

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

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

Sections 239, 240, 246, 248, 249, 250, and 260 Highways Act 1980

and

Acquisition of Land Act 1981

Statement of Case

March 2023

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1 INTRODUCTION

1.1 Purpose of this Statement

1.2 This is the Statement of Case (“Statement”) for North Somerset District Council (known as North Somerset Council (“the Council”) and is provided pursuant to the Compulsory Purchase (Inquiries Procedure) Rules 2007 and the Highways (Inquiries Procedure) Rules 1994 (“the Rules”) in relation to the following orders:

- (a) the North Somerset Council (Banwell Bypass and Southern Link) Compulsory Purchase (“the Order”) (**Document 2/1**); and
- (b) the North Somerset Council (Banwell Bypass and Southern Link Classified Road) (“the SRO”) (**Document 2/3**).

1.3 This Statement sets out the case which the Council will address at the public inquiry in support of the Order and the SRO.

1.4 The Council reserves the right to supplement the issues to be addressed and produce further documents and evidence in response to any statements of case and evidence provided by other parties to the public inquiry.

1.5 In accordance with the Rules a copy of this Statement has been served on the Secretary of State and on each statutory and non-statutory objector. In addition, copies of this Statement and the documents listed in **Appendix 2**, which the Council is likely to refer to or put in evidence, have been deposited at the following places, where they can be inspected during normal office hours from 16 March 2023 until the end of the public inquiry:

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

1.6 Details of the objections (including both statutory and non-statutory objectors) are listed in **Appendix 3** of this Statement.

1.7 **The Acquiring Authority**

1.8 The Council resolved to make the Order and the SRO on 12 July 2022 under the powers contained within the Highways Act 1980 (**Document 6/4**). The Order and the SRO were both made on 6 October 2022.

1.9 The Council is promoting the Order and the SRO in order to construct and maintain a bypass of the village of Banwell (referred to as the “Banwell Bypass”) a route connecting the A371 at Castle Hill and the A368 at East Street (referred to as the “Southern Link”), along with associated mitigation and enhancements, which together comprise “the Scheme”.

1.10 The Scheme lies within the administrative area of the Council and is being promoted by the Council.

1.11 **Confirmation of the Order and the SRO**

1.12 To enable the Council to acquire the land and rights necessary for the construction and maintenance of the Scheme, the Order seeks to acquire interests in land to the north of Banwell and in surrounding villages (“the Order Land”) as shown on the plan accompanying the Order (“the Order Map”) (**Document 2/2**). The Council is seeking to acquire all interests in land, including rights, easements, the benefit of covenants, etc. except where otherwise expressly stated in the Schedule to the Order (**Document 2/1**).

1.13 The Council recognises that a compulsory purchase order can only be made, and can only be confirmed, if there is a compelling case in the public interest (paragraph 2 of the Department for Levelling Up, Housing and Communities ‘*Guidance on Compulsory purchase process and The Crichel Down Rules*’ (2015 but updated July 2019) (“the CPO Guidance”) (**Document 1/1**) which justifies overriding private rights on the Order Land. For the reasons summarised below, it is considered that a compelling case exists here.

1.14 The Order and the SRO have been made and were submitted to the Secretary of State for Transport for confirmation pursuant to the provisions of the Highways Act 1980 and the Acquisition of Land Act 1981.

1.15 On confirmation of the Order, the Council intends to either serve Notice(s) to Treat or execute a General Vesting Declaration(s) in order to secure unencumbered title to the Order Land.

1.16 **The Supplemental Order**

- 1.17 The Council will shortly be making and serving on affected parties a supplemental compulsory purchase order, the North Somerset Council (Banwell Bypass and Southern Link) Compulsory Purchase Order (No.2) 2023 ("the Supplemental Order"). The Council resolved to make the Supplemental Order on 21 February 2023.
- 1.18 The Supplemental Order is required to deliver additional mitigation which is necessary to avoid the potential impacts of the Scheme on bat populations, particularly those present in the North Somerset and Mendip Hills Bat Special Area of Conservation ("the SAC"). The need for the additional mitigation was identified following statutory consultee consultation as part of the process of determining the planning application for the Scheme. This is explained further in section 6.1 of this Statement (Planning Position).
- 1.19 It is also required to address a recent concern raised by National Grid Electricity Transmission ("NGET") in respect of the interface between its assets and a shared use path which forms part of the Scheme. The consultation with NGET has resulted in the Council progressing an alteration to the alignment of the shared use path. This is explained further at paragraph 3.89 below and in section 7. It is anticipated that the SRO may also need to be modified to accommodate this change. If that is the case, the Council would carry out further consultation with affected parties in relation to any changes and this would be done prior to the public inquiry into the Order and the SRO.
- 1.20 The Supplemental Order, once made, will be accompanied by a supporting supplemental Statement of Reasons which will explain the need and justification for the Supplemental Order in more detail. A separate Statement of Case will also be prepared, if required in order to support a public inquiry. The Council will request that any public inquiry for the Supplemental Order is conjoined with the public inquiry for the Order and the SRO to allow all three orders to be considered at the same time.

2 NEED FOR THE SCHEME

2.1 Introduction

- 2.2 The Council submitted an expression of interest on 28 September 2017 to the Housing Infrastructure Fund ("HIF") Forward Fund. The objectives of this bid were to provide infrastructure and education provision which can support the delivery of existing and potential housing allocations totalling 9,182 (now revised to 7,557) new dwellings. 4,482 of the homes are to be located at the existing Weston Villages development sites; the specific numbers and locations of the residual dwellings (3,075) will be subject to the new Local Plan process.

- 2.3 Following a successful shortlisting, the business case for the Scheme was progressed and submitted to Homes England 7 February 2019.
- 2.4 What is now the Department for Levelling Up, Housing and Communities, recommended to (the now) Secretary of State for Levelling Up, Housing and Communities approval for the Council's HIF Forward Fund bid. This was confirmed on the 26 November 2019 in a letter to the Council.
- 2.5 The Scheme is financed under the HIF Forward Fund. The HIF Forward Fund will be used to build the new bypass of the village of Banwell, fund online improvements to the surrounding highway network, improve the area's utilities network, and provide an expansion of the Winterstoke Hundred Academy secondary school in Locking Parklands. The expansion of the Winterstoke Hundred Academy does not form part of the Scheme and is not relevant to this Statement.
- 2.6 On 16 June 2020, the Council's Capital Programme was increased by £97,067,550 (the total HIF grant from Homes England) in response to receiving the approval and funding to finance the Scheme (**Document 6/1**).
- 2.7 **Existing Situation**
- 2.8 The current highway network through Banwell (the A371 and A368) generally comprises a single carriageway road with one lane in each direction. The routes pass through the villages of Banwell, Churchill, Sandford, Winscombe and Locking. The sections of the highway between the villages provide access to residential, commercial and agricultural properties.
- 2.9 The A371 is the main route from Weston-super-Mare to Banwell. The route passes through Banwell and continues in a general south-easterly direction onto Winscombe, Cheddar, Wells, and eventually terminates in a junction with the A303 at Wincanton. A section of this road through Banwell reduces to two single lane sections. At certain times of the day this causes congestion, journey time delays, and uncertainty. HGV and bus movements through this section can cause issues at any time of the day with congestion.
- 2.10 The A368 corridor runs along the northern edge of the Mendip Hills Area of Outstanding Natural Beauty ("AONB"). Starting at Banwell, it forms part of the main route from Weston-super-Mare in the west to Bath in the east. The A368 connects to the A38 at Churchill providing a strategic route to Bristol and Bath.
- 2.11 The route from Banwell to Churchill, along the A368, is a key route to school including the Churchill Academy Secondary School and Sixth Form. The route is generally narrow in character, and beyond the village centres there is a lack of suitable walking/cycling

facilities along its length. Towards Churchill, there are some areas where the road narrows and the centreline has been removed.

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

2.13 Alongside the progression of the Scheme, the Council is in the process of updating its Local Plan, which has been through its Regulation 18 consultation. Within the draft emerging Local Plan (**Document 5/5**), an area of land to the north of Banwell is proposed to be allocated as a strategic housing location. As well as relieving existing congestion through Banwell, the Scheme will also help to enable this strategic development.

2.14 **Scheme Objectives**

2.15 The overall objectives for the Scheme are to:

- (a) Improve the local road network to deal with existing congestion issues.
- (b) Improve and enhance Banwell's public spaces by reducing traffic severance and improving the public realm.
- (c) Provide the opportunity to increase active and sustainable travel between local villages and Weston-super-Mare.
- (d) Deliver infrastructure that enables housing development (subject to the Local Plan).
- (e) Ensure the development respects the local area and minimises visual impact upon the surrounding countryside and Mendip Hills AONB.
- (f) Innovative and efficient in reducing and offsetting carbon from the design and construction of the infrastructure.
- (g) Ensure the development provides the opportunity to increase Bio-Diversity Net Gain by at least 10%.
- (h) Proactively engage with stakeholders in a way that is both clear and transparent. Deliver infrastructure that enables housing development.

3 DETAILS OF THE SCHEME

3.1 Summary Description of Scheme and Order Land

3.2 The Scheme comprises the following distinct elements:

- (a) a bypass of the village of Banwell (the Banwell Bypass);
- (b) a route connecting the A371 at Castle Hill and the A368 at East Street (the Southern Link); and
- (c) mitigation and enhancement measures, which broadly consist of the following:
 - (i) environmental mitigation and enhancement measures in connection with the Banwell Bypass and the Southern Link, examples of which include (but are not limited to) flood compensation areas, planting and habitat creation including for but not limited to bat mitigation, attenuation basins and replacement playing fields;
 - (ii) placemaking improvements within Banwell, comprising mitigation and enhancement measures to the public realm; and
 - (iii) traffic mitigation in connection with the Banwell Bypass and the Southern Link, including improvements to the wider local road network.¹

3.3 The Council has provisionally classified the proposed Banwell Bypass and Southern Link as the A371 and A368 (see **Document 3/1** and **Document 3/2**).

3.4 **The proposed development**

3.5 The Scheme consists of a number of elements, which can be seen on the General Arrangement Plans (**Document 4/2**) which were submitted with the planning application for the Scheme, and which are described in detail below.

3.6 Banwell Bypass

3.7 The Banwell Bypass would primarily consist of:

- (a) signalisation and capacity improvements to the Summer Lane/Well Lane junctions on the A371;
- (b) a 40mph single carriageway bypass, connecting the existing A371 (east of Summer Lane) to A368 (west of Towerhead Farm);

¹ This description of the Scheme reflects the revised description which was updated and finalised during the planning determination process in consultation with the local planning authority.

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

3.8 Southern Link Road

3.9 The Southern Link will provide the new primary route south to Winscombe, as Castle Hill and Dark Lane are proposed to be stopped up. The Southern Link would be a 30mph single carriageway, connecting the A368 (East Street) to the A371 at Castle Hill. The Southern Link would be located within the Mendip Hills AONB. The Southern Link would tie into the Banwell Bypass at the Banwell East Junction. A T-junction located along the Southern Link would provide access into the east of Banwell (at East Street).

3.10 Mitigation Measures

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

3.12 The Scheme would include mitigation measures which are provided to offset the impact of the Banwell Bypass proposal. These include (but are not limited to):

- (a) flood mitigation to ensure that the Banwell Bypass does not increase flood risk for third-party properties;
- (b) essential environmental mitigation, such as ecology and landscape mitigation;

(c) sustainable urban drainage systems (e.g. attenuation basins and swales), and additional groundwater mitigation, to prevent adverse water quality impacts (including the Source Protection Zone); and

(d) replacement land to mitigate the impact of the scheme on Banwell Football Club.

3.13 Placemaking Improvements within Banwell

3.14 As a result of the Banwell Bypass, there would be a reduction in traffic through Banwell. The reduction in traffic (and resulting reduction in congestion) through the village could result in higher traffic speeds without mitigation.

3.15 A reduced 20mph speed limit through Banwell would discourage vehicles from travelling at higher speeds, whilst also discouraging the use of the road as a through route (instead of the Banwell Bypass).

3.16 The reduction of traffic through Banwell due to the provision of the Banwell Bypass provides the opportunity to make improvements to the existing road and public spaces within Banwell to enhance the historic and urban setting of the village. These improvements would include, but are not limited to:

(a) alteration to the road and footways including resurfacing, widening, and narrowing (which would encourage drivers to comply with the posted 20mph speed limit);

(b) incorporation of active travel measures;

(c) soft landscaping and ecological improvements; and

(d) street signage improvements.

3.17 Improvements to the wider local road network

3.18 Improvements to the local road network in the surrounding villages are proposed to mitigate increases in traffic as a result of the Banwell Bypass. These mitigation measures would consist of:

(a) Lowered speed limits:

(i) 20mph: sections of the A368 through Churchill, A368 in Sandford and A371 in Winscombe including some side roads.

(ii) 30mph: A368 between Sandford Villages and east of where AX29/51/10 connects with the A368.

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

3.19 Replacement playing fields

3.20 As a result of the Scheme, 25,680 of land utilised for playing fields at Banwell FC will be lost and will need to be replaced in order to mitigate for the direct impact that is unavoidable by virtue of the highway alignment of the Bypass. A document entitled '*Response to matters raised associated with Banwell Football Club*' (submitted during the determination of the Planning Application for the Scheme) (**Document 4/3**) and engagement with the Club has helped identify potential replacement options, with a preferred solution being found that offers 28,680sqm of land being at least equivalent in terms of area, usefulness, attractiveness and quality to that being lost to the Scheme and which is equally accessible. The replacement land, or temporary alternative facilities, will be provided before the land needed for the Scheme is used and this will be secured by planning condition.

3.21 The replacement land will be provided east of Banwell FC, and is included in the Order Land.

3.22 **Development of the Scheme and consideration of alternatives**

3.23 A bypass of Banwell was proposed as long ago as 1927, with a potential alignment being pegged out by local landowners and the parish council. By 1982, the Banwell Bypass was listed in the Avon County Structure Plan as a major improvement scheme to the primary

road network, which was fundamental to the highway strategy. The Banwell Bypass continued to be safeguarded in the local development plan, for example, in 1996, the Transport Policies and Programme Submission for 1997/1998 identified a bypass of Banwell in the transport plan, the Avon Structure Plan, the Mendip Hills Local Plan and the Woodspring Local Plan. Detailed route studies have been proposed for many years although insufficient funding has been available.

- 3.24 In 2000, the North Somerset Local Transport plan safeguarded an alignment for a bypass of Banwell to remove through traffic from the village. A Banwell Area Transport Study (“BATS”) was also commissioned in 2000 by the Council to consider and assess transport options for the Banwell area. This concluded that a bypass should be progressed, with a route recommendation to the north of Banwell to reduce congestion through the village. This formed the basis for the route that is currently safeguarded for planning purposes within the Council’s Local Plan under Development Management Policies Plan DM20 (July 2016) (**Document 5/3**).
- 3.25 In 2001, the BATS developed two traffic models to assess future year scenarios and produced various options. These included:
- (a) the existing (at that time) safeguarded route for the bypass;
 - (b) an alternative northern bypass route;
 - (c) the alternative northern bypass route with a southern link from the A368 east of Banwell back to the A371 at the southern end of Castle Hill; and
 - (d) options that included bypasses of Winscombe.
- 3.26 The option recommended to be progressed was the alternative northern bypass route with a southern link road. The original safeguarded route and the options that included bypasses of Winscombe were not recommended to be taken forward, due to their impacts on the environment, the AONB and a designated nature reserve (amongst other things).
- 3.27 A Greater Bristol Strategic Transport Study (“GBSTS”) (Atkins) in 2006 proposed a Banwell, Churchill and Sandford bypass to improve movements in and out of the greater Bristol region. The GBSTS examined the impact of a series of bypasses to provide relief to the villages and identified that, because the use of bypasses would increase the length of journeys, the net impact of the schemes was diminished such that the overall net present value (“NPV”) was -£2 million with a benefit cost ratio (“BCR”) of 0.96. The scheme was therefore not included in the GBSTS strategy.

- 3.28 The bypass of Banwell continued to be proposed and safeguarded in the local development plan, including in the North Somerset Replacement Local Plan (2007); the North Somerset Council Core Strategy (2012) and the Development Management Policies – Sites and Policies Plan Part 1 (2016).
- 3.29 In July 2017, the Government announced a £2.3billion fund, known as the Housing Infrastructure Fund (as referred to above), with the intention for the funds to be used to invest in infrastructure to facilitate new housing development.
- 3.30 The Council submitted an expression of interest in the HIF on 28 September 2017. The objectives of this bid were to provide infrastructure and education provision which can support the delivery of existing and potential housing allocations totalling 7,557 new dwellings. Of these, 4,482 homes are to be located at the existing Weston Villages development sites; the specific numbers and locations of the residual dwellings will be subject to the new Local Plan process.
- 3.31 Following a successful shortlisting, the business case for the Scheme was progressed and submitted to Homes England on 7 February 2019 and subsequently approved on 26 November 2019.
- 3.32 The Scheme is financed under the HIF. The HIF will be used to build the new bypass of the village of Banwell, fund online improvements to the surrounding highway network, improve the area’s utilities network, and provide an expansion of the Winterstoke Hundred Academy secondary school in Locking Parklands. The expansion of the Winterstoke Hundred Academy does not form part of the Scheme and is not relevant to this Statement.
- 3.33 On 16 June 2020, the Council’s Capital Programme was increased by £97,067,550 (the total HIF grant from Homes England) in response to receiving the approval and funding to finance the Scheme (**Document 6/1**).
- 3.34 Following award of the funding, the Council appointed design and build contractors, Alun Griffiths, to commence work on the potential different options for the Scheme. An Environment Impact Assessment (“EIA”) Combined Screening and Scoping exercise was undertaken in July 2021. The purpose was to identify the likely significant environmental issues resulting from the Scheme and establish the scope of the EIA across a range of environmental topics.
- 3.35 The EIA Combined Screening and Scoping Report covered specialist topic chapters and also included a Habitat Regulation Assessment (“HRA”) screening, Equality Impact Assessment (“EqIA”) screening and Health Impact Assessment (“HIA”) screening as Appendices. A Transport Assessment Scoping Report was also undertaken in October

2021, which set out the proposed requirements for the Transport Assessment to support the planning application for the Scheme.

- 3.36 An Options Appraisal Report (“OAR”) (**Document 4/5**) was prepared, which considered the various different potential options available in order to meet the Council’s objectives for the Scheme. Non-statutory public consultation on the options was undertaken to inform the development of the Scheme between 5 July and 16 August 2021.
- 3.37 The results of the detailed OAR, alongside the outcomes of the public consultation, led to a decision by the Council in October 2021 on the preferred route of the Bypass (**Document 6/2**).
- 3.38 Further design work was then undertaken to progress the Scheme design. An additional non-statutory consultation was held between 10 March and 22 April 2022, which asked for comments on the more detailed Scheme proposals, including the wider mitigation measures being proposed in surrounding villages and placemaking measures in Banwell.
- 3.39 A specific optioneering exercise was undertaken in relation to the provision of replacement playing field land for Banwell Football Club. In summary, this process considered a longlist of 7 options and then a more detailed assessment was carried out for a shortlist of 3 options. The assessment is documented in the Open Space Assessment (**Document 4/8**) and ‘*Response to matters raised associated with Banwell Football Club*’ document that was submitted during the determination of the planning application (**Document 4/3**). A further explanation of the need for the replacement land is at paragraph 7.33(b) of this Statement below.
- 3.40 The planning application for the Scheme was then finalised and submitted to the Council on 18 July 2022 (“the Planning Application”).
- 3.41 **Consultation on the Scheme**
- 3.42 The Council has undertaken a wide range of consultation with the public, statutory environmental bodies and other key stakeholders. Summaries of the main consultation undertaken are set out in this section of this Statement.
- 3.43 Where relevant and feasible, all feedback received as part of the consultation has been used to develop the design of the Scheme.
- 3.44 First non-statutory consultation (July – August 2021)
- 3.45 This consultation asked the public for views on:

- (a) How they use the A371 and A368 and what the existing problems are.
 - (b) The Council's favoured Banwell Bypass route (although the consultation set out three different route options (1, 2 and 3) and asked for comments on all three).
 - (c) Possible mitigations or enhancements for Banwell and the wider local road network.
- 3.46 On Monday 5 July 2021 the consultation was launched online using the Council's eConsult system. Ensuring the consultation was both inclusive and accessible was a key priority and so paper consultations were also made available (on request) for residents without internet access and the Council's customer services team were available to support over the phone.
- 3.47 In addition to the public information drop-in events, statutory and non-statutory groups were invited to engage in environmentally focussed discussions – including Natural England, Somerset Internal Drainage Board, Environment Agency, and Mendip Hills AONB.
- 3.48 In total 1,135 responses were received of which 32% were made by residents of Banwell, and 38% were made from the surrounding villages of Sandford, Winscombe, and Churchill. A further 37 written responses were received outside of the eConsult platform. Formal responses were received from residents, businesses and other local bodies, including Banwell, Churchill and Winscombe & Sandford parish councils.
- 3.49 The following points were observed from the written responses received in response to the public consultation:
- (a) The principle of needing to overcome traffic issues in Banwell was generally supported, with 79% of respondents recognising that a bypass is the most appropriate solution.
 - (b) Concern around the bypass resulting in additional traffic through villages along the A371 and A368 (namely Churchill, Langford, Sandford and Winscombe). Many respondents requested additional highways measures to mitigate these impacts, including a bypass directly to the A38. These concerns came largely from residents of these villages.
 - (c) Respondent's commented that the impacts upon neighbouring settlements will need to be fully assessed and appropriately mitigated.

- (d) Concerns from landowners around loss of land, particularly related to the Council's favoured route (route 2).
- (e) Residents of Banwell generally resisted the loss of the football pitches at Banwell Football Club, identifying them as important community assets.
- (f) Concerns around amenity impacts (noise, pollution, etc.) during construction and operational stages, particularly residents of Banwell.
- (g) Concerns around environmental impacts, particularly biodiversity and flood risk. Issues were also raised around impacts on the AONB and Groundwater Source Protection Zone related to the Southern Link Road. Impacts upon increased traffic within Churchill Conservation Area were also raised.
- (h) Respondents requested that further traffic modelling information was made available and included analysis to show impact of proposed future housing development.
- (i) Many respondents requested a better-connected network of pedestrian/cycle routes as part of the wider scheme of improvements.

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

3.51 The outcomes of this consultation are set out in the Banwell Bypass & Highway Improvements Consultation Report at (**Document 7/3**).

3.52 Second non-statutory public consultation (March – April 2022)

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

3.54 In total, 442 responses were received to the online survey and 36 letters were received.

3.55 The feedback, along with the findings from the environmental surveys and technical investigations and assessments, was used by the Council to decide how best to develop

the Scheme and associated works to mitigate impacts resulting from the Banwell Bypass before the planning application was submitted.

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

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

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

3.58 The key themes identified were:

- (a) Horse riding: comments on need for improved access lack of consideration.
- (b) Wolvershill Road: comments on design and proposals and general objection to access restrictions.
- (c) Rat running: comments concerning increased/worsening of rat runs and traffic in surrounding villages.
- (d) Impact on greater horseshoe bats should be considered more.
- (e) Negative impact on farming and risks to livestock.
- (f) Concern over associated new housing being delivered.
- (g) Comments regarding biodiversity net gain.
- (h) Speed restrictions: the proposed 20mph speed limits were acknowledged, but further measures were considered necessary to slow traffic. It was suggested that speed cameras are installed.

- (i) Churchill Academy: it is important that Churchill Academy students have a safe route to school and therefore a controlled pedestrian crossing point should be provided on the A368 Dinghurst Road close to the junction with Hilliers Lane bus stop.
 - (j) Requests that mitigation measure budget is ring fenced to ensure funds are not used in over-spend of constructions costs.
- 3.59 The outcomes of this consultation are set out in the draft Second Consultation Analysis Report (**Document 7/4**).
- 3.60 Environmental consultees (pre-planning)
- 3.61 The following consultation was undertaken with statutory and non-statutory environmental bodies prior to submission of the Planning Application, in particular including the following:
- (a) Environmental Liaison Group: regular sessions have been held with both statutory and non-statutory environmental bodies to update them on the scope and progress of the planning application and EIA. The bodies included Natural England, Historic England, the Environment Agency, the Woodland Trust, Mendip Hills AONB Unit, Somerset Levels Internal Drainage Board, the Council's environmental specialists and the Avon Wildlife Trust. Specific concerns were noted and have informed the design of the Scheme and the progress of the EIA. There were also review meetings to discuss draft Environmental Statement chapters.
 - (b) National Highways: consultation was initially focused on potential impacts to Junction 21 of the M5 motorway, but National Highways was consulted on other elements of the Scheme as well.
 - (c) Environment Agency: consultation has been held to agree the scope of flood risk, to consider the risk of impacts on Source Protection Zones and the scope of the Water Framework Directive assessment. This consultation has informed the Scheme design and mitigation measures.
 - (d) Natural England: early advice was sought on the requirements of the Habitat Regulations Assessment for the Scheme, the scope of protected species surveys, the impact on bat populations and foraging areas, and the Scheme mitigation proposals.
 - (e) Lead Local Flood Authority: regular meetings have been held to discuss the flood risk and drainage strategy and the approach to surface water flooding and

mitigation. Feedback has informed the Flood Risk Assessment and flood modelling.

- (f) Internal Drainage Board: consultation was held to discuss flood risk and proposed mitigation and permanent maintenance and access.
- (g) Bristol Water: consultation was held to discuss the potential impacts of the band drains, which form part of the Scheme design, on the artesian groundwater supply which supports Banwell Spring. Further targeted groundwater monitoring is being undertaken.

3.62 Other key stakeholders

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

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

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

3.64 Planning consultation

- 3.65 Statutory consultation was undertaken by the local planning authority ("LPA") following submission of the Planning Application. A summary of the correspondence exchanged between the Council's project team and key stakeholders is set out in the Planning Design and Access Statement Update (**Document 4/7**) ("the PDAS Update"). This document was prepared during the planning process and prior to the second statutory consultation on the revised proposals (as detailed in section 6.1 below). The PDAS Update contains an assessment of alternatives proposed by consultees and the Council's response to those proposals at section 2.5. In addition to the PDAS Update, an Environmental Statement Update (**Document 4/9**) and a Plans and Drawings Update (**Document 4/10**) were also prepared.
- 3.66 As a result of representations made on the Planning Application, a number changes were made to the Scheme and as a result additional documents were submitted to the LPA in December 2022. A further consultation ("the re-consultation") was carried out to give consultees an opportunity to comment on the changes to the Scheme.
- 3.67 The re-consultation on the Planning Application ran from 19 December 2022 to 28 January 2023, although comments were received after the end of the consultation period and have been taken into account. The consultation received 90 comments, with 33 in support, 48 objections and 9 neutral representations. The most common objection themes related to the wider mitigation proposals and in particular the measures to control speed and reduce congestion in Churchill, Winscombe and Sandford. The Council's project team has engaged extensively with the Highways Development Management arm of the Council

and is satisfied that a balanced and proportionate approach to managing these issues has been adopted.

3.68 Description of proposed development

3.69 The Order Land (as demarcated on the Order Map (**Document 2/2**)) is described below, starting with the western part of the Scheme through to the eastern part of the Scheme.

3.70 The western extent of the Order Land includes parts of the existing A371, Well Lane and Summer Lane, including land on which existing highways infrastructure is located (such as footways, verge, a bus stop, signage, lighting columns and bollards).

3.71 At the start of the Banwell Bypass route alignment the Scheme moves north across agricultural land. In this area the Order Land includes typical agricultural features such as fields, hedges, access tracks and farm outbuildings. This section also includes part of the wider landholding in the ownership of Summer Lane Caravan Park (although the Scheme will not affect the caravan park directly, or require acquisition of any of the individual residential units) and the Wallymead Rhyne. Along the route corridor for the Banwell Bypass, in addition to the proposed new road and active travel route, land is required for environmental and flood mitigation areas and attenuation ponds.

3.72 The Order Land crosses Wolvershill Road (including part of the road to the north and south required for the junction alterations) and then to the east includes further agricultural land and associated agricultural features, including impacting an existing public right of way (AX3/06/10) near Cooks Lane.

3.73 Part of Moor Road is required for the Scheme, together with an adjacent field and pond. Immediately west and parallel to Moor Road is the Old Yeo Rhyne, which the route of the Banwell Bypass would cross.

3.74 A separate strip of agricultural land to the north of the proposed Banwell Bypass route is also included in the Order Land for the provision of the new Moor Road to Riverside Link.

3.75 The Order Land includes part of Banwell River and Riverside where the new Riverside Crossing overbridge will be constructed. Further east, the Scheme then crosses a small section of the traditional orchard at Riverside and part of the land in use as playing fields by Banwell Football Club.

3.76 The Banwell Bypass alignment will then turn south towards the A368, and the land required in this section includes further agricultural fields adjacent to the existing solar farm. A separate agricultural field is included in the Order Land in this area for the re-provision of recreational land for Banwell Football Club.

