



The Planning Inspectorate

Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State for Transport

Date: 9 October 2023

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

THE NORTH SOMERSET COUNCIL

(Banwell Bypass and Southern Link Classified Road) (Side Roads) Order 2022

THE NORTH SOMERSET COUNCIL

(Banwell Bypass and Southern Link) Compulsory Purchase Order 2022

THE NORTH SOMERSET COUNCIL

(Banwell Bypass and Southern Link) Compulsory Purchase Order (No.2) 2023

Inquiry opened on: 11 July 2023

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ACRONYMS AND ABBREVIATIONS USED IN THE REPORT

AADT	Annual Average Daily Traffic
AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
AQO	Air Quality Objective
BCR	Benefit to Cost Ratio
BMV	Best and Most Versatile
CD	Core Document
CEMP	Construction and Environment Management Plan
CPC	Churchill Parish Council
CPO	Compulsory Purchase Order
dB	decibel
DMRB	Design Manual for Roads and Bridges
EIA	Environmental Impact Assessment
EiC	Evidence in Chief
EqIA	Equality Impact Assessment
ES	Environmental Statement
GHG	Green House Gas
ha	Hectare
HE	Homes England
HIF	Housing Infrastructure Fund
HRA	Habitat Regulation Assessment
km	Kilometres
LEMP	Landscape Ecological Management Plan
LNRS	Low noise road surfacing
LPA	Local Planning Authority
LOAEL	Lowest Observed Adverse Effect Level
mph	Miles per hour
NSC	North Somerset Council
NGET	National Grid Energy Transmission
PCC	Parochial Church Council
PCGs	Protected Characteristic Groups
PM _{2.5}	Particulate matter smaller than 2.5 microns in diameter
PM ₁₀	Particulate matter smaller than 10 microns in diameter
PMA	Private means of access
PRoW	Public Right of Way
PSED	Public sector equality duty
SL	Southern Link
SOAEL	Significant Observed Adverse Effect Level
SRO	Side Roads Order
TAG	Transport Analysis Guidance
The 1980 Act	Highways Act 1980 as amended
The 1998 Act	The Human Rights Act 1998
The Bypass	Banwell Bypass
WCH	Walking, cycling and horse riding
xx	Cross Examination

CASE DETAILS

THE NORTH SOMERSET COUNCIL (Banwell Bypass and Southern Link Classified Road) (Side Roads) Order 2022

- The Order was made by North Somerset Council in exercise of its powers under sections 14 and 125 of the Highways Act 1980 and was sealed on 6 October 2022.
- The Order, if confirmed, would authorise the Council to stop up highways, improve highways and construct new highways, and to stop up private means of access to premises and to provide a new means of access to any such premises.

Summary of Recommendation: That the Order, as modified, is confirmed.

THE NORTH SOMERSET COUNCIL (Banwell Bypass and Southern Link) Compulsory Purchase Order 2022

- The Order was made by North Somerset Council pursuant to powers under sections 239, 240, 246, 248, 250 and 260 of the Highways Act 1980. The Order was sealed on 6 October 2022.
- The Order, if confirmed, would authorise the Council to acquire compulsorily the land and the new rights over land described in the Schedule to the Order for the purposes of:
 - (a) the construction of a highway between the existing A371 (east of Summer Lane) to the existing A368 (west of Towerhead Farm) (“the Banwell Bypass”);
 - (b) the construction of a highway between the existing A368 (East Street) to the existing A371 (Castle Hill) (“the Southern Link”);
 - (c) the construction of other highways and improvement of existing highways in the vicinity of the route of the Banwell Bypass and Southern Link in pursuance of the North Somerset Council (Banwell Bypass and Southern Link Classified Road) (Side Roads) Order 2022;
 - (d) the provision of new means of access to premises in pursuance of the North Somerset Council (Banwell Bypass and Southern Link Classified Road) (Side Roads) Order 2022;
 - (e) use by the acquiring authority in connection with the construction and improvement of highways and the provision of new means of access to premises as aforesaid; and

- (f) mitigating the adverse effects which the existence or use of the highways proposed to be constructed or improved will have on the surroundings thereof, including the provision of replacement land to mitigate the impact of the Banwell Bypass on Banwell Football Club.

Summary of Recommendation: That the Order, as modified, is confirmed.

**THE NORTH SOMERSET COUNCIL (Banwell Bypass and Southern Link)
Compulsory Purchase Order (No.2) 2023**

- The Order was made by North Somerset Council pursuant to powers under sections 239, 240, 246, 248, 249, 250 and 260 of the Highways Act 1980. The Order was sealed on 20 March 2023.
- The Order, if confirmed, would authorise the Council to acquire compulsorily the land and the new rights over land described in the Schedule to the Order for the purposes of:
 - (a) the construction of a highway between the existing A371 (east of Summer Lane) to the existing A368 (west of Towerhead Farm) (“the Banwell Bypass”);
 - (b) the construction of a highway between the existing A368 (East Street) to the existing A371 (Castle Hill) (“the Southern Link”);
 - (c) the provision of new means of access to premises in pursuance of the North Somerset Council (Banwell Bypass and Southern Link Classified Road) (Side Roads) Order 2022;
 - (d) use by the acquiring authority in connection with the construction and improvement of highways and the provision of new means of access to premises as aforesaid; and
 - (e) mitigating the adverse effects which the existence or use of the highways proposed to be constructed or improved will have on the surroundings thereof.

Summary of Recommendation: That the Order, as modified, is confirmed.

PROCEDURAL MATTERS

- 1.1 I have been appointed by the Secretary of State for Transport (SoS) to conduct concurrent Inquiries (hereafter known as ‘the Inquiry’) for the purpose of hearing representations and objections concerning the applications made by the Acquiring Authority (North Somerset Council) for confirmation of the above mentioned Orders.

- 1.2 There were 45 statutory objections and 12 non-statutory objections in response to the publication of the Side Roads Order (SRO) and the Compulsory Purchase Orders (CPOs). A further non-statutory objection was received during the Inquiry, which had been previously submitted to the Department for Transport. By the close of the Inquiry a total of 39 objections remained extant.
- 1.3 The outstanding statutory objections were connected primarily to specific landowner concerns relating to access, boundaries, security and privacy or statutory undertakers' asset protection. The non-statutory objections referred, in the main, to the wider impact of the Scheme on nearby villages. Statutory Objector 35 appeared on Day 5 of the Inquiry at a 'closed session'; however, agreement was reached between the parties and the objection was withdrawn. Details regarding this objection are therefore not reported.
- 1.4 Following the close of the Inquiry the SoS notified the Planning Inspectorate that the holding objections made by National Grid Electricity Distribution (South West) lodged with both the Department For Transport, and the Department for Energy Security and Net Zero have been withdrawn.
- 1.5 The Inquiry opened on Tuesday 11 July 2023 at the Grand Pier, Weston-super-Mare. The Inquiry sat for 7 days and closed on 27 July 2023. The event was live streamed, with the recordings made available to view after the close of the Inquiry.
- 1.6 In giving notice of the Inquiry in May 2023 the Secretary of State for Transport directed that any person intending to submit to the Inquiry that any highway or proposed highway to which the draft Orders related should follow an alternative route, or that instead of improving, diverting or altering a highway to which the draft Orders related a new highway should be constructed on a particular route, should provide details of those alternatives by 20 June 2023. In response to that direction, 1 Alternative Route was proposed. A further alternative route was presented at the Inquiry I will come back to this matter later in the report.
- 1.7 The accompanied site visit took place on Wednesday 26 July 2023. The itinerary for this site visit is provided at appendix 3. I made unaccompanied visits to see the local traffic conditions through and near Banwell, Winscombe and Sandford at peak and off-peak times. I observed the use of Hinders Lane and the use of the footways and bus stops. I familiarised myself with the local villages and the local highway network.
- 1.8 North Somerset Council (NSC) confirmed that the requisite procedural and legal steps for the compulsory purchase and side road orders were duly followed.
- 1.9 Planning permission was granted in March 2023 (reference 22/P/1768/R3EIA) for the Bypass Scheme and Southern Link (SL). In July 2023 planning permission was granted for the associated 140 metre section of the shared use

path between Sandford and Churchill (reference 23/P/1068/R3). As part of the planning process an Environmental Impact Assessment (EIA) was carried out to understand the potential effects that the new road would have on the environment. The results are documented in the Environmental Statement (ES) and are summarised in the Non-Technical Summary (Core Documents (CD) CD8.01 – CD8.17). The purpose of the Orders is to enable development to take place in accordance with the approved planning permissions.

- 1.10 In general terms, the purpose of the proposed CPOs are to enable NSC to acquire the rights (s250 of the 1980 Act) and titles to land (s260 of the 1980 Act) which it has identified as being necessary in order to: construct the Bypass and SL and improve existing associated highways (s239 of the 1980 Act); carry out associated works authorised under section 14 of the 1980 Act (s240 of the 1980 Act); and, mitigate adverse effects of the highways on the surroundings (s246 of the 1980 Act).
- 1.11 The SRO sets out the details of the existing highways that adjoin the Order land and are to be improved as well as new side roads that are to be created. Other highways that will become redundant when the improvements are made or will disappear are included in the SRO as highways to be stopped up (s14 of the 1980 Act). The SRO also includes stopping up of a number of private means of access (PMA) to certain premises and the creation of some new PMA to premises (s125 of the 1980 Act).
- 1.12 The report contains a brief description of Banwell and its surroundings, the substance of the evidence presented and my conclusions and recommendations. Lists of Inquiry appearances and documents form Appendices 1 and 2. Proofs of evidence and statements are identified and were made available on the Inquiry website at [Banwell Bypass - Gateley \(gateleyhamer-pi.com\)](http://Banwell Bypass - Gateley (gateleyhamer-pi.com)). The report takes account of the evidence as given, together with the points brought out through cross examination or in answers to questions of clarification.

Proposed CPO and SRO modifications

- 1.13 The Secretary of State has power to make the Orders in a modified form where this would not cause injustice. A total of 7 modifications are proposed to the draft SRO and 12 modifications are also proposed to the draft CPOs, which are set out in INQ-08.03, INQ-08.04 and INQ-09.03. Many of these relate to matters of a minor technical nature to correct small drafting errors which have come to light since the Orders were published and to address new land ownership details. The modifications also include changes of a minor nature which amend proposed access arrangements at particular locations and which have been agreed by the affected parties. No additional land would be required to accommodate any of the proposed modifications, all of which are supported by NSC. These modifications were discussed at the Inquiry and no objections were raised.

- 1.14 NSC considered that these are not substantial amendments and I agree. I consider that these modifications would be necessary in the event that the CPOs and SRO were to be confirmed.
- 1.15 Further copies of these plans were provided to the SoS on the 8 September 2023. The modified plans are all as presented/described at the inquiry with one qualification. A minor plan amendment was made to SRO Site Plan 3 which corrects the extent of the new highway boundary. To my mind this additional change is a plan correction rather than a 'proper' modification made at the request of the affected landowner. Accordingly, it is therefore not a substantial modification which would require further notification.

2 DESCRIPTION OF BANWELL AND ROUTE OF THE BYPASS SCHEME

- 2.1 The village of Banwell is located approximately 8km east of Weston-super-Mare and on the northern edge of the Mendip Hills Area of Outstanding Natural Beauty (AONB). The historic core of the village is designated as a Conservation Area and is characterised by its compact medieval buildings and road pattern which create intimate areas of enclosure. There are several listed buildings including Grade I listed St Andrews Church, Grade II* listed Banwell Abbey and Grade II* listed Banwell Castle as well as scheduled monuments in Banwell Woods and a Romano-British villa. The central square in Banwell is the meeting point of all the five roads (Church Street, East Street, Castle Hill, High Street and West Street) that pass through the village.
- 2.2 The surrounding countryside is gently rolling agricultural land, with the field pattern defined by low hedgerows. Trees and a number of watercourses are also important features in the landscape. Groups of farms and a small number of dwellings are strung out along the lanes alongside other businesses such as caravan parks, small industrial units and solar arrays.
- 2.3 The proposed Banwell Bypass (the Bypass) would comprise the construction of a 3.3km single carriageway road from the A371 Summer Lane to A368 Towerhead Road. The SL element would comprise the construction of a 0.63km (including junction link to Banwell Bypass) single carriageway road connecting the A371 at Castle Hill and the A368 at East Street. A 3 metre wide shared use path would also form part of the Bypass Scheme providing a walking/cycling/horse riding route linking into wider active travel routes on to Weston-super-Mare.
- 2.4 The Bypass would be located to the north of the village of Banwell, largely through agricultural land. It would include a roundabout to connect it with Knightcott Road to the west of Banwell. At the eastern end it would include a junction to link back in with A368 to the east of Eastermead Lane. The SL road would be located adjacent to the east of Banwell village and the residential properties in Dark Lane.

- 2.5 The playing fields used by Banwell Football Club would be affected by the Bypass, due to the northern most football pitches being within the Scheme land take. To mitigate this impact, replacement playing fields would be provided. The Order(s) area also includes a number of further proposed mitigations and placemaking and footpath improvements within the villages of Banwell, Sandford, Winscombe, Churchill and Langford.
- 2.6 Eight objectives were drawn up to develop the Scheme and these have been applied throughout the evolution of the Scheme to test alternatives and inform its ongoing design. These were:
- Objective 1: Improve the local road network to deal with existing congestion issues.
 - Objective 2: Improve and enhance Banwell's public spaces by reducing traffic severance and improving the public realm.
 - Objective 3: Provide the opportunity to increase active and sustainable travel between local villages and Weston-super-Mare.
 - Objective 4: Deliver infrastructure that enables housing development (subject to the Local Plan).
 - Objective 5: Ensure the development respects the local area and minimises visual impact upon the surrounding countryside and the Mendip Hills AONB.
 - Objective 6: Innovative and be efficient in reducing and offsetting carbon from the design and construction of the infrastructure.
 - Objective 7: Ensure the development provides the opportunity to increase Biodiversity Net Gain by at least 10%.
 - Objective 8: Proactively engage with stakeholders in a way that is both clear and transparent.

3 CASE FOR NORTH SOMERSET COUNCIL

From NSC's Final Comments (INQ-31.2)

The need for the Scheme

- 3.1 The need for a bypass of Banwell has been recognised for many years.¹ Since 1982, this need has consistently been identified in local transport plans and the development plan.² These previous policy documents have recognised the

¹ NSC-01-2, para. 2.2: for nearly 100 years.

² NSC-01-2, paras. 2.2 – 2.9 and NSC-01-3/C.

- need to alleviate the “*chronic environmental problems*” that have impacted the village for many years as a result of traffic along the A371 and A368, which currently meet in the narrow historic centre of the Banwell Conservation Area.³
- 3.2 The crossroads in Banwell connecting West Street/East Street/Castle Hill/High Street crossroads, through to the zebra crossing near the car park has seen a cluster of collisions with seven collisions recorded, of which six have involved pedestrians (all slight). This section of the A371 has a particularly narrow section of carriageway suitable only for vehicles to travel in one direction at a time, with no footways for pedestrians.⁴ This results in very slow journey speeds through Banwell,⁵ which will only get worse as traffic flows increase by 2039 in the do minimum scenario.⁶
- 3.3 These two strategic roads (the A368 and A371) are significant to local and regional connectivity and congestion through the village of Banwell adversely affects these functions causing journey time delays and uncertainty.⁷
- 3.4 The need to address these issues through a bypass is reflected in current policy, as is clear from the Local Plan and the Joint Local Transport Plan.⁸ This need has also been reflected in the evidence given at the Inquiry. Mr Voller, who gave evidence in support of the Scheme on behalf of the “*Build our Bypass*” campaign group, described the “*living hell*”⁹ that residents currently have to contend with as a result of heavy congestion through narrow streets, known locally as “*the Narrows*”. He explained that after setting up the campaign group, it quickly gained signatures from 722 supporters in advance of the determination of the planning application.¹⁰ Mr Voller also provided powerful descriptions of the daily problems encountered by residents.
- 3.5 As indicated above, there is widespread recognition of the existing problems experienced by Banwell and the consequent need for the Bypass.¹¹ Mr Van der Mark’s most recent objection acknowledges the “*traffic misery*” inflicted upon

³ NSC-01.3/C.

⁴ NSC-03-2, para. 2.22.

⁵ NSC-03-2, para. 2.14 and Table 4.

⁶ NSC-03-2, paras. 2.10 – 2.11 and Table 3.

⁷ NSC-03-2, para. 2.9.

⁸ NSC-05-2, para. 2.45, 2.46 and 2.51; NSC-01-2, paras. 5.4 – 5.8.

⁹ Mr Voller (Day 2).

¹⁰ See the petition appended to SUP/1, printed on 14 March 2023.

¹¹ OBJ/2, p. 3 and OBJ/48, p. 4: “*not averse to the principle of development of the Bypass*”; OBJ/6, OBJ/7, OBJ/11, OBJ/13, OBJ/14, OBJ/15, OBJ/16, OBJ/29, OBJ/50 p. 1: “*a solution to traffic congestion in Banwell is needed*”; OBJ/18, OBJ/28: “*understands that the Scheme is required*”; OBJ/26: “*agrees with the Scheme*”; OBJ/35: “*there is a traffic congestion issue in Banwell which needs to be addressed*”; OBJ/38: “*agree with the Scheme in principle*”; OBJ/49, p. 2: “*the principle of the road is...not objected to*”; OBJ/52: “*support the principle of the Bypass and the proposed route*”; OBJ/55: “*no objection to the location of the actual road and the taking of their land for this purpose*”.

the village by the current arrangements.¹² Mr Warner was at pains to point out that he was “*in full support of the fact that Banwell needs a bypass*”¹³ Mr Stone emphasised that several of his various clients understood, and did not seek to challenge, the need for the Bypass.¹⁴ Ms Harding acknowledged that “*Banwell has required a bypass for many years*”.¹⁵ Ms Ball also recognised the importance of delivery of the Bypass and shared use path for the “*good of the community*”.¹⁶

The Scheme and its objectives

- 3.6 In November 2019, the Secretary of State for Housing, Communities and Local Government approved NSC’s bid under the Housing Infrastructure Fund (“HIF”),¹⁷ thereby releasing funding to deliver the longstanding policy objective for a bypass of Banwell. Modal alternatives were considered, but would not address the underlying need in isolation.¹⁸ Nevertheless, in parallel wider public transport initiatives are being separately progressed, as set out in the rebuttal to Mr Van der Mark.¹⁹ These include the West of England Bus Service improvement plan, MetroWest Phase 1, and additional funding to improve bus services across North Somerset and the West of England Combined Authority.
- 3.7 Eight objectives were drawn up to develop the Scheme and these have been applied throughout the evolution of the Scheme to test alternatives and inform its design.²⁰ Ms Park’s evidence explains how the Scheme performs against and delivers these objectives.²¹
- 3.8 The objectives include (as objective 4) delivering infrastructure that enables housing development in the local area, subject to the local plan process, but it has been clear at all times that the Scheme is independently justified and does not depend upon such development; conversely, what is now a proposed allocation at Wolvershill in the emerging local plan is dependent on the Scheme.²²

¹² See representation dated 30 June 2023 (OBJ/8)

¹³ OBJ/58, p. 1 and confirmed again orally when Mr Warner gave evidence (Day 4).

¹⁴ Mr Stone (Day 3)

¹⁵ Ms Harding’s Proof, p. 1.

¹⁶ Ms Ball (Day 4).

¹⁷ NSC-01-2, para. 2.13.

¹⁸ CD4.05, p. 20. These were discounted as a standalone option, but it was recommended that active travel measures be taken forward as complementary to the preferred option, as has occurred.

¹⁹ INQ-13, point 8, pp. 5 – 7.

²⁰ NSC-01-2, p. 10.

²¹ NSC-01-2, pp. 15 – 24.

²² CD5.05 at p. 22: Policy LP1; NSC-03-2 para. 2.5. With the HIF development focussed north of Wolvershill, but without the Scheme, the journey times eastbound through Banwell would increase to over 43 minutes in the design year, compared to 24 minutes in the do minimum without the HIF development (Table 13) or some 10 minutes in 2018 (Table 4).

- 3.9 Wolvershill is a “*key strategic development proposal*” and, if it was not deliverable, it “*would be extremely challenging to identify sufficient additional capacity in sustainable locations*” to accommodate the housing requirement for North Somerset.²³ Wolvershill has been identified as “*sequentially the best location for strategic growth*” due to the absence of policy constraints and its proximity to Weston-super-Mare. None of NSC’s neighbouring authorities have been able to accommodate any of its unmet needs due to their own policy constraints.²⁴ The Scheme is therefore critical to ensuring that NSC can meet its housing needs (3,075 dwellings, with 2,800 proposed at Wolvershill as well as the associated employment land of 11 hectares).²⁵
- 3.10 The Scheme comprises a 3.3km Bypass to the north of Banwell Village from Summer Lane (A371) in the west to Towerhead Road (A368) in the east,²⁶ the SL,²⁷ new and improved junctions,²⁸ environmental mitigation and enhancement measures,²⁹ and improvements to the wider public rights of Way (PRoW) and road network, including new shared use paths.³⁰
- 3.11 Mr Edwards provided a detailed description of the Scheme,³¹ explaining the rationale for its design and how this had evolved from the original safeguarded route in order to reduce impacts.³² This included moving the Banwell West Junction further to the east to minimise adverse effects on the Summer Lane Caravan Park, seeking to be sympathetic to field boundaries so as to minimise severance, minimising disturbance of the historic landfill site at Riverside, and reducing the impact on the playing fields used by Banwell Football Club.³³
- 3.12 As explained below under the transport effects, Objective 1 would be achieved; the Scheme would significantly reduce congestion through Banwell, accompanied by wider mitigation measures to reduce any additional effects on the surrounding villages.

²³ INQ-07, para. 2.1.

²⁴ INQ-07, para. 4.2.

²⁵ NSC-01-2, para. 4.21

²⁶ Described at NSC-01-2, paras. 2.17 – 2.20; NSC-02-2, paras. 4.2 – 4.13; and shown on the Banwell Bypass and Southern Link Arrangement Plan at NSC-02-3/A.1.

²⁷ NSC-02-2, paras. 4.15 – 4.18.

²⁸ NSC-02-2 para. 4.20.

²⁹ Including flood compensation areas, planting and habitat creation, and replacement playing fields.

³⁰ NSC-02-2, paras. 4.80 – 4.90 and 5.11 – 5.47; Appendix M of NSC-02-3. The Banwell Placemaking improvements are shown at Appendix A4 of NSC-02-3.

³¹ NSC-02-2, section 4 and Evidence in Chief (EiC).

³² Mr Edwards in EiC by reference to NSC- 02-3/B.2.

³³ NSC-02-3, para. 3.29.

- 3.13 In accordance with Objective 2, a raft of placemaking measures are proposed in and around Banwell to improve the public realm and capitalise on the reduction in severance currently caused by traffic.³⁴ The measures include a reduced speed limit (to 20mph) through the village marked by gateway features at either end, the provision of an active travel route with wider footways and cycle paths that will encourage alternative modes of transport and better links to the wider PRow network, an active travel hub to provide cycle storage at bus stops, and additional planting and historically sensitive community features. As is explained further below, these improvements will, in turn, help to deliver heritage benefits by conserving and enhancing the Banwell Conservation Area and the setting of many listed buildings within it.
- 3.14 Improvements are also proposed to the wider road network in order to minimise the impacts of any additional traffic on the surrounding area. These measures, which are described in detail in Mr Edwards' evidence,³⁵ include reduced speed limits, traffic calming, landscaping in Churchill, Sandford and Winscombe, as well as a series of pedestrian and cycleway improvements.
- 3.15 One of the key objectives of the Scheme (Objective 3) has been to provide the opportunity to increase active and sustainable travel between local villages and Weston-super-Mare. In addition to the active travel enhancements through Banwell, a 3m wide shared use path would be provided along the Bypass from Banwell West Junction to Eastermead Lane.³⁶ To the west, this path provides the opportunity to connect into the A371 Safer Roads Scheme.³⁷ To the east, the shared use path continues to Sandford, where it links with the Strawberry Line. Additional lengths of shared use path are proposed between Greenhill Road and Churchill Green³⁸ and Church Lane to Ladymead Lane.³⁹ These proposals will result in the upgrading of existing PRowS to bridleways, which will accommodate a wider variety of active modes of travel between Sandford and Churchill as well as improving sustainable connections to Churchill Academy.

Scheme development and alternatives

- 3.16 The Scheme has been developed through considerable engagement and consultation with those with relevant interests from an early stage. The three strands to this consultation, which comprise landowner engagement, scheme development and consultation on the planning application, are set out in Ms

³⁴ NSC02-3/A.4, as explained in NSC-02-2, paras. 4.84 – 4.90 and by Mr Edwards in EiC on Day 1.

³⁵ NSC-02-2, paras. 4.80 – 4.83 and NSC-02-3/M.

³⁶ NSC-02-3/A.3.

³⁷ NSC-02-2, paras. 2.46 – 2.47. Mr Edwards explained in EiC that although the final connection does not form part of this Scheme, NSC are looking to deal with it separately.

³⁸ NSC-02-2, paras. 5.14 – 5.28.

³⁹ NSC-02-2, paras. 5.29 – 5.47.

Park's Appendix A.⁴⁰ This consultation has been critical to the development and evolution of the Scheme, and demonstrates that Objective 8 has been met.

- 3.17 Detailed consideration has been given to alternative options throughout the development of the Scheme, as set out in the various options appraisal studies that have been undertaken over the years and summarised in chapter 3 of the ES and Ms Park's evidence.⁴¹ An Options Appraisal Report produced in 2021 drew up a long list of alternative options,⁴² which were assessed against the WebTransport Analysis Guide (TAG) criteria and the relevant strategic objectives of the Scheme.⁴³ These included improvements to public transport and sustainable travel choices, as well as reducing the need to travel. However, it was clear that these would not be able to deliver the strategic objectives of the Scheme in isolation.⁴⁴ They were therefore discounted as standalone options, although it was recognised that they could complement other options and should not be discounted in their entirety. The conclusion that improved public transport measures would not be effective if delivered in isolation also accords with previous studies which considered this option, as explained in the rebuttal to Mr Van der Mark.⁴⁵ Consideration was also given to a larger scheme that would bypass Churchill and Sandford as well as Banwell. However, this was discounted on the basis that it would result in more harm to the environment and be unaffordable.⁴⁶
- 3.18 Following consideration of the long list, the northern bypass was selected and taken forward for more detailed optioneering and appraisal.⁴⁷ Three alternative route alignments were considered and consulted upon in the summer of 2021.⁴⁸ The majority of respondents favoured Northern Route 2. However, a further alternative was proposed by one member of the public which effectively amounted to a hybrid of Routes 1 and 2. This alternative, which broadly aligns with the hybrid suggested by Mr Warner when he attended the Inquiry to give evidence, was subject to further assessment in an addendum to the 2021 Options Appraisal Report.⁴⁹ This analysis concluded that it would: have a greater impact on the green house gas (GHG) emissions of the Scheme;⁵⁰ result in a longer length of the Bypass travelling through an area at risk of flooding, which would require more flood mitigation;⁵¹ require further land take, resulting in increased severance and impact on a greater number of agricultural

⁴⁰ NSC-01-3/A.

⁴¹ CD8.03 and NSC-01-2, paras. 3.1 – 3.3.

⁴² CD8.03.1, para. 5.1.2.

⁴³ CD8.03.1, pp. 16 – 28.

⁴⁴ CD8.03.1, paras. 5.1.6, 5.3 and 5.4.

⁴⁵ INQ-13, p. 4 and the Banwell Area Transport Study at CD7.08.

⁴⁶ CD8.03.1, para. 5.6.

⁴⁷ NSC-02-2, para. 3.23 and CD8.03.1, para. 5.1.4.

⁴⁸ NSC-02-2, paras. 3.23 – 3.24 and shown at NSC-02-3/B.1.

⁴⁹ INQ-21, Appendix A, pp. 17 – 19.

⁵⁰ Both in terms of embodied carbon emissions relating to the construction of the route and operational carbon emissions from its use (INQ-21, Appendix A, para, 5.1.2).

