport economic efficiency (TEE) user benefits that is suggested by the DfT as a general benchmark. If a lower-bound benchmark of 10% of TEE benefits is applied, this results in an adjusted BCR of 2.62 which still represents 'High' value for money in accordance with the DfT Value for Money Framework.
- 5.15 Impacts to journey quality, physical activity and travel time variability have not been monetised as part of the economic appraisal but qualitatively are all likely to be beneficially impacted as a result of the Scheme. The free-flowing Bypass and removal of traffic from the A371 through the centre of Banwell will improve journey quality and reduce travel time variability. The reduction in severance, introduction of place-making measures and provision of walking, cycling and horse riding routes will increase physical activity.
- 5.16 The economic case therefore demonstrates that the Scheme would provide significant monetary benefits that justify the cost of the Scheme.
- 5.17 **Review against Scheme objectives**
- 5.18 A summary of how the Scheme performs against its objectives is set out in the table below:

Scheme objective	Compliance with objective
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Improve the local road network to address existing congestion issues	Traffic modelling results demonstrate that the Bypass will significantly reduce traffic congestion on the A371 through Banwell Village. In the opening year (2024), there would be a total reduction of vehicles driving through Banwell of ~70%.
Improve and enhance Banwell's public spaces by reducing traffic severance and improving the public realm	The Scheme would see place-making improvements and enhancements to the centre of Banwell village, with the introduction of traffic calming measures and pavement widening that would reduce the dominance of the road. The impact of the proposed Scheme would be a reduction in traffic volumes through Banwell as a result of traffic using the Bypass route. This will make Banwell a safer, more attractive place for the residents and visitors.
Provide the opportunity to increase active and sustainable travel between local villages and Weston-super-Mare	The design includes a separated, traffic-free shared use route running alongside the Bypass. The route would start to the west of Banwell, linking with the new route being provided on the A371 as part of the Safer Roads Scheme. Regular crossings of the Bypass are also proposed to maintain existing walking, cycling and horse-riding routes, whilst also creating new ones. Dedicated routes for walkers, cyclists and horse-riders are also proposed on roads which do not allow through traffic, such as Castle Hill, Eastermead Lane and Moor Road. Within Banwell, a range of improvements are proposed, including improved walking and cycling facilities, created by widening the existing pavement where possible, as well as increased cycle parking. A walking/cycling route from the Bypass through to Sandford to the north of the A368, which will create a continuous, traffic-free route between Weston-super-Mare, Sandford and onwards via the Strawberry Line (National Cycle Route 26). There are proposed new or improved pedestrian crossings in Sandford and Winscombe. Improvements to the existing public footpath between the A368 and Churchill Green for walkers.

	To the east of Churchill Academy, there are improvements to the surfacing of existing PROW footpaths towards Langford to make them suitable for cyclists.
Deliver infrastructure that enables housing development (subject to Local Plan)	Banwell Bypass is funded by Homes England's HIF to support the delivery of 7,557 new homes. 4,482 of these homes will be located at existing housing development sites in the Weston Villages of Haywood Village and Locking Parklands. The location of the remaining homes will be subject to the new Local Plan process. However, it is currently suggested that these will be delivered through the creation of a new strategic growth area made up of 2,800 to the north of Banwell and the remainder through smaller sites in the area. Whilst the emerging Local Plan and subsequent future housing allocation still needs to go through a process to become adopted policy, the Bypass is vital to support its delivery as it improves access to any homes, employment, and education in the area. Any additional increases to traffic as a result of future housing has been considered in the Bypass traffic modelling and subsequent development of the Scheme.
Ensure the development respects the local area and minimises visual impact upon the surrounding countryside and Mendip Hills Area of Outstanding Natural Beauty (AONB)	To minimise any visual impact on the surrounding countryside, the Scheme's current landscape design considers views both to and from the countryside and AONB. Fields severed by the Bypass create opportunities to retain the existing layout of fields in the area with space for habitat creation, landscape integration and further screening, such as hedgerows, to obscure the Bypass from view. In addition, consideration has been given to walking, cycling and horse-riding routes and other mitigation features, such as the attenuation basins, and how these can be properly integrated with the landscape.
Innovative and efficient in reducing and offsetting carbon from the design and construction of the infrastructure	Road transport and construction are both responsible for generating a significant amount of carbon emissions. However, it has been a key focus of the Scheme to reduce carbon emissions in both construction and the eventual operation of the Bypass.

	The 'Whole Life Carbon' impact of the Bypass has been considered from the beginning of design. The carbon impacts are considered before and during construction, in maintenance and use of the Bypass in the future. By doing this, carbon reduction measures can be built into the Scheme design. These include: • A single carriageway as opposed to dual carriageway, which reduces the amount of material required to construct the Scheme and creates fewer construction carbon emissions. • Use of recycled materials in construction of the Scheme, as well as locally sourced materials to avoid transporting them long distances. • Use of swales for highway drainage, reducing the amount of drainage material needed in the design and therefore creating fewer construction carbon emissions. • Optimising the Bypass' alignment to reduce the amount of carbon heavy earthworks needed to build both the Bypass and Southern Link. • Minimising additional street lighting, therefore reducing the amount of energy needed to light the road, as well as reducing material needed to construct the Scheme. Carbon emissions will also be reduced once the Scheme is operational by the following: • 40mph speed limit with slower moving vehicles in free-flowing traffic, which generates fewer carbon emissions than vehicles travelling at high speeds. • Using junctions (for example, a roundabout or signalised T-Junction) to ensure vehicles can be as free flowing as possible, to reduce the carbon impact of vehicles stopping and starting.
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	Improvements to routes through Banwell and nearby villages to make walking, cycling and horse riding a safer and more attractive low carbon alternative for residents travelling between local villages and Weston-super-Mare.
Ensure the development provides the opportunity to increase Bio-Diversity Net Gain by at least 10%	The Scheme has exceeded this objective, it would provide over 40% BNG. Measures include: - Creating habitats for biodiversity by reinstating and enhancing the ditch and rhyne system, management of invasive and non-native weeds, reinstating dried ponds and enhancing habitats with seasonally wet/ damp species-rich grassland – all of which have the potential to enhance the number of invertebrates, protected species, and pollinator habitats. - Using traditional techniques to manage wetland areas, such as seasonal and controlled flooding and the management of vegetation (e.g. pollarding, coppicing, reed, or osier beds if appropriate). - Replanting riverbanks with native trees and creating species rich grassland habitats within the verges and along the Scheme embankment. - Planting more local native species and further enhancements such as new hedgerows for woodland species, birds, dormice, and bat boxes. Types of plant would be chosen to provide food sources for protected species and soil conditions for wetland species. - Water and flood management areas designed to emphasise the natural landscape.
Proactively engage with stakeholders in a way that is both clear and transparent	Non-statutory consultation has been undertaken in the form of: Banwell Bypass and Highway Improvements non-statutory consultation (5 July 2021 to 16 August 2021).

