

Metrowest 1 ISH Hearing 5 Action point 27

Annexe 3

North Somerset Council

Court House Farm Easton-in-Gordano decision notice

NOTICE OF DECISION
Town and Country Planning Act 1990



The Bristol Port Company
Mrs Anne Hayes
St. Andrew's House
St. Andrew's Road
Avonmouth
Bristol
BS11 9DQ

Application Number
Category

16/P/1987/F
Full Planning
Permission

Application No: 16/P/1987/F
Applicant: The Bristol Port Company
Site: Land to west of Court House Farm, Marsh Lane, Easton-in-Gordano, BS20 0NE
Description: Development of the site for port related uses. Provision of hardstanding for storage of cargo in transit (e.g. motor vehicles) through Royal Portbury Docks, with associated infrastructure, including a crossing over the disused railway by a crossing at grade and or vehicle bridge between the current Royal Portbury Dock estate and the proposed site

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

- 1 The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 42033A, 42070B, 42075A, 42080A, 42083B and CHF02A.

Reason: For the avoidance of doubt and in the interest of proper planning
- 3 The movement and storage of cargo in transit (e.g. motor vehicles) shall not be commenced until the new vehicular access across the railway corridor have been formed in accordance with the approved plan ref: 42075A.

Reason: In the interests of road safety and in accordance with Policy CS10 of the North Somerset Core Strategy and Policy DM24 of the Development Management Policies July 2016.
- 4 The movement and storage of cargo in transit (e.g. motor vehicles) shall not be commenced until the finished surface of the Bridleway, across the access to the site, has been laid out in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of pedestrian, cycle and horse and safety and in accordance with

General approval decision notice

Policies DM 24 and DM 32 of the Development Management Policies July 2016.

- 5 No development shall take place until details of a landscaping scheme, including replacement tree and hedge planting for the application site and Shipway Farm has been submitted to and approved, in writing, by the Local Planning Authority. The landscaping scheme shall include a minimum 10m wide landscape and ecological buffer along northern boundary of the site.

Reason: To ensure that a satisfactory landscaping scheme is prepared for the benefit of wildlife along the length of the railway corridor, taking into account the HRA TOLSE Mitigation Requirements, and in accordance with Policy CS4 of the North Somerset Council Core Strategy and Policy DM32 of the Development Management Policies July 2016.

- 6 All works comprised in the approved details of landscaping should be carried out during the months of October to March inclusive following commencement of the development, unless approved, in writing, by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policy DM32 of the Development Management Policies July 2016.

- 7 Trees, hedges and plants shown in the landscaping scheme shall be planted in the first available planting season following commencement of development and shall be retained over the lifetime of the development following full implementation of the landscaping scheme. No trees or planting shall be removed without prior written consent from the Local Planning Authority and if any trees or landscaping die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with Policy DM32 of the Development Management Policies July 2016.

- 8 No development shall commence until a plan showing the location and design of tree protection fencing has been submitted and agreed in writing by the Local Planning Authority and the agreed tree protection has been erected around existing trees to be retained. This fencing shall remain in place during site works. The Local Planning Authority is to be advised prior to development commencing of the fact that the tree/hedge protection measures as required are in place and available for inspection.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place within this protective zone and in accordance with Policy CS9 of the North Somerset Core Strategy.

- 9 The development shall not be commenced until final details of lighting, including temporary/construction and permanent lighting, within the site and replacement lighting in Plot 25, have been submitted to and approved by the Local Planning Authority. The details shall include:
- i) lux contour lighting plans showing pre-existing and proposed lighting levels within and adjacent to the retained ecological corridors on the northern, eastern and western boundaries;
 - ii) details of the type and location of the proposed lighting within the storage compound;
 - iii) details of the type and location of the proposed lighting on the at grade railway crossing and

General approval decision notice

iv) proposals for monitoring and reporting of the lux levels post construction, to include details of monitoring locations within the northern ecological corridor; v) information on measures to protect the retained bat corridor from impacts from vehicle movements from within the site.