- 3.77 At the southern extent of the main route alignment, the Order Land includes agricultural fields required to enable the construction of the proposed Banwell East Junction and part of the A368 for tie-ins to the existing road network and connection to the proposed Southern Link.
- 3.78 The Southern Link, including environmental mitigation land, is proposed to be located on an agricultural field to the south of the A368 within the boundary of the Mendip Hills AONB. Parts of Castle Hill and Dark Lane are included within the Order Land to the south to enable alterations to the existing highway to accommodate the Southern Link.
- 3.79 In addition to the land required for the Banwell Bypass and Southern Link, a corridor for an active travel route is included in the Order Land crossing from Eastermead Lane to the east, through the solar farm, further east to cross the existing National Grid haul road, and then south to connect with the A368. This corridor is predominantly existing private access routes and agricultural land.
- 3.80 East of the Banwell Bypass, in the Churchill area, the Order Land includes three further sections required for improvements to the active travel network and existing highway junctions:
- (a) A route running north-south between Greenhill Road and Churchill Green, alongside an existing public right of way, which is required for improvements to the existing public right of way network.
 - (b) A route running east-west from Church Lane to Ladymead Lane. This land is an existing public right of way and is required to implement widening and improvements to this route.
 - (c) A route running east-west from Ladymead Lane to Broadoak Road. This is an existing public right of way which will also be widened and improved (which is included in the Scheme, but not within the Order Land because the land required for the improvements is already in the Council's ownership).
- 3.81 Bridges and Structures
- 3.82 The Scheme includes a number of bridges and structures, all of which are located along the main Bypass alignment:
- (a) Riverside and River Banwell Crossing – this includes an overbridge across Riverside, the River Banwell and the adjacent unnamed rhyne that runs parallel, so that traffic on both routes can flow independently of each other. The proposed structure would be a single span bridge with a minimum clearance underneath of

approximately 4.5m. The overall structure would be approximately 7 – 8m above existing ground level.

- (b) Moor Road Retaining Wall – this would retain the proposed highway embankment at Moor Road, adjacent to the existing Rowtech Engineering workshop. The retaining wall would be of concrete construction, 24m in length and would be 3m high.

3.83 A number of culverts are also included in the Scheme.

3.84 Landscaping, environmental and ecological measures

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

- (a) Retained vegetation, retention of field boundaries, translocation of hedgerows and coppice stools where appropriate.
- (b) Planting for landscape integration, visual screening, and habitat creation, to include species rich hedgerows, native woodland and woodland edge planting, specimen trees, areas for rewilding and a mosaic of grassland and wildflower meadows.
- (c) Flood compensation areas to compensate for loss of flood storage capacity. These would include biodiversity measures to include scrapes, reptile hibernacula, wet meadows, etc.
- (d) Noise attenuation barrier on Southern Link.
- (e) Provision of bat, bird and dormouse boxes and other hibernacula, resting places, bat hop overs, etc.
- (f) Mammal and other environmental fencing.
- (g) Gateway features for villages.
- (h) Replacement wildlife pond to replace the pond adjacent to Riverside that would be lost to the Scheme.
- (i) Access to severed land.
- (j) Access to individual field parcels.

3.86 The landscaping, environmental and ecological measures are shown on the Environmental Master Plans (**Document 4/21**).

3.87 **Development of the Scheme during planning determination process**

3.88 Following the submission of the Planning Application, but prior to its determination, comments were received from Natural England (“NE”), North Somerset Council (Natural Environment) (“NSCNE”) and the Avon Bat Group (“ABG”) as part of the statutory consultation. It was asserted that the Scheme requires additional mitigation in order to avoid the potential impacts of the Scheme on bat populations (“the Additional Mitigation”), particularly those present in the North Somerset and Mendips Bat Special Area of Conservation (“the SAC”). The Additional Mitigation was subsequently incorporated into the Scheme and forms part of the Planning Application which will be determined (see further at paragraph 7.3 below).

3.89 In addition, prior to and during the determination of the Planning Application, engagement has been ongoing with NGET in respect of the intersection of a proposed shared use path (which forms part of the Scheme) and the NGET haul road relating to the Hinckley Connection Project. This intersection occurs within Order plots 3/11e and 3/11f. As part of that engagement, NGET has identified that electricity apparatus is located within the haul road and that at this particular location the apparatus is at a relatively shallow depth because of crossing over a rhyme. NGET raised concerns about the proximity of the shared use path to its electricity apparatus. Whilst the severity of that risk is difficult to quantify, as a precautionary step the Council is progressing a potential design change in this area to realign the shared use path so as to circumvent the area where the apparatus is located closer to the surface. The Council considers that the current design is feasible and deliverable, but engineering solutions would need to be progressed through detailed design in order to address the concerns raised by NGET. As an alternative, in order to avoid potentially complex engineering solutions, the Council proposes to submit a separate planning application for an alternative route once the main planning permission has been granted. Whilst it is considered that both solutions are likely to be deliverable (and therefore the existing solution does not present an impediment to delivering the Scheme), in order to reduce proximity to NGET’s electrical apparatus, the Council is progressing the alternative route design.

3.90 These changes will require additional land and rights, and therefore necessitate the making of the Supplemental Order in order to ensure that the Council could deliver the alternative solution if planning permission was obtained. As explained above, the Council intends to make and serve the Supplemental Order soon after the date of this Statement.

- 3.91 It is expected that by the time of the public inquiry, the Council would have certainty over which route will be progressed (subject to the grant of planning permission) and if that is the case then the Council would anticipate being able to withdraw the route not being progressed from either the Order or the Supplemental CPO, as applicable.
- 3.92 There are other design changes which have been made during the determination of the Planning Application (as detailed at paragraph 7.3 below). The other changes do not require the acquisition of any additional land or rights for the Scheme.

4 THE ORDER AND THE SRO

4.1 The Compulsory Purchase Order

4.2 The Order (**Document 2/1**) has been made by the Council pursuant to powers under sections 239, 240, 246, 248, 249, 250, and 260 of the Highways Act 1980 (as amended) and the Acquisition of Land Act ("ALA") 1981.

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

- (a) By section 239 the Council as the highway authority for the area may acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense, as well as any land required for the improvement of a highway.
- (b) Under section 240 the Council as the highway authority may acquire land required for use in connection with construction or improvement of a highway and the carrying out of a diversion or other works to watercourses.
- (c) Under section 246 the Council as highway authority can acquire land for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved by them has or will have on the surroundings of the highway.
- (d) Under section 248 the Council as highway authority can acquire land in advance of requirements.
- (e) Section 249 prescribes distance limits from the highway for the acquisition of land for certain purposes.

- (f) Section 250 allows the Council as the highway authority to acquire rights over land, both by acquisition of those already in existence, and by the creation of new rights.
 - (g) Section 260 allows the Council as highway authority to override restrictive covenants and third party rights where land acquired by agreement is included in a compulsory purchase order.
- 4.4 The CPO Guidance (**Document 1/1**) provides guidance to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of this guidance in making the Order.
- 4.5 The Council is using its powers of compulsory purchase contained in sections 239, 240, 246, 248, 250 and 260 of the Highways Act 1980 (as amended) and the ALA 1981 because it is satisfied that the acquisition of the Order Land will facilitate the construction of the Scheme. Mindful that it should not use a more general compulsory purchase power when a more specific one is available, the Council considers that the powers in the Highways Act 1980 are the most appropriate.
- 4.6 The purpose in seeking to acquire the land and utilising the powers in the Highways Act 1980 is set out in detail in **Appendix 1**.
- 4.7 The Order Land
- 4.8 The Order Land has an area of 60.2 hectares ("ha"). The Order Map (**Document 2/2**) shows the extent of the Order land, which comprises approximately 390 plots. The Order map comprises 4 sheets.
- 4.9 The land coloured pink on the Order Map will be acquired permanently for the Scheme (including existing highway subsoil where required). This includes the alignment of the new Bypass and Southern Link, including any junctions, and any associated infrastructure required to be controlled by the Council as highway authority, including the associated swales, cuttings, embankments and culverts, which will all form part of the adopted highway. The Council also requires permanent acquisition of any new cyclepaths/footways (which will become adopted highway) and the land required as replacement land for Banwell Football Club (further details of which are included at paragraph 7.33(b) below). In addition, the Council intends to permanently acquire much of the land required for environmental mitigation, to ensure that it has future control over that land to deliver and maintain the mitigation.
- 4.10 The Council is to create new rights over the land coloured blue on the Order Map. The rights to be created are necessary for the construction, operation and maintenance of the

Scheme, and include rights to use land for construction purposes, flood storage and mitigation rights, utility diversions and ongoing maintenance rights, details of which are included in the Book of Reference in the Schedule to the Order (**Document 2/1**).

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

4.12 Efforts to acquire by agreement

4.13 The CPO Guidance (**Document 1/1**) states:

(a) Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life.

(b) A compulsory purchase order should only be made where there is a compelling case in the public interest.

(c) Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects.

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

4.15 Summary of negotiations

4.16 The Council, via their appointed agents, wrote to all parties identified as owners of land impacted by the Scheme to explain the Council's intentions to negotiate heads of terms for the acquisition of land and rights required for the Banwell Bypass. Correspondence in relation to the main elements of the Scheme was issued in late 2021 and then correspondence in relation to the wider mitigations areas in early 2022.

4.17 The Council has now issued offers and detailed heads of terms to the significant majority of landowners with interests in land required for the main Banwell Bypass, Southern Link

and wider mitigations, via their agents where appointed. The Council has also issued offers to the significant majority of owners of subsoil interests in the existing highway. All impacted landowners were consulted on the Scheme's initial proposals. Negotiations are ongoing and an update will be provided on the status of negotiations in evidence to the public inquiry.

- 4.18 Although negotiations with landowners have been and continue to be carried out, it is currently envisaged that the land and rights required for the Scheme cannot be assembled without the use of compulsory purchase powers. The land assembly for the Scheme is complex and requires the acquisition of a range of different land interests over a significant number of landholdings. It is highly unlikely that this can be achieved without a compulsory purchase order.
- 4.19 Furthermore, without acquiring all the interests set out in the Order the Council cannot guarantee being able to comply with all the conditions expected to be imposed on the planning permission for the Scheme, which will include various environmental mitigation conditions.
- 4.20 Progressing the Order in parallel increases the likelihood of voluntary agreements being reached with some landowners as they have greater incentive to engage with the Council.
- 4.21 Justification for Compulsory Purchase
- 4.22 The Scheme is required in order to meet the objectives set out in section 2 above.
- 4.23 Due to the complexity of land assembly required to deliver the Scheme, it is unlikely that this can be achieved within the timeframes required to secure the HIF funding (detailed in section 6 below) without the use of compulsory purchase powers. However, it does remain the Council's intention to seek to acquire land and rights on a voluntary basis wherever possible. This approach of "twin tracking" voluntary negotiations with the promotion of the Order is aligned with the CPO Guidance (**Document 1/1**).
- 4.24 The Council has undertaken detailed investigations to identify so far as reasonable those with a relevant or compensatable interest. This has included Land Registry, utility and highways searches by the Council's legal advisors and land referencing agents, the issuing of statutory requisitions for information using powers under section 5A of the ALA 1981 and site visits by both the Council and the appointed land referencing agents. The Council is satisfied that it has taken all reasonable steps to identify relevant or compensatable interests. In addition, presumptions have been made in relation to the ownership of unregistered highway and watercourses based on the half-width (ad medium filum) principle. However, it remains the case that there may be unidentified third party

interests in the Order Land. CPO powers are also required to ensure these do not prevent delivery of the Scheme.

4.25 As set out in section 5 above, the Scheme will bring numerous benefits to the local area, including relieving existing traffic congestion, economic benefits, and providing new and improved infrastructure to enable residential development (subject to the emerging Local Plan).

4.26 The Scheme is the subject of an application for full detailed planning permission and there is no reason to think that planning permission will not be granted. The Scheme is being promoted in compliance with national, regional and local planning policy, as set out in full in the Planning Statement (**Document 4/1**) submitted with the planning application and as summarised in section 6.1 below.

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

4.28 Proposed modifications to the Order

4.29 The Council will request that the Secretary of State makes a number of modifications to the Schedule to the Order and the Order Map. The changes will include corrections to the details of qualifying persons recorded in the Schedule and alterations to the plots in order to address matters identified following the service of the Order. The modifications to the plots involve either:

- (a) the removal of plots to accommodate the land and rights proposed to be acquired under the Supplemental Order (as outlined further below); and
- (b) changing plots from the acquisition of land to the acquisition of rights following consideration of objections.

4.30 These changes would therefore be reductive in effect. The Council is satisfied that these are modifications which the Secretary of State is able to make upon confirmation of the Order if he is minded to do so. The Council will provide a detailed explanation of these changes, along with modified versions of the Schedule to the Order and the Order Map, to the Secretary of State and relevant persons in advance of the public inquiry.

4.31 **The Side Roads Order**

4.32 The Need for a Side Roads Order (SRO)

- 4.33 The SRO (**Document 2/3**) will, subject to confirmation by the Secretary of State for Transport, empower the Council to stop up existing side roads and private means of access affected by the Scheme, to improve existing side roads and to create new side roads and private means of access as a consequence of the main works.
- 4.34 The full title of the SRO published under the Highways Act 1980 is:
- THE NORTH SOMERSET COUNCIL (BANWELL BYPASS AND SOUTHERN LINK CLASSIFIED ROAD) (SIDE ROADS) ORDER 2022
- 4.35 The SRO will be considered at the public inquiry alongside the Order.
- 4.36 The Need for Side Roads Alterations
- 4.37 The proposed alterations to existing highways and private means of access that would be affected by the Scheme are detailed in the Schedule attached to the SRO (**Document 2/3**), and shown diagrammatically on the SRO plans (**Document 2/4**). The following descriptions should be read in conjunction with the Schedules in the SRO and the site plans.
- 4.38 The Scheme will require alteration of side roads and accesses and the SRO made under sections 14 and 125 of the Highways Act 1980 implements these alterations. The Scheme requires the stopping up of highways at various points. Some sections of existing highways are being extinguished and then recreated as part of the Scheme. Other sections will be closed permanently; however, convenient alternative routes are or will be available.
- 4.39 In accordance with Local Authority Circular 1/97 issued by the Department of Transport (**Document 1/2**), the Council is satisfied:
- (a) as respects each length of highway the stopping up of which is authorised by the proposed SRO, that another reasonably convenient route is available or will be provided before that length is stopped up; and
 - (b) as respects each length of private means of access that the stopping up of which is authorised by the proposed SRO, that other reasonably convenient means of access to relevant premises are available or will be provided before that length is stopped up.
- 4.40 Where a new highway is to be constructed wholly or partly along the same route as a new access or part of one, that new highway shall be created subject to the private rights over that new access.

4.41 Where immediately before a length of highway is stopped up in pursuance of the proposed SRO there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or any telecommunications code system operator then, subject to section 21 of the Highways Act 1980, those undertakers, or that operator, as the case may be, shall have the same rights as respects that apparatus as they had immediately before the stopping up took place.

4.42 Proposed SRO arrangements

4.43 Under the SRO (**Document 2/3**), the following highways are proposed to be improved, as shown on the SRO plans (**Document 2/4**):

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

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

- (a) The Well Lane from a point 86 metres west of Knightcott Motors garage for a distance of 33 metres to the south from its junction with the A371 labelled 1/S1 on the SRO site plan 1.
- (b) Public right of way AX3/11/10 from a point 49 metres north-west of Knightcott Motors garage for a distance of 17 metres north-west, labelled 1/S2 on the SRO site plan 1.

- (c) The Wolvershill Road from a point 76 metres north of Stonebridge Farm for a distance of 246 metres to the north-west, labelled 1/S3 on the SRO site plan 1.
- (d) Public right of way AX3/6/10 from a point 109 metres south east of Whitecross Cottage for a distance of 34 metres north east, from its junction with Cook's Lane labelled 2/S1 on the SRO site plan 2.
- (e) Public right of way AX3/6/10 from a point 259 metres north east of Whitecross Cottage for a distance of 25 metres north east, labelled 2/S2 on the SRO site plan 2.
- (f) The Moor Road from a point 234 metres north of Bow Farm for a distance of 53 metres to the north-west, labelled 2/S3 on the SRO site plan 2.
- (g) The A371 Castle Hill from a point 149 metres north of Banwell Castle for a distance of 62 metres to the north, labelled 3/S1 on the SRO site plan 3.
- (h) Dark Lane from a point 210 metres north of Banwell Castle for a distance of 40 metres to the north, labelled 3/S2 on the SRO site plan 3.
- (i) The A368 East Street from a point 167 metres east of Abbey Lodge for a distance of 80 metres to the east, labelled 3/S3 on the SRO site plan 3.
- (j) The A368 East Street from a point 278 metres south west of Towerhead farm for a distance of 154 metres to the south-west, labelled 3/S4 on the SRO site plan 3.
- (k) Eastermead Lane from a point 270 metres north east of Banwell FC Pavilion for a distance of 119 metres to the north East, labelled 3/S5 on the SRO site plan 3.
- (l) A public right of way (AX29/51/10 and AX14/21/20) from a point 327 metres north west of Churchill Community School from its junction with Churchill Green to its junction with the A368 for a distance of 417 metres to the south west, labelled 4/S1 on the SRO site plan 4.
- (m) A public right of way (AX14/36/30, AX14/36/20, AX14/36/10 and AX14/34/10) from a point 123 metres north east of St John the Baptist's Church from its junction with Church Lane to its junction with Ladymead Lane for a distance of 1144 metres to the east, labelled 4/S2 on the SRO site plan 4.
- (n) A public right of way (AX14/38/30) from a point 734 metres north east of St John the Baptist's Church for a distance of 21 metres to the north, labelled 4/S3 on the SRO site plan 4.

- 4.45 The following new highways are proposed to be constructed under the SRO:
- (a) Well Lane replacement connector road from A371 (SRO site plan 1)
 - (b) Part of turning head on existing Knightcott Road (SRO site plan 1)
 - (c) Road from A371 to proposed connector to roundabout (SRO site plan 1)
 - (d) Road between proposed roundabout and A371 (SRO site plan 1)
 - (e) Two sections of Wolverhill Road (SRO site plan 1)
 - (f) Five sections of public right of way (footpath) (SRO site plan 2)
 - (g) Road between Moor Road and Riverside (SRO site plan 2)
 - (h) Turning head on Moor Road (SRO site plan 2)
 - (i) Two sections of public right of way (bridleway) (SRO site plan 3)
 - (j) Turning head on A371 Castle Hill (SRO site plan 3)
 - (k) Public right of way (footpath) (SRO site plan 3)
 - (l) Turning head on Dark Lane (SRO site plan 3)
 - (m) Road from proposed Southern Link to improved A368 (SRO site plan 3)
 - (n) Public right of way (bridleway) from Greenhill Road to Churchill Green (SRO site plan 4)
 - (o) Public right of way (bridleway) from Church Lane to Ladymead Lane (SRO site plan 4)
- 4.46 Under the SRO, the following private means of access are proposed to be stopped up, with new means of access to be provided, as shown on the SRO plans:
- (a) Unclassified field access off existing A371 located 101 metres north-west of Knightcott Motors garage numbered "1/1" on the SRO site plan 1.
 - (b) Unclassified field access directly off existing A371 located 32 metres north east of Knightcott Motors garage numbered "1/2" on the SRO site plan 1.

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

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

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

4.49 Modifications to the SRO

4.50 As a result of objections received to the SRO and changes made to the Scheme through the planning process, the Council will request that the Secretary of State makes modifications to the SRO. The Council will provide the detail of these of modifications to the Secretary of State and notify affected persons in advance of the public inquiry.

4.51 The anticipated modifications include (although this is subject to change whilst the proposals are finalised):

- (a) Alterations to SRO plots 3/4a and 1/6a to ensure that the private means of access to be provided extend through the Additional Mitigation which is now being proposed at the entrance to the accesses (required due to the inclusion of the Additional Mitigation).

- (b) Alterations to the shared use path at SRO plot 3/5a to accommodate the potential alternative alignment to address concerns raised by NGET in relation to its apparatus.
- 4.52 In addition, other modifications will be requested to reflect minor alterations to the Scheme following the making of the SRO due to some design changes as a result of the planning process and objections received to the Order and SRO.
- 4.53 It is considered that these modifications are capable of being made by the Secretary of State in accordance with the provisions of paragraph 8(3) of Schedule 1 of the Highways Act 1980 and that it is not necessary to make a supplemental or additional SRO. The Council will provide a full update on these matters to the Secretary of State and affected persons in advance of the public inquiry.
- 4.54 **The Supplemental Order**
- 4.55 The Council secured authority to make the Supplemental Order at a meeting of Full Council on 21 February 2023 (see the decision at **Document 6/6**). The Supplemental Order is required in order to secure the compulsory purchase of land and rights required to deliver the Additional Mitigation and to allow for the potential change in the alignment of the shared use path which intersects NGET's haul road (as explained above).
- 4.56 The full title of the Supplemental Order will be:
- THE NORTH SOMERSET COUNCIL (BANWELL BYPASS AND SOUTHERN LINK)
COMPULSORY PURCHASE ORDER (NO.2) 2023
- 4.57 Whilst the Council is necessarily promoting the Supplemental Order as a separate compulsory purchase order, the Order and the Supplemental Order are parasitic on each other as both will need to be confirmed to ensure that the Scheme as a whole can be delivered. The Order and the Supplemental Order will be assessed as two separate, albeit inter-linked, legal instruments.
- 4.58 As mentioned above, the Council will submit the Supplemental Order to the Secretary of State for confirmation and will request that the public inquiry for the Supplemental Order is conjoined with the public inquiry required for the Order and the SRO.
- 4.59 The Supplemental Order is intended to be made and served on affected landowners in late March 2023. It will be accompanied by a separate Statement of Reasons and, subsequently (and if required), a Statement of Case, which will address the need and justification for the Supplemental Order.

5 BENEFITS OF THE SCHEME

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

5.2 Transport Need and Benefits

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

5.4 The Transport Assessment (**Document 4/4**) submitted with the Planning Application for the Scheme assesses different future development scenarios in order to provide an assessment of the transport and traffic figures both with and without the Scheme. In the future “Do Minimum” scenario (i.e. without the Scheme), traffic at key locations on the A371 and A368 and around the local road network is forecast to increase by Scheme opening year (2024) and further increase by Scheme design year (2039) as a result of residential and employment development/growth in the area. These traffic increases are forecast to worsen congestion, delay and severance caused by traffic on the existing road network.

5.5 In the 2024 and 2039 “Do Something” scenarios (i.e. with the Scheme), traffic on the A371 through Banwell is forecast to decrease significantly compared to the Do Minimum as traffic redistributes to make use of the Bypass. This would significantly reduce congestion, delay and severance caused by traffic in the village. This aligns with the Scheme objectives to deal with existing congestion issues and improve and enhance Banwell's public spaces by reducing traffic severance.

5.6 Traffic is forecast to increase on the local road network in both 2024 and 2039 in the Do Something scenarios, as a result of traffic from alternative routes switching to use the A371 and A368, which become more attractive routes with the Bypass in place. However, mitigation measures are being delivered as part of the Scheme in order to address this impact, including:

- (a) Junction improvements to improve performance and capacity at the three junctions which are forecast to operate over capacity as a result of the Scheme (A371/ Banwell Road; A371 Knightcott Road/ Summer Lane/ Well Lane; and Churchill Gate).
- (b) Place-making improvements within Banwell, including traffic calming measures and pavement widening, which will improve and enhance Banwell's public spaces

to crystallise the benefits brought about by the reduction in traffic through the village.

- (c) A package of measures in surrounding villages, including new and improved active travel routes, reduced speed limits, and new pedestrian crossings.

5.7 The Scheme will also result in significant overall decreases in journey times on the A368 (between Weston-super-Mare and Churchill) and A371 (between Weston-super-Mare and Sidcot) corridors. In the 2024 Do Something scenario, journey times are forecast to decrease by up to six minutes compared to the Do Minimum scenario. This improves further in the 2039 Do Something scenario, where journey times are forecast to decrease by up to eleven minutes compared to the Do Minimum scenario. This aligns with the Scheme objective to deal with existing congestion issues.

5.8 **Economic Need and Benefits**

5.9 The results of the economic case for the Scheme are presented in full in the Planning Statement (**Document 4/1**), although the Council intends to update this information in advance of the public inquiry to reflect changes to the Scheme's design and any updates required to reflect revised costings (as necessary).

5.10 The Scheme will unlock new residential and employment opportunities through proposed development sites (to be allocated within the Council's emerging Local Plan 2038) and make housing and employment opportunities more accessible. Together this will not only address longstanding local transport issues but represents critical enabling infrastructure that will unlock significant economic development opportunity.

5.11 Transport user benefits of the Scheme (travel time, travel cost and wider public finances) are large; totalling around £130.6 million, as the Scheme reduces the journey times of trips through the area. This aligns with the Scheme objective to deal with existing congestion issues.

5.12 Overall, there is a beneficial change in noise impacts because of the Scheme, as traffic moves away from the A371 through Banwell to make use of the Bypass. The net present value of change in noise is around £3.2 million.

5.13 Whilst there are some adverse economic impacts, the initial benefit cost ratio ("BCR") for the Scheme is 2.83, meaning that for every £1 in cost, £2.83 is returned in benefit. In accordance with the Department for Transport ("DfT") Value for Money Framework, a BCR of 2.83 represents 'High' value for money.