	• Banwell Bypass and Highway Improvements non-statutory consultation (10 March 2022 to 22 April April). • Consultation with Environmental Consultees such as the Environment Agency, Natural England, Lead Local Flood Authority, Internal Drainage Board, Bristol Water, regular Environmental Liaison Group (ELG) consultations with statutory and non-statutory consultees • Engagement with Parish Council's, resident working groups, statutory working groups and Banwell FC. Engagement has helped understand the breadth of local issues, opportunities, and concerns.
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6 THE COMPULSORY PURCHASE ORDER

6.1 The Order (**Document 3**) has been made by the Council pursuant to powers under sections 239, 240, 246, 248, 249, 250, and 260 of the Highways Act 1980 (as amended) and the ALA 1981.

6.2 A summary of the powers in the Highways Act 1980 which are relied upon in relation to the Scheme is provided below:

- (a) By section 239 the Council as the highway authority for the area may acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense, as well as any land required for the improvement of a highway.
- (b) Under section 240 the Council as the highway authority may acquire land required for use in connection with construction or improvement of a highway and the carrying out of a diversion or other works to watercourses.
- (c) Under section 246, the Council as highway authority can acquire land for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved by them has or will have on the surroundings of the highway.
- (d) Under section 248, the Council as highway authority can acquire land in advance of requirements.

- (e) Section 249 prescribes distance limits from the highway for the acquisition of land for certain purposes.
 - (f) Section 250 allows the Council as the highway authority to acquire rights over land, both by acquisition of those already in existence, and by the creation of new rights.
 - (g) Section 260 allows the Council as highway authority to override restrictive covenants and third party rights where land acquired by agreement is included in a compulsory purchase order.
- 6.3 The CPO Guidance (**Document 1**) provides guidance to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of this guidance in making the Order.
- 6.4 The Council is using its powers of compulsory purchase contained in sections 239, 240, 246, 248, 250 and 260 of the Highways Act 1980 (as amended) and the ALA 1981 because it is satisfied that the acquisition of the Order Land will facilitate the construction of the Scheme. Mindful that it should not use a more general compulsory purchase power when a more specific one is available, the Council considers that the powers in the Highways Act 1980 are the most appropriate.
- 6.5 The purpose in seeking to acquire the land and utilising the powers in the Highways Act 1980 is set out in detail in paragraphs 6.6 – 6.10 below.
- 6.6 **The Order Land**
- 6.7 The Order Land has an area of 60.2 hectares. The Order Map (Document 4) shows the extent of the Order land, which comprises 390 plots. The Order map comprises 4 sheets.
- 6.8 The land coloured pink on the Order Map will be acquired permanently for the Scheme. This includes the alignment of the new Bypass and Southern Link, including any junctions, and any associated infrastructure required to be controlled by the Council as highway authority, including the associated swales, cuttings, embankments and culverts, which will all form part of the adopted highway. The Council also requires permanent acquisition of any new cyclepaths/footways (which will become adopted highway) and the land required as replacement land for Banwell Football Club (further details of which are included at paragraph 8.33 below). In addition, the Council intends to permanently acquire much of the land required for environmental mitigation, to ensure that it has future control over that land to deliver and maintain the mitigation.
- 6.9 The Council is to create new rights over the land coloured blue on the Order Map. The rights to be created are necessary for the construction, operation and maintenance of the Scheme, and include rights to use land for construction purposes, flood storage and

mitigation rights, utility diversions and ongoing maintenance rights, details of which are included in the Book of Reference in the schedule of the Order (**Document 3**).

6.10 Confirmation of this Order will enable the Council to acquire compulsorily land required for the Scheme in order to construct new highways, improve highways, stop up highways and private means of access to premises and to provide new means of access to premises. It will also enable the Council to acquire compulsorily land required for the mitigation of adverse effects, replacement land for the loss of land at Banwell Football Club and for the acquisition of rights for construction and maintenance of the Scheme.

6.11 **Efforts to acquire by agreement**

6.12 The CPO Guidance (**Document 1**) 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.*

6.13 Though compulsory purchase is a last resort, the CPO Guidance states (at paragraph 2) that it is often sensible to initiate compulsory purchase procedures alongside the negotiation process and that doing so will help to show the seriousness of the acquiring authority's intentions.

6.14 Summary of negotiations

6.15 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.

6.16 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. All impacted owners have been consulted on the Scheme's initial proposals and detailed heads of terms were issued between May 2022 and September 2022.

- 6.17 A summary of the status of negotiations with each of the affected landowners is included at **Appendix 2** and is up to date at the point of making the Order.
- 6.18 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.
- 6.19 Furthermore, without acquiring all the interests set out in the Order the Council cannot guarantee being able to comply with all the conditions expected to be imposed on the planning permission for the Scheme, which will include various environmental mitigation conditions.
- 6.20 Progressing the Order in parallel increases the likelihood of voluntary agreements being reached with some owners as they have greater incentive to engage with the Council.
- 6.21 **Justification for Compulsory Purchase**
- 6.22 The Scheme is required in order to meet the objectives set out in section 3.14 above.
- 6.23 Due to the complexity of land assembly required to deliver the Scheme, it is unlikely that this can be achieved within the timeframes required to secure the HIF funding (detailed in section 7 below) without the use of compulsory purchase powers. However, it does remain the Council's intention to seek to acquire land and rights on a voluntary basis wherever possible. This approach of "twin tracking" voluntary negotiations with the promotion of the Order is aligned with the CPO Guidance (**Document 1**).
- 6.24 The Council has undertaken detailed investigations to identify so far as possible those with a relevant or compensatable interest. This has included Land Registry, utility and highways searches by the Council's legal advisors and land referencing agents, the issuing of statutory requisitions for information using powers under section 5A of the ALA 1981 and site visits by both the Council and the appointed land referencing agents. The Council is satisfied that it has taken all reasonable steps to identify relevant or compensatable interests. In addition, presumptions have been made in relation to the ownership of unregistered highway and watercourses based on the half-width (ad medium filum) principle. However, it remains the case that there may be unidentified third party interests in the Order Land. CPO powers are also required to ensure these do not prevent delivery of the Scheme.
- 6.25 As set out in section 5 above, the Scheme will bring numerous benefits to the local area, including relieving existing traffic congestion, economic benefits, and providing new and improved infrastructure to enable residential development (subject to the emerging Local Plan).

6.26 The Scheme is the subject of an application for full detailed planning permission and there is no reason to think that planning permission will not be granted. The Scheme is being promoted in compliance with national, regional and local planning policy, as set out in full in the Planning Statement (**Document 9**) submitted with the planning application and as summarised in section 8 below.

6.27 It is therefore considered that compulsory purchase is necessary and justifiable in the public interest.

7 IMPLEMENTATION OF THE SCHEME

7.1 Funding

7.2 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 Scheme. 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.

