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# BANWELL BYPASS

Environmental Statement





## **HIF Banwell Bypass and Highways Improvements Project**

# **Environmental Statement Chapter 4 - Planning Framework**

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## 4 Planning Framework

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### 4.1 Introduction

- 4.1.1 This chapter provides an overview of the national, regional and local planning policy framework for the proposed Banwell Bypass Scheme (the 'Scheme'). A separate Planning Statement provides an overview of the Scheme and assesses compliance with legislation, policy and guidance set out in this chapter and forms part of the application for the Scheme.
- 4.1.2 The Banwell Bypass Scheme highways development is located within North Somerset Council's (NSC) administrative area. Full details of the Scheme can be found in ES Volume 1 - Chapter 2 – Scheme Description
- 4.1.3 This chapter outlines the planning framework within which this ES has been prepared. It considers the current national policies, in regard to the National Planning Policy Framework (NPPF) (2021). At a local level, this chapter takes into account current NSC policies.
- 4.1.4 Following Brexit, all relevant European directives and legislation has been transposed into UK legislation.
- 4.1.5 Consideration is also given to the existing regional policies, with a focus on The West of England Combined Authority ("WECA"). Although NSC is not part of WECA, some policies and strategies do apply where NSC is in partnership with WECA.
- 4.1.6 The following sections provide an overview of the adopted and emerging policy, along with other relevant plans and development considerations.
- 4.1.7 The Scheme is assessed against the policies, legislation, strategies and plans in the relevant Environmental Statement chapters. This will demonstrate how the Scheme aligns with these policies.

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## 4.2 Legislation

### National Legislation

#### Town and Country Planning Act 1990<sup>4.1</sup>

- 4.2.1 Section 57 of the Town and Country Planning Act (TCPA) 1990 requires planning permission to be obtained for the “development” of land. What amounts to “development” is defined in section 55 TCPA 1990, which is very broad but contains (for current purposes) two key exemptions relating to the improvement and maintenance of highways, which in certain circumstances do not constitute “development”.
- 4.2.2 This can be summarised as follows:
- a) Where relevant works are for maintenance purposes only (notwithstanding that the wider project is Environmental Impact Assessment (EIA) development) these works would not fall within the definition of “development” under the TCPA 1990 (and therefore would not require planning permission);
  - b) Where the relevant works are for improvement purposes and form part of the wider project for EIA purposes (e.g., because they are required as mitigation), the TCPA 1990 exemption will not apply, and planning permission would be required.
- 4.2.3 It is assumed that none of the Scheme works would constitute “maintenance” and it is not considered that any authorisation in Part 3 of the TCPA 1990 would apply given the proposed works set out in ES Volume 1 Chapter 2 - Scheme Description.
- 4.2.4 Furthermore, Section 337 of the Highways Act 1980 makes it clear that it does not authorise the carrying out of development of land for which permission is required under section 57 TCPA 1990 (or the Planning Act 2008) and which is not authorised or deemed to be permitted under Part 3 of the TCPA 1990. Sections 14 and 125 of the Highways Act 1980 are still relevant here.
- 4.2.5 It is therefore considered that any works forming part of the Scheme would require express planning permission under the TCPA 1990.

## **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017<sup>4.2</sup>**

- 4.2.6 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017/57 (the EIA Regulations) are the regulations which govern the preparation of an Environmental Statement (ES) for the purposes of undertaking an Environmental Impact Assessment (“EIA”) in England. The EIA Regulations implement the amended European Union Directive on Environmental Impact Assessment 2014/52/EU.
- 4.2.7 These regulations apply to development which is given planning permission under Part III of the Town and Country Planning Act 1990<sup>4.2</sup>.
- 4.2.8 The aim of Environmental Impact Assessment is to collect and assess information about the environmental impact of a proposed development and establish any appropriate mitigation measures. The process ensures that a local planning authority, when deciding whether to grant planning permission for a project which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process.
- 4.2.9 It also ensures that the relevant consultation bodies and the public have the opportunity to consider and comment on the potential environmental impacts.

## **Planning and Compulsory Purchase Act (2004)<sup>4.3</sup>**

- 4.2.10 Section 70(2) of the TCPA 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that ‘planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise’.
- 4.2.11 The ‘Development Plan’ is defined by Section 38(3) of the Planning and Compulsory Purchase Act 2004 as ‘the regional spatial strategy for the region in which the area is situated (if there is one) and the development plan documents (taken as a whole) which have been adopted or approved in relation to that area’.

### **The Highways Act 1980<sup>4.4</sup>**

- 4.2.12 This Act makes provision for the creation, improvement and maintenance of roads and for acquisition of land. Part XII of the Act provides powers to highway authorities to acquire land, by agreement or compulsion. This may be for road construction, improvement and for ancillary purposes such as the provision of service areas. Land may also be acquired for mitigating adverse effects on surrounding areas arising from construction.

### **Ancient Monuments and Archaeological Areas Act 1979<sup>4.5</sup>**

- 4.2.13 This Act provides for the protection of scheduled monuments and archaeological areas.

### **Environment Act 1995<sup>4.6</sup>**

- 4.2.14 The aim of the Act relates to a wide range of environmental issues, from the establishment of the Environment Agency to provisions for contaminated land and abandoned mines, National Parks, the control of pollution, conservation of the environment, obligations relating to products and materials, and fisheries. Both the Environment Act 1995 and the Environment Act 2021 implement the requirements of the Air Quality Directive.

### **Environment Act 2021<sup>4.7</sup>**

- 4.2.15 The Environment Act 2021 came into force on 9 November 2021. Not all its provisions came into force automatically but, once the relevant provisions are implemented, it will significantly alter the legislative framework for Biodiversity Net Gain (BNG) within the context of TCPA developments.
- 4.2.16 The BNG provisions require separate regulations to bring them into force. Within its January 2022 consultation in respect of Biodiversity Net Gain Regulations and Implementation (the BNG consultation), Defra confirmed that the mandatory BNG provisions of the Environment Act will come into force for all TCPA developments in November 2023 (i.e., following a two-year transition period after Royal Assent of the Act). However, the BNG consultation notes that the NPPF “already encourages net gains for biodiversity when drawing up plan policies and making planning decisions”.

- 4.2.17 The following key points relating to BNG arise from the Act:



- a) Granting of planning permission in England will only be made if they meet the BNG objectives newly introduced by the Act (section 98).
- b) In particular, there will be a requirement that the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least 10% (Schedule 14, paragraph 2). The BNG consultation proposes that such gains must be secured on-site within 12 months of the date that the development is commenced, or (if not possible) before occupation of the site. BNG that cannot be achieved on-site or within 12 months will attract a lower biodiversity gain on the biodiversity metric.
- c) The biodiversity value attributable to the development is the total of:
  - the post-development biodiversity value of the onsite habitat,
  - the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and
  - the biodiversity value of any biodiversity credits or units purchased for the development.
- d) Pre-development biodiversity value is to be calculated as at the date of the planning permission (or such earlier date as agreed between the applicant and the local planning authority ("LPA")) unless certain exemptions apply (Schedule 14, paragraph 2). Post-development value is to be calculated as at the time the development is completed, subject to the LPA being satisfied that the BNG will be maintained for at least 30 years (Schedule 14, paragraph 2).
- e) The Act will require the Secretary of State to make regulations for the creation of a public register of 'biodiversity gain sites' (section 100). Such sites will be places where a person is required (under a conservation covenant or planning obligation) to carry out works for the purpose of habitat enhancement and to maintain those enhancements for at least 30 years. Further regulations are required to confirm the detail of how this provision will work in practice, however, the BNG consultation confirms that for TCPA developments, the biodiversity gain site register will be used to register off-site biodiversity enhancements, which may then be used (alongside onsite BNG and any purchased biodiversity units) to generate the biodiversity value of a site. The BNG consultation also suggests that information in the biodiversity gain site

register will be publicly accessible and, over time, the Government expects the private sector to play a role in collating and sharing market supply, demand, and price information.

- f) Statutory Biodiversity Credits are credits that can be purchased from the Secretary of State in lieu of a development providing its own BNG (section 101). The funds from the purchase of credits will be used for biodiversity enhancement in England. The Secretary of State is required to publish more detailed arrangements as to how this will work, and how much the credits will cost. However, the BNG consultation proposes that statutory Biodiversity Credits will be provided as a last resort where developers are unable to achieve BNG through enhancements on or off-site or by purchasing biodiversity units on the market. In addition, the BNG consultation suggests that the price of statutory Biodiversity Credits will be set by the Government following a credit price review. The Government's stated intent is to be uncompetitive with the biodiversity unit market and to minimise the use of statutory Biodiversity Credits, so as to allow the biodiversity unit market to develop.
- g) Section 40 of The Natural Environment and Rural Communities (NERC) Act, 2006 will be amended to include a requirement not only to conserve biodiversity but to enhance it. In addition, the Act will introduce a positive requirement on local authorities to consider on a regular basis (at least every 5 years) what actions it can take to further the general biodiversity objective – this will include reviewing current policies and objectives (section 102). The actions taken by the local authority must be published in a “biodiversity report” (section 103). The BNG consultation proposes that biodiversity reports should also be published by LPAs and other designated authorities.
- h) Biodiversity value of any habitat or habitat enhancement will be calculated by the latest version of the Natural England Biodiversity Metric, currently 3.0. The BNG consultation indicates that the value will be measured in “biodiversity units”. However, as of January 2022 the Biodiversity Metric 3.0 is expected to be the subject of a separate consultation.
- i) Every planning permission will include a deemed condition that development will not be able to begin unless a biodiversity gain plan has been submitted to and approved by the LPA, which must set out certain matters including:

- Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
  - the pre-development biodiversity value of the onsite habitat;
  - the post-development biodiversity value of the onsite habitat;
  - any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development; and
  - any biodiversity credits purchased for the development.
- j) The BNG consultation indicates that developers will be able to submit the biodiversity gain plan as part of their planning applications. The Government's preferred approach is for developers to purchase any statutory Biodiversity Credits and/ or register any conservation covenants used to secure BNG before final approval of the biodiversity gain plan.
- k) In addition, the BNG consultation states that Natural England is working on a standardised process for habitat management and monitoring. The Government's intent is to ensure that, as much as possible, data collection is standardised across the register process, biodiversity gain plan and monitoring reports. Monitoring reports will be used to monitor the site to ensure that the expected BNG is being delivered and / or maintained. It is currently proposed that monitoring reports are provided at years 2, 5, 10, 20 and 30 for medium sized habitat creation projects.
- l) The Act introduces the concept of "conservation covenants" (Sections 1117 – 139). Conservation Covenant Agreements. (CCAs) are legal agreements that can be entered into by a landowner (or long leaseholder) with the Secretary of State (or other designated "responsible bodies", likely to include local authorities) to secure that the landowner takes action in their use of the relevant land for a "conservation purpose". The covenant is registered as a land charge against the land, is binding on successors in title, and is enforceable by the responsible body.
- m) The BNG consultation indicates that the Government expects that conservation covenants will be used to secure offsite BNG. Conservation covenants should reflect the Government's intention that offsite works should commence as soon as feasible, and no more than 12 months after the discharge of the mandatory pre-commencement BNG condition. Part 7 of the Environment Act (CCAs) only applies to land in England.