- 5.14 An adjusted BCR has also been calculated that considers the benefits/disbenefits of land value uplift, transport external cost and wider economic impacts in addition to the elements used in the initial BCR. The adjusted BCR for the scheme is 4.94 which represents 'Very High' value for money in accordance with the DfT Value for Money Framework. However, it should be noted that the wider economic impact results were larger than usually expected for a scheme of this type, and significantly higher than the 10% to 30% threshold of total transport economic efficiency ("TEE") user benefits that is suggested by the DfT as a general benchmark. If a lower-bound benchmark of 10% of TEE benefits is applied, this results in an adjusted BCR of 2.62 which still represents 'High' value for money in accordance with the DfT Value for Money Framework.
- 5.15 Impacts to journey quality, physical activity and travel time variability have not been monetised as part of the economic appraisal but qualitatively are all likely to be beneficially impacted as a result of the Scheme. The free-flowing Bypass and removal of traffic from the A371 through the centre of Banwell will improve journey quality and reduce travel time variability. The reduction in severance, introduction of place-making measures and provision of walking, cycling and horse riding routes will increase physical activity.
- 5.16 The economic case therefore demonstrates that the Scheme would provide significant monetary benefits that justify the cost of the Scheme.
- 5.17 **Review against Scheme objectives**
- 5.18 A summary of how the Scheme performs against its objectives is set out in the table below:

Scheme objective	Compliance with objective
Improve the local road network to address existing congestion issues	Traffic modelling results demonstrate that the Bypass will significantly reduce traffic congestion on the A371 through Banwell Village. In the opening year (2024), there would be a total reduction of vehicles driving through Banwell of ~70%.
Improve and enhance Banwell's public spaces by reducing traffic severance and improving the public realm	The Scheme would see place-making improvements and enhancements to the centre of Banwell village, with the introduction of traffic calming measures and pavement widening that would reduce the dominance of the road. The impact of the proposed Scheme would be a reduction in traffic volumes through Banwell as a result of traffic using the Bypass route. This will make Banwell

	<p>a safer, more attractive place for the residents and visitors.</p>
<p>Provide the opportunity to increase active and sustainable travel between local villages and Weston-super-Mare</p>	<p>The design includes a separated, traffic-free shared use route running alongside the Bypass. The route would start to the west of Banwell, linking with the new route being provided on the A371 as part of the Safer Roads Scheme. Regular crossings of the Bypass are also proposed to maintain existing walking, cycling and horse-riding routes, whilst also creating new ones. This would also provide connectivity between Banwell and any future development (subject to the emerging Local Plan).</p> <p>Dedicated routes for walkers, cyclists and horse-riders are also proposed on roads which do not allow/no longer allow through traffic, such as Castle Hill, Eastermead Lane and Moor Road.</p> <p>Within Banwell, a range of improvements are proposed, including improved walking and cycling facilities, created by widening the existing pavement where possible, as well as increased cycle parking.</p> <p>A walking/cycling route from the Bypass through to Sandford to the north of the A368, which will create a continuous, traffic-free route between Weston-super-Mare, Sandford and onwards via the Strawberry Line (National Cycle Route 26), although this is contingent on the completion of separate Council projects as well.</p> <p>There are proposed new or improved pedestrian crossings in Sandford and Winscombe. Improvements to the existing public footpath between the A368 and Churchill Green for walkers.</p>
<p>Deliver infrastructure that enables housing development (subject to Local Plan)</p>	<p>Banwell Bypass is funded by Homes England's HIF to support the delivery of 7,557 new homes. 4,482 of these homes will be located at existing housing development sites in the Weston Villages of Haywood Village and Locking Parklands. The location of the remaining homes</p>

	<p>will be subject to the new Local Plan process. However, it is currently suggested that these will be delivered through the creation of a new strategic growth area made up of 2,800 to the north of Banwell and the remainder through smaller sites in the area. Whilst the emerging Local Plan and subsequent future housing allocation still needs to go through a process to become adopted policy, the Bypass is vital to support its delivery as it improves access to any homes, employment, and education in the area. Any additional increases to traffic as a result of future housing has been considered in the Bypass traffic modelling and subsequent development of the Scheme.</p>
<p>Ensure the development respects the local area and minimises visual impact upon the surrounding countryside and Mendip Hills AONB</p>	<p>To minimise any visual impact on the surrounding countryside, the Scheme's current landscape design considers views both to and from the countryside and AONB. Fields severed by the Bypass create opportunities to retain the existing layout of fields in the area with space for habitat creation, landscape integration and further screening, such as hedgerows, to obscure the Bypass from view. In addition, consideration has been given to walking, cycling and horse-riding routes and other mitigation features, such as the attenuation basins, and how these can be properly integrated with the landscape.</p>
<p>Innovative and efficient in reducing and offsetting carbon from the design and construction of the infrastructure</p>	<p>Road transport and construction are both responsible for generating a significant amount of carbon emissions. However, it has been a key focus of the Scheme to reduce carbon emissions in both construction and the eventual operation of the Bypass.</p>
	<p>The 'Whole Life Carbon' impact of the Bypass has been considered from the beginning of design. The carbon impacts are considered before and during construction, in maintenance and use of the Bypass in the future. By doing this, carbon reduction measures can be built into the Scheme design. These include:</p>

	<ul style="list-style-type: none"> • A single carriageway as opposed to dual carriageway, which reduces the amount of material required to construct the Scheme and creates fewer construction carbon emissions. • Use of recycled materials in construction of the Scheme, as well as locally sourced materials to avoid transporting them long distances. • Use of swales for highway drainage, reducing the amount of drainage material needed in the design and therefore creating fewer construction carbon emissions. • Optimising the Bypass' alignment to reduce the amount of carbon heavy earthworks needed to build both the Bypass and Southern Link. • Minimising additional street lighting, therefore reducing the amount of energy needed to light the road, as well as reducing material needed to construct the Scheme. <p>Carbon emissions will also be reduced once the Scheme is operational by the following:</p> <ul style="list-style-type: none"> • 40mph speed limit with slower moving vehicles in free-flowing traffic, which generates fewer carbon emissions than vehicles travelling at high speeds. • Using junctions (for example, a roundabout or signalised T-Junction) to ensure vehicles can be as free flowing as possible, to reduce the carbon impact of vehicles stopping and starting. • Improvements to routes through Banwell and nearby villages to make walking, cycling and horse riding a safer and more attractive low
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	carbon alternative for residents travelling between local villages and Weston-super-Mare.
Ensure the development provides the opportunity to increase Biodiversity Net Gain (“BNG”) by at least 10%	<p>The Scheme has exceeded this objective, it would provide approximately 40% BNG. Measures include:</p> <ul style="list-style-type: none"> • Creating habitats for biodiversity by reinstating and enhancing the ditch and rhyme system, management of invasive and non-native weeds, reinstating dried ponds and enhancing habitats with seasonally wet/damp species-rich grassland – all of which have the potential to enhance the number of invertebrates, protected species, and pollinator habitats. • Using traditional techniques to manage wetland areas, such as seasonal and controlled flooding and the management of vegetation (e.g. pollarding, coppicing, reed, or osier beds if appropriate). • Replanting riverbanks with native trees and creating species rich grassland habitats within the verges and along the Scheme embankment. • Planting more local native species and further enhancements such as new hedgerows for woodland species, birds, dormice, and bat boxes. Types of plant would be chosen to provide food sources for protected species and soil conditions for wetland species. • Water and flood management areas designed to emphasise the natural landscape.
Proactively engage with stakeholders in a way that is both clear and transparent	Non-statutory consultation has been undertaken in the form of:

	<ul style="list-style-type: none"> • Banwell Bypass and Highway Improvements non-statutory consultation (5 July 2021 to 16 August 2021). • Banwell Bypass and Highway Improvements non-statutory consultation (10 March 2022 to 22 April April). • Consultation with Environmental Consultees such as the Environment Agency, Natural England, Lead Local Flood Authority, Internal Drainage Board, Bristol Water, regular Environmental Liaison Group (ELG) consultations with statutory and non-statutory consultees • Engagement with Parish Council's, resident working groups, statutory working groups and Banwell FC. Engagement has helped understand the breadth of local issues, opportunities, and concerns. This has continued through the planning determination period. • Since the Order and the SRO were made, meaningful consultation has continued with affected landowners, and with both the public and statutory consultees through the planning process.
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6 IMPLEMENTATION OF THE SCHEME

6.1 Funding

6.2 On 24 August 2020, the HIF Grant Development Agreement ("GDA") was entered into between the Council and Homes England. The GDA governs the funding for the Scheme. The total funds available pursuant to the GDA are approximately £97,100,000 (which have been allocated to build the new bypass of the village of Banwell, fund online improvements to the surrounding highway network, improve the area's utilities network, and provide an expansion of the Winterstoke Hundred Academy secondary school in Locking Parklands).

The funding which is specifically available for the Scheme is approximately £65,300,000. It is available in two tranches:

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

6.3 Stage 1 funding

6.4 The Stage 1 funding is being drawn down. This includes the costs of land acquisition (whether voluntarily or by compulsory purchase) and securing the Order and SRO.

6.5 The budget for land acquisition within the Stage 1 funding is sufficient to meet the costs based on the current property costs estimate, which is set out at paragraph 6.13 below.

6.6 Stage 2 funding

6.7 The Stage 2 funding relates to the construction costs of the Scheme. Under the GDA, prior to drawing down the Stage 2 funding, further approval is required from both Homes England and the Full Council.

6.8 There are a number of requirements which the Council need to satisfy in relation to the various aspects of infrastructure covered by the GDA. The Council is currently liaising with Homes England in relation to these requirements and the milestones for delivery. So far as the Banwell Bypass is concerned, it is necessary for the Council to secure legal and beneficial ownership and vacant possession of all land and rights required for the Scheme. If the Scheme is not supported by the exercise of compulsory purchase powers, this could result in significant delays to the acquisition of land, which may result in the Council not being able to meet the requirements as regulated by the GDA for land acquisition or practical completion. This could lead to the Council not being able to draw down the Stage 2 funding for construction.

6.9 In addition to the requirement for land acquisition, there are a number of other milestones in the GDA which are relevant to the portfolio of projects for which funding is being provided. As indicated above, the Council is liaising with Homes England in relation to these requirements. An update will be provided to the public inquiry in so far as these might impact the Scheme funding. In particular, as set out above at paragraph 5.9, the Council also intends to update its analysis of the economic benefits of the Scheme in advance of the public inquiry to reflect changes to the Scheme's design and any updates required to reflect revised costings (as necessary).

6.10 Under the terms of the GDA, the Council is required to fund any costs overruns which exceed the total HIF budget. There is potential for funding to be available through developer contributions secured through section 106 agreements/community infrastructure levy towards improvements in the area or through the re-profiling of existing capital, if it is considered that additional monies are required for scheme delivery.

6.11 **Scheme costs**

6.12 Land acquisition costs

6.13 An updated property costs estimate has been prepared by the Council's advisers. That estimate currently stands at £4,415,254 (excluding potential Part 1 claims and fees), which covers the acquisition of all of the land and rights included within the Order.

6.14 Construction costs

6.15 When the Order was made, the construction cost estimate attributed to the Scheme was £37,289,585. This figure included detailed design cost estimate of £1,245,000.

6.16 There have been construction cost increases over recent months and, as such, the Stage 2 construction cost estimate in relation to the bypass is under review and any change to original cost estimate which might affect the funding position will be reported to the Inquiry.

6.17 **Funding conclusion**

6.18 The funding available for the Scheme is set out in the paragraphs above and, subject to review of the construction cost estimate and funding requirements being undertaken as highlighted, there is not considered to be any funding impediment to the Scheme.

6.19 **Delivery Programme**

6.20 Construction is hoped to commence in 2024 with an anticipated 2 year construction programme.

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

7 THE PLANNING POSITION

7.1 The Planning Application was submitted to the LPA on 18 July 2022 and validated on 25 July 2022. The Planning Application is due to be considered by the North Somerset Council Planning & Regulatory Committee on 15 March 2023 (which will coincide with the

service of this Statement) and a decision will be made as to whether to grant planning permission for the Scheme.

7.2 As the Scheme is classed as “major development” under the Town and Country Planning (Development Management Procedure (England) Order 2015, the determination period for the planning application is 16 weeks. However, as changes have been made to the Scheme following feedback from statutory consultees and the public during the planning determination period (see further below), the LPA undertook a re-consultation from 19 December 2022 to 28 January 2023 and the determination of the Planning Application has been extended to ensure that the outcome of that consultation could be properly considered.

7.3 As a result of representations made on the Planning Application, a number of changes have been made to the Scheme through the planning process. These changes will form part of the development consented by the planning permission, if granted. The main changes include:

(a) As explained in sections 1 and 3 above, consultation with NE, NSCNE and ABG has resulted in the Additional Mitigation being incorporated into the Scheme in order to ensure that the potential adverse impacts of the Scheme on bat populations present in the SAC are avoided. This ensures that there is no adverse effect on the integrity of the SAC as a result of the Scheme. This land is to be included in the Supplemental Order. The Additional Mitigation comprises a further 7.7 ha of land to:

- (i) reduce the linearity of the mitigation proposed along the Scheme;
- (ii) provide enhanced connectivity and permeability for bat species across the wider landscape, and especially to the north and east of the Scheme;
- (iii) create ‘hop-over’ points for bats to facilitate crossing the Scheme and the existing A368; and
- (iv) create new habitats and reinforce existing habitats for bats.

(b) The quantum of land to be provided as replacement land for Banwell Football Club has been increased in order to ensure that policy DM68 is complied with (see further at paragraph 7.33(b) below). This alteration does not require any change to the land proposed to be acquired pursuant to the Order because the need for the additional land was identified prior to the Order being made and was therefore included within the Order Land (plot 2/14). The increased area has been

provided following representations made by Sport England and Banwell Football Club.

- (c) Further speed control interventions and revised speed limit measures have been included following discussions with the Highways and Transport Development Management at the Council as part of the planning process. These changes have been made for highways safety and access reasons. No additional land is required for the purpose of delivering these changes.

7.4 In addition, as referred to above, the Council is considering an alternative route for a shared use path to accommodate concerns raised by NGET. It is anticipated that a separate planning application will shortly be submitted for these works for the reasons outlined. The Council (in its capacity as promotor of the Scheme) is not aware of any reason why this separate application would not be granted, and anticipates that this matter will be regularised prior to the public inquiry. Alternatively, this issue will be dealt with in detail in the Council's evidence for the inquiry as required. Further information on this is included at paragraphs 3.89 above.

7.5 **Planning policy considerations**

7.6 The Planning Application is being considered against the national, regional and local planning policy framework. The Planning Statement (**Document 4/1**) submitted in support of the application sets out the policy framework in detail and assesses the Scheme's compliance with, or divergence from, relevant policies. The PDAS Update (**Document 4/7**) was prepared to assess the changes to the Scheme prior to re-consultation. The PDAS Update contains further information regarding the changes made to the Scheme during the determination of the Planning Application. An Environmental Statement Update (**Document 4/9**) and a Plans and Drawings Update (**Document 4/10**) were also prepared.

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

7.8 An Environmental Statement ("ES") was prepared in support of the Planning Application, addressing those matters scoped into the EIA through the Combined Screening and Scoping exercise. A selection of the key ES documents, including the main topic chapters, is at section 8 of the Document List (see **Appendix 2**).

7.9 The Council (in its capacity as promotor of the Scheme) is not aware of any reason why planning permission would not be granted for the Scheme and is not, therefore, aware of any known planning impediment at this stage which would prevent the Order and

associated orders from being confirmed by the Secretary of State. Indeed, the officer's report for the Planning Application was published on 8 March 2023 (**Document 4/11**) ("the Officer's Report") and recommends the grant of planning permission subject to the resolution of two matters. These are:

- (a) The conclusion of the Habitats Regulations Assessment. At the time of the Officer's Report being published, NE was yet to provide its formal response but this has now been provided and the appropriate assessment has been completed.
- (b) The satisfactory resolution of issues raised by National Highways in relation to the design solution for the Knightcott Overbridge over the M5. Discussions with National Highways are ongoing and the Council is confident that a solution can be agreed shortly.

7.10 **National Planning Policy Framework (2021)**

7.11 The National Planning Policy Framework ("NPPF") (**Document 5/1**) was published in March 2012 and revised in 2018, 2019 and most recently in July 2021. It sets out the government's planning policies for England and how these are expected to be applied. The NPPF recognises that the purpose of the planning system is to deliver sustainable development, which can be achieved when economic, social, and environmental gains are sought jointly. At the heart of the NPPF is a presumption in favour of sustainable development where the proposal accords with the local development plan (which in this case is the North Somerset Development Plan (2021 -2026)).

7.12 The NPPF aims to ensure that planning policy guides development that contributes to protecting and enhancing our natural, built, and historic environment; and, as part of this, helps to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy. It also aims to deliver a sufficient supply of homes, building a strong competitive economy, promoting healthy and safe communities, and promoting sustainable transport.

7.13 Chapter 2 of the NPPF – 'Achieving sustainable development' – includes paragraph 8, which states there are three overarching objectives to achieving sustainable development, which are interdependent and should be pursued in mutually supportive ways. One of the themes includes a social objective to support strong, vibrant, and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

- 7.14 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.
- 7.15 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.
- 7.16 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.
- 7.17 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.

- 7.18 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.
- 7.19 From an agricultural perspective, the framework does not deal with issues of farm viability, focusing instead on the use of Best and Most Versatile (BMV) agricultural land. Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by inter alia: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 7.20 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.
- 7.21 Section 5.2 of the Planning Statement submitted with the planning application for the Scheme (**Document 4/1**) includes full details of compliance of the Scheme with the relevant policies of the NPPF (and see also the PDAS Update (**Document 4/7**) at section 2.8.
- 7.22 A number of other planning policy, guidance and strategies are relevant to the Scheme, including:
- (a) Planning Practice Guidance
 - (b) Waste Management Plan for England (2021)
 - (c) National Planning Policy for Waste (2014)
 - (d) Noise Policy Statement for England (2010)
 - (e) Net Zero Strategy: Build Back Greener (2021)

- (f) National Policy Statement for National Networks (2014)
- (g) Transport Decarbonisation Plan (2021)
- (h) Details of these documents and compliance is also set out in the Scheme's Planning Statement.

7.23 **Regional Policy**

7.24 Joint Local Transport Plan 4

7.25 The Joint Local Transport Plan 4 ("JLTP4") (**Document 5/6**) was led by the West of England Combined Authority, working with Bath & North East Somerset, Bristol, North Somerset, and South Gloucestershire councils. It considers transport up to 2036.

7.26 It sets out how to achieve a well-connected sustainable transport network that works for residents, businesses, and visitors across the region; a network that offers greater, realistic travel choices and makes walking, cycling and public transport the natural way to travel.

7.27 The plan identifies the Banwell Bypass to provide numerous benefits, including providing significant improvements to air quality and public realm in the centre of the village, improved access to the residential and employment growth to the north-west of the village, supporting the delivery of Weston Villages; and improving local and regional connectivity for longer trips. The bypass will also enable pedestrian improvements in the centre of the village, helping to promote more sustainable modes of transport wherever possible, improving accessibility and the quality of life for Banwell residents.

7.28 **Local Policy**

7.29 North Somerset Council Core Strategy (**Document 5/2**)

7.30 This Scheme is supported by Core Strategy policies including:

- (a) Vision 1: North Somerset Vision
- (b) Vision 6: Service Villages Vision
- (c) CS1: Addressing climate change and carbon reduction
- (d) CS3: Environmental Impacts and flood risk Impacts
- (e) CS4: Nature Conservation

- (f) CS5: Landscape and the historic environment
- (g) CS7: Planning for waste
- (h) CS9: Green Infrastructure
- (i) CS10: Transportation and movement
- (j) CS12: Achieving high quality design and place making
- (k) CS13: Scale of new housing
- (l) CS14: Distribution of new housing
- (m) CS15: Mixed and balanced communities
- (n) CS16: Affordable Housing
- (o) CS26: Ensuring safe and healthy communities
- (p) CS27: Sport, recreation and community facilities
- (q) CS32: Service Villages
- (r) CS34: Infrastructure delivery and development contributions

7.31 Compliance with the above policies is set out in Appendix B of the Planning Statement (**Document 4/1**).

7.32 Site and Policies Plan Part 1: Development Management Policies (**Document 5/3**)

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

- (a) DM20: Major Transport Schemes. This policy safeguards the previous alignment of the Banwell bypass from inappropriate development. The safeguarded route is broadly equivalent to the adopted route alignment for the Scheme.
- (b) DM68: Protection of sporting, cultural and community facilities. This policy is considered to be applicable due to the acquisition of part of the land currently occupied and used by Banwell Football Club for the Scheme. The land to be acquired (plot numbers 2/15, 2/15a, 2/15b, 2/15c and 2/15h) is laid out with a number of football pitches and utilised by BFC for this use. The land is also used

occasionally made available for charity and fundraising events (a type of cultural use), with the Football Club's permission. This is a private and controlled recreational facility with the ability to exclude wider public use. The Council considers that, due to the characteristics of the land and its management, policy DM68 applies to protect the land to be acquired. This analysis has been confirmed with the local planning authority prior to making the planning application. As the land is protected by DM68, it is necessary to provide replacement land in accordance with the requirements of that policy. These requirements, in summary, require that the Scheme provides replacement land which is at least equivalent in terms of its size, use and quality. As a result of the need to acquire this land, it is proposed to include the acquisition of replacement land within the Order which satisfies the requirements of policy DM68. The Council has undertaken analysis of options for replacement land which it is considered could satisfy these requirements. This exercise is set out in the Open Space Assessment (**Document 4/8**) and also the '*Response to matters raised associated with Banwell Football Club*' document that was submitted during the determination of the planning application (**Document 4/3**). The outcome of this analysis is the Council's preferred option for replacement land, which has been included in the Order (plot number 2/14). The land identified to replace the land lost by BFC is considered to comply with the requirements of policy DM68 and be the most appropriate replacement land. The size of the area of the replacement land to be provided was increased during the planning process in response to representations from Sport England and the trustees of the Football Club. This additional land was included in the Order Land before the Order was made.

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

- (a) DM1: Flooding and drainage
- (b) DM3: Conservation Areas
- (c) DM4: Listed Buildings
- (d) DM6: Archaeology
- (e) DM7: Non-designated heritage assets
- (f) DM8: Nature Conservation
- (g) DM9: Trees and Woodlands

- (h) DM10: Landscape
- (i) DM11: Mendip Hills AONB
- (j) DM19: Green Infrastructure
- (k) DM24: Safety, traffic and provision of infrastructure, etc. associated with development
- (l) DM25: Public rights of way, pedestrian and cycle access
- (m) DM26: Travel Plans
- (n) DM28: Parking Standards
- (o) DM29: Car Parks
- (p) DM32: High quality design and place making
- (q) DM33: Inclusive access into non-residential buildings and spaces
- (r) DM52: Equestrian Development
- (s) DM70: Development infrastructure
- (t) DM71: Development contributions, Community Infrastructure Levy and viability

7.35 Sites and Policies Plan Part 2: Site Allocations Plan (2018) (Document 5/4)

7.36 Compliance with these policies is set out in Appendix B of the Planning Statement (Document 4/1).

7.37 Emerging Local Plan policies

7.38 The Council has recently undertaken Regulation 18 consultation on the emerging North Somerset Council Local Plan (2023-2038). The emerging Local Plan (Document 5/5), as currently prepared, continues to safeguard the Banwell bypass. The new Local Plan is currently in the consultation stage.

7.39 The Council's Executive Committee approved a resolution on 28 April 2021 (Document 6/7) which agreed broad locations for housing allocations and indicative capacities for further testing and assessment. One of the specific locations identified for up to approximately 3,000 houses is a strategic opportunity for new growth north of the A371

and east of the M5. This is the area north of Banwell linked to the delivery of the Scheme (referred to in this Statement as “the Strategic Growth Area”). Given this Executive level support, it is considered that the allocation of housing in the Strategic Growth Area can be given more weight than other policies in the emerging Local Plan (which due to the current progress of the Local Plan are considered to carry limited weight).

- 7.40 A draft Preferred Options Local Plan was published for consultation, which was undertaken between 14 March 2022 and 29 April 2022. Policy LP1 (Strategic location: Wolverhill (north of Banwell)) identifies a new mixed use strategic growth location at Wolverhill to accommodate 2,800 dwellings, 11ha of employment land and other uses. This is the area Strategic Growth Area linked to the delivery of the Scheme. Although required in any event, the Scheme is essential for enabling the delivery of this housing.
- 7.41 Further smaller sites are also identified in the emerging Local Plan to accommodate the remaining housing allocations.
- 7.42 Also, policy LP10 (Transport infrastructure allocations and safeguarding) safeguards the Banwell Bypass.
- 7.43 Corporate Plan
- 7.44 The Scheme also supports the North Somerset Council Corporate Plan 2020-2024 (**Document 7/2**) as the delivery of the Scheme is a project which is a measure of success against the priority of delivering a broad range of new homes to meet growing need, with an emphasis on quality and affordability.
- 7.45 The Corporate Plan acknowledges that, despite good strategic links, travelling around North Somerset by road or public transport is not always easy due to congestion and a limited bus network. The Corporate Plan has a priority of a transport network that promotes active, accessible and low carbon travel. The Scheme includes infrastructure which enhances routes for walking, cycling and equestrian use. It also includes mitigation measures to improve highway safety, and environmental mitigation to reduce the Scheme’s impact on the environment.
- 7.46 The Corporate Plan also acknowledges that there is a need for significantly more homes to meet the demand of the Council’s growing population and government targets, including affordable homes. The Corporate Plan places a priority on delivering the Banwell Bypass by 2024 to ensure that the Council can support a policy of supplying quality and affordable homes to ensure a five year supply is in place. An objective of the Scheme is to deliver infrastructure that enables housing (subject to the new Local Plan process), and so in this way the Scheme supports the provision of new housing.

8 THE CASE FOR ACQUISITION OF INDIVIDUAL INTERESTS AND RIGHTS

- 8.1 As explained in this Statement of Reasons, the Council has given careful consideration as to why it is necessary to acquire land and create rights over the Order Land. An explanation of why each plot is required is appended to this Statement at **Appendix 1**.
- 8.2 The Council has entered into discussions with landowners with a view to acquiring the necessary land or rights by way of agreement. Although the Order is being promoted, the Council remains committed to land and rights being acquired by agreement where possible. However, to ensure the Scheme is delivered, it is necessary for the Council to seek powers of compulsory purchase.
- 8.3 Furthermore, without acquiring all the interests set out in the Order the Council cannot guarantee being able to comply with all the conditions imposed/expected to be imposed on the planning permissions which include various environmental mitigation conditions.
- 8.4 The Council has undertaken detailed investigations to identify so far as possible those with a relevant or compensatable interest. This has included land registry, utility and other searches by the Council's land agents, Fisher German, communicating with the landowners and their agents and site visits. The Council is satisfied that it has taken reasonable steps to identify relevant or compensatable interests. However, it remains the case that there may be unidentified third party interests in the Order Land. Compulsory purchase powers are also required to ensure these do not prevent delivery of the Scheme.

9 HUMAN RIGHTS AND OTHER CONSIDERATIONS

- 9.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). It includes provisions in the form of Articles which aim to protect the rights of the individual.
- 9.2 Paragraph 12 of the CPO Guidance sets out how an acquiring authority should take into account Human Rights:
- "An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."*
- 9.3 The Human Rights Act 1998 incorporated into domestic law the provision of the Convention. The relevant articles can be summarised as follows:

- (a) Article 1 of The First Protocol 'Protection of Property': protects the rights to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest.
- (b) Article 6 of the Convention Rights and Freedoms 'Right to a fair trial': entitles those affected by compulsory powers to a fair and public hearing.
- (c) Article 8 of the Convention of Rights and Freedoms 'Right to respect for private and family life': protects the right of the individual to respect for his private and family life, his home and his correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.
- (d) Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the Convention.

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

- (a) There is a compelling case in the public interest for the compulsory acquisition powers included within the CPO, and that proper procedures are followed.
- (b) Any interference with a human right is proportionate and otherwise justified.

9.5 Of the land being acquired for the Scheme, the plots listed in the table below involve acquisition of part of either residential or commercial properties. The Scheme also affects 23 agricultural holdings. However, it is considered that the acquisition in each case is proportionate and justified.

Residential properties	
25 Castle Hill, Banwell, BS29 6NX	Hedgerow and part of garden of property required only. Minor impact only.
Commercial properties	
Stonebridge Farm Caravan Park	Caravan Park, with mix of full service (electric, drainage & water), standard pitches (electric and shared water) and non-electric pitches. Associated dog walking area and drive. Surrounding

	farmland also within ownership of the site. Significant impact.
Banwell Football Club	As mentioned above, land used by Banwell Football Club is required for the Scheme. Although this is a significant impact, suitable replacement land is proposed to be provided in compliance with policy DM68.
Court Farm Country Park	Farm based visitor attraction. Main attraction area is unaffected, however agricultural land located to the south of the farm is affected by the Scheme. Minor impact only.

- 9.6 It is recognised that the Scheme may have an impact on individuals; however, this is outweighed by the significant public benefits that will arise from the Scheme, as set out in section 5 above. The Council must strike a fair balance between the public interest in seeing the Scheme proceed (which is unlikely to happen in the absence of the compulsory acquisition powers being obtained) and the private rights which would be affected by the compulsory acquisition.
- 9.7 In relation to both Articles 1 and 8, the compelling public interest case for the compulsory acquisition powers included within the Order has been demonstrated in this Statement. The land over which compulsory acquisition powers are sought is the minimum necessary to ensure the delivery of the Scheme. The Scheme has been designed to minimise detrimental impacts, whilst achieving its publicly stated objectives. In this respect the interference with human rights is both proportionate and justified.
- 9.8 In relation to Article 6 it is the case that proper procedures have been followed for both the consultation on the Scheme and for the determination of the compulsory purchase powers included within the scheme. Throughout the development of the Scheme, persons with an interest in the land have had full opportunity to comment on the proposals in a non-statutory capacity, and the Council has endeavoured to engage with landowners. The Council has been responsive to landowner feedback in both the initial design of the scheme and in iterative design changes throughout the development of the Scheme. Further statutory consultation has been undertaken as part of the determination of the planning application for the Scheme.

9.9 Any person affected by the exercise of compulsory acquisition powers may be entitled to compensation.

10 EQUALITY

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

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

10.2 An Equality Impact Assessment (“EqIA”) was undertaken for the Scheme (**Document 4/6**) and submitted with the Planning Application. None of the impacts identified in the EqIA relate to land acquisition.

11 A separate EqIA was therefore undertaken in relation to the Order and SRO (**Document 7/1**). This details how the Council has had regard to its PSED duty in relation to the Order and SRO. For example, the Council will continue to engage with affected parties sensitively and put in place appropriate measures to ensure that no demographics are excluded (for example, by ensuring that Order/SRO documents are made available in an appropriate format and any venues used as part of the compulsory purchase/SRO process are accessible). The Order/SRO documents will comply with Public Sector Accessibility regulations.

11.1 In order to comply with the PSED the Council will continue to monitor and consider equality issues routinely throughout the implementation of the Scheme. For example, a further EqIA was undertaken in February 2022 at the point of seeking authority to make the Supplemental Order, which considered the amended Scheme (**Document 7/5**).

12 SPECIAL CONSIDERATIONS

12.1 Special category land can include the following:

- (a) Land acquired by a statutory undertaker for the purposes of their undertaking.

- (b) Local authority owned land; or land acquired by any body except a local authority who are, or are deemed to be, statutory undertakers for the purposes of their undertaking.
- (c) Land held by the National Trust inalienably.
- (d) Land forming part of a common, open space, or fuel or field garden allotment.

12.2 This section also considers the following additional land/designations, although it is recognised that these do not meet the statutory definition of special category land:

- (a) Crown Land – including that held by The Crown Estate Commissioners or Government departments.
- (b) Designated & Non-designated Heritage assets.
- (c) Listed buildings.
- (d) Buildings subject to building preservation notices.
- (e) Other buildings which may be of a quality to be listed.
- (f) Buildings within a conservation area.
- (g) Scheduled monuments.
- (h) Registered parks, gardens or historic battlefields.
- (i) Public Highways and Public Rights of Way.

12.3 **Statutory undertakers**

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

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

12.6 A full list of statutory undertakers affected by the Scheme is included in the Book of Reference in the schedule to the Order (**Document 2/1**).