⁵¹ INQ-21, Appendix A, para. 5.1.3.

land holdings;⁵² and have a greater cost which would be likely to result in a lower benefit to cost ratio (BCR).⁵³ Accordingly, Northern Route 2 was taken forward as the preferred option and refined through more detailed design to reduce impacts and improve the Scheme.⁵⁴

- 3.19 The evidence presented by Mr Edwards also provides a description of a number of other alternatives that were considered during the development of the preliminary design for the Scheme.⁵⁵ Four different options for the re-provision of connectivity at Moor Road, which is severed by the Bypass, were considered, and a new vehicular and bridleway connection between Moor Road and Riverside (Option 4)⁵⁶ was taken forward on the basis that it would best meet the needs of walking, cycling and horse riding (WCH) users, without resulting in unreasonable diversions.⁵⁷ Three options were considered where the Bypass crosses over Riverside, which resulted in the provision of a raised overbridge in this location.⁵⁸ The approach taken to both of these issues has not been challenged.⁵⁹
- 3.20 A number of alternatives were also considered for the design and route of the shared use paths. Its relationship with the carriageway of the Bypass was refined so that it was aligned with the toe of the embankment, which would reduce environmental impacts and benefit WCH users by providing increased separation from vehicular traffic.⁶⁰ Three different route alignments were considered between the Bypass and Sandford,⁶¹ including one proposed by Mr Perks and Ms Ball, which went to the north of the solar farm.⁶² Mr Edwards' evidence clearly demonstrates why the route alignment included within the Scheme performs better than the other alternatives,⁶³ and Ms Ball confirmed that she no longer took issue with the route of the shared use path and understood that it is "*for the good of the community*".⁶⁴

⁵² INQ-21, Appendix A, para. 5.1.4.

⁵³ INQ-21, Appendix A, para. 4.6.10.

⁵⁴ The refinements that have been made to the safeguarded route during Scheme development are explained at NSC-02-2, para. 3.29 and shown at NSC-02-3/B.2, and were described by Mr Edwards in EiC (Day 1).

⁵⁵ NSC-02-2, paras. 3.30

⁵⁶ NSC-02-3/B.4.

⁵⁷ NSC-02-2, paras. 3.30 – 3.33.

⁵⁸ NSC-02-2, paras. 3.34 – 3.36.

⁵⁹ Mr Warner's objection relates to the alignment of the route rather than the decision to cross Riverside via an overbridge.

⁶⁰ NSC-02-2, para. 3.39.

⁶¹ NSC-02-2, paras. 3.40 – 3.41

⁶² See objection from OBJ/10, p. 3.

⁶³ NSC-02-2, paras. 3.42 – 3.51, as explained by Mr Edwards in EiC (Day 1).

⁶⁴ Ms Ball in EiC and Cross Examination (xx) (Day 4).

- 3.21 A number of options were also considered for the alignment of the route between Churchill and Langford.⁶⁵ The option which follows a number of existing PRoWs between Church Lane and Ladymead Lane was selected as it is well aligned with the key desire line between the main residential area of Langford to the north of the A38 and Churchill Academy and Sixth Form, making use of and improving a route that is already well-used.⁶⁶ In response to a recent suggestion from LJ Bale and AJ Millard (OBJ/24),⁶⁷ whose property is located along the proposed alignment, Mr Edwards explained that all three of the suggested alternatives to the south would involve significant gradients well in excess of the maximum 5% gradient in LTN 1/20.⁶⁸ In order to achieve an acceptable gradient, significant earthworks would be required,⁶⁹ which would in turn have a significantly greater impact on severance and land take. Mr Stone stated that he had not appreciated the extent of engineering works that would be required to deliver these alternatives.⁷⁰ Mr Edwards also explained that a further alternative along different public footpaths to the south had been discounted for similar reasons, as well as being less direct.⁷¹
- 3.22 Mr Pitt describes the various alternatives that were considered when looking to provide replacement land for Banwell Football Club to compensate for the land taken by the CPO, which included a high-level appraisal of 7 different land parcels. Of these, 3 were taken forward for more detailed assessment prior to selection of the preferred option against the open space policy criteria.⁷² There is no objection to this selection.
- 3.23 An alternative route direction was issued by the Secretary of State under section 258(2) the 1980 Act, which entitles the person holding the inquiry and the Minister to disregard any objection that consists of a submission to which the direction applies unless the person making the objection has complied with that direction.⁷³ Only one alternative (by Mr Van der Mark) was put forward within the specified period,⁷⁴ which is largely within the AONB. This alternative, which is broadly additive, has been appraised,⁷⁵ and found to have greater adverse environmental effects and to cost significantly more than the Scheme. It is not a viable alternative.⁷⁶ The further points raised by Mr Van der Mark in

⁶⁵ NSC-02-2, paras 3.53 – 3.56 and NSC-02-2/B.6.

⁶⁶ NSC-02-2, para. 3.56.

⁶⁷ OBJ/24, shown at NSC-02-3/I.2.

⁶⁸ Mr Edwards in response to Mr Stone (Day 3) and INQ-19.01, Fig. 2 and para. 2.6.

⁶⁹ INQ-19.02-4.

⁷⁰ Mr Stone, on behalf of OBJ/24 (Day 3).

⁷¹ INQ-19.01, paras. 2.2 – 2.3.

⁷² NSC-05-2, paras. 4.17 – 4.18.

⁷³ Section 258(3) of the 1980 Act.

⁷⁴ Alternative proposed by Mr Van der Mark (OBJ/08) and shown at NSC-02-3/B.3, Appendix A.

⁷⁵ NSC-02-3/B.3; NSC-02-2 paras. 3.59 to 3.67 and NSC-06-2 paras. 3.1.8 to 3.1.15. Further information was also provided by Mr Edwards and Ms Wall in Eic (Day 1) and (Day 2).

⁷⁶ NSC-02-2, para. 3.67.

his Inquiry statement dated 9 July 2023 are equally without merit, as set out in the rebuttal to this document.⁷⁷ As already explained, NSC is progressing a number of public transport initiatives in tandem with this project, but they do not remove the need for the Scheme. The possibility of an additional junction with the M5 ("Junction 21a") is noted in JLTP4. However, it is not required to meet the objectives of the Scheme and would not be affordable at this point in time.

- 3.24 Accordingly, the Scheme's development has been informed by a considerable depth of engagement with landowners, local residents and statutory bodies and consultees. It is reasonable to conclude that there are no realistic alternatives to the Scheme.

The effects of the Scheme

- 3.25 The grant of planning permission for the Scheme followed a detailed assessment of the effects of the Scheme, as set out in the ES which has been prepared by competent experts,⁷⁸ in light of extensive consultation with statutory and non-statutory consultees.⁷⁹ It involved a careful balance of the benefits of the Scheme against any adverse impacts, and concluded that the benefits outweighed any harms.⁸⁰
- 3.26 The decision to grant planning permission for the Scheme was made by NSC in its capacity as local planning authority (LPA), and Ms Park described the well-established procedures that are in place to ensure the separation of functions and independence between the Banwell Bypass Project Team and the LPA.⁸¹
- 3.27 Many of the objections to the Orders concern matters that have already been considered and addressed by the LPA when deciding to grant planning permission. It is well established that it is not the role of a CPO inquiry to revisit the planning merits of Scheme which has already received planning permission (*Alliance Spring v The First Secretary of State* [2005] EWHC 18 (Admin), per Collins J. at [16]).⁸² Moreover, *Alliance Spring* was decided in the context of an express provision⁸³ requiring consideration to be given to any other considerations which would be material for the purposes of determining an application for planning permission when considering whether the land which

⁷⁷ INQ-13.

⁷⁸ In accordance with regulation 18(5) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations").

⁷⁹ NSC-05-2, paras. 3.1 – 3.48.

⁸⁰ CD6.09, p. 60.

⁸¹ NSC-01-2, paras. 6.1 – 6.21 and Ms Park in response to questions from the Inspector.

⁸² "...In those circumstances, it is not in my view appropriate for an Inspector to take a different view on planning considerations which have already been considered unless there is fresh material or a change of circumstances...".

⁸³ Section 226(2) of the 1990 Act, no longer in force.

was proposed to be acquired satisfied the relevant test.⁸⁴ Thus, if anything, the principle applies even more strongly in the present case.

- 3.28 The NSC proofs of evidence adopt and draw upon the assessments carried out in the ES and the Habitats Regulations Assessment (HRA), with some updates to take into account more recently available information or any changes in circumstances. Each witness has explained why any changes that have occurred, such as the revised opening date for the Scheme,⁸⁵ have not altered the overall conclusions in the ES,⁸⁶ and no objection has challenged these conclusions on the basis that they are no longer relevant or have been superseded by a material change in circumstances.
- 3.29 The following summary of environmental effects fall to be considered in the context of the conclusions of the LPA and the conditions which were imposed to ensure that any adverse impacts could be mitigated to an acceptable degree.

Traffic and Transport

- 3.30 The Scheme is predicted to reduce traffic on the A371 through Banwell by 78% in the opening year (70% in the design year).⁸⁷ This significant reduction in traffic flow and thus congestion would meet Objective 1 and deliver many consequential benefits and improvements in the quality of life for local residents, including improved road safety, and a reduction in rat-running⁸⁸ and community severance.⁸⁹ At a wider level, it will materially improve journey times and the reliability of the strategic network,⁹⁰ which will help deliver a number of important economic benefits.⁹¹
- 3.31 Three new or enhanced active travel routes are proposed,⁹² in addition to a range of more localised improvements to footways and crossings. These will

⁸⁴ *Alliance Spring* at [5] and [16].

⁸⁵ NSC-01-2, para. 4.15; NSC-03-2, paras. 2.82 – 2.85; NSC-06-2, paras. 2.2.7; NSC-07-2, paras. 2.10 – 2.12; NSC-08-2, paras. 2.20 – 2.21; NSC-09-2, para. 2.29.

⁸⁶ With reference to NSC-06-2, para. 2.2.7, Ms Wall clarified in EiC that there were various ways in which planting could be delivered and the timing of the planting simply affects which type of delivery is selected (Day 2).

⁸⁷ The combined average of an 82% reduction eastbound and 74% westbound, as shown at NSC-03-2, Table 8, and explained by Mr Spencer in EiC on Day 1; see also Table 10 for 2039 (76% and 64% respectively).

⁸⁸ As Mr Spencer explained in EiC (Day 1), by reference to the flow reductions illustrated in the figures at INQ-05.

⁸⁹ NSC-03-2, para. 5.5.

⁹⁰ NSC-03-2, para. 3.19.

⁹¹ Although the Scheme is forecast to increase accidents, this is as a result of the increase in the length of the route, traffic flows and traffic speeds, not because the Scheme is unsafe: NSC-03-2, para. 3.43.

⁹² NSC-03-2, paras. 2.169 – 2.179.

make alternative sustainable modes of transport safer and more attractive, and therefore help to encourage modal shift.

- 3.32 Although the Scheme will result in an increase in traffic flows through Churchill (15%), Winscombe (3.5%) and Sandford (26%) in the opening year,⁹³ these increases are considerably less than the reductions in flow that would be delivered in Banwell, and these villages are not subject to the same constraints. Importantly, a series of mitigation measures have been proposed in these neighbouring villages,⁹⁴ which will increase capacity, improve safety and sufficiently mitigate the impact of the Scheme.⁹⁵ Mr Edwards described how the proposed mitigation package had ultimately been developed having regard to the views of different bodies, such as the police and highways authority, which had to be balanced,⁹⁶ and how it is still subject to further monitoring and consideration under conditions 8 and 19 of the planning permission.⁹⁷
- 3.33 As Mr Spencer explained, network resilience will be greatly improved once the Scheme is operational, resulting in more reliable and predictable journey times, not only for Banwell, but also for the wider area.⁹⁸ The modelling which has been undertaken does not, conservatively, take all this mitigation into account.⁹⁹
- 3.34 Construction traffic will be managed through the Traffic Management Liaison Group and other measures.¹⁰⁰ This is just one example of the benefits of early contractor involvement, as described by Ms Park.¹⁰¹

Economic benefits

- 3.35 In terms of economic benefits, the Scheme has been assessed as having an initial BCR of 2.27, which represents high value for money, and means that £2.27 will be returned for every £1 spent. Under an adjusted BCR, which takes

⁹³ NSC-03-2, Table 8, again looking at the average for eastbound and westbound flows: Mr Spencer in EiC (Day 1). In the design year (2039) these figures are 21.5%, 27.5% and 52.5% respectively: NSC-03-2, Table 10, pp. 39 – 40.

⁹⁴ Including reduced speed limits and traffic calming, active travel facilities and improvements to junctions (NSC-03-2, paras. 5.7 – 5.10), as set out in CD4.02.

⁹⁵ NSC-03-2, para. 5.12.

⁹⁶ Mr Edwards in response to Churchill Parish Council (Day 6), by reference to CD4.07, para. 2.3.6.

⁹⁷ CD6.10. Condition 8 requires the submission of a speed and traffic monitoring plan and condition 19 requires road safety audits to be carried out.

⁹⁸ NSC-03-2, para. 3.19.

⁹⁹ Mr Spencer in response to Churchill Parish Council (Day 6). The speed limit changes themselves would result in lower traffic flows than shown in Tables 8 and 10: NSC-03-2, para. 2.168. Sensitivity tests which include both junction capacity improvements and speed limit changes lead to some localised increases and decreases in flows, compared to Tables 8 and 10: NSC-03-2, para. 2.144. However, these figures take no account of any mitigation from the HIF development, home working, greater uptake of public transport or additional measures to reduce transport related carbon: NSC-03-2, para. 2.146.

¹⁰⁰ NSC-04-2, paras. 2.89 – 2.92.

¹⁰¹ NSC-01-2, para. 8.15.

wider economic impacts, land value uplift and transport external costs into account, this rises to 3.95.¹⁰² Using a 30% threshold of total user benefits as an alternative to the Wider Impacts in Transport Appraisal, the adjusted BCR would be 2.72 and would still represent high value for money.¹⁰³ These considerable economic benefits are reflected in the support which has been received for the Scheme from local businesses, such as Thatcher's Cider (located in Sandford), which recognise the real world advantages the Scheme will bring for them and their employees.¹⁰⁴ This is also emphasised in Mr Spencer's evidence, which notes that a number of key businesses in the local area are particularly reliant on swift journey times given the perishable nature of their products, in addition to general beneficial affordability impacts that will arise from lower fuel costs and journey times.¹⁰⁵

- 3.36 The Scheme will also provide capacity to support the delivery of up to 3,075 homes¹⁰⁶ and employment land in the local area, which has been identified as a key strategic growth location that is critical to levelling up opportunity within North Somerset.¹⁰⁷

Landscape and visual effects

- 3.37 Given the size and nature of the Scheme, it would inevitably result in adverse landscape and visual effects. However, the proposed mitigation, which was developed in consultation with a number of consultees, including the Mendip Hills AONB Partnership, Natural England, Historic England, and the LPA's landscape and tree officers,¹⁰⁸ will ensure that this is minimised and would reduce over time. By year 15, there would be a moderate/slight adverse effect on the landscape character of the study area and slight adverse effects on the two relevant landscape character areas.¹⁰⁹ In terms of visual effects at the design year, only one of the 26 agreed representative viewpoints (footpath AX3/6/10) will continue to experience a large adverse effect.¹¹⁰ The assessment of visual effects on properties indicates that the majority of the 179 individual properties and 20 groups of properties assessed would suffer no or negligible effects, although there will be 3 substantial, 23 moderate and 36 slight residual adverse effects.¹¹¹

¹⁰² NSC-03-2, paras. 3.71 – 3.73.

¹⁰³ NSC-03-2, para. 3.73.

¹⁰⁴ SUP2.

¹⁰⁵ NSC-03-2, para. 3.19.

¹⁰⁶ 2,800 at Wolvershill, as envisioned in the emerging local plan policy LP1 (CD5.05, p. 22), as well as infill development.

¹⁰⁷ NSC-03-2, para. 3.20 and para. 3.15, which sets out the potential benefits that the Scheme will bring to the local population, including the opportunity to improve deprivation and health.

¹⁰⁸ NSC-06-2, para. 2.5.12.

¹⁰⁹ NSC-06-2, para. 2.5.9.

¹¹⁰ NSC-06-2, para. 2.5.10.

¹¹¹ NSC-06-2, para. 2.5.11.

- 3.38 Ms Wall explained how the proposed landscape mitigation has been sensitively designed to respond to local character by reference to the Environmental Masterplans.¹¹² Examples include the retention and enhancement of the traditional orchard at Riverside, the propagation of hybrid black poplars that will be lost as a result of the Scheme, and the use of planting that respects the old medieval deer park along the SL and helps to assimilate it into the landscape.¹¹³ When dealing with the objection from Mr Warner, Ms Wall explained how the proposed planting along the embankments will be feathered to ensure that it integrates into the existing landscape structure.¹¹⁴ Planting will be varied in maturity from the outset and will not simply consist of whips.¹¹⁵
- 3.39 It is testament to the good design of the Scheme and the effectiveness of the proposed landscape mitigation that has been secured through the grant of planning permission that there is no objection from the AONB Partnership and the impact on the AONB will only be minor at a local level.¹¹⁶
- 3.40 Overall, the Scheme clearly delivers Objective 5, by respecting the local area and minimising the visual impact on the surrounding countryside and the Mendip Hills AONB.¹¹⁷

Heritage

- 3.41 The Scheme was originally assessed as having a direct impact on three non-designated heritage assets.¹¹⁸ However, further consideration of the highway alignment and visibility requirements for the SL has removed the need to interfere with the stone boundary wall at 25 Castle Hill, and reduced this impact overall.¹¹⁹ There would also be direct adverse impacts on identified archaeological remains, although the significance of these assets is generally considered to be low, and the harm will be mitigated through an appropriate programme of monitoring and recording.¹²⁰ In contrast, there would be an overall beneficial effect on the built heritage of Banwell, which contains 40 listed buildings, a conservation area, four scheduled monuments and over 100 non-designated heritage assets that were assessed as being of comparable value to designated assets.¹²¹ The removal of traffic from the centre of the village would

¹¹² NSC-06-3D

¹¹³ Ms Wall in EiC and response to Inspector's question (Day 2).

¹¹⁴ Ms Wall (Day 4).

¹¹⁵ INQ-15.

¹¹⁶ NSC-06-2, para. 3.1.16(a).

¹¹⁷ NSC-01-2, para. 4.7.

¹¹⁸ The demolished lime kiln at Stonebridge; the Deer Park at Banwell Camp; and the stone wall adjacent to Dark Lane (NSC6/2, para. 2.4.6).

¹¹⁹ INQ-08.1, p. 8, CPO Mod 12.

¹²⁰ NSC-06-2, para. 2.4.9.

¹²¹ NSC-06-2, para. 2.4.12.

reduce vibration, noise and pollution, which would help conserve the buildings, improve their setting, and allow their significance to be better appreciated.¹²²

Noise and vibration

- 3.42 There would be a number of temporary adverse noise and vibration effects during the construction of the Scheme.¹²³ However, these would be mitigated through the use of best practicable means,¹²⁴ engagement with the contractor's Public Liaison Officer,¹²⁵ and measures included within the Construction and Environmental Management Plan (CEMP).¹²⁶ Furthermore, the temporary adverse construction effects would be eclipsed by the very considerable net beneficial effects that are predicted to arise from the operation of the Scheme. These include 197 significant beneficial effects between Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL), and 134 significant beneficial effects above the SOAEL. In contrast, there will be only 32 significant adverse effects between LOAEL and SOAEL, and 17 above the SOAEL.¹²⁷ Moreover, Dr Hiller confirmed that 13 of those adverse effects above the SOAEL were attributable to the additional traffic from the HIF development, and the modelling did not include any mitigation that might be delivered as a result of that development.¹²⁸ In respect of the other 4 (at Castle Hill), Dr Hiller confirmed that they are predicted to be eligible for noise insulation under Noise Insulation Regulations.¹²⁹
- 3.43 Although a number of objections suggested that noise pollution would be transferred from Banwell to other villages,¹³⁰ the assessment of noise level changes in Churchill, Winscombe and Sandford demonstrates that there would be a negligible effect on these three villages.¹³¹
- 3.44 An objection has been received from the Summer Lane Caravan Park Company,¹³² who raise concerns about business disruption due to noise from the construction compound. The compound would be around 100m from the nearest dwelling at the Caravan Park. However, once the effects of a 2m high topsoil bund, Best Practicable Means (BPM) and other measures included within the CEMP are taken into account, the assessment indicates that any effects would not be significant.¹³³

¹²² NSC-06-2, paras. 2.4.14 and 2.4.18.

¹²³ NSC-08-2, paras. 2.24 – 2.29.

¹²⁴ NSC-08-2, para. 2.34.

¹²⁵ NSC-08-2, para. 2.35.

¹²⁶ NSC-08-2, para. 2.38.

¹²⁷ NSC-08-2, p. 12, Table 1.

¹²⁸ Dr Hiller in EiC (Day 1).

¹²⁹ Dr Hiller in EiC (Day 1).

¹³⁰ OBJ/3, 6, 7, 9, 11, 13, 14, 15, 16, 29 and 50.

¹³¹ NSC-08-2, para. 3.8.

¹³² OBJ/55.

¹³³ NSC-08-2, paras. 3.17 – 3.24.

- 3.45 It is inevitable that even though the overall net change in noise levels is overwhelmingly beneficial, there will be some properties that will experience more significant adverse effects. Mr Warner,¹³⁴ who confirmed that he had bought his property in full knowledge of the likely effects of the Scheme,¹³⁵ is an example of one such property. Although his original representation suggested the alignment of the Bypass should be moved further south closer to the safeguarded route, when he gave evidence he recognised that it would not be reasonable to inflict these adverse effects upon a greater number of his neighbours.¹³⁶ Aside from Mr Warner's hybrid suggestion of moving the Bypass route to the North, he agreed that he was not suggesting any alternative mitigation that should be provided to reduce the impacts on his property. In particular, he agreed that a 3m noise barrier would be "*totally and utterly inappropriate*",¹³⁷ and that no barrier should be provided along the bridge. He queried whether a 1m noise barrier could be provided along the other stretch of the road, but Dr Hiller explained that it would not be effective given the gap across the bridge.¹³⁸ Moreover, an elevated noise barrier in this location would have an adverse impact on landscape and visual effects and the users of the Bypass,¹³⁹ and would not represent good value for money.¹⁴⁰
- 3.46 Finally, it is important to note that condition 7 of the planning consent requires a detailed assessment of road surface materials to be undertaken to demonstrate whether further noise reduction can be achieved through use of a low noise surface material.¹⁴¹

Air quality

- 3.47 Mr Bellinger explained that the Scheme does not result in a significant impact on air quality and, indeed, has an overall positive impact. It would result in a reduction in traffic along the current alignment of the A371 through the centre of Banwell, which would decrease pollution concentrations close to the route. Although there will be an increase along the new route, it passes through an area that is lightly populated and consequently it can be expected that the overall population exposure to air pollutants will reduce.¹⁴²
- 3.48 In response to a number of objections that query the impact that the Scheme would have on air quality in the surrounding villages,¹⁴³ Mr Bellinger explained that the Scheme will result in a negligible impact on air quality in these

¹³⁴ OBJ/58.

¹³⁵ Mr Warner in xx (Day 4).

¹³⁶ Mr Warner in EiC (Day 4).

¹³⁷ Mr Warner in xx (Day 4).

¹³⁸ Dr Hiller in response to Mr Warner (Day 4).

¹³⁹ INQ-12, paras. 4.12 – 4.14.

¹⁴⁰ INQ-12, paras. 3.8 – 3.10.

¹⁴¹ NSC-08-3/E, paras. 1.3.23 – 1.3.26 and CD6.10, condition 7(m).

¹⁴² NSC-09-2, para. 2.35.

¹⁴³ OBJ/3, 6, 7, 9, 11, 13, 15, 16, 29 and 50.

locations.¹⁴⁴ Moreover, since pollution concentrations will continue to reduce over time from the point when the Scheme opens as a result of general improvements in vehicle emissions, the position will continue to improve in these villages.¹⁴⁵

GHG emissions

- 3.49 In accordance with Objective 6, a range of early stage reduction opportunities and embedded mitigation to reduce GHG emissions were incorporated into the design. These included the reduction from a dual to single carriageway, reduction in lane widths, junction alterations and a reduced speed limit.¹⁴⁶ The alignment of the route also supports the objective of reducing both embodied and user GHG emissions.¹⁴⁷
- 3.50 As a result, the total additional GHG emissions produced by the Scheme only represent a tiny fraction of national carbon budgets,¹⁴⁸ which will not affect the ability to meet these targets or give rise to a significant effect on climate. Furthermore, the assessment that has been undertaken does not take the effects of the Transport Decarbonisation Plan into account, and therefore is likely to produce a conservative estimate of GHG emissions.¹⁴⁹

Ecology

- 3.51 There has been regular consultation with Natural England and the LPA's ecology team in Environmental Liaison Group meetings that have taken place throughout the development of the design and consideration of the planning application.¹⁵⁰
- 3.52 A shadow HRA was produced to consider the effects of the Scheme on designated sites which were not scoped out at the screening stage, including the North Somerset and Mendip Bats Special Area of Conservation (SAC).¹⁵¹ Additional mitigation was required in order to address concerns regarding the potential for adverse effects on this SAC, which is secured through CPO 2.¹⁵² After the proposed mitigation measures are taken into account,¹⁵³ the shadow

¹⁴⁴ NSC-09-2, para. 3.1.

¹⁴⁵ NSC-09-2, p. 12, Table 1.

¹⁴⁶ NSC-06-2, paras. 2.10.21 – 2.10.22 and CD8.14, paras. 14.8.38.

¹⁴⁷ INQ-21.1, Appendix A.

¹⁴⁸ 0.0027% of the Government's Fourth Carbon Budget, 0.0026% of the Fifth Carbon Budget and 0.0046% of the Sixth Carbon Budget (NSC-06-2, para. 2.10.30). This is also the case with local targets, although these do not form the basis for the assessment of significance (CD8.14, para. 14.8.66).

¹⁴⁹ NSC-06-2, para. 2.10.17.

¹⁵⁰ NSC-07-2, paras. 2.14 – 2.19.

¹⁵¹ NSC-07-2, paras. 3.10 – 3.12.

¹⁵² NSC-07-2, paras. 3.20 – 3.21.

¹⁵³ NSC-07-2, paras. 3.17 – 3.19 and explained by Ms Nicholls in EiC (Day 1).

HRA concludes that there would be no adverse effect on the integrity of the designated site. Those conclusions have been adopted by the LPA as its appropriate assessment¹⁵⁴ with which Natural England concurs.¹⁵⁵

- 3.53 Ms Nicholls and Ms Wall described the embedded and essential mitigation that has been incorporated into the design of the Scheme,¹⁵⁶ and is secured by the planning conditions.¹⁵⁷ The CEMP will also minimise ecological impacts during the construction of the Scheme.¹⁵⁸ Once this mitigation is taken into account the residual effects on environmental receptors will not be significant.¹⁵⁹ Furthermore, the Scheme would provide bio-diversity net gain ("BNG") of at least 10%, anticipated to be in the region of 40%,¹⁶⁰ which considerably exceeds the stated target in Objective 7.¹⁶¹

Agricultural land

- 3.54 Although the Scheme would result in the permanent loss of approximately 53.7ha of agricultural land,¹⁶² only 5.5ha has been assessed to be best and most versatile (BMV) agricultural land, none of which is grade 1 or 2 BMV land.¹⁶³ Furthermore, the majority of land which will be lost¹⁶⁴ is assessed as being of poor quality. The design of the Scheme and the selected route alignment have ensured that any loss of agricultural land is minimised, and Ms Wall explained how it had sought to follow field boundaries and minimise severance.¹⁶⁵

Water

- 3.55 The significance of effects on surface water and ground water is slight adverse and not significant. The Water Framework Directive (WFD) assessment also concludes that the Scheme would not have a significant effect on WFD features.¹⁶⁶
- 3.56 Only one objection raised flood risk (Mr and Mrs Harding) and that has now been withdrawn.

¹⁵⁴ CD6.11.

