

NOTICE OF DECISION
Town And Country Planning Act 1990



Mr Allan Pitt
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4 Pierhead Street
Cardiff
CF10 4QP

Application
Number: 22/P/1768/R3EIA

Category: Council
planapp+EIA(R3)(
NSC developer)

Application No: 22/P/1768/R3EIA
Applicant: North Somerset Council
Site: Banwell Bypass ,Land To North And East Of Banwell ,Including Mitigation Highway Land In Sandford, Winscombe And Churchill
Description: Construction of a 3.3km single carriageway road from the A371 Summer Lane to A368 Towerhead Road, including a 3m shared use path to Sandford, one bridge, ten culverts, associated infrastructure, and landscaping. Construction of a 0.63km (including junction link to Banwell Bypass) single carriageway Southern Link Road, including associated infrastructure and landscaping. Mitigation and enhancement measures, which consist of environmental mitigation and enhancement measures in connection with the Banwell Bypass and the Southern Link including flood compensation areas, planting and habitat creation, attenuation basins, replacement playing fields at Banwell Football Club, associated infrastructure and landscaping. Placemaking improvements within Banwell, comprising mitigation and enhancement measures to the public realm. Demolition of a wall at 25 Castle Hill. Active travel routes including works to footpaths, cycleways, and bridleways. Improvements to the wider local road network in Sandford, Churchill, Winscombe and Locking and creation of shared use paths between Sandford and Churchill and Langford and Churchill

North Somerset District Council in pursuance of powers under the above mentioned Act hereby
GRANTS CONSENT for the above development in accordance with the plans and particulars received and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out in accordance with the following

approved plans and documents:

Site location plan

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

Red line Boundary Plans

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PMA Visibility Drawing 1 BNWLBP-ARP-HGN-X_BB_Z-DR -CH-000009

PMA Visibility Drawing 2 BNWLBP-ARP- HGN-X_BB_Z-DR -CH-000010

SBR-0550-Culvert GA SBR-0550 Wallymead Rhyne Culvert (West) General Arrangement Drawing BNWLBP-ARP-SBR-X_BB_Z-0550-DR-CB-000001

SBR-1375-Culvert GA SBR-1375-Wallymead Rhyne Culvert (East) General Arrangement Drawing BNWLBP-ARP-SBR-X_BB_Z_01375-DR-CH-000001

SBR-1760 Culvert GA SBR-1760 Old Yeo Rhyne Culvert (East) General Arrangement Drawing BNWLBP-ARP-SBR-X_BB_Z_1760-DR-CB-000001

SBR-1930 Bridge GA SBR-1930 Banwell River Underbridge Approval in Principle Drawing BNWLBP-ARP-SBR-X_BB_Z_1930-DR-CB-000001

SBR-2310 Culvert GA SBR-2310 East Mead Rhyne Culvert General Arrangement Drawing BNWLBP-ARP-SBR-X_BB_Z_2310-DR-CB-000001

Moor Road Diversion Structures BNWLBP-ARP-SBR-XXXX-SK-CB-00017

Plan and Profile - Mainline

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Sheet 4 of 6 - BNWLBP-ARP-HML-X_BB_Z-DR-CH-000104

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Plan and Profile - Side Road

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Typical Cross-Section

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Placemaking Site Layout Drawing

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Highway Drainage Drawing

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Sheet 4 of 7 - BNWLBP-ARP-HDG-X_BB_Z-DR-CD-000004
Sheet 5 of 7 - BNWLBP-ARP-HDG-X_BB_Z-DR-CD-000005
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Drainage Catchment Drawings Set 1 of 2

Sheet 1 of 2 - BNWLBP-ARP-HDG-X_BB_Z-SK-CD-000001
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Private Means of Access Visibility Plan

BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000010

Wider Network Mitigation General Arrangement Plans

Sheet 1 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000001
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Sheet 3 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000003
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Sheet 5 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000005
Sheet 6 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000006
Sheet 7 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000007
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Sheet 9 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000009
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Wider Network Mitigation Standard Detail for Raised Zebra Crossings Drawing - BNWLBP-ARP-GEN-X_A368WCH_Z-DR-CH-000014

Wider Network Mitigation Standard Raised Detail for Raised Signalised Crossings Drawing - BNWLBP-ARP-GEN-X_A368WCH_Z-DR-CH-000015