12.7 Local Authority owned land

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

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

12.10 The land owned by North Somerset Council within the Order Land is not currently held for highway purposes and so will need to be appropriated by the Council for these purposes (see further at paragraph 14.5 to 14.7 below).

12.11 National Trust land

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

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

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

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

12.16 Crown land

12.17 There is no Crown land within the Order limits.

12.18 Heritage Assets

12.19 Whilst the Scheme does have the potential to affect the setting of certain designated heritage assets, and, for example, the relationship of Banwell Village to the North Somerset Levels, there are no ancient monuments or listed buildings within the Order Land. The Scheme will require the demolition of part of a boundary wall at 25 Castle Hill, Banwell, which lies within the Banwell Conservation Area. The impacts of the demolition are addressed as part of the Planning Application for the Scheme.

12.20 Public rights of way

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

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

(a) Part of public right of way AX3/11/10 will be stopped up from a point 49 metres north west of Knightcott Motors garage for a distance of 17 metres north-west. The route will be re-provided along the Banwell Bypass.

(b) Part of public right of way AX3/6/10 will be stopped up from a point 109 metres north east of Whitecross Cottage for a distance of 34 metres north east, from its junction with Cook's Lane, and from a point 259 metres north east of Whitecross Cottage for a distance of 25 metres north east. An alternative public right of way connection will be provided.

12.23 Some other public rights of way (footpaths) will be stopped up under the SRO (**Document 2/3**), but only to allow for the creation of new public rights of way classed as bridleways in the same (or very similar) location. These are:

(a) Public right of way AX29/51/10 and AX14/21/20 from a point 327 metres from the north-west of Churchill Community School from its junction with Churchill Green to its junction with the A368 for a distance of 417 metres to the south west.

(b) Public right of way AX14/36/30, AX14/36/20, AX14/36/10 and AX14/34/10, from a point 123 metres north east of St John the Baptist's Church from its junction with Church Lane to its junction with Ladymead Lane for a distance of 1144 metres to the east.

13 VIEWS OF GOVERNMENT DEPARTMENT

13.1 Homes England

13.2 Homes England granted funding through a Grant Determination Agreement on 24 August 2020. The funding is to secure the delivery of infrastructure in the area (including the Scheme) to enable the delivery of housing through the emerging Local Plan.

13.3 National Highways

13.4 National Highways has been consulted on the Scheme, in particular in relation to the potential for impacts on Junction 21 of the M5 motorway although National Highways has made representations on the Scheme more broadly through the planning process.

13.5 It has been agreed with NH that the Scheme will not have a material adverse impact on Junction 21. As explained at paragraph 7.9(b) above, the Council is working with National Highways to resolve an outstanding recommendation on the Planning Application, which the Council is confident can be resolved to allow the Planning Application to be granted.

14 RELATED APPLICATIONS/APPEALS/ORDERS

14.1 Planning application details and status

14.2 The Planning Application was submitted to the LPA on 18 July 2022 and validated on 25 July 2022. The application reference 22/P/1768/R3EIA.

14.3 It is due to be determined on 15 March 2023.

14.4 Other related consents

14.5 Appropriation of land

14.6 Some of the land required for the Scheme is already in the ownership of the Council and the Council will need to appropriate it for highways purposes. These processes are being pursued in parallel with the Order and formal decisions are anticipated to have been made by the Council prior to the public inquiry.

14.7 This land includes:

- (a) the land on which the Southern Link and associated mitigation is located (see, for example, Order plots 3/6, 3/6a, 3/6b, 3/6e, 3/6f and 3/6k);
- (b) part of Eastermead Farm (Order plot 3/6n);
- (c) land at Churchill Gate junction required for the Scheme as a result of the junction alterations (outside the Order Land); and
- (d) land at the Ladymead Lane/Broadoak Road public right of way in Langford (outside of the Order Land).

14.8 Traffic Regulations Orders (TRO)

14.9 The Scheme will also require Traffic Regulation Order(s) (TRO) which will be secured under the Road Traffic Regulation Act 1984. The TRO process will be undertaken during detailed design.

14.10 The TRO(s) will be required to implement the following requirements over various elements of the Scheme:

- (a) Changes to speed limits, including speed reductions in Banwell and the surrounding villages.
- (b) Weight and width restrictions to replace/relocate the current restrictions on Castle Hill.
- (c) Prohibition of stopping or waiting or loading (extents to be determined).
- (d) Creating a red route (although note there is ongoing consideration as to whether this is the best mechanism for enforcement).
- (e) Prohibition of traffic with an exemption for buses, bicycles at some agricultural traffic turning onto Wolvershill Road southbound.
- (f) Prohibition of traffic with an exemption for bicycles (this may be required for active travel routes depending upon designation as part of the final design).

15 OBJECTIONS

15.1 The table at **Appendix 3** to this Statement contains details of and the grounds for objections (both statutory and non-statutory) made in relation to the Order and the SRO, and the Council's summary position in respect of each of these objections. The Council will amplify these responses, as appropriate, in the evidence given at public inquiry.

15.2 The Council has sought to engage with persons objecting to the Order and the SRO in order to address the issues being raised by those persons where relevant as part of negotiations for the acquisition of interests in land. The Council has not been in contact with all objectors, in particular non-statutory objectors raising issues regarding the principle of the Scheme. A response to those objections is provided in **Appendix 3** of this Statement.

15.3 The Council does not consider that the issues raised in the objections materially affect or undermine the compelling case in the public interest for confirmation of the Order.

16 COMPENSATION ISSUES

16.1 The Council, via its appointed land agents where appropriate, will endeavour to discuss compensation issues and to purchase properties and necessary rights by agreement, if possible, rather than compulsorily.

- 16.2 Provision is made by statute with regard to compensation for the compulsory purchase of land and rights and the depreciation in the value of affected properties. More information is given in the series of booklets published by the DCLG listed below:
- (a) Compulsory purchase and compensation booklet 1: procedure
 - (b) Compulsory purchase and compensation booklet 2: compensation to business owners and occupiers
 - (c) Compulsory purchase and compensation booklet 3: compensation to agricultural owners and occupiers
 - (d) Compulsory purchase and compensation booklet 4: compensation to residential owners and occupiers
 - (e) Compulsory purchase and compensation booklet 5: reducing the adverse effects of public development
- 16.3 Copies of these booklets can be obtained from DCLG or can be viewed online at <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

17 ADDITIONAL INFORMATION

- 17.1 This Statement of Case has been served on the objectors to the Order and the SRO referred to in the table at **Appendix 3** of this Statement of Case.
- 17.2 A copy of the Statement of Case and the supporting documentation listed at **Appendix 2** can be inspected during normal office hours at:
- (a) The Campus Library, Highlands Lane, Weston-super-Mare BS24 7DX;
 - (b) Weston-super-Mare Library, North Somerset Council, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ; and
 - (c) Banwell Parish Council Office, Banwell Youth & Community Centre, West Street, Banwell, BS29 6BD (only available on Tuesdays and Thursdays between 10am to 12 noon).
- 17.3 Owners and tenants of properties affected by the Order and/or the SRO who require information about the compulsory purchase or SRO process can contact the Banwell Bypass Team at North Somerset Council on 01275 884390 or at Banwell.bypass@n-somerset.gov.uk.

North Somerset Council

15 March 2023

Appendix 1

Explanation of why each plot is required

SHEET 1		
Plot numbers	Interest being acquired	Reason why required
1/1, 1/1a	Land	For construction of a new shared use path, improvement of the existing highway and all associated infrastructure works.
1/1b	Land	For the widening of Summer Lane, construction of a new shared use path, improvements to the A371 and all associated infrastructure works.
1/1c	Land	For improvement works to the junction of the A371/Summer Lane, construction of a new shared use path and all associated infrastructure works.
1/1d, 1/1g	Land	For the realignment of Well Lane, improvement works to the existing junction between A371 and Well Lane and all associated infrastructure works.
1/1e, 1/1f	Land	For the stopping up of Well Lane and provision of grassed verge/landscaped area.
1/1h, 1/1k	Land	For the widening of Summer Lane, improvement to the existing A371/ Summer Lane junction and all associated infrastructure works.
1/1j	Land	For the widening of the existing A371/Summer Lane junction, the construction of a new shared use path and all associated infrastructure works.
1/1m	Land	For the widening of the A371, construction of a new shared use path, improvement to the existing A371/Summer Lane junction and all associated infrastructure works.
1/1n	Land	For the widening of the A371, improvement to the existing A371/Well Lane junction and all associated infrastructure works.

1/1p	Land	For the construction of the new highway, improvement works to the existing A371/Well Lane junction and all associated infrastructure works.
1/2	Land	For the construction of the realigned Well Lane, provision of a new bus stop, footway and associated infrastructure, alongside the A371.
1/2a, 1/2b, 1/7, 1/7a, 1/7b	Land	For the construction and tie-in of the new highway.
1/3b, 1/3c, 1/21	Land	For the construction and tie-in of the new highway and the widening of the existing footway into the existing carriageway.
1/3, 1/3a	Land	For the construction and tie-in of the new highway.
1/4, 1,4a	Land	For the provision of the new highway and all associated works.
1/4c	Land	For the construction of a new highway, the tie-in of Wolverhill Road, and all associated works.
1/4d	Rights	For the construction, maintenance and use of new highway (public footpath).
1/5, 1/5b, 1/5e	Land	For the widening of the A371 carriageway, construction of a new shared use path, and associated infrastructure.
1/5a	Land	For the widening of the A371 carriageway, construction of a new shared use path, provision of a new bus stop, and all associated infrastructure and for the widening of the carriageway of Summer Lane, provision of a shared use path, and all associated infrastructure.
1/5d	Land	For the widening of the A371 carriageway, construction of a new shared use path, provision of a new bus stop, and all associated infrastructure.
1/5c	Land	For the widening of the carriageway of Summer Lane, provision of a shared use path, and all associated infrastructure.

1/5f	Rights	For all purposes connected with the provision, construction, maintenance and use of a new private means of access for the benefit of the owner of plot 1/5f.
1/5g	Rights	For all purposes connected with the construction, maintenance and use of a new private means of access for the benefit of the owner of plot 1/5g.
1/10	Land	For the construction of a new highway and tie-in works.
1/6	Land	For the construction of a new highway and tie-in works and for construction of a shared use path.
1/8, 1/8a, 1/9b	Rights	For the temporary provision and use of a site compound.
1/8b, 1/8f, 1/11e, 1/13a	Land	For the construction of the new highway and all associated infrastructure and works.
1/8e, 1/9e	Land	For the provision of essential mitigation (landscape screening and visual amenity).
1/8g, 1/8h, 1/8j, 1/20	Land	For the construction of a new highway (repurposing of existing carriageway) and all associated works.
1/8k	Rights	For the temporary provision and use of a site compound and future construction, maintenance and use of a private means of access into an agricultural field (once construction works have ceased) for the benefit of the owner of plot 1/8 and 1/8a.
1/8m, 1/8n, 1/8p, 1/8r	Land	For the construction, maintenance and use of a new private means of access for the benefit of the owner of plot 1/9b and for provision of essential mitigation.
1/9, 1/14, 1/14a, 1/14b, 1/14c, 1/15, 1/16, 1/18, 1/19	Land	For the construction of the new highway (repurposing of the existing carriageway), and tie-in works.
1/9a	Land	For the provision of essential mitigation (landscape screening and biodiversity mitigation) and the provision of a new access track.

1/9d, 1/9j	Rights	For the temporary provision and use of a construction working area and storage of construction materials.
1/9f	Land	For the construction of the new highway, construction of a new junction (Banwell West Junction), construction of a shared use path, and construction of all associated infrastructure works.
1/9g, 1/9h	Land	For the provision of essential mitigation (landscape screening and biodiversity mitigation).
1/9k	Land	For the construction of the new highway, tie-in works, repurposing of the existing highway and all associated infrastructure works.
1/11	Land	For the provision of a flood mitigation area and essential mitigation (landscape integration and biodiversity mitigation).
1/11a	Rights	For the construction, maintenance and use of essential mitigation (right to flood) and any associated works.
1/11b	Rights	For all purposes connected with the right to flood and any associated works.
1/11c	Land	For the provision of essential mitigation (landscape screening, integration, and biodiversity mitigation).
1/11d, 1/11h, 1/11k, 1/11n, 1/12, 1/12b, 1/12d, 1/13	Land	For the provision of essential mitigation (landscape integration and biodiversity mitigation).
1/11f	Land	For essential mitigation and rhyme maintenance.
1/11g, 1/11j	Land	For the construction and future maintenance of an attenuation basin, and for the provision of essential mitigation (screening, landscape integration, and biodiversity mitigation).
1/11m, 1/12a	Land	For the construction of the new highway, construction of new side roads, provision of new private means of access, and all associated infrastructure and works.
1/11p, 1/11q	Rights	For the temporary provision and use of a construction compound area and temporary storage of materials.

1/11r	Rights	For the temporary provision and use of a construction compound area and temporary storage of construction materials, and the construction and maintenance of attenuation ponds, culvert, associated drainage infrastructure and essential mitigation.
1/11s, 1/11t, 1/12e	Land	For the construction of the new highway, new side roads, and all associated infrastructure and works.
1/11u	Rights	For the construction, maintenance and use of a new private means of access for the benefit of the owner of plot 1/11a.
1/11v	Rights	For the construction, maintenance and use of a new private means of access for the benefit of the owner of plot 1/11q.
1/13b	Land	For the provision of essential mitigation (landscape integration and biodiversity mitigation) and for the provision of a new section of public footpath.
1/1i, 1/1l, 1/1o, 1/4b, 1/8c, 1/8d, 1/8i, 1/8l, 1/8o, 1/9c, 1/9i, 1/9l, 1/11i, 1/11l, 1/11o, 1/17, 1/12c, 1/12f	None	Plots not used – noted for information only.
SHEET 2		
Plot numbers	Interest being acquired	Reason why required
2/1, 2/6h, 2/7, 2/9b, 2/12, 2/15b, 2/16a, 2/17c, 2/17a	Land	For the provision of essential mitigation (landscape integration and biodiversity mitigation).
2/1a	Land	For the provision of essential mitigation (landscape integration and biodiversity mitigation) and the provision of a public right of way (public footpath).
2/1b	Rights	For the temporary provision and use of construction space for environmental fencing, a new culvert and a temporary rhyne

		diversion during the construction of the new culvert and for the maintenance of environmental fencing, culvert and rhyne.
2/1c, 2/1g	Rights	For the temporary provision and use of a construction compound, storage of construction materials and the construction and maintenance of environmental fencing.
2/1d, 2/1h, 2/9c	Rights	For the temporary provision and use of a construction compound and the storage of construction materials.
2/1e, 2/1f, 2/1r, 2/1u, 2/2a, 2/3, 2/3c, 2/5a, 2/6g, 2/11, 2/11d, 2/11f, 2/12a, 2/12f, 2/15a, 2/17b	Land	For the construction of the new highway and all associated infrastructure works.
2/1j, 2/15	Rights	For the construction and maintenance of environmental fencing.
2/11a	Rights	For the construction and maintenance of a new ditch, and the construction of a new highway and all associated works
2/1k, 2/1m, 2/5b	Land	For the provision of essential mitigation (flood compensation and landscape integration).
2/1n	Land	For the construction and maintenance of a new attenuation pond, construction and maintenance of associated drainage infrastructure, and for the provision of essential mitigation (landscape integration).
2/1p	Rights	For the temporary provision and use of construction space for environmental fencing, construction of a new culvert and construction of a temporary rhyne diversion during the construction of the new culvert.
2/1q	Land	For the construction and maintenance of environmental fencing.
2/1s, 2/3e	Rights	For the temporary provision and use of construction space for a new culvert and the construction and use of a temporary rhyne diversion for the construction of the new culvert, and the maintenance of culvert and rhyne.

2/1t, 2/3f, 2/3g, 2/3h	Rights	For the construction, maintenance and use of a new private means of access for the benefit of the owner of plot 2/1h.
2/2	Land	For the provision of a new public right of way (public footpath), the provision of essential mitigation (landscape integration and provision of biodiversity mitigation) and the provision of all/any infrastructure works required as part of the new highway.
2/3a	Rights	For the temporary provision and use of construction space for environmental fencing and the construction of a temporary rhyne diversion during the installation of a new culvert and the maintenance of environmental fencing, culvert and rhyne.
2/3b	Rights	For the temporary provision and use of construction space for environmental fencing and the construction of a new culvert and the maintenance of environmental fencing, culvert and rhyne.
2/3d	Rights	For the construction and maintenance of a temporary rhyne diversion during the installation of a new culvert.
2/5	Land	For the construction and maintenance of an attenuation basin, the construction and maintenance of all associated drainage infrastructure, the provision of essential mitigation (landscape integration, biodiversity mitigation and the provision of a wildlife pond).
2/5c	Rights	For the stopping up of the existing Moor Road, construction, maintenance and use of a turning head on Moor Road, construction and maintenance of a new culvert along Old Yeo Rhyne and the construction and maintenance of a temporary rhyne diversion during the installation of the new culvert.
2/5d	Rights	For the stopping up of the existing Moor Road, construction and maintenance of a new culvert along Old Yeo Rhyne and the construction and maintenance of a temporary rhyne diversion during the installation of the new culvert.
2/5e	Land	For the stopping up of the existing Moor Road, construction of a new culvert along Old Yeo Rhyne, and the provision of a temporary rhyne

		diversion for the installation of the new culvert, construction of a new highway and all associated works.
2/6	Rights	For the construction and maintenance of a new culvert, and the construction of a new highway and all associated works.
2/6c	Rights	For the construction and maintenance of a new ditch, and the construction of a new highway and all associated works
2/6f	Land	For the provision of essential mitigation (landscape integration, visual amenity and biodiversity mitigation).
2/6j, 2/6k, 2/6m, 2/6n	Land	For the construction and maintenance of the new highway.
2/7a, 2/7f, 2/18	Land	For the construction of the new highway, construction of a retaining wall, and all associated infrastructure works.
2/7b	Rights	For the stopping up of the existing Moor Road, construction of new shared use path and all associated works and the maintenance of essential mitigation and culvert.
2/7c, 2/7e	Rights	For the stopping up of the existing Moor Road and the maintenance of the new culvert and retaining wall.
2/7d	Land	For the stopping up of the existing Moor Road and construction of a new highway and all associated infrastructure works.
2/8, 2/8g	Land	For the construction of a new side road (Moor Road to Riverside Link), tie-in works to Moor Road, and all associated infrastructure works.
2/8a, 2/8d, 2/8f	Land	For the construction of a new culvert, construction of a new side road (Moor Road to Riverside Link), and all associated infrastructure works.
2/8b	Land	For the construction of a new side road (Moor Road to Riverside Link), provision of new private means of access, and all associated infrastructure works.

2/8c, 2/8e	Rights	For the temporary provision and use of a construction working space for the new road linking Riverside and Moor Road and for new bridge crossing the river Banwell.
2/8h, 2/8j	Rights	For the construction, maintenance and use of a new private means of access for the benefit of the owner of plot 2/8j.
2/9a	Land	For the construction of the new highway, construction of a new retaining wall, construction of a new overbridge, and all associated infrastructure works.
2/9d, 2/10d, 2/10e, 2/11e, 2/12g	Rights	For the construction and maintenance (including future replacement) of the River Banwell bridge, and oversailing rights for the River Banwell bridge.
2/9e, 2/10b, 2/10c, 2/11c	Rights	For the construction and maintenance (including future replacement) of the River Banwell bridge.
2/10, 2/10a, 2/10f, 2/10g, 2/10h, 2/10j	Land	For the construction and maintenance (including future replacement) of the Moor Road - Riverside Link bridge, construction of the new side road (Moor Road - Riverside Link) and all associated infrastructure works.
2/11b	Rights	For the construction and maintenance of environmental mitigation planting, fencing and proposed ditch.
2/15e	Rights	For the construction and maintenance of a new culvert.
2/6a, 2/6b	Land	For the construction of a new culvert, construction of a new highway and all associated infrastructure works.
2/6d, 2/12c, 2/15d, 2/15f, 2,15g, 2/17d	Land	For the construction and maintenance of a new culvert, and the construction of a new highway and all associated works.
2/6e, 2/12e	Land	For the provision of essential mitigation (landscape integration and biodiversity mitigation) and for the construction and maintenance of a new ditch, and the construction of a new highway and all associated works.
2/14, 2/14a	Land	For all purposes connected with providing replacement playing field land for Banwell FC.

2/15h	Rights	For the construction of a temporary rhyne diversion for the construction of a new culvert along Eastermead Rhyne.
2/15j, 2/15k, 2/16c, 2/17e, 2/17f	Rights	For the temporary provision and use of construction space for environmental fencing, construction of a new culvert and construction and use of a temporary rhyne diversion and maintenance of the environmental fencing, culvert and rhyne.
2/15c, 2/16, 2/17	Land	For the construction of an attenuation pond, future maintenance of the attenuation pond, and construction and maintenance of all associated drainage infrastructure.
2/16b	Land	For the construction of the new highway, new shared use path, and all associated infrastructure works.
2/1i, 2/1l, 2/1o, 2/2b, 2/4, 2/5f, 2/6i, 2/6l, 2/8i, 2/9, 2/10i, 2/12b, 2/12d, 2/13, 2/15i, 2/19	None	Plots not used – noted for information only.
SHEET 3		
Plot numbers	Interest being acquired	Reason why required
3/1, 3/1b, 3/1d, 3/2a, 3/2b, 3/2c, 3/2d, 3/2e, 3/2f, 3/2g, 3/2h, 3/2j, 3/2k, 3/2m, 3/2n, 3/3, 3/3a, 3/3b, 3/4a, 3/6j, 3/6u, 3/6af, 3/6ag, 3/6ah, 3/6aq, 3/7, 3/13a, 3/15, 3/15a, 3/15b, 3/15c, 3/16, 3/16a, 3/17, 3/18, 3/20	Land	For the construction of the new highway and all associated infrastructure works.
3/1a, 3/4b, 3/6be	Rights	For the temporary provision and use of a shared use path.

3/2, 3/2p, 3/6ad, 3/6ae, 3/13	Rights	For the temporary provision and use of a construction working area.
3/1c, 3/5, 3/5a, 3/5b, 3/6ab, 3/6ac, 3/8, 3/8s, 3/8u, 3/9, 3/9a, 3/9c, 3/10, 3/11a, 3/11c, 3/11e, 3/11f	Land	For the provision of a new shared use path and all associated infrastructure works.
3/3c, 3/8g, 3/9d	Land	For the provision of a new shared use path and all associated infrastructure works and for the provision a new private means of access for the owner of plot 3/9.
3/11, 3/11b	Land	For the provision of a new shared use path and all associated infrastructure and mitigation works.
3/4, 3/6an, 3/6as, 3/9b	Land	For the construction of the new highway, the construction of a new shared use path, tie-in works of the new shared use path, and all associated infrastructure works.
3/6at	Land	For the construction of the new highway, provision of a new shared use path, tie-in of the shared use path, and all associated infrastructure works.
3/6, 3/6d, 3/8c	Land	For the provision of essential mitigation (landscape integration and biodiversity mitigation).
3/6a, 3/6k	Land	For the construction and maintenance of an attenuation basin, the construction and maintenance of all associated drainage infrastructure, and all associated infrastructure works.
3/6b, 3/6c, 3/6f	Land	For the construction of the new highway (Southern Link), construction of the new side road (Southern Link village link), tie-in works, and all associated works.

3/6e	Land	For the provision of essential mitigation (screening, landscape integration, habitat connectivity with Banwell Woods, visual amenity, and biodiversity mitigation).
3/6g, 3/6p, 3/6q, 3/6r, 3/6s, 3/6t, 3/6v, 3/6bb, 3/8a, 3/8b	Land	For the provision of essential mitigation (landscape integration, visual amenity, and biodiversity mitigation).
3/6h, 3/6m	Land	For the construction and maintenance of a new culvert, construction of a new highway and all associated infrastructure works.
3/6w, 3/6y, 3/6aw, 3/6ax, 3/7c, 3/7f, 3/8d, 3/8q, 3/12	Land	For the provision of essential mitigation (landscape integration, habitat connectivity with Banwell Woods, and biodiversity mitigation).
3/6x, 3/6z, 3/6aa, 3/6au, 3/6av, 3/6ay, 3/6az, 3/6bd, 3/7e, 3/8e, 3/8j, 3/8m, 3/8n, 3/8p, 3/8r, 3/8t, 3/8v, 3/12a, 3/14	Land	For the construction of the new highway, tie-in works, and all associated infrastructure works.
3/6aj, 3/6ak, 3/6am, 3/6ap, 3/6ar, 3/6bc, 3/19, 3/21, 3/21a, 3/21b, 3/22, 3/23, 3/24, 3/25, 3/26, 3/27	Land	For the construction of the new highway, tie-in works, and the repurposing of the existing highway.
3/7a, 3/7d, 3/8k	Rights	For the construction and maintenance of environmental fencing.
3/7b	Rights	For the construction and maintenance of environmental fencing and the construction, maintenance and use of a new private means of access for the benefit of the owner of plot 3/7b.
3/8w, 3/8x, 3/8y, 3/8z, 3/10a	Rights	For the construction, maintenance and use of a new private means of access for the benefit of the owner of plot 3/9.
3/2i, 3/2l, 3/2o, 3/6i, 3/6l, 3/6n, 3/6o, 3/6ai, 3/6al, 3/6ao,	None	Plots not used – noted for information only.

3/6ba, 3/8f, 3/8h, 3/8i, 3/8l, 3/8o, 3/8ab, 3/8aa, 3/11d		
SHEET 4		
Plot numbers	Interest being acquired	Reason why required
4/1, 4/1a	Land	For upgrading the existing footpath.
4/2, 4/7	Land	For improvements to the existing footpath.
4/2a, 4/4, 4/4a, 4/5, 4/5c, 4/5d, 4/5g, 4/6a, 4/8, 4/9, 4/10, 4/10a, 4/10b, 4/11, 4/12	Rights	For the construction, maintenance and use of the upgrades to the existing footpath.
4/5f	Rights	For the construction, associated drainage infrastructure, maintenance and use of the upgrades the existing footpath.
4/3, 4/5a, 4/5b, 4/5e 4/5h, 4/6,	None	Plots not used – noted for information only.