7.3 Stage 1 funding

7.4 The Stage 1 funding has already been drawn down and is available. This includes the costs of land acquisition (whether voluntarily or by compulsory purchase) and securing the Order and SRO.

7.5 The budget for land acquisition within the Stage 1 funding is sufficient to meet the costs based on the current property costs estimate, which is set out at paragraph 7.15 below.

7.6 Stage 2 funding

7.7 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 Council's Executive.

7.8 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.
- 7.9 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.
- 7.10 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.
- 7.11 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.
- 7.12 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. Under the terms of the GDA, 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.
- 7.13 **Scheme costs**
- 7.14 Land acquisition costs
- 7.15 An updated property costs estimate has been prepared by the Council's advisers. That estimate currently stands at £3,970,913 (excluding potential Part 1 claims and fees), which covers the acquisition of all of the land and rights included within the Order.
- 7.16 Construction costs
- 7.17 The current construction cost estimate attributed to the Scheme is £37,289,585. This figure includes detailed design cost estimate of £1,245,000.
- 7.18 The Stage 2 costs will be reviewed against the funding available prior to construction commencing.
- 7.19 **Funding conclusion**

7.20 The funding available for the Scheme is set out at paragraphs 7.1 – 7.12 above and is sufficient to fund the land acquisition and construction costs set out above. There is therefore, not considered to be any funding impediment to the Scheme.

7.21 **Delivery Programme**

7.22 Construction is hoped to commence in 2023 with completion scheduled for 2024.

7.23 The Council is satisfied that, if the Order is confirmed, it will be able to implement the Scheme.

8 THE PLANNING POSITION

8.1 A planning application for the Scheme was submitted to the local planning authority (“LPA”) on 18 July 2022 and validated on 25 July 2022.

8.2 As the Scheme is classed as “major development” under the Town and Country Planning (Development Management Procedure (England) Order 2015, the determination period for the planning application is 16 weeks. It is therefore expected that a decision on the planning application will be made in November 2022.

8.3 The planning application for the Scheme will be considered against the national, regional and local planning policy framework. The Planning Statement (**Document 9**) submitted in support of the planning application for the Scheme sets out the policy framework in detail and assesses the Scheme’s compliance with, or divergence from, relevant policies.

8.4 The key relevant policies are set out below, including reference to the relevant part of the Planning Statement that details how the Scheme complies with such policies.

8.5 Subject to the consideration of the planning application by the LPA, the Council (in its capacity as promotor of the Scheme) 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 Order and associated orders/certificates from being confirmed by the Secretary of State.

8.6 **National Planning Policy**

8.7 National Planning Policy Framework (2021)

8.8 The National Planning Policy Framework (NPPF) (**Document 15**) was published in March 2012 and revised in 2018, 2019 and most recently in July 2021. It sets out the government’s planning policies for England and how these are expected to be applied. The NPPF recognises that the purpose of the planning system is to deliver sustainable development, which can be achieved when economic, social, and environmental gains are sought jointly. At the heart of the NPPF is a presumption in favour of sustainable

development where the proposal accords with the local development plan (which in this case is the North Somerset Development Plan (2021 -2026)).

- 8.9 The NPPF aims to ensure that planning policy guides development that contributes to protecting and enhancing our natural, built, and historic environment; and, as part of this, helps to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy. It also aims to deliver a sufficient supply of homes, building a strong competitive economy, promoting healthy and safe communities, and promoting sustainable transport.
- 8.10 Chapter 2 of the NPPF achieving sustainable development includes paragraph 8 which states there are three overarching objectives to achieving sustainable development, which are interdependent and should be pursued in mutually supportive ways. One of the themes includes a social objective to support strong, vibrant, and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 8.11 Chapter 8 of the NPPF aims to achieve healthy, inclusive, and safe places which: promote social interaction; are safe and accessible; enable and support healthy lifestyles. Also, to provide the social, recreational, and cultural facilities and services the community needs. Existing open space, sports and recreational buildings and land, including playing fields should not be built on unless:
- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 8.12 Chapter 9 aims to promote sustainable transport, within the context of: supporting a strong and responsive economy, promoting vibrant communities and contributing to protecting and enhancing the natural and built environment. Relevant policies state:
- 8.13 Transport issues should be considered from the earliest stages of plan-making, so that: the potential impacts of development on transport networks can be addressed; opportunities from existing transport infrastructure can be realised; opportunities to promote walking, cycling and public transport are maximised; and the patterns of movement contribute to making high quality places.

- 8.14 The need to travel should be limited by focussing growth on locations which are sustainable and offer a genuine choice of transport modes. This should help to reduce congestion and emissions so as to improve air quality and public health.
- 8.15 Support for an appropriate mix of uses across the area with provision for high quality walking and cycling networks. These should be prepared with the active involvement of local highways authorities, other transport providers, operators and neighbouring councils.
- 8.16 Chapter 14 focusses on supporting the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraph 159 details that Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 8.17 Chapter 15 focusses on conserving and enhancing the natural environment. In the context of transport schemes, alongside protecting valued landscapes and providing net gains for biodiversity, this requires new schemes to prevent contribution to noise or air pollution. Paragraphs 170, 180 and 181 state that development should help to improve local environmental conditions, such as air quality.
- 8.18 From an agricultural perspective the framework does not deal with issues of farm viability, focusing instead on the use of Best and Most Versatile (BMV) agricultural land. Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by inter alia: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 8.19 Chapter 16 aims to conserve and enhance the historic environment. This chapter is particularly relevant for the Banwell Conservation Area, designated heritage assets and designations in the surrounding area. Development should conserve and enhance Conservation Areas and the historic fabric of assets should not be harmed.
- 8.20 Section 5.2 of the Planning Statement submitted with the planning application for the Scheme (**Document 9**) includes full details of compliance of the Scheme with the relevant policies of the NPPF.
- 8.21 A number of other planning policy, guidance and strategies are relevant to the Scheme, including:

- (a) Planning Practice Guidance
 - (b) Waste Management Plan for England 2021
 - (c) National Planning Policy for Waste (2014)
 - (d) Noise Policy Statement for England (2010)
 - (e) Net Zero Strategy: Build Back Greener (2021)
 - (f) National Policy Statement for National Networks (2014)
 - (g) Transport Decarbonisation Plan (2021)
- 8.22 Details of these documents and compliance is also set out in the Scheme's Planning Statement.
- 8.23 **Regional Policy**
- 8.24 Joint Local Transport Plan 4
- 8.25 The Joint Local Transport Plan 4 (JLTP4) (**Document 20**) was led by the West of England Combined Authority, working with Bath & North East Somerset, Bristol, North Somerset, and South Gloucestershire councils. It considers transport up to 2036.
- 8.26 It sets out how to achieve a well-connected sustainable transport network that works for residents, businesses, and visitors across the region; a network that offers greater, realistic travel choices and makes walking, cycling and public transport the natural way to travel.
- 8.27 The plan identifies the Banwell Bypass to provide numerous benefits, including providing significant improvements to air quality and public realm in the centre of the village, improved access to the residential and employment growth to the north-west of the village, supporting the delivery of Weston Villages; and improving local and regional connectivity for longer trips. The bypass will also enable pedestrian improvements in the centre of the village, helping to promote more sustainable modes of transport wherever possible, improving accessibility and the quality of life for Banwell residents.
- 8.28 **Local Policy**
- 8.29 North Somerset Council Core Strategy (**Document 16**)
- 8.30 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

8.31 Compliance with the above policies is set out in Appendix B of the Planning Statement submitted with the planning application for the Scheme (**Document 9**).