Details of the type and location of the proposed lighting on the new railway bridge will also need to be submitted for approval before construction on the bridge is commenced.

Reason: To reduce the potential for light pollution in accordance with Policies CS3 and CS12 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended).

- 10 Before the commencement of development, a Landscape and Ecological Management Plan shall be submitted and approved in writing by the LPA. The Plan, in accordance with the approved Ecological Mitigation Strategy dated July 2016 and the mitigation and enhancement measures outlined in Sections 6 and 7; and Table 16 within the submitted Ecological Impact Assessment for Court House Farm (Landmark, November 2016). These measures shall include the establishment and management of semi-natural habitats within the site and within Shipway Farm, including planting schedules that include early establishment and protection of boundary habitats; and details of on-going management. This shall also include details of design and planting of waterbodies at Shipway Farm, together with the enhancement of bird nesting and bat roosting features and other measures to maximize biodiversity interest.

Reason: To comply with the Conservation of Habitats and Species Regulations 2010 (as amended). To meet Adopted North Somerset Core Strategy Policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

- 11 Prior to the commencement of development, an outline Water Vole mitigation and translocation strategy shall be submitted to the LPA in writing. The strategy shall include avoidance and mitigation measures to be implemented and a translocation protocol. The strategy shall be implemented in accordance with the submitted information, unless otherwise required to be varied for Natural England licencing. The LPA should be notified of any amendments in writing.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2010 (as amended), and the NERC Act (2006).

- 12 Prior to the commencement of development, an outline Great Crested Newt amphibian mitigation and translocation strategy shall be submitted to the LPA in writing. The strategy shall include avoidance and mitigation measures to be implemented and a translocation protocol. The strategy shall be implemented in accordance with the submitted information, unless otherwise required to be varied for Natural England licensing. The LPA should be notified of any amendments in writing.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2010 (as amended), and the NERC Act (2006).

- 13 Prior to the commencement of development, a Habitat Creation Plan for both the onsite ecological corridors and off-site mitigation corridor (Shipway Farm), to include a method statement together with a detailed plan of the mitigation proposals (to include ponds and ditch design specifications), shall be submitted to the LPA for approval in writing. This shall detail the landscaping works required to create the offsite mitigation corridor and measures required to ensure that protected species are not negatively impacted by the

General approval decision notice

works to create the new mitigation habitats. The works shall be implemented in accordance with the approved plan. On completion of the Habitat Creation Plan and translocation of legally protected species (great crested newt, water vole and reptiles), a statement of completion signed by the ecological consultant shall be submitted to the LPA.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended), North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

- 14 No development shall take place, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security fencing, where appropriate;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) a scheme for recycling/disposing of soil and waste resulting from construction works;
 - (viii) measures to control noise from works on the site;
 - (ix) measures for disposal of waste and prevention of pollution in accordance with best practice and measures for avoidance and mitigation of harm to legally protected and Section 41 species and wild mammals;
 - (x) provision for pre-commencement protected species surveys and walk over check by the ecological consultant;
 - (xi) a plan showing measures for habitat protection and retention shall be provided, including protection and retention of suitable buffer zones from retained hedgerows.

Once approved, the CEMP shall be adhered to at all times, with any amendments agreed in writing with the Local Planning Authority before proceeding and shall also include details of the appointment of an Ecological Clerk of Works with overall responsibility for the successful implementation of the CEMP, to advise project management staff and contractors on ecological issues and to ensure mitigation measures are implemented correctly. Works shall be implemented in strict accordance with the approved methodology.