¹⁵⁵ CD6.9.1, p. 1.

¹⁵⁶ NSC-07-2, paras. 2.82 – 2.97 and NSC-06-2, paras. 2.3.5 and 2.3.6.

¹⁵⁷ INQ-06.

¹⁵⁸ NSC-07-2, para. 2.84.

¹⁵⁹ NSC-07-2, paras. 2.99 and CD.8.08, para. 8.12.1.

¹⁶⁰ CD8.08.2, p. 1.

¹⁶¹ NSC-0102, para. 4.9.

¹⁶² There would also be a temporary loss of 8.3ha of agricultural land during construction, which would be a slight and temporary effect: NSC-06-2, para. 2.6.39.

¹⁶³ NSC-06-2, para. 2.6.45 and CD4.09, Table 9-1.

¹⁶⁴ 28.7ha i.e. Grade 4.

¹⁶⁵ Ms Wall in EiC (Day 2).

¹⁶⁶ NSC-06-2, paras. 2.9.28 – 2.9.30.

Controls

- 3.57 Overall, the environmental specialists have worked closely with the design team throughout the development of the Scheme to develop embedded and essential mitigation measures.¹⁶⁷ This mitigation, which has been incorporated into the design of the Scheme, is set out in the Register of Environmental Actions and Commitments (REAC) and will be reinforced by the suite of controls imposed through the planning conditions,¹⁶⁸ including the Landscape Ecological Management Plan ("LEMP")¹⁶⁹ and the CEMP.¹⁷⁰

The current status of the Scheme and absence of impediments

- 3.58 Planning permission was granted for the Scheme on 16 March 2023,¹⁷¹ in the light of its accordance with local and national policy.¹⁷² On 19 July 2023, the LPA also granted planning permission for the further planning application relating to the realignment of the shared use path in order to address the concerns that had been raised by National Grid Energy Transmission ("NGET"), ahead of the deadline indicated at the outset of the Inquiry.¹⁷³
- 3.59 There is not considered to be any reason why the outstanding planning conditions will not be discharged or why the proposed Traffic Regulation Orders will not be made,¹⁷⁴ and neither present any impediment to the delivery of the Scheme.¹⁷⁵
- 3.60 The necessary licences relating to European protected species are likely to be secured, and Ms Nicholls explained that they will be applied for by the end of the year.¹⁷⁶ Although some additional surveys should be required before the licences are applied for, Ms Nicholls was confident on the basis of the preliminary survey work that had been carried out that these would not pose any risk or impediment to the delivery of the Scheme.¹⁷⁷ All other environmental consents and licences are likely to be forthcoming.¹⁷⁸
- 3.61 Ms Park explained the steps which are being taken to appropriate land that is already in NSC's ownership for highways purposes. NSC owns land at Eastermead Farm north and south of the A368, which is currently let to an

¹⁶⁷ NSC-06-2, para. 4.1.4 and as explained by Ms Wall in EiC.

¹⁶⁸ INQ-06 shows how the REAC correlates to all the conditions that have been imposed.

¹⁶⁹ NSC-06-2, paras. 2.12.5 -2.12.6; 2.13.1(c).

¹⁷⁰ NSC-07-2, para. 2.84 and NSC-06-2, para. 2.12.3 -2.12.4; 2.13.1(b).

¹⁷¹ CD6.10.

¹⁷² NSC-05-2, para. 6.23.

¹⁷³ INQ-16.

¹⁷⁴ NSC-01-2, para. 5.28.

¹⁷⁵ NSC-05-2, para. 4.57.

¹⁷⁶ Ms Nicholls in response to a question from the Inspector (Day 1).

¹⁷⁷ Ms Nicholls in EiC and responding to a question from the Inspector (Day 1).

¹⁷⁸ NSC-06-2, paras. 2.14.1 – 2.14.4.

agricultural tenant. This land is included within CPO 1 and CPO 2. NSC is seeking voluntary surrender of the tenancy in the first instance, so any appropriation would only follow that process, if required.¹⁷⁹ She explained that NSC has already undertaken the two week consultation required before the land either side of the PRow at Ladymead Lane/Broad oak Road in Langford can be appropriated, which would therefore take place on Day 1¹⁸⁰ and also updated the Inquiry of the application which National Highways have made to Land Registry so that the title of the land at Churchill Gate Junction can be formally transferred to NSC.¹⁸¹ None of these matters represent any impediment to the Scheme.

- 3.62 Following approval of NSC's successful HIF bid, the Council entered into a Grant Determination Agreement with Homes England ("HE"), which secured a grant of £66m to cover the cost of delivering the Scheme.¹⁸² Since confirmation of funding, there have been significant (unanticipated) inflationary pressures on the construction sector, which has resulted in additional Stage 2 construction costs of £23.9m, with a resulting total cost of £89.9m.¹⁸³ NSC has been working collaboratively with HE to secure the resources to cover these additional costs, and it is anticipated that they will be met by an additional £12m from HE and £11.9m from NSC.¹⁸⁴
- 3.63 On Day 1 of the Inquiry, Ms Park provided an update on the progress that is being made to secure the additional funds. She confirmed that the request for additional funding had passed due diligence, received a positive recommendation from HE and was now progressing through the HIF governance process where it was now awaiting final approval from the Treasury.¹⁸⁵ As reported to the Inquiry on Day 2, on 11 July 2023 NSC unanimously approved the release of the additional £11.9m which it has committed to meet.¹⁸⁶
- 3.64 The steps outlined in Ms Park's evidence to secure the additional funding for the Scheme are therefore being progressed, and it is reasonable to conclude that funding is likely to be available within a reasonable timescale.¹⁸⁷ In the

¹⁷⁹ NSC-01-2, para. 5.24 and explained by Ms Park in EiC (Day 1).

¹⁸⁰ Ms Park in EiC (Day 1), by reference to NSC-01-2, para. 5.25. This has now occurred.

¹⁸¹ Ms Park in EiC (Day 1), by reference to NSC-01-21/2, para. 5.26.

¹⁸² NSC-01-2, para. 8.5.

¹⁸³ This is on a reasonable worst case basis; the most likely total cost is £80.3m [NSC-03-2, para. 3.68].

¹⁸⁴ NSC-01-2, paras. 8.10 – 8.11; NSC-01-4 and NSC-01-5, with the NSC additional funding decision expected on 11 July 2023.

¹⁸⁵ MS Park in EiC (Day 1).

¹⁸⁶ See, also, NSC-01-4.

¹⁸⁷ CD1.01, p. 12; NSC-01-2 para. 8.12.

meantime, HE remain supportive of the project¹⁸⁸ and are continuing to release funds to allow the progression of the Scheme.¹⁸⁹

¹⁸⁸ NSC-01-2, para. 8.9.

¹⁸⁹ NSC-01-2, para. 8.19.

The Orders and proposed modifications

- 3.65 There are two CPOs and one SRO before the Inquiry, which have been made by NSC as acquiring authority pursuant to its powers under the 1980 Act¹⁹⁰ so as to enable the construction of the bypass of the village of Banwell and of a route connecting the A371 at Castle Hill and the A368 at East Street (“the SL”) and to enable the implementation of various mitigation and enhancement measures.
- 3.66 The first CPO (“CPO 1”) and the SRO were made on 6 October 2022. The second CPO (“CPO 2”) was made on 20 March 2023 to acquire further land required for additional mitigation¹⁹¹ that was considered to be necessary during the determination of the planning application and for the re-alignment of a small length of the shared use path,¹⁹² in response to concerns raised by NGET.
- 3.67 Twelve modifications are proposed to the CPOs,¹⁹³ as explained in the explanatory note on CPO modifications,¹⁹⁴ which was presented to the Inquiry on Day 3. In addition to these, a number of minor amendments and updates are proposed to address technical corrections and changes in landowner information.¹⁹⁵ In accordance with s.14 of the Acquisition of Land Act 1981, all modifications that have been proposed are reductive in nature,¹⁹⁶ and NSC is confident that they can be made by the Secretary of State.
- 3.68 Seven modifications are proposed to the SRO, which are described in the explanatory note on the proposed SRO modifications.¹⁹⁷ Although the proposed modifications are not considered to be substantial,¹⁹⁸ NSC consulted on them in advance of the Inquiry and no representations were received.¹⁹⁹ The only change to the proposed modifications that were consulted upon results from the removal of SRO Mod 8, which is no longer required as it had already been included in the SRO as made. In addition to the proposed modifications, there are a series of SRO plan amendments and minor amendments to the SRO schedule.²⁰⁰ Taken together, none of the proposed modifications and amendments are considered to be substantial within the meaning of paragraph 8(3) of Schedule 1 to the 1980 Act.

¹⁹⁰ Principally ss. 239, 240, 246 and 250.

¹⁹¹ NSC-07-2, paras. 3.17 – 3.21.

¹⁹² NSC-02-2, paras. 5.74 to 5.76.

¹⁹³ Eleven to CPO 1 and One to CPO 2.

¹⁹⁴ INQ-08.1, Table 1.

¹⁹⁵ INQ-08.1, paras. 2.8 – 2.12 and Table 2.

¹⁹⁶ INQ-08.1, para. 2.4.

¹⁹⁷ INQ-09.1, Tables 1.

¹⁹⁸ INQ-09.1, paras. 5.1 – 5.6.

¹⁹⁹ INQ-09.1, para. 5.8 and confirmed by Mr Edwards when presenting the SRO modifications on Day 2.

²⁰⁰ INQ-09.1, Tables 2 and 3.

Compulsory acquisition

- 3.69 The tests set out in the Guidance on Compulsory purchase process and The Crichel Down Rules. For the reasons already summarised above and set out in the evidence,²⁰¹ there is a compelling case in the public interest.
- 3.70 No more land is proposed to be acquired than is necessary to implement the Scheme, including its incorporated mitigation.²⁰² The design of the Scheme has sought to minimise the need for additional land take (as described above), and Ms Wall explained how land that is required for essential environmental mitigation provides a number of different functions.²⁰³ NSC has been willing to reduce land take wherever possible, as is demonstrated by a number of proposed modifications that have arisen from ongoing negotiations with those affected by the Scheme. Examples include:
- a. Amendments to Plot 1/7 at Knightcott Motors, so that rights rather than title are acquired (CPO MOD 1).
 - b. The removal of Plot 3/1a from CPO 1 following further design consideration being given to the physical measures required to stop up Eastermead Lane (CPO MOD 9).
 - c. The removal of land at Towermead Farm (CPO MoD 10A), as explained in the rebuttal provided by Mr Edwards.²⁰⁴
 - d. The subdivision of land at plot 2/14 into two separate plots for title and rights so that less of Mr and Mrs Webber's land is compulsorily acquired for the replacement PMA (CPO MOD 11).
 - e. The removal of CPO Plot 3/3 (the wall) at 25 Castle Hill following further consideration of the highway alignment and visibility requirements of the SL (CPO MOD 12). This means that there is now no residential property which would be subject to compulsory purchase.
- 3.71 NSC is clear as to how it intends to use the land it is proposing to acquire, and the requirements for each parcel of land are carefully documented in the evidence.²⁰⁵
- 3.72 In accordance with the CPO Guidance, there has been extensive and meaningful engagement with landowners, Objectors and other stakeholders in order to try and resolve issues and acquire land by agreement, where

²⁰¹ NSC-01-2 paras 4.28 and 9.29.

²⁰² As explained in NSC-01-2, para. 4.32; NSC-0222, paras. 10.1 – 10.6, INQ-24, and NSC-02-3/L; NSC-04-2, para. 4.4; NSC-06-3/E; and NSC-10-2, para. 2.3.

²⁰³ Ms Wall in EIC.

²⁰⁴ NSC-02-4. Paras. 3.1 – 3.3.

²⁰⁵ NSC-02-3/H and NSC-06-3/E.

possible.²⁰⁶ This engagement was described by Mr Ikin,²⁰⁷ and has been clear throughout the course of the Inquiry, as recognised by Mr Stone who appeared on behalf of a number of Objectors, and noted that many negotiations were well progressed and nearing completion. It is also reflected in the number of objections that have been withdrawn since the start of the Inquiry.

Footpaths and Private Means of Access

3.73 A WCH assessment and review²⁰⁸ has been undertaken in line with the Design Manual for Roads and Bridges (DMRB) guidance, to ensure that the needs of WCH users have been incorporated into the design and new opportunities have been identified.²⁰⁹

3.74 The proposed stopping up of existing footpaths and PMAs, as well as the creation of new ones, has been informed by a process of engagement with those affected, which has resulted in some minor modifications to the SRO to address concerns that have been raised.²¹⁰

PRoWs

3.75 Only one footpath (AX3/6/10) would be severed by the Scheme,²¹¹ and Mr Edwards described how the proposed diversion would provide a reasonably convenient alternative.²¹² Furthermore, as is described above, the Scheme will result in considerable improvements to the wider PRoW network, with new and improved connectivity for active travel users created by the proposed shared use paths.

3.76 The stopping up of the existing footpaths between Church Lane and Ladymead Lane and their re-provision as a bridleway has been in issue with local landowners who live and/or take access along part of this route.²¹³

3.77 A number of the written objections raised concerns about the location and extent of passing places that are proposed. When Mr Stone appeared at the Inquiry to represent those who had objected, it became apparent that the main underlying concern related to any effect that the proposal might have on existing maintenance rights and obligations for the existing stretches of track. However, Mr Ikin confirmed²¹⁴ that it would be maintainable at public expense

²⁰⁶ NSC-10-2, paras. 3.1 – 3.11, as summarised in the table at para. 3.5, which sets out the timeline of key engagement and correspondence; NSC-10-3 Appendix A and B.

²⁰⁷ Mr Ikin in EiC (Day 2).

²⁰⁸ CD4.14 and 4.23.

²⁰⁹ NSC-02-2, paras. 5.1 – 5.4.

²¹⁰ INQ-09.1.

²¹¹ NSC-02-2, para.

²¹² Mr Edwards in EiC (Day 1).

²¹³ Although two of these have now withdrawn: OBJ/32 and OBJ/39.

²¹⁴ Mr Ikin in EiC (Day 1).

and NSC would be required to maintain it to the standard of a bridleway in accordance with the type and nature of its use.²¹⁵ Clearly, any works required to accommodate a higher standard of use required for vehicular access would continue to be addressed under the existing arrangements between landowners, as would any damage caused to the bridleway as a result of that use. In short, where rights only are being taken, the Scheme will not alter the existing arrangements between landowners or impose any greater maintenance obligation than that which currently exists. Where title is being acquired, the maintenance obligations will clearly fall on NSC in their entirety.

- 3.78 Other objections regarding this stretch of the shared use path relate to the likely increase in usage, and any consequential effects that may arise from this, such as an increased likelihood of trespass or an adverse effect on privacy. This includes the objection from LJ Bale and AJ Millard.²¹⁶ In response, Mr Edwards explained that signage and fencing would be put in place to direct users along the correct route.²¹⁷ Any effect on privacy needs to be seen in the context of the fact that the shared use path would in this location be following the alignment of an existing PRoW, as Mr Edwards observed.²¹⁸ In addition, block paving is proposed here to delineate the route.²¹⁹ Moreover, any adverse effects arising from the increase in usage would have been taken into account by the LPA when granting planning permission; Mr Stone confirmed that LJ Bale and AJ Millard had objected to the planning application on this basis.²²⁰
- 3.79 Mr Stone also queried why it was necessary to provide a bridleway at all in this location. However, the rationale for the approach taken is robustly supported by the WCH Assessment Report and WCH Review,²²¹ which was based upon engagement with a variety of key stakeholders, including the British Horse Society. This consultation provided support for the proposed shared use path, which would open up new opportunities to horse-riders, whilst noting that conflicts with other users are likely to be rare given the times when different activities take place.²²² Further information on this is set out in the additional WCH note on bridleways,²²³ which explains that the need for a bridleway was identified through consultation, is not likely to result in increased conflict between users, and supports Scheme objective 3 and a number of other policy objectives.

²¹⁵ This is the effect of s. 36(2)(a) of the 1980 Act, in circumstances where this bridleway has been created by NSC through the SRO.

²¹⁶ Mr Stone (Day 3).

²¹⁷ Mr Edwards (Day 3).

²¹⁸ Mr Edwards (Day 3).

²¹⁹ INQ-23.1.

²²⁰ Mr Stone in response to a query from the Inspector.

²²¹ CD4.14 and 4.22.

²²² CD4.22, para. 3.3.2.

²²³ INQ-20, paras. 2.16 – 3.1.

PMAs

- 3.80 Ms Ball maintained that when they had bought the land in 1995 their solicitor had told them that it was not subject to any rights of way.²²⁴ However, a signed statutory declaration has also been provided by Mr R Wall who currently farms the land. It states that his family have farmed the land under an agricultural tenancy since the 1950s and have had “*full and unhindered access for all purposes and at all times*” over the track.²²⁵ Indeed, Ms Ball explained that after they purchased the land, it became clear that the track was also being used by Mr Wall to access his land. Although her evidence states that in “*more recent years*” they have locked a gate across the track, she confirmed that she would always open it when Mr Wall requested access.²²⁶ Indeed, she acknowledged that the gate was never intended to prevent access by Mr Wall, and had only been intended to keep out dog walkers. Furthermore, she accepted that it was the only means of access to the Parochial Church Council (“PCC”) land farmed by Mr Wall, which would otherwise be landlocked.²²⁷
- 3.81 It is therefore clear that:
- i. the existing access from Eastermead Lane is the only access to the PCC land;
 - ii. it has been used for access for many years, long before Ms Ball purchased the property; and
 - iii. Ms Ball has never denied or prevented access to Mr Wall or the PCC.
- 3.82 In those circumstances, it is plainly an existing PMA that should be replaced through the SRO.
- 3.83 In the event that the PMA is to be provided, Ms Ball also took issue with the proposed route across her land. However, Mr Edwards explained why the selected route was considered to be the most appropriate one.²²⁸ It was the most comparable PMA to the existing position, resulting in a similar length of access across land owned by Ms Ball and Mr Perks. It was already used as an access by them to their own land. It would utilise an existing vehicular crossing of the rhyne (drainage ditch) from Catworthy Lane, thereby avoiding the need to replace or upgrade an old crossing point further to the north, which may need to be extended by up to three times in order to accommodate the necessary swept path analysis for a tractor and trailer to turn.²²⁹ It would also avoid interfering with Mr Warburton’s use of the adjoining track that includes storage of various items,²³⁰ which Ms Ball acknowledged could give rise to security concerns.²³¹

²²⁴ Ms Ball in EiC (Day 4).

²²⁵ INQ-14.

²²⁶ Ms Ball in xx (Day 4).

²²⁷ Ms Ball in xx (Day 4).

²²⁸ Mr Edwards in response to Ms Ball (Day 4).

²²⁹ Mr Edwards in EiC (Day 4).

²³⁰ Mr Edwards in EiC (Day 4).

²³¹ Ms Ball in xx (Day 4).

- 3.84 For the first time, when giving evidence, Ms Ball also raised the issue of flooding issues over the land proposed for the new PMA. However, Mr Ikin explained that the current PMA/track also floods periodically,²³² and the subsequent note provided to the Inquiry to address this point sets out the comparative position in more detail.²³³ Ms Ball went on to acknowledge that the ground “*never gets wet enough that the rhyne floods*”.²³⁴ In practice, it is a matter that can be addressed by laying stone along the PMA and it ultimately transpired that Ms Ball’s position was that the alternative PMA was inappropriate unless it was to be covered in stone and maintained by someone else. As confirmed at the Inquiry in respect of maintenance and shown on the accommodation works plans in respect of the surfacing,²³⁵ that is precisely what is proposed.²³⁶ Therefore, it is evident that the substance of this objection has been addressed.
- 3.85 In each case, reasonably convenient PMAs are provided, in accordance with the test in section 125 of the 1980 Act.

Equalities and Human Rights considerations

- 3.86 Equality impact assessments (EqIA) were carried out when NSC made the Orders and granted planning permission for the Scheme,²³⁷ which demonstrate that it had due regard to the objectives under Public Sector Equality Duty (PSED).²³⁸ Whilst the duty to have due regard under the PSED is not a duty to achieve a particular result, the extent of work undertaken by NSC when considering the impact that the Scheme would have on persons with a protected characteristic residing at the Old Police House,²³⁹ culminating in the withdrawal of the objection from Mr and Mrs Hatherell, is a clear example of how NSC has complied with the PSED.
- 3.87 Churchill Parish Council (CPC) and a number of other objections in the surrounding villages²⁴⁰ incorrectly suggested that the EqIA that was carried out did not include an assessment of impacts in these villages.
- 3.88 An initial screening and scoping report for the EqIA was carried out in 2021 in accordance with the guidance produced by National Highways, which gathered information from various sources to identify groups of the population that may potentially be disproportionately affected by the Scheme.²⁴¹ Further

²³² Mr Ikin in response to Ms Ball (Day 4).

²³³ INQ-18, paras. 2.1 – 2.3.

²³⁴ Ms Ball in response.

²³⁵ INQ-22, J.15.

²³⁶ INQ-18, para. 3.1.

²³⁷ CD4.06, CD7.01 and CD7.05.

²³⁸ NSC-01-2, paras. 7.12 – 7.18.

²³⁹ NSC-06-5

²⁴⁰ OBJ/3, 6, 7, 11, 13, 15, 16, 29, 50.

²⁴¹ CD4.06, para. 2.4.1, Table 1 and Appendix B.

consultation was then undertaken with representatives from these protected characteristic groups (“PCGs”), such as North Somerset Disability Action Group, which included two workshops.²⁴² An EqlA questionnaire was also produced and consulted upon, which included questions specifically relating to Churchill, Sandford and Winscombe.²⁴³ Physical copies of the questionnaire were distributed to sensitive receptors, including Sandford Station Retirement Village.²⁴⁴

- 3.89 A number of sensitive receptors within the surrounding villages were also identified and considered, including Sandford Primary School, Churchill Academy, Thatcher’s Cider, Sandford Retirement Village and the Russets Care Home.²⁴⁵ Along with the other data and consultation responses, these were used to inform the assessment of the Scheme on PCGs. As Ms Wall explained,²⁴⁶ the assessment considers impacts on PCGs not individual receptors. However, it is clear that this assessment considered the potential impact on those within PCGs in the surrounding villages. For example, the improved journey times to the nearest hospital for residents of the retirement village in Sandford,²⁴⁷ and the impact of narrow pavements, traffic speeds and additional crossing points on elderly and disabled groups in the surrounding villages.²⁴⁸ This analysis fed into the assessment of impacts reported in Tables 7 and 8 of the EqlA.
- 3.90 Finally, as Ms Park explains, the EqlA process is not static, and NSC will continue to monitor equality issues and have due regard to the PSED throughout the implementation of the Scheme.²⁴⁹ This will include during the discharge of conditions relating to the Scheme, such as condition 8 which requires the submission of a speed and traffic monitoring plan,²⁵⁰ and any further measures as may then be required as a result of the monitoring, and through its detailed design.
- 3.91 In respect of human rights, there is a strong public interest in implementing the Scheme, the minimum land necessary to deliver the Scheme has been sought, and further reduced where possible by the proposed modifications and there have been full, extensive and continuing attempts to negotiate with landowners; the many instances of agreement and consequent withdrawal of objections by landowners illustrates that well. The interference with human rights that would be caused by the Scheme is justified and proportionate, especially having

²⁴² CD4.06, para. 2.2.2, as explained by Ms Wall in response to CPC (Day 6).

²⁴³ CD4.06, Appendix C, questions 1, 14, 15, 16, 30, 31 and 32.

²⁴⁴ CD4.06, paras. 2.2.2 and 2.3.2.

²⁴⁵ CD4.06, para 2.4.11 and Appendix F, fig. 2.

²⁴⁶ Ms Wall in response to CPC (Day 6).

²⁴⁷ CD2.04, para. 2.5.14.

²⁴⁸ CD2.04, paras. 2.7.4, 2.7.5, 2.7.7, 2.8.4.

²⁴⁹ NSC-01-2, paras. 7.16 and 7.18.

²⁵⁰ CD6.10, p. 7; the first part of the condition has already been discharged (CD6.12), as also explained by Mr. Pitt on Day 1.

regard to the availability of compensation.²⁵¹ As noted above, in consequence of CPO MOD12, there is now no residential property with land to be acquired under the CPOs.²⁵²

Conclusions

- 3.92 In light of the above, it is respectfully requested that it is recommended that the Orders are confirmed subject to the proposed modifications, so that the imperative need for a bypass of Banwell can finally be delivered.

4 THE CASE FOR THE SUPPORTERS

Those who appeared or were represented at the Inquiry

Build Our Bypass Campaign Group, represented by Mr S Voller (Sup – 01)

- 4.1 It's not within their remit to comment on the validity of the objections. However, this Scheme has been subject to extensive consultation; feedback where possible has been taken on-board by the planners; and, it should be no surprise to any-one that there was always the possibility of it proceeding given it's been on the drawing board since 1927.
- 4.2 The purpose of this presentation is to highlight the considerable local support for this Scheme. The Build our Bypass campaign group formed in late January to provide a voice for supporters. Over 70 people attended their action day which was covered by the local press and the BBC who described Banwell as the "*most polluted village in North Somerset*".
- 4.3 Their petition, launched two weeks before NSC's Planning & Regulatory (P&R) Committee meeting, quickly gained 722 signatures. This completely outnumbered the objections on the NSC's Planning Portal which had been available for comment for a much longer period of time. Planning approval was unanimously granted.
- 4.4 None of them want new roads but the unique features of Banwell maximise the risk and harm to children, residents and property from traffic blighting their village.
- 4.5 Banwell has a 5 way junction at which two 'A' roads meet with a choke point meaning only one vehicle can pass at a time. These unique factors create

²⁵¹ NSC-01-2, paras. 7.1 -7.10 and NSC-06-2, paras. 2.8.17 – 2.8.31.

²⁵² This therefore overtakes NSC-01-2, para. 7.6.

- congestion, queues and excessive pollution. Footpaths are narrow or non-existent and dangerous to use in the middle of Banwell.
- 4.6 Pollution, especially dangerous PM_{2.5} particulates, and excessive noise levels are harming physical and mental wellbeing – one resident describes life as a “*living hell*”.
- 4.7 Properties on several streets are less than 1 metre from the road meaning they’re frequently damaged. People have suffered injuries, as vehicles, including HGVs, mount pavements due to the restricted carriageway width.
- 4.8 Significant housing development in Banwell, Sandford, Winscombe, Churchill, Worle and Weston-super-Mare continues to increase traffic. This also includes traffic heading to and from Junction 21 of the M5 from villages to the east and south of Banwell. Banwell sits at the epicentre.
- 4.9 The local economy suffers costs from delays and the daily frustration of time spent sitting in queues. The BCR for the Scheme has been forecasted at 4.94 – very High Value for money using the Department for Transport’s Value for Money Framework.
- 4.10 Their petition submitted to the P&R Committee has support from across the local area. Here are just 2 out of 300 supporting comments: “*We drive from Sandford to Weston multiple times a day and the traffic on the hill is an absolute nightmare... it can easily add 15-20 minutes onto what should be short trips...*” and “*This bypass would make such a difference, I live in Winscombe and the bottlenecks of traffic in Banwell causes delay, frustration, pollution and safety concerns for people and property.*”
- 4.11 The Bypass, even with new housing linked to the HIF, significantly reduces traffic in Banwell - reducing delays and pollution while creating safer streets. It improves local journey times by avoiding Banwell and eliminates ‘rat runs’.
- 4.12 The overall Scheme also improves active and sustainable travel options between the villages and Weston-super-Mare. It solves a problem and creates a pathway to a better more sustainable future. It also provides the funding for long awaited traffic mitigation measures in nearby villages.
- 4.13 Given the Inquiry’s focus on the validity of the objections to some (not all) of the CPOs they felt it important to highlight to the Inquiry that many local residents see positive benefits from this long- awaited Scheme.