8.32 Site and Policies Plan Part 1: Development Management Policies (**Document 17**)

8.33 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. The land to be acquired (plot numbers 2/15, 2/15a, 2/15b, 2/15c and 2/15h) is laid out with a number of football pitches and utilised by BFC for this use. The land is also used

informally for recreation and occasionally made available for charity and fundraising events (a type of cultural use), with the Football Club's permission. This is a private and controlled recreational facility with the ability to exclude wider public use. The Council considers that, due to the characteristics of the land and its management, policy DM68 applies to protect the land to be acquired. This analysis has been confirmed with the local planning authority prior to making the planning application. As the land is protected by DM68, it is necessary to provide replacement land in accordance with the requirements of that policy. These requirements, in summary, require that the Scheme provides replacement land which is at least equivalent in terms of its size, use and quality. The Council has undertaken analysis of options for replacement land which it is considered could satisfy these requirements. This exercise is set out in the "Response to matters raised associated with Banwell Football Club" document that was submitted during the determination of the planning application (**Document 11**). The outcome of this analysis is the Council's preferred option for replacement land, which has been included in the Order (plot number 2/14). As a result of the need to acquire this land, it is proposed to include the acquisition of replacement land within the Order 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.

8.34 The Scheme is also supported by the following Development Management policies and plans:

- (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) DM32: High quality design and place making
- (q) DM33: Inclusive access into non-residential buildings and spaces
- (r) DM52: Equestrian Development
- (s) DM70: Development infrastructure
- (t) DM71: Development contributions, Community Infrastructure Levy and viability
- (u) Sites and Policies Plan Part 2: Site Allocations Plan (2018)

8.35 Compliance with these policies is set out in Appendix B of the Planning Statement submitted with the planning application for the Scheme (**Document 9**).

8.36 Emerging Local Plan policies

8.37 The Council has recently undertaken Regulation 18 consultation on the emerging North Somerset Council Local Plan (2023-2038). The emerging Local Plan (**Document 19**), as currently prepared, continues to safeguard the Banwell bypass.

8.38 The emerging Local Plan currently proposes the allocation of 2,800 homes around Wolvershill Road to the north of Banwell. Although required in any event, the Scheme is essential for enabling the delivery of this housing.

8.39 Policy LP1 (Strategic location: Wolvershill (north of Banwell)) identifies a new mixed use strategic growth location at Wolvershill to accommodate 2,800 dwellings, 11ha of employment land and at least three primary schools. This is the area north of Banwell linked to the delivery of the Scheme. This area is referred to as the “Strategic Growth Area” in this Statement. Also, policy LP10 (Transport infrastructure allocations and safeguarding) safeguards the Banwell Bypass. The housing allocations hold more weight than the policies. Further smaller sites are also identified in the emerging local plan to accommodate the remaining housing allocations.

8.40 Corporate Plan

- 8.41 The Scheme also supports the North Somerset Council Corporate Plan 2020-2024 (**Document 27**) 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.
- 8.42 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.
- 8.43 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.

9 HUMAN RIGHTS ACT

- 9.1 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.
- 9.2 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."
- 9.3 The Human Rights Act 1998 incorporated into domestic law the provision of the Convention. The relevant articles can be summarised as follows:
- 9.4 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.

- 9.5 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.
- 9.6 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.
- 9.7 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.
- 9.8 The CPO 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.
- 9.9 Of the land being acquired for the Scheme, the plots listed in the table below are worth noting in particular because the acquisition includes part of either residential or commercial properties. The Scheme also affects 23 agricultural holdings. However, it is considered that the acquisition in each case is proportionate and justified.

Residential properties	
25 Castle Hill, Banwell, BS29 6NX	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.
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- 9.10 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 section 5 above. 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.
- 9.11 In relation to both Articles 1 and 8, the compelling public interest case for the compulsory acquisition powers included within the Order has been demonstrated in this Statement. 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.
- 9.12 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. Further statutory consultation has been undertaken as part of the determination of the planning application for the Scheme.
- 9.13 Any person affected by the exercise of compulsory acquisition powers may be entitled to compensation.

10 PUBLIC SECTOR EQUALITY DUTY

- 10.1 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.
- 10.2 An Equality Impact Assessment (“EqIA”) has been undertaken for the Scheme (**Document 14**). None of the impacts identified in the EqIA relate to land acquisition.
- 10.3 A separate EqIA was therefore undertaken in relation to the CPO and SRO (**Document 26**). This details how the Council has had regard to its PSED duty in relation to the CPO and SRO. For example, the Council will continue to engage with affected parties sensitively and put in place appropriate measures to ensure that no demographics are excluded (for example, by ensuring that CPO/SRO documents are made available in an appropriate format and any venues used as part of the CPO/SRO process are accessible). The CPO/SRO documents will comply with Public Sector Accessibility regulations.
- 10.4 In order to comply with the PSED the Council will continue to monitor and consider equality issues routinely throughout the implementation of the Scheme.

11 SPECIAL CONSIDERATIONS

- 11.1 Special category land can include the following:
- (a) Land acquired by a statutory undertaker for the purposes of their undertaking;
 - (b) Local authority owned land; or land acquired by any body except a local authority who are, or are deemed to be, statutory undertakers for the purposes of their undertaking;
 - (c) Land held by the National Trust inalienably;
 - (d) Land forming part of a common, open space, or fuel or field garden allotment.
- 11.2 This section also considers the following additional land/designations, although it is recognised that these do not meet the statutory definition of special category land:
- (a) Crown Land – including that held by The Crown Estate Commissioners or Government departments;
 - (b) Designated & Non-designated Heritage assets;
 - (c) Listed buildings;
 - (d) Buildings subject to building preservation notices;
 - (e) Other buildings which may be of a quality to be listed;
 - (f) Buildings within a conservation area;

- (g) Scheduled monuments;
- (h) Registered parks, gardens or historic battlefields; and
- (i) Public Highways and Public Rights of Way.

11.3 **Statutory undertakers**

11.4 Where statutory undertakers' apparatus is affected by the Scheme arrangements will be made to protect or divert the apparatus under the provisions of the New Roads and Street Works Act 1991. Detail on statutory undertakers' apparatus has been obtained via utility searches and discussions with relevant statutory undertakers.

11.5 Detailed discussions have also been held with all relevant statutory undertakers to allow the progression of discussions in relation to C3s (cost estimates for diversion works).