- 4.2.18 It is likely that both the NPPF and the PPG will be revised once the BNG provisions in the Environment Act come into force.
- 4.2.19 The Environment Act (Schedule 14) allows planning authorities to ascertain a site's habitats and their condition on 30th January 2020 (when the Bill entered Parliament). Planning authorities could use aerial imagery or data sets from that time and can thus recognise any habitat degradation, such as clearance of a site, which has occurred since then. They can therefore take the earlier (pre-degradation) habitat state as the baseline value.
- 4.2.20 Natural England is developing the net gain sites register, which will be required under the new statutory provisions in the Environment Act. The register will include information about any site that is being used to deliver BNG. The register will be publicly accessible and detail the baseline biodiversity value of the delivery site and the expected future biodiversity value of that site. The register will also contain information about who owns the site, and it will enable such sites to be traced back to the individual development whose BNG requirement they are helping to fulfil.
- 4.2.21 The Environment Act 2021 includes a power (sections 112 and 113) for the Secretary of State to amend the Habitats Regulations for certain purposes. That power was brought into force in January 2022, although no changes have yet been proposed. The "Nature Recovery Green Paper", which among other things, sets out the changes the Government is likely to propose to the Habitats Regulations.
- 4.2.22 The Environment Act also includes provision for Natural England to introduce strategies for:
- a) improving the conservation status of any species of fauna or flora (section 109); and
  - b) improving the conservation and management of a protected site (a European site (which includes Special Areas of Conservation), an SSSI or a marine conservation zone) and managing the impact of plans, projects, or other activities (wherever undertaken) on the conservation and management of the protected site (section 110).
- 4.2.23 Section 109 is not yet in force, but section 110 was brought into force in January 2022.

- 4.2.24 Section 109 allows for Natural England to prepare and publish strategies for improving the conservation status of any species. These strategies could (among other things) identify features of importance for the conservation of a species, identify priorities for creation or enhancement of habitats and affect how consents or approvals may be granted (including planning consents by a local planning authority) where there could be an effect on the conservation status of a species in the area.
- 4.2.25 When preparing a protected site strategy under section 110, Natural England must consult with any local planning authority which exercises functions in respect of the area where the site is located or an area that may be affected by the strategy. Therefore, it would be advisable to consult the local planning authority or Natural England regarding whether there are any strategies being introduced by Natural England in respect of specific sites which may be relevant to the Scheme (e.g., the North Somerset and Mendip Bats SAC).
- 4.2.26 The strategies will set out how Natural England expects measures to be implemented to protect the site and mitigate any adverse impacts on the site caused by any project or other activity, including the actions it expects to take as a result.
- 4.2.27 The Environment Act 2021 and the Clean Air Strategy 2019 implement the requirements of the Framework Directives 96/62/EC and 2008/50/EC for ambient air quality and cleaner air for Europe.

#### **The Nature Recovery Green Paper<sup>4.8</sup>**

- 4.2.28 The Nature Recovery Green Paper outlines key remaining areas where change is required to meet nature recovery ambitions. It sets out changes the Government is likely to propose to the Habitats Regulations and indicates that a fundamental change is required to the way that Habitats Regulations Assessments are undertaken. It also proposes a reform to the current structure of sites (such as SSSIs, SPAs and SACs) and a change to the way that protected species licenses operate and are enforced.
- 4.2.29 The Nature Recovery Green Paper was published in March 2022 and will inform the Environmental Improvement Update expected to be published in 2023. It is not anticipated that there will be any change in law or policy pursuant to the Green Paper before the

planning application for the Scheme is determined.

#### **Climate Change Act 2008<sup>4.9</sup>**

- 4.2.30 This Act established a framework to develop an economically credible emissions reduction path that included committing the UK to have reduced its annual net CO<sub>2</sub> emissions to a level at least 100% lower than the level in 1990 by 2050. It also requires the UK to have reduced the net level of emissions of other listed greenhouse gases (“GHGs”) by at least 100% relative to the level in the year specified by the Act.

#### **The Air Quality Standards Regulations 2010<sup>4.10</sup>**

- 4.2.31 The Air Quality Standards Regulations 2010 implement the requirements of The Air Quality Directive 2008/50/EC in the UK. This sets maximum limits for a range of air pollutants, including nitrogen dioxide, present in ambient air at ground level and requires Member States which exceed these limits to adopt and implement air quality plans that detail the measures they will take to bring the pollution levels back within the limits as soon as possible. The regulations apply in England, except regulations 3(a), 23, 24, 25(4) and 32 which extend to the United Kingdom.
- 4.2.32 At UK level, there is also national legislation which is independent of and supplementary to the EU imposed framework. For example, Part IV of the Environment Act 1995 establishes local authority duties and air quality management areas and plans.

#### **The National Emission Ceilings Regulations 2018<sup>4.11</sup>**

- 4.2.33 The National Emission Ceilings Regulations 2018 implement the requirements of Directive 2016/2284/EU in the UK, relating to national emission ceilings for certain atmospheric pollutants. The regulations set national emission reduction commitments for five important air pollutants: nitrogen oxides (NO<sub>x</sub>), non-methane volatile organic compounds (NMVOCs), sulphur dioxide (SO<sub>2</sub>), ammonia (NH<sub>3</sub>) and fine particulate matter (PM<sub>2.5</sub>). These pollutants contribute to poor air quality, leading to significant negative impacts on human health and the environment.

#### **Natural Environment and Rural Communities Act 2006<sup>4.12</sup>**

- 4.2.34 The Natural Environment and Rural Communities (NERC) Act, 2006 requires that any public body or statutory undertaker in

England and Wales must have regard to the purpose of conservation of biological diversity in the exercise of their functions. This means the restoring or enhancing of species populations or habitats.

- 4.2.35 The Assent of the Environment Act 2021 means that Section 40 of NERC 2006 will be amended to include a requirement not only to conserve biodiversity but to enhance it. In addition, the Act will introduce a positive requirement on local authorities to consider on a regular basis what actions it can take to further the general biodiversity objective. Although, this part of the Environment Act (section 102) is not yet in force.

#### **Countryside Rights of Way Act 2000<sup>4.13</sup>**

- 4.2.36 This Act addresses public access to certain types of land, make provision for the management and protection of Sites of Special Scientific Interest (SSSI) and strengthens wildlife enforcement legislation. This legislation also covers Public Rights of Way.

#### **Wild Mammals (Protection) Act 1996<sup>4.14</sup>**

- 4.2.37 This Act operates in parallel with legislation listed above conferring specific protection on rare or threatened mammal species, by protecting all wild mammals from any actions intended to cause unnecessary suffering.

#### **Protection of Badgers Act 1992<sup>4.15</sup>**

- 4.2.38 This Act protects badgers against wilful killing, injury, ill treatment and disturbance in their setts, and prohibits interference with or obstruction of badger setts.

#### **Water Resources Act 1991<sup>4.16</sup>**

- 4.2.39 The Water Resource Act 1991 contains the primary provisions relating to the pollution from waste water, applicable to construction sites. See Chapter 13 for further details.

#### **Planning (Listed Buildings and Conservation Areas) Act 1990<sup>4.17</sup>**

- 4.2.40 This Act requires local authorities to designate areas of 'special architectural or historic interest' as Conservation Areas with the aim of preserving and enhancing their character and appearance.

4.2.41 Section 7 of the Planning (Listed Building and Conservation Areas) Act 1990 (LBCA Act) provides that, subject to the following provisions of the Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.

4.2.42 It should be noted that works associated with this Act are not anticipated it has been included for completeness.

#### **Environmental Protection Act 1990<sup>4.18</sup>**

4.2.43 This Act covers the assessment of contamination and pollution and required remediation. It requires that all waste would be stored, transported, treated, and disposed of safely without harming the environment in accordance with Waste Duty of Care requirements.

#### **Wildlife and Countryside Act 1981 (as amended)<sup>4.19</sup>**

4.2.44 The Wildlife and Countryside Act 1981 (as amended) (WCA) includes provisions relating to nature conservation in Great Britain. The act consolidates and amends existing national legislation to implement various EU conventions and directives. The WCA governs the designation and protection of Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs), and the protection of various floral and faunal species.

#### **Land Compensation Act 1973<sup>4.20</sup>**

4.2.45 For changes to a highway, the Land Compensation Act (1973) may apply and allows for homeowners to claim compensation to loss of property value as a result of new or altered public works.

#### **Agricultural Land (Removal of Surface Soil) Act 1953<sup>4.21</sup>**

4.2.46 This places restrictions on the removal of surface soil from agricultural land without planning permission.

#### **National Parks and Access to the Countryside Act 1949<sup>4.22</sup>**

4.2.47 This policy determines landscape designations such as AONB and local nature reserves.



### **The Conservation of Habitats and Species Regulations 2017 (as amended)<sup>4.23</sup>**

- 4.2.48 The UK's habitats regime derives from the European Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ("the Habitats Directive") and Directive 2009/147/EC on the conservation of wild birds ("the Birds Directive"). Those Directives were implemented into English law by the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations"). These regulations provide for the protection of European protected species as listed in the EC Habitats Directive and the EC Birds Directive and the designation and protection of 'European sites' for the presence of certain species and habitats listed in these directives.
- 4.2.49 Following Brexit, the habitats regime has become part of retained EU law, with limited amendments being made to the Habitats Regulations. The Habitats Regulations therefore continue to apply protection to designated European Sites (fully designated SACs, Sites of Community Importance (SCIs) listed by the European Commission under the Habitats Directive or submitted to the European Commission as eligible for selection as a SCI before exit day, and classified Special Protection Areas (SPAs)).

### **The Environmental Damage (Prevention and Remediation) (England) Regulations 2015 (as amended)<sup>4.24</sup>**

- 4.2.50 Council Directive 2004/35/EC on environmental liability regarding the prevention and remedying of environmental damage was implemented in England and Wales via The Environmental Damage (Prevention and Remediation) Regulations 2009 (now the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 (as amended)).
- 4.2.51 The regulations cover environmental damage to the species and habitats protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Under these regulations, enforcing authorities must determine whether environmental damage has occurred, and decide on appropriate remedial measures for its reversal, for which the operator will be legally and financially responsible.

**The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017<sup>4.25</sup>**

- 4.2.52 To enable the objectives of the Water Framework Directive to be met, the measures were transposed into national law. These were implemented through The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 in England and Wales (now The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017).
- 4.2.53 These regulations aim to prevent deterioration of the water environment and improve water quality by managing water in natural river basin districts, rather than by administrative boundaries.

**The Hazardous Waste (England and Wales) Regulations 2005 (as amended)<sup>4.26</sup>**

- 4.2.54 These regulations require development sites to classify waste to check if it's hazardous; separate and store hazardous waste safely; and check that waste carriers are registered, and waste sites are permitted.