5. THE CASE FOR THE OBJECTORS

Those who appeared or were represented at the Inquiry

*Statutory Objectors***S Perks & P Ball (OBJ - 10)**

- 5.1 Ms P Ball appeared at the Inquiry virtually and subsequently submitted a statement (INQ-29). She set out the timeline of the purchase of the property and that her solicitor made it clear that there were no rights of way that crossed her land. Her main concern was that a permanent access would be created for the benefit of accessing land currently owned by the PCC, particularly as there is an existing track on the opposite side of the watercourse that could be utilised.
- 4.14 Ms Ball accepted that a permissive route may have been established at Eastermead Lane by allowing the crossing of one field to the benefit of the PCC / tenant farmer. Nevertheless, there is strong objection to the north – south access as it is inappropriate, impractical and unsuitable low lying land, which frequently floods, is inaccessible in wet weather and unusable at least 30% of the year. Sheep graze the route intermittently throughout the year and it is cut for organic fodder annually. It will cause ecological and agricultural damage to prime agricultural organic land.
- 4.15 Current permissive rights should not be changed to impose a permanent right of access, devaluing their land and is morally wrong. It would also potentially increase the value of the 'church grounds' which is currently land locked and the PCC should not benefit from their losses. It is unclear who would be responsible for constructing and maintaining the track in the longer term.
- 4.16 An existing ready made alternative is available in the adjacent field which is an existing stone track (locally known as a drovers track) and is at least 6ft higher than the proposed track and never floods. Furthermore, a track could be laid by culverting the watercourse which would avoid using agricultural land.
- 4.17 Ms Ball stated that she understands why NSC have designed the proposed shared use path from Eastermead Lane eastwards- even though it cuts through her farm which is currently ring fenced and secure, and potentially devalues the holding and would rather it wasn't happening, but the logic in the design is understood and it would be good for the community, so therefore there are no objections to that element.

LJ Bale & AJ Millard (OBJ – 24)

- 4.18 The Objectors were represented by Mr Stone (Greenslade Taylor Hunt) at the Inquiry. Mr Stone stated that his clients objected to the shared use path. They feel that the intensification of the current footpath being upgraded to a bridlepath will increase the number and variety of users, and this will have a health and safety impact on the users of the track as this track travels through a working farmyard with little in the way of passing places. There are also

concerns relating to security of equipment and how livestock can be safely moved between fields.

- 4.19 There are residential properties adjacent to the path, including a number of barns which are being converted to residential use. Given that path users could look into windows and gardens, the living conditions of existing and future occupiers would be impacted and property would be devalued.
- 4.20 The Council have indicated they want to lay a drain close to some existing farm buildings and this is likely to impact on the future development of the site if this takes place. This needs to be discussed. These drains will flood the highway further down the lane as that is where the stream ends.

MJ, CS & TM Weston (OBJ – 25)

- 4.21 The Objectors were represented by Mr Stone (Greenslade Taylor Hunt) at the Inquiry. The Objectors are concerned about the impact of the proposed SL on the access to their property, access to forestry plantation, plus damage that may be caused to their retaining wall, hedge and foul drainage.
- 4.22 In particular there are no arrangements on how the cesspit and soakaway will be dealt with, as they are positioned in the northwest corner of their clients' property and appear to be affected by the proposed SL. In addition, a neighbouring property also has a foul drainage connection to the cesspit.
- 4.23 The Objectors have access to Banwell Woods from the A368 and would like to ensure that access can be retained, whilst ensuring the proposed Bypass doesn't restrict the visibility or use of the entrance.

Mr N White (OBJ - 28)

- 4.24 The Objector was represented by Mr Stone (Greenslade Taylor Hunt) at the Inquiry. Mr White understands that the Scheme is necessary to resolve traffic congestion. However, the Scheme will require the purchase of the majority of his landholding, which includes several buildings and an unoccupied caravan.

Churchill Property Services Ltd, Mr M Granville and Ms M Mead (OBJ – 33)

- 4.25 The Objectors were represented by Mr Stone (Greenslade Taylor Hunt) at the Inquiry. Their primary concern relates to the fact that not enough information has been supplied to allow them to fully understand how the Scheme will affect their property.
- 4.26 Specific concerns have been raised with NSC regarding the following:

- There is a small section of land which has become severed to the north by the CPO. It has been requested that this land is acquired by NSC as the landowners will be unable to use the land.
- Clarification needs to be sought with regards to the existing access gate to the western boundary of the land which has access into land owned by Mr L Bale and will form part of the track. At a site meeting it was mentioned this is to be altered, details of the design principles need to be clarified.
- The track leading from Ladymead Lane is used by a number of vehicles on a daily basis. Clarification is required to understand the surface of the track and how this will be maintained moving forward.
- They require details of the fencing specification to ensure that the track is safely fenced in its entirety from their clients' retained land.
- They request confirmation in writing that the existing footpath running west to east being reference AX14/36/20 & AX14/36/10 routes are amended to follow the proposed cycle track / bridleway

J Gerrett (OBJ – 34)

- 4.27 The Objector was represented by Mr Stone (Greenslade Taylor Hunt) at the Inquiry. Concerns were raised that plans had only recently been received and a number of details had yet to be resolved. In particular the land in question is isolated and therefore it would be preferable if the shared use path was moved further north. There is no detail as to how water accessibility for livestock will be maintained as well as drainage into the brook. He also requires further detail on fencing to ensure livestock will not escape on to the road.

RJ & SM Millard (OBJ – 37)

- 4.28 The Objectors were represented by Mr Stone (Greenslade Taylor Hunt) at the Inquiry. Many of the Objectors' original concerns have been addressed by NSC. However, concerns remain about the drainage and that the proposed cycle and pedestrian route would be very dangerous as it immediately adjoins the wash bay to the rear of the commercial garage. In particular, the Objectors state, that vehicles manoeuvre from the wash bay directly on to the road and as such this area would be unsafe as dual purpose pedestrian/cyclist route.

JM & SE Hathway (OBJ – 41)

- 4.29 The Objectors were represented by Mr Stone (Greenslade Taylor Hunt) at the Inquiry. Specific concerns have been raised with NSC regarding the following:

- No details have been provided as to whether the shared use path will be lit using street lighting or low level lighting. They have carried out various mitigation measures at their property in the past regarding lighting due to bats in the area.
- The access point from the cycleway / bridlepath onto the road (Churchill Green) is very dangerous and there is no pavement. They have not been provided with details of how the proposed traffic calming measures may be altered on site in order to try and overcome this issue and slow the traffic along the road. Cars often travel up to 50 – 60 mph along this stretch of road.
- They have not been provided with any details of the accommodation works on the lower section of the proposed path, particularly where it severs their land. The design of the gates and the alignment of the route have not been finalised – they would prefer self-closing gates and no cattle grids. Furthermore, they will be unable to use the land as they have previously for grazing purposes given the new rights which will be acquired over the land.

S & FM Schmollmann (OBJ – 44)

- 4.30 The Objectors were represented by Mr Stone (Greenslade Taylor Hunt) at the Inquiry. Objections presented related to the location/position of the shared use path. They feel this would have a large impact on their retained property, and they have suggested an alternative route for this path to mitigate some of the impact on their property.
- 4.31 They feel the intensification of the current footpath being upgraded to a bridlepath and cycleway will increase the number and variety of users and this will be at conflict with the already busy track. It is therefore felt this is an inappropriate location. It is noted the Council have indicated passing places, but this hasn't alleviated their concerns.
- 4.32 They would also like clarification on who is responsible for the up keep of the track and keeping the surface in a suitable condition for cyclists. Also there are concerns regarding drainage on the track.

Non Statutory Objectors

Churchill Parish Council (CPC)(OBJ 09)

- 4.33 CPC fully recognises that like many other villages throughout the UK Banwell needs a solution to the peak period traffic congestion.
- 4.34 There appears to be a fundamental issue which needs clarification. Namely the 'The Economic Needs and Benefits'.

- a) There has been much mention of the 'Scheme' meaning 'Bypass only', and of 'the Scheme with the HIF'.
- b) They have heard during this Inquiry and read many statements that the Scheme is 'essential for enabling the delivery of the housing'.
- c) They were surprised to hear in Autumn 2022 that NSC's position regarding provision of mitigation for the surrounding villages, would be assessed only on the traffic modelling as a result of the Bypass 'Scheme' and not on the project as a whole i.e. to include the dependent housing. The Banwell Bypass Team appeared to understand their concerns initially but as engagement progressed it became clear that it was not within the team's remit to mitigate against the increased traffic generated by the dependent housing developments. This is confirmed by Mr Spencer's assertion in his Consideration of Objections NSC-03-2, 4a page 92 that, *"It is neither the intention nor the responsibility of the 'Scheme' to provide mitigation for the impacts of the HIF development. This will be considered – note only 'considered' – through the development of the Local Plan and the design details of the HIF development"*.
- d) At their recent meeting with Burgess Salmon, Mr Solomon made the position even clearer when he stated that it is not fair for NSC to have to pay for mitigation measures for which developers should pay.
- e) Their reasoning for disagreement on this important issue is as follows:
 - i. The 'Scheme' is being funded primarily by HIF to enable the housing development and not simply the relief of traffic congestion in the village of Banwell. They have also heard that the housing could not go ahead without 'the Scheme'.
 - ii. At the outset NSC agreed to cover all overspend which has risen to the current estimation of £24m towards which, NSC recently agreed a contribution of £11.9m whilst seeking the remainder from the HIF.
 - iii. Much of NSC's contribution is intended to be raised mainly through 'CIL contributions' from Developers and 'borrowing' as detailed in the report to North Somerset Councillors for this purpose.
- f) If CIL contributions for the housing are to be used for the purpose of building the Bypass only, from where will the 'funding' come to mitigate the impact of the currently acknowledged severe increase in traffic as a direct result of the Scheme with the 2,800 enabled houses, in villages 2-3 miles away.
- g) This would appear to prove if indeed proof is needed, that the Banwell Bypass Scheme and the housing to be enabled by the 'Scheme' and

funded by the same budget (the HIF), with NSC's CIL fund receipts from developers, are inextricably linked. Thus, in terms of the modelling for assessing necessary mitigation and future-proofing for the surrounding villages which will be so adversely impacted, should not the traffic flows for the whole project (the Scheme with the houses) be used to inform mitigation measures and not the current 'Scheme only' values, if the 'Scheme' is to be in the public interest?

- h) CPC feels that the current mitigation for their village is not sufficient to meet the immediate requirements at the opening of the Bypass and certainly insufficient for the additional housing.
 - i) The current proposal for 'Scheme only' clearly abdicates all responsibility for the negative impact of the dependent housing enabled by the 'Scheme' on the neighbouring villages.
 - j) They were unable to find an overall assessment of the balance of local benefits and disbenefits of the Bypass together with its associated extra traffic-load produced directly by the extra houses upon which the Bypass depends. Could they have missed something here?
 - k) They have not been able to locate a feasibility study on the potential capacity of the primary route component of the A368 with particular reference to the extra traffic anticipated from the obligatory houses. Could they have missed this too? Such an evaluation, if it were available, could be helpful to determine the feasibility of mitigation against the traffic increases with the planned HIF development.
 - l) They draw your attention to Mr Spencer's report NSC-03-2 paragraph 2.172 "*... The existing road is already unattractive to cyclists and horse-riders, and has no continuous footways beyond the location of the proposed route, so it not suitable for pedestrians. Increased traffic flows would therefore make this route more unattractive*".
- 4.35 CPC's more detailed mitigation concerns arise from its full and constructive engagement with the Banwell Bypass team to ensure that sufficient traffic mitigation measures are put in place as an intrinsic part of the whole Banwell Bypass 'project', (meaning the Bypass Scheme including the dependent housing development).
- 4.36 NSC provides a detailed account in NSC-03-2 [Traffic, Transport & Economics, Proof of Evidence] that draws on traffic models to illustrate impacts of the planned Scheme and the HIF development. In this report they learn the two-way traffic flow on the A368 West of A38 (Churchill), is approximately 9,000 (9,196) vehicles for the 2018 baseline [para 2.9] and, as a result of the Scheme, traffic flows will increase as vehicles reroute to make use of the Scheme from 2024.

- 4.37 Two-way annual average daily traffic (AADT) on the A368 [west of A38] is forecast (para 2.92) to increase by approximately 1,400 (1441) vehicles (+15%) to 11,000 vehicles per day (11,064) in 2024. There is expected to be a similar increase in the journey times between Churchill and the neighbouring village (Churchill to Towerhead on the A368). Without the Bypass Scheme however, the traffic increase is forecast (para 2.10) to be only 4 - 5% by 2024.
- 4.38 Jumping to a Summary [NSC-03-1, Traffic, Transport & Economics, Summary] (5.12) *"The Scheme proposes measures on the A371, A368 and local road network in Sandford, Churchill and Winscombe to mitigate the impacts of the additional traffic that would use these routes as a result of the Banwell Bypass and Southern Link."* The report goes on (para 5.13) *"the wider mitigation measures proposed, including junction improvements at the A371 Knightcott Road/Summer Lane, A368/A38 Churchill Gate and A371/Banwell Road junction, are sufficient to mitigate the traffic impacts of the Scheme."*
- 4.39 It is not clear to them what *"sufficient to mitigate the traffic impacts"* means. However, this might become clearer with answers to some questions that come later. They now look at some proposed mitigation measures (2.155, NSC-03-2) in Table 1, Appendix D (NSC-03-3/D). Extracts are as follows: Lower the speed limit to 20mph on the A368 through Churchill from The Drive until Churchill Junction. Lower the speed limit to 30mph on the A368 from Sandford heading towards Churchill until The Drive. And at transitions when entering 20mph areas from higher speeds roads.
- 4.40 The descriptions in Table 1, Appendix D, suggest that speed limits will be reduced (20 or 30 mph) from the Parish boundary, west of Pye Cottage, to Churchill junction (A38) which covers the entrance to the parish and Hilliers Lane junction and a distance of about 1.2 km (1.175). This description, however, exaggerates the extent to which speed reductions are now planned. In effect, the descriptions in Table 1 represent the initial plans after the consultations but are not where they ended up.
- 4.41 As they understand, the current mitigation plans are shown on sheets 4,5,and 6 CD4.02 General Arrangement Drawings - Banwell Bypass & Southern Link and Wider Network Mitigation. They can see that speed reduction to either 20 or 30 mph is only planned along 40% of that described in Table 1, Appendix D (NSC-03-3), and the Hilliers Lane junction is not covered.
- 4.42 The disparities between the descriptions in Table 1 and the current plans [CD4.02 General Arrangement Drawings - Banwell Bypass & Southern Link and Wider Network Mitigation] may have been misleading. These are quite specific descriptions that perhaps led others to believe this is what is planned. These were also the descriptions that the Banwell Bypass team presented to CPC after the first round of consultations in 2021. Even the NSC head of planning stated: *"There will be a 20 mph limit from where the Bypass joins the A368 through to Churchill traffic lights at the A38."* This was at the meeting that decided the planning application for the Scheme in 2022, and he was not

corrected at the time.

- 4.43 Questions that they have on this are: a. Which mitigation measures does NSC have in mind when it stated in the summary (NSC-03-1, para 5.13) that the mitigation measures were sufficient? b) Why has there been such a reduction in the stretches of the A368 in Churchill where the speeds are lowered? c) What tests were used to ensure the reduced areas for lower speeds were in the public interest?
- 4.44 CPC received an email from the Banwell Bypass team (17 July, 2023) to say they would also consider decreasing speed restriction from 40 mph to 30 mph on an additional 250 m of the A368. The total road length with lower speeds however would still only be about 65% of initial plans shown in Table 1, Appendix D. This revised proposal would be better than the current plan as it provides a 30 mph transition, from a road of higher speed, before the 20 mph and the junction at The Drive; but remains problematic as it does not include the junction at Hilliers Lane and the bus stop. Why cannot the reduced speeds be introduced at the parish boundary and before the school hotspot at Hilliers Lane junction.
- 4.45 The consultations for the Banwell Bypass Scheme revealed that traffic speed, safety and congestion were major concerns of residents. There would be considerable support among residents for the statements given in the report (2.152) *“including reduced speed limits and traffic calming features supports compliance with new speed limits. Speed management can improve road safety, including for vulnerable road users (i.e. mainly walkers and those with a disability), influence drivers’ routing, including avoidance of inappropriate routes such as rat-runs, and reduce environmental impacts (e.g. road noise)”*. Further it says (2.167) in setting local speed limits *“as a general rule for every 1 mph reduction in average speed, collision frequency reduces by around 5%”*. In addition, (2.168) *“The sensitivity tests demonstrate that traffic flows through Winscombe, Sandford and Churchill would be lower with the reduced speed limits in place, further mitigating the impacts of the Scheme”*.
- 4.46 Further consideration of pedestrians is relevant here. The report states (2.20) in total there were 195 collisions recorded within the five-year period of which 117 (60%) collisions involved vulnerable road users. Recently, there have been three accidents close to the junction of The Drive, one of which required attendance of the air ambulance. This area of Churchill, around the A368, has a greater proportion of residents of senior age, compared to the national average, and pedestrian safety is a major concern. Several residents are prisoners in their homes due to traffic speed and volume along the A368, a road where they “once played marbles”.
- 4.47 The two-way daily traffic flow “on the A368 west of A38 is forecast (2.92) as a result of the Scheme in 2024 to increase by 15% or “approximately one to two additional vehicles per minute in each direction in the AM peak hour and two to three additional vehicles per minute in each direction in the PM peak hour.”

They found it puzzling that the increase was expressed per minute and increased flow in one direction, as this seems to minimise the incremental rise.

- 4.48 If they take the mean of AM and PM peak hours this increase is equivalent to approximately two additional vehicles per minute in each direction, or an extra 4 vehicles per minute. It still does not sound much but it suggests that with the Scheme, traffic in both directions increases from 27 to 31 vehicles per minute. It is a reasonable assumption that it may take the average person 5 seconds to cross a 5 m road; during which time 2.6 cars will have passed. This suggests crossing the road will be hazardous, more so for an older person or an adult with a young child. Further, it will become more risky where traffic flow is 'smooth rather than pulsing or of intermittent flow'. Of course, the same applies to drivers of cars pulling out at junctions such as Hilliers Lane and The Drive.
- 4.49 A further concern they have is on the dynamics of traffic flow and whether the evaluation and modelling effectively account for the traffic flows to and from the significant institutions in the village. These include a primary school of 350 pupils, a large rural secondary school of 1,600 pupils, a large university department of c. 600 students and staff, and an additional school is planned. Traffic congestion during opening and closing times during term times is considerable, and they are not well described by a peak of traffic at 5-6 pm as used in the model.
- 4.50 The report continues (para 2.174) "*on the A368, the crossing and reductions in speed limits are proposed to improve the safety of users in this location, in response to the existing vehicle speeds and forecast increase in traffic flows (the details of which are subject to agreement with the Council in accordance with the relevant planning condition.*" They presumed here that the proposed crossing point is not at Hilliers Lane, where one is certainly needed, as this is not shown on the plans.
- 4.51 Questions they have on the above are :
- a) It was not clear to them how NSC / the modelling study took account of pedestrian safety where: i) Many roads have no pavements and are bounded by stone walls. ii) Traffic flows are smoothed out rather than pulsing or being intermittent as they are at present due to the removal of pinch points and congestion in the Scheme, and how was this accounted for in the evaluation?
 - b) How well does AADT values and the use of peak flows of between 08:00 and 09:00 and between 17:00 and 18:00 (para 2.51) fit the circumstances around Churchill?
 - c) How did NSC identify priority areas for mitigation to ensure that measures were adequate at the point of Scheme opening in 2024?
 - d) There appears to be some confusion between mitigation measures as

described in Table 1 and those shown in planned detail. Which versions are correct in terms of cost?

- e) It has been demonstrated how the mitigation measures have been reduced for Churchill and the surrounding villages as the plans developed and project costs increased. If as they understand it, this is due to financial constraints, it does beg the question of financial viability of the Scheme as proposed and of the further mitigation measures that will be needed due to the impact of the linked 2,800 houses.

- 4.52 It seems likely there will be winners and losers from this Scheme, which could be seen in the form of a balance sheet, but they did not find such analysis. They suggest that the plans do not sufficiently mitigate the impacts of the increased traffic within Churchill either in terms of road safety for pedestrians or cyclists, or of traffic congestion. Sufficient mitigation may be achieved with reduced speed limits on the A368 from the entrance to the parish as described in Table 1, Appendix D (NSC-03-3), and with road crossing points to provide greater safety as described in 2.174. Unfortunately, the current plans do not appear to match these descriptions.
- 4.53 Beyond Scheme opening, 2024, and the HIF development by 2039, the traffic flows (para 2.108) on the A368 to the east increase significantly as a result of the expected attractiveness of the Scheme, to 13,000 (13,121) vehicles a day or 43% more than the baseline.
- 4.54 They consider that the impacts of increased traffic due to the Scheme are not sufficiently mitigated by its opening in 2024 and, therefore, beyond that date, with greater than 40% more traffic by 2039, sufficient mitigation appears to be only a remote possibility with little chance of being achieved.
- 4.55 Mitigation measures include the footpath between Ladymead Lane and Church Lane. The parish council is mindful of the objections made by Mr Bale and Ms Millard and represented on 19 July by Mr Stone. They would like to add what they hope will be helpful comments.
- a) Mr Stone presented the numerous problems and constraints that their objection rightly highlighted. Can the parish council be absolutely clear, the primary objective of this mitigation measure is to provide a safe route to school. Whilst recognising the attractiveness of the proposed route to horse riders and cyclists, they suggest that the proposed bridleway/cycleway may risk derailing the proposed changes altogether for its delightfully over-ambitious plan. May they suggest that it is extremely unlikely now or in the future that the students will ride a horse to achieve their objective!
 - b) To move this along may they respectfully suggest that a simple, cheaper solution be considered, to improve the surface of the existing route to

enable walking during the wet winter months which would make the route shorter and more attractive to students to use.

- c) There remains mitigation for the safety of the children living on the new housing estates close to Churchill traffic lights south of the A38 and the recently approved further 68 houses south of the A368 accessing Churchill Academy.
- d) There is poor upkeep of the narrow (in places less than 1m wide) pavement on the Dinghurst Road between Churchill traffic lights and the Nelson pub which is well used by Academy school children and where a child on this pavement was injured by the wing mirror of a passing car. The width of this pavement becomes even narrower due to the exuberant vegetation both from the hedge and at ground level. If this cannot be maintained now due to financial constraints, for the safety of the children, those walking with a push chair and small child, or those with a disability using a wheelchair or mobility scooter, they are anxious of what will happen in the future.
- e) There is much mention of future proofing in terms of enabling walking cycling and horse riding for the young and fit, but little to address the safety of older residents or those with disabilities in their rural villages, which lack pavements in many parts and firm ground upon which to walk or use mobility scooters or wheelchairs.
- f) They draw our attention to the recent and sudden loss in June of their much used post box in the middle of Front Street. This was removed due to being on the private land of the Post Office that closed. Despite an appeal by CPC, they heard last week that Royal Mail remain adamant that residents such as those from the Cottage Homes in Front Street can use the post box on Greenhill Road in Sandford near the entrance to the Ski Centre which means having to cross over the A368.
- g) With no pedestrian crossing by the Hilliers Lane bus stop, a 40mph speed limit and increased traffic as detailed in the documentation, is the Bypass team able to confirm that this represents a safe route for the elderly or those with pushchairs and young children or wheelchair/mobility scooter users wishing to simply post a letter or indeed younger people accessing the Ski Centre?
- h) They note Ms Park's email to them of 17 July in which she says, "The wider Council are also looking at improving pedestrian crossing facilities in this area to be decided at a future date". Though this statement is obviously welcome, with respect, it is what some might call 'nebulous' and 'unrealistic' in today's financially strapped Local Authorities where even small extra signage simply to warn drivers of elderly people near sheltered housing is pushed onto cash-strapped Parish Councils to fund. The pedestrian crossing by the bus stop by Hilliers Lane is needed as a direct

result of the increased traffic along the A368 due to the 'Scheme' and the housing.

- i) They were given to understand from Ms Devereux at their meeting with Mr Solomon, that the reasoning behind the reluctance to grant a 20mph zone was that the Police would not police it. Their research proves otherwise. They have an email from the Police clearly indicating that they would have no objection to a 20mph zone on that stretch of the A368.

4.56 To conclude, CPC recognises the immense amount of work that has been done to seek justification for the Bypass in terms of establishing public interest. However, it regrets that it must stand by its objections made in its submission of 21 November 2022. It has particularly major concerns regarding the Economic needs and benefits. It feels that the funding of the Scheme without funding the necessary measures needed to mitigate against the acknowledged major increase in traffic as a result of the Bypass and with the enabled housing, 'the project' is falling short and with it the safety, health and wellbeing of Churchill residents.

- a) In its bid to engage and move the project on in terms of the wider public interest, CPC has consistently requested the following to mitigate against the acknowledged disbenefits of the Scheme and the dependent housing to residents of Churchill parish and the surrounding villages – it is not a lot:
 - b) Bearing in mind Mr Spencer's acknowledgement that the A368 in Churchill is not suitable for pedestrians, (but pedestrians there are, living along that stretch of the Dinghurst Road) the proposed village gateway to be placed by the village boundary sign on the A368 west of Hilliers Lane where there is adequate room on both sides of the road.
 - c) A pedestrian crossing by the bus stop on the A368 at the end of Hilliers Lane as part of the Scheme.
 - d) 20mph speed limit from the village gateway west of Hilliers Lane with electronic Speed Indicator Device (SID) (or better still Automatic Number Plate Recognition (ANPR) cameras as have been installed in rural Suffolk) through to Churchill Gate (traffic lights).
 - e) 20mph speed limit from the start of the very narrow Sandmead Road through Churchill Green to avoid rat running causing increased traffic in Front Street where there are no pavements and which is heavily used by pedestrians both elderly and school children, cyclists and horse-riders.

4.57 The proposal as it currently stands abdicates responsibility for mitigation of the severe impact not only on Churchill but also on the surrounding villages, of the inextricably linked housing. The mitigation measures proposed are insufficient

for both the Scheme and the houses.

- 4.58 CPC is clear, it is not trying to derail a solution being found for Banwell's traffic flow issues. They wish for nothing more than to get it right now, with the necessary mitigation measures for the Scheme Scheme and the dependent housing to be firmly in the proposal for residents in Churchill and the surrounding villages (with whom there are statements of common ground). If these cannot be included due to financial constraints, doubt has to be cast on the Scheme's financial viability and whether it can be justified as being in the public interest.

Mr G Warner (OBJ-58)

- 4.59 He is the resident /owner of a property at Riverside. His home, should approval be given by the Inquiry Inspector, will be significantly affected by the proposed route of the new Banwell Bypass. He wishes to point out that he is in full support of the fact that Banwell needs a bypass, however, it is the planned routing, so close to his property, which causes great concern. In fact, his property will be the closest occupied dwelling to the Bypass.
- 4.60 The land to the side and rear of his property is currently agricultural land, but the Bypass will impose a large bridge, an imposing 7 metre high structure, more or less at the end of his garden. Furthermore, vehicles using the bridge will be able to look straight into his garden. As such other options should be considered.
- 4.61 Whilst it is accepted that NSC will provide mitigation planting to screen the bridge, the ES points out that there will be significant visual impact and this will remain so until year 15. Moreover, there will be an increase in noise, both during construction and operation, as well as increase in vibration during construction. NSC mention the existing mature popular trees as providing screening, but this would only be the case during summer months as they are deciduous.
- 4.62 He has previously discussed the safeguarded route and that this may be a better option. However, he now considers that this would simply move the impact of the Bypass elsewhere. Nonetheless, there is another option where the Bypass is pushed further north and would use the proposed service road. The bridge would be located away from people and historic features, such as the Orchard, but could utilise other existing elements of the proposed design.
- 4.63 Overall, the effect of granting the CPO will be that the new Bypass will pass within 25 metres of his home. Specifically, these are the issues which will affect him once the road is operational, notwithstanding the noise impact and disruption he can expect during construction. The Scheme should not focus on places and profits but on people.