Appendix 2

Document List

Number	Description	Date
Government Guidance		
1/1	Department for Levelling Up, Housing and Communities “Guidance on Compulsory purchase process and The Cricchel Down Rules”	July 2019
1/2	Local Authority Circular 1/97 issued by the Department of Transport	Undated
CPO and SRO documents		
2/1	The Order	October 2022
2/2	The Order Map	October 2022
2/3	The SRO	October 2022
2/4	The SRO plans	October 2022
2/5	Statement of Reasons	October 2022
Road classification documents		
3/1	Road Classification plan	September 2022
3/2	Email confirming provisional road classification	23 September 2022
Planning application documents		
4/1	Planning Statement	July 2022
4/2	General Arrangement Drawings <ul style="list-style-type: none"> • General Arrangement Plans for the Banwell Bypass and Southern Link • Wider Network Mitigation General Arrangement Drawings 	June 2022
4/3	Response to matters raised associated with Banwell Football Club	October 2022
4/4	Transport Assessment (appendices included as separate documents as required)	June 2022
4/5	Options Appraisal Report	15 September 2021

4/6	Equality Impact Assessment for the Scheme	June 2022
4/7	Planning Design and Access Statement Update	January 2023
4/8	Open Space Assessment	12 July 2022
4/9	Environmental Statement Update	January 2023
4/10	Plans and Drawings Update	January 2023
4/11	Officer's Report on the Planning Application	8 March 2023
4/12	Lighting Strategy	June 2022
4/13	Cross Section – Muddle End (BNWLBP-ARP-HGN-XXXX-SK-CH-000006)	January 2023
4/14	Walking Cycling Horse-riding Assessment Report	July 2022
4/15	Strategic Model Forecasting Report (Transport Assessment Appendix E)	June 2022
4/16	Design and Access Statement	July 2022
4/17	Highways Drainage Drawings	June 2022
4/18	Wider Mitigation Measures Summary Report (Transport Assessment Appendix H)	June 2022
4/19	Wider Network Mitigation Measures Speed Limits Assessment Report	July 2022
4/20	Wider Network Mitigation - Additional Speed Survey Data Technical Note	December 2022
4/21	Environmental Master Plans	December 2022
Planning policy documents		
5/1	National Planning Policy Framework (NPPF)	July 2021
5/2	North Somerset Council Core Strategy	2017
5/3	North Somerset Council Site and Policies Plan Part 1: Development Management Policies	July 2016
5/4	North Somerset Council Site and Policies Plan Part 2: Site Allocations Plan	2018
5/5	North Somerset Council Emerging Local Plan – consultation version	March 2022
5/6	West of England Combined Authority - Joint Local Transport Plan 4 (JLTP4)	March 2020
5/7	Mendip Hills AONB Management Plan (2019-2024)	January 2019

Council resolutions		
6/1	Resolution of Full Council to approve an increase in the Council's Capital Programme	16 June 2020
6/2	Decision made by Executive Member for Assets and Capital Delivery - Approval of the planned route for Banwell Bypass	7 October 2021
6/3	Resolution of the Executive to authorise steps necessary to prepare for the making of a CPO and SRO	28 April 2021
6/4	Resolution of Full Council authorising the making of the CPO and SRO	12 July 2022
6/5	Executive Member approval of final CPO and SRO prior to making	6 October 2022
6/6	Resolution of Full Council authorising the making of the Supplemental CPO	21 February 2023
6/7	Resolution of Executive Committee approving broad locations and indicative locations of new housing	28 April 2021
Miscellaneous		
7/1	Equality Impact Assessment for the CPO and SRO	16 September 2022
7/2	North Somerset Council Corporate Plan 2020 – 2024	Undated
7/3	Banwell Bypass & Highway Improvements Consultation Report	Undated
7/4	Draft Banwell Bypass & Highway Improvements Consultation Report Second Consultation Analysis Report	July 2022
7/5	Equality Impact Assessment for the Supplemental CPO	February 2022
Environmental Statement		
8/1	Chapter 1: Introduction	July 2022
8/2	Chapter 2: Scheme Description	July 2022
8/3	Chapter 3: Alternatives Considered	July 2022
8/4	Chapter 4: Planning Framework	July 2022
8/5	Chapter 5: Air Quality	June 2022
8/6	Chapter 6: Cultural Heritage	July 2022
8/7	Chapter 7: Landscape	July 2022
8/8	Chapter 8: Biodiversity	July 2022
8/9	Chapter 9: Geology and Soils	June 2022

8/10	Chapter 10: Material Resources and Waste	June 2022
8/11	Chapter 11: Noise and Vibration	July 2022
8/12	Chapter 12: Population and Human Health	July 2022
8/13	Chapter 13: Road Drainage and the Water Environment	July 2022
8/14	Chapter 14: Climate	July 2022
8/15	Chapter 15: Cumulative Effects	July 2022
8/16	Chapter 16: Environmental Management	July 2022
8/17	Chapter 17: Conclusion	July 2022
8/18	ES Chapter 9 Appendix 9.D Agricultural Land Classification Report	June 2022
8/19	ES Chapter 13 Appendix 13.B Flood Risk Assessment	June 2022
8/20	ES Chapter 7 Appendix 7.C Visual Affects Schedule	May 2022
8/21	ES Chapter 7 Appendix 7.D Arboricultural Impact Assessment and Method Statement	May 2022
8/22	ES Chapter 8 Appendix 8.C Habitats Regulations Assessment	March 2023

Appendix 3

Objections

<p>OBJ 01 – Lynda Hockey</p> <p>OBJ 04 – Miss P B L Curry</p> <p>OBJ 05 – Mrs Patricia E. Cannon</p> <p>Status: Statutory objectors (joint owners of identified land)</p> <p>Plots: 4/1, 4/1a</p>		
No.	Summary of objection	North Somerset Council response
1	<p>No response from planning officer regarding previous planning permission ref. 20/P/1120/OUT which was received by the Council in May 2020, suggestion that the footpath over the land would be improved with the grant of permission, and suggestion about discrimination regarding the process. The costs of stopping up and creating a path over the land would be covered by the developer if permission was granted.</p>	<p>This is a matter for the LPA. This matter has been referred to the LPA and it is understood that the LPA has contacted the applicant.</p> <p>As shown on the General Arrangement Plans (Document 4/2) (see Sheet 4 of 13, wider network mitigations), the land in plots 4/1 and 4/1a is required to provide a 3m wide shared use path for walkers, cyclists, and horse riders between A368 and Churchill Green (as an upgrade to the existing footpath) in this location.</p> <p>The drawing 'Presentation Sketch Layout' submitted as part of the planning application (Ref: 20/P/1120/OUT) by the objector, shows the retention of the existing public right of way ("PRoW"). This coincides with the alignment of the proposed shared use path as part of the applicant's proposal. As such, no impediment is foreseen and discussions can be undertaken to ensure any necessary alignment of the proposals during detailed design if / as necessary.</p>
2	<p>Concern that the cycleway will cut the land in half, devaluing the property and making earning a living off the smallholding harder/impacting livelihood.</p> <p>The Council will need to compensate the landowner for the loss of grazing and hay making, as well as for the renting of ground elsewhere.</p>	<p>The Council is satisfied that it has properly taken the impacts on the business into account. The Council will continue to engage with the objector as part of negotiations. Devaluation and concerns relating to compensation are not matters which are relevant to the confirmation of the Order.</p>
3	<p>The plans showing the Scheme's exact layout were requested but have not been provided yet, the objector is therefore unclear about the width of land to be acquired and its effect on farming.</p>	<p>Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German.</p> <p>The Council has provided key plans to the objector and will continue to address any further queries.</p>

4	<p>Objection to the bridleway upgrade due to difficulty with smallholding and assertion that the bridleway is unnecessary, noting the danger of exiting the route onto Churchill Green. The design needs to accommodate the farming operations. The Council have not been transparent about whether a bridleway is being considered.</p> <p>Refusal to allow access through the farmyard for works due to sensitivities of occupiers.</p> <p>Query about how access will be retained to the field and orchard for grazing during works.</p> <p>Query about the duration of the works and whether the footpath will be closed or moved during the works as this will impact the objector's use of the field for animals.</p>	<p>The north-south shared use path proposals will be refined at detailed design addressing objector concerns. Access arrangements through the shared use path during construction would be refined during detailed design. This will be addressed as part of Construction Environmental management. All works will be undertaken within the PRow footprint. Close liaison will be undertaken by the contractor's public liaison officer around timings of works.</p> <p>Existing gating arrangements and provision for livestock would be maintained, and the detail of the type and preference will be agreed between the Council and the objector.</p> <p>The Council will temporarily close the existing PRow for the duration of the works. Access to the fields west of the works will be permitted (by agreement) across the construction site. The Council anticipates the works to take approximately 10 weeks.</p>
5	<p>Concerns about the users of the shared use path and safety of users, as follows:</p> <p>Concern about the risk of motorcycles, quad bikes and mopeds using the safe route / bridleway.</p> <p>Safety concern that safe route fences and gates will need to be high quality due to vandalism and gates being left open.</p> <p>Query about whether the evidence requires a bridleway. Riders do not use Greenhill Road or Banwell village.</p> <p>Objection to the bridleway on the basis would not provide a safe route to school with footfall increasing given the withdrawal of school coaches.</p> <p>Concern about the safety of the exit from the bridleway onto Churchill Green Road and Greenhill Road due to narrowness of the lane and poor visibility onto the road.</p> <p>Suggestion that the exit from the footpath onto Greenhill Road will require traffic lights to allow users to cross to the correct side of the road due to the width of the pavement.</p>	<p>The proposed shared use path will legally prohibit mopeds and other motorised vehicles from using the path.</p> <p>The type of fencing will be agreed with the landowner, and engagement will be undertaken at detailed design stage.</p> <p>Provision for horse-riders, through the designation of a bridleway, would support increased usage by new riders, not just existing riders, and enable further connections to the wider PRow network in future. This is in accordance with objectives R1, R3 and D2 of the Mendip Hills AONB Management Plan (2019-2024) (Document 5/7), which aims to improve sustainable access to and around the AONB for all users in accordance with the purposes of AONB designation. The proposed width of the shared use path has been designed in accordance with the Design Manual for Roads and Bridges (DMRB) CD 143 – Designing for walking, cycling and horse-riding. The shared use path proposal is for a 2-way width where horses are expected to pass each other which allows sufficient clearance between horse-riders and pedestrians. Further active travel surveys are being undertaken and will identify horse-riding use.</p>

		<p>Safety improvements on Churchill Green are proposed as part of the Scheme, including reduced speed limits, traffic calming and new footways. The design proposal is subject to passing a Road Safety Audit, the purpose of which is to identify and mitigate any safety risks before construction can be started.</p> <p>Additional crossing facilities and provisions for users of the shared use path will be considered as part of wider network mitigation during detailed design stage.</p>
6	Query about whether the Council will be responsible for maintenance of the stopped up route and access points.	<p>The maintenance responsibility for the PRow itself would be with the Council as the highways authority. The route is already an adopted PRow and the Council is undertaking improvements. It will remain a highway maintainable at the public expense. The exception to this is where any landowner has rights to use PRowS for vehicles in machinery, in which case the landowner would be responsible for maintaining the PRow because of that more intense/greater usage.</p> <p>In general terms, gates and fences etc. would be maintainable by the Council only where the Council owns the land, not where it is taking rights. However, any features which adjoin the public highway and are functional parts of the Scheme (e.g. ecological fencing or access controls to prevent motorised vehicle access) would be maintainable by the Council.</p> <p>Any accommodation works would be maintainable by the relevant objector. This will be addressed in each case as part of negotiations between the Council and the relevant landowner.</p>
7	Concern that any lights will need to be animal safe and vandalism safe.	Lighting proposals are covered in the Lighting Strategy document (Document 4/12) submitted with the Planning Application.
8	Concern about the late receipt of heads of terms from Fisher German and concern that the objector had to request the document.	Landowners all received heads of terms ("HoTs") as soon as the Council's land agents were in a position to issue them. HoTs were issued to landowners at different times. HoTs have been issued in a timely fashion at the point at which the Scheme was sufficiently advanced.

		The Council was asked to correspond directly with the objectors' developer partner, acting as their agent, and HoTs were provided to the agent accordingly. Subsequently, a Chartered Surveyor has been appointed to represent the objectors and is engaged in negotiations with Fisher German.
9	<p>Query about the storage of materials and disruption caused by surveys and construction on the working farm, access to fields and the PRow (including how these will be retain functionality during the works).</p> <p>The Council must be responsible for anything left on the land for construction.</p>	<p>The Council will temporarily close the existing PRow for the duration of the works. Access to the works will be from the A368 with two-way temporary traffic lights to create a safe access. Access through the farmyard and bungalow entrance is not necessary for the construction works. The Council will seek to minimise any impact of the works to the working farm and access to the fields west of the works will be permitted (by agreement) across the construction site. Materials would be stored within the site boundary and within the traffic management on the A368.</p> <p>The Council and its contractors will be responsible for safe and proper construction management.</p>
10	Query about whether the Council will be insured against any injuries that occur on the footpath.	The Council holds insurance for liabilities associated with defects of the PRow that the Council are responsible for, and resulting injuries to public using the PRow. Otherwise the Highway Code applies for behaviour of users.
11	Concern about the confidentiality provisions in the heads of terms being intimidating and controlling and the risk of landowners being compensated unequally.	Confidentiality clauses are standard practice for this type of project and considered to be reasonable. Local authorities are under a duty to ensure value for money in transactions and this has been taken into account in making financial offers. Valuations are complex and a range of factors are taken into account.
12	Refusal to pay the costs of solicitors or surveyors for negotiating the heads of terms or other legal fees.	The Council will pay the reasonable and properly incurred costs of surveyors and solicitors advising objectors on the sale of land or rights, in line with the CPO Guidance. The Council considers that this has been made clear to all affected landowners.
13	Note: Accommodation requests are considered at the end of this Appendix.	

OBJ 02

Mr and Mrs Ruby

Status: Statutory objector		
Plots: 2/19 (subsoil)		
No.	Summary of objection	North Somerset Council response
1	Concerns about the safety of proposed routes for walkers, cyclists and riders between Moor Road and Riverside, and Moor road and the bypass, retention of supporting infrastructure including service routes along Moor Lane, and possible implementation of turning head on Moor Lane.	<p>The proposed 3m shared use path will provide connectivity between the Scheme and Moor Road (north of the bypass), and Moor Road and Riverside Road. As part of the proposals, active travel users can navigate from Moor Road to the top of the bypass embankment, travel east along the shared use path parallel to the bypass carriageway, and depart the bypass alignment to descend west to join Riverside Road, to continue south towards Banwell village. The Moor Road to Riverside Link will also provide an alternative route to access Moor Road from Riverside, which will be a lightly trafficked lane suitable for walkers, cyclists and horse-riders – as Moor Road is currently.</p> <p>The shared use path will not be accessible to vehicular users to provide a safe route for walkers, cyclists, and horse riders. In consideration of user safety, landscaping and planting adjacent to the proposed shared use path, it has been designed to prevent obstruction and reduce path maintenance, for example through the consideration of vegetation growth. The grass verge and other vegetation shall be maintained post construction to provide natural surveillance and reduce the risk of anti-social behaviour, to prevent collisions and increase the feeling of safety, along the length of the proposed shared use path.</p>
2	Concern about the embankment's effect on landscape character, overshadowing of the smallholding, potential reduction of agricultural productivity/equestrian use and maintenance of mitigation.	<p>The height of the Banwell Bypass embankment, south of the objectors' land, is 3.2m and the foot of embankment is 22.6m from the Muddle End property. Refer to drawing Cross Section – Muddle End (BNWLBP-ARP-HGN-XXXX-SK-CH-000006) (Document 4/13).</p> <p>The embankment is south of the property and is aligned in a westerly-easterly direction. Therefore, loss of light and overshadowing on the Muddle End property and land extents will be minimal (compared to the existing scenario) and should not diminish agricultural productivity and equestrian use of the land. Wider landscape impact has been assessed as part of ES Chapter 7 Landscape (see Document 8/7). The embankment does create a new landform at a scale and size out of keeping</p>

		with the existing landscape character. The Scheme proposes mitigation planting on both sides of the bridge embankment that would provide a transitional vegetation covering and filtering of views. The mitigation design has also considered stone facing of bridge abutments and structures to reflect townscape of Banwell and local vernacular detailing.
3	Lack of suggested turning head in the planning application.	<p>The proposed gradient of the length of 3m wide shared use path from Moor Road to the elevation of the bypass carriageway is 5%. The gradient of the shared use path has been designed in accordance with standard LTN 1/20 Cycle Infrastructure Design (Department for Transport) and Design Manual for Roads and Bridges (DMRB) CD 143 – Designing for walking, cycling and horse-riding. This gradient is appropriate for walkers, cyclists and horse riders.</p> <p>The opportunity to introduce a turning head on Moor Road, north of the proposed Bypass embankment, will be considered during detailed design. The turning head would be within the planning redline boundary and within adopted highway so there is not considered to be any planning impediment.</p>
4	No reference to gradient of the shared use path used to access the bypass in the drawings submitted for the planning application.	The proposed gradient of the length of 3m wide shared use path from Moor Road to the elevation of the bypass carriageway is 5%. The gradient of the shared use path has been designed in accordance with standard LTN 1/20 Cycle Infrastructure Design (Department for Transport) and Design Manual for Roads and Bridges (DMRB) CD 143 – Designing for walking, cycling and horse-riding. This gradient is appropriate for walkers, cyclists and horse riders.
5	Lack of visual images illustrating the proposed embankment across the landscape or cross section of the works running north/south preventing full consideration of the impact of the bypass.	The height of the Bypass embankment, south of the land in question, is 3.2m and the foot of embankment is 22.6m from the Muddle End property. Photomontages will be provided to the objector prior to the inquiry to illustrate the view.
6	<p>Notes that land to the north of the Scheme and the site of the proposed Moor Road – Riverside link road has not been assessed for agricultural classification, and that the land to the south is Class 3b agricultural.</p> <p>Suggestion that the Scheme does not fully account for the economic impact of the</p>	<p>Definitive Agricultural Land Classification (“ALC”) grading should be obtained by undertaking a detailed survey according to the published guidelines, at an observation density of one boring per hectare.</p> <p>The agricultural land immediately south of Muddle End was included in the Council’s</p>

	<p>loss of agricultural land, including the objectors' smallholding.</p>	<p>surveys, shown in the Observation Mapping figure in ES Appendix 9.D (Document 8/18).</p> <p>However, the connection of Moor Road to Riverside to the north of Muddle End (Holding 12) was a late revision to the Scheme and therefore no soil sampling was undertaken in this area.</p> <p>Initial assessment by the Council's consultants determined that the soils across the line of the route were found to be relatively consistent and almost uniformly lower quality (not best and most versatile). The land affected in this location is likely to be a mix of Subgrade 3b and Grade 4. The economic benefits of this small area of lower quality agricultural land will be minimal.</p> <p>The temporary works required for the construction of the proposed Moor Road Riverside link road would occupy approximately 0.9ha, whereas the permanent land take would amount to approximately 0.2ha. The Environmental Statement submitted with the Planning Application determined that on the basis of the worst case, the total area of permanent land take of agricultural land ALC grade 3b would increase to 14.3ha and temporary works land take to 9.2ha. The significance of effect of the Scheme on agricultural land was determined to remain unchanged, i.e. permanent moderate adverse with respect a permanent loss of agricultural land of moderate quality and temporary slight adverse with respect to temporary land take by the Scheme.</p> <p>The Council also undertook a survey of holdings potentially affected by the construction of the Scheme and associated mitigation prior to submitting the Planning Application. The survey – which was undertaken before the detailed route was developed – sought to investigate the potential agricultural implications of the proposed scheme; to consider specific mitigation measures that could be provided to reduce identified agricultural impacts; and, to direct other mitigation measures to land parcels causing least impact (whilst recognising that any measures that require agricultural land would have some impact).</p> <p>As the connection of Moor Road to Riverside to the north of Muddle End was undertaken as a late revision to the Scheme, no farm impact surveys was undertaken. The likely</p>
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		<p>farm boundary and agricultural use was assessed from public vantage points (and aerial photography); the impact and effects were assessed based on these sources.</p> <p>The Council has been in contact with the objector and a package of compensation is being discussed.</p>
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OBJ 08 Peter van de Mark Status: non-statutory objector Plots: N/A		
No.	Summary of objection	North Somerset Council response
1	Concern about the management of the planning process and consultation process and “hostility” towards objectors.	The Council has gone beyond what would usually be required in terms of consultation for this Scheme. It has been consulted upon extensively as part of non-statutory and statutory processes and all responses have been taken into account where reasonable and practical (see section 3 of this Statement).
2	Concerns about design from traffic modelling perspective.	The Scheme has been designed in consideration of the traffic modelling data, as presented within the Transport Assessment (Document 4/4). The Transport Assessment has been developed, and associated modelling prepared, in accordance with appropriate guidance and standards (as outlined within the Transport Assessment).

OBJ 10 Mr Steven Perks and Ms Pamela Ball Status: Statutory objector Plots: 3/3c, 3/8. 3/8a, 3/8b, 3/8c, 3/8d, 3/8e, 3/8g, 3/8h, 3/8j, 3/8k, 3/8m, 3/8n, 3/8p, 3/8q, 3/8r, 3/8s, 3/8t, 3/8u, 3/8v, 3/8w, 3/8x, 3/8y, 3/8aa		
No.	Summary of objection	North Somerset Council response
1	Concern that the property will no longer be ring-fenced with two access points, contending that the public will transect the land via Catworthy land to reach the proposed shared use path. Concerns about risk of vandalism, theft and health	The scheme does not propose any pedestrian link between the proposed shared use path and Catworthy Lane. The existing track that will form a physical link between the shared use path and Catworthy Lane, would remain in private ownership with no legal right of access for the public. The Council is aware of the security

	<p>and safety issues to the farm and solar park.</p>	<p>concerns to Towerhead Farm and is continuing to engage with affected objectors.</p> <p>The Council will continue engagement with landowners and their agents to address such concerns. Ongoing discussions regarding mitigation will evaluate items such as suitable gates and appropriate signage for the private means of access. The details and treatments along the length of the shared use path will be further considered in detailed design. This will be undertaken prior the commencement of construction works and following further discussion with the landowners.</p>
2	<p>The use of Eastermead Lane for agricultural purposes will be lost if stopped up, affecting the landowners' business.</p> <p>Concern that the stopping-up of Eastermead Lane will leave the objectors with limited access from Catworthy Lane with some land being landlocked with no access.</p> <p>Concern around location of proposed shared use path, width and safety of the path. An alternative route for the shared use path is proposed.</p> <p>Concern regarding the loss of agricultural land and wildlife corridor, including loss of biodiversity caused by the proposed private access track alongside an existing track.</p>	<p><u>Access</u></p> <p>It is acknowledged that Eastermead Lane will be stopped up and therefore, will prevent vehicular access to Towerhead Farm via Eastermead lane. The provision of a private means of access ("PMA") will be provided within the SRO. Agricultural access to the property of Towerhead Farm will be retained through the existing private road known as Catworthy Lane.</p> <p><u>Drainage</u></p> <p>The Council's design solution for the PMA has taken account of drainage considerations. A drainage strategy was developed following an assessment of available LIDAR information. The western length of the proposed shared use path that is to utilise the existing Eastermead Lane access track is to retain the existing drainage along the length of the track. It is not proposed that there will be an attenuation and flow control required, as the proposed impermeable area is not increasing in comparison to the existing scenario. A drain over-the-edge to a combination of conveyance and attenuation (shallow-gradient) swales is proposed for the remaining length of the active travel route to A368 Towerhead Road. A flow control will be provided at the downstream end of the swales to restrict the flow from the catchment to Greenfield Runoff Rate. Refer to ES Chapter 13 Road Drainage and Water Environment (Document 8/13) and ES Appendix 13.B Flood Risk Assessment (Document 8/19) for further information.</p> <p><u>Alignment of the proposed shared use path</u></p>

		<p>The inclusion of a shared use path between Banwell and Sandford strongly supports the Scheme objective to increase active and sustainable travel between local villages and Weston-super-Mare, and the concept was well-supported during initial engagement with stakeholders, and through feedback received during the 2021 public consultation (see section 3 of this Statement). This feedback is summarised in planning document – Walking, Cycling and Horse-riding Assessment Report (Document 4/14).</p> <p>The Council's project team is aware of the alternative suggested at preliminary design stage. The project team considered the alternative alignment for the shared use path during the development of the preliminary design. This alignment diverges north from the proposed shared use path at the northeast corner of the northern solar farm field, and heads north following the land boundaries, converging with the Scheme northwest of the current proposal.</p> <p>Development of the shared use path route was considered in accordance with design guidance Local Transport Note 1/20 – Cycle Infrastructure Design. Within that guidance, there are five principles that represent the core requirements for people wishing to travel by cycle or on foot, being: coherent, direct, safe, comfortable, and attractive. Directness is measured in both distance and time, and so routes should provide the shortest and fastest way of travelling from place to place where possible. This contributes to making walking or cycling an alternative attractive to driving short distances. Initially, an active travel route between Sandford and Banwell was investigated parallel to the A368, which represents the most direct route. However, this was discounted as unfeasible primarily due to issues relating to spatial constraints, environmental and ecological impacts, and land requirements. Alternative alignments were also considered, and at the second non-statutory public consultation, which ran for six weeks from 10 March to 22 April 2022, the shared use path subject to this objection was presented for feedback, with a proposed alignment to the north of the solar farm.</p> <p>During the public consultation period concerns were raised about the lack of directness of the proposed alignment of the shared use path between Sandford and</p>
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		<p>Banwell. Concerns were also raised by landowners regarding the difficulty in accommodating the shared use path with the movement of agricultural vehicles and livestock on the north-south access track.</p> <p>The northern route (proposed by the objector) requires users to travel an additional distance of 255m to travel from Sandford to Banwell village, compared to the southern route, proposed by the Council. In addition to being more direct, the route further south was considered to have a range of additional benefits over the northern route.</p> <p>The directness of the southern route, in providing connectivity between Sandford and Banwell village, contributed to the outcome of the assessment being the selection of the red route. Further conclusions of the assessment were outlined in the Council's previous response to the objector, dated 7 October 2022, which contains further information.</p>
3	<p>There is no existing third-party right across the land and objection to the creation of such a right, as well as the location of the access track, noting also that the turning circle and parking used by the objectors will be lost.</p>	<p>The new PMA (reference 3/5a in the SRO has been included for the benefit of the third party because information has been provided to the Council which indicates that there is a form of permissive right of access currently in existence.</p> <p>The Council is required to provide a new reasonably convenient private means of access in the SRO in circumstances where an existing means of access is to be stopped-up or severed as part of the proposals.</p> <p>The Council is continuing to engage with the objector and the affected third party on this point and will consider all available evidence.</p>
4	<p>The plans for the shared use path and third party private access right were amended shortly before the end of the public consultation period and so the Council has not provided a proper consultation.</p>	<p>The Council has engaged and continues to engage with the objectors, and the objectors have had the opportunity to comment on the proposal as part of the planning and compulsory purchase processes, as well as through direct contact with the Council's appointed land agents.</p>

OBJ 12

Mr Arnold Webber and Mrs Valerie Webber

Status: Statutory objector		
Plots: 2/14, 2/14a, 3/5, 3/5a, 3/5b		
No.	Summary of objection	North Somerset Council response
1	Only part of the football pitch is being acquired and no evidence has been provided to justify the large area required for the replacement pitches. There are more suitable locations for the replacement pitches which have not been thoroughly investigated.	<p>The replacement playing fields will ensure the operation of the football club is not adversely impacted by the proposed development. Development Management Policy DM68 which applies to the application requires that alternative provision must be made which, in terms of quantity, must be at least equivalent in terms of size. As the easements impact on the replacement land, it is proposed that additional land is acquired in order to ensure that the Banwell Football Club receives an area equivalent to what is being taken by the scheme (which is not impacted by the easements).</p> <p>Different options for the replacement land have been considered and appraised, as explained further in this Statement (see paragraphs 3.39 and 7.33(b)).</p>
2	The access route to the replacement land could affect agricultural use if it is over Eastermead Lane.	Eastermead Lane will not be used to provide access to the proposed football pitch. The new proposed football pitch will be accessible from Banwell Football Club car park. Therefore, access for agricultural purposes will not be disrupted.
3	The consultation process was not carried out properly, with changes made to the plans shortly before close of consultation.	<p>The Council undertook a comprehensive appraisal of options for replacement land to identify appropriate options in line with the applicable planning policy. The area of search was necessarily geographically limited due to the need to be proximate to the land currently occupied by the football club (see paragraph 3.39 of the Statement).</p> <p>The objector was first notified of the potential need to acquire land for these purposes on 5 April 2022. The need to provide replacement land due to impacts on playing fields was also referred to in the non-statutory consultation in March/April 2021.</p> <p>The Council considers that proper consultation has been undertaken on all elements of the Scheme.</p>
4	The reduction in the landowner's property will impact their agricultural business, and no plans have been provided regarding access onto the remaining land.	Appropriate fencing along the length of the land boundaries would be considered at detailed design and by agreement reached with the objector.

		<p>The Council considers that access is being retained and the land would be useable. The Council has sought to reduce land-take where possible.</p> <p>The land forms part of a dispersed holding extending to some 20-25ha. The land is managed with beef cattle, with hay/haylage being made. The removal of this land will reduce the overall profitability of the holding – and such losses will be the subject of compensation payments.</p> <p>Access is being retained and the Council considers that the land remains useable. The Council has sought to reduce land-take where possible. The Council is not acquiring the remaining land because it is not needed for scheme. It is a compensation issue if the objector can evidence that it is no longer viable.</p>
5	Note: Accommodation requests are considered at the end of this Appendix.	

OBJ 17

Mr Dennis Jones, Mr Brian Jones and Mr Malcolm Jones and Mr Philip Osmond

Status: Statutory objectors

Plots: 2/15, 2/15a, 2/15b, 2/15c, 2/15d, 2/15e, 2/15f, 2/15g, 2/15h, 2/15j, 2/15k

No.	Summary of objection	North Somerset Council response
1	Although the land does not benefit from planning permission for use as a pitch, Banwell FC would be able to obtain retrospective planning permission for this use.	<p>The Council cannot comment on the reasons why the Football Club has not secured planning permission to date. The Club has occupied the land for several years – and prior to the current route alignment being selected – without submitting an application. The route safeguarded under DM20 would have required land which does have planning permission.</p> <p>The Council cannot comment on whether or not retrospective planning permission would be granted for the current use.</p>
2	The objector raises a number of issues in relation to compensation payable and the value of the land.	The Council will continue to engage with the objector as part of negotiations. Devaluation and concerns relating to compensation are not matters which are relevant to the confirmation of the Order.

OBJ 18 – Mr Allan Cash

<p>Status: Statutory objector Plots: 2/16, 2/16a, 2/16b, 2/16c, 3/4, 3/4a, 3/4be</p> <p>OBJ 26 – Mr Richard Wall Status: Statutory objector Plots: 1/13, 1/13a, 1/13b, 2/17a, 2/17b, 2/17c</p> <p>OBJ 28 – Mr Nicholas White Status: Statutory objector Plots: 2/12, 2/12a, 2/12c, 2/12e, 2/12f, 2/12g</p>		
No.	Summary of objection	North Somerset Council response
1	Request that the Scheme is moved to an alternative location as all of the objector's land is being obtained.	<p>The objector has not put forward any details of an alternative scheme or demonstrated how such a proposal would be feasible or deliverable. The consideration of alternatives and the process of selecting the Scheme alignment are set out in detail in this Statement (see section 3) and in ES Chapter 3 Alternatives (Document 8/3).</p> <p>The Council considers that there is a compelling case in the public interest for the interference with private property rights, for the reasons provided in this Statement.</p>

<p>OBJ 19 Mr Allan Wall Status: Statutory objector Plots: 3/9, 3/9a, 1/13, 1/13a, 1/13b, 2/1u, 2/2, 2/2a, 2/2b</p>		
No.	Summary of objection	North Somerset Council response
1	Insufficient information has been supplied for the objector to fully understand the CPO's impact on their property.	<p>Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German.</p> <p>The Council considers that there is adequate information regarding the Scheme in the public domain and is engaging with the objector to direct the objector to the relevant documentation in order to address these concerns.</p>
2	Concern that the bypass will have a visual impact on the objector's property with the full impact being unclear.	A visual impact assessment was carried out as part of ES Chapter 7 Landscape (Document 8/7). This property is included in ES Appendix 7.C Visual Affects Schedule (Document 8/20).