**Town and Country Planning (Tree Preservation) (England) Regulations 2012<sup>4.27</sup>**

- 4.2.55 This legislation recognises the value of specific trees, groups of trees or woodlands in the interests of amenity. In order to protect these trees. A Tree Preservation Order is an order made by local planning authority.
- 4.2.56 An order prohibits the cutting down, topping, lopping, uprooting, wilful damage, and wilful destruction of trees without the local planning authority's written consent.

**The Waste (England and Wales) Regulations 2011<sup>4.28</sup>**

- 4.2.57 These regulations implement the revised EU Waste Framework Directive 2008/98 which sets requirements for the collection, transport, recovery, and disposal of waste. Ultimately, The Waste (England and Wales) Regulations 2011 require businesses to confirm that they have applied the waste management hierarchy when transferring waste and include a declaration to this effect on their waste transfer note or consignment note.

**The Controlled Waste (England and Wales) Regulations 2012 (as amended)<sup>4.29</sup>**

- 4.2.58 The Controlled Waste Regulations (England and Wales) 2012 states that household, industrial and commercial waste are classed as controlled waste and are subject to the Environmental Protections Act 1990. These regulations require businesses to confirm that they have applied the waste management hierarchy when transferring waste and to include a declaration on their waste transfer note or consignment note.

**The Environmental Permitting (England and Wales) Regulations 2010<sup>4.30</sup>**

- 4.2.59 These regulations require site operators to obtain an environmental permit or exemption from permitting, for certain activities involving the use, treatment, disposal, waste or storing of waste.

**The Environmental Noise (England) Regulations 2006 (as amended)<sup>4.31</sup>**

- 4.2.60 These regulations have been introduced into the UK to implement the Assessment and Management of Environmental Noise Directive 2002/49/EC. This Directive relates to the assessment and management of environmental noise in EU Member States. The production of strategic noise maps and action plans are legal requirements set out in the Environmental Noise (England) Regulations.

**The Noise Insulation Regulations (1975)<sup>4.32</sup>**

- 4.2.61 The Noise Insulation Regulations were made in accordance with the Land Compensation Act 1973 and make provision for the insulation of buildings against noise from traffic using new and altered highways. They also impose duties on highway authorities to carry out sound insulation work, issue grants for such work and insulate buildings against construction noise.

**The Hedgerow Regulations (1997)<sup>4.33</sup>**

- 4.2.62 The Hedgerow Regulations aim to protect important hedgerows in the countryside by controlling their removal through a system of notification. It applies to hedgerows over 20 metres long, or which meet another hedgerow at each end. The Regulations set out criteria that must be used by local authorities in determining

which hedgerows are important.

**The Town and Country Planning (Development Management Procedure) (England) Order 2015<sup>4.34</sup>**

- 4.2.63 This Order consolidates the Town and Country Planning (Development Management Procedure) (England) Order 2010 and 15 subsequent amending instruments. The order sets out the process for handling the planning application process. In relation to planning applications, planning consultations, determination, appeals, local development orders, certificate of lawful use or development and the maintenance of planning application registers.

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## 4.3 Planning Policy

### National Policy Context

#### National Planning Policy Framework (2021)<sup>4.35</sup>

- 4.3.1 The National Planning Policy Framework (NPPF) 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.
- 4.3.2 On 9 June 2022 the housing secretary Michael Gove on behalf of the Government announced a new draft of the NPPF will be published in July 2022. This application has only considered the latest adopted version of the NPPF (July 2021).
- 4.3.3 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.
- 4.3.4 At the heart of the NPPF is a presumption in favour of sustainable development where the proposal accords with the local development plan (North Somerset Development Plan (2021 - 2026)).
- 4.3.5 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.
- 4.3.6 It also aims to deliver a sufficient supply of homes, building a strong competitive economy, promoting healthy and safe communities, and promoting sustainable transport.
- 4.3.7 The Government has recently indicated that it is considering amendments to the NPPF to strengthen policies on climate change mitigation and adaptation as fully as possible.
- 4.3.8 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.

4.3.9 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:

- a) 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.
- b) 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.
- c) 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.

4.3.10 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.

- 4.3.11 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.
- 4.3.12 Paragraph 177 states “When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest”.
- 4.3.1 As set out in paragraph 177 of the NPPF, the key tests when considering development within the AONB include:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 4.3.2 Paragraph 179 states that “To protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.
- 4.3.3 Paragraph 180 states that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are

wholly exceptional reasons and a suitable compensation strategy exists”.

- 4.3.4 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*:
- a) 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.
- 4.3.5 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.
- 4.3.6 NPPF paragraph 202 states “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.
- 4.3.7 Paragraph 203 goes on to state “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

#### **Planning Practice Guidance<sup>4.36</sup>**

- 4.3.8 Planning Practice Guidance (PPG) is the guidance accompanying the NPPF and provides an additional layer of information to policies within the NPPF. It provides guidance for a range of topics, including a number relevant to the Scheme:
- a) Design - This guidance provides advice on the key points to consider when designing proposals.



- b) Flood Risk and Coastal Change - Provides advice on how planning can take account of the risks associated with flooding and coastal change in plan-making and the application process.
- c) Environmental Impact Assessment - Explains requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- d) Natural Environment - Explains key issues in implementing policy to protect biodiversity, including local requirements.
- e) Tree Preservation Orders and trees in conservation areas - Explains the legislation governing Tree Preservation Orders and tree protection in conservation areas.
- f) Conserving and Enhancing the Historic Environment – Advises on the need to protect and enhance the historic environment in a manner appropriate to its significance.
- g) Noise - This provides guidance on the application of government noise policy. This document reaffirms the effect levels set out in the Noise Policy Statement for England (NPSE).
- h) Light Pollution - Advises on how to consider light within the planning system (relevant considering Dark Night Skies and Light Pollution Position Statement for the Mendip Hills).
- i) Air Quality - This provides guidance on how planning can take account of the impact of new development on air quality.
- j) Climate change - Advises how to identify suitable mitigation and adaptation measures in the planning process to address the impacts of climate change.
- k) Open space, sports and recreation facilities, public rights of way and local green space - Gives key advice on open space, sports and recreation facilities, public rights of way and the new Local Green Space designation.

### **Waste Management Plan for England 2021<sup>4.37</sup>**

- 4.3.9 European Waste Framework Directive 2008/98/EC was implemented in England via the Waste Management Plan for England 2013, (now the Waste Management Plan for England 2021).
- 4.3.10 The Waste Management Plan for England is an analysis of the current waste management situation in England and sets out obligations. The plan brings current waste management policies together under one national plan.

**National Planning Policy for Waste (2014)<sup>4.38</sup>**

- 4.3.11 This policy requires local planning authorities to ensure that the likely impact of non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and / or the efficient operation of such facilities. It also requires that the handling of waste arising from the construction and operation of development maximises reuse / recovery opportunities and minimises off-site disposal.

**Noise Policy Statement for England (2010)<sup>4.39</sup>**

- 4.3.12 The NPSE contains the high-level vision of promoting good health and good quality of life (well-being) through the effective management of noise.

**Net Zero Strategy: Build Back Greener (2021)<sup>4.40</sup>**

- 4.3.13 This is a new policy document published by the department for Business, Energy & Industrial Strategy (BEIS) in October 2021. It sets out sets out policies and proposals for decarbonising all sectors of the UK economy by 2050. The strategy includes reference to the reform of local transport infrastructure and a forthcoming Local Authority Toolkit to help local authorities reduce emissions from transport. The strategy indicates that as part of the Government's programme of planning reform it intends to review the NPPF to make sure it contributes to climate change mitigation and adaptation as fully as possible.

**National Policy Statement for National Networks (2014)<sup>4.41</sup>**

- 4.3.14 The National Networks National Policy Statement (NN NPS) sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects (NSIPs) on the national road and rail networks in England. It provides planning guidance for promoters of NSIPs on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
- 4.3.15 Although the Scheme is not a NSIP, due to the nature of the development the assessment of the Scheme should have regard to key policies of the NN NPS in terms of the requirements to consider climate change. The NN NPS provides the most robust

policy framework available for undertaking this assessment given the sparsity of directly applicable policy in the NPPF. The Government has announced that the NN NPS is currently being reviewed in light of the Government's net zero commitments.

## Regional Policy Context

- 4.3.16 This section sets out relevant ambitions, objectives, and projects within the West of England. The West of England Combined Authority (WECA) consists of Bath & North East Somerset, Bristol and South Gloucestershire. WECA provides support to the West of England LEP Board and to the West of England Joint Committee, which includes NSC. WECA has a specific role and remit to help unlock any barriers which are slowing housing delivery and to plan and prioritise investment in infrastructure.

### **Joint Local Transport Plan 4: 2020 – 2036, 2020<sup>4.42</sup>**

- 4.3.17 The Joint Local Transport Plan 4 (JLTP4) is led by the West of England Combined Authority, working with Bath & North East Somerset, Bristol, North Somerset and South Gloucestershire councils. The JLTP4 is an early investment scheme and sets out the plan for a well-connected, sustainable transport network up to 2036.
- 4.3.18 Emissions from transport, including freight, is one of the largest contributors to greenhouse gas and CO<sub>2</sub> emissions (approximately 44%) in the region and it is not reducing in line with other emissions (West of England Climate and Ecological Strategy and Action Plan 2022<sup>4.89</sup>). Furthermore, population growth means that car trips are expected to increase. The JLTP4 aims to ensure that transport CO<sub>2</sub> emissions are Net Zero by 2030. To deliver the scale of change needed on transport, significant modal shift from private cars is vital, with a 40% reduction in car mileage required to meet the 2030 objectives.
- 4.3.19 The objectives will be delivered by:
- a) Reducing the number of car trips and freight journeys.
  - b) Promoting mode shift to sustainable alternatives.
  - c) Increasing cycling and walking.
  - d) Increasing uptake of low carbon vehicles including electric vehicles.
  - e) Increasing the uptake of public transport.

Figure 5.1 of the Plan sets out the strategy for improving connectivity (see Image 4-1).