6 RELATED WRITTEN STATUTORY AND NON-STATUTORY SUPPORTERS

Thatchers Cider Company Ltd (SUP-02)

- 6.1 Thatchers Cider is a family business based in the village of Sandford (next door to the village of Banwell) and currently diverts inward and outward-bound traffic through Sandford to Churchill. If the Bypass were to be built, this would allow all vehicles coming to and from site to have a more suitable route to the motorway.
- 6.2 The Banwell Bypass will reduce traffic through the village of Banwell by 70% in its opening year. In removing this busy pinch point on the road network, it will greatly improve access between Weston-super-Mare and the A38 for both commercial and domestic vehicles.

Banwell Parish Council (Sup-03)

- 6.3 Banwell has for many years experienced increasing levels of congestion and the need for a bypass has been talked about for almost 100 years.
- 6.4 The Bypass will improve the health and wellbeing of its residents in a variety of ways:
- Firstly, by removing the vehicles that currently get stuck throughout the village, engines running, especially outside their school, polluting the air which they understand has resulted in an increase in asthma cases.
 - Secondly by removing those larger vehicles that are frequently driven onto the pavements in order to pass each other, endangering pedestrians, and damaging buildings. They have had numerous reports of pedestrians being struck simply walking on their narrow pavement and many near misses which have been reported particularly on the zebra crossing by the school.
 - The planned increase of active travel routes will encourage villagers to walk, run, cycle and ride.
- 6.5 From the beginning of this Project, they have worked with NSC and the Bypass Team in order to get the best possible result for the village. They have engaged fully with the consultations and even though they still have some concerns, over potential outcomes, they feel they have been listened to.
- 6.6 They always knew that a bypass would eventually precipitate housing, probably to the north of the village, given the physical constraints of North Somerset. However, they also knew that this housing was likely to come even

if there was no bypass. They did not want to see unplanned development exacerbate their current congestion chaos, therefore they welcomed the Bypass from the outset.

- 6.7 Throughout this process they have been aware of local opposition to the development but for the most part this did not come from within their village. Where it did, residents were unsure about elements of the Scheme but not to the Bypass as a whole.
- 6.8 Therefore, on behalf of the Parish Council and their parishioner's, they can confidently give their full support to this Application.

7 RELATED WRITTEN STATUTORY AND NON-STATUTORY OBJECTIONS

(summary taken from the 'Statement of matters agreed / issued to be discussed')

L Hockey (OBJ-01)

- 7.1 Their Statutory Objection relates to the:

- Provision, positioning, width and use of a shared use path between A368 and Churchill Green. It is considered, in particular, that the width of the path is very wide and should be 3 metres. Positioning of gates is also an issue.
- Provision and maintenance of fencing to eastern and western boundaries.
- Extent of land to be acquired for the Scheme.
- Necessity for the proposed bridleway upgrade.
- Construction impacts (specifically the ability to access land during construction and storage of materials).
- Responsibility for maintenance of stopped routes and access points.
- Requirement that lights are animal and vandal safe.

M Pickersgill; N Carson; P Hemming; Winscombe Traffic Action Group; L Enser; J Nicholas; G McDowell; J Anderson and M Hearne (OBJ 03, 06, 07, 11, 13, 15, 16, 29, 50)

- 7.2 These non-statutory Objectors raised a number of similar points:

- Acceptability of the Scheme in the AONB.
- Effectiveness of improvements to the local network to the villages of Churchill, Winscombe and Sandford.
- The accuracy of the Council's traffic forecasts and the assessment of the traffic benefits of the Scheme.

- The impact of noise pollution from the Scheme.
- Scheme funding.
- Conflict of interest issues with the Council as both promoter and local planning authority.
- Equality related impacts beyond land acquisition.

P L Curry (OBJ-04) & P Cannon (OBJ 05)

7.3 Their Statutory Objection relates to the:

- Provision, positioning, width and use of a shared use path between the A368 and Churchill Green. It is considered, in particular, that the width of the path is very wide and should be 3 metres. Positioning of gates is also an issue.
- Provision and maintenance of fencing to eastern and western boundaries.
- Extent of land to be acquired for the Scheme.
- Necessity for the proposed bridleway upgrade.
- Construction impacts (specifically the ability to access land during construction and storage of materials).
- Responsibility for maintenance of stopped routes and access points.
- Requirement that lights are animal and vandal safe.

P Van der Mark (non-statutory OBJ-08)

- 7.4 He is not in principle opposed to building a bypass road at Banwell in order to relieve the resident population from their present problems with motor vehicle traffic. He is, however, opposed to seeing the Banwell traffic problems being merely made to migrate to further outlying villages in an eastward direction, i.e. Sandford, Churchill and Winscombe. This looks likely to happen as a result of incomplete and/or incompetent design of the Bypass with respect to its functioning in the wider area of North Somerset.
- 7.5 What in his international experience with road plans is missing, is a comprehensive North Somerset traffic masterplan that shows the history of the problems at Banwell, the reason why after almost a century of apparent acceptance this situation needs to be remedied now, the various alternative designs considered to do that job, with costings for each of the alternatives, and the reason why the selected alternative was deemed the most suitable.
- 7.6 At the moment the main issue that appears to be the driving power behind the plans is the development of a large new residential area called Wolverhill Village. The presented Bypass plan will suitably connect that development to Weston-super-Mare, but that is about it. Strangely enough a direct connection from the Bypass with the M5 is not foreseen; certainly when looking at the

location of Wolverhill Village on top of that motorway. The result of that omission looks likely to be a substantial addition to the presently already strongly increasing traffic through the area between the A370 and the A38.

- 7.7 The Bypass as presently shown is in fact merely the western half of a capable cross-link between the above mentioned A-roads: going further east, non-suitable A368 and A371 country roads are used as at present to bring traffic onward to the A38 and beyond. He is not at all sure that this has been suitably considered in the planning: it doesn't look like it.
- 7.8 The result will be that all three earlier mentioned villages will have to deal with a substantial increase in Weston - Wells and Weston - Bath traffic. Notably Winscombe, due to an old railway viaduct across the A371 and the layout of this road through the village, is likely to see very similar traffic snarl-ups as is at present the case at Banwell.
- 7.9 The presented plan furthermore is virtually entirely car-based. Suitable public transport and safe motor-traffic free alternative modes of private transport, notably the bicycle, do not appear in such a way that it looks like a well-considered potential alternative to using the car. This is a sorely missed chance in the light of climate and travel safety issues.

A & V Webber (OBJ-12)

- 7.10 Their Statutory Objection relates to the:
- Size and location of the proposed replacement football pitches.
 - Possible disruption to agricultural use of the land resulting from the access route to the replacement football pitches
 - Adequacy of the consultation of the replacement football pitches.
 - The impact of loss of land on agricultural business.

D Jones; B Jones; M Jones; and P Osmond (OBJ-17)

- 7.11 Their Statutory Objection relates to the:
- Valuation / compensation for land

J Anderson (OBJ-29)

- 7.12 Their non-statutory objection relates to:
- Acceptability of the Scheme to the side of the AONB and its extending impact on the AONB.
 - The Council's traffic forecasts and impact on Churchill, Sandford and

Winscombe.

- The impact of noise pollution and air pollution on surrounding villages.
- Scheme funding.

R Jones (OBJ-30)

7.13 Their Statutory Objection relates to:

- Whether sufficient information has been supplied to enable the Objector to understand the impact of the CPO on their property.
- The exit of the footpath/bridleway onto the public highway.
- The location of the proposed passing bays.
- Maintenance arrangements for the ProW.
- Impact of the bridleway on future development of retained land.

M Preston (OBJ-31)

7.14 Their Statutory Objection relates to:

- Whether sufficient information has been supplied to enable the Objector to understand the impact of the CPO on their property.
- The exit of the footpath/bridleway onto the public highway.
- The location of the proposed passing bays.
- Maintenance arrangements for the PROW.
- Impact of the bridleway on future development of retained land.

R Warburton (OBJ-36)

7.15 Their Statutory Objection relates to:

- Whether sufficient information has been supplied to enable the Objector to understand the impact of the CPO on their property.
- Adequacy of the accommodation works.
- Adequacy of culverts for the proposed gates and the gates should allow the manoeuvrability of farm equipment.
- Impacts on horse grazing, in particular that gates should be able to close of the shared use path to allow for the movement of animals.

National Grid Electricity Distribution (OBJ-45).

7.16 This Statutory Objection relates to:

- Statutory undertaker – discussions ongoing in relation to asset protection.

Bristol Water (OBJ – 46)

7.17 This Statutory Objection relates to:

- Statutory undertaker – discussions ongoing in relation to asset protection.

M Richmond (OBJ-47)

7.18 Their Statutory Objection relates to:

- The safety of the proposed works and mixed use of Church Lane.
- Interference with private rights over plots 4/9, 4/4 and 4/5.
- Congestion on Church Lane.
- Adequacy of the Transport Assessment conducted on Church Lane.
- Whether sufficient information has been supplied to enable the Objector to understand the impact of the CPO on their property.
- Whether the Order is in the public interest.

R Waycott (OBJ – 48)

7.19 Their Statutory Objection relates to:

- Status of the shared access of the plot onto Knightcott Road.
- Impacts on the Objector's business as a result of the stopping up of Knightcott Road.
- The removal of the westbound bus stop on Knightcott Road.

Aquila Capital (New Banwell Solar Ltd) (OBJ-51)

7.20 Their Statutory Objection relates to:

- Ring fencing.
- Access restrictions as a result of the shared use path location on the current access and stopping up of Eastermead Lane.
- Health and safety issues associated with flooding and high electric voltage equipment in proximity to the shared use path.
- The loss of a wildlife corridor, agricultural land and biodiversity.
- The loss of parking and turning space.
- Adequacy of the consultation.

Vistry Group (OBJ – 52)

7.21 Their non-statutory Objection relates to:

- Whether the Summer Lane junction will support the objective of delivering housing development.
- Adequacy of the Transport Assessment.

S Slipper (OBJ-53)

7.22 Their Statutory Objection relates to:

- Loss of the Objector's stable yard and paddock at Moor Lane.
- Removal of 9 mature popular trees.
- Adequacy of the consultation.

J & J Swaine (OBJ-54)

7.23 Their Statutory Objection relates to:

- Traffic on Moor Lane.
- Impacts on agricultural use of the land.
- Biodiversity and the natural environment.
- Impacts on the above ground drainage system.
- Adequacy of the consultation.

Summer Lane Caravan Park Company Ltd (OBJ-55)

7.24 Their Statutory Objection relates to:

- The impact of the construction compound on the Summer Lane Caravan Park business.
- Disturbance to the Summer Lane Caravan Park business.

National Grid Electricity Distribution (OBJ-56).

7.25 This Statutory Objection, made in relation to CPO2 only, relates to:

- Statutory undertaker – discussions ongoing in relation to asset protection.

8 NSC REBUTTAL

- 8.1 All of the objections that have been received are comprehensively addressed in the written evidence that has been provided to the Inquiry on behalf of NSC, as summarised in the note provided to the Inquiry.²⁵³ However, additional details are provided below regarding the objections of those who attended and gave evidence at the Inquiry. A large number of these were represented by Greenslade Taylor Hunt, for whom Mr Stone appeared to speak at the Inquiry. Since his appearance, 13 of these objections have been withdrawn.²⁵⁴ Therefore, only the remaining objections are addressed below.

Grahame Warner (OBJ/58)

- 8.2 Mr Warner did not submit an objection to any of the Orders. A late representation was submitted on the 20 June 2023, although this was not received by NSC until the first week of the Inquiry. Nevertheless, NSC provided a comprehensive response to the issues raised in Mr Warner's representation.²⁵⁵
- 8.3 When he attended the Inquiry, Mr Warner confirmed that he had acquired his property ("the Willows") in April 2023²⁵⁶ in full knowledge that planning permission had already been granted for the Scheme.²⁵⁷ He explained that he had decided to proceed because it was "*not a done deal*" while the CPO was outstanding. However, he also confirmed that he knew that the Orders could be confirmed, and that he was aware of the likely impacts that the Scheme would have on the Willows when he decided to buy it.²⁵⁸
- 8.4 Mr Warner also confirmed that he had been persuaded by NSC's rebuttal, which he considered to be "*sound*", and no longer considered that the safeguarded route represented a better alternative now that he was more well-informed.²⁵⁹ Instead, he suggested that there may be a further alternative, which he described as a hybrid of Northern Route 2. Although Mr Warner recognised that it was "*quite unfair*" for him to be introducing this further alternative at the eleventh hour,²⁶⁰ Mr Edwards explained that it had in fact

²⁵³ INQ-26.

²⁵⁴ OBJ/18, 19, 20, 21, 22, 23, 26, 27, 32, 38, 39, 43. In addition, a withdrawal from Mr Warburton (OBJ/36) is expected imminently. Terms have been agreed and are awaiting signature from NSC.

²⁵⁵ INQ-12 and 12.1.

²⁵⁶ Contrary to the more cautious assumption made in INQ-12, which had assumed a purchase date of around October 2022 based on Land Registry details.

²⁵⁷ Mr Warner in xx (Day 4).

²⁵⁸ Mr Warner in xx (Day 4).

²⁵⁹ Mr Warner in EiC (Day 4).

²⁶⁰ Well after the expiry of the period specified in the alternative route direction made by the Secretary of State.

been subject to previous consideration as an alternative,²⁶¹ following which it was discounted. A further update has now also been provided to the Inquiry, which provides additional details in response to this late suggestion.²⁶²

- 8.5 The visual effects of the Scheme on The Willows would be mitigated by planting, as shown in the CEMP and LEMP and the Section appended to the rebuttal.²⁶³ Although the precise details of this planting will be subject to detailed design, Ms Wall provided a further note to explain the principles that will underpin it and allow for a variety of larger trees to be planted from the outset.²⁶⁴
- 8.6 There is no doubt that Mr Warner's property will be affected by the Scheme. However, these effects were considered and found acceptable when planning permission was granted for the Scheme. Mr Warner came to the Willows with his eyes wide open as to what was planned, and the mitigation that is already proposed does all that can reasonably be done to effectively reduce any adverse effects. Indeed, he fairly accepted that he was not suggesting that any alternative mitigation should be provided.²⁶⁵ Although he would prefer the alignment of the Bypass to be moved further north, that would result in more adverse effects overall and impacts on other people, which led to this option being discounted when it was originally considered.

Churchill Parish Council (OBJ/9)

- 8.7 CPC did not provide a proof of evidence and confirmed that they would simply speak to their original objection letter. When CPC attended the Inquiry, the points they raised expanded considerably. However, none of these points advanced their objection any further.
- 8.8 Ms Murray, on behalf of CPC, recognised that Banwell needs a solution to its traffic problem.²⁶⁶ Although she was not prepared to accept that a bypass of Banwell was the only solution, she confirmed that she was not suggesting any other alternatives.²⁶⁷ As already set out above, detailed consideration has been given over many years to what should be done to alleviate traffic congestion through Banwell, which has included the appraisal of a series of other alternatives and their comparative merits. The decision to proceed with the Scheme, including its design and proposed mitigation, has been arrived at considering all options and their effects in the wider public interest. This contrasts with CPC's approach which was entirely focused on the potential benefits or adverse effects for Churchill residents *in isolation*. This was confirmed by Ms Murray's suggestion that there would be no positive benefits

²⁶¹ As discussed above.

²⁶² INQ-12 and INQ-12.1.

²⁶³ INQ-12.1.

²⁶⁴ INQ-15.

²⁶⁵ Mr Warner in xx (Day 4).

²⁶⁶ Ms Murray in xx (Day 6).

²⁶⁷ Ms Murray in xx (Day 6).

“other than for a few horse riders”.²⁶⁸ Whilst it is understandable that CPC’s primary focus would be on the residents of Churchill, these cannot be considered in a vacuum. The question of whether there is a compelling case in the public interest, rightly requires consideration of the whole picture and the wider public interest.

- 8.9 Many of the points raised by CPC are points that have already been considered and addressed by the LPA when it decided to grant planning permission for the Scheme. Ms Murray and Mr Johnson accepted that the environmental points in CPC’s original objection had now been superseded.²⁶⁹ Ms Murray also acknowledged that planning permission had been granted, was now out of their hands, and that she was not in a position to challenge the proposition put to her that there was no further planning point left under point 6 of CPC’s objection.²⁷⁰ Although she was reluctant to fully agree with that proposition, it is the reality of the position. Planning permission was granted in March 2023. It has not been challenged, and any challenge would now be out of time.
- 8.10 Although Ms Murray sought to adopt some of the points made by Mr Stone on behalf of Mr Bale and Ms Millard, Mr Johnson fairly confirmed that CPC did not object to the provision of the shared use paths.²⁷¹
- 8.11 CPC alleged in their objection letter that a number of assessments had not considered the adverse impact of increased congestion through the villages of Churchill, Sandford and Winscombe.²⁷² However, this was incorrect. As Mr Spencer explained, the traffic modelling had taken into account the increases in journey times across small sections of the route (for which there would be an overall decrease) and the economic appraisal captures all benefits and dis-benefits for these villages.²⁷³ Mr Johnson conceded that the noise and air quality effects on the other villages had in fact been assessed, and been found to be negligible.²⁷⁴ Ms Wall explained that although there was no requirement for noise monitoring, it had been carried out in the villages; no air quality monitoring was considered necessary by the NSC’s Environmental Health Officer.²⁷⁵
- 8.12 CPC’s final remaining point was that the proposed mitigation was not sufficient to address the effects of the Scheme taken together with the effects of the future HIF development, emphasised throughout its representations and in its closing remarks. However, this contention was built on a number of misconceptions. First, CPC wrongly maintained that the two developments

²⁶⁸ Ms Murray in response to Inspector’s question (Day 6).

²⁶⁹ Ms Murray and Mr Johnson in xx (Day 6), by reference to point 8 of CPC’s objection letter.

²⁷⁰ Ms Murray in xx (Day 6).

²⁷¹ Mr Johnson in xx (Day 6).

²⁷² OBJ/9, points 1, 2, 3, 4, 5 and 7.

²⁷³ Mr Spencer in response to OBJ/9 (Day 6). NSC

²⁷⁴ Mr Johnson in xx (Day 6). See NSC-08-2, para. 3.5 and NSC-09-2, para. 3.1.

²⁷⁵ Ms Wall in response to OBJ/9 (Day 6).

were inextricably linked. That is not correct. As set out in NSC's evidence²⁷⁶ and opening,²⁷⁷ the Scheme is independently justified and can come forward without the housing development at Wolverhill. The housing development is dependent on the delivery of the Scheme, but the converse is not true. As Ms Murray (rightly) accepted, the delivery of future housing at Wolverhill is still subject to the Local Plan process and then the determination of future planning applications.²⁷⁸ Secondly, traffic modelling has been carried out which assesses the impact the Scheme and the HIF development in 2039,²⁷⁹ this is on a worst-case analysis, as it does not take into account potential future mitigation as a result of the HIF development. Third, and most critically of all, CPC's position is wrongly based upon the premise that there can be no guarantee that sufficient mitigation will be provided when the HIF development comes forward and therefore that it needs to be delivered now as part of this Scheme. However, as Ms Park explained, the impacts of any future housing development would need to be assessed before permission is granted for it and any necessary mitigation would be secured at that stage.²⁸⁰ Despite acknowledging that any future housing development would be subject to the local plan examination and determination of planning applications, which would be subject to further transport assessments, Ms Murray explained that she was "*not confident*" that this process would result in the provision of further mitigation.²⁸¹ However sceptical Ms Murray or CPC might be of the planning process, the Inspector and Secretary of State are entitled, and indeed required, to rely upon it operating effectively. When the correct approach to this issue is adopted so that NSC is not required to mitigate the possible future effects of subsequent housing development that may or may not come forward in the future, the apparent main plank for CPC's objection regarding the sufficiency of mitigation falls away.

- 8.13 Finally, notwithstanding CPC's objection and some predicted increases in traffic flows, it is important to note that the Scheme does in fact provide a number of important benefits for the residents of Churchill that would not otherwise be provided. It would result in: reductions in speed limits through the village;²⁸² the provision of new shared use paths; the provision of new gateway features and traffic calming measures; an additional pedestrian crossing, and improved footways.²⁸³

²⁷⁶ NSC-05-2, paras. 2.54 and 6.20; NSC-01-2, para. 5.6.

²⁷⁷ INQ-01, para. 8.

²⁷⁸ Ms Murray in xx (Day 6).

²⁷⁹ Cumulative Impacts 1. NSC-03-2, Table 1, p. 5 and as explained by Mr Spencer in EiC (Day 1) and in response to OBJ/9 (Day 6).

²⁸⁰ Ms Park in response to OBJ/9 (Day 6).

²⁸¹ Ms Murray in xx (Day 6).

²⁸² In addition to what is shown in CD4.02, it is now additionally proposed to include a 30 mph speed buffer from Hilliers Lane, as shown on INQ-25, subject to the planning condition discharge process.

²⁸³ NSC-02-3, Appendix M. As explained by Mr Edwards and Ms Park in response to OBJ/9 (Day 6).

Ms Ball and Mr Perks (OBJ/10)

- 8.14 Ms Ball confirmed that she had no issue with the Bypass²⁸⁴ or the shared use path.²⁸⁵ Her remaining issue is with the alternative PMA that was being granted to the Parochial Church Council from Catworthy Lane. As is addressed above, there is an existing access that needs to be re-provided. The proposed PMA provides the most comparable alternative whilst minimising other potential adverse effects. Ms Ball's concern regarding the potential for flooding is addressed by adding stone to the PMA, to reflect the existing position at the access from Eastermead Lane.

Mr and Mrs Hatherell (OBJ/35)

- 8.15 Mr Hatherell attended the Inquiry on Day 5, where he confirmed that his objection had been withdrawn. The withdrawal is in anticipation of a successful outcome of NSC's internal governance processes, which are currently being progressed by NSC.

Mr Bale and Ms Millard (OBJ/24)

- 8.16 Mr Bale and Ms Millard object to the provision of a bridleway on the existing track that runs past their farm on the grounds that it would adversely affect their privacy as well as give rise to health and safety concerns. The route follows the line of an existing PRoW, and there are no better alternatives (as set out above). For the reasons already set out the provision of a bridleway better meets the objectives of the Scheme and other policies than leaving it as a footpath. The risk of increased conflict between users is not considered likely,²⁸⁶ and Mr Edwards confirmed that no issues had been raised by the Stage 1 Road Safety Audit.²⁸⁷ The concerns about any effect on privacy and security are addressed through proposed block paving to delineate the path and channel users away from the farm buildings and parking areas,²⁸⁸ which would represent an improvement on the position with the existing PRoW.

Mr White (OBJ/28)

- 8.17 Mr Stone confirmed that Mr White understands the need for the Bypass, having lived in Banwell,²⁸⁹ but would prefer the route moved to another location. As set out above, there is no better alternative and none had been proposed by Mr White. Mr Stone explained that Mr White was concerned about losing his base, where he has previously parked his van and used the mobile home that is currently situated there. Mr Stone confirmed that Mr White lives in other

²⁸⁴ Ms Ball in EiC: "Ok with the Bypass" (Day 4).

²⁸⁵ Ms Ball in xx (Day 4).

²⁸⁶ INQ-20, paras. 2.11, 2.22 – 2.23 and 3.1(g).

²⁸⁷ Mr Edwards in response to Inspector's question (Day 3).

²⁸⁸ As shown on INQ-23, plan A.

²⁸⁹ Mr Stone in EiC (Day 3).

accommodation and does not live in the mobile home.²⁹⁰ Moreover, Mr Ikin explained that the mobile home does not have planning permission and Mr Stone acknowledged that the planning position was “*not crystallised*”.²⁹¹

Executors for Mr Gerrett (OBJ/34)

- 8.18 Mr Stone identified the main points as being the location of the shared use path, access to water and drainage, and the proposed access arrangements from the shared use path to the road.²⁹² The alignment of the path has been moved further south to avoid conflict with buried cables and apparatus relating to the Hinkley Connection,²⁹³ but Mr Edwards explained that it has been kept as far north as possible to avoid severance of land.²⁹⁴ Mr Edwards also explained that a cut-off ditch was proposed along the length of the shared use path that could be used for drainage, which Mr Stone indicated that he had not been aware of.²⁹⁵ Since Mr Gerrett’s fields would be fenced off from the shared use path,²⁹⁶ cattle would not get out onto the road and there is no need for a separate gate at the end of the shared use path, which would obstruct the free-flow of users along it.

Weston (OBJ/25)

- 8.19 The wall that forms part of Mr Weston’s residential property is proposed to be removed from the CPO.²⁹⁷ A swept path analysis has been provided to show that access can still be obtained to the woodland with a tractor and trailer.²⁹⁸ Mr Stone acknowledged that this would be sufficient to reflect current usage, and that there was another alternative access in any event.²⁹⁹ Mr Edwards confirmed that the existing cesspit and pipe that drains into it from a neighbour’s property across the road would not be affected.³⁰⁰ Concerns were raised about potential damage to Mr Weston’s wall as a result of the construction of the Scheme; there is no basis for assuming any such damage will occur, but there is in any event a specific requirement under planning condition 5(c) for mitigation measures to rectify any damage to structures to be included in the CEMP.

²⁹⁰ Mr Stone in xx and response to Inspector’s question (Day 3).

²⁹¹ Mr Stone (Day 3).

²⁹² Mr Stone in EiC (Day 3).

²⁹³ NSC-02-2, paras. 5.72 – 5.76.

²⁹⁴ Mr Edwards in response to Mr Stone (Day 3).

²⁹⁵ Mr Edwards and Mr Stone (Day 3).

²⁹⁶ As Mr Edwards confirmed in response (Day 3).

²⁹⁷ INQ-08.1, MOD 12.

²⁹⁸ INQ-22, J.3.

²⁹⁹ Mr Stone in response to Inspector’s question and Mr Edwards (Day 3).

³⁰⁰ Mr Edwards in response to Mr Stone (Day 3).

Mr and Mrs Schmollmann (OBJ/44)

- 8.20 Mr and Mrs Schmollmann's primary concern seems to relate to the ongoing maintenance of the shared use path. However, as is already set out above, NSC has confirmed that it will be responsible for the maintenance and repair of the bridleway to a suitable standard. Existing arrangements between landowners relating to the vehicular use of the track and any necessary maintenance and repair arising from that use will not be affected by the Scheme. Mr Edwards also explained that vegetation and signage was proposed to direct users of the shared use path in the right direction.³⁰¹

Mr and Mrs Millard (Knightcott Motors) (OBJ/37)

- 8.21 Mr and Mrs Millard's primary concern relating to the use of and access to their forecourt has been addressed by CPO MOD1, which replaces title which was to be acquired with rights that will be necessary to facilitate the construction of the Scheme. When he attended the Inquiry on behalf of Mr and Mrs Millard, Mr Stone queried how long the construction process would take. This has been addressed in the further clarification provided by Mr Walker, which indicates that working space on Plot 1/7 will be required for approximately 1 month.³⁰²

Jones (OBJ/30) and Preston (OBJ/31)

- 8.22 Both of these objections relate to concerns about the safety of use along the shared use path and passing places, which has already been dealt with above. Mr Edwards explained that selection of passing places had been carefully considered, having regard to inter-visibility.³⁰³ Survey data has informed consideration of likely usage and both the highway authority and the Road Safety Audit were content with the proposed arrangements.³⁰⁴

Churchill Property (OBJ/33)

- 8.23 Mr Stone raised two outstanding issues raised by Churchill Property Services. The first related to the position of an access gate, which has been addressed by the revision to Appendix K to Mr Edwards' proof.³⁰⁵ The second was a general maintenance concern, that has already been addressed above.

Mr and Mrs Hathway (OBJ/41)

- 8.24 The issues raised by Mr Stone on behalf of Mr and Mrs Hathway included a query regarding the proposed lighting of the shared use path, which Mr Edwards explained would be low level and had been determined not to have an

³⁰¹ Mr Edwards in response to Mr Stone (Day 3).

³⁰² INQ-17, paras. 2.3 – 2.6.

³⁰³ Mr Edwards in response to Mr Stone (Day 3).