11.6 A full list of statutory undertakers affected by the Scheme is included in the Book of Reference in the schedule to the Order (Document 3).

11.7 **Local Authority owned land**

11.8 The Order Land includes land owned by North Somerset Council and Banwell Parish Council. Under the relevant legislation (section 17(1) and (2) ALA 1981) the Parish Council is categorised as a local authority.

11.9 In certain circumstances, special parliamentary procedure can be triggered where a CPO includes local authority owned land. However, there is an exemption to this (under section 17(4) ALA) where the land is being compulsorily acquired by a local authority, as it is here. Therefore, special parliamentary procedure under section 17(1) and (2) ALA 1981 will not apply.

11.10 The land owned by North Somerset Council within the Order Land is not currently held for highway purposes and so will need to be appropriated by the Council for these purposes. That process will be progressed in parallel with the Order.

11.11 **National Trust land**

11.12 The Scheme does not require any land owned by the National Trust.

11.13 **Land forming part of a common, open space, or fuel or field garden allotment**

11.14 There is no common land or fuel or field garden allotment land within the Order Limits.

11.15 There is no open space land which is within the Order Limits.

11.16 **Crown land**

11.17 There is no Crown land within the Order limits.

11.18 **Heritage Assets**

11.19 Whilst the Scheme does have the potential to affect the setting of certain designated heritage assets, there are no ancient monuments or listed buildings within the Order Land. The Scheme will require the demolition of part of a boundary wall at 25 Castle Hill, Banwell, which lies within the Banwell Conservation Area. The impacts of the demolition will be addressed as part of the planning application for the Scheme.

11.20 **Public rights of way**

11.21 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 is included within the SRO, however, a summary is set out below.

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

- (a) Part of public right of way AX3/11/10 will be stopped up from a point 49 metres north west of Knightcott Motors garage for a distance of 17 metres north-west. The route will be re-provided along the Banwell Bypass.
- (b) 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, from its junction with Cook's Lane, and from a point 259 metres north east of Whitecross Cottage for a distance of 25 metres north east. An alternative public right of way connection will be provided.

11.23 Some other public rights of way (footpaths) will be stopped up under the SRO (**Document 5**), but only to allow for the creation of new public rights of way classed as bridleways in the same (or very similar) location. These are:

- (a) Public right of way AX29/51/10 and AX14/21/20 from a point 327 metres from the north-west of Churchill Community School from its junction with Churchill Green to its junction with the A368 for a distance of 417 metres to the south west.
- (b) Public right of way AX14/36/30, AX14/36/20, AX14/36/10 and AX14/34/10, from a point 123 metres north east of St John the Baptist's Church from its junction with Church Lane to its junction with Ladymead Lane for a distance of 1144 metres to the east.

12 **RELATED APPLICATIONS/APPEALS/ORDERS**

12.1 **The Need for a Side Roads Order (SRO)**

12.2 The SRO (**Document 5**) will, subject to confirmation by the Secretary of State for Transport, empower the Council to stop up existing side roads and private means of

access affected by the Scheme, to improve existing side roads and to create new side roads and private means of access as a consequence of the main works.

- 12.3 The full title of the SRO published under the Highways Act 1980 is:
- 12.4 THE NORTH SOMERSET COUNCIL (BANWELL BYPASS AND SOUTHERN LINK CLASSIFIED ROAD) (SIDE ROADS) ORDER 2022
- 12.5 **The Need for Side Roads Alterations**
- 12.6 The proposed alterations to existing highways and private means of access that would be affected by the Scheme are detailed in the Schedule attached to the SRO (**Document 5**), and shown diagrammatically on the SRO plans (**Document 6**). The following descriptions should be read in conjunction with the Schedules in the SRO and the site plans.
- 12.7 The Scheme will require alteration of side roads and accesses and the SRO made under sections 14 and 125 of the Highways Act 1980 implements these alterations. The Scheme requires the stopping up of highways at various points. Some sections of existing highways are being extinguished and then recreated as part of the Scheme. Other sections will be closed permanently; however, convenient alternative routes are or will be available.
- 12.8 In accordance with Local Authority Circular 1/97 issued by the Department of Transport (**Document 2**), the Council is satisfied:
- (a) as respects each length of highway the stopping up of which is authorised by the proposed SRO, that another reasonably convenient route is available or will be provided before that length is stopped up; and
 - (b) as respects each length of private means of access that the stopping up of which is authorised by the proposed SRO, that other reasonably convenient means of access to relevant premises are available or will be provided before that length is stopped up.
- 12.9 Where a new highway is to be constructed wholly or partly along the same route as a new access or part of one, that new highway shall be created subject to the private rights over that new access.
- 12.10 Where immediately before a length of highway is stopped up in pursuance of the proposed SRO there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or any telecommunications code system operator then, subject to section 21 of the Highways Act 1980, those undertakers, or that operator, as the case may be, shall have the same rights as respects that apparatus as they had immediately before the stopping up took place.

12.11 Proposed SRO arrangements

12.12 Under the SRO (**Document 5**), the following highways are proposed to be improved, as shown on the SRO plans (**Document 6**):

- (a) A371 Knightcott Road (SRO site plan 1)
- (b) Summer Lane Road (SRO site plan 1)
- (c) Well Lane (SRO site plan 1)
- (d) Wolvershill Road (SRO site plan 1)
- (e) Moor Road (SRO site plan 2)
- (f) A371 Castle Hill Road (SRO site plan 3)
- (g) Dark Lane (SRO site plan 3)
- (h) A368 East Street (SRO site plan 3)
- (i) Eastermead Lane (SRO site plan 3)
- (j) A368 Towerhead Road (SRO site plan 3)

12.13 The following highways are proposed to be stopped up pursuant to the SRO:

- (a) The Well Lane from a point 86 metres west of Knightcott Motors garage for a distance of 33 metres to the south from its junction with the A371 labelled 1/S1 on the SRO site plan 1.
- (b) Public Right of Way AX3/11/10 from a point 49 metres north-west of Knightcott Motors garage for a distance of 17 metres north-west, labelled 1/S2 on the SRO site plan 1.
- (c) The Wolvershill Road from a point 76 metres north of Stonebridge Farm for a distance of 246 metres to the north-west, labelled 1/S3 on the SRO site plan 1.
- (d) Public Right of Way AX3/6/10 from a point 109 metres south east of Whitecross Cottage for a distance of 34 metres north east, from its junction with Cook's Lane labelled 2/S1 on the SRO site plan 2.
- (e) Public Right of Way AX3/6/10 from a point 259 metres north east of Whitecross Cottage for a distance of 25 metres north east, labelled 2/S2 on the SRO site plan 2.