		There would be some direct views of the Scheme in the middle distance. The effects would be reduced through screening by the existing intervening field boundary vegetation and the implementation of mitigation measures to establish screen planting along the Scheme.
3	Note: Accommodation requests are considered at the end of this Appendix.	

OBJ 20		
Banwell Parochial Church Council		
Status: Statutory objector		
Plots: 3/9, 3/9a, 3/9b, 3/9c, 3/9d, 2/17, 2/17a, 2/17b, 2/17c, 2/17d, 2/17e, 2/17f		
No.	Summary of objection	North Somerset Council response
1	<p>Insufficient information has been supplied for the objector to fully understand the CPO's impact on their property.</p> <p>The objector is waiting for clarity regarding the agreement on accommodation works.</p>	<p>Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German.</p> <p>The Council considers that there is adequate information regarding the Scheme in the public domain and is engaging with the objector to direct the objector to the relevant documentation in order to address these concerns.</p>
2	The objector was waiting for clarity regarding the impact of the cycle track on retained land.	<p>Shared use path integration with existing farm accesses will be refined at detailed design.</p> <p>Access to the retained land is proposed to be secured as shown in the SRO (see SRO plot 3/5a). Access to the retained land will be coincident with the shared use path at the point of entrance. Engagement with the objector is ongoing to refine gate and fence arrangements, taking into account also the concerns raised in OBJ 10.</p>
3	Note: Accommodation requests are considered at the end of this Appendix.	

OBJ 21		
Ms Florence Harris		
Status: Statutory objector		
Plots: 3/1a		
No.	Summary of objection	North Somerset Council response

1	Insufficient information has been supplied for the objector to fully understand the CPO's impact on their property.	<p>Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German.</p> <p>The Council considers that there is adequate information regarding the Scheme in the public domain and is engaging with the objector to direct the objector to the relevant documentation in order to address these concerns.</p>
2	Query raised regarding access to retained land and how the field access will be prevented from being used as a turning area.	<p>The access to the objector's field will be unaffected.</p> <p>Appropriate provisions to ensure the objector's access is not used as a turning area will be refined at detailed design.</p>
3	Note: Accommodation requests are considered at the end of this Appendix.	

OBJ 22a – Mrs Pauline Curry and Mr Philip Curry, Mr Richard Curry

Status: Statutory objectors

Plots: 1/9, 1/9a, 1/9b, 1/9d, 1/9e, 1/9f, 1/9g, 1/9h, 1/9j, 1/9k

OBJ 22b - Mr Robert Mitchell, Mrs Sonia Mitchell

Status: Statutory objectors

Plots: 1/19, 1/19a, 1/19b, 1/19d, 1/19e, 1/19f, 1/19g, 1/19h, 1/19j, 1/19k, 4/1

No.	Summary of objection	North Somerset Council response
1	<p>Insufficient information has been supplied for the objector to fully understand the CPO's impact on their property.</p> <p>Lack of clarity regarding the agreement on accommodation works.</p>	<p>Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German.</p> <p>The Council considers that there is adequate information regarding the Scheme in the public domain and is engaging with the objector to direct the objector to the relevant documentation in order to address these concerns.</p>
2	Lack of clarity around ensuring that a water supply is maintained to the objectors' retained land and buildings.	The Council is not clear what water supply is being referred to and has engaged with the objector on this point to ensure that the water supply is maintained.
3	Lack of clarity around access into retained land (plot 1/9b) during works and permanently afterwards at all times and for all purposes.	The objectors' rights are to use the PMA labelled 1/4a on the SRO for access into an agricultural field plot 1/9b). Access to the parcel during construction will be subject to arrangement with the contractor but the

		<p>Council will facilitate those discussions and will endeavour to allow access to continue.</p> <p>Access and use of agricultural buildings for the objectors will be maintained.</p>
4	Note: Accommodation requests are considered at the end of this Appendix.	

OBJ 23

Mr Keith Raymond

Status: Statutory objector

Plots: 2/1, 2/1a, 2/1b, 2/1c, 2/1d, 2/1e, 2/1f, 2/1g, 2/1h, 2/1j, 2/1k, 2/1m, 2/1n, 2/1p, 2/1q, 2/1r, 2/1s, 2/1t, 2/1u

No.	Summary of objection	North Somerset Council response
1	<p>Insufficient information has been supplied for the objector to fully understand the CPO's impact on their property.</p> <p>Lack of clarity regarding the agreement on accommodation works</p>	<p>Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German.</p> <p>The Council considers that there is adequate information regarding the Scheme in the public domain and is engaging with the objector to direct the objector to the relevant documentation in order to address these concerns.</p>
2	<p>Lack of clarity about ensuring access to severed land and plot 2/1h.</p>	<p>A new highway labelled 2/B on the SRO has been proposed and is intended to be used as access to the objector's land to the south of the proposed Bypass.</p> <p>With regard to plot 2/1h, a PMA has been proposed as shown at Order plot 2/3g and labelled 2/1a on SRO sheet 2.</p>
3	<p>Lack of clarity about ensuring that a water supply is maintained to both parts of the objector's severed land.</p>	<p>The existing rhyne/water supply is proposed to have works in the form of diversions during construction of new culverts. Water supply will be maintained to both parts of the objector's land.</p>
4	Note: Accommodation requests dealt with at bottom of document.	

OBJ 24

Mr Lyndon Bale and Mrs Angela Millard

Status: Statutory objectors

Plots: 4/4, 4/4a, 4/5, 4/5c, 4/5d, 4/5f, 4/5g, 4/9

No.	Summary of objection	North Somerset Council response
1	The Scheme is in an inappropriate location. Changing the footpath to a bridleway will increase traffic and lead to a conflict of users with a health & safety risk where users enter the farmyard.	<p>The fencing proposal for this section of the shared use path will be maintained as per the existing arrangements.</p> <p>The existing conditions of the public path do not pose negative Health and Safety impacts on its users and no adverse effects are anticipated to arise from an increased foot traffic.</p> <p>A plan with pull-in/ passing places along the length of the shared use path will be developed at Detailed Design.</p>
5	Lack of engagement concerning accommodation works in respect of the track, e.g. passing places, pedestrian safety, separation of gates and the footpath from the retained land and preventing users entering buildings that open onto the bridleway.	Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German, including in relation to the detail of accommodation works.
6	Concern about the proposal to lay drains close to existing farm buildings due to the risk of flooding the highway down the lane.	There would be no adverse impacts in respect of the drainage proposals and this will be ensured at detailed design stage.
7	Concern that the potential requirement for an attenuation pond was communicated on 22 November and the risk of future information coming to light.	An attenuation pond has been proposed as shown on Order plot 4/6a. Further details of the drainage strategy and design will be undertaken at detailed design stage.
8	Note: Accommodation requests are considered at the end of this Appendix.	

OBJ 25

Mrs Carol Weston, Mr Martin Weston, Mr Thomas Weston

Status: Statutory objector

Plots: 3/3, 3/3a, 3/3b

No.	Summary of objection	North Somerset Council response
1	Insufficient information has been supplied for the objector to fully understand the CPO's impact on their property.	<p>Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German.</p> <p>The Council considers that there is adequate information regarding the Scheme in the public domain and is engaging with the objector to direct the objector to the relevant documentation in order to address these concerns.</p>

2	Concern of the effect the Southern Link road will have on access to the property and the “dog leg” turning, noting a previous request for the link road to be moved 15/20m north.	<p>The objector’s property will be accessible from the Southern Link road. The proposed access coincides with the existing property access from the A371. Vehicle swept path analysis will be undertaken during detailed design.</p> <p>The horizontal alignment of the proposed Southern Link Road has been designed to avoid constraints including existing properties, the Banwell Woods and to facilitate tie-in to the existing highway network geometry.</p>
3	Lack of clarity around swept path analysis for large agricultural machinery for six adjoining landowners who have a right of access over the property.	Vehicle swept path analysis will be undertaken for an adequate vehicle type within the objector’s land. The Council is engaging directly with the objector and will refine the proposal during detailed design.
4	Request to retain access to Banwell Woods from the A368 and that the Scheme does not restrict visibility or use of the entrance.	The access to the Banwell Woods from the A368 will be retained throughout the duration of construction works. The proposed Scheme is tied-in to the existing A368 west of the location of the access to Banwell Woods. Therefore, the alignment of the existing carriageway in the vicinity of the access to Banwell Woods will not be directly impacted as part of the Scheme.
5	Concern about treatment of the objectors’ cesspit and soakaway.	It is proposed that existing arrangements will be maintained. Further investigations are ongoing following receipt of the objection and this will be discussed with the objector and addressed during detailed design.
6	Note: Accommodation requests are considered at the end of this Appendix.	

OBJ 27 – Mr Nigel Plaister

Status: Statutory objector

Plots: 2/6, 2/6a, 2/6b, 2/6c, 2/6d, 2/6e, 2/6f, 2/6g, 2/6h, 2/6j, 2/6k, 2/6m, 2/6n

OBJ 34 – Exors of the Estate of Mr John Gerrett

Status: Statutory objector

Plots: 3/11, 3/11a, 3/11b, 3/11c, 3/11e, 3/11f

No.	Summary of objection	North Somerset Council response
1	Insufficient information has been supplied for the objector to fully understand the CPO’s impact on their property.	Negotiations with all affected landowners are ongoing via the Council’s appointed land agents, Fisher German, including in relation to accommodation works.

	The objector is still waiting on agreement on accommodation works.	The Council considers that there is adequate information regarding the Scheme in the public domain and is engaging with the objector to direct the objector to the relevant documentation in order to address these concerns.
2	Note: Accommodation requests are considered at the end of this Appendix.	

<p>OBJ 30 – Mr Richard Jones Status: Statutory objector Plots: 4/8, 4/10, 4/10a, 4/10b</p> <p>OBJ 31 – Mr Mark Preston Status: Statutory objector Plots: 4/8</p> <p>OBJ 32a – Mr Jason Evans Status: Statutory objector Plots: 4/8, 4/10, 4/10a, 4/10b</p> <p>OBJ 32 – Ms Tracey Hill Status: Statutory objector Plots: 4/8, 4/10, 4/10a, 4/10b</p> <p>OBJ 39 – Mr Robert Phippin Status: Statutory objector Plots: 4/11</p>		
No.	Summary of objection	North Somerset Council response
1	<p>Insufficient information has been supplied for the objector to fully understand the CPO's impact on their property and access rights. Changes to the Scheme proposed.</p> <p>The objector is waiting for clarification around how the footpath / bridleway will meet the public highway, the objector raised this at a site meeting.</p>	<p>Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German.</p> <p>The Council considers that there is adequate information regarding the Scheme in the public domain and is engaging with the objector to direct the objector to the relevant documentation in order to address these concerns.</p> <p>More limited engagement has been undertaken with those objectors that do not own land which is required for the Scheme but may have a compensatable interest.</p>

3	<p>The objector requested relocation of the proposed passing bays on the track at a site meeting and is waiting for more information from the Council.</p>	<p>The locations of the passing places are proposed within the existing accesses. Further refinement and detailed design will be considered as part of the Scheme accommodation works.</p> <p>Active discussions are ongoing with the landowner regarding moving the passing bays as part of the Scheme accommodation works, which would be subject to additional planning requirements.</p>
4	<p>Suggestion that one of the proposed passing bays will interfere with a development site and that this may trigger an uplift payment.</p> <p>Query around what is permitted in the passing bays and whether the landowner could install bollards to prevent parking.</p>	<p>There is no change to existing boundary treatment proposed, and the existing fence is to be retained. Therefore, these proposals will not introduce additional restrictions upon the objector's movements to those already in place.</p> <p>The purpose of the proposed passing bays being included within the Order Land is to reserve space that is legally protected to be used only for the purposes detailed in the Book of Reference in the Schedule to the Order. Therefore, the objector would not be permitted to install bollards or similar.</p>
5	<p>Query about responsibility for maintenance of the track.</p>	<p>The maintenance responsibility for the PRoW itself would be with the Council as the highways authority. The route is already an adopted PRoW and the Council is undertaking improvements. It will remain a highway maintainable at the public expense. The exception to this is where any landowner has rights to use PRoWs for vehicles in machinery, in which case the landowner would be responsible for maintaining the PRoW because of that more intense/greater usage.</p> <p>In general terms, gates and fences etc. would be maintainable by the Council only where the Council owns the land, not where it is taking rights. However, any features which adjoin the public highway and are functional parts of the Scheme (e.g. ecological fencing or access controls to prevent motorised vehicle access) would be maintainable by the Council.</p> <p>Any accommodation works would be maintainable by the relevant objector. This will be addressed in each case as part of negotiations between the Council and the relevant landowner.</p>
6	<p>Note: Accommodation requests are considered at the end of this Appendix.</p>	

OBJ 33		
Churchill Property Services Limited		
Status: Statutory objector		
Plots: 4/7, 4/10, 4/10a, 4/10b		
No.	Summary of objection	North Somerset Council response
1	Insufficient information has been supplied for the objector to fully understand the CPO's impact on their property.	<p>Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German.</p> <p>The Council considers that there is adequate information regarding the Scheme in the public domain and is engaging with the objector to direct the objector to the relevant documentation in order to address these concerns.</p>
2	Request that the Council acquire the landowner's portion of land to the north which will be severed by the CPO.	The Council will continue to engage with the objector as part of negotiations. Devaluation and concerns relating to compensation are not matters which are relevant to the confirmation of the Order.
3	<p>Query about the changes to be made to the existing access gate at the western boundary of the land, which forms part of the track.</p> <p>Request for details of the fencing specification separating the track from the retained land.</p>	Fencing, gate and boundary treatments will be developed and refined as part of agreeing accommodation works and through detailed design.
4	Clarification sought about the surface of the track and maintenance.	<p>Surface treatments to be developed and refined as part of agreeing accommodation works and through detailed design.</p> <p>The maintenance responsibility for the PRow itself would be with the Council as the highways authority. The route is already an adopted PRow and the Council is undertaking improvements. It will remain a highway maintainable at the public expense. The exception to this is where any landowner has rights to use PRow's for vehicles in machinery, in which case the landowner would be responsible for maintaining the PRow because of that more intense/greater usage.</p>
5	Request for written confirmation that footpaths AX14/36/20 & AX14/36/10 are	That is correct, the existing PRow's in question are shown to be stopped up using

amended to follow the proposed cycle track / bridlepath.	SRO powers and new PRoW "highway" are proposed as shown in SRO sheet 4.
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OBJ 35
Mr Andrew Hatherell and Mrs Kathryn Hatherell
Status: Statutory objector
Plots: 3/1b

No.	Summary of objection	North Somerset Council response
1	<p>The Options Appraisal Report 15/9/21 was "high level" with little regard for impact on individual property interests without proper regard to alternative routes and the merits/disadvantages of each. The proposed acquisition cannot be necessary due to alternative options. A longer bypass of multiple villages should be considered.</p>	<p>Options identification and appraisal has been an iterative process throughout design development work, culminating in the preliminary design subject to this application. The Department for Transport's Transport Analysis Guidance ("TAG") outlines the transport appraisal process and associated requirements for transport interventions. Options appraisal has followed the assessment methodology outlined within TAG, as is appropriate.</p> <p>A long list of options were identified and assessed at a high level against the TAG criteria and Scheme objectives (see the Options Appraisal Report (Document 4/5) for the list of initial options). Following the assessments undertaken on the long list of options, the worst performing / lowest scoring options were discarded. Three Northern Bypass options were shortlisted for further optioneering and appraisal, being the options that performed / scored the best. This aligned with the outcome of the Options Appraisal Study conducted in 2018 and the results of the Banwell Transport Area Study commissioned in 2000 by North Somerset Council, helping validate earlier decision making.</p> <p>A more detailed TAG appraisal Stage 2 was then undertaken to obtain sufficient information to inform decision making when considering Northern Option 1, Option 2, and Option 3. This considered further survey information and traffic modelling of the highway network scenarios. The design and associated options appraisal process has also been subject to public consultation, with feedback helping inform the preliminary design.</p> <p>The three shortlisted and assessed options were proposed to a six-week public non-statutory consultation from 5 July to 16</p>

		<p>August 2021. This helped enable the public and other stakeholders to provide feedback on the Scheme proposals, as well as suggest alternatives. All consultation responses received were analysed and considered carefully. In summary, 46% selected northern route Option 2 as the option that best achieved the scheme objectives, and ultimately was determined as the preferred route subject to further environmental and traffic assessments.</p>
2	<p>The Scheme will have unacceptable impacts. Concern that construction activity will surround the objectors' property, and the Scheme will increase the volume and speed of traffic around the property, suggesting that minimal regard was given to the impact of the bypass on the objectors' property specifically.</p>	<p><u>Construction impacts</u></p> <p>The impacts have been clearly identified and assessed as part of the ES in accordance with relevant DMRB standards and planning policies.</p> <p>The Old Police House property will be accessible from the Southern Link side road for the duration of construction works as part of the proposed Scheme. Access will be maintained during construction subject to short periods where upgrade or reconstruction works of the existing road are progressed across the access and frontage of The Old Police House property (and any interference will be kept to a minimum, with access maintained at all time. The Council will communicate with the Old Police House throughout the works to advise of any changes to access arrangements and make alternative parking arrangements if required.</p> <p>Early detailed design work is benefiting from early contractor involvement, notwithstanding planning permission has at this stage not been granted. It is intended that the location of the site compound will be east of the Old Police House property. Based on that latest information, the east site compound is likely to be situated in the field immediately east of the Old Police house, with topsoil storage bunds providing a buffer between the property and activities in the compound. The ES was based on assumptions informed by the Council's construction specialist utilising the best available information at that time. This then represented the most likely worst-case scenario for assessment, as is typical and appropriate for an EIA. The ES assessment and conclusions remain valid, but subject to detailed design the Old Police House is likely to experience impacts that represent an improvement on the likely effects considered at preliminary design.</p>

		<p>The proposed speed limit along the length of the Southern Link is 30mph. The existing speed limit along the A368 is 30mph. Therefore, the speed of traffic in the vicinity of the property will not increase, as a result of the Scheme.</p> <p><u>Traffic during operation</u></p> <p>The Transport Assessment (Document 4/4) provide the forecast traffic flows for 2024 the AM and PM peak hours.</p> <p>For the 2024 AM peak, the traffic model forecasts that the two-way traffic flow on the A368 would decrease as a result of the Scheme from 593 vehicles in the Do-Minimum scenario to 501 vehicles in the Do-Something scenario. This is a forecast decrease of 92 vehicles, or 16%.</p> <p>For the 2039 AM peak, the traffic model forecasts that the two-way traffic flow on the A368 would increase as a result of the Scheme from 576 vehicles in the Do-Minimum scenario to 638 vehicles in the Do-Something scenario. This is a forecast increase of 62 vehicles, or 11%.</p> <p>For the 2024 PM peak, the traffic model forecasts that the two-way traffic flow on the A368 would decrease as a result of the Scheme from 653 vehicles in the Do-Minimum scenario to 442 vehicles in the Do-Something scenario. This is a forecast decrease of 211 vehicles, or 32%.</p> <p>For the 2039 AM peak, the traffic model forecasts that the two-way traffic flow on the A368 would decrease as a result of the Scheme from 633 vehicles in the Do-Minimum scenario to 562 vehicles in the Do-Something scenario. This is a forecast decrease of 71 vehicles, or 11%.</p> <p>Further detail is contained in the Transport Assessment. In summary, the Transport Assessment shows that there would be a decrease in traffic flows (16% in the AM peak hour and 32% in the PM peak hour) in the opening year outside of the Old Police House property.</p>
3	Concern that both the construction work and operation of the bypass will generate unacceptable impacts from noise, dust,	A major construction noise and vibration impact has been identified for The Old Police House as part of the ES (see ES Chapter 11 Noise & Vibration (Document 8/11)), which has been reported as a significant temporary

<p>vibration and light on the property and objectors' business interests.</p>	<p>adverse noise and vibration effect. This is because the property is located so close to the Scheme, which results in an unavoidable impact. The construction assumptions that informed the EIA were provided by the project construction and logistics specialists, based on the best information available at that stage of preliminary design. The construction noise and vibration levels at The Old Police House were predicted and assessed in accordance with the assessment methodology set out in the DMRB LA 111.</p> <p>During detailed design considerations, Best Practicable Means ("BPM") of construction, including for example the selection of quieter equipment, sensitive location of equipment on site, switching off engines when not in use, the provision of acoustic enclosures etc. is considered as mitigation as part of the Scheme during construction to help control or reduce potential noise effects. That is not taken into account in the noise predictions in the ES, so BPM will reduce the worst-case noise levels presented in the ES undertaken at preliminary design.</p> <p>For construction vibration, measures are also considered including using low vibratory construction methods where practicable, e.g. more passes with compaction plant operating in 'static' mode or use of lower vibration equipment. In this case, there is a trade-off between the vibration experienced and the time taken to complete the works (i.e. potentially lower vibration impacts for a longer duration).</p> <p>The construction works programme and associated detail around methods of construction and activities will be better known during the detailed design stage, should the Scheme proceed. Those details will be secured through appropriate planning conditions.</p> <p>For example, appropriate planning conditions will secure the commitment and requirement to undertake the work that needs to be carried out and approved by the LPA at the detailed design stage, such as the next stage of the Construction Environment Management Plan ("CEMP"), which is standard practice for proposed developments of this nature. Further measures may be identified in the CEMP during detailed design regarding the</p>
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		<p>management and control of construction noise and vibration.</p> <p>Generation of construction dust will be managed through the CEMP. Using best practice mitigation proposed in the CEMP would mean there is no significant effect on nearby receptors due to construction dust.</p> <p>It is not anticipated that during operation the road would be a significant source of dust.</p>
4	<p>The property will be overlooked by the bypass leading to intrusive lighting of the property during the night and a loss of privacy during the day, compared to the currently dark skies and limited visual intrusion.</p>	<p>The Old Police House's rear garden and elevation will be located approximately 70m and 76m respectively from the Scheme. The landscape and visual impact assessment (see ES Chapter 7 Landscape (Document 8/7)) includes an assessment of the visual effects on the Old Police House. Whilst it is acknowledged that there would be a substantial magnitude of effect during construction especially due to the location of the compound and materials lay down areas close to the property, the visual impacts would moderate rapidly on Scheme opening and as mitigation establishes. It is not considered that views from these distances would result in the detrimental loss of privacy or overlooking that would prejudice the living conditions of those at the Old Police House.</p> <p>The planning application documents, including the ES considered, have carefully considered the likely impacts of the Scheme on the Mendip Hills AONB. The Mendip Hills AONB Unit provided comments on the application and have not objected to the Scheme. The LPA will determine the planning application accordingly.</p>
5	<p>Concern that noise and vibration caused by the works and the operation of the road will adversely affect the landowners' remote interior design education business.</p>	<p>The Council is satisfied that it has properly taken the impacts on the business into account. The Council will continue to engage with the objector as part of negotiations. Devaluation and concerns relating to compensation are not matters which are relevant to the confirmation of the Order.</p>
6	<p>The proposed mitigation is inadequate to achieve sufficient visual screening. Suggested that sound-proofing will be required and planting will need to be sufficiently mature. Request for full impact assessment and mitigation plan for the property specifically.</p>	<p>The impacts have been clearly identified and assessed as part of the ES in accordance with relevant DMRB standards and planning policies.</p> <p>Further to engagement with the objectors, and subsequent submissions to the LPA in response to their objections, including the potential for a protected characteristic to be</p>

		engaged, the Council has proposed a specific assessment as requested. A Management Plan will include refinement of potential measures pertinent to visual impact and privacy concerns, for example, a review of screen bunding, on and off-site planting and any potential noise mitigation measures could be carried out. This will include consideration of early planting, in advance of construction works. The Council will consider any further opportunities during detailed design for construction and operational mitigation, building on the Outline CEMP submitted as part of the planning application. This will inform the construction CEMP during detailed design, as secured by a planning condition.
7	Request that the hours of construction are strictly controlled.	Construction hours will be controlled through the planning process.
8	Concern about the impact of the Scheme on a family member with a particular sensitivity.	A Management Plan will be developed and will consider measures pertinent to visual impact and privacy concerns, for example, a review of screen bunding, on and off-site planting and any potential noise mitigation measures could be carried out. This will include consideration of early planting, in advance of construction works.
<p>NOTE: OBJ 35 includes the objector's objection to the planning application dated 22 August 2022. These matters have not been addressed as objections to the Order. The Council has responded to those matters through the planning process.</p>		

<p>OBJ 36</p> <p>Mr Robert Warburton</p> <p>Status: Statutory objector</p> <p>Plots: 3/8z, 3/10, 3/10a</p>		
No.	Summary of objection	North Somerset Council response
1	<p>Insufficient information has been supplied for the objector to fully understand the CPO's impact on their property.</p> <p>Lack of clarity regarding the agreement on accommodation works.</p>	<p>Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German.</p> <p>The Council considers that there is adequate information regarding the Scheme in the public domain and is engaging with the objector to direct the objector to the relevant documentation in order to address these concerns.</p>

2	Lack of clarity regarding the proposed route for the cycle path	This is shown on the General Arrangement Plans (Document 4/2).
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OBJ 37		
Mr Stuart Millard and Mrs Rosemarie Millard		
Status: Statutory objector		
Plots: 1/7, 1/7a, 1/7b		
No.	Summary of objection	North Somerset Council response
1	Insufficient information has been supplied for the objector to fully understand the CPO's impact on their property.	Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German. These matters will be discussed directly. The Council considers that there is adequate information regarding the Scheme in the public domain.
2	Concern that vegetation planting on the forecourt of the property will force the business to close.	This query has been resolved in the revised versions of the Environmental Master Plans which have been provided to the objector and the LPA. It will also be addressed as part of modifications to the Order and SRO (see paragraphs 4.28 - 4.30 and 4.49 - 4.53 above).
3	Clarity requested over the proposed alteration to the highway and acquisition of forecourt as this will force the business to close.	As above, this issue has been, or is being, addressed through modifications and amendments to the Order and SRO (see paragraphs 4.28 - 4.30 and 4.49 - 4.53 above). The Council has accepted that the area of land in question does not form part of the adopted highway and will not be planted as part of the Scheme.
4	Notes that there is a former cesspit on the western boundary of the property that needs to be considered.	The Council is liaising with the landowner to understand the location of the former cesspit and whether it needs to be accommodated as part of the Scheme.
5	Concerns about the safety of the proposed public right of way behind the property and onto the highway due to vehicles manoeuvring from the wash bay.	As part of the proposal cyclists will be encouraged/directed along this existing carriageway, however, this is already an adopted highway and the carriageway permits the use by pedestrians and cyclists. A Risk Assessment and a Road Safety Audit will be carried out at detailed design stage.
6	Concern about the objectors' lack of access to their pedestrian door due to rights acquisition.	Access to the objectors' pedestrian door will be retained. The Council is confident that

		this can be accommodated as part of detailed design.
7	Note: Accommodation requests are considered at the end of this Appendix.	

OBJ 40		
Burrington Estates		
Status: Statutory objector		
Plots: 4/1, 4/1a		
No.	Summary of objection	North Somerset Council response
1	The Council is using the CPO to avoid progressing planning application 20/P/1120/OUT and that the Council has "neglected" to do so.	This is a matter for the LPA. This matter has been referred to the LPA and it is understood that the LPA has contacted the applicant.
2	Suggestion that acceptance of the developer's planning permission would result in the cost of works, mitigation and PRow on the site being covered by the developer.	The application, if granted, would include the shared use path which is part of the Scheme. Therefore, if planning is approved the schemes would align. The Council as promotor of the Scheme has no control over the determination of the application. Compensation will be agreed on the basis of the permitted use of the land.