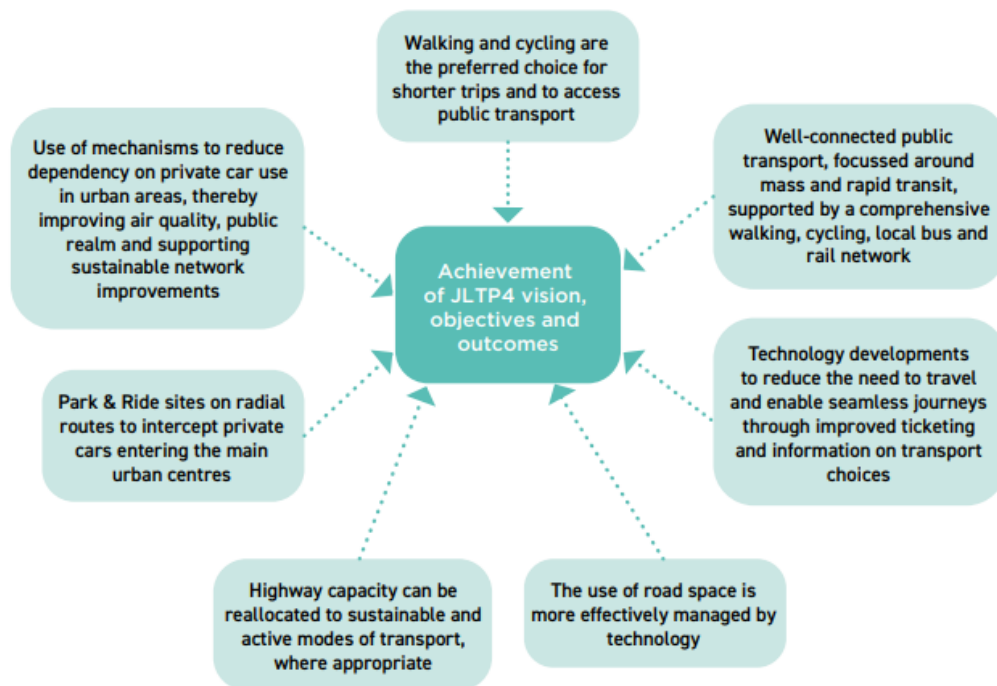


Image 4-1 Joint Local Transport Plan 4 – Strategy for improving connectivity.

4.3.20 Banwell Bypass is identified as an early investment scheme under development, within the Plan. It specifically states:

“The bypass, which will pass to the north of Banwell village, will link the A371 and A368. These two A roads currently meet in the narrow village centre, in the heart of the Banwell Conservation Area. The historic narrow streets of West Street, East Street and Church Street are inappropriate and are of insufficient widths to accommodate cars passing each other, let alone when HGVs, coaches and school buses meet. As a result, air quality is poor and the perceived safety of pedestrians and cyclists even worse. Congestion has been a problem for decades with moderate worsening of queueing over the past 15 years. All of this has limited the economic and social vitality of the village centre. The bypass will 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.”

## Local Policy Context

4.3.21 The following sections have been identified as the relevant local planning policy documents for the assessment of the Scheme. The proposal is seeking express planning permission under the Town and Country Planning Act (TCPA) 1990 regime.

4.3.22 The Scheme is entirely within NSC Local Authority boundary.

### **North Somerset Council Core Strategy, 2017<sup>4.43</sup>**

4.3.23 NSC’s Core Strategy was published in January 2017 and sets the broad long-term vision, objectives, and strategic planning policies for North Somerset up to 2026.

4.3.24 The Core Strategy has developed a number of strategic and local visions. The visions of most relevance to the Scheme include:

#### Vision 1 North Somerset Vision

“By 2026 North Somerset will be a more prosperous district, with reduced inequalities throughout. Its coastal and rural setting underpinned by a rich heritage will strongly influence new development. Development will respond to the challenge of climate change, the move to more sustainable energy use and be characterised by high quality design that contributes to creating successful, thriving places.

Weston-super-Mare will be established as a major economic centre catering for the employment, retail, social and leisure needs of its population whilst attracting visitors to support this role. New development areas will be established, creating mixed-use communities with a distinct sense of place valued for their high standards of sustainability, quality of life and inspired design.

Clevedon, Nailsea and Portishead will increasingly support their populations and play less of a dormitory role. The villages will cater for rural needs with their character and that of the

open countryside protected from intrusive development.

The future planning of Royal Portbury Dock and Bristol Airport will be guided by the need to balance the advantages of economic growth with the need to control the impacts on those who live nearby and on the natural environment.”

### **Vision 6 Service Villages Vision<sup>4.44</sup>**

“By 2026 the Service Villages will become thriving rural communities and a focal point for local housing needs, services and community facilities. They will become more self-contained in terms of providing jobs and serving the local and surrounding community for all their day-to-day needs, whilst protecting their individual character.”

4.3.25 A review of the associated Policies Map has identified the following key considerations for the Scheme, where appropriate, distances have been provided from the West Street / High Street / Castle Hill / East Hill junction unless within Banwell or directly adjacent:

- a) Banwell settlement boundary;
- b) Allocation for a principal strategic development area to comprise proposed Weston Villages, as part of the Draft Weston Villages Masterplan framework - 2.45km to the north west of Banwell;
- c) Potential area for residual waste treatment facilities, as part of the West of England Joint Waste Core Strategy – 2.1km to the north west of Banwell;
- d) Banwell Bypass – to the north of Banwell and between East Street and Castle Hill;
- e) Wolvershill Road Banwell Widening – 1.3km north west of Banwell;
- f) Yatton/ Congresbury/ Churchill/Winscombe & Sandford: Cheddar Valley Railway Route (PRoW, pedestrians and cyclists) -1.8km to the north east of Banwell;
- g) Banwell Retail Local Centre – within Banwell;
- h) Banwell Recreation Ground, Local Green Space – within Banwell;
- i) Riverside Green, Local Green Space – adjacent to Banwell;
- j) Proposed sites for new residential development:
  - East of Wolvershill Lane – adjacent to Banwell.

- Status April 2017 – outline planning consent subject to legal agreement, capacity remaining: 44
- F Sweeting and Son site, Station Road, Sandford – 1.6km north east of Banwell.
  - Status April 2017 – no current consent, capacity remaining: 16
- Broadleaze Farm, Winscombe – 1.9km south east of Banwell.
  - Status April 2017 – no current consent, capacity remaining: 74
- Land at Shipham Lane, Winscombe – 2.1km south east of Banwell
  - Status April 2017 – no current consent, capacity remaining: 28
- Land at Coombe Farm, Winscombe – 2.2km south east of Banwell
  - Status April 2017 – no current consent, capacity remaining: 28
- Woodborough Farm, Winscombe – 2.3km south east of Banwell
  - Status April 2017 – outline planning consent subject to legal agreement, remaining capacity: 175
- The Chestnuts, south of Sidcot Lane, Winscombe – 2.9km south east of Banwell.
  - Status April 2017 – full planning permission, capacity remaining: 24
- Land north of Greenhill Road, Sandford – 2.5km north east of Banwell.
  - Status April 2017 – outline planning permission, capacity remaining: 118
- Parklands Village (former RAF Locking site) – 2.4km north west of Banwell.
  - Status April 2017 – part full consent, part outline, part no consent, capacity remaining: 2,679
- Junction 21 Enterprise Area – 2.1km west of Banwell.
- Employment and residential sites in Weston Villages – 2.2km west of Banwell.

k) Environmental constraints:

- Greater Horseshoe Bats Habitat, North Somerset & Mendip Bats - encompassing Banwell and surrounding area.
- Banwell Conservation Area – within Banwell.
- Scheduled Monument, Romano – British villa – within Banwell.
- Scheduled Monument, a Roman Camp, with later pillow mound of post medieval date, in Banwell Woods – 455m south east of Banwell.
- Scheduled Monument, Banwell Camp: a large multivallate hillfort on Banwell plain – 860m east of Banwell.
- Scheduled Monument, Roman Building – Roman settlement and associated industrial remains and field system north east of Winthill Farm – 550m south west of Banwell.
- Wildlife Site, River Banwell – within Banwell.
- Wildlife Site, Banwell Wood – 320m to the south east of Banwell.
- Wildlife Site, Fields from Whitley Head to Winthill House – 580m south west of Banwell.
- Wildlife Site, Banwell Hill – 650m south west of Banwell.
- Wildlife Site, Towerhead Brook (part of) and adjacent land – 1.7km north east of Banwell.
- Mendip Hills Area of Outstanding Natural Beauty – south of Banwell.
- Wildlife Site of International Importance, Special Area of Conservation – 660m to the east of Banwell.
- Wildlife Site of International Importance (Special Area of Conservation) – 1.5km south west of Banwell.
- Banwell Ochre Caves, Site of Special Scientific Interest – 660m to the east of Banwell.
- Banwell Caves, Site of Special Scientific Interest – 1.5km south west of Banwell.
- Banwell Castle, Unregistered Historic Park or Garden – 420m to the south east of Banwell.
- Banwell Caves, Unregistered Historic Park or Garden – 950m south west of Banwell.
- Regionally Important Geological Site, Great Maple Mine and Banwell Levy – 950m south west of Banwell.



4.3.26 Those policies of particular relevance to the Banwell Bypass Scheme are shown in Table 4-1

Table 4-1 Summary of adopted policies from the North Somerset Core Strategy

Policy Reference	Key Considerations
<b>CS1: Addressing climate change and carbon reduction</b>	<p>Policy CS1 focuses on NCC's commitment to reducing carbon emissions and tackling climate change.</p> <p>Development should demonstrate a commitment to reducing carbon emissions.</p> <p>Biodiversity should be protected and enhanced including species and habitats that are characteristic of the area, in order to support adaptation to climate change. This should be achieved through on and off-site measures, as well as the reduction or preferably elimination of any adverse impacts.</p> <p>Waste should be minimised by reduction, re-use and recycling waste.</p> <p>Areas will be enhanced to be resilient to the impacts of climate change including flood defence and public realm enhancements including the integration of effective shading through, for example, tree planting.</p> <p>Development should demonstrate water efficiency measures to reduce demand on water resources.</p> <p>A network of green space for wildlife and habitat protection, recreation and environmental reasons should be actively enhanced through new development.</p>
<b>CS2: Delivering sustainable design and construction</b>	<p>Policy CS2 focusses on NSC's commitment to sustainable design and construction, increasing energy efficiency through design and prioritising the use of sustainable low or zero carbon forms of renewable energy generation in order to increase the sustainability of the building stock across North Somerset.</p> <p>The greatest potential for energy saving opportunities is likely to be at larger scale developments particularly at the Weston Villages and Weston town centre. In addition these areas are expected to demonstrate exemplar environmental standards contributing to the objectives of Policy CS1, and adding value to the local economy.</p> <p>Development requires the application of best practice in Sustainable Drainage Systems to reduce the impact of additional surface water run-off from new development. Such environmental infrastructure should be integrated into the design of the scheme and into landscaping features, and be easily maintained.</p> <p>In moving towards zero carbon development, applicants will ensure that sustainable principles are established in the new proposals from the outset.</p>

Policy Reference	Key Considerations
<b>CS3: Environmental impacts and flood risk assessment</b>	<p>Individual or cumulative development that would result in air, water or other environmental pollution of harm to amenity, health or safety will only be permitted if the potential adverse effects would be mitigated to an acceptable level.</p> <p>Development in Zones 2 or 3 of the Environment Agency Flood Map will only be permitted where it is demonstrated that it complies with the sequential test set out in the National Planning Policy Framework and associated technical guidance and, where applicable, Exceptions Test, unless it is:</p> <p>Development of a category for which National Planning Policy Framework and associated technical guidance makes specific alternative provision; or</p> <p>Development of the same or a similar character and scale as that for which the site is allocated, subject to demonstrating that it will be safe from flooding, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.</p> <p>The Environment Agency Flood Map places small areas around Banwell in Flood Zone 2.</p> <p>A Flood Risk Assessment (FRA) will be required for planning applications proposing development in flood zone 2. Developers should have regard to the National Planning Policy Framework, accompanying Technical Guidance and the Environment Agency's Policy and Practice for the Protection of Flood Plains. Information contained in the North Somerset Strategic Flood Risk Assessment should be the starting point.</p>