³⁰⁴ INQ-20, paras. 2.1 – 2.7, 2.14 and Appendix A; Mr Edwards on Day 3

³⁰⁵ INQ-23.

adverse effect on bats.³⁰⁶ Other concerns relating to gates and fencing have been addressed in Mr Edwards' updated appendix J.³⁰⁷

Withdrawn objections

- 8.25 A total of 21 objections were withdrawn: Mr and Mrs Ruby OBJ 02; Judith Taylor OBJ 14; Mr A Cash OBJ 18; Mr A Wall OBJ 19; Banwell Parachial Church Council OBJ 20; F Harris OBJ 21; P, P & R Curry OBJ 22a; R & S Mitchell OBJ 22b; Mr K Raymond OBJ 23; Mr R Wall OBJ 26; Mr N Plaister OBJ 27; Ms T Hill (OBJ 32); Mr J Evans OBJ 32a; Mr & Mrs Hatherell (OBJ 35); S J Legg, P R Thompson and M M Thirkettle (OBJ 38); R Phippen (OBJ 39); Burrington Estates (OBJ 40); Elizabeth Harding, Steven Harding, Pamela Harding, Christopher Harding, Susan Harding, and Ainscough Strategic Land (OBJ 42); Mrs Jayne Frost, Mrs Julie Curtis, Mrs Patricia Lloyd (OBJ 43); Persimmon Homes plc of which Westbury Homes (Holdings) is a subsidiary (OBJ 49); and National Grid Electricity Transmission (OBJ 57).
- 8.26 The majority of these objections were withdrawn via email during the course of the Inquiry.

³⁰⁶ Mr Edwards in response to Mr Stone (Day 3).

³⁰⁷ INQ-22, J.12.

9 INSPECTOR'S CONCLUSIONS

THE COMPULSORY PURCHASE ORDERS 2022 AND 2023

9.2 Guidance on Compulsory purchase process and The Crichel Down Rules (2019) confirms that a compulsory purchase order should only be made where there is:

- A compelling case for acquisition in the public interest, and
- evidence that this justifies interfering with the human rights of those with an interest in the land, and
- evidence that the acquiring authority has a clear idea of how the land is to be used, and
- evidence that the acquiring authority can show that all necessary resources to carry out its plans are likely to be available in a reasonable time scale, and
- evidence that the scheme is unlikely to be blocked by any impediment to implementation.

9.3 The conclusions take account of the ES and all other environmental information submitted in relation to the Scheme. I also have had regard throughout to the PSED under section 149 of the Equality Act 2010 and the relevant provisions of the Human Rights Act 1998 (The 1998 Act).

The Public Interest

Need

9.4 The need to improve traffic conditions in and around Banwell was accepted by all the Objectors. However, there was not agreement that the Bypass and SL Scheme s offered the all-encompassing solution that would be required to mitigate the impact of the Scheme on local residents and on the surrounding area. [5.46, 5.50, 7.2]

9.5 As set out above [2.0] the current highway network through Banwell, (the A371 and A368) is narrow and restricted. The routes through Banwell continue on to travel through the villages of Churchill, Sandford, Winscombe and Locking. This leads to vehicles getting stuck, large vehicles having to drive on pavements, damage to historic buildings and increased pollution. [4.5, 6.2, 6.3]. The local community is also impacted in terms of severance as the heavily trafficked roads that pass through Banwell has the effect of driving a wedge through the community by limiting people's ability or desire to move through and around the

village.

- 9.6 The A371 and A368 are strategic routes which are important to the wider area, providing critical connectivity. The routes play a big part in everyday lives of both the local and wider population as they travel to work and school, and for business and recreation purposes [4.9, 4.10, 6.1,6.2]. This is reflected in the two-way AADT on the A371 Banwell – between Wolvershill Road and Riverside, which equates to 12,866 vehicles. The two-way AADT on the A368 west of the A38 (Churchill), is 9,196 vehicles.
- 9.7 The need for a bypass for Banwell has been recognised for many years [3.1, 4.1, 6.3]. In 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 for the area. The problems identified above have worsened over the intervening years as new developments have brought increased population and traffic to the area in combination with rising numbers of car ownership and economic factors.
- 9.8 The Banwell Transport Area Study was commissioned in 2000 by NSC to consider and assess transport options for the Banwell area. The Final Study Report concluded a bypass should be progressed, with a route recommendation to the north of Banwell to reduce congestion through the village.
- 9.9 The Banwell Bypass is identified in Core Strategy policy CS10 and policy DM20 of the North Somerset Sites and Policies Plan Part 1 Development Management Policies as a major transport scheme with land safeguarded from other inappropriate development for its route, which has the statutory force accorded to the development plan.
- 9.10 NSC is currently preparing its emerging Local Plan (eLP) with a 15 year plan period from 2023 to 2038. The eLP will continue to safeguard the Bypass route. The eLP also allocates (draft policy LP14) a proposed new strategic mixed-use development area to the northwest of the Bypass (Wolvershill – north of Banwell) for 2,800 dwellings, 11ha of employment land and other uses. This proposal would be dependent on the Bypass being constructed. As set out in INQ-07, paragraph 2.1, *“if this site was not deliverable, then it would be extremely challenging to identify sufficient additional capacity in sustainable locations sufficient to accommodate the housing requirement for North Somerset calculated under the standard method. This would need to be in addition to the housing shortfall of just over 2,000 dwellings identified in the Preferred Options.”*
- 9.11 The Bypass Scheme, including the SL and shared use path, warrants being implemented, not only to relieve existing congestion but also to improve the environmental quality of the village of Banwell, encourage travel by means other than by the private car and to enable future residential and economic

growth in the surrounding area. [3.35, 3.36, 3.41, 3.47, 3.49, 3.53]

- 9.12 From all that I have seen and read the proposed Scheme has been subject to a meticulous design and environmental impact assessment process over a number of years. The planning application allowed for a review of engineering design and environmental mitigation, HRA, amendments to the Scheme where necessary and a re-evaluation of alternative options. The evidence indicated that the Bypass Scheme would achieve its objectives, particularly the reduction of traffic through Banwell and improvements to connectivity throughout the wider area. The grant of planning permission in 2023 demonstrates that the LPA considered that the route of the Bypass and the SL is acceptable in land use terms.
- 9.13 The traffic forecasts for the do nothing, opening and design years have been produced in accordance with national guidance, using accepted modelling techniques and software. The traffic model is based on comprehensive survey data, which assesses the impact of the proposal on the highway network and highway safety including on the nearby villages of Winscombe, Sandford, and Churchill. The validation process confirmed the consistency of the model. Future development proposals have been taken into account in forecasting traffic conditions, again in accordance with national guidance. Therefore, the traffic data and analysis produced by NSC provide the best available information for the assessment of the performance of the proposed Bypass.
- 9.14 Traffic modelling demonstrates that in the opening year (2024), there would be a total reduction of vehicles driving through Banwell from 13,800 down to 3,000 which is a 78% reduction. The Transport Assessment also states that the Scheme could improve journey times by up to 4 minutes and will improve the reliability of journey times, which is currently very variable. [3.33]
- 9.15 The overall Scheme has been designed with sufficient capacity to ensure the road and junctions operate effectively. Mitigations proposed which include traffic signals at the Knightcott Road/Summer Lane/Well Lane junction and the A371/Banwell Road junction and the widening of the western arm at the Churchill Gate junction and reassignment of the lanes, will also provide capacity improvements. [3.30, 3.31, 3.32]
- 9.16 The Wider Mitigation Measures Summary Report (CD4.18) explains that the construction and operation of the Banwell Bypass would result in additional traffic travelling through areas surrounding Banwell, in particular the villages of Churchill, Sandford and Winscombe. This situation would also occur in the do-nothing scenario, however, by doing nothing local junctions would also quickly exceed capacity, with the associated queuing, severance, and delay of traffic. Where traffic growth is predicted to increase on the wider road network due to the HIF development, this would be reviewed as part of any future planning application. Accordingly, there is no technical evidence to support the view that the congestion problems currently experienced through Banwell would be

transferred to neighbouring villages. [3.32].

- 9.17 NSC has demonstrated that the Bypass and SL would lead to significant travel time savings and provide the necessary capacity to accommodate forecast traffic growth. The quality and safety of the environment in Banwell village would see a very significant improvement. The Scheme would facilitate planned economic and housing developments in the area. There is the potential for all the Scheme objectives to be met. On the evidence available, the proposed Bypass performs the best in terms of benefits, cost and delivery when compared to alternative scenarios.
- 9.18 For all these reasons my initial conclusion is that there is a compelling case for the Banwell Bypass and SL Scheme to proceed. Adequate justification has been provided that the Scheme is in the public benefit and the necessary planning permissions are in place to enable the Bypass Scheme to be taken forward to implementation. [3.58, 3.59, 3.60]

Land requirements

- 9.19 The land affected by the Orders can broadly be broken down into four “areas” as follows:
- The western section of the Bypass of the village of Banwell (the Banwell Bypass) from Knightcott Road to Moor Road.
 - The eastern section of the Banwell Bypass from Moor Road to the A368.
 - The route connecting the A371 at Castle Hill and the A368 at East Street (the SL).
 - Wider Mitigations (shared use paths).
- 9.20 From all I have seen and read it is clear that no more land is proposed to be acquired than is necessary to implement the Scheme, including its incorporated mitigation. The supporting diagrams show how NSC intends to use the land it is proposing to acquire. None of the proposed modifications propose to increase land take.
- 9.21 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. It is a legal requirement that the Council designates the land on which the works are to be carried out for the relevant statutory purpose, which in this case is for highway purposes. This is known as “Appropriation”. The appropriation process is a standard procedure, separate to the planning process. These processes are being pursued in parallel with the Orders. The Council has been pro-active in acquiring the land by negotiation since 2020. The process continued during the course of the Inquiry with some success. However, a number of private land interests remain to be acquired, despite the efforts made by the Council to seek

agreement.

- 9.22 There is little to suggest that Objectors have held out deliberately for betterment or that their actions have been unduly obstructive; they remain genuinely concerned for the future of their landholdings. On the other hand, in a number of instances, despite offers and approaches by the Council, there is little prospect of achieving agreement. Without confirmation of the Orders, therefore, the comprehensive approach necessary to deliver construction of the Scheme would be likely to be impeded by the number of plots falling outside the Council's control. Therefore, the Orders are the only available means by which the land could be acquired in a timely manner.
- 9.23 In my judgement, it is necessary to acquire the titles and rights sought by the Order for the implementation of the Scheme. Whilst NSC has engaged with those with an interest in the identified land over a number of years, it has not yet managed to secure all of the necessary titles or rights. I consider it is likely that without the CPOs the Scheme would be delayed or would not be implemented at all. The CPOs are necessary to achieve certainty in the progression of the Scheme.

Availability of the necessary resources

- 9.24 The Scheme has an overall project cost of around £89.9m. HE, through its HIF has offered to fund up to £78m of the costs with the remainder provided by NSC, which it has committed to meet. I consider that the resources necessary to acquire the land and rights set out in the CPO and to implement the approved Scheme are likely to be available within a reasonable timescale. [3.62, 3.63, 3.64].
- 9.25 The Scheme has been assessed as representing excellent value for money, with a strong BCR of 2.27. This represents High Value for Money in accordance with the Department for Transport's Value for Money framework. When account is made of the wider economic benefits the BCR increases to 3.95. [3.35]
- 9.26 The results of an economic appraisal self-evidently depends on the inputs, and I agree that it is always possible to postulate alternative scenarios which will result in a different outcome. Nevertheless, from the evidence before me I am confident that the assessment areas for the economic appraisal are suitable to capture all benefits and disbenefits in Banwell and in the surrounding area (including Sandford, Churchill and Winscombe) and is TAG compliant. As such, the BCR calculated also reflects any such benefits and disbenefits and is robust.

Potential impediments to implementation

- 9.27 The evidence is that no particular difficulties are anticipated in discharging the conditions attached to the planning permissions and gaining the necessary

European Protected Species Licences for the Scheme. Furthermore, discussions are underway between NSC and relevant parties concerning necessary agreements/consents still to be secured and there is no evidence to suggest that there are likely to be any particular difficulties. I consider that there are no impediments which would be likely to prevent implementation of the Scheme. [3.58 – 3.64].

Other matters

- 9.28 There are three main categories of objections. The first group centres on a range of potential highways, environmental and economic impacts and are similar to those objections submitted to and considered by the decision-making authority when determining the planning applications. Conscious of the extant planning permission and the policies in support of the Bypass in the development plan and emerging Local Plan, I recognise that this is not the opportunity to revisit the planning merits of the case [3.27] and as such I consider the issue is whether the evidence now brought forward weakens the compelling case for the proposed Bypass Scheme.
- 9.29 The second category concerns the consideration of alternatives and finally the land and rights acquisition in the CPO, particularly that involving the creation of the shared use path.
- 9.30 I note the objections made as to whether sufficient information has been supplied to enable landowners to understand the impact of the CPO on their property. Nevertheless, the evidence before me points to engagement and negotiations on at least four occasions since October 2022, most recently in May 2023. All relevant planning application drawings, and Order Maps have also been provided. Accordingly, I consider that sufficient information and consultation has been made throughout the process and has been continuing during the Inquiry process. [3.72].
- 9.31 I also acknowledge the objections made with regard to the conflict of interest between the various statutory roles of the Council [7.2]. Whilst I accept that the CPO and town planning processes are both functions of local government the decisions made on each element of the Scheme were completed using the democratic committee processes and have been assessed by external statutory consultees. Furthermore, the Orders are being independently considered via this Inquiry process.

Highway and environmental impacts

Congestion and journey times

- 9.32 The concerns raised in respect of increased congestion and journey times relate to the impact of the Scheme on the surrounding villages. The Transport Assessment of the Scheme (CD4.04) acknowledges that the Bypass, SL and

the HIF development, north of Banwell, would result in traffic increases on the local road network. Although I note that if a 'Do Minimum' scenario is used then the consequences on journey times and congestion would be far greater overall.

9.33 To mitigate against some of the impacts of the increased volumes of traffic, such as road safety, severance, environment and congestion, a number of measures have been proposed throughout the wider area, including in the surrounding villages of Churchill, Sandford and Winscombe and would consist of:

a) Lowered speed limits:

- 20mph: A368 through Churchill, A368 through Sandford, A371 through Winscombe.
- 30mph: A368 between Churchill and Sandford villages.

b) Gateway Features when entering and exiting the villages of Sandford, Churchill and Winscombe.

c) Non-physical traffic calming measures through and between villages (e.g. road markings and speed signage).

d) Capacity improvements to the Churchill Junction (A38/A371).

e) Provision of new / improvements to existing pedestrian and cycling crossings.

f) Active travel measures along the A368, with improved footway/cycleway access from Churchill and Langford to Churchill Academy.

g) Improvements to footways, shared pedestrian, and cycleway.

h) Soft landscaping, native planting, rewilding, and ecological enhancements.

9.34 These measures have been widely consulted on, including with the Highway Authority and the Police Service. Whilst local residents may wish to see these measures widened, particularly speed management measures, nevertheless, the Scheme design has taken account of the police's preference that a package of speed management measures should be implemented, including engineering modifications, visible interventions and landscaping standards that respect the needs of all road users and raise drivers' awareness of their environment. Furthermore, post implementation monitoring will be put in place to gather data on the effectiveness of the measures. This data would be used to implement

any future mitigation measures [8.13].

- 9.35 I am confident that the mitigation proposed by NSC does all that can reasonably be done to effectively reduce any adverse effects of increased traffic movements in the surrounding area. I understand the frustrations of the local communities, however, I am mindful that the mitigation measures have to be implemented in accordance with national and local guidance to be enforceable.
- 9.36 Overall, the displacement of traffic in the wider area is to be expected because the congestion relief and reduced journey times the Scheme delivers attracts traffic, and the HIF development north of Banwell would generate additional traffic. However, when considered holistically journey times and congestion would reduce and significantly more dwellings would benefit as a result of the proposed Bypass than would significantly be affected.

Noise impacts

- 9.37 I am satisfied that the noise analysis in the ES was carried out in accordance with the DMRB methodology and standards. The purpose of the guidance is to ensure that the assessment is undertaken in an appropriate and consistent manner using best practice and which is compliant with the relevant legislation. Any adverse or beneficial impact that results from the use of the guidance is not expected to discriminate any defined group in society. Therefore, the noise assessment relied on by NSC is robust.
- 9.38 During construction operations within Banwell and the neighbouring villages, likely significant adverse effects of noise have been predicted at 39 noise sensitive receptors (including residential and non-residential receptors) during the daytime only. Of these, 38 were predicted to be major adverse impacts and one moderate adverse impact. These were assessed as temporary adverse likely significant effects. [3.42 – 3.46]
- 9.39 Accordingly, management of the construction programme would be an important form of mitigation and this would be particularly key in view of the sensitivity of the receptors. In this respect I note that the planning conditions attached to the grant of planning permission provide for best practice to ensure a CEMP is put in place. [3.42]. The CEMP will also ensure that earth stockpiles or purpose-built perimeter noise fences would be used where noise sensitive receptors are within around 200m of construction works, including compounds.
- 9.40 Noise predictions during the operational phase of the Scheme highlights that the Scheme will provide significant beneficial effects for traffic noise at many more properties than will experience significant adverse effects. Nevertheless, 17 dwellings are predicted to experience adverse likely significant effects, which equates to where the calculated noise exceeds the relevant the SOAEL threshold. Such noise levels are perceived as ‘present and disruptive’ according

to the assessment framework and should be avoided. To achieve this, for operational noise, screening and other potential mitigation measures have been considered where effective to practicably, and sustainably, avoid these impacts. Noise insulation measures will be offered where appropriate.

- 9.41 For 12 properties on Summer Lane there would be a negligible impact in the opening year but as a result of the future HIF development, future traffic flows on Summer Lane are predicted to increase sufficiently to cause an adverse likely significant effect. Four properties on Castle Hill and one property on Wolverhill Road would also experience an adverse likely significant effect.
- 9.42 Between the LOAEL and SOAEL, adverse likely significant effects were predicted at 32 residential receptors. These include the eastern edge of Summer Lane Park Homes and properties to the north-east of Wolverhill Road, on Cooks Lane, on Moor Road and to the north of the Scheme on Riverside and Eastermead Lane. Such noise levels are perceived as 'present and intrusive' according to the assessment framework and these effects should be mitigated and reduced to a minimum.
- 9.43 Such mitigation includes planning conditions attached to the grant of planning permission, such as condition 7, which requires a detailed assessment of road surface materials to be undertaken to demonstrate whether further noise reduction can be achieved through use of a low noise surface material [3.46]. Moreover, it would be expected that further noise mitigation would be brought forward as a result of the HIF development – the noise modelling for the Bypass Scheme did not include any mitigation that might be delivered as a result of the HIF development [8.12].
- 9.44 DMRB LA 111 requires consideration of impacts on noise sensitive receptors alongside non-scheme road links beyond 600m from the Scheme (new and altered roads) and bypassed road links where noise levels change by 1dB(A) or more in the opening year, or 3dB(A) in the future year. Nevertheless, the ES shows that noise levels through the villages of Winscombe, Sandford and Churchill are not expected to meet the threshold of an increase of 1dB(A) in the opening year or 3dB(A) in the future year and would not, therefore, result in any significant noise effects. The noise mitigation measures were considered for the purposes of the planning application which was considered to be beneficial in terms of noise overall [8.11].
- 9.45 Turning to the specific concerns of Obj -58. The Bypass would be constructed some 40 metres from the rear of his home at Riverside. At this point the Bypass spans the River Banwell on a raised bridge approximately 7 metres above ground level.
- 9.46 ES Appendix 11.C (Construction Assessment) recognises that the Riverside area will be significantly affected by construction noise, with a range of worst case predicted daytime construction noise levels between 68-73dB. This is above the 'threshold of potential significant effect (day), $dB_{LAeq,day}$ ' of 65dB.

Table 11-13 of the ES states that there will be major noise impact from earthworks (40 days), structures (10 days) and piling (18 days). As well as a moderate noise impact from utility diversion (40 days), water mains diversion (10 days), drainage (46 days) and surfacing (27 days). It should be noted that these worst case scenario figures are without the benefit of mitigation.

- 9.47 Figure 11.5 of the ES identifies this property as being significantly affected by operational noise. The Operational Noise 'heat maps' at Figures 11.3 and 11.4 highlight that this property will experience the greatest change in noise levels, being >10dB. In terms of the absolute levels, rather than changes in level, all are below SOAEL (63dBLAeq,16hr day; 55 dBLAeq,8hr night) but above LOAEL (50 dBLAeq,16hr day; 40 dBLAeq,8hr night). Accordingly, 'all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development.
- 9.48 In terms of mitigation a number of measures have been investigated. The use of a noise barrier was discounted by Obj-58 [8.6] and NSC due to visual harm and poor BCR value. It was confirmed at the Inquiry that this option would not be sustainable. A further option was the use of road surfacing, which is controlled by a planning condition 7 attached to the planning permission. Accordingly, some reduction in traffic noise levels would be achievable through the use of a lower noise surfacing. The extensive use of screen planting at this location would also assist in reducing the perception of noise to nearby residents and may to some extent mask the traffic noise.
- 9.49 The construction noise will be managed through the CEMP, that will set out the 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 and the provision of acoustic enclosures which is considered as mitigation as part of the Scheme during construction to help control or reduce potential noise effects. Whilst the proposed mitigation measures will minimise noise exposure and would be of benefit to any receptor subject to the impacts, the degree of effectiveness will depend on the particular sensitivities of individual receptor characteristics and therefore cannot be quantified precisely. The noise mitigation measures were considered for the purposes of the planning application in consultation, with the Council's Environmental Health Officer, and were considered to be beneficial in terms of noise overall.
- 9.50 In conclusion, worst case adverse noise impacts are predicted at a number of noise sensitive receptors. A consequence would be to erode the quality of the environment and the amenity of the area, more especially in the short term during construction operations. Nevertheless, when assessed against national

guidance the Scheme would be acceptable.

Air quality

- 9.51 Air pollution can have an adverse effect on human health and the main pollutants in vehicle emissions in this respect are NO₂, PM₁₀ and PM_{2.5}. Chapter 5 of the ES reports on the potential effects from the construction and operation of the Scheme on air quality. The assessment of air quality followed best practice guidance for the assessment of road emissions at sensitive receptor locations including the DMRB LA 105. The purpose of the guidance is to ensure that the assessment is undertaken in an appropriate and consistent manner using best practice and which is compliant with the relevant legislation. Any adverse or beneficial impact that results from the use of the guidance is not expected to discriminate any defined group in society. Therefore, the air quality assessment relied on by NSC is robust.
- 9.52 The Objectors are concerned that once the Bypass Scheme is operational more traffic will use the roads through the surrounding villages and the air quality here will decline. Understandably there is concern, expressed by residents about impacts on health.
- 9.53 The results of the air quality modelling exercise have to be assessed against EU limit values and national objectives for pollutants, which are set to protect all members of the community. The predicted changes in concentrations of NO₂, PM₁₀ and PM_{2.5} are predicted as being negligible as a result of the Scheme in design year 2024 (2026) and 2039. The concentrations in 2024 (2026) and 2039 remain well below the annual mean air quality objective for NO₂ (40µg/m³) with a maximum of 15.1µg/m³ being predicted in Winscombe and a maximum of 19.9µg/m³ being predicted on the A368 through Churchill and Sandford.
- 9.54 In conclusion, the Scheme will help improve air quality in Banwell and reduce emissions. No significant impacts were predicted to occur as a result of the Scheme in the surrounding area and therefore no additional mitigation was required for air quality.

Visual impact of the bridge

- 9.55 The vision for the Scheme is to implement an integrated infrastructure scheme that delivers landscape scale enhancement that is resilient to future challenges and that will provide connectivity for people, the landscape, fauna, and flora. However a particular concern was raised about the bridge structure, given its proximity to a number of residential properties.
- 9.56 The bridge would span across Riverside, the River Banwell and the adjacent unnamed rhyne that runs parallel. The proposed bridge would have a clearance underneath of approximately 4.5 metres. The overall height would be

approximately 7 to 8 metres above existing ground level. In terms of design, the proposed structure would be a single-span integral bridge, clad in stone.

- 9.57 A number of design options were considered; however, it was thought by consultees that the option put forward is preferred in terms of landscape and visual amenity. I agree that a wide span overbridge would maintain views underneath the bridge, reducing perceived severance of communities and lessening any impact on the AONB.
- 9.58 There is no doubt that a bridge structure of this size will have a significant visual impact on nearby residential properties and should also be considered alongside the removal of mature vegetation on either side of Riverside at the Scheme crossing point and the construction of the new embankment. The construction phase would have the greatest impact, with any mitigation planting reaching maturity in approximately design year 15.
- 9.59 The bridge itself will be somewhat screened by planting either side of the bridge which would soften the embankment form. Further woodland edge and hedgerow boundary planting would provide low level screening and filtering of views from adjacent properties along Riverside. This would also prevent the bridge being a dominant linear structure and aid the integration with the nearby field patterns. [3.38].
- 9.60 To compensate for the loss of mature trees a line of five hybrid Black poplars would be replanted on the western side of Moor Road within the existing field parcel. These would provide a greater visual integration for the Scheme and reinstate a characteristic landscape feature. NSC provided further details at the Inquiry in relation to planting sizes (INQ-15). It was confirmed that the planting scheme would include varying sizes/ages of trees to provide a varied vegetation structure and provide more immediate screening. [3.38]
- 9.61 Both NSC and Obj-58 recognise that the bridge structure will be visually significant in the landscape from the properties at Riverside and its appearance would be unavoidable and therefore the mitigation would achieve a reduction in adverse effects rather than their removal. However, whilst the impact is harmful, the effect can be mitigated such that any adverse visual impact will be moderate to minor in nature, particularly in the longer term.

Conclusion on highway and environmental impacts

- 9.62 The ES has demonstrated, using a worst case scenario, that a number of sensitive receptors would be significantly affected, particularly during construction and during the early years of operation. The impacts were fully assessed in the design process and were reported on fairly in the ES.
- 9.63 The objections pursued by a number of residents and Parish Councils based on the increased volumes of traffic, represent the worst-case scenario. The

mitigation measures brought forward would improve the overall sustainability of these villages, in transport terms and modal shift, so that the traffic impacts would not be significant. Furthermore, the key design principles including the proposed mitigation are consistent with national and local policy.

- 9.64 The adverse effects on a small number of receptors has to be balanced with the substantial benefits that would be achieved as a result of the proposal. The Bypass Scheme has been shown to be the highest performing scheme when compared against alternative options (which is addressed below). As such I conclude that the evidence now brought forward does not weaken the compelling case for the proposed Bypass Scheme.

Alternative routes

- 9.65 Alternative schemes were put forward by Obj-08, which included a hybrid of the current Scheme, and at the Inquiry by Obj-58 which included moving the bridge at Riverside further north. I also note that a number of alternative options were considered during the design phase of the Scheme as set out in the ES at chapter 3. [3.16 – 3.24].
- 9.66 The Bypass route and a number of the alternative options have been subject to scrutiny through the planning process, both through the grant of planning permissions and in context of the statutory development plan. In view of the above considerations, I confine my attention to whether the Alternatives would merit further investigation and whether it adversely affects the strength of the public interest case for the Bypass.
- 9.67 The Obj-08's alternative option includes additional new/improvement highway infrastructure, in addition to that provided as part of the Scheme. This would provide a link from the A371 Castle Hill, eastwards to the A38. It would pass between Sandford and Winscombe, crossing Hill Road/Sandford Road and would utilise the route of the existing Shipham Lane.
- 9.68 This alternative does offer some benefits in terms of journey times and active travel. Nevertheless, it would have a greater landscape/visual impact on the AONB and properties/land holdings. As such it meets several of the Scheme objectives, but this is mainly due to this alternative option including both the Banwell Bypass and SL elements. This alternative is unlikely to achieve objectives 5 and 6 and I am therefore concerned about the overall deliverability of this alternative.
- 9.69 Obj-58 initially set out his preference for the original safeguarded route as described in the Local Plan. However, at the Inquiry he confirmed that this option would not be the most appropriate solution as it only served to move his concerns on to his neighbours [8.4]. Accordingly, he submitted an alternative moving the bridge structure further north to avoid the anticipated impacts on local residential properties. It was suggested that a route further north, crossing

largely agricultural land, would have a reduced impact on people and property.