OBJ 41		
Mr Jason Hathway and Mrs Sarah Hathway		
Status: Statutory objector		
Plots: 4/2, 4/2a		
No.	Summary of objection	North Somerset Council response
1	Insufficient information has been supplied for the objector to fully understand the CPO's impact on their property.	Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German. The Council considers that there is adequate information regarding the Scheme in the public domain and is engaging with the objector to direct the objector to the relevant documentation in order to address these concerns.
2	Query about how the footpath / cycleway / bridleway will be lit and whether this will be street lighting or low-level lighting. The objectors have carried out various lighting mitigation measures for bats.	An Habitats Regulations Assessment (Document 8/22) has been produced for the Scheme, and the provision to avoid the impacts of the Scheme on ecological receptors has been developed from extensive surveys and through detailed

		<p>consultation with NE, who are not objecting to the Scheme</p> <p>Low level lighting is being considered as a requirement of safety and security considerations for school access. The lighting proposals will be developed at detailed design</p>
3	Concern about safety of the point at which the cycleway / bridleway meets Churchill Green and a lack of detail around traffic calming measures.	The General Arrangement plans (Document 4/2) will be refined at detailed design stage and will include proposed traffic calming measures.
4	<p>Lack of detail around the design of the gates, alignment of the route and severed section of the land.</p> <p>Concern that the rights granted over the land will prevent grazing.</p>	Provisions for new and maintained gates and the proposed fencing detail along the proposed shared use path will be refined at detailed design stage. The Council's agents met with objector to understand the concerns about the impacts on grazing and the Councils is working with the objectors to refine the proposals.

OBJ 42

Elizabeth Harding, Steven Harding, Pamela Harding, Christopher Harding, Susan Harding, and Ainscough Strategic Land

Land Status: Statutory objector

Plots: 1/11, 1/11a, 1/11b, 1/11c, 1/11d, 1/11e, 1/11f, 1/11g, 1/11h, 1/11j, 1/11k, 1/11m, 1/11n, 1/11p, 1/11q, 1/11r, 1/11s, 1/11t, 1/11u, 1/11v

No.	Summary of objection	North Somerset Council response
1	Procedural point raised that Ainscough Strategic Land, Christopher Harding and Nick Harding should be included in the CPO schedule as an interested party.	This will be considered as part of the package of proposed modifications to the Order. The Schedule to the Order was prepared based on verifiable information available to the Council at the time it was made.
2	The Council has failed to comply with the DLUHC CPO Guidance and to make reasonable attempts to acquire land interests by agreement, suggesting that land negotiations have been inappropriate and that heads of terms had insufficient detail. The objectors' also note outstanding information regarding a financial offer, mitigation, detailed plans and an explanation of the Scheme's link to the proposed new homes.	Negotiations for the acquisition of the land and rights required for the Scheme are progressing and further engagement has been undertaken since the objection was submitted, including the issue of a financial offer. The Council has followed the CPO Guidance throughout the project as set out this Statement (see paragraphs 4.12 - 4.20). The Council has engaged with the objectors.

3	<p>There is no compelling case in the public interest for the Scheme and there have been no attempts to mitigate the impact on the landowners' business and land.</p>	<p>The Council has taken this impact into account and sought to mitigate any impacts.</p> <p>The Options Appraisal Report (Document 4/5) expressly takes the impacts on Stonebridge Farm into account (see Table 5 of that document).</p> <p>The Council also addressed this impact and taken it into account in the Statement of Reasons (Document 2/5) and this Statement (see section 9 of both documents).</p>
4	<p>The Stonebridge Caravan Park business has already suffered financial harm to the business and will be forced to close due to the CPO and bypass. The Council has not sought to understand these impacts.</p>	<p>The Council's land agents have been requesting financial accounts from the objector in order to understand and value the impact on the business on multiple occasions since July 2022, but at the date of this Statement this information has still not been provided.</p> <p>The Council is satisfied that it has properly taken the impacts on the business into account. The Council will continue to engage with the objector as part of negotiations. Devaluation and concerns relating to compensation are not matters which are relevant to the confirmation of the Order.</p>
5	<p>The objector raises concerns about the risk of flooding to the Harding Family estate and claims that other environmental concerns have not been addressed by the Council.</p>	<p>In section 6.3 of ES Chapter 13 Appendix 13.B Flood Risk Assessment (Document 8/19) and as visualised in Figures 13 and 14, it has been demonstrated that flood risk east of the Scheme at Stonebridge Farm, including the house in the objectors' ownership, will not be significantly impacted by the Scheme during the design flood events.</p> <p>Residual impacts (>10mm increase in flood depth) are shown on the west side of the bypass, however, this does not affect any properties.</p>
6	<p>Concerns around the future proofing of the bypass to enable housing delivery and link to the Council's emerging Local Plan.</p> <p>Suggestion that the Council should review the interface between the bypass and the delivery of new homes and asserts a lack of engagement from the Council on this.</p>	<p>The Scheme as submitted at planning does not include additional transport connections into potential new housing developments as they are not directly required by the Scheme. The Council is not in a position to pre-judge decisions relevant to the emerging Local Plan.</p> <p>The Scheme does enable the future housing. Without it, the Wolverhill allocation could not come forward as planned. At the current stage of the emerging Local Plan, it</p>

		<p>would be premature to assume that the new development would be of a particular form or that connections were required in specific locations. The design of the Scheme is consistent with the aim of enabling development.</p> <p>The precise location and requirements of the junction will not be known until further detailed work is undertaken and the local plan is at a more advanced stage, but this does reflect the likely location as indicated through the transport assessment to support the draft Local Plan.</p> <p>Some preliminary design of the potential junctions reflecting the latest evidence on transport strategy prepared by AECOM and published with the Regulation 18 Local Plan is being undertaken. These include: -</p> <ul style="list-style-type: none"> • Summer Lane junction • A pedestrian and cycle crossing at (Ch. 300 to link to PRoW) • Widening of bypass for new junction east of Wolvershill (Ch. 1000 - Ch1.100 (within the Planning Application)). • Bellmouth for new junction East of Wolvershill (Ch.1100) <p>It is expected that this will provide some early evidence to underpin the deliverability of the junctions and therefore the wider emerging allocation, and may enable future construction of the junctions aligned to the construction of the bypass.</p> <p>At the appropriate time, this work can be shared with developers of the emerging strategic sites to consider how the designs relate to the development proposed and avenues for delivery. The Council will continue to liaise with those with an interest in development opportunities as appropriate.</p>
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OBJ 43

Mrs Jayne Frost, Mrs Julie Curtis, Mrs Patricia Lloyd

Land Status: Statutory objector

Plots: 2/9a, 2/9b, 2/9c, 2/9d, 2/9e, 2/9, 2/18

No.	Summary of objection	North Somerset Council response
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1	Insufficient information has been supplied for the objector to fully understand the CPO's impact on their property.	<p>Negotiations with all affected landowners are ongoing via the Council's appointed land agents, Fisher German.</p> <p>The Council considers that there is adequate information regarding the Scheme in the public domain and is engaging with the objector to direct the objector to the relevant documentation in order to address these concerns.</p>
2	The height of the bridge over Riverside will cause significant overlooking into the objectors' residential property, garden and buildings	<p>A visual impact assessment was carried out as part of ES Chapter 7 Landscape (Document 8/7). The objectors' property is included in ES Appendix 7.C Visual Affects Schedule (Document 8/20).</p> <p>It is acknowledged that the Scheme would introduce a permanent change in the view from the property. Impacts would be moderated as mitigation screen planting establishes. The shared use path is to the north of the Scheme and therefore there would be no direct overlooking into the property by pedestrians, cyclists and horseriders. Given the height of the bridge and the profile of the embankment, there would be minimal opportunity for vehicle users to overlook the property. This would further reduce as the planting on the embankment establishes. In addition, the design and finishes for the bridge will be developed to ensure that the structure fits within the local landscape character.</p>
3	Query around how the temporary compound will impact the property	<p>The compound will be a satellite compound for work associated with the construction of the Banwell River Overbridge and approach embankments. It is not the main compound for the construction of the Banwell Bypass.</p> <p>An area of the field will be stripped of topsoil and a temporary layer of aggregates placed. This compound will be used for workforce parking, welfare facilities (mess room, toilets, office, etc.) as well as for storage of materials and equipment.</p> <p>Access to the compound will be from Moor Road and will predominantly be for cars and small vans, with occasional HGV use.</p> <p>The compounded will be screened to reduce any visual impact during construction.</p>

OBJ 44		
Mr Stephen and Mrs Frances Schmollmann		
Land Status: Statutory objector		
Plots: 4/6a, 4/7, 4/8, 4/10, 4/10a, 4/10b, 4/12		
No.	Summary of objection	North Somerset Council response
1	Concern that the cycle track will have a large impact on retained property and the objectors have suggested an alternate route, the objectors also raises a safety concern regarding a conflict of users on bridleway.	<p>Based on the low vehicle speeds and level of use by both motorised vehicles and walkers, cyclists and horse-riders, a mixed traffic route is considered acceptable, as opposed to a separate segregated path as suggested.</p> <p>This single-track arrangement would function in much the same way as existing single lane public highways in the area, such as Ladymead Lane, onto which the PRow connects, which has no footways for pedestrians or cyclists. Similarly, The Batch is a single-track PRow (a restricted byway), shared with private residential and agricultural access, where there have been no recorded collisions within the last 20 years of published road safety data. The existing track in this area is very straight with limited vegetation, ensuring that forward visibility is excellent and so vehicles will be able to see pedestrians, cyclists and horse-riders some distance away (and vice-versa). Whilst it is acknowledged that opportunities for larger motorised vehicles (e.g. tractors etc) to pass pedestrians, cyclists and horse-riders are limited and would require a degree of 'waiting in turn' where sufficient width allows at passing places, the excellent forward visibility is considered substantial mitigation, increasing the likelihood of users stopping and waiting at suitable passing points when oncoming vehicles are observed.</p> <p>As a rural location, user numbers are not expected to be significant outside of school arrival/departure times. On balance, the impacts of the alignment proposed by the Scheme on the existing usage of the current track are considered to be minor and outweighed by the benefits of this route in terms of reduced land-take, reduced construction requirements and associated carbon impacts.</p> <p>The need for additional warning signage, road markings and potentially, physical features, to support the safety of all road users will be developed further at detailed design, as is appropriate, should the</p>

		<p>Scheme proceed. An appropriate planning condition will secure the need for the Council to submit and agree details with the LPA. Detailed design will also be subject to / informed by an independent Stage 2 Road Safety Audit (RSA) prior to any construction commencing and subject to an appropriate planning condition (and with further audit stages to follow as required).</p> <p>For context, an alternative southern alignment was also considered following the alignments of footpaths AX14/42/30, AX14/42/40 and AX14/42/60. However, the proposed alignment for the Scheme is considered more suitable primarily due to the topography of the area. This alternative southern route would cross much hillier terrain, which would be more challenging to achieve the required gradients on the path in accordance with the relevant design standards, the drainage design would be significantly more complex, and a hillier route is less preferable to users. The alternative southern alignment also has no existing surfacing, so would require more extensive construction works in close proximity to the tree line bounding the route, with the potential for greater negative ecological impacts and increased carbon impacts.</p>
2	Query about responsibility for maintaining the track.	<p>The maintenance responsibility for the PRow itself would be with the Council as the highways authority. The route is already an adopted PRow and the Council is undertaking improvements. It will remain a highway maintainable at the public expense. The exception to this is where any landowner has rights to use PRow's for vehicles in machinery, in which case the landowner would be responsible for maintaining the PRow because of that more intense/greater usage.</p> <p>In general terms, gates and fences etc. would be maintainable by the Council only where the Council owns the land, not where it is taking rights. However, any features which adjoin the public highway and are functional parts of the Scheme (e.g. ecological fencing or access controls to prevent motorised vehicle access) would be maintainable by the Council.</p> <p>Any accommodation works would be maintainable by the relevant objector. This will be addressed in each case as part of</p>

		negotiations between the Council and the relevant landowner.
3	Concern around drainage on the track.	Please see planning document - Highway Drainage Sheet 7 of 7 (Document 4/17) for information on the drainage proposals along the shared use path.

OBJ 45

National Grid Electricity Distribution (South West) plc

Land Status: Statutory objector (affected landowner and statutory undertaker)

Plots: 3/11, 3/11e, 3/11f

No.	Summary of objection	North Somerset Council response
1	Query about how the Scheme will ensure the security of electricity supply in the area.	All excavation will be carried out in accordance with HSG47 safe digging practices. All works in the vicinity of the electricity network will be discussed and communicated with NGED, so they are aware of what works are going on and when. Any specific NGED requirements when working in the vicinity of the electrical network will be incorporated into our risk assessment and method statements for the works. Precise details of the design will become available during the detailed design stage, which is programmed to commence in June 2023. When precise details are available these will be issued to NGED.
2	Query about how the Scheme will protect the electricity network during construction and following completion. Query about precise details of the design and construction of the Scheme and potential operational implications. Query about the property rights and interests that will be affected by the Order/SRO.	Diversion agreements under the New Roads and Street Works Act are being progressed. The Council is engaged with NGED regarding any protective measures required.
3	The Order/SRO have the potential to cause serious detriment to the carrying on of NGED's statutory responsibilities and the distribution of electricity in the area.	An Asset Protection Agreement will be progressed with the undertaker which will seek to address concerns raised.

OBJ 46

Bristol Water		
Land Status: Statutory objector as statutory undertaker		
Plots: None		
No.	Summary of objection	North Somerset Council response
1	Notes the importance of the Banwell Spring which provides drinking water to c. 180,000 customers and potential risk of depressurisation and lowered groundwater yield from the spring – requirement for hydrological impact assessment, mitigation, ongoing monitoring raised and possibility of asset protection agreement noted.	<p>A hydrogeological impact assessment was undertaken to support the EIA as presented in ES Chapter 13 Road Drainage and Water Environment (Document 8/13). That identified potential impacts on levels and flows in the principal aquifer and consequently on the associated Banwell Spring public water supply due to creation of a permanent flow path through band drains. Band drains would form part of ground improvement measures to allow for the construction of the embankment across soft soils of the Tidal Flat Deposits floodplain.</p> <p>The ES has committed to further data gathering to quantify the potential impacts through more detailed assessments particularly with respect to changes to water balance within the catchment and seasonal changes in groundwater pressures within the weathered Mercia Mudstone Group zone, where artesian conditions were encountered. Further investigations have been undertaken and monitoring of wells targeting the artesian groundwater is ongoing. An update on the initial information gathered through these investigations has been provided to Bristol Water and the Environment Agency. Information gathered through these investigations will inform the detailed assessments.</p> <p>In order to complete the stipulated assessment scenarios, North Somerset Council has requested that Bristol Water supply data on the spring flow models representative of the two requested scenarios at the time the planning permission is granted to allow adequate time to complete the assessments. It would then seek to engage with Bristol Water along the process to agree the assessment components and reach consensus.</p> <p>The ES has also made a commitment that should the assessments confirm the unacceptable risks, alternative ground improvement solutions would be sought. The alternative solutions include piles and ground stabilisation through Controlled Modulus Columns. Subject to completion of a foundation works risk assessment, which would identify suitable methods and</p>

		<p>specialist mitigation where required, these solutions would not result in a significant effect on groundwater resources.</p> <p>The above is secured through appropriate conditions on the planning permission.</p> <p>The above-mentioned completed detailed hydrogeological impact assessments would support an application for an abstraction licence, which would regulate the removal of groundwater from the aquifer. The detailed hydrogeological impact assessments would set out monitoring requirements (including the duration and responsibilities), which would be incorporated into the CEMP that will be completed during detailed design. That is also subject to a planning condition. The scope of the monitoring would reflect the uncertainties identified through the assessments and their conclusions, and therefore it cannot be defined at this stage.</p> <p>In addition, the abstraction licence would set out conditions, which may include monitoring. Again, the scope of that monitoring cannot be defined at this stage.</p>
2	The benefits of the Scheme are not presently demonstrated to outweigh the potential damage to the undertaker's water source and infrastructure.	An Asset Protection Agreement is being progressed with the undertaker which will seek to address concerns raised.

OBJ 47		
Mr Michael Richmond		
Land Status: Statutory objector		
Plots: 4/4, 4/4a, 4/5g		
No.	Summary of objection	North Somerset Council response
1	<p>The Council has not made its intentions for plots 4/4 or 4/12 sufficiently clear, or how the proposed works are safe.</p> <p>Query about whether private rights over plot 4/9, 4/4 and 4/5 will be retained if not the objection is to the loss of those rights as well.</p>	Existing access rights will be maintained within these land parcels in addition to new bridleway rights being enforced. Safety concerns have been addressed below.
2	The lane is narrow and there is currently a conflict of users between pedestrians and vehicles, which may be worsened by the addition of cyclists and horse riders.	The safety concerns related to cyclists travelling westbound on the track and onto Church Lane are noted by the Council. The need for additional warning signage, road markings and potentially, physical features, to support the safety of all road users will be

		<p>developed further at detailed design, as is appropriate, should the Scheme proceed. An appropriate planning condition will secure the need for the applicant to submit and agree details with the LPA. Detailed design will also be subject to / informed by an independent Stage 2 Road Safety Audit prior to any construction commencing subject to an appropriate planning condition (and with further audit stages to also follow as required). This process will ensure that any designs ultimately designed and constructed are safe for all users.</p> <p>Regarding the concern expressed about any conflicts on the track itself, the proposed width of 3m is an acceptable width in accordance with design standards for shared use paths (Local Transport Note 1/20) to accommodate increased numbers of pedestrians and cyclists travelling in both directions. It is acknowledged that opportunities for motorised vehicles to pass pedestrians, cyclists and horse-riders are more limited and would require a degree of 'waiting in turn' where sufficient width allows.</p> <p>The track is suitably straight to enable good forward visibility, such that drivers or pedestrians and cyclists are able to see oncoming users some distance away, and take appropriate action (i.e. either vehicle or pedestrian/cyclist waiting at a wider location for the other to pass, where continuing would not make this possible). This is in essence the same arrangement as occurs at the moment, although the number of users would be expected to be greater particularly around the school arrival/departure time.</p>
3	<p>It is unclear that the width, signage, surfacing etc. of the lane has been assessed for use by pedestrians, cyclists and horse riders. The Transport Assessment's conclusion that the lane is wide enough for the proposed uses conflicts with the plan for widening under the Statement of Reasons. There was no survey of the lane under the Transport Assessment's walking, cycling and horse riding survey, any vehicle traffic survey, or the Highways Safety Impact Assessment.</p> <p>Insufficient information for the objector to understand the impact of works on their property until clarification on the lane's intended works are obtained. Objection on the basis of safety concerns for mixed users on a lane used for farm equipment</p>	<p>As noted within correspondence dated 23 January 2023 issued to the objector, surveys have yet to be undertaken on the track, although the lane has been visited a number of times by members of the project/design team. The surveys will include topographical surveys to provide additional information for detailed design.</p>

	and heavy vehicles with safety measures to facilitate the different users, and the landowner's own use, being unclear.	
4	The overriding case in the public interest for the Order concerning the alterations to the lane is unclear without more detail.	The Council considers that as much information as is feasible to provide at this stage in the design of the Scheme has been provided to the objector, and there is a compelling case in the public interest.

OBJ 48

Mr Robert Waycott

Land Status: Statutory objector

Plots: 1/20

No.	Summary of objection	North Somerset Council response
1	<p>Part of the objector's plot has been lawfully established for employment use, which could be intensified (Certificate of Lawful Use ref. 19/P/0555/LDE and 19/P/1495/LDE).</p> <p>The plot also shares an approved access onto Knightcott Road with a proposal for 10 dwellings (ref. 15/P/0968/O, 19/P/0230/RM and 20/P/0600/MMA).</p> <p>Concern that there is no reference to the approved access in any submitted drawings (see 20/P/0600/MMA) and a turning head is proposed opposite the site, the objector's business will also be affected by the stopping up of Knightcott Road and construction works.</p>	<p>The Council acknowledges that the objector shares the approved access from Knightcott Road, as part of planning application refs. 15/P/0968/O, 19/P/0230/RM and 20/P/0600/MMA.</p> <p>Vehicular access as part of the Scheme shall be retained for users, and construction activities relating to the objector's and Bourton Ltd's land throughout the duration of Scheme construction works. The contractor will liaise with the objector and Bourton Ltd throughout the duration of construction works. The Construction Traffic Management Plan will outline the details for maintaining access prior to the start of construction.</p> <p>The Scheme's draft detailed construction programme is currently being developed, and once complete can be shared with affected parties. The programme is being developed to build as much of the off-line parts of the Scheme as possible whilst seeking to not affect the vehicular traffic on the existing road for as long as feasible. It is anticipated that the tie-in works at Knightcott Road will then be carried out under 2-way temporary traffic signals.</p> <p>The stopping up of the Knightcott Road, west of the objector's land, is necessary for the continuation of the Scheme. The reduced speed limit in Banwell village, as part of the Scheme, should assist vehicular manoeuvres at the junction of the existing</p>

		<p>carriageway (to be retained) and the proposed Banwell West Junction arm.</p> <p>A turning head on Knightcott Road, south of Banwell West Junction, has been provided to enable residents / users of the properties on Knightcott Road and emergency vehicles to undertake vehicular manoeuvres. Appropriate signage at the Knightcott Road / Banwell West Junction arm junction will be considered during detailed design, should the Scheme progress. This will seek to minimise unnecessary vehicular traffic using the turning head and along the length of Knightcott Road.</p>
2	<p>Noted that application ref. 20/P/2257/OUT highlighted the benefit of the bus stops on Knightcott road with the westbound bus stop being removed, removing easy public transport access.</p>	<p>The removal of the westbound bus stop on Knightcott Road, west of Banwell West Junction, is necessary following the realignment of Knightcott Road to tie-in to the proposed Banwell West Junction.</p> <p>The re-provision of the westbound bus stop is not considered necessary due to the proximity of other existing westbound bus stops to the east and the west.</p> <p>The pedestrian access to the existing Summer Lane bus stops will be improved with new footways and controlled crossings at the Summer Lane signalised junction, as part of the Scheme.</p> <p>All existing dwellings and consented dwellings (e.g. including those associated with planning permission 20/P/0600/MMA) would remain within 400m walking distance of bus stops, in alignment with the North Somerset Council Highways Development Design Guide. It is not appropriate for the Council to seek to mitigate or address potential effects on proposed developments that do not benefit from planning permission or that are not allocated within an adopted Local Plan.</p> <p>The removal of the existing westbound bus stop is therefore not considered to significantly impact the accessibility to public transport to users of land south of Knightcott Road.</p>
3	<p>Note: Accommodation requests are considered at the end of this Appendix.</p>	

OBJ 49

Persimmon Homes plc of which Westbury Homes (Holdings) is a subsidiary		
Land Status: Statutory objector		
Plots: 4/6a, 4/7, 4/10, 4/10a, 4/10b, 4/11, 4/12		
No.	Summary of objection	North Somerset Council response
1	<p>The land used as PRoW ref: AX14/42/20 is not listed in the Order. It is assumed it will be part of the CPO / SRO because the land is within the planning application red line.</p> <p>No objection in principle, but amendments are needed to the CPO/SRO in relation to the improvements and requirements for the shared use path between Church Road and Ladymead Lane and Ladymead Lane and Broadoak Road to align with the planning application and address Scheme shortcomings.</p>	<p>An additional area of land (east of Ladymead Lane) is included within the redline boundary of the Planning Application. However, is not shown in within the Order Map or SRO plans as North Somerset own the land either side of the PRoW. The PROW is adopted highway and, therefore, there is no need to acquire the land as part of the CPO. Land will be appropriated by the Council for highways purposes as required to widen the PRoW as proposed.</p>
2	<p>The project website did not at the time list all CPO / SRO documents, particularly documents and drawings for the planning application.</p>	<p>This has been addressed by the Council and a link provided to the Council's planning website from the project website. The planning documents have been uploaded on the planning website since submission of the Planning Application.</p>
3	<p>Insufficient detail in CPO/SRO documentation including drainage around shared path between Church Road and Ladymead Lane and drawing ref BNWLBP-ARP-GENX_A368WCH_Z-DR-CH-000012 prevents the material impacts of the Scheme being gauged.</p>	<p>Drainage arrangements along the shared use path between Church Road and Ladymead Lane will be addressed as part of detailed design.</p>
4	<p>The objector's right to drainage and land extends beyond the eastern extent of the route of the shared path. The Scheme drawings propose the objector's land to be resurfaced for cyclists. The Order Map does not detail whether this land will be acquired but the objector asserts that it will be required for the Scheme for improvement as part of the route between Church Road and Ladymead Lane.</p>	<p>As above, the Council owns the land on either side of the adopted PRoW so there is no need to acquire it through the Order or by negotiation.</p>

OBJ 51		
Aquila Capital (New Banwell Solar Ltd)new		
Land Status: Statutory objector		
Plots: 3/8, 3/8a, 3/8b, 3/8g, 3/8k, 3/8p, 3/8u, 3/8v, 3/8w, 3/8x, 3/8y		
No.	Summary of objection	North Somerset Council response

1	<p>The property will no longer be ring-fenced. The public will transect the land via Catworthy Lane to reach the proposed shared use path, leading to vandalism and thefts at Solar Park and health and safety issues.</p>	<p>Appropriate fencing arrangements will be investigated at detailed design to provide necessary security requirements to the solar farm equipment, and safety to the users of the proposed shared use path. The details regarding appropriate boundary treatments as part of the Scheme will be submitted to the LPA for approval prior the commencement of the relevant section of construction works, with appropriate planning conditions controlling the detailed design stage.</p>
2	<p>The shared use path location on the current access and stopping up of Eastermead Lane will leave the Solar Park landlocked with no access – contention that the access via Catworthy Lane is much more limited.</p> <p>Health and safety concern regarding since proposed shared use path is in a narrow area (less than 2m wide in places) which is liable to flooding and with high voltage equipment crossing Eastermead Lane.</p> <p>Submission that the landlord's alternate route is to be preferred with lesser impact on the objector, and that the current shared use path will suffer the same issues with crossing rhynes as the alternate path.</p> <p>The creation of a new private access track will lead to the loss of a wildlife corridor, agricultural land and biodiversity.</p>	<p>See the response to objector 10 (freehold owner) on these issues above.</p>
3	<p>There is no existing third party right over the land, it is not referenced in the landlords' title and the CPO is being used to create a new right rather than a replacement.</p>	<p>See the response to objector 10 (freehold owner) on these issues above.</p>
4	<p>The loss of the turning circle and parking area due to the track will impact the Solar Farm business and that the private means of access should be located on the existing track.</p>	<p>The Design and Access Statement document (Document 4/16) describes the Alternative Walking Cycling and Horse-riding routes that were considered prior to the selection of the preferred route of the Shared Use path.</p> <p>Table 3 of the Design and Access Statement shows the Route to Sandford north of the Solar Farm which was not "Taken Forward" as a preferred route mainly due to extended length of impact on green field land and because it was less direct than the preferred route.</p>

		The reasoning applies equally to the proposals on the sketch supplied within the objection as a preferred route due the route being less direct and having a larger impact on green field land requiring to be directed north along field boundaries instead of along existing accesses.
5	The proposal to acquire the land, Ball & Perks land and the proposal for the private means of access were amended shortly before the end of the public consultation with no opportunity to give public feedback. The Council has not carried out a full consultation.	The Council is continuing to engage with the objector, and the objector has had the opportunity to comment on the proposal as part of the planning and compulsory purchase processes as well as through direct contact with the Council's appointed land agents.