- (f) The Moor Road from a point 234 metres north of Bow Farm for a distance of 53 metres to the north-west, labelled 2/S3 on the SRO site plan 2.
- (g) The A371 Castle Hill from a point 149 metres north of Banwell Castle for a distance of 62 metres to the north, labelled 3/S1 on the SRO site plan 3.
- (h) Dark Lane from a point 210 metres north of Banwell Castle for a distance of 40 metres to the north, labelled 3/S2 on the SRO site plan 3.
- (i) The A368 East Street from a point 167 metres east of Abbey Lodge hotel for a distance of 80 metres to the east, labelled 3/S3 on the SRO site plan 3.
- (j) The A368 East Street from a point 278 metres south west of Towerhead farm for a distance of 154 metres to the south-west, labelled 3/S4 on the SRO site plan 3.
- (k) The Eastermead Lane from a point 270 metres north east of Banwell FC Pavilion for a distance of 119 metres to the north East, labelled 3/S5 on the SRO site plan 3.
- (l) A Public Right of Way (AX29/51/10 and AX14/21/20) from a point 327 metres north west of Churchill Community School from its junction with Churchill Green to its junction with the A368 for a distance of 417 metres to the south west, labelled 4/S1 on the SRO site plan 4.
- (m) A Public Right of Way (AX14/36/30, AX14/36/20, AX14/36/10 and AX14/34/10) from a point 123 metres north east of St John the Baptist's Church from its junction with Church Lane to its junction with Ladymead Lane for a distance of 1144 metres to the east, labelled 4/S2 on the SRO site plan 4.
- (n) A Public Right of Way (AX14/38/30) from a point 734 metres north east of St John the Baptist's Church for a distance of 21 metres to the north, labelled 4/S3 on the SRO site plan 4.

12.14 The following new highways are proposed to be constructed under the SRO:

- (a) Well Lane replacement connector road from A371 (SRO site plan 1)
- (b) Part of turning head on existing Knightcott Road (SRO site plan 1)
- (c) Road from A371 to proposed connector to roundabout (SRO site plan 1)
- (d) Road between proposed roundabout and A371 (SRO site plan 1)
- (e) Two sections of Wolvershill Road (SRO site plan 1)
- (f) Five sections of Public Right of Way (footpath) (SRO site plan 2)

- (g) Road between Moor Road and Riverside (SRO site plan 2)
- (h) Turning head on Moor Road (SRO site plan 2)
- (i) Two sections of Public Right of Way (bridleway) (SRO site plan 3)
- (j) Turning head on A371 Castle Hill (SRO site plan 3)
- (k) Public Right of Way (footpath) (SRO site plan 3)
- (l) Turning head on Dark Lane (SRO site plan 3)
- (m) Road from proposed Southern Link to improved A368 (SRO site plan 3)
- (n) Public Right of Way (bridleway) from Greenhill Road to Churchill Green (SRO site plan 4)
- (o) Public Right of Way (bridleway) from Church Lane to Ladymead Lane (SRO site plan 4)

12.15 Under the SRO, the following private means of access are proposed to be stopped up, with new means of access to be provided, as shown on the SRO plans:

- (a) Unclassified field access off existing A371 located 101 metres north-west of Knightcott Motors garage numbered "1/1" on the SRO site plan 1.
- (b) Unclassified field access directly off existing A371 located 32 metres north east of Knightcott Motors garage numbered "1/2" on the SRO site plan 1.
- (c) Unclassified field access directly off existing A371 located 85 metres east of Knightcott Motors garage numbered "1/3" on the SRO site plan 1.
- (d) Unclassified field access track located 126 metres north of Stonebridge Farm numbered "1/5" on the SRO site plan 1.
- (e) Unclassified field access directly off Riverside, located 305 metres north of junction between Riverside and Moor Road, numbered "2/2" on the SRO site plan 2.
- (f) Unclassified field access track located 170 metres south west of Police House numbered "3/1" on the SRO site plan 3.
- (g) Unclassified field access directly off A368, located 77 metres west of Police House numbered "3/2" on the SRO site plan 3.
- (h) Unclassified field access located 248 metres east of Police House numbered "3/3" on the SRO site plan 3.

12.16 There are also some additional new private means of access to be provided, which are shown on the SRO plans.

12.17 The SRO includes details of the reasons for stopping up of each highway and private means of access, together with details of a reasonably convenient alternative route for each. It also includes reasons for the construction of each new highway and private means of access.

12.18 Traffic Regulation Orders

12.19 The Scheme will also require Traffic Regulation Order(s) (TRO) which will be secured under the Road Traffic Regulation Act 1984.

12.20 The TRO(s) 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 Wolvershill 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).

13 CONCLUSION

13.1 For the reasons set out in this statement, the Council considers that there is a compelling case in the public interest for making and confirming the Order.

14 COMPENSATION ISSUES

14.1 The Council will endeavour to discuss compensation issues and to purchase properties and necessary rights over/in land by agreement, if possible, rather than compulsorily.

14.2 The Council will endeavour to discuss compensation issues arising from the Noise Insulation Regulations 1975 with the owners of the relevant properties.

14.3 Provision is made by statute with regard to compensation for the compulsory purchase of land and the depreciation in the value of affected properties. More information is given in the series of booklets published by the Department for Levelling Up, Housing and Communities entitled *Compulsory Purchase and Compensation* listed below:

- (a) Booklet No 1 – Compulsory Purchase Procedure - <https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-1-procedure>
- (b) Booklet No 2 – Compensation to Business Owners and Occupiers - <https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-2-compensation-to-business-owners-and-occupiers>
- (c) Booklet No 3 – Compensation to Agricultural Owners and Occupiers - <https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-3-compensation-to-agricultural-owners-and-occupiers>
- (d) Booklet No 4 – Compensation to Residential Owners and Occupiers - <https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-4-compensation-to-residential-owners-and-occupiers>
- (e) Booklet No 5 – Reducing the Effect of Public Development: Mitigation Works - <https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-5-reducing-the-adverse-effects-of-public-development>

15 THE ORDER, ORDER MAP AND STATEMENT OF REASONS

15.1 A copy of the Order (**Document 3**), Order Map (**Document 4**), and Statement of Reasons, along with the SRO (**Document 5**) and SRO plans (**Document 6**), can be inspected during normal office hours at:

- (a) Campus Library, Highlands Lane, Weston-super-Mare BS24 7DX;
- (b) Weston-super-Mare Library, North Somerset Council, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ; and
- (c) Banwell Parish Council Office, Banwell Youth & Community Centre, West Street, Banwell, BS29 6BD (only available on Tuesdays and Thursdays between 10am to 12 noon).

15.2 The Order and SRO documents can be viewed online at <http://banwellbypasscpo.co.uk>.

15.3 This Statement of Reasons for making the Order is not intended to discharge the Council's statutory obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007.

16 ADDITIONAL INFORMATION

16.1 Supporting documents

16.2 In the event of public local inquiries into the Order and/or SRO, the Council intends to refer to or put in evidence the documents listed in Appendix 1 to this document. This list is not intended to be exhaustive and should it be necessary to hold a public inquiry into the Order and/or the SRO the Council may refer to or put in evidence further documents, a list of which will be supplied in due course.