Policy Reference	Key Considerations
<b>CS4: Nature Conservation</b>	<p>Biodiversity will be maintained and enhanced in North Somerset. New development will do this by:</p> <p>Seeking to meet local and national Biodiversity Action Plan targets taking account of climate change and the need for habitats and species to adapt to it.</p> <p>Maximising benefits to biodiversity, incorporating, safeguarding and enhancing natural habitats and features and adding to them where possible.</p> <p>A net loss of biodiversity should be avoided, and a net gain achieved where possible.</p> <p>Protect, connect and enhance important habitats, particularly designated sites, ancient woodlands and veteran trees.</p> <p>Promoting the enhancement of existing and provision of new green infrastructure of value to wildlife.</p> <p>Promoting native tree planting and well targeted woodland creation, and encouraging retention of trees.</p> <p>Natura 2000 sites are statutorily protected under the Habitats Regulations. Habitats Regulation Assessment (HRA) is required to investigate whether proposals, alone or in combination, are likely to have a significant effect on Natura 2000 sites.</p> <p>Ecological surveys will need to be carried out, and the planning application should include the submission of a biodiversity impact assessment.</p>
<b>CS5: Landscape and the historic environment</b>	<p>NSC will protect and enhance the landscape and historic environment.</p> <p>Close regard will be paid to the character of National Character Areas and particularly the landscape types and character areas identified in the North Somerset Landscape Character Assessment.</p> <p>The Mendip Hills Area of Outstanding Natural Beauty (AONB), to the south of Banwell, will be protected by ensuring that development proposals conserve and enhance its natural beauty and respect its character, taking into account the economic and social well-being of the area.</p> <p>Particular attention will be given to aspects of the historic environment which contribute to the distinctive character of North Somerset.</p>
<b>CS7: Planning for waste</b>	<p>Policy CS7 supports NSC's commitment to the prevention and minimisation of waste and the sustainable management of waste, reducing reliance on landfill. That includes a reduction, re-use, recycling and composting of waste, and recovery of materials and energy from waste, in line with the Joint Waste Core Strategy for the West of England.</p> <p>Proposals for waste-related development and the location of waste management facilities will be subject to policies in the Joint Waste Core Strategy and detailed development management policies to be established in the Sites and Policies Development Plan Document.</p>

Policy Reference	Key Considerations
<b>CS9: Green Infrastructure</b>	<p>Policy CS9 states that the existing network of green infrastructure will be safeguarded, improved and enhanced by further provision. North Somerset Council will give priority to:</p> <ul style="list-style-type: none"> <li>The protection and planting of trees.</li> <li>The promotion of the north slopes of the Mendip Hills AONB as sub-regional corridors for biodiversity, recreation and landscape retention.</li> <li>The promotion of the River Banwell as a local corridor for biodiversity and landscape enhancement.</li> <li>The connection of disjointed woodlands, particularly ancient and semi-natural woodland.</li> <li>The continued development of a network of green spaces, water bodies, paths and cycleways and bridleways in and around the urban areas.</li> <li>The management, maintenance, upgrading and extension of the public rights of way network.</li> </ul>
<b>CS10: Transportation and movement</b>	<p>Development proposals that encourage an improved an integrated transport network and allow for a wide choice of mode of transport as a means of access to jobs, homes, service and facilities will be encouraged and supported.</p> <p>Transport schemes should:</p> <ul style="list-style-type: none"> <li>Enhance facilities for pedestrians, including those with reduced mobility, and other users such as cyclists.</li> <li>Deliver better local bus, rail and rapid transit services in partnership with operators.</li> <li>Develop innovative and adaptable approaches to public transport in the rural areas of the district.</li> <li>Improve road and personal safety and environmental conditions.</li> <li>Reduce the adverse environmental impacts of transport and contribute towards carbon reduction.</li> <li>Mitigate against increased traffic congestion.</li> <li>Improve connectivity within and between major towns both within and beyond North Somerset</li> <li>Support the movement of freight by rail.</li> </ul> <p>Banwell Bypass is identified as a proposal within the policy.</p> <p>North Somerset Council state that while it is recognised that car use will remain a convenient, attractive and in many areas, essential mode of travel, the approach seeks ways to minimise harm to the environment through good quality design and to encourage alternatives to single occupancy car commuting.</p>

Policy Reference	Key Considerations
<b>CS12: Achieving high quality design and placemaking</b>	<p>New development should function well, support sustainable land uses and seek to improve the image of the area.</p> <p>Development proposals will be required to demonstrate sensitivity to the existing local character and should take the opportunity to enhance the sense of place and local identity. Where existing design characteristics are not considered of high quality, new development should enhance the area.</p> <p>Development proposals should maintain and enhance the historic environment.</p> <p>Creation of safe environments by designing out crime – natural surveillance, visible streets and open spaces, lighting and other security measures. Achieving Secured by Design certification will help to demonstrate how designing out crime has been taken into account.</p> <p>Proposals will be required to demonstrate quality design through a Design and Access Statement including the process of design thinking from concept to final scheme.</p>
<b>CS13: Scale of new housing</b>	Policy CS13 states that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 20,985 dwellings within North Somerset 2006-2026, with the appropriate level of new homes reviewed by 2018.
<b>CS14: Distribution of new housing</b>	Policy CS14 states that at service villages, there will be opportunities for small-scale development of an appropriate scale either within or abutting settlement boundaries or through site allocations.
<b>CS15: Mixed and balanced communities</b>	Policy CS15 focuses on the provision of mixed and balanced communities through a range of new housing.
<b>CS16: Affordable housing</b>	Policy CS16 states that on-site affordable housing provision will be sought to meet local needs on all residential developments of 10 dwellings or more (on sites of 0.3 hectare or above).
<b>CS26: Ensuring safe and healthy communities</b>	<p>A Health Impact Assessment (HIA) will be required for all large scale developments, to assess how the development will contribute to improving the health and well-being of the local population.</p> <p>Development proposals should promote active living through creating places that are easily accessible, attractive and safe to move around by walking or cycling.</p>

Policy Reference	Key Considerations
<b>CS27: Sport, recreation and community facilities</b>	Existing facilities will be safeguarded from alternative use unless suitable alternative facilities can be made available, or the existing facilities are surplus to requirements.
<b>CS32: Service villages</b>	<p>New development within or adjoining the settlement boundary of Banwell which enhances the overall sustainability of the settlement will be supported where:</p> <p>The design is high quality, respects and enhances the local character, contributes to place making and the reinforcement of local distinctiveness, and can be readily assimilated into the village.</p> <p>It is appropriate to its context and makes a positive contribution to the local environment and landscape setting.</p> <p>The location of development maximises opportunities to reduce the need to travel and encourages active travel modes and public transport.</p> <p>It demonstrates safe and attractive pedestrian routes to facilities within the settlement within reasonable walking distance.</p>
<b>CS34: Infrastructure delivery and development contributions</b>	Policy CS34 deals with the contributions required toward the cost of infrastructure from developers.

### Sites and Policies Plan Part 1: Development Management Policies (July 2016)<sup>4.45</sup>

4.3.27 The development management policies are used when assessing a range of planning applications and development proposals. The document does not contain site allocations, which are detailed in Part 2, but instead focuses on a broad range of development issues such as major transport schemes, development in the countryside and environmental issues.

4.3.28 The plan was adopted by full Council on 19 July 2016. Those policies of particular relevance are shown in Table 4-2

Table 4-2 Summary of adopted policies from the Sites and Policies Plan Part 1: Development Management Policies (July 2016)

Policy Reference	Key Considerations
<b>DM1: Flooding and drainage</b>	Aims to discourage inappropriate development in flood risk areas and to ensure that the impact of new development on flooding is fully taken into account. SuDS are expected for all major developments; alternatives will only be permitted where SuDS are impractical or would compromise the scheme viability and the alternative does not conflict with national planning policy.
<b>DM3: Conservation Areas</b>	Seeks to protect conservations areas and their setting from inappropriate development.
<b>DM4: Listed Buildings</b>	Seeks to protect listed buildings and their setting from inappropriate development.
<b>DM6: Archaeology</b>	Seeks to ensure that new development will not significantly impact on archaeological remains or their setting.
<b>DM7: Non-designated heritage assets</b>	Seeks to protect non-designated heritage assets and their setting from inappropriate development.
<b>DM8: Nature Conservation</b>	Seeks to protect and enhance biodiversity, particularly on sites of recognised nature conservation interest. To protect trees, hedges and other landscape features of amenity value and to secure suitable replacements in instances where their loss is justified.

Policy Reference	Key Considerations
<b>DM9: Trees and Woodlands</b>	This policy seeks to incorporate existing trees and wooded areas into design proposals where practical and ensure that the planting of new trees is properly designed and adequately maintained in the longer term and recognise the place-making quality of trees.
<b>DM10: Landscape</b>	Includes provisions to ensure that development proposals will not adversely affect designated landscape character within the district including both nationally registered and unregistered Historic Parks and Gardens. Development will also be required to be carefully integrated into the environment, conserve and enhance vegetation characteristic, respect the historic landscape and include appropriate landscaping and boundary treatments
<b>DM11: Mendip Hills Area of Outstanding Natural Beauty (AONB)</b>	Seeks to conserve and, where possible, enhance the landscape and scenic beauty of the AONB. Development which would have an adverse impact on the landscape, setting and scenic beauty of the Mendip Hills AONB, including views into and out of the AONB, will not be permitted unless in exceptional circumstances and where it can be demonstrated that it is in the public interest. All development will be controlled and conditioned to ensure it would minimise the harm to the natural beauty of the AONB. Outdoor lighting schemes will not be permitted in the AONB unless it has been demonstrated that there will be no adverse impact from obtrusive light. Particular care will be taken in those parts of the AONB where dark skies are an important feature of the area. Wherever possible new roads and major infrastructure proposals should be kept away from the AONB and, where they would be likely to affect it, proposals should demonstrate the need for development and that the siting and design would do as little damage to the environment as practicable.
<b>DM19: Green Infrastructure</b>	Seeks to provide Green Infrastructure for large-scale proposals in locations where there is a local of green infrastructure or opportunities to create or improve green networks, will be required to contribute to the quality of the environment, through the creation of high quality well designed and accessible green infrastructure.
<b>DM20: Major Transport Schemes</b>	Seeks to protect proposed major transport schemes from inappropriate development and show the safeguarded areas on the Policies Map. Including Banwell Bypass.
<b>DM24: Safety, traffic and provision of infrastructure, etc. associated with development</b>	Seeks to ensure that new development will not have an unacceptable impact on highway safety or inhibit necessary access for emergency, public transport, service or waste collection vehicles. Development proposals will need to incorporate measures to mitigate the impact of development which would give rise to a significant detrimental impact on travel patterns or exacerbates existing transport problems.