Environmental Master Plans

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Sheet 3 of 6 - BNWLBP-TACP-ELS-X_BB_Z-DR-LE-000012
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Sheet 5 of 6 - BNWLBP-TACP-ELS-X_BB_Z-DR-LE-000014
Sheet 6 of 6 - BNWLBP-TACP-ELS-X_BB_Z-DR-LE-000015

General Arrangement Drawings

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

Plans and Drawings Update Report

Planning Statement

Planning, Design and Access Update Report

Environmental Statement

Environmental Statement Update Report

Flood Evacuation Plan

Health Impact Assessment

Walking Cycling Horse-riding Assessment Report

Walking Cycling Horse-riding Review Report - Preliminary Design
Transport Assessment
Stage 1 Road Safety Audit Response
Wider Network Mitigations Measure Speed Limits Assessment Report
Surface Water Drainage Strategy
Lighting Strategy
Carbon Management Plan

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

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

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

4 Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction work on any phase of the development a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority in consultation with National Highways. The approved Plan shall be adhered to throughout the construction period. An Early Works Construction Management Plan will be prepared to cover the early works only. The Construction Management Plan shall provide for:

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

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

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

- 5 Prior to commencement of any development for each work phase approved under Condition 3 (Phasing), a detailed Construction Environmental Management Plan (CEMP) which accords with the outline CEMP for that phase shall be submitted to and approved in writing by the Local Planning Authority. The level of detail included in the CEMP shall be appropriate to each phase and shall outline:
 - (a) All site clearance and construction works to be in accordance with the Environmental statement.
 - (b) Arrangements for liaison with the Local Planning Authority's Pollution Control Team and on site presence to enable appropriate responses to matters such as unforeseen contamination.
 - (c) Mitigation measures to rectify any potential capacity impact, damage to structures or highway.
 - (d) Proposals for the temporary movements and stockpiling of a soil and spoil and proposals for the testing of soils to be used in soft landscaping areas for contamination.
 - (e) Measures to control the emission of vibration, dust and dirt during construction including a piling works risk assessment and verification plan and details of how vibration, dust and dirt during construction will be mitigated to protect the pollution from entering local watercourses. The treatment and removal of suspended solids from surface water run-off during construction works and measures to prevent building material finding its way into a watercourse.
 - (f) A scheme for recycling/disposing of waste resulting from demolition
 - (g) Details of measures to ensure the Rhyne network and any other aquatic habitats on or adjacent to the development site are not adversely affected during construction (to include no light spill to dark corridor during the construction phase);
 - (h) Details of measures to protect wildlife habitats, protected species and Section 41 species during construction. The approved plan shall be implemented and adhered to thereafter at all time during construction.
 - (i) The employment of an Environmental Clerk of Works.
 - (j) Procedures for emergency deviation of the agreed working hours.
 - (k) The use of a 'Considerate Contractors' or similar regime and arrangements for site induction for workforce highlighting pollution prevention and awareness.
 - (l) Measures for controlling the use of site lighting whether required for safe working or for security purposes.
 - (m) Arrangements for briefing contractors and sub-contractors on the importance of the ecological features which are to be retained on site and the ecological value of the SNCIs in particular. The CEMP should follow best practice pollution control measures and biosecurity.

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

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

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

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

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

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

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

7 For each work phase approved under condition 3 (phasing), detailed plans and details of the following aspects shall be submitted as a single submission for each phase and be approved in writing by the Local Planning Authority before the works approved in that phase are begun:

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

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

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

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

Reason: To provide information to inform any evaluation of the performance of the speed

reduction measures.

9 No above ground work shall take place for each work phase approved under Condition 3 (Phasing), until details of the surface water drainage works for that phase have been submitted to and approved in writing by the local planning authority. The submitted details shall:

- (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to greenfield run off rates and volumes, taking into account long-term storage, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- (ii) include a timetable for its implementation.