16.3 Owners and tenants of properties affected by the Order or the SRO who require information about the CPO or SRO process can contact the Banwell Bypass Team at North Somerset Council on 01275 884390 or at Banwell.bypass@n-somerset.gov.uk.

North Somerset Council

6 October 2022

Appendix 1

Document List

Number	Description	Date
Government Guidance		
1.	Department for Levelling Up, Housing and Communities “Guidance on Compulsory purchase process and The Crichel Down Rules”	July 2019
2.	Local Authority Circular 1/97 issued by the Department of Transport	Undated
CPO and SRO documents		
3.	The Order	October 2022
4.	The Order Map	October 2022
5.	The SRO	October 2022
6.	The SRO plans	October 2022
Road classification documents		
7.	Road Classification plan	September 2022
8.	Email confirming provisional road classification	23 September 2022
Planning application documents		
9.	Planning Statement	July 2022
10.	General Arrangement Drawings	July 2022
11.	Response to matters raised associated with Banwell Football Club	October 2022
12.	Transport Assessment (excluding appendices)	June 2022
13.	Options Appraisal Report	15 September 2021

14.	Equality Impact Assessment for the Scheme	June 2022
Planning policy documents		
15.	National Planning Policy Framework (NPPF)	July 2021
16.	North Somerset Council Core Strategy	2017
17.	North Somerset Council Site and Policies Plan Part 1: Development Management Policies	July 2016
18.	North Somerset Council Site and Policies Plan Part 2: Site Allocations Plan	2018
19.	North Somerset Council Emerging Local Plan – consultation version	2022
20.	West of England Combined Authority - Joint Local Transport Plan 4 (JLTP4)	March 2020
Council resolutions		
21.	Resolution of Full Council to approve an increase in the Council's Capital Programme	16 June 2020
22.	Decision made by Executive Member for Assets and Capital Delivery - Approval of the planned route for Banwell Bypass	7 October 2021
23.	Resolution of the Executive to authorise steps necessary to prepare for the making of a CPO and SRO	28 April 2021
24.	Resolution of Full Council authorising the making of the CPO and SRO	12 July 2022
25.	Executive Member approval of final CPO and SRO prior to making	6 October 2022
Miscellaneous		
26.	Equality Impact Assessment for the CPO and SRO	16 September 2022
27.	North Somerset Council Corporate Plan 2020 – 2024	Undated

Appendix 2 – Summary of Negotiations

Landowner(s)	Parcel Number(s)	Land or rights (or both)	Reason for acquisition	Summary of the current position
Muriel May Thirkettle, Patricia Rosemary Thompson and Sylvia June Legg	1/2, 1/2a	Freehold land acquisition.	Highway improvements to Summer Lane Junction and improvements to Well Lane.	Heads of terms for an option to purchase were issued in May 2022. Comments on general terms have been received from the Party's agent and are in negotiation.
Michael Tom Millard	1/5 1/5a 1/5b 1/5c 1/5f 1/5g	Freehold land acquisition and rights acquisition.	Highway improvements to Summer Lane Junction.	Heads of terms for an option to purchase were issued in May 2022. The party's agent confirmed receipt and provided comments by reply. The heads of terms remain in negotiation.
Rosemarie Jane Millard & Stuart Malcolm Millard	1/7	Freehold land acquisition.	The provision and maintenance of environmental & landscape mitigation works.	Heads of terms for an option to purchase are being prepared.
Summer Lane Caravan Park Co. Limited	1/8 1/8a 1/8b 1/8e 1/8f 1/8k 1/8m 1/8n 1/8p 1/8r	Freehold land and rights acquisition.	Construction and maintenance of highway connection between the bypass and the A371 and a Private Means of Access. The provision of a construction compound.	Heads of terms for an option to purchase were issued in May 2022. The party's agent confirmed receipt and their willingness to negotiate heads of terms.

Pauline June Curry, Philip Reginald Curry, Richard Frank Curry, Robert William Mitchell & Sonia Ann Mitchell	1/9a 1/9b 1/9d 1/9e 1/9f 1/9g 1/9h 1/9c 1/9k	Freehold land and rights acquisition.	Construction and maintenance of highway, roundabout to connect the bypass with the A371 and the provision of environmental mitigation. The provision of a construction compound.	Heads of terms for an option to purchase were issued in May 2022. The party's agent confirmed receipt and provided comments by reply which have been discussed between agents. The heads of terms remain in negotiation.
Chris Harding, Elizabeth Jean Harding, Pamela Margaret Harding, Sue Harding & The Personal Representatives of Mr Cecil Herbert Douglas Harding	1/11 1/11a 1/11b 1/11c 1/11d 1/11e 1/11f 1/11g 1/11h 1/11j 1/11k 1/11m 1/11n 1/11p 1/11q 1/11 1/11t 1/11u 1/11v	Freehold land and rights acquisition.	Construction and maintenance of a junction at Wolvershill road, environmental mitigation, flood mitigation and attenuation basins. The provision of a construction compound.	Heads of terms for an option to purchase were issued in May 2022. A meeting to discuss heads of terms has taken place with the party's agent and terms remain in negotiation.
Peter John Gwyn & Edward John Gwyn	1/12 1/12a 1/12b 1/12c 1/12d 2/3 2/3a 2/3b 2/3c 2/3d 2/3e	Freehold land and rights acquisition.	Construction and maintenance of a junction at Wolvershill road, environmental mitigation. The provision of a construction compound.	Heads of terms for an option to purchase were issued in May 2022. The party's agent confirmed receipt and comments are awaited. The heads of terms remain in negotiation.
Richard Wall	1/13 1/13a 1/13b	Freehold land acquisition.	Construction and maintenance of highway	Heads of terms for an option to purchase were issued in May 2022. Comments on general terms have been

			and environmental mitigation.	received from the Party's agent and negotiations are ongoing.
Keith Charles Raymond	2/1 2/1a 2/1b 2/1c 2/1d 2/1e 2/1f 2/1g 2/1h 2/1j 2/1k 2/1m 2/1n 2/1p 2/1q 2/1r 2/1s 2/1t	Freehold land and rights acquisition.	Construction and maintenance of highway, culvert, flood mitigation and the provision of a Private Means of Access.	Heads of terms for an option to purchase were issued in May 2022. Comments on general terms have been received from the Party's agent and negotiations are ongoing.
Alan Wall	2/2 2/2a 2/2b	Freehold land acquisition.	Construction and maintenance of highways and culvert.	Heads of terms for an option to purchase were issued in May 2022. Comments on general terms have been received from the Party's agent and negotiations are ongoing.
Miss E M Phelps Will Trust c/o Edward William Phelps	2/5 2/5a 2/5b	Freehold land acquisition.	Construction and maintenance of highway, environmental mitigation and flood mitigation.	Heads of terms for transfer of land were issued in May 2022. The party's agent has confirmed receipt, however, issues with proof of title are preventing further negotiations.
Nigel Richard Plaister	2/6f 2/6g 2/6h	Freehold land acquisition.	Construction and maintenance of highway embankment and environmental mitigation.	Heads of terms for an option to purchase were issued in May 2022. Comments on general terms have been received from the Party's agent and negotiations are ongoing.
Sharon Mary Slipper	2/7 2/7a 2/7f 2/18	Freehold land acquisition.	Construction and maintenance of highway embankment and	Heads of terms for a transfer of land were issued in May 2022. The party's agent has confirmed receipt and terms remain in negotiation.