Policy Reference	Key Considerations
<b>DM25: Public rights of way, pedestrian and cycle access</b>	Seeks to protect and enhance the existing public rights of way network and strategic cycle routes and ensure the provision of new and improved multi-user routes connecting with new developments.
<b>DM26: Travel Plans</b>	Seeks to encourage the preparation and effective implementation of travel plans to improve the sustainability of development proposals. Travel Plans will be required for all developments which generate significant amounts of movement.
<b>DM28: Parking Standards</b>	Identifies that development proposals should meet the Council's standards for the parking of motor vehicles and bicycles. Where development is not covered by these standards, assessment will be carried out according to individual circumstances with regard being given to the provisions of any submitted Travel Plan.
<b>DM29: Car Parks</b>	Aims to ensure that new development is provided with adequate parking, which meets the needs of intended users and that parking problems are not created or exacerbated in the surrounding area.

Policy Reference	Key Considerations
<b>DM32: High quality design and place making</b>	<p>Policy DM32 seeks to ensure the design of new development should contribute to the creation of high quality, distinctive, functional and sustainable places.</p> <p>The design and planning of development proposals should demonstrate sensitivity to the local character, including the setting, and enhance the area taking into consideration any specific opportunities present. Design solutions should seek to enhance local distinctiveness and contribute to the creation of a sense of place and identity.</p> <p>Proposals that reflect community aspirations and values will be encouraged. Proposals which cause unacceptable harm to the character or appearance of the area will not be permitted. The council will seek to maximise the economic use of current or former publicly-owned land.</p> <p>The design should take account of the siting, soft and hard landscaping, levels, density, form, scale, height, massing, detailing, colour and materials are appropriate and respect the characteristics of the site and surroundings and are appropriate to its use and position within the landscape and / or townscape.</p> <p>The site must integrate with the surrounding fabric including streets, paths and cycle ways, continuing successful local development patterns and creating an interconnected public realm.</p> <p>The design and layout should not prejudice the living conditions for the occupiers of the proposal or that of adjoining occupiers through loss of privacy, overlooking, overshadowing, or overbearing impact.</p> <p>The design should help to reduce water and energy consumption. The design facilitates inclusive access to all and the need to deter crime and enhance security. Where relevant, recommendations of a Design Review Panel have been taken into consideration.</p> <p>Account should be taken of potential adverse weather conditions particularly in relation to the likely impacts of future climate change.</p> <p>Provision is made for the storage of waste and recycling materials in locations that would not harm local amenity and that enable collection from the public highway. Management plans should be submitted for the long-term maintenance of all shared public and private spaces and facilities.</p> <p>Proposals for lighting schemes should not be obtrusive. They should not have a demonstrably harmful impact on the living conditions of neighbours, significantly increase sky glow, cause glare or light trespass or impact on biodiversity.</p>

Policy Reference	Key Considerations
<b>DM33: Inclusive access into non-residential buildings and spaces</b>	<p>Policy DM33 focusses on the design of buildings and spaces which must provide access for everyone who may wish to use a building, facility or area of open space on an inclusive basis. Designs should make no physical distinction between the people who are able to use them.</p> <p>Where there are genuine barriers to designs incorporating a group of people's needs specific alternatives must be put in place. Alternatives must maintain an equal standard of service in a dignified and appropriate manner.</p> <p>It must be demonstrated in supporting documents such as the Design and Access Statement that inclusive access arrangements have been taken into account and included in the design solution.</p>
<b>DM52: Equestrian Development</b>	<p>Seeks equestrian development to protect the distinctive landscape, heritage and wildlife assets of North Somerset and ensuring that any new building which is permitted meets very high design standards and respects the landscape and its rural setting.</p>
<b>DM68: Protection of sporting, cultural and community facilities</b>	<p>Protection of existing land and sites and development only allowed where certain conditions apply. Designated community assets shall be retained in community use.</p>
<b>DM70: Development infrastructure</b>	<p>Policy DM70 ensures the design and implementation of development infrastructure including highways, street lighting, flood management, play areas and green infrastructure will take into account its long-term maintenance and associated costs.</p>

Policy Reference	Key Considerations
<b>DM71: Development contributions, Community Infrastructure Levy and viability</b>	<p>Policy DM71 focusses on planning obligations, Community Infrastructure Levy (CIL) and viability. Planning obligations will be entered into in order to mitigate the impacts of a development proposal. These obligations will be formalised through a Section 106 Agreement forming part of a planning approval, are legally binding and may include financial and / or non-financial obligations that bind on a specific parcel of land.</p> <p>Section 106 Agreements will be sought in line with the appropriate regulations and will seek to deliver or address matters that are necessary to make the development proposal acceptable in planning terms and to ensure that new development is supported by the necessary investment in and / or provision of infrastructure and services to meet any additional demand.</p> <p>A CIL Charging Schedule will be prepared separately, and this will detail the breakdown of charges applied across North Somerset. These charges will be separate to Section 106 Agreements and will be pursued in relation to the relevant regulations.</p> <p>Development viability is a material consideration that can be considered in assessing development proposals. In some circumstances, requirements for planning obligations may render a development at the margins of financial viability. Where it is demonstrated using an agreed methodology (e.g. through residual valuation appraisal prepared to an agreed format and agreed assumptions), that the development proposal is unviable given the level of contributions sought, the council may enter into negotiations on such contributions in order to facilitate deliverable development that is in conformity with the Local Plan for the area. This will be at the discretion of the council and applied on a case by case basis taking into consideration the wider material considerations present.</p> <p>Where a development site is formed by more than one ownership the council will seek to ensure that effective collaborative procedures are in place in the planning and delivery of development. A lack of effective collaboration, particularly on larger more complex schemes may be a reason for refusal.</p>

## Sites and Policies Plan Part 2: Site Allocations Plan (2018)<sup>4.46</sup>

- 4.3.29 The Sites and Policies Plan presents the detailed allocations that will deliver the requirements of the Core Strategy up to 2026. It includes provision for new residential, employment and community facility sites, sets the settlement boundaries of towns and villages, and designates local green spaces and strategic gaps.
- 4.3.30 The plan was subject to examination by an independent Inspector in April 2017 and several modifications were subsequently made to the October 2016 Publication Version of the Plan. The Plan was adopted formally in April 2018.

Table 4-3 Summary of adopted policies from the Sites and policies plan part 2: Site allocations plan (2018)

Policy Reference	Key Considerations
<b>SA1: Housing Allocations</b>	This policy identifies land that has been safeguarded for future housing development for ten or more units.
<b>SA2: Settlement Boundaries</b>	This policy defines settlement boundaries around towns and villages, within which development may be acceptable subject to the detailed policies of the Core Strategy, Sites and Policies Plan, Part 1, Development Management Policies and Neighbourhood Plans.
<b>SA4: Employment Allocations</b>	This policy identifies land that has been safeguarded for future employment development.
<b>SA5: Local Green Space</b>	This policy aims to protect amenity areas of public value from unacceptable harm or loss.
<b>SA6: Undesignated Green Space</b>	This policy aims to protect areas of undesignated green space (those not identified as Local Green Space under policy SA 7) within settlements with defined settlement limits, which are considered to be of value in making a worthwhile contribution to the townscape, character, setting and visual attractiveness of the settlement.
<b>SA8: Community Use Allocations</b>	This policy aims to safeguard sites that the Council has identified for community development, or that are included within other agencies' plans, and not develop them for other purposes.

**North Somerset Emerging Local Plan (2023 - 2038)<sup>4.47</sup>**

- 4.3.31 NSC is in the process of preparing a new Local Plan which will provide a positive vision for the future of North Somerset. The local plan will provide a framework for addressing housing needs, employment requirements and other priorities, and a mechanism through which local communities can help shape their surroundings. The plan period covers 15 years between 2023 and 2038.
- 4.3.32 The emerging Local Plan will continue to safeguard the Banwell Bypass route (as is currently the case in the adopted Local Plan Policy DM20). The current design of the Bypass has been provided to the Local Plan team to support the inclusion of a safeguarded corridor and discussions are ongoing to agree the safeguarded area to be shown in the draft Local Plan.
- 4.3.33 Broad locations and indicative capacity for further testing and assessment have been identified in the area to the west of Weston-super-Mare near the Scheme for up to around 3,000 new dwellings. The main opportunity is a potential growth location north of the A371 and east of the M5 linked to the delivery of the Scheme.
- 4.3.34 NSC's Executive Committee approved a draft Preferred Options Local Plan on Wednesday 2 February 2022. The draft Preferred Options Local Plan is a full draft Plan. 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.
- 4.3.35 The intended approximate timeframes for the preparation of the emerging Local Plan to adoption are set out below:
- Spring 2022: consultation on draft Local Plan policies
  - November 2022: Consultation on pre-submission Local Plan
  - January 2023: submission of publication version of the plan to the Secretary of State for examination

- October 2023: Inspector's Report
- December 2023: adoption

4.3.36 The Scheme has considered the emerging North Somerset Council Draft Local Plan (2038).

#### **Neighbourhood Plans<sup>4.48</sup>**

4.3.37 There are no neighbourhood plans for Banwell, Sandford, Winscombe, Churchill, and Locking.

#### **North Somerset Local Development Scheme (2021 - 2024)<sup>4.49</sup>**

4.3.38 The Local Development Scheme (LDS) was adopted in February 2021 and covers the areas administered by NSC. Local planning policy documents prepared by the council comprise the Local Plan which sets out the main policies, and Supplementary Planning Documents (SPDs), which add further detail. Along with Neighbourhood Plans prepared by parish or town councils, the Local Plan forms part of the Development Plan. SPDs are not part of the Development Plan but carry weight as a material consideration in determining planning applications; SPDs carry more weight than strategies.

#### **Transport Decarbonisation Plan (2021)<sup>4.50</sup>**

4.3.39 The Transport Decarbonisation Plan (TDP), published on 14 July 2021, sets out the government's commitment and action plan for addressing the topic of decarbonising the UK's transport system.

### **Supplementary Planning Documents (SPDs)**

#### **North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document<sup>4.51</sup>**

4.3.40 This Supplementary Planning Document (SPD) was adopted by NSC in January 2018. It contains guidance on development regarding impacts on the North Somerset and Mendip Bats Special Area of Conservation (SAC), one of four European sites (sites of international importance for wildlife) in North Somerset. It was designated because of its importance for Greater and Lesser Horseshoe Bats.

### **Biodiversity and Trees - Supplementary Planning Document for Developments within North Somerset (2005)<sup>4.52</sup>**

- 4.3.41 This SPD was prepared to guide planning applications by supplementing the policies and proposals relating to biodiversity in the adopted North Somerset Local Plan, the Joint Replacement Structure Plan and the emerging North Somerset Replacement Local Plan.