Reason: To comply with the Conservation of Habitats and Species Regulations 2010 (as amended), Wildlife and Countryside Act 1981 (as amended); the Badger Protection Act 1992, the Wild Mammals Protection Act 1996, and in accordance with North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

- 15 The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of the sustainable drainage scheme have been submitted to the LPA and approved in writing by the LPA. Additional or increased flow rates of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. Soakaway should not be constructed within 20 metres of Network Rail's boundary. Any surface water run-off from

the site must drain away from the railway boundary and must not drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land. The drainage scheme must be designed to reduce the rate and volume of surface water leaving the site taking into account climate change. The submitted details shall include:

- a. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (5 metres minimum), the methods employed to delay and control surface water discharged from the site, to prevent flooding
- b. Pollution treatment train to prevent pollution of the receiving groundwater and/or surface waters;
- c. The drainage design should take account of tide locking within the system and demonstrate that it will not impact on the ability of the surface water system to drain at 1 in 30 plus climate change return event, up to 1-100 year event.
- d. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- e. Flood water exceedance routes, both on and off site;
- f. A management and maintenance plan for the lifetime of the development which shall include the arrangements by an approved appropriate body and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the necessary flood risk and drainage works are secured and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, the Technical Guidance to the National Planning Policy Framework (March 2012) and Policy CS/3 of the North Somerset Core Strategy.

- 16 The use of the site for the storage of cargo in transit (e.g. motor vehicles) shall not be commenced until full details of the temporary at-grade vehicle crossing have been submitted to and approved by the Local Planning Authority. Notwithstanding the submitted plan: 42075A, the security fencing/gates shall not be erected across the railway corridor owned by Network Rail. In addition, the use of the site for the storage of cargo in transit (e.g. motor vehicles) shall not be commenced until a programme of works (including timescales) for the introduction and removal of the temporary at-grade vehicle crossing and construction of the vehicular bridge across the railway line so as not to impede the re-opening of the Portishead Branch Line have been submitted (in consultation with MetroWest and Network Rail) to and approved by the Local Planning Authority.

Details of the at-grade vehicle crossing, bridge and above programme of works, once approved, shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority. The temporary at-grade vehicle crossing must not be used after the Portishead Branch Line is re-opened to railway traffic.

Reason: To ensure that the safeguarded railway corridor is adequately protected in accordance with Policy CS10 of the North Somerset Core Strategy and Policy DM22 of the North Somerset Development Management Policies July 2016.

- 17 The programme of works referred to in condition 16 shall be in accordance with the requirement set out in the letter from Network Rail dated 17th November 2016, as follows:
- Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the

approval of Network Rail's Asset Protection Engineer prior to the commencement of works

" All excavations/earthworks/structures must be designed and executed such that no interference with the integrity of adjoining land. If temporary compounds are to be located adjacent to the Railway, these should be included in a method statement for approval by the Local Planning Authority acting in consultation with the railway undertaker.

" Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

" Where the crossing, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

Reason: To ensure that the safeguarded railway corridor is adequately protected in accordance with Policy CS10 of the North Somerset Core Strategy and Policy DM22 of the North Somerset Development Management Policies July 2016.

- 18 The use of the site for the storage of cargo in transit (e.g. motor vehicles) shall not be commenced until a Bridleway Crossing Management Plan has been submitted to and approved by the Local Planning Authority. The Management Plan shall include details of how the bridleway will be manned whilst the crossing is in operation, the method of control, warnings and signage. Once approved by the LPA, the Bridleway Crossing Management Plan shall be strictly implemented and adhered too in accordance with its recommendations.

Reason: In the interests of bridleway safety and in accordance with Policy CS10 of the North Somerset Core Strategy and Policy DM24 of the North Somerset Development Management Policies July 2016.

- 19 Except for emergency use, the existing access from Marsh Lane into Court House Farm shall not be used to gain access or egress of cargo in transit (e.g. motor vehicles) and the proposed vehicular access gate from Court House Farm into the cargo storage compound shall be restricted to emergency use only.

Reason: In the interests of highway safety on Marsh and in accordance with Policy CS10 of the North Somerset Core Strategy and Policy DM24 of the North Somerset Development Management Policies July 2016.