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

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

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

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

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

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

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

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

- o The proposed crossing of the River Banwell by the Moor Road Riverside link road shall have a minimum soffit level equivalent to the 1 in 100 (1%) flood level including climate change allowance, as stated in section 3.3.7 of the submitted FRA.
- o All other crossings of designated 'main rivers' shall have a minimum soffit level equivalent to the 1 in 100 (1%) flood level including climate change plus 600mm freeboard, as stated in section 5.4.1 of the submitted FRA.
- o Floodplain compensation areas shall be provided as indicated in Figure 12 and described in sections 5.4.2-5.4.8 of the submitted FRA.
- o Areas of residual minor increase in flood risk in design conditions, as described in section 6.4 of the submitted FRA, shall be subject to a Compulsory Purchase Order (CPO) including right to flood.

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

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

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

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

14 The development hereby permitted may not commence until such time as a scheme to:

- (a) investigate, risk assess and secure de-watering of the road and embankments
- (b) risk assess and secure the protection and sustainability of licensed and un-licensed sources of water with regard to water quality and resource availability
- (c) risk assess and monitor the maintenance of spring-fed flows
- (d) risk assess and secure the protection of groundwater dependent terrestrial ecosystems
- (f) specify the form of the road foundations
- (g) risk assess and specify any intrusive foundation design through the historic landfill area
- (h) develop options to install additional monitoring wells to better delineate the stratigraphy and hydrogeological conditions in the deeper sections of the bedrock, and provide robust evidence of a linkage between the Banwell Spring PWS and the proposed construction site.
- (i) continue and improve where necessary monitoring of the hydrogeological conditions in both the shallow and deeper aquifer strata, water quality and hydraulic interactions in

controlled water receptors prior to, during and post construction

(j) manage the construction phase to prevent pollution of the environment and controlled waters

(k) agree pollution prevention measures for the above ground storage of oils, fuels and chemicals during the construction phase has been submitted to, and approved in writing by, the Local Planning Authority. Any such scheme should include a maintenance programme of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Prior to commencement of construction of any works on the playing field land needed for the scheme, details of the proposed temporary reprocision of facilities for sporting use during

construction and during the establishment of the replacement playing field land shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

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

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

Reason: To ensure that satisfactory replacement playing fields are provided in accordance with Policies DM68 and DM69 of the North Somerset Sites and Policies Plan Part 1, in the interests of highway safety in accordance with Policy DM24 of the North Somerset Sites and Policies Plan Part 1, to ensure satisfactory landscaping in accordance with Policy DM8, DM9 and DM10 of the North Somerset Sites and Policies Plan Part 1 and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

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

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

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

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

25 No development shall take place until an Archaeological Mitigation Strategy has been submitted to and approved by the local planning authority in writing. The strategy shall include an assessment of significance and research questions; and;

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment

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

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

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

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

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

27 Notwithstanding the submitted drawings, prior to commencement of the relevant phase of development, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Means of restraint for cyclists and horse riders where the bypass shared path is adjacent to embankments.
- (b) The hardstanding and turning area for maintenance vehicles shown at CH2300 on plan BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000004 Rev P10 Sheet 4.
- (c) Control feature to be provided at the terminus of Eastermead Lane.
- (d) The bend shown at CH2300 on plan BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000004 Rev P10 Sheet 4. to be redesigned to serve cyclists and pedestrians and improve visibility.
- (e) Speed reduction measures for Sidcot Road, Hilliers Lane and Dinghurst Road.
- (f) pedestrian facilities at the Nye Road junction.
- (g) Bus bays on A368/Greenhill Road by Sandford Primary School.

- (h) Crossing point for cyclists and pedestrians at junction of upgraded PRoW AX14/21 and A368/Greenhill Road to be agreed
 - (i) Crossing point with give/ take section for upgraded PRoW AX14/36 junction with Church Lane.
 - (j) Crossing point/ narrowing for upgraded PRoW AX14/36 junction with Ladymead Lane.
 - (k) Bus stop improvements and safe pedestrian crossing point at Hilliers Lane/Dinghurst Road (A368).
 - (l) Bus stop buildouts east of the Railway Inn

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

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

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

- (a) Wider Network Mitigation GA Plans Sheet 1 of 13 Rev P08. 2-way tracking of the 5.5m roads at the gateway feature.
- (b) General Arrangement Sheet 2 of 6. The turning head for Wolvershill Road south prior to bus gate/Bypass junction for the turning of waste/recycling vehicles.
- (c) Wider Network Mitigation GA Plans Sheet 2 of 13 P08. 2-way tracking at the raised bus boarders east of the Railway Inn and at the crossing point west of Nye Road for widths (larger vehicles/HGV's/buses).