- 9.70 This alternative bypass solution would involve 220m additional length of carriageway through the floodplain as well as additional land take. The broad design does not appear to be as sympathetic to the field patterns as the CPOs Scheme. The alternative, being closer to the AONB would also lead to a greater impact on this feature and less scope for mitigation. In these respects it would fail to achieve the stated objectives set for the Bypass Scheme.
- 9.71 For these reasons I conclude that the Alternative routes do not provide the advantages that would merit their further investigation. The Alternative routes do not detract from the strength of the public interest case for the Bypass Scheme.

CPO Land and rights, with regard to the shared use path

- 9.72 A high proportion of the Objectors [5.6, 5.16 – 5.20, 5.44, 7.1, 7.3, 7.13, 7.14, 7.20] raise concerns about the proposed 'shared use path'. The path is described in the Design and Access Statement (CD4.16) as a *"3-metre-wide shared use path for walking, cycling and horse-riding will be provided alongside the majority of the proposed Banwell Bypass length, terminating at Ch. 2,600. From this location, the route branches off through the solar farm, heading to Sandford and the Strawberry Line, providing a continuous off-road connection with Weston-super-Mare. This will provide a dedicated route for walkers, horse riders and cyclists alongside the road. The route will also provide links to Wolvershill Road, Moor Road and Riverside. To the west it will connect with the A371 Safer Roads Scheme (delivered separately by NSC) leading to Weston-super-Mare and to the east the route will link to Sandford, the Strawberry Line, and a return link back into Banwell."*
- 9.73 Active travel as a concept has been considered throughout the development of the Scheme. The public consultations have sought to discover the aspirations of the community in terms of improved WCH networks, alongside an 'on the ground' survey to ascertain what facilities for WCH were currently available. Future known developments were also considered to ensure that safe routes to schools, like Churchill Academy, and to community facilities were built into the Scheme design.
- 9.74 Safety of the proposed active travel routes were mentioned by a number of Objectors. Clearly, the addition of horse/cycle use to these existing footpaths would introduce a new class of user and I acknowledge that unless carefully managed this could have safety implications. The objections raised both the safety of those using the path and the safety of livestock that may also be in the area. Where the shared use paths egress onto a road the Scheme includes buildouts into the highway too reduce the speed of users, ghost footways, gateways and signage. Low level lighting would be used on sections of the path heavily used by school children. Safety audits would also be conducted at various stages of the Scheme's construction and its operation to ensure that the

routes are safe. Where the shared use paths would also be used by vehicular traffic, such as tractors and farm machinery, passing places would be provided. Where possible these passing places have been aligned with existing 'pull ins' and gateways to minimise land take and environmental harm.

- 9.75 The shared use route would be at least the minimum width of 3 metres as set out in the design standards for shared use paths (CD5.12). Whilst there may be some conflict where vehicles have to wait for a horse to pass or vice versa, this is not an uncommon situation in rural areas. Signage will ensure that the shared use is explained and potential areas of conflict such as 'pinch points' can be overcome by good design.
- 9.76 As I observed on my site visit the shared use path runs in close proximity of farm buildings and houses. Objectors have raised concerns that this creates issues surrounding privacy and security. Nevertheless, it is a legal requirement that the people using the right of way stay on the right of way and I do not accept that the shared use path would limit any landowners' use of their property. NSC has set out that they will demarcate the path where it runs through a farmyard and in other locations the path would be fenced, with accommodation works to prevent the severance of fields. [8.16]
- 9.77 The surfacing, drainage and maintenance of the shared use path would be considered during detailed design. At the Inquiry NSC confirmed that they would undertake the ongoing maintenance of the routes and that the surfacing would likely comprise localised repairs to surfacing of existing stone tracks with additional aggregate; and an all-weather stone track surfacing on sections of the shared use path that are currently not surfaced. The surfacing would be permeable to reduce surface water flooding. [8.20]
- 9.78 Some Objectors questioned the need for the bridleway and footway. However, as one objective of the Scheme is to improve travel conditions for all modes, not just the car [3.15], I accept the Council's point that the absence of this shared use path would make it less attractive for WCH to travel.
- 9.79 I conclude that the objections raised relating to the shared use path should not be seen as significant, particularly when considered alongside the mitigation proposed. Accordingly, I further conclude that the objections raised in this regard cannot be supported.

Individual Objectors not already covered.

- 9.80 A number of Objectors raise general points against the CPO which have been addressed in the earlier sections of these conclusions. The following sections conclude on objections specific to individual Objectors' land interests. Any allegations of interfering with rights under Article 1 of the First Protocol to the

European Convention on Human Rights are addressed in Section 10.

Miss PBL Curry OBJ 04 Mrs PE Cannon OBJ 05

- 9.81 Construction works to agricultural land will be minimised and managed by agreement as part of the CEMP. Furthermore, any temporary access arrangements across the shared use path during construction would be refined in consultation with the landowner during detailed design stage and prior to the start of construction.
- 9.82 The drainage strategy for the shared use path has concluded that, with a permeable surfacing and adequate depth of construction to store surface water, the attenuation pond can be removed in order to address the landowners' concerns.
- 9.83 The reasons for acquiring the land/rights have been fully justified by NSC, and for the Scheme to proceed expeditiously there is no alternative.

Mr S Perks & Ms P Ball OBJ 10

- 9.84 The adoption of an alternative route, on the other side of the watercourse at this stage of the development and consent process for the Scheme would delay its implementation. This would compound the pressing need for the Scheme, and this adds weight to my opinion that the further investigation of the alternative is not justified. A further matter is that the alternative has been subject to counter objections that would need to be considered in detail. This leads me to the view that, in relation to this objection, there is no reason that the CPO should not be confirmed. [5.1-5.5, 8.14]

Mr and Mrs Webber OBJ 12

- 9.85 The proposed works to the Objector's land has been updated to address the concerns raised. This includes additional fencing and gate arrangements to separate the proposed Banwell Football Club (BFC) replacement land from the proposed access to the land retained by the Objector.
- 9.86 Access will be required by NSC and BFC to the replacement land for maintenance and upkeep purposes. Future access by NSC may also be required if BFC's intended occupation of the land were to cease for any reason. If this access is not provided, then the Council would not have any direct access to the land and may not be able to access through BFC land.
- 9.87 A proposed modification to the Order was presented to the Inquiry, which addresses these matters. It is quite clear to me, however, from the submitted evidence and an inspection of the Scheme plans that the plots in question can all be seen to be essential to the implementation of the Scheme. As such, these

objections cannot be supported.

Mr L Bale and Mrs Angela Millard OBJ 24

- 9.88 OBJ 24 has raised concerns relating to flood risk. This is a matter which would have been relevant at the planning application stage. As planning permission has been granted by NSC, and has not been challenged, I have to assume that no issues relating to flood risk were considered to constitute a reason to withhold planning permission.
- 9.89 It is essential that access to landowners' property is maintained, and this is recognised by NSC. Ongoing discussions are being held with the landowners and I have no evidence that would make such access unachievable. [5.6-5.8]

Mrs C Weston, Mr M Weston and Mr T Weston OBJ 25

- 9.90 As I heard at the Inquiry Banwell Woods is currently accessible from a PMA from the A368, west of Catworthy Lane. The access to Banwell Woods from the A368 will be unaffected by the proposed Scheme and is not included in the SRO. Moreover, there would be no change to the visibility from the existing access as a result of the Scheme.
- 9.91 Turning to the access to the Weston property, the required access visibility would be provided through a small retaining structure/wall, north of the property, and can be achieved within the land acquired through the Order.
- 9.92 The existing cesspit and outfall are unaffected as part of the Scheme. However, there will be ongoing discussions with the landowners during construction to ensure any concerns are taken into account. [5.9-5.11, 8.19]

Churchill Property Services OBJ 33

- 9.93 It is essential that access to landowners' property is maintained, and this is recognised by NSC. Ongoing discussions are being held with the landowner and I have no evidence that would make such access unachievable. [5.13, 5.14, 8.23]

Exors of the Estate of Mr J Gerrett OBJ 34

- 9.94 OBJ 34 has raised concerns relating to flood risk. This is a matter which would have been relevant at the planning application stage. As planning permission has been granted by NSC, and has not been challenged, I have to assume that no issues relating to flood risk were considered to constitute a reason to withhold planning permission.
- 9.95 It is essential that access to landowner's property is maintained, and this is

recognised by NSC. Ongoing discussions are being held with the landowner and I have no evidence that would make such access unachievable. [5.15, 8.18]

Mr R Warburton OBJ 36

- 9.96 There is a strong likelihood that OBJ 36 will withdraw his objections shortly after the close of the Inquiry, as provisional agreements have already been reached with the Council. However, to cover the eventuality that these objections are not withdrawn, I deal with the relevant points now.
- 9.97 It is essential that access to landowner's property is maintained, and this is recognised by NSC. Ongoing discussions are being held with the landowner and I have no evidence that would make such access unachievable.
- 9.98 Any disruption to agricultural land during construction works will be minimised and managed by agreement as part of the CEMP. Furthermore, any temporary access arrangements during construction would be refined in consultation with the landowner during detailed design stage and prior to the start of construction. [7.15]

Mr and Mrs Millard OBJ 37

- 9.99 Concerns were raised relating to the impact of the Scheme on the existing business in respect of vegetation planting and extent of acquisition. Any disruption to the site during construction works will be minimised and managed by agreement as part of the CEMP. Furthermore, any temporary access arrangements during construction would be refined in consultation with the landowner during detailed design stage and prior to the start of construction. There is also minimal risk of impacting the landowners' cesspit, which is understood to be on their land holding and not within highway land.
- 9.100 It is essential that access to landowners' property and business is maintained, and this is recognised by NSC. Ongoing discussions are being held with the landowners and I have no evidence that would make such access unachievable. [5.16]

Mr and Mrs Hathway OBJ 41

- 9.101 Any disruption to the site during construction works will be minimised and managed by agreement as part of the CEMP. Furthermore, any temporary access arrangements during construction would be refined in consultation with the landowner during detailed design stage and prior to the start of construction. Grazing land would still remain accessible with gates. Any cattle grids would have alternative gated access for horses and for the movement of

livestock. [8.28]

- 9.102 It is essential that access to landowners' property is maintained, and this is recognised by NSC. Ongoing discussions are being held with the landowners and I have no evidence that would make such access unachievable. [5.17]

Mr M Richmond OBJ 47

- 9.103 Plot 4/4, 4/4a, and 4/5g would be required (as rights) for the construction, maintenance, and use of the upgrades to the existing footpath. The submitted evidence and an inspection of the Scheme plans show that the plots in question can all be seen to be essential to the implementation of the Scheme. As such, these objections cannot be supported. [7.18]

Mr R Waycott OBJ 48

- 9.104 Plot 1/20 would be required (as land) for the construction of a new highway (repurposing of existing carriageway) and all associated works. The submitted evidence and an inspection of the Scheme plans show that the plot in question can all be seen to be essential to the implementation of the Scheme. As such, these objections cannot be supported.
- 9.105 Whilst the removal of the west bound bus stop is unfortunate, it would be necessary following the realignment of Knightcott Road to tie-in to the proposed Banwell West Junction. Given the proximity of alternative bus stops I do not consider that a replacement is necessary.
- 9.106 It is essential that access to landowners' property is maintained, and this is recognised by NSC. Ongoing discussions are being held with the landowner and I have no evidence that would make such access unachievable. [7.19]

Aquila Capital (New Banwell Solar Ltd) OBJ 51

- 9.107 OBJ 51 has raised concerns regarding the security for solar equipment as a result of the proposed shared use path between Eastermead Lane and Catworthy Lane. Nevertheless, the existing boundary treatments along the length of land that shares a boundary with the proposed shared use path consists of security fencing with CCTV. As such, the existing arrangement is acceptable, and I do not consider that further boundary treatments are necessary.
- 9.108 Footpaths alongside solar arrays are fairly common, and I have no evidence that such a relationship causes a greater security or safety risk to the infrastructure or to footpath users.
- 9.109 Within the context of the wider Bypass Scheme, any biodiversity loss in this

area is minimal and is mitigated by the planting and habitat enhancement proposals, which will provide a range of opportunities for species of concern. [7.20]

- 9.110 Whilst the parking area would be subsumed within the PMA, this area is enlarged at its entrance to provide options to navigate around this area whilst minimising disruption to parking provision.

Vistry Group OBJ 52

- 9.111 The Summer Lane junction mitigation measures sufficiently mitigate for the impact of the Scheme. The OBJ 52 is concerned that the junction would not support the future housing development here. Nevertheless, it is not the responsibility of the Scheme to provide mitigation for the impacts of future housing development. Such impacts would be considered through the development of the emerging Local Plan and any future planning application.
- 9.112 OBJ 52 does not currently own, access, or have a planning application for the land in question. However, the proposed access coincides with the existing access. Any future means of access would be considered through the planning application process. [7.21]

Ms S Slipper OBJ 53

- 9.113 The entirety of Ms Slipper's landholding is required for the Scheme with no land remaining with the landowner. In terms of allocation: Plot 2/7 would be required (as land) for the provision of essential mitigation; Plot 2/7a and 2/7f would be required (as land) for the construction of the new highway, construction of a retaining wall, and all associated infrastructure works; Plot 2/7b would be required (as 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; Plot 2/7c and 2/7e would be required (as rights) for the stopping up of the existing Moor Road and the maintenance of the new culvert and retaining wall; Plot 2/7d would be required (as land) for the stopping up of the existing Moor Road and construction of a new highway and all associated infrastructure works; and Plot 2/15 would be required for (rights) for the construction and maintenance of environmental fencing.
- 9.114 As the entirety of Ms Slipper's landholding would be lost to the Scheme, her concerns are entirely understood. However, in my opinion, if the approved scheme is to be implemented, for the reasons set out above it is unlikely that this can be avoided. Furthermore, there is clear evidence that the public benefit associated with the Order would outweigh this private loss of land and Ms Slipper would be appropriately compensated for this. The level of compensation would be a matter to be agreed as part of the ongoing

negotiations with NSC.

- 9.115 The reasons for acquiring the land/rights have been fully justified by NSC, and for the Scheme to proceed expeditiously there is no alternative. [7.22]

Mr and Mrs Swaine OBJ 54

- 9.116 Any disruption to the site during construction works will be minimised and managed by agreement as part of the CEMP. Furthermore, any temporary access arrangements during construction would be refined in consultation with the landowner during detailed design stage and prior to the start of construction.
- 9.117 OBJ 54 has raised concerns relating to drainage. This is a matter which would have been relevant at the planning application stage. As planning permission has been granted by NSC, and has not been challenged, I have to assume that no issues relating to drainage were considered to constitute a reason to withhold planning permission.
- 9.118 Within the context of the wider Bypass Scheme, any biodiversity loss in this area is minimal and is mitigated by the planting and habitat enhancement proposals, which will provide a range of opportunities for species of concern. [7.23]

Summer Lane Caravan Park Company Ltd OBJ 55

- 9.119 OBJ 55 is concerned about the noise and disturbance to his business. In this respect the construction compound would be around 100m from the closest dwelling at Summer Lane Caravan Park. Topsoil would also be stockpiled in the form of a bund, up to approximately 2m high, towards the northern end of the site, which would also act as noise mitigation.
- 9.120 All works, including those in the compound, would be undertaken using Best Practicable Means (BPM) to control noise, vibration and other environmental impacts and managed through the CEMP. Whilst I accept that the activities in the compound are likely to be audible at some times and at some locations on the caravan park, the evidence before me is that such noise would not be assessed as a significant effect.
- 9.121 Any disruption to the site during construction works will be minimised and managed by agreement as part of the CEMP. Furthermore, any temporary access arrangements during construction would be refined in consultation with the landowner during detailed design stage and prior to the start of

construction. [7.24]

Statutory undertaker rights

- 9.122 At the close of the inquiry there were three outstanding objections. The impact of the project on water and wastewater infrastructure by Bristol Water (OBJ 46) and essential service provision by NGED (OBJ 45 & OBJ 56). In terms of Bristol Water their objection is subject to detailed consideration and ongoing work by NSC in progressing and developing the Scheme design. A reasonable expectation is that the level of detail currently sought by the service provider would not be forthcoming until the Scheme is at an advanced stage of design. In any event, the objection does not demonstrate that the statutory requirement would not be met and there are no grounds to believe otherwise. [7.16, 7.17, 7.25]
- 9.123 Turning to NGED (OBJ-45 & OBJ-56). I acknowledge that a holding objection, pursuant to Section 16 of the Acquisition of Land Act 1981 has been placed with the Department for Energy, Security and Net Zero (DESNZ). The CPOs cannot be confirmed until the appropriate Minister is satisfied (a) that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking or (b) that if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on thereof and certifies accordingly. However, as set out in the procedural paragraph 1.4 above, NGED's letter, dated 21 September 2023, to DESNZ withdraws their objections as the electricity network and assets are adequately protected.

Conclusions

- 9.124 Taking account of all the above points I conclude that the likely impacts of the Scheme have been thoroughly assessed by NSC and that appropriate mitigation measures have been satisfactorily planned. In my judgement, the objections outlined above would not be sufficient to justify withholding confirmation of the Scheme.
- 9.125 Confirmation of the CPO is required to ensure that the SRO can be implemented and the benefits of the overall Scheme can be brought forward in a timely manner. Having had regard to the above matters, including the concerns raised, I conclude on balance, that there is a compelling case in the public interest for the CPO to be confirmed with modifications as set in INQ-08.03 and INQ-08.04.

10 HUMAN RIGHTS

- 10.1 A number of owners, tenants and other parties, with rights, are associated with the land subject to the CPOs. The effect of the CPOs would be to deprive those

parties of titles and/or rights to land. Having had regard to the plans, showing how the land subject to the CPOs would be used for various aspects of the Scheme, as I have indicated, I consider that no land or rights would be unnecessarily acquired.

- 10.2 However, the CPO Guidance, 2019, indicates that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the Human Rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the Human Rights Act 1998 (as amended) (HRA). That is; ‘every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. *The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.* and, in the case of a dwelling, Article 8 of the HRA, which provides that; ‘everyone has the right to respect for his private and family life, his home and his correspondence. *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of*, amongst other things, ‘public safety or the economic well being of the country, for the protection of health and for the protection of the rights and freedoms of others.’ Relevant parts of Article 6 also provides that: ‘In determining his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.’
- 10.3 The European Court of Human Rights has recognised, in the context of the above, that regard must be had to the fair balance which has to be struck between the competing interests of the individual and the community as a whole. In this case, the Statement of Reasons for the CPOs/SRO, at section 9, establishes the ‘Human Rights considerations’.
- 10.4 NSC has carefully considered the benefits that the Scheme will bring to Banwell and users of the highway network through the village. In particular, residents who live in the village will benefit from the removal of traffic congestion, reduced noise and air pollution, severance and the users of the highway will benefit from improved journey times. These improvements in journey times are also strategically important for the local economy. I have no substantive evidence that these benefits could not be achieved otherwise. Moreover, any interference with Human Rights has been minimised by careful design and the minimum necessary land take. It is proportionate, justified and necessary in the public interest to secure the objectives of the Scheme.
- 10.5 Turning to Article 6, the proposals under both the planning application and the

CPOs/SRO have been extensively publicised and persons likely to be affected by them will have had an opportunity to make representations. So far as the CPOs are concerned, any owner, lessee or occupier of land included in the CPOs will have had the opportunity to make an objection and to appear before a public inquiry before a decision is made on whether or not the CPOs should be confirmed.

- 10.6 If the decision maker agrees with NSC that there is a compelling case in the public interest, s/he may confirm the Order. If the CPOs are confirmed, compensation may be claimed by persons whose interests in land have been acquired or whose possession of land has been disturbed. In the circumstances, if the CPOs are confirmed, the compulsory acquisition of the Order land will not conflict with Article 1 of the First Protocol or Article 8 of the Convention.
- 10.7 In terms of the Equality Act 2010 and the PSED, NSC is required to comply with it and has undertaken an EqlA as set out above. In the promotion of the CPOs, NSC has been mindful of the need to properly discharge its obligations under the provisions of this legislation paying careful attention to any impacts identified in the Assessment on protected characteristics. NSC has continued to engage with affected parties and has put in place appropriate measures to ensure that no demographics are excluded. This is reflected in the Assessment being a live document.
- 10.8 A number of specific elements have been included in the design of the Scheme to ensure the design caters for all potential users. These measures include: 20mph speed limit reductions; provision of walking and cycling infrastructure; improved links to the existing PRow network; increased pavement widths; provision of on-street parking outside of shops; pedestrian crossing points; low level footpath lighting; and bus gates to improve journey times.
- 10.9 CPC and a number of other Objectors in the surrounding villages have suggested that the EqlA did not include an assessment of the wider impacts of the Scheme in these villages. However, information was gathered from various sources to identify groups of the population that may potentially be disproportionately affected by the Scheme. This included workshops and questionnaires. It is clear on reading the EqlA that it considered the potential impact in the surrounding villages, including the improved journey times to the nearest hospital for residents of the retirement village in Sandford and the impact of narrow pavements, traffic speeds and additional crossing points on elderly and disabled groups in the surrounding villages. This analysis fed into the assessment of impacts reported in Tables 7 and 8 of the EqlA.
- 10.10 I consider that the benefits that would result from the Scheme demonstrate the compelling case in the public interest for the CPOs, subject to the identified

modifications, to be confirmed. The land titles and rights sought by the CPOs, subject to the identified modifications, are a proportionate response to the needs of the Scheme.

- 10.11 In my judgement, there is clear evidence that the public benefits associated with the CPOs would outweigh the private loss of those people with an interest in the land and that the interference with their Human Rights would not be disproportionate.

11 THE SIDE ROAD ORDER 2022 (SRO)

The tests for confirming the Order

- 11.1 If I am to recommend that this SRO be confirmed, I need to be satisfied in the following respects:
- Before any highway is stopped up another reasonably convenient route shall be available or will be provided.
 - No Order for the stopping up of a PMA shall be made unless either no access to the premises is reasonably required, or another reasonably convenient means of access to the premises is available or will be provided.
 - Provision shall be made for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs affected by the Scheme.
- 11.2 The SRO provides for new vehicle, pedestrian, horse riders and cycle arrangements. The test to be applied is whether reasonably convenient routes will be available as a result. I consider that to be convenient a route has to be suitable for the needs and purposes of all types of users. Journey length, time and safety are matters that should be taken into account. The exact same level of convenience as currently exists need not be demonstrated.
- 11.3 The SRO also includes a number of PMAs, as summarised in the SRO Schedule (CD2.3). Many of the statutory Objectors have objected to the SRO due to the changes to their PMA, which have been set out above and these points do not alter my opinion that the objections to the SRO cannot be supported. Moreover, a number of the proposed SRO modifications reflect the ongoing discussions with landowners to address their concerns in this respect.
- 11.4 Construction of the Scheme would sever one existing PRoW, for which a diversion and new crossing of the Banwell Bypass would be provided. Following the completion of the construction works, the connectivity of the

existing PRow network would be maintained.

- 11.5 I consider that all the proposed modifications to the SRO are necessary to address specific objections, and for clarity and accuracy. I further consider that they can all be made in accordance with paragraph 8 of Schedule 1 to the Highways Act 1980.
- 11.6 With regard to the statutory criteria to be satisfied, I am mindful that there are no objections to the SRO from Statutory Undertakers. Moreover, where a highway or PMA is to be stopped up, I am satisfied that a reasonably convenient alternative route or access would be provided, as described in the schedules and plans of the SRO.
- 11.7 I therefore conclude that the SRO should be confirmed with the modifications detailed in INQ-9.03.

12 OVERALL CONCLUSIONS ON THE ORDERS

Compulsory Purchase Order

- 12.1 Examination of the Schedule and plans accompanying the Orders produces no evidence of any proposal to purchase land or rights other than those necessary to implement the Bypass Scheme. I am satisfied that the Order includes no more land than is necessary and that the acquiring authority, NSC, has a clear idea of how it intends to use the land. Furthermore, NGED has confirmed that it has withdrawn its objections to the Orders, including the holding objection made to DESNZ. Sufficient land is included in the Orders for the purpose of mitigating any adverse effects resulting from the proposed construction of the highway on its surroundings. No additional land is necessary.
- 12.2 Funding is available and no impediments to the implementation of the Bypass Scheme have been identified. In the event the Orders are made, works are programmed to start soon after. Accordingly, no land is proposed to be acquired ahead of time.
- 12.3 Every person has an entitlement to the peaceful enjoyment of his possessions by way of Article 1 of the First Protocol, a Convention right under the 1998 Act. Article 8, also a qualified right, entitles everyone a right to respect for his private and family life, his home and correspondence. There is a compelling case for the Scheme to be implemented in order to overcome congestion and improve journey reliability and conditions for travel by all modes of transport, to enable the quality of the environment to be improved in Banwell and to deliver future housing and economic growth in the area. The public benefit will outweigh the private loss. Therefore, the purposes for which the CPOs are promoted are in the public interest and justify interfering with the human rights of those with an interest in the land. Appropriate measures have been taken in the design of the

Scheme to mitigate adverse effects as far as possible. Any residual interference with human rights is proportionate and necessary to achieve the legitimate objectives of the Bypass Scheme.

Side Roads Order

- 12.4 The proposals for improving, constructing or stopping up the highways in question and for the stopping up of PMAs are necessary to carry out the Bypass Scheme and to ensure the highway design is compliant with the relevant standards.
- 12.5 Where a PMA is to be stopped up and access to the premises is reasonably required another reasonably convenient means of access is available or will be provided before each stopping up takes place.
- 12.6 In all cases involving the stopping up of highways another reasonably convenient route will be available or will be provided, primarily through the construction of the new road and by the provision of new public footpath links.
- 12.7 Provision is being made to maintain any rights of statutory undertakers in respect of any apparatus affected by the Bypass Scheme.
- 12.8 Therefore, the statutory tests are met to enable the SRO, as proposed to be modified, to be confirmed.

RECOMMENDATIONS

- 12.9 I recommend that:
- 12.10 **THE NORTH SOMERSET COUNCIL (Banwell Bypass and Southern Link Classified Road) (Side Roads) Order 2022** should be modified as indicated in INQ-09.03, and that the Order so modified should be confirmed.
- 12.11 **THE NORTH SOMERSET COUNCIL (Banwell Bypass and Southern Link) Compulsory Purchase Order 2022** should be modified as indicated in INQ-08.03, and that the Order so modified should be confirmed.
- 12.12 **THE NORTH SOMERSET COUNCIL (Banwell Bypass and Southern Link) Compulsory Purchase Order (No.2) 2023**, should be modified as indicated in INQ-08.04, and that the Order so modified should be confirmed.