### **Landscape Character Assessment Supplementary Planning Guidance (2018)<sup>4.53</sup>**

- 4.3.42 Landscape character assessment is a technique that has been developed to facilitate systematic analysis, description, and classification of the landscape. It involves identification of those features or combinations of elements that contribute to the character of the landscape, thereby enabling the special character and qualities of a particular area to be understood. This information allows reasoned consideration of those issues affecting the landscape, which can be used as a basis for the development of appropriate recommendations for future landscape conservation and management.

### **Travel Plans: Supplementary Planning Document<sup>4.54</sup>**

- 4.3.43 'A Travel Plan is a long-term management strategy for an occupier (or group of occupiers) of a site that seeks to deliver sustainable transport objectives through positive action and is articulated in a document that is regularly reviewed.' (Good Practice Guidelines: Delivering Travel Plans through the Planning Process, DfT 2009).

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## **4.4 Relevant Strategies, Guidance and Plans**

### **National Strategies, Guidance and Plans**

#### **Clean Air Strategy 2019<sup>4.55</sup>**

- 4.4.1 The Clean Air Strategy sets out air quality objectives and policy options to further improve air quality in the UK.



## **A Green Future: Our 25 Year Plan to improve the Environment 2018<sup>4.56</sup>**

- 4.4.2 The 25 Year Plan sets out the government's proposals to improve the health of the environment by using natural resources more sustainably and efficiently.

### **Gear change: a bold vision for cycling and walking<sup>4.57</sup>**

- 4.4.3 This cycling and walking plan was published in July 2021 and describes the vision to make England a great walking and cycling nation. It sets out the actions required at all levels of government to make this a reality, grouped under four themes:

- a) better streets for cycling and people;
- b) cycling and walking at the heart of decision-making;
- c) empowering and encouraging local authorities; and
- d) enabling people to cycle and protecting them when they do.

### **Bus Back Better: National Bus Strategy for England<sup>4.58</sup>**

- 4.4.4 This national strategy was published in March 2021 and sets out the vision and opportunity to deliver better bus services for passengers across England, through ambitious and far-reaching reform of how services are planned and delivered.

### **Climate Change: Second National Adaptation Programme (2018 - 2023)<sup>4.59</sup>**

- 4.4.5 The second National Adaptation Programme (NAP) was published by Defra in July 2018 and sets out the Government's response to the second CCRA (note it does not cover CCRA3) including the actions to be taken to address the risks and opportunities posed by climate change. It forms part of the five-yearly cycle of requirements implemented under the CCA 2008 and aims to drive a dynamic and adaptive approach to ensuring resilience to climate change.

### **Sixth Carbon Budget (2033 - 2037)<sup>4.60</sup>**

- 4.4.6 Progress towards achieving the net zero targets for carbon and Greenhouse Gases (GHG) is driven by a series of five-year carbon budgets. The sixth carbon budget came into force on 24 June 2021 and covers the years 2033-2037. It was implemented under the Carbon Budget Order 2021.

- 4.4.7 The carbon budgets need to be considered in light of the NN NPS policies, which require assessment of a scheme against the carbon budgets for the relevant periods. The carbon budgets which are currently in force are set out in Table 4 below.

Table 4-4: The Carbon Budgets currently in force.

Carbon budget	Carbon budget level - million tonnes of carbon dioxide equivalents (MtCO <sub>2</sub> e)
Third carbon budget (2018 - 2022)	2,544 MtCO <sub>2</sub> e
Fourth carbon budget (2023 - 2027)	1,950 MtCO <sub>2</sub> e
Fifth carbon budget (2028 - 2032)	1,725 MtCO <sub>2</sub> e
Sixth carbon budget (2033 - 2037)	965 MtCO <sub>2</sub> e

- 4.4.8 The scheme was assessed against the carbon budget for the purposes of the NN NPS, but the position taken by National Highways was that it did not need to assess the scheme against other approved or existing developments (i.e., for climate change cumulative assessment purposes the scheme was only assessed against the carbon budget in accordance with the NN NPS). Further detail is contained within the Planning Statement (see Planning Documents – Planning Statement)

#### **Third Climate Change Risk Assessment (2021)<sup>4.61</sup>**

- 4.4.9 The CCA 2008 includes a requirement for UK Government to undertake a climate change risk assessment (CCRA) every five-year period and to develop a programme for adaptation action in response to identified risks. The Independent Assessment of UK Climate Risk 'Advice to Government for the UK's Third Climate Change Risk Assessment' (CCRA3) was published by the Climate Change Committee in June 2021. CCRA3 sets out risk areas, including for transport, which should be considered as part of an assessment of the resilience of the Scheme to the effects of climate change.

**Habitat Regulations Assessments: Protecting a European Site (2021)<sup>4.62</sup>**

- 4.4.10 Joint guidance from Defra, Natural England, Welsh Government and Natural Resources Wales was published in February 2021, which provides further guidance on how a competent authority must decide if a plan or project proposal that affects a European site can go ahead.

**British Standard for Biodiversity Net Gain (2021)<sup>4.63</sup>**

- 4.4.11 A new British Standard for BNG (BS 8683) was published in August 2021, which is a process standard for designing and implementing BNG. This builds on and adds to the UK's Good Practice Principles of BNG and guide for development produced by CIEEM.

**EIA Guide to Climate Change Resilience and Adaptation (2020)<sup>4.64</sup>**

- 4.4.12 IEMA guidance on assessing climate change resilience and adaptation for undertaking EIA.

**Infrastructure Carbon Review (2013) (HM Treasury)<sup>4.65</sup>**

- 4.4.13 The Infrastructure Carbon Review is a report on the benefits of lower carbon solutions which provides guidance on approach to carbon reduction. It sets out the case for low carbon development and includes three detailed case study examples of projects that have pursued a very low-carbon approach.

**Design Manual for Roads and Bridges (DMRB) (1992)<sup>4.66</sup>**

- 4.4.14 Introduced in 1992 and updated in 2020, the DMRB is the national document providing guidance on the design of new sections of motorway and Trunk Road networks and improvements to that network within England.

**Cycle Infrastructure Design (LTN 1/20)<sup>4.67</sup>**

- 4.4.15 This Local Transport Note (LTN) provides guidance to local authorities on delivering high quality, cycle infrastructure including:
- a) planning for cycling;
  - b) space for cycling within highways;

- c) transitions between carriageways, cycle lanes and cycle tracks;
- d) junctions and crossings, cycle parking and other equipment;
- e) planning and designing for commercial cycling, traffic signs and road markings; and
- f) construction and maintenance.

4.4.16 This information replaced 'Shared use routes for pedestrians and cyclists (LTN 1/12)' and Cycle infrastructure design (LTN 2/08).

## Regional Strategies, Guidance and Plans

### **West of England Nature Partnership Nature Recovery Network<sup>6.68</sup>**

4.4.17 The West of England Nature Partnership (WENP) is a cross-sector partnership working to restore the natural environment in the West of England through embedding the value of nature in decision making across spatial planning, public health and economic development.

4.4.18 Established in 2012, WENP is the designated Local Nature Partnership (LNP) for the West of England (Bristol City, South Gloucestershire, North Somerset and Bath & North East Somerset).

4.4.19 The West of England Nature Partnership is working to develop a regional Nature Recovery Network for the West of England, aligning with shared principles developed across the Southwest (by the Southwest Local Nature Partnerships) to ensure coherence and strengthened networks across the wider region.

### **West of England Industrial Strategy (WECA and West of England LEP, July 2019)<sup>4.69</sup>**

4.4.20 The West of England is the first region in the UK to develop a joined-up strategic planning approach to set out how the region will meet its housing and transport needs over the next 20 years. There are four key priorities at the heart of the Industrial Strategy. These include cross-sectoral innovation; inclusive growth; the productivity challenge and innovation in infrastructure delivery.

4.4.21 The Strategy recognises how the West of England's housing and

transport infrastructure has come under increasing pressure over recent years and that it is increasingly difficult for people to move around the region. The Industrial Strategy notes that the Joint Local Transport Plan sets the vision to deliver a transport system that connects people and places inclusively in the West of England.

- 4.4.22 It places a key focus upon innovation and notes initiatives related to local mobility such as how WECA is exploring options for local Mobility as a Service Living Lab that will co-design and test replicable transport innovations.
- 4.4.23 Transport and congestion can present a barrier to inclusion. Therefore, the strategy promotes the up-take and development of low carbon technologies and innovation.
- 4.4.24 The West of England will grow its natural capital by supporting locally identified priorities to support nature recovery, ensure gains in green infrastructure and biodiversity, and maximise the multiple benefits of green infrastructure. This will help meet the aspirations set out in the 25 Year Environment Plan, including the ambition for 'leaving our environment in a better state than AGC team found it' and 'connecting people with the environment to improve health and well-being'.

#### **West of England Joint Green Infrastructure Strategy 2020-2030<sup>4.70</sup>**

- 4.4.25 All four West of England Unitary Authorities (UAs) and the West of England Combined Authority (WECA) have declared a climate emergency. The Joint Green Infrastructure Strategy (JGIS) through providing a multi beneficial approach to strategy, policy and delivery will contribute to addressing:
  - a) inequalities in provision of green infrastructure and health;
  - b) achieve well designed, attractive, and healthy places that deliver economic benefits and community resilience; and
  - c) respond positively to the climate and ecological emergency.
- 4.4.26 The overall aim of the West of England JGIS programme is to secure investment in green infrastructure planning and provision, similar to that of other infrastructure. By evidencing the need and use of natural solutions to address the climate emergency and declining biodiversity, as well as health and other benefits for people, securing sustained investment in the natural

environment and green infrastructure should be guaranteed.

- 4.4.27 It is worth noting that although the JGIS is a useful point of reference, it does not directly cover NSC.

#### **West of England Bus Strategy<sup>4.71</sup>**

- 4.4.28 This bus strategy, adopted June 2020, considers options to improve the bus network and set out how further growth in bus usage can be encouraged. Through this strategy, the West of England Combined Authority aims to see bus passenger numbers double by 2036.

#### **West of England Bus Service Improvement Plan<sup>4.72</sup>**

- 4.4.29 This West of England Bus Service Improvement Plan (BSIP) is produced jointly by the West of England Combined Authority and NSC in their role as local transport authorities to meet the objectives set out in the National Bus Strategy.
- 4.4.30 The document brings together evidence to set out our ambition to drive patronage growth, boost investment in buses and improve socio-economic and environmental outcomes across the local area.

#### **Local Cycling and Walking Infrastructure Plan<sup>4.73</sup>**

- 4.4.31 The West of England Local Cycling and Walking Infrastructure Plan (LCWIP) is a first step towards transforming active travel in the region. The Plan proposes capital investment of £411m by 2036 and is the result of a collaborative effort between the West of England councils, the West of England Combined Authority, and local stakeholder groups.
- 4.4.32 This Plan proposes improvements to the walking environment focussing on 30 local high streets, as well as improvements along 55 continuous cycle routes, with the aim of providing high quality infrastructure to support the transition to a region where walking and cycling are the preferred choice for shorter trips and to access public transport.