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

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

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

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

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

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

30 No external lighting shall be installed except in strict accordance with the lighting specification and locations as shown in the approved lighting strategy and detailed mitigation plans. No lighting shall be installed until supplementary details are submitted to and approved in writing by the Local Planning Authority, including:

- (i) details of the type and location of the proposed lighting
- (ii) existing lux levels affecting the site
- (iii) the proposed lux levels
- (iv) lighting contour plans

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

Reason: To reduce the potential for light pollution in accordance with policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

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

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

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

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

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

- o Surveys of all existing drainage assets on and adjacent to the M5 Knightcott

Overbridge in accordance with the requirements of CS551 'Drainage Surveys' of the Design Manual for Roads and Bridges.

- o Full details of any works to existing connections or points of discharge into the National Highways drainage asset.
- o Details of future access arrangements to National Highways drainage assets following construction of the cycleway scheme to ensure our ability to access and maintain our drainage assets will not be compromised.

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

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

Advice Notes(s):

- 1 The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991 from the Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District (or from the Environment Agency for an EA Main River).
- 2 There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
- 3 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds, or lakes, or via soakaways/ditches.
- 4 After construction containment of spillages should be considered to protect the water environment.
- 5 It should be ensured that the requirements of the Water Framework Directive (WFD) have been met.
- 6 Environmental permit - advice to applicant:
The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
on or within 8 metres of a main river (16 metres if tidal)
on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
on or within 16 metres of a sea defence
involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
in a floodplain more than 8 metres from the riverbank, culvert, or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and you are advised to consult the Environment Agency at the earliest opportunity.

- 7 Any waste generated must be disposed of in accordance with Waste (England and Wales) Regulations 2011.

If waste material is brought onto site for construction purposes, the developer should ensure that appropriate permits are held according to Waste (England and Wales) Regulations 2011.

- 8 The applicant is advised that they should maintain regular communications with the Network Management Team for co-ordination and management of the highway network during works delivery. It is accepted that any required agreements (carried out under HA legislation or otherwise) will be processed as the scheme is delivered.

Detail the scoping/technical details to be agreed at detailed design stage/technical approval.

- 9 o The Environment Agency have advised that:

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface.

The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests.

This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site.

More information is available on gov.uk: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-Previously-exempt-abstraction>.

Dewatering the proposed abstraction may lower groundwater levels locally and may derogate nearby domestic and licensed groundwater sources. The following is a list of all licensed and known domestic groundwater abstractions in the vicinity which may be affected by dewatering:

- o Licence no. 16/52/013/G/011
- o Licence no. SW/052/0014/007

Certain private and small water supplies do not require a license to abstract water, therefore the EA are not necessarily aware of their existence. The locations of private domestic sources may be held by the local authority on the register required by Regulation 14 Private Water Supplies Regulations 2016.

Concern has been raised by Bristol Water regarding the risk of the associated works impacting the groundwater recharge and groundwater flow to the Banwell spring. Bristol Water abstract water at Banwell spring for public water supply and this is a key resource. The appropriate investigation must be included to identify any risks to this key water supply abstraction and any required mitigation.

For advice about how to comply with the conditions above visit www.n-somerset.gov.uk/planningconditions

Date: 16th March 2023

Signed: Richard Kent

Head of Development Management

Please use our [online contact form](http://www.n-somerset.gov.uk/contactplanning) on our website at www.n-somerset.gov.uk/contactplanning if you require further information on this decision.

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS NOTICE

NOTES RELATING TO A DECISION TO GRANT PLANNING PERMISSION

These notes are intended as helpful advice. PLEASE READ THEM CAREFULLY. Make sure everyone has a copy that needs it, including your builder or contractor.

Scope of this decision notice

This decision notice grants planning permission only. It should not be taken to imply that the scheme meets the requirements of any other agency that may be involved. Please make sure that you have obtained all the approvals you need before starting work. If you are in any doubt you should obtain professional advice.

Building Regulations

Before you start construction work you need to obtain separate approval under Building Regulations. You can contact the team on 01275 884550 or submit your application on our [website](#).