OBJ 52		
Vistry Group		
Land Status: Non-statutory objector (but note this may change if land transferred / option agreed)		
Plots: N/A		
No.	Summary of objection	North Somerset Council response
1	<p>The Transport Assessment incorrectly calculated the volume to traffic which will use Summer Lane based on future development in the emerging Local Plan 2038 on the basis that it will service all traffic from the suggested developments in parcel 1b, but that this does not account for the proposed Distributor Link Road.</p> <p>The Summer Lane junction will not support the objective of delivering infrastructure that enables housing development if it is over capacity when servicing all traffic from parcel 1b, and that if parcel 1b is serviced by other routes the design and capacity of the junction will require adjustment.</p>	<p>The Scheme as submitted at planning does not include additional transport connections into potential new housing developments as they are not directly required by the Scheme. The Council is not in a position to pre-judge decisions relevant to the emerging Local Plan.</p> <p>The Scheme does enable the future housing. Without it, the Wolverhill allocation could not come forward as planned. At the current stage of the emerging Local Plan, it would be premature to assume that the new development would be of a particular form or that connections were required in specific locations. The design of the Scheme is consistent with the aim of enabling development.</p> <p>The precise location and requirements of the junction will not be known until further detailed work is undertaken and the local plan is at a more advanced stage, but this does reflect the likely location as indicated through the transport assessment to support the draft Local Plan.</p> <p>Some preliminary design of the potential junctions reflecting the latest evidence on transport strategy prepared by AECOM and</p>

		<p>published with the Regulation 18 Local Plan is being undertaken. These include: -</p> <ul style="list-style-type: none"> • Summer Lane junction • A pedestrian and cycle crossing at (Ch. 300 to link to PRow) • Widening of bypass for new junction east of Wolverhill (Ch. 1000 - Ch1.100 (within the Planning Application)). • Bellmouth for new junction East of Wolverhill (Ch.1100) <p>It is expected that this will provide some early evidence to underpin the deliverability of the junctions and therefore the wider emerging allocation, and may enable future construction of the junctions aligned to the construction of the bypass.</p> <p>At the appropriate time, this work can be shared with developers of the emerging strategic sites to consider how the designs relate to the development proposed and avenues for delivery. The Council will continue to liaise with those with an interest in development opportunities as appropriate.</p>
2	<p>Request for a further consultation regarding the proposed stopping up and replacement of field access 1/5a.</p> <p>There has been no engagement on the location of the replacement access to field 1/5a and request that the access is relocated to Summer Lane.</p>	<p>The Council will continue to engage with the objector on this point and will address concerns where it is able to.</p>

<p>OBJ 53</p> <p>Ms Sharon Slipper</p> <p>Land Status: Statutory objector</p> <p>Plots: 2/7, 2/7a, 2/7b, 2/7c, 2/7d, 2/7e, 2/7f, 2/15</p>		
No.	Summary of objection	North Somerset Council response
1	<p>The objector's stableyard and paddock at Moor Lane, which is a ring fenced property rarely available on the market, will be completely lost to the bypass, this is the objector's only asset and will force the objector to relocate. At present the objectors have nowhere to relocate their flock.</p>	<p>The Council will continue to engage with the objector as part of negotiations. Devaluation and concerns relating to compensation are not matters which are relevant to the confirmation of the Order.</p> <p>The Council will continue to liaise with the objector regarding potential relocation.</p>

2	<p>The loss of 9 mature poplar trees will be difficult to replace as they provide winter shade and summer shelter, the ground level being higher than other areas also provides good drainage and flood mitigation.</p>	<p>An Arboricultural Impact Assessment and Method Statement (Document 8/21) was carried out as part of ES Appendix 7.D and the results are included in the ES Chapter 7 Landscape (Document 8/7).</p> <p>Six hybrid Black poplar (<i>Populus nigra var betulifolia</i>) (T10 – T15) are located within the Scheme extents to the east of Moor Road with another single specimen located to the north of the Scheme east of Riverside (T36). These have been identified as hybridised Black poplar through DNA samplings.</p> <p>The Scheme earthworks design has been modified to safeguard retention of tree T15 and T36, therefore there would be a loss of five hybrid black poplar trees to the Scheme. This would be further informed by a detailed method statement developed during detailed design to ensure appropriate construction methods are employed.</p> <p>Cuttings will be taken from T10 – T15 for propagation and will be incorporated into the mitigation planting design.</p>
3	<p>The welfare caravan has been on the site over 10 years, the properties security fencing prevents thieves and keeps horses safe.</p>	<p>This is acknowledged by the Council.</p>
4	<p>Unless a like for like replacement is found (which will be difficult as Moor Lane is a through road), the loss of riding on Moor Lane will result in a significant loss of quiet enjoyment of the property.</p> <p>The complete loss of the freehold is difficult to replace like-for-like with independent access in that particular location, including mains service.</p>	<p>The Council will continue to engage with the objector as part of negotiations. Devaluation and concerns relating to compensation are not matters which are relevant to the confirmation of the Order.</p>
5	<p>The Council has not provided proper consultation. The objector has raised feedback and alternative suggestions on numerous occasions and the Council has not properly considered the above points.</p>	<p>The Council has consulted extensively on the Scheme through both statutory and non-statutory processes. Alternatives have been considered and adopted where practicable. Further information on the Council's approach to consultation is contained in this Statement (see section 3).</p>

OBJ 54

Mr John Swaine and Mrs Jill Swaine

Land Status: Statutory objector

Plots: 2/8, 2/8a, 2/8b, 2/8c, 2/8d, 2/8d, 2/8e, 2/8f, 2/8g, 2/8h, 2/8j

No.	Summary of objection	North Somerset Council response
1	<p>The objectors' land is being split unevenly by the new connection road between Riverside and Moor Lane. This connection will attract more road users to Moor Lane, a quiet area of Banwell.</p>	<p>Moor Road has not been included in the traffic model because the traffic flow on this road would be low due to it being rural in nature, only provides access to properties along its route and the northern section is a private road therefore would not be used for through traffic.</p> <p>Riverside provides the north-south link between Banwell and the A370 and runs parallel to Moor Road.</p> <p>Table 18 and 19 of the Transport Assessment (Document 4/4) provide the forecast traffic flows for the 2024 AM and PM peaks. These show that the two-way flow on Riverside would decrease between the Do-Minimum (without-scheme) and Do-Something (with-scheme) scenarios. This decrease would be approximately 30 vehicles.</p> <p>Tables 21 and 22 of the Transport Assessment provide the forecast traffic flows for the 2039 AM and PM peaks. These show that two-way traffic on Riverside would decrease between the Do-Minimum (without-scheme) and Do-Something (with-scheme) scenarios. The decrease would be approximately 30 vehicles in the AM peak hour and two vehicles in the PM peak hour.</p> <p>Based on Riverside running parallel to Moor Road, the decrease in traffic flow on Riverside with the scheme in-situ, and the nature of Moor Road, it is considered that the connection road between Riverside and Moor Road would not attract more road users to Moor Road.</p>
2	<p>The splitting of the field impacts species and natural habitat, and reduces the viability of the objectors' farming.</p>	<p>The implementation of planting along the boundary of the new Moor Road connection will provide additional connectivity for bats, especially those commuting between Riverside to Moor Road. This planting has been developed in consultation with Natural England.</p> <p>There remains access across the Moor Road connection through gates within the hedgerows. This connection is not considered to have any impact on the viability of the farming base.</p>

3	The above ground gripe drainage system will be fundamentally changed and a mains service connection will be lost.	Drainage design will be refined at the detailed design stage and this issue will be accommodated.
4	The Council has not provided proper consultation. The objector has raised feedback and alternative suggestions on numerous occasions and the Council has not properly considered the above points	The development of the Moor Road link was introduced at a later stage of the preliminary design. Once the Council had certainty of its location, it met with the objector and his agent on site (15 June 2022). Whilst this was after both periods of non-statutory consultation there was sufficient opportunity for the objector to provide comment, including through the statutory planning consultation. Further engagement is due to take place with Fisher German and the Council's design team to resolve accommodation work matters.
5	Note: Accommodation requests are considered at the end of this Appendix.	

OBJ 55

Summer Lane Caravan Park Company Limited

Land Status: Statutory objector

Plots: 1/8, 1/8a, 1/8b, 1/8e, 1/8f, 1/8g, 1/8h, 1/8j, 1/8k, 1/8m, 1/8n, 1/8p, 1/8r.

No.	Summary of objection	North Somerset Council response
1	<p>The proposed main site compound is very close to the caravan park where many residents are elderly. The objector's business relies on the demand for park homes for residential use, ongoing transfer and sale, and is currently successful due to it being accessible, undisturbed and unspoilt.</p> <p>The compound is expected to be an eye-sore creating significant disturbance such as lights, dust and fumes.</p> <p>The objector requests details of the intended use, operational hours and details of plant and machinery (including when) that will be in the compound (and when).</p>	<p>Times of vehicle movement is expected to be between 06.30 to 18.00</p> <p>Noise, lights, dust, fumes will be minimised as much as possible. Best practise techniques will be used to achieve this and this will be detailed out in the CEMP, which has to be approved by the LPA prior to construction.</p> <p>The Council's contractors will reduce the visual impact of the compound by provided a 2m high heras fence with debris netting between the compound and Summer Lane Caravan Park</p> <p>The Council will provide site compound layout plan (once finalised).</p>
2	The disturbance will last many years, harming the objector's business.	The Council is satisfied that it has properly taken the impacts on the business into account. The Council will continue to engage with the objector as part of negotiations. Devaluation and concerns relating to compensation are not matters

		which are relevant to the confirmation of the Order.
3	The objector requested a detailed proposal for an agreement to occupy the compound area but it was not provided.	This forms part of the offer made to the objector.
4	A successful local business will be severely impact with insufficient information provided around mitigation, the objector does not object to the location of the road or taking of the land for the purpose. The objector suggests that they do not have evidence that the Council has properly considered the impact of the main compound adjacent to the property yet.	The Council is satisfied that it has properly taken the impacts on the business into account. The Council has engaged extensively with the objector throughout the process.
5	Note: Accommodation requests are considered at the end of this Appendix.	

OBJ 03, 06, 07, 09, 11, 13, 14, 15, 16, 29, 50

Various residents of surrounding villages (including the Traffic Action Group)

Land Status: Non-statutory objectors

Plots: N/A

No.	Summary of objection	North Somerset Council response
1	OBJ 09 suggests that there is not adequate justification that the Scheme is in the public interest under the NPPF to build a road in the AONB, and that there the plans to mitigate against damage caused by the Scheme's construction and expected traffic increases to horseshoe bats, other species, and the climate generally.	<p>The design has been developed in consultation with the AONB and other stakeholders, during early Scheme development. The AONB have not objected to the Scheme.</p> <p>A Habitats Regulations Assessment (Document 8/22) has been produced for the Scheme, and the provision to mitigate for the impact of the Scheme has been developed from extensive surveys and through detailed consultation with NE who are not objecting to the Scheme.</p> <p>ES Chapter 14 Climate (Document 8/14) outlines the embedded mitigation in the Scheme throughout construction, summarised in section 14.8.38. The results of this mitigation on total carbon are shown in Table 14-15, a reduction of 47.7%. It is noted that the Scheme will still produce GHG emissions throughout construction, operation and use. These emissions are compared to the UK carbon budgets to assess significance in Section 14.8.66. As stated: <i>"It is considered that this magnitude of emissions from the Scheme in isolation</i></p>

		<p>would not have a material impact on the ability of the UK Government to meet its carbon budgets, and therefore is not anticipated to give rise to a significant effect on climate, in line with the position set out within Section 5.18 of the NPSNN”.</p> <p>Air quality impacts were predicted for representative receptors in Churchill, Winscombe and Sandford as set out in ES Chapter 5 Air Quality (Document 8/5). No significant effect on air quality is predicted in these areas as a result of the Scheme.</p> <p>ES Chapter 11 Noise & Vibration (Document 8/11) has shown that changes in traffic in the surrounding villages would not result in noise impacts or significant noise effects. This assessment has been based on predictions of roadside noise level changes for all modelled roads in the traffic assessment. This is reported in paragraphs 11.10.16 to 11.10.18 of the Chapter. In response to concerns raised about Sandford, Winscombe and Churchill in particular, the results of these predictions are included in Table 11-18.</p> <p>The traffic figures presented in the Transport Assessment (Document 4/4) are a worst-case scenario as explained further below.</p>
2	<p>The “improvements to wider local road network section” describes improvements to the local road network in surrounding villages to mitigate against traffic increases from the Bypass but there is no analysis of their expected effectiveness or criteria for measurement.</p> <p>The cost-benefit analysis for the Scheme does not include Churchill, Winscombe, and Sandford despite being within 3km of the eastern end of the Bypass.</p>	<p>Analysis of the effectiveness of the proposed improvements to the wider local road network is contained with the Transport Assessment (Document 4/4) and other planning documents. The Wider Mitigation Measures Summary Report (Appendix E of the Transport Assessment) (Document 4/18) included a summary of the results from a traffic model sensitivity test to confirm the impact on traffic flows of the proposed mitigation (specifically the 20mph speed limits) and ensure there were no unintended consequences arising from their introduction to the Scheme. As noted in the document, not all mitigation measures can be (or need to be) represented in the strategic traffic model (e.g. footway improvements etc.). The Transport Assessment also reported in detail the impacts of the proposed junction improvements, which are referenced in the section of the Statement of Reasons referred to.</p> <p>Regarding the effectiveness of the proposed traffic calming features, the need for specific traffic calming features was identified based on historical speed survey data, as set out in</p>

		<p>the Wider Network Mitigation Measures Speed Limits Assessment Report (Document 4/19). This document references the relevant local and national guidance for setting speed limits, in addition to the impacts in terms of reductions in traffic speeds that can be expected with and without traffic calming. This was supplemented with additional speed survey data reported in the Wider Network Mitigation - Additional Speed Survey Data Technical Note (Document 4/20), which resulted in some changes to the proposed traffic calming measures, as detailed in the latest planning application drawings.</p> <p>It is also noted that the majority of the improvements to the wider local road network are proposed within the existing highway boundary, and therefore are not the subject of this Order.</p> <p>The cost-benefit analysis and subsequent Benefit Cost Ratio (BCR) of the Scheme is calculated by assessing the Scheme's impact in terms of benefits and dis-benefits relative to the cost of delivering the Scheme. These impacts are assessed not just in Banwell and on the Scheme itself but throughout the surrounding area and beyond; including the villages of Churchill, Winscombe and Sandford.</p> <p>The transport user benefits of the Scheme are calculated across the entire UK. The accident appraisal captures all roads that experience a change in daily traffic of +/- 10% as a result of the Scheme. This includes the roads from the Chew Valley to the east, Cheddar and Burnham-on-Sea to the south, Weston-Super-Mare to the East and the A370 to the north. The environmental appraisal elements are assessed across an area called the Affected Road Network where certain thresholds are met in terms of changes in traffic as defined in the Design Manual for Roads and Bridges and therefore impacts of the Scheme on Churchill, Winscombe and Sandford in relation to noise and air quality are included in the cost benefit analysis of the Scheme. The wider economic impacts and land value uplift appraisals consider all of North Somerset.</p>
3	The Council does not refer to a hierarchy of roads in North Somerset and promotes the rural / inter-village roads as strategic routes for business as diversions from the top level roads and as transport	The M5 provides the only Strategic Road Network in North Somerset. For this reason, all other A roads in the area provide critical connectivity for the region. For this reason, the council does not share the view that the

<p>infrastructure for 2,800 homes at Wolverhill Road.</p> <p>Several objectors suggest that this approach has led to the roads being used as rat runs (e.g. OBJ 03) and others suggest the routes will become dangerous and congested (e.g. OBJ09).</p> <p>The objectors reject that the village roads and lanes were ever designed to be strategic routes.</p> <p>The Statement of Reasons omits the impact of increased traffic on the village of Winscome (several objectors refer to the restricted town centre with tight radius junctions and a one-way constriction under a railway bridge).</p> <p>The Scheme will transfer the admitted problems of Banwell to Winscombe, Sandford and Churchill. The objectors note that studies show bypasses generate a “considerable” amount of new traffic and this coupled with added traffic from Wolverhill Village proposed development will increase the traffic issues, noting that this is shown by the planning application.</p> <p>The objectors suggest the Statement of Reasons is incorrect to describe overall decreases in journey times on the A368 (between Weston-Super-Mare and Churchill) and A371 (Weston-Super-Mare and Sidcot) as it does not mention the predicted increase in journey times from Banwell to Sidcot.</p> <p>OBJ 09 suggests instead that journey times between Banwell to Churchill will increase by 50% in 2023 at peak times (on the Scheme opening) and to double to 17 minutes in 2039.</p> <p>Journey times through Winscome are expected to increase by 20 minutes. The objectors assert that the Council withheld traffic forecasts and were forced to release the forecasts due to an FOI request, with the forecasts being revealed at a “small” Zoom meeting with the Council two months after the planning application public consultation, alleging a lack of transparency.</p>	<p>A370 and the A38, both of which pass through settlements, are at a higher hierarchical level than the A371 and the A368. Furthermore, the A371 and the A368 are specifically commented on in the Statement of Reasons because they are the roads that will be directly impacted by the Scheme. Whilst it is acknowledged that there is some existing rat running on some local roads, the use of A roads cannot be classed as rat running. The Scheme would reduce much of this rat running on local non-A roads as the delay and congestion within Banwell that is currently the cause of the rat running would no longer exist.</p> <p>The traffic figures presented in the Transport Assessment (Document 4/4) are a worst-case scenario as they do not capture the agreed package of wider mitigation measures delivered as part of the Scheme, section 4.6 of the Statement of Reasons includes mitigation measures for the local area, which are forecast to reduce traffic through Winscombe in the opening year, nor do they capture the following:</p> <ul style="list-style-type: none"> • any mitigation delivered as part of the emerging Local Plan • changes to homeworking behaviors post COVID-19 • updates to public transport provision as a result of the Bus Service Improvement Plan (BSIP) • measures to reduce impacts from transport related carbon (beyond technological trends accounted for as part of the DfT’s forecasts that, for example, consider take up in electric vehicles). <p>The journey time changes referenced capture all increases and decreases on the routes stated.</p> <p>Table 13 and Table 14 of the Strategic Model Forecasting Report (Appendix E of the Transport Assessment) (Document 4/15) provides journey time data for sections of the A371 and A368 around Banwell for the without-scheme (Do-Minimum) and with-scheme (Do-Something) scenarios. The journey time section for A371 (Castle Hill) to A38 Sidcot junction provides journey time routes through Winscombe. The traffic model forecasts that in the majority of scenarios the increase in journey time through Winscombe with the scheme in-situ</p>
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		would be less than 60 seconds. The exception to this is 2039 AM peak eastbound where the journey time would increase by approximately 7 minutes with the scheme in-situ. As stated above these journey times are a worst-case scenario as they do not capture the agreed package of wider mitigation measures delivered as part of the Scheme.
4	OBJ 29 asserts that this meant that many of the comments made by residents on the public consultation were made without knowledge of the increased journey times.	This information was presented in full as part of the Planning Application. Prior to the design of the Scheme being finalised, the modelling and analysis could not be completed.
5	Some objectors claim that the Council has been aggressive towards local residents, uncooperative and that the Council released information that was known to be false, alleging mal-practice and repeated obfuscation that is clearly undemocratic and that the Council is determined to bulldoze public opinion to achieve the bypass.	<p>The Council strongly refutes any allegation of malpractice or falsified information. There is no evidence to support this claim. The Council has not at any stage presented information which it knew to be false. Indeed, it has sought to avoid the presentation of information which could lead to confusion because it was not complete.</p> <p>The Council acknowledges that some historic underlying traffic modelling data – which the Council had initially withheld in reliance on an exemption in the Freedom of Information Act (“FOIA”) which protects draft material – was subject to a successful appeal to the Information Commissioner’s Office (ICO) in summer 2022. The Council immediately complied with the ICO’s recommendation.</p> <p>Where information was withheld, this was simply because the Council believed that submitting draft or incomplete material which later required correction or explanation would have led to unnecessary confusion amongst members of the public, and that it was not required to be disclosed in accordance with the exemptions set out in the FOIA.</p> <p>In any event, the Council published all relevant data underpinning the design Scheme as part of the Planning Application. Members of the public have had sufficient opportunity to review and comment on this information. The Council has extensively consulted on the Scheme and has demonstrably taken the outcome of that consultation into account.</p>
6	With regard to the economic needs and benefits, the objectors suggest that the	Para 5.6 of the Statement of Reasons (Document 2/5) does state that there would

	<p>Statement of Reasons fails to mention the negative impact of the increased traffic or local transport problems of Winscome (with OBJ 09 noting Churchill and Sandford as well), noting the withdrawal of bus services (which will impact on the elderly).</p> <p>The objectors challenge the Transport user benefits figure of c. £130.6, claiming that the figure does not account for costs due to traffic and congestion through Winscombe, Sandford and Churchill, suggesting that there will a 2.5x increase in traffic through Winscome (with additional traffic from the Wolverhill development), claiming this is “unreasonable and unacceptable”.</p> <p>OBJ 29 asserts that the withdrawal of bus services contradicts the planned use of key bus routes to reduce increased traffic.</p>	<p>be an increase on the local road network in 2024 and 2039 as a result of the Scheme.</p> <p>Para 5.4 of the Statement of Reasons refers to the Transport Assessment (Document 4/4) that was submitted as part of the Planning Application where more details on the impact of the Scheme on the local road network is available.</p> <p>As explained above, the traffic figures presented in the Transport Assessment are a worst-case scenario.</p> <p>Figure 47 of the Transport Assessment shows the area covered by the strategic traffic model, which includes the villages of Winscombe, Sandford and Churchill. The transport user benefits of £130.6 million stated in para 5.11 are based on the strategic traffic model. Therefore, increases in traffic and any associated transport disbenefits as a result of the scheme would be captured in the £130.6 million transport user benefits reported. The economic appraisal is in the process of being updated.</p>
7	<p>OBJ 29 asserts this figure comes from the Council’s own modelling.</p>	<p>The modelling has been reviewed independently by the Council’s Highways Development Management team and that team’s external consultants</p>
8	<p>The objectors suggest that noise pollution will be transferred to Churchill, Winscombe and Sandford, countering any gain in Banwell, suggesting there are no noise or air monitoring or mitigation plans for Winscombe (some objectors noting Sandford and Cheddar as well).</p>	<p>The net present value of change in noise is based on the operational noise assessment undertaken via detailed noise modelling and prediction. The potential for operational noise level changes has been assessed for the villages of Churchill, Winscombe and Sandford and the findings are included in the Environmental Statement (ES Chapter 11 Noise & Vibration (Document 8/11)).</p> <p>The result of this assessment was that there would be negligible changes in noise in these three villages as traffic changes would not reach the thresholds required to result in noise impacts. Post opening noise measurements to monitor operational road traffic noise levels are not proposed for any part of the Scheme. Monitoring, as set out in ES Chapter 11 section 11.11, will entail ensuring that mitigation measures meet the design specifications, or where not included, ensuring that resultant noise levels are no higher than set out in ES Chapter 11, based on the predicted performance of the measures.</p>

		<p>This will be achieved by certification and physical examination of any noise barriers, or other noise mitigation, designed into the Scheme and by noise prediction following the UK standard methodology for highways noise prediction "Calculation of Road Traffic Noise" (Department of Transport, 1988).</p> <p>Baseline air quality monitoring was undertaken during the assessment period to understand existing air quality in and around Banwell. Monitoring in Churchill, Winscombe and Sandford villages is generally good with no risk of exceeding air quality standards.</p> <p>Air quality impacts were predicted for representative receptors in Churchill, Winscombe and Sandford set out in ES Chapter 5. No significant effect on air quality is predicted in these areas as a result of the Scheme.</p> <p>No measuring or monitoring of air quality is proposed in the future as there is no significant effect predicted in these villages. Since there is no significant effect predicted there is not and air quality issue that requires mitigation, therefore none is proposed.</p>
9	<p>The objectors refute the Benefits Costs Ratio for the Scheme, suggesting that the adverse impacts of the Scheme are not fully assessed since negative impacts on Winscombe, Sandford or Churchill have not been considered.</p>	<p>The cost-benefit analysis and subsequent BCR of the Scheme is calculated by assessing the Scheme's impact in terms of benefits and dis-benefits relative to the cost of delivering the scheme. These impacts are assessed not just in Banwell and on the Scheme itself but throughout the surrounding area and beyond; including the villages of Churchill, Winscombe and Sandford.</p> <p>The transport user benefits of the scheme are calculated across the entire UK. The accident appraisal captures all roads that experience a change in daily traffic of +/- 10% as a result of the Scheme. This includes the roads from the Chew Valley to the east, Cheddar and Burnham-on-Sea to the south, Weston-Super-Mare to the East and the A370 to the north. The environmental appraisal elements are assessed across an area called the Affected Road Network where certain thresholds are met in terms of changes in traffic as defined in the Design Manual for Roads and Bridges and therefore impacts of the scheme on Churchill, Winscombe and Sandford in relation to noise and air quality are included in the cost benefit analysis of the scheme. The wider</p>

		<p>economic impacts and land value uplift appraisals consider all of North Somerset.</p> <p>Table 5 of the Planning Statement Document 4/1 provides the Analysis of Monetised Costs and Benefits which shows the monetised benefits and disbenefits of the scheme. This includes the benefits and disbenefits associated with noise and air quality and greenhouse gases which have been calculated for Banwell and surrounding areas. These benefits and disbenefits are all included in the Benefit Cost Ratio calculations for the scheme. The noise assessment has shown that changes in traffic in the surrounding villages would not result in noise impacts or significant noise effects and overall, across the noise assessment area would be a benefit.</p> <p>Loss of trade is not an element required by the Department for Transport's Transport Analysis Guidance (TAG) for scheme appraisal. Therefore, as this is not required by TAG it has not been considered in the appraisal and calculation of the BCR for the Scheme.</p> <p>There is no statutory provision to enable North Somerset Council to compensate businesses for loss of trade or profit resulting from road improvement or maintenance. Where a highway authority carries out works under statutory power or duty, and performs these works properly, there is no legal liability on the authority for loss of business. Neither does North Somerset Council have the power to make ex gratia offers of payment or compensation for trade disturbance. It should be noted that compensation claims are not a valid objection to the Order itself.</p>
10	<p>Some objectors note that there is a shortfall in funding which the Council has agreed to meet, and that the time and cost of the CPO plus the likely delays in construction given increasing cost make it hard to justify the Scheme (noting deliberately unanswered questions).</p> <p>The Council has failed to present the impacts and costs of the development on residents of neighbouring villages or the environment.</p>	<p>The overall Scheme costs are currently being reviewed in light of recent inflationary pressures across the construction industry.</p> <p>The Grant Determination Agreement with Homes England has certain conditions around the drawdown of Stage 2 construction funding such as assembly of all the land required for the scheme. North Somerset Council have governance procedures in place that require a decision to be approved by Full Council prior to construction commencing. There is therefore not considered to be any funding impediment to the scheme at this stage</p>

	(OBJ 29 suggests that the funding gap is c. £25m or more).	which prevents the compulsory purchase order progressing.
11	The objectors suggest that the Council has a conflict of interest as promoter and adjudicator, highlighting that the case and costs for the CPO and planning approval should be scrutinised independently.	<p>The Council does not accept that there is any conflict of interest. The compulsory purchase and planning processes are both functions of local government, and it is very common for local authorities to promote schemes through both processes within their administrative area.</p> <p>The planning decision will be taken by the Planning & Regulatory Committee as part of a democratic process. The Planning & Regulatory Committee is separate to the Council's project team. The proposals have been assessed by a wide range of statutory consultees through the planning process. The same level of scrutiny is being applied as would be for any other planning application.</p> <p>The Secretary of State will be responsible for deciding whether to confirm the Order/SRO.</p> <p>The significant majority of the funding is coming from Homes England.</p>
12	OBJ 09 asserts that the leader of the Council openly stated at a public meeting during the consultation period for the planning application that the Scheme will go ahead.	The Council considers that this is taken out of context. The leader of the Council is not on the Planning & Regulatory Committee, which will determine the Planning Application. It is considered that the point being made is that the Scheme is a priority and will be progressed, subject to statutory processes.
13	The objectors suggest that Winscombe, Sandford and Churchill will be adversely impacted by the Scheme in ways relevant to an EqlA beyond land acquisition.	The Council's approach to addressing equalities issues is set out in section 10 of this Statement. The Council considers that its approach has been robust.
14	<p>The Council has not presented a compelling case for compulsory purchase and that the Council has not presented the impacts and costs of the Scheme on Winscome.</p> <p>Some objections, e.g. OBJ 07 also suggest that the Council has mis-managed the process and failed its duty to residents.</p>	<p>The Planning Application documents, including the ES submitted, have carefully considered the likely impacts of the Scheme on communities and the environment, with proposed mitigation where necessary and appropriate. For example, wider mitigation measures seek to reduce the potential impacts of the Banwell Bypass in local areas such as Churchill, Sandford and Winscombe. These include walking and cycling routes, reduced speed limits, pedestrian crossings, and improvements to Public Rights of Way.</p> <p>The Council and the LPA have carefully considered objections made to the</p>

		application with responses provided where necessary and appropriate, for example, a response to the Parish Councils, including Winscombe. The Mendip Hills AONB Unit provided comments on the application and have not objected to the Scheme. The LPA will determine the Planning Application accordingly.
15	OBJ 50 asserts that the Scheme has been aggressively and inappropriately managed by the Council.	The Council strongly refutes this suggestion. It has engaged extensively with residents in the area and addressed their concerns where practicable and reasonable in finalising the design of the Scheme.

<u>Accommodation Works Objections</u>		
No.	Objection	North Somerset Council response
The objectors listed below also raise matters which relate to the provision of accommodation works. The Council will continue to engage with landowners regarding the potential provision of accommodation works through voluntary agreement. This will be subject to agreement, securing planning permission (where required) and Council approvals.		
OBJ 01 – Lynda Hockey		
OBJ 04 – Miss P B L Curry		
OBJ 05 – Mrs Patricia E. Cannon		
OBJ 12 – Mr Arnold Webber and Mrs Valerie Webber		
OBJ 19 – Mr Allan Wall		
OBJ 20 – Banwell Parochial Church Council		
OBJ 21 – Ms Florence Harris		
OBJ 22a – Mrs Pauline Curry and Mr Philip Curry, Mr Richard Curry		
OBJ 22b - Mr Robert Michell, Mrs Sonia Mitchell		
OBJ 23 – Mr Keith Raymond		
OBJ 24 – Mr Lyndon Bale and Mrs Angela Millard		
OBJ 25 – Mrs Carol Weston, Mr Martin Weston, Mr Thomas Weston		
OBJ 27 – Mr Nigel Plaister		

OBJ 30 – Mr Richard Jones
OBJ 48 – Mr Robert Waycott
OBJ 54 – Mr John Swain and Mrs Jill Swain
OBJ 55 – Summer Lane Caravan Park Company Limited