			environmental mitigation.	
Jill Patricia Diane Swaine and John Henry Swain	2/8b 2/8c 2/8e 2/8h 2/8j	Freehold land and rights acquisition.	Highway construction and maintenance to connect Moor Road with Riverside.	Heads of terms for an option to purchase were issued in June 2022.
Jayne Frost, Julie Curtis and Patricia Lloyd as executors of the estate of Jacqueline Mary Hoddinott	2/9 2/9a 2/9b 2/9c	Freehold land and rights acquisition.	Construction and maintenance of highways embankment, environmental mitigation and construction compound.	Heads of terms for an option to purchase were issued in May 2022. Comments on general terms have been received from the Party's agent and negotiations are ongoing.
Mead Realisations Limited	2/10 2/10c 2/10e 2/10g	Freehold land and rights acquisition.	Highways construction and maintenance for bridge crossing over Riverside.	Heads of terms for an option to purchase were issued in May 2022.
Terry John Adams	2/11 2/11a	Freehold land and rights acquisition.	Construction and maintenance of highway embankment and environmental fencing.	Heads of terms for an option to purchase were issued in September 2022.
Nicholas Lewis White	2/12 2/12a 2/12b 2/12f	Freehold land acquisition.	Construction and maintenance of highways embankment and environmental mitigation.	Heads of terms for a transfer of land were issued in May 2022. Comments on general terms have been received from the Party's agent.

Arnold James Webber & Valerie June Webber	2/14 2/14a 3/5 3/5a 3/5b	Freehold land acquisition.	The provision of football pitches, construction and maintenance of a shared use path.	Heads of terms for an option to purchase were issued in September 2022.
Brian Alec Harold Jones, Dennis Mervyn Jones, Malcolm Clifford Jones & Philip John Osmond	2/15 2/15a 2/15b 2/15c 2/15h	Freehold land and rights acquisition.	Construction and maintenance of highway embankment, environmental mitigation, rhyne diversion and environmental fencing.	Heads of terms for an option to purchase were issued in May 2022. To date, the parties have not engaged in negotiations.
Allen David Cash	2/16 2/16a 2/16b	Freehold land acquisition.	Construction and maintenance of highway, environmental mitigation, flood mitigation and attenuation basin.	Heads of terms for a transfer of land were issued in May 2022. A market value assessment has been presented by the party's agent and heads of terms remain in negotiation.
The Bath & Wells Diocesan Board of Finance and the Parochial Church Council of Banwell	2/17 2/17a 2/17b 2/17c 3/9 3/9a	Freehold land acquisition.	Construction and maintenance of highway embankment and environmental mitigation.	Heads of terms for an option to purchase were issued in May 2022. Comments on general terms have been received from the Party's agent and negotiations remain ongoing.
Carole Susan Weston, Martin John Weston and Thomas Martin Weston	3/3 3/3a 3/3b 3/3c	Freehold land acquisition.	Highways construction and maintenance for junction with Castle Hill.	Heads of terms for an option to purchase were issued in September 2022.

North Somerset Council	3/6 3/6a 3/6b 3/6c 3/6d 3/6e 3/6f 3/6g 3/6h 3/6j 3/6k 3/6m 3/6n 3/6p 3/6q 3/6r 3/6s 3/6t 3/6u 3/6v 3/6w 3/6x 3/6y 3/6aa 3/6bb	Freehold land acquisition.	Construction and maintenance of highway, environmental mitigation, attenuation basins and junctions with the A371 and Castle Hill.	Land is owned freehold subject to tenancy by North Somerset Council and negotiations with the tenant are ongoing.
Charlotte Sarah Mugford and Peter Mugford	3/7 3/7a 3/7b 3/7d	Freehold land and rights acquisition.	Construction and maintenance of highway and environmental fencing.	Heads of terms for full transfer of land were issued in May 2022. The party's agent has acknowledged receipt with comments and heads of terms remain in negotiation.
Pamela Julia Ball & Steve John Perks	3/8 3/8a 3/8b 3/8c 3/8d 3/8e 3/8g 3/8h 3/8g 3/8k 3/8p 3/8u 3/8v 3/8w 3/8x 3/8y 3/8aa	Freehold land and rights acquisition.	Construction and maintenance of highway, the provision of a shared use path and Private Means of Access.	Heads of terms for full transfer of land were issued in May 2022. The party's agent has acknowledged receipt and heads of terms remain in negotiation.
Richard Mark Warburton	3/8z 3/10 3/10a	Freehold land and rights acquisition.	Construction and maintenance of a shared use path and	Heads of terms for an option to purchase were issued in September 2022.

			provision of a Private Means of Access.	
Ruth Berry and Jeremy Bell (as Executors for John Windham Gerrett)	3/11 3/11b 3/11c 3/11e 3/11f	Freehold land acquisition.	Construction and maintenance of a shared use path.	Heads of terms for an option to purchase were issued in September 2022.
Lynda Rosamund Hockey, Patricia Elaine Cannon and Paula Beatrice Louise Curry	4/1	Freehold land acquisition.	Construction and maintenance of a shared use path.	Heads of terms for an option to purchase were issued in September 2022.
Jason Mark Hathway and Sarah Elizabeth Hathway	4/2a	Rights acquisition.	Construction and maintenance of a shared use path.	Heads of terms for an option to purchase were issued in September 2022.
Lyndon James Bale and Angela Jayne Millard	4/5d 4/5f 4/6a	Rights acquisition.	Construction and maintenance of a shared use path.	Heads of terms for an option to purchase were issued in September 2022.
Churchill Property Services Limited	4/7	Freehold land acquisition.	Construction and maintenance of a shared use path.	Heads of terms for an option to purchase were issued in October 2022.
Frances Margaret Schmollmann and Stephen Schmollmann	4/8	Rights acquisition.	Construction and maintenance of a shared use path.	Heads of terms for an option to purchase were issued in September 2022.

Richard Graham Jones	4/10 4/10a 4/10b	Rights acquisition.	Construction and maintenance of a shared use path.	Negotiations are yet to commence.
Robert William Phippen	4/11	Rights acquisition.	Construction and maintenance of a shared use path.	Negotiations are yet to commence.
Jason Raymond George Evans and Tracy Louise Hill	4/12	Rights acquisition.	Construction and maintenance of a shared use path.	Negotiations are yet to commence.