J Burston

INSPECTOR

APPENDIX 1: APPEARANCES**FOR NORTH SOMERSET COUNCIL**

Mr Andrew Tait KC of Counsel	Instructed by North Somerset Council and Burges Salmon
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Mr Alexander Greaves of Counsel	Instructed by North Somerset Council and Burges Salmon
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They called:

Katie Park BSc Hons, PRINCE 2	Senior Project Manager, North Somerset Council
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John Ikin MRICS, FAAV	Partner, Fisher German (FG)
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Thomas Edwards Meng, CEng, MICE, MCIHT	Associate, Ove Arup & Partners Ltd
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Allan Pitt BSc, MSc, MRTPI	Associate, Ove Arup & Partners Ltd (Arup)
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Tom Spencer BSc, Hons, CMILT, MPTS	Senior Transport Planner, Ove Arup & Partners Ltd
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Jo Wall BSc Hons, BLD, CMLI, MIEMA, CEnv, HMBIPD	Director, TACP (UK) Ltd
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Victoria Nicholls BSc Hons, MSc, MRSB	Senior Ecologist, TACP (UK) Ltd
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David Hiller BSc, MSc, PhD, CEng, MIOA, MIMMM, FGS	Associate Director, Ove Arup and Partners Ltd (Arup)
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Roger Walker BEng, CEng, MICE	Contracts Manager, Alun Griffiths (Contractors) Limited (Griffiths)
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James Bellinger MSC, CEnv, CSci, MIAQM, PIEMA	Associate Air Quality Consultant, Ove Arup and Partners Ltd (Arup)
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OBJECTORS TO THE ORDERS

A Cash (OBJ 18)	Represented by Robert Stone, Greenslade, Taylor Hunt
LJ Bale & AJ Millard (OBJ 24)	Represented by Robert Stone, Greenslade, Taylor Hunt
Weston (OBJ 25)	Represented by Robert Stone, Greenslade, Taylor Hunt
N White (OBJ 28)	Represented by Robert Stone, Greenslade, Taylor Hunt
R Jones (OBJ 30)	Represented by Robert Stone, Greenslade, Taylor Hunt
M Preston (OBJ 31)	Represented by Robert Stone, Greenslade, Taylor Hunt
J Evans & T Hill (OBJ 32)	Represented by Robert Stone, Greenslade, Taylor Hunt
J Gerrett (OBJ 34)	Represented by Robert Stone, Greenslade, Taylor Hunt
R Warburton (OBJ 36)	Represented by Robert Stone, Greenslade, Taylor Hunt
R Phippen (OBJ 39)	Represented by Robert Stone, Greenslade, Taylor Hunt
Schmollmann (OBJ 44)	Represented by Robert Stone, Greenslade, Taylor Hunt
Churchill Property Services (OBJ 33)	Represented by Robert Stone, Greenslade, Taylor Hunt
Millard (OBJ 37)	Represented by Robert Stone, Greenslade, Taylor Hunt
Hathway (OBJ 41)	Represented by Robert Stone, Greenslade, Taylor Hunt
Perks & Ball (OBJ 10)	Represented by Ms P Ball
G Warner (OBJ 58)	
Mr & Mrs Hatherell (OBJ 35)	
Churchill Parish Council (OBJ 09)	Represented by Mr Johnson & Ms Murray

APPENDIX 2: DOCUMENT LIST

Core Documents

CD1.01	Department for Levelling Up, Housing and Communities “Guidance on Compulsory purchase process and The Crichel Down Rules” July 2019
CD1.02	Local Authority Circular 1/97 issued by the Department of Transport
CD1.03	Department for Transport Circular January 2013 - Setting local speed limits
CD2.01	The North Somerset Council (Banwell Bypass and Southern Link) Compulsory Purchase Order 2022 (“the Order”) October 2022
CD2.02	The North Somerset Council (Banwell Bypass and Southern Link) Compulsory Purchase 2022 Order Map (“the Order Map”) October 2022
CD2.03	The North Somerset Council (Banwell Bypass and Southern Link Classified Road) (Side Roads) Order 2022 (“the SRO”) October 2022
CD2.04	The North Somerset Council (Banwell Bypass and Southern Link Classified Road) (Side Roads) Order 2022 Plans (“the SRO Plans”) October 2022
CD2.05	Statement of Reasons accompanying the Order and the SRO October 2022
CD2.06	North Somerset Council’s Statement of Case in relation to the Order and the SRO March 2023
CD2.07	The North Somerset Council (Banwell Bypass and Southern Link) Compulsory Purchase Order (No.2) 2023 (“the Supplemental Order”) 23 March 2023
CD2.08	The North Somerset Council (Banwell Bypass and Southern Link) Compulsory Purchase Order (No.2) 2023 Order Map (“the Supplemental Order Map”) 23 March 2023
CD2.09	Statement of Reasons accompanying the Supplemental Order 23 March 2023
CD2.10	North Somerset Council’s Statement of Case in relation to the Supplemental Order 22 May 2023
CD2.11	Explanatory note on proposed modifications to the SRO (including plans and track change SRO) 31 May 2023

CD4.01	Planning Statement July 2022
CD4.02	General Arrangement Drawings - Banwell Bypass & Southern Link and Wider Network Mitigation
CD4.03	Response to matters associated with Banwell Football Club
CD4.04	Transport Assessment (excluding appendices)
CD4.05	Options Appraisal Report
CD4.06	Equality impact assessment for the Scheme
CD4.07	Planning Design and Access Statement Update
CD4.08	Open Space Assessment
CD4.09	Environmental Statement Update
CD4.10	Plans and Drawings Update
CD4.11	Health Impact Assessment
CD4.12	Lighting Strategy
CD4.13	Cross Section - Muddle End (BNWLBP-ARP-HGN-XXXX-SK-CH-000006)
CD4.14	Walking Cycling Horse Riding Assessment Report
CD4.15	Strategic Model Forecasting Report (Transport Assessment Appendix E)
CD4.16	Design and Access Statement
CD4.17	Highways Drainage Drawings
CD4.18	Wider Mitigation Measures Summary Report (Transport Assessment Appendix H)
CD4.19	Wider Network Mitigation Measures Speed Limits Assessment Report
CD4.20	Wider Network Mitigation - Additional Speed Survey Data Technical Note
CD4.21	Environmental Masterplans
CD4.22	Walking Cycling Horse Riding Review
CD4.23	Local Model Validation Report (Transport Assessment Appendix C)

CD4.24	Strategic Model LMVR Addendum (Transport Assessment Appendix D)
CD4.25	Junction Modelling Report (Transport Assessment Appendix F)
CD4.26	Strategic Model Sensitivity Testing (Transport Assessment Appendix I)
CD4.27	Surface Water Drainage Strategy
CD4.28	Outline Construction Traffic Management Plan
CD4.29	Planning Application Redline Boundary Plans
CD5.01	National Planning Policy Framework (NPPF) July 2021
CD5.02	North Somerset Council Core Strategy 2017
CD5.03	North Somerset Council Site and Policies Plan Part 1: Development Management Policies July 2016
CD5.04	North Somerset Council Site and Policies Plan Part 2: Site Allocations Plan 2018
CD5.05	North Somerset Council Emerging Local Plan – consultation version March 2022
CD5.06	West of England Combined Authority - Joint Local Transport Plan 4 (JLTP4) March 2020
CD5.07	Mendip Hills AONB Management Plan (2019-2024) January 2019
CD5.08	North Somerset and Mendip Bats Special Area of Conservation Guidance on Development: Supplementary Planning Document January 2018
CD5.09	Mendip District Council Special Area of Conservation ‘Guidance on Development’ May 2019
CD5.10-01	Design Manual for Roads & Bridges (DMRB) CD 109 – Highway link design
CD5.10-02	DMRB CD123 – Geometric design of at-grade priority and signal-controlled junctions
CD5.10-03	DMRB CD 127 – Cross-sections and headroom
CD5.10-04	DMRB GG 142 – Walking cycling horse riding assessment and review
CD5.10-05	DMRB CD 143 – Designing for walking, cycling and horse-riding
CD5.10-06	DMRB Volume 11, Environmental Assessment Section 1 - Introduction

CD5.10-07	DMRB Volume 11, Environmental Assessment Section 2 – General Principles of Environmental Impact Assessment
CD5.10-08	DMRB, LA 115 Habitats Regulations Assessment
CD5.10-09	DMRB LA 107 Landscape and Visual Effects Revision 2 Landscape Effects
CD5.10-10	DMRB LA 104 Environmental Assessment and Monitoring Revision 1
CD5.10-11	DMRB GG 33, LA 117 Landscape Design
CD5.10-12	DMRB: LA 109 Geology
CD5.10-13	DMRB: LA 110 Material Assets and Waste
CD5.10-14	DMRB: 112 Population and Human Health
CD5.10-15	DMRB LA 114 Climate
CD5.10-16	DMRB LA 105 Air Quality
CD5.10-17	LA 111 Noise and Vibration
CD5.10-18	LA 120 Environmental Management Plans
CD5.10-19	DMRB LA 108 Biodiversity
CD5.10-20	CD 356 Design of highway structures for hydraulic action
CD5.11	North Somerset Highways Development Design Guide October 2020
CD5.12	Local Transport Note 1/20 Cycle Infrastructure Design July 2020
CD5.13	Local Transport Note 01/07 - Traffic Calming
CD6.01	Resolution of Full Council to approve an increase in the Council's Capital Programme 16 June 2020
CD6.02	Decision made by Executive Member for Assets and Capital Delivery - Approval of the planned route for Banwell Bypass 7 October 2021
CD6.03	Resolution of the Executive to authorise steps necessary to prepare for the making of Order and SRO 28 April 2021
CD6.04	Resolution of Full Council authorising the making of the Order and SRO 12 July 2022
CD6.05	Executive Member approval of final Order and SRO prior to making 6 October 2022

CD6.06	Resolution of Full Council authorising the making of the Supplemental Order 21 February 2023
CD6.07	Resolution of Executive Committee approving broad locations and indicative locations of new housing 28 April 2021
CD6.08	Decision made by the Executive Member for Assets and Capital Delivery – Approval of amendments to Supplemental Order 21 February 2023
CD6.09-0	Officer's Report on the Planning Application 8 March 2023
CD6.09-1	Update Sheet to the Officer's Report on the Planning Application 15 March 2023
CD6.10	Planning permission decision letter (reference 22/P/1768/R3EIA) 16 March 2023
CD6.11	Local Planning Authority Habitats Regulations Assessment & Appropriate Assessment March 2023
CD6.12	Decision Notice – discharge of condition 8 (reference 23/P/0992/AOC)
CD7.01	Equality Impact Assessment for the Order and SRO
CD7.02	North Somerset Council Corporate Plan (2020-2024)
CD7.03	Banwell Bypass & Highway Improvements Consultation Report
CD7.04	Draft Banwell Bypass & Highway Improvements Consultation Report Second Consultation Analysis Report
CD7.05	Equality Impact Assessment for the Supplemental Order
CD7.06	The Transport Decarbonisation Plan July 2021
CD7.07	Option Selection Report (WSP) July 2018
CD7.08	Banwell Area Transport Study July 2001
CD7.09	North Somerset Economic Plan
CD7.10	Structures General Arrangement Drawings
CD7.11	Environmental Masterplan Update, June 2023
CD7.12	Air Quality Monitoring File Note 21 September 2022
CD7.13	Highway Design Report July 2022
CD7.14	North Somerset Financial Regulations

CD7.15	North Somerset Constitution
CD7.16	WSP Equalities Impact Assessment Screening Report
CD7.17	North Somerset Contract Standing Orders
CD7.18	Detailed Hydrogeological Impact Assessment
CD8.01-0	Chapter 1 - Introduction
CD8.01-1	Appendix 1.B EIA Combined Screening and Scoping Report
CD8.01-2	Appendix 1.C Scoping Opinion Report
CD8.01-3	Appendix 1.D EIA Combined Screening and Scoping Consultation Responses
CD8.01-4	Appendix 1.E Ecological Scoping Report
CD8.01-5	Appendix 1.F Ecology Scoping Opinion Comments
CD8.02	Chapter 2 - Scheme Description
CD8.03-0	Chapter 3 - Alternatives Considered
CD8.03-1	Appendix 3.A Options Appraisal Report
CD8.04	Chapter 4 - Planning Framework
CD8.05-0	Chapter 5 - Air Quality
CD8.05-1	Appendix 5.A Legislation and Guidance
CD8.05-2	Figure 5.1 Operational Affected Road Network
CD8.06	Chapter 6 - Cultural Heritage
CD8.07-0	Chapter 7 - Landscape
CD8.07-1	Appendix 7.C Visual Affects Schedule
CD8.07-2	Appendix 7.D Arboricultural Impact Assessment and Method Statement
CD8.07-3	Appendix 7.B Landscape Strategy
CD8.07-4	Figure 7.2 Environmental Constraints Plan
CD8.07-5	Figure 7.4 Landscape Character Areas
CD8.07-6	Figure 7.5 Zone of Visual Influence

CD8.07-7	Figure 7.7 Visual Effects Drawing
CD8.08-0	Chapter 8 - Biodiversity
CD8.08-1	Appendix 8.C Habitats Regulations Assessment
CD8.08-2	Appendix 8.P Biodiversity Net Gain Report
CD8.08-3	Appendix 8.N Barn Owls Survey
CD8.08-4	Appendix 8.R1 Breeding Birds Survey
CD8.08-5	Appendix 8.H Dormouse Survey
CD8.08-6	Appendix 8.J Great Crested Newt Survey
CD8.08-7	Appendix 8.M Kingfisher Survey
CD8.08-8	Appendix 8.K Otter Survey
CD8.08-9	Appendix 8.I Reptile Survey
CD8.09-0	Chapter 9 - Geology and Soils
CD8.09-1	Appendix 9.D Agricultural Land Classification Report
CD8.09-2	Appendix 9.A Preliminary Sources Study Report
CD8.09-3	Appendix 9.C Ground Investigation Report
CD8.09-4	Figure 9.4 Hydrological and Hydrogeological Constraints Plan
CD8.10	Chapter 10 - Material Resources and Waste
CD8.11-0	Chapter 11 - Noise and Vibration
CD8.11-1	Appendix 11.A Guidance and Standards
CD8.11-2	Appendix 11.B Baseline Noise Survey Report
CD8.11-3	Appendix 11.C Construction Assessment
CD8.11-4	Figure 11.2 Operational Do- Something Noise Level Contour Map – Opening Year (2024)
CD8.11-5	Figure 11.3 Operational Do-Something Noise Level Difference Contour Map Between Do-Minimum & Do-Something – Opening Year (2024)
CD8.11-6	Figure 11.4 Operational Do-Something Noise Level Difference Contour Map Between Do-Minimum & Do-Something – Opening Year (2024) and DS Future Year (2039)

CD8.11-7	Figure 11.5 Operational Noise Significantly Affected Receptors
CD8.12-0	Chapter 12 - Population and Human Health
CD8.12-1	Appendix 12.c Agricultural Holdings
CD8.13-0	Chapter 13 - Road Drainage and the Water Environment
CD8.13-1	Appendix 13.B Flood Risk Assessment
CD8.13-2	Appendix 13.D Hydrogeological Impact Assessment
CD8.14	Chapter 14 - Climate
CD8.15	Chapter 15 - Cumulative Effects
CD8.16-0	Chapter 16 - Environmental Management
CD8.16-1	Appendix 16.A Outline CEMP
CD8.16-2	Appendix 16.C Pre-construction LEMP
CD8.17	Chapter 17 - Conclusion

Evidence submitted by North Somerset Council

NSC-01-1	K Park - Summary Proof of Evidence
NSC-01-2	K Park - Proof of Evidence
NSC-01-3	K Park - Appendices to Proof of Evidence
NSC-01-4	K Park - Rebuttal Evidence
NSC-01-5	K Park - Rebuttal Appendices
NSC-02-1	T Edwards - Summary Proof of Evidence
NSC-02-2	T Edwards - Proof of Evidence
NSC-02-3	T Edwards - Appendices to Proof of Evidence
NSC-02-4	T Edwards - Rebuttal Evidence
NSC-02-5	T Edwards - Rebuttal Appendices
NSC-03-1	T Spencer - Summary Proof of Evidence

NSC-03-2	T Spencer - Proof of Evidence
NSC-03-3	T Spencer - Appendices to Proof of Evidence
NSC-04-1	R Walker - Summary Proof of Evidence
NSC-04-2	R Walker - Proof of Evidence
NSC-04-3	R Walker - Appendices to Proof of Evidence
NSC-05-1	A Pitt - Summary to Proof of Evidence
NSC-05-2	A Pitt - Proof of Evidence
NSC-05-4	A Pitt - Rebuttal Evidence
NSC-06-1	J Wall - Summary Proof of Evidence
NSC-06-2	J Wall - Proof of Evidence
NSC-06-3	J Wall - Appendices to Proof of Evidence
NSC-06-4	J Wall - Rebuttal Evidence
NSC-06-5	J Wall - Rebuttal Appendices
NSC-07-1	V Nicholls - Appendices to Proof of Evidence
NSC-07-1	V Nicholls - Summary Proof of Evidence
NSC-07-2	V Nicholls - Proof of Evidence
NSC-08-1	D Hillier - Summary Proof of Evidence
NSC-08-2	D Hillier - Proof of Evidence
NSC-08-3	D Hillier - Appendices to Proof of Evidence
NSC-08-4	D Hillier - Rebuttal Evidence
NSC-09-1	J Bellinger - Summary Proof of Evidence
NSC-09-2	J Bellinger - Proof of Evidence
NSC-09-3	J Bellinger - Appendices to Proof of Evidence
NSC-10-1	J Ikin - Summary Proof of Evidence
NSC-10-2	J Ikin - Proof of Evidence

NSC-10-3	J Ikin - Appendices to Proof of Evidence
NSC-10-4	J Ikin - Rebuttal Evidence
NSC-10-5	J Ikin - Rebuttal Appendices

Objection Documents

OBJ-01	Ms L Hockey
OBJ-10	Mr Perks & Ms Ball
OBJ-12	Mr & Mrs Webber
OBJ-29	J Anderson - written submission
OBJ-35	A & K Hatherell
OBJ-42-1	Sue Harding on behalf of the Harding Family
OBJ-42-2	Alison Squires, Avison Young on behalf of the Harding Family and Ainscough Strategic Land
OBJ-42-3	Alison Squires, Avison Young on behalf of the Harding Family and Ainscough Strategic Land (Summary)
OBJ-45 & 56	NGET Proof & Summary
OBJ-58	Grahame Warner
OBJ-58	Grahame Warner Appendices
OBJ-58	Grahame Warner Photograph

Inquiry documents

INQ-01	Opening Statement on behalf of North Somerset Council (NSC)
INQ-02.1	Banwell Bypass CPO and SRO Inquiry - Procedural Requirements Summary Statement - 11.07.2023
INQ-02.2	Procedural Requirements Supporting Evidence
INQ-03	ES Chapter 6 Addendum 4 referred to in Katie Park's Evidence

INQ-04	Update to Tom Edwards' Appendix A.3 plan as referred to in his evidence
INQ-05	Revised version of the Tom Spencer's Appendix E (NSC-03-3/E) as referred to during evidence
INQ-06	Updated Appendix F – NSC-06-3-F REAC
INQ-07	NSC- Wolvershill Village clarification - 17.07.2023
INQ-08.01	Banwell Inquiry - CPO modifications explanatory note - 18.07.2023 (WITHOUT APPENDICES)
INQ-08.02	CPO MOD 01
INQ-08.02	CPO MOD 02
INQ-08.02	CPO MOD 03
INQ-08.02	CPO MOD 04
INQ-08.02	CPO MOD 05
INQ-08.02	CPO MOD 06
INQ-08.02	CPO MOD 07
INQ-08.02	CPO MOD 08
INQ-08.02	CPO MOD 09
INQ-08.02	CPO MOD 10A
INQ-08.02	CPO MOD 10B
INQ-08.02	CPO MOD 11
INQ-08.02	CPO MOD 12
INQ-08.03	CPO 1 Modification NSC (Banwell Bypass and Southern Link) CPO
INQ-08.04	CPO 2 Modification NSC (Banwell Bypass and Southern Link) CPO
INQ-09.01	UPDATED Explanatory note on proposed SRO modifications - 18.07.2023
INQ-09.02	SRO modifications plans (Appendix 1 to Explanatory Note)
INQ-09.03	SRO Modification Side Roads Order (with schedules) - 18.07.2023

INQ-10	Updated Appendix J to Engineering Design Proof of Evidence
INQ-11	Updated Appendix K to Engineering Design Proof of Evidence
INQ-12.0	OBJ 58- Mr Warner (The Willows) - Rebuttal Proof of Evidence - 18.07.2023
INQ-12.1	OBJ 58 - Mr Warner - Appendix to Rebuttal Proof of Evidence - 18.07.2023
INQ-13	OBJ 08 - Mr Van der Mark - Rebuttal Proof of Evidence - 18.07.2023
INQ-14	R Wall Stat Dec re access 7 Mar 23
INQ-15	OBJ 58 (Warner) – Note on planting sizes
INQ-16	Shared Use Path Planning Permission Decision Letter - 19.07.2023
INQ-17	OBJ 37 (Millards) Clarification on requirements for Plot 1-7
INQ-18	OBJ-10 (Perks and Ball) Plan Showing PMA Details
INQ-19.01	OBJ 24 (Bale & Millard) Note on alternative path alignments
INQ-19.02	OBJ 24 (Bale and Millard) Alternative alignments - Plan 1
INQ-19.03	OBJ 24 (Bale and Millard) Alternative alignments - Plan 2
INQ-19.04	OBJ 24 (Bale and Millard) Alternative alignments - Plan 3
INQ-20	Walking, Cycling & Horse-riding – additional detail for proposed bridleway
INQ-21.0	OBJ 58 (Warner) Suggested alternative route
INQ-21.1	OBJ 58 (Warner) Suggested alternative route (Appendix A)
INQ-22	Update to Engineering Design Appendix J (25 July 2023)
INQ-23	Update to Engineering Design Appendix K (25 July 2023)
INQ-23.1	Updated Appendix K 27.07.2023
INQ-24	Update to Engineering Design Appendix H (25 July 2023)
INQ-25	Update to Churchill Parish Council - wider mitigations drawing (speed buffer)
INQ-26.0	Schedule of objections and responses

INQ-26.1	UPDATED 26.07.2023 Banwell Inquiry - Schedule of Objections and Responses
INQ-27	Fisher German update on status of statutory Objectors
INQ-28.1	Churchill Parish Council address to CPO Inspector Jul 2023
INQ-28.2	Churchill Parish Council - D Johnson
INQ-29	Additional submission by Ms P Ball
INQ-30	Alliance Spring Co Ltd v First Secretary of State
INQ-31.1	Banwell Bypass - NSC Closing
INQ-31.2	Banwell Bypass - NSC Closing FINAL as delivered

APPENDIX 3: SITE VISIT ITINERARY

North Somerset Council Proposed Site Visit Itinerary for Banwell Bypass

Wednesday 26th July 2023

We would advise bringing suitable footwear and clothing for walking across agricultural fields, much of the site walkover will be achieved via public rights of way but there is some private land with permission required from landowners. North Somerset Council will need to seek permission over the private land for you, so please let us know the date which you intend to take a site visit. The route would need to be adapted to exclude that land if permission is not secured.

The route may require you to cross or walk along short stretches of highway, please be mindful of your safety when doing so.

We suggest parking at West Street Car Park in the centre of Banwell for 10am on Wednesday 26th July. We will arrange for a minibus to meet us at West Street Car Park to transport us around. Lunch will not be provided, but we will drop into Co-Op in Banwell to give people an opportunity to purchase some.

A copy of the Updated Environmental Masterplans for the Bypass (CD7.11) and General Arrangement Plans for the PROW upgrades at Sandford and Churchill (CD4.2) may be useful in addition so you can follow the route of the Bypass and understand the location of the mitigation.

On the site visit route plans, red lines denote walking routes and blue lines denote driving routes. Dashed pink lines show public rights of way (PROW).

10:00am: Minibus to take us in a westerly direction to Knightcott Road to the western extent of the Bypass.

1) 10:05am: Summer Lane junction upgrade-Starting by Summer Lane on the north side of A371 (Knightcott Road) you will be in the location of the proposed junction upgrade at Summer Lane to a signalised junction with Well Lane being realigned to this junction. Follow the Knightcott Road east.

2) 10:25am: Banwell Bypass west junction-From the pavement opposite the Sunshine Smiles Childcare and the new housing development east of the junction where Summer Lane meets the A371 (Knightcott Road), follow the public right of way north across the fields until you reach White Cross Lane, the alignment of the Bypass will be located to the left of where you are walking. Take a left and follow the PROW that goes North to just south of Stonebridge Farm and on to Wolvershill Rd and go North to the entrance of Stonebridge Farm

3) 10:45am: Wolvershill Road junction-The Bypass curves east as you reach Stonebridge Farm, severing the current field used as a caravan site, walk into the site (subject to landowner permission) and along the north side of the ryhne to the end of the site and back. Crossing back over Wolvershill Road and using the farm gate to the south of the residential dwelling, you can follow the PROW across the next two field boundaries, egressing onto Cooks Lane. As you pass through these fields the Bypass will be located to the north (left hand side).

4) 10:55am: When you reach the property on Cooks Lane, turn right and enter into the field via the pedestrian gate south of Whitecross Cottage (this is a permissive path with access allowed without express permission). This field often has bulls and cattle in, please be aware. Follow the

hedge boundary to the furthest north-eastern corner and cross through the gate into the next field.

5) 11:05am: Head across this field, through the gate over the rhyne and into the next field. The gate here egresses onto Moor Road. Again, the Bypass will be situated to the left hand side as you walk through the first field, crossing to your right hand side (south) as you walk through the second field. At this point the road will start to climb an embankment to reach the appropriate height to cross Riverside further east.

6) 11:15am: Moor Road Link-Divert north along Moor Road to the next available field entrance – this is where the Moor Road connection will be provided.

7) 11:25am: Continue south along Moor Road, the Bypass severs the road at the paddock demarcated by 6-7 large trees. Continue south on Moor Road until you meet Riverside.

8) 11:35am: (Moor Road Link-Optional)-At Riverside head north to observe the location where the new Moor Road connection will egress and Riverside overbridge will cross
Visit Mr Warner at The Willows

9) 12:00pm: Banwell Football Club-Head south along Riverside, past the crescent of houses and into Banwell FC (subject to permission of the Football Club), continue north around the pitches, over the footbridge to point 9 (the back fields), the Bypass will cut through the football club's leased land here, crossing the rhyne into the paddocks/agricultural fields to the south.

10) 12:25pm: Banwell Football Club replacement pitches and Banwell Bypass east junction-Heading back towards the clubhouse, follow the public right of way out onto Eastermead Lane to observe the replacement football pitches and extent of Eastermead Lane that will be severed as a result of the Bypass. From this point to the south east and uphill (west of the solar park) you can also observe the location of the Banwell Bypass east junction.
Visit Mr Hatherell at the Old Police House

11) 12:45pm: Southern Link-Walk to the junction of Eastermead Lane with the A368, crossing the road and through a gate into the field on the other side to observe the field to be utilised for the Southern Link. Walking uphill through the field (subject to landowner permission) you can view the location of the eastern Bypass junction.

12) 1:00pm: Southern Link jnc with Castle Hill- Head back towards the village along East Street and up Dark Lane to observe the location where the Southern Link will meet Castle Hill (A371). **Visit Martin Weston property. Rob Stone to join**

1:30 – 2pm: LUNCH – Drop into Co-Op, Banwell

2:00pm: Minibus pick up and take to Catworthy Lane

13) 2:10pm: Banwell to Winscombe shared use path- heading in the direction of Sandford (along the A368), drive down Catworthy Lane and park in the North Somerset Council depot on your right (NSC will need to arrange access). Then walk down Catworthy Lane to look over the fields where the shared use path will link the eastern extent of the Bypass into Sandford. **Visit Ball & Perks?**

Visit Mr Gerrett's land, noting access is only as far as the National Grid fence.

14) 2:30pm: Get back in the car and continue along the A368 through the village of Sandford, (optional - turn left down Dabinett drive and park on the right next to Sandford Primary School. Walk back to the main road and walk east along the north pavement until approx 130m after

Greenhill Road, where the pavement end. In Sandford you can view where there would be highway mitigation works for the Bypass that aren't included in the CPO.)

15) 2:45pm: Minibus to drop off on Dinghurst Road by the north/south PROW and arrange to meet on Churchill Green to collect. **Churchill PC to join**

2:50pm: PROW AX29/51/10 proposed upgrade to bridleway-Take a left through the gate and up the PROW all the way to the road at the other end (Churchill Green). There is a gate approximately halfway along the PROW.

16) 3:15pm: Minibus to take to Church Lane to walk extent of east/west PROW collecting at Ladymead Lane. **A long this route visit Bale, Millard and Schmollmann land.**

3:50pm: PROW AX14/36/30 proposed upgrade to bridleway- Start at Church Lane and then take the first right down the track AX14/36/30. Follow the PROW to the road at the other end (Ladymead Lane). There are several gates to pass through and a stile along the PROW.

17) 4:00pm: Minibus to pick up at Ladymead Lane and take back into Churchill, noting Churchill Gate junction. As you drive through Churchill you can observe the locations for highway mitigations including an upgrade to Churchill Gate junction that don't require CPO powers.

18) 4:15pm: Driving along the A368, turn right onto Hilliers Lane, walk to the junction to assess mitigation in this location and walk to The Drive as requested by Churchill Parish Council.

19) 4:30pm: Minibus to drive through Winscombe to note the locations for highway mitigations that don't require CPO powers before returning to West Street Car Park

Finish