Advice note(s)

In dealing with the application we have worked with the applicant in a positive and proactive manner and have implemented the requirement in the National Planning Policy Framework (paragraph 187) by publishing local planning guidance on the council's website, offering pre-application written advice and publishing statutory consultee and neighbour comments on the council's website.

The applicant is advised that the filling in and alterations of the ditches may require Land Drainage Consent from the North Somerset Levels Internal Drainage Board.

The applicant is advised and has accepted the existence of Policy DM21 of the Development Management Policies (July 2016) which seeks to protect the safeguarded land for future widening of J19 and that the permission has been granted subject to any future exercise of

General approval decision notice

those rights by Highways England.

The applicant is advised to engage with Network Rail regarding their consents and technical approvals for the proposed road bridge, as both the national rail infrastructure operator and as a land owner.

The bridge over the railway will be subject to the necessary licence agreement between the applicant and Network Rail being reached before any works can take place. It should also be noted that the at grade "crossing" will not be acceptable when the Portishead section opens again and construction commences for Metro West, which is due to start early 2019.

The applicant is advised that no work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail.

Bats. Please note that bats are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This includes bats and places used as bats roosts, whether bats are present at the time or not. If live bats or evidence of bats is unexpectedly found during the course of works, all works must cease and Natural England must be contacted immediately (0300 060 3900).

Nesting Birds - All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged. No site clearance shall be carried out on site between 1st March and 30th September inclusive in any year, unless a check has been carried out beforehand by a qualified ecologist following a methodology agreed with the local planning authority.

Reptiles - All reptile species are protected under the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to intentionally kill or injure a reptile. If reptiles are unexpectedly found during the course of works, all works must cease and a suitably qualified ecologist contacted for advice.

Native planting: The selection of locally appropriate native species may be informed by reference to 'Flora of the Bristol Region' (BRERC (2000)). Where priority habitats are being restored or creation

External lighting must comprise no or low UV output and be designed to avoid areas likely to supporting roosting, foraging or commuting bats; where horseshoes are using the site, wherever feasible aiming for light levels below 0.5 lux for important flight lines. For further information refer to the Bat Conservation Trust web pages.

A Natural England licence must be obtained to implement the required mitigation measures to allow trapping and handling of Great crested newt and water vole.

Where common wild mammals are present on or immediately adjacent to the construction site, works must be implemented such as to comply with the Wild Mammal Protection Act 1996. The ecological consultant to advise on site enabling works, to include phased removal of vegetation and development of the Site, including periods of minimal disturbance from construction to provide opportunities for wild mammals to migrate away from areas of disturbance, where likely to be feasible. For example, sequential exposure of rabbit warrens/fox earths. For further information refer to Natural England's web pages (for example, most recent TIN guidance notes).

The applicant is advised that the landscaping requirement on the northern boundary of the site will require a hedge planting designed as a habitat feature for horseshoe bats and should be 3 to 6 metres wide by the third year after planting and the height of the hedgerow should be specified as 3 to 4 metres. In addition the landscape strategy will require hedge planting within the mitigation and enhancement area surrounding the site.

The applicant is advised that overall scheme and purpose of condition 9 shall be designed and maintained to avoid any adverse effect from the development on the integrity of the North Somerset and Mendip Bats Special Area of Conservation; and shall therefore maintain lux

General approval decision notice

levels at, or below, existing lux levels within the newly proposed 10m wide horseshoe bat foraging/commuting corridor on the northern boundary, over the lifetime of the development. If pre-existing night time lighting levels on this boundary are above mean 0.5 lux, additional measures will need to be implemented to reduce lighting levels to at or below mean 0.5 lux.

In addition, the proposal must ensure that mean lux levels as a result of the development are maintained at no greater than existing levels, and preferably below 0.5 lux within the railway corridor to the north of the site, to protect this important horseshoe bat commuting route. The final design and operating protocol shall be submitted for approval in writing to the LPA prior to the commencement of construction to ensure that a lighting system of the correct specification is installed and operated appropriately.

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

Date: 21 December 2016

Signed 
Director of Development & Environment

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