Conditions

This approval is subject to conditions. They are an integral part of the decision and are important because they describe how the council requires you to carry out the approved work or operate the premises. It is your responsibility to comply fully with them.

Please pay particular attention to those conditions that have to be met before work commences. There is a fee for requests for written confirmation that conditions have been complied with. Details of these fees can be found on our website at www.n-somerset.gov.uk/planningconditions. When sending us information please include the decision reference number and relevant condition number. Depending on the complexity of the issues involved it can take up to 12 weeks for conditions to be discharged. It is therefore important that you submit any required details to us early.

Applications to discharge planning conditions received from 1st January 2021 will be made available on our website for public inspection. This includes the name, address and contact details of the applicant and their agent. When applying to discharge a planning condition, you should consider very carefully what information about yourself and others you send us. If you do not want information or documents in your application to be shown on our website, please contact us directly when you make your submission so that we can consider your request. The default position is however to make the information public and an exception to this will not normally be agreed.

Appeals

If you are aggrieved by our decision to impose any of the conditions, then you can appeal to the Secretary of State for the Environment in accordance with the provisions of Town and Country Planning Act 1990. If you want to appeal against our decision then you must do so within 6 months [12 weeks if this is a decision to refuse planning permission for a shopfront proposal or a minor commercial application] of the date of this notice .

Appeals must be made using a form, which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Alternatively, your appeal can be submitted electronically using the Planning Portal at www.gov.uk/appeal-planning-inspectorate.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of a Development Order or to directions given under it. In

practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Prepare for floods

If the scheme to which this approval relates is at risk of flooding you should prepare a flood plan to help keep people safe and protect your property. You can find out if your property is at risk of flooding and how to prepare a flood plan on the [Government's website](#). You should also sign up for [flood warnings](#).

Works which affect a Public Highway

Any works/events carried out by or for a developer which affects the public highway in any way must be co-coordinated in accordance with the New Roads and Street Works Act 1991 and the Traffic management Act 2004 to minimize disruption to users. Developers are required to inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment.

Developers are also required to liaise/seek permission of North Somerset Council's Street Works Section (01934 888802 or streetworks@n-somerset.gov.uk) at least one month in advance of the works and this must be in line with the requirements of the NRSWA 1991 and TMA 2004. The developer must endeavor to ensure that undertaker connections/supplies are coordinated to take place whenever possible at the same times using the same traffic management. It should be noted that where road closures or formal restrictions are required to undertake works, a minimum of three months' notice will be required.

Public Rights of Way

The grant of planning permission does not entitle developers to interfere or obstruct any public right of way (PROW). The obstruction of a PROW is an offence. If required an application can be made to North Somerset Council to divert the PROW and should be made well ahead of any development.

It is also an offence to drive a mechanically propelled vehicle without lawful authority on any PROW. The grant of planning permission should not be treated as a grant of lawful authority. Please contact the PROW Team for further advice on 01934 888802.

Changes to Plans:

Should you wish to change your plans for any reason, including the need to meet the requirements of other legislation (for example Building Regulations) it is important that you notify us (i.e. 'the planners') before carrying on with work. Amendments to your approved plans may require a fresh application and could even prove to be unacceptable. Details of how to seek formal approval of amendments to a planning approval can be found on our [website](#) or by visiting the planning portal.

Enforcement:

The council has powers to enforce compliance with planning permission and there are penalties for failure to comply. In cases where terms and conditions of planning permission are not adhered to and the Council finds it necessary to take enforcement action, it almost invariably results in delay and additional expense to the applicant. In extreme cases, it can mean that newly erected buildings have to be demolished.

If the applicant was the Local Authority and the application was made under regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) then this permission ensues only for the benefit of the Local Authority and such other person as was specified in the application.

Street Naming

When you receive consent for the building of new a development(s)/property or creating additional flats/units within an existing dwelling, for reasons of public safety and for the allocation of an official postal address, please contact the Street Naming and Property Numbering Section, Town Hall,

Weston-super-Mare, BS23 1UJ; Tel: 01275 888761; email: strnames@n-somerset.gov.uk. Learn more on our [website](#).

Access to further information

Further guidance on Planning and Building regulation information and services can be accessed on our website and on the Planning Portal at www.planningportal.co.uk.