## Local Strategies, Guidance and Plans

### **North Somerset Council Active Travel Strategy (2020-2030)<sup>4.74</sup>**

- 4.4.33 The Active Travel Strategy for North Somerset was presented to and agreed by the Council's Executive Committee on 21 October 2020. A public consultation was held until 15 January 2021.
- 4.4.34 The four key objectives of the strategy are to:
- a) Deliver safe and frequent active travel.
  - b) Tackle the Climate Emergency.
  - c) Drive local economic development.
  - d) Shape active travel neighbourhoods through an enabling planning system.
- 4.4.35 Within the Strategy, a shared use path is identified as a committed measure between the outskirts of Weston along the A371 to within Banwell.

### **West of England Joint Waste Core Strategy (2011)<sup>4.75</sup>**

- 4.4.36 The West of England Joint Waste Core Strategy (JWCS) is a Development Plan to set out the vision and objectives for sustainable waste management and sets the planning framework up to 2026 reflecting the waste hierarchy. It contains Development Management Policies and has superseded most of the Local Plan waste management policies.

### **North Somerset Corporate Plan 2020-2024 (2020)<sup>4.76</sup>**

- 4.4.37 The Corporate Plan is the Council's overarching strategic document which sets out a clear list of commitments between 2020 and 2024.
- 4.4.38 The Authority is considered to benefit from a good location in terms of strategic connectivity, for example, its closeness to Bristol, Bath and the M4 corridor; its connections with the airport, the M4 and direct trains to Paddington, South Wales, the Midlands, and the Southwest. NSC also comment on the benefits of its natural assets including the Mendip Area of Outstanding Natural Beauty and various Sites of Special Scientific Interest.
- 4.4.39 Alongside these opportunities, the Corporate Plan sets out the key challenges North Somerset faces. These include:

- a) Demographic change – a growing, and aging population put increased pressure on health and social facilities, schools and other services, and infrastructure;
- b) Climate emergency - urgent action is required to avoid temperatures increasing to dangerous levels, leading to rising sea levels, increased flooding and extreme weather;
- c) Inequalities – large inequalities in income, health and life chances across North Somerset, with a spatial dimension;
- d) Housing – a need for significantly more homes to meet the demand of our growing population and government targets;
- e) Balancing development and sustainability – particularly in the context of the climate emergency and the natural and heritage environment;
- f) Local transport network – congestion and a limited bus network puts limitations on the transport network; and
- g) Resource constraints – limited public funding over the time frame of the Plan.

4.4.40 The key council priorities include:

- a) Creating welcoming, safe and clean neighbourhoods, where people choose to go to for fun, social and safe experiences;
- b) Becoming a net zero carbon council and a net zero carbon place by 2030;
- c) Providing safer roads for pedestrians and bikes, with better use of limited parking space in town centres;
- d) Enabling more people to use the bus network and provide improvements in reliability and passenger satisfaction;
- e) More places where people can charge electric cars and motorcycles, encouraging people to switch to lower carbon, zero emission vehicles;
- f) Supporting a broad range of new homes to meet the growing need, with an emphasis on quality and affordability;
- g) Engaging with and empowering our communities to engage at a level which suits them best; and
- h) More residents have basic digital skills and are able to take advantage of national programmes to improve broadband speeds and roll out 5G.

### **Health and Wellbeing Strategy 2021-24<sup>4.77</sup>**

4.4.41 The Health and Wellbeing Strategy sets out NSC's vision, shared ambitions, principles, and actions to improve health and



wellbeing across North Somerset. It runs from 2021-2024.

4.4.42 It aims to:

- a) identify areas for improvement in health and wellbeing
- b) work to reduce health inequalities

**North Somerset Council's Green Infrastructure Strategy (2021)<sup>4.78</sup>**

4.4.43 The NSC Green Infrastructure Strategy provides the framework for improving the connectivity, quality, and overall provision of green infrastructure, in order to maximise environmental, social and economic benefits and address diverse policy requirements including health and wellbeing, biodiversity and climate change.

4.4.44 One of the key aims is to “protect, enhance and expand coherent, thriving and resilient ecological networks that deliver net gains in biodiversity and ecosystem services”. In the Strategy’s action plan, “Produce clear local policy to ensure that BNG is achieved by all qualifying development” is included as a main focus of planning policy.

4.4.45 The vision is: “By 2030 our green infrastructure will be: contributing to a carbon neutral community; biodiversity will have measurably increased; health and wellbeing will be improved”.

**Air Quality Annual Status Report (2018)<sup>4.79</sup>**

4.4.46 NSC has not declared any air quality management areas nor are there any areas exceeding the maximum levels of NO<sub>2</sub>, therefore no formal air quality action plan is in place.

4.4.47 It is considered that the measures outlined in the Joint Local Transport Plan 4, will help to ensure that the levels of air pollutants within North Somerset will continue to remain below the air quality objectives.

**North Somerset Council – Climate Emergency Declaration<sup>4.80</sup>**

4.4.48 NSC declared a climate emergency in February 2019. NSC published a Climate Emergency Strategy, with the aim to be carbon neutral by 2030 (both council and area). The key principles of the Strategy are to:

- a) Become a net zero carbon council;

- b) An energy efficient built environment;
- c) Renewable energy generation;
- d) Repair, reuse, reduce and recycle;
- e) Replenish our carbon stores;
- f) Reduce emissions from transport; and
- g) Adapting to climate change.

4.4.49 The Strategy acknowledges that NSC only has direct control over a small proportion of the total carbon emissions of the area, therefore the council will take a leadership role to influence the actions of others.

#### **North Somerset Council – Nature Emergency Declaration<sup>4.81</sup>**

4.4.50 NSC declared a nature emergency in November 2020, stating that the Authority will use its planning powers to resist the destruction of habitats and ensure developments boost biodiversity.

4.4.51 Throughout the district of North Somerset, there are opportunities to increase the sequestration of carbon by trees, grassland and soil, but further work is needed to:

- a) Increase biodiversity and protection of habitats and species, including key pollinators and other insects
- b) Increase soil quality and quantity, reducing chemical fertilisers and pesticides and preventing soil erosion
- c) Increase local food production, utilising local productive capacity, through less intensive agricultural methods, as a number of local producers already do
- d) Increase flood defences using natural flood mitigation measures
- e) Protect our natural landscape and protect and enhance the associated ecosystems, whilst enabling sensitive development and more people to enjoy the benefit of time spent in nature

#### **North Somerset Council's Social Value Policy (2017)<sup>4.82</sup>**

4.4.52 The corporate plan sets out NSC's vision and overall priorities and identifies three outcomes including prosperity and opportunity, health and wellbeing, and quality places.

**North Somerset Council's Highways Development Design Guide (2020)<sup>4.83</sup>**

- 4.4.53 The document provides advice on the procedures NSC will follow when assessing planning proposals that affect the transportation infrastructure and highway network in North Somerset. It sets out the standards and approach to design in connection with highways, paths, accesses and a range of other aspects of highway design. It also sets out the council's expectations in regards of future maintenance arrangements. The commitment to 'Reduce emissions from transport' is particularly important for new developments and the Highways Development Design Guide.

**Banwell Conservation Area Management Plan<sup>4.84</sup>**

- 4.4.54 A Conservation Area is an area of special architectural or historic interest. Designation of a conservation area increases the control over significant or total demolition of unlisted buildings, strengthens control over minor development and protects trees within its boundaries. It also requires that any new development maintains or enhances the conservation area.

**Mendip Hills Area of Outstanding Natural Beauty (AONB) Management Plan (2019 - 2024)<sup>4.85</sup>**

- 4.4.55 The Plan for the Mendip Hills AONB is overarching of local authority administrative boundaries, and other plans and strategies. It identifies the special qualities of the Mendip Hills AONB and what is necessary to conserve and enhance them. This Management Plan is a material consideration in determining planning applications.
- 4.4.56 On the topic of development, it states that "Growth of the settlements in the setting of, and adjacent to the North Somerset boundary could impact on the special qualities of the AONB. Axbridge, Cheddar and Wells, along the southern boundary also face significant development pressure. Increased traffic levels, and visitor numbers could also have a serious impact within the AONB."

**Mendip Hills AONB Nature Recovery Plan<sup>4.86</sup>**

- 4.4.57 Consultations have taken place on the development of a Nature

Recovery Plan for the Mendip Hills AONB during 2021. Mendip Hills AONB Partnership Committee have been working alongside the local Environmental Records Centres and Geckoella to produce a State of Nature Report. The initial consultation phase (phase 2) came to a close in September 2021 and there will be consultations for a draft plan towards the end of 2021. The aim is to work the final draft of the Nature Recovery Plan into the next Statutory AONB Management Plan in 2024.

**Dark Skies in the Mendip Hills National Landscape - Dark Night Skies and Light Pollution Position Statement (2020)<sup>4.87</sup>**

- 4.4.58 This document sets out guidance on desirable measures to conserve and enhance the dark night skies of the Mendip Hills National Landscape. The Position Statement aims to achieve a consistent approach to conserving and enhancing dark skies by using recognised and respected standards developed by the Institute of Lighting Professionals and Commission for Dark Skies.
- 4.4.59 The Mendip Hills AONB Management Plan (2019-2024) under paragraph 1.4 sets out a Statement of Significance (a material planning consideration) on the special qualities of the Mendip Hills National Landscape that create the Mendip Hills sense of place and identity, and these include the dark skies.
- 4.4.60 The Mendip Hills National Landscape is home to the North Somerset and Mendips bat SAC; this designation is largely for greater horseshoe (and lesser horseshoe) bats. Greater lux levels could have major impacts on the value of these habitats for horseshoe bats.

**Forest of Avon - Guidance for Developers (2005)<sup>4.88</sup>**

- 4.4.61 This document provides guidance on relevant planning policies, application of those policies, and how developers can contribute to the Forest of Avon initiative. NSC will seek to secure benefits for the Forest of Avon in relation to development proposals wherever appropriate.

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## 4.5 Conclusion

- 4.5.1 National, regional and local policy identifies road congestion and other transport issues as key constraints on economic growth. The national planning policy, local policy and other relevant plans advocate investment in transport infrastructure as a key enabler of economic growth. Similarly, the considered policy and plans highlight the inter-relations between economic growth and accessibility, in this case improvement of Banwell and the wider area.
- 4.5.2 The Scheme is assessed against these policies, legislation, strategies and plans in the relevant Environmental Statement topic chapters (see ES Volume 1 Chapters 5-14) and ES Chapter 17 – Conclusions summaries how the Scheme complies with the policies. Furthermore, the Planning Statement (see Planning Documents – Planning Statement) provides an assessment of compliance against planning policy.

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