

**County Council Development**

**North Devon District: Improvements to an existing roundabout and provision of a new underpass at land at Bishop's Tawton Roundabout, Barnstaple**

**Applicant: Devon County Council**

**Application No: 70293**

**Date application received by Devon County Council: 16 July 2019**

Report of the Chief Planner

***Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.***

**Recommendation: It is recommended that planning permission is granted subject to the conditions set out in Appendix I of this report (with any subsequent changes to the conditions being agreed in consultation with the Chair and local member).**

**1. Summary**

- 1.1 This report relates to proposed improvement works at the existing Bishop's Tawton Roundabout where the A377 and B3138 meet the A361 Barnstaple Bypass, including provision of an underpass for pedestrians and cyclists.
- 1.2 The main material planning considerations in the determination of the proposed development are: consideration against planning policy; traffic and transportation impacts, including safety concerns; the availability of alternatives to the underpass; impacts upon living and working conditions, including from noise and air quality; ecological/nature conservation impacts; landscape and visual impacts; and other environmental impacts including climate change.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4142/2019 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4142/2019>.

**2. The Proposal/Background**

- 2.1 Devon County Council is undertaking a scheme of improvements to the A361 North Devon Link Road (NDLR) split into two packages:
  - the widening and improvement of a 7.5km length of carriageway between Portmore Roundabout and Filleigh Cutting, for which Members resolved to grant planning permission at the meeting on 30 January 2019 [minute \*67]; and
  - the improvement of various junctions along the A361, including Bishop's Tawton roundabout which is the subject of this application.
- 2.2 The application site comprises the A361 extending to approximately 330 metres on either side of the existing Bishop's Tawton roundabout, shorter lengths of the B3138 and A377 (Bishop's Tawton Road) to the north and south of that junction, and land adjoining the highway including areas of woodland. There are residential properties to the north east (Style Close leading to Willow Tree Road) and south west (Oatlands Avenue) of the roundabout, with a mix of typical highway plantation consisting of larch, ash, pine, scots, field maple, oak and elder providing a landscape corridor and buffer within the highway

boundary between these properties and the A361. There is agricultural land to the north west and south east of the proposed works.

- 2.3 The improvement works comprise three main elements that are described below.

#### Enlargement and improvement of the existing roundabout

- 2.4 Each of the four arms of the Bishop's Tawton roundabout currently consists of two lanes on the approach to the junction, with only one catering for straight ahead traffic, and one lane on each exit from the roundabout. The proposal seeks to provide an additional exit lane on each of the east and west arms of the A361 through the roundabout, with both of the approach lanes on the A361 to cater for straight-ahead traffic. In addition, the A377 southern approach will be widened to increase the length of the separate lanes and widening will also take place of the circulatory carriageway of the roundabout itself.

#### Provision of a new underpass to the west of the roundabout

- 2.5 Pedestrians and cyclists currently cross the A361 on both the eastern and western arms of the roundabout, usually when traffic is queuing. It is likely that the combination of the proposed wider carriageways, which will reduce queuing traffic, and high volumes of traffic travelling on a 60-mph road, will result in crossing becoming harder and potentially more hazardous. Following an assessment of alternatives, the application proposes that a new underpass to the west of the roundabout be provided, with associated measures to the north and south to encourage its use, to enable safe passage for pedestrians and cyclists under the A361.
- 2.6 On both the southern and northern sides of the A361, the underpass will connect with existing footways with the southern side being accessed by both steps and a ramp and the northern side solely by a shallow straight ramp. The underpass has been designed to allow for high visibility with a clear line of sight also allowing natural light to enter. The underpass and its surrounds will be lit using a combination of new and existing lighting columns and ceiling and wall mounted LED lights.

#### Associated works

- 2.7 The main area of vegetation clearance is proposed to the south of the western arm of the roundabout, to the rear of the residential properties at Oatlands Avenue, to accommodate the ramp and steps that will give access to and from the underpass. In addition, vegetation will need to be removed in the north western corner of the roundabout to enable construction of the access ramp, as well as on either side of the A361 to allow widening of the carriageway. Management of retained woodland, including new edge planting and underplanting to maximise screening, is proposed to the rear of those properties in Oatlands Avenue directly adjacent to the works. Additional planting is also proposed in these and other areas consisting of a mix of woodland planting, native hedgerow and native shrub mix. An acoustic fence is proposed along a portion of the southern side of the western arm of the A361 and to the rear of properties further to the west in Oatlands Avenue.
- 2.8 The applicant's planning statement states that consultation exercises were held between 12 October and 23 November 2018 with responses from 25 individuals and groups, including potentially affected landowners and residents. Full details of the public consultation and analysis of the responses can be found at the following link:  
<https://new.devon.gov.uk/ndlr/project-progress/consultation>.

### 3. Consultation Responses

3.1 North Devon Council: The proposal was reported to North Devon Council's Strategy and Resources Committee on 2 September 2019 and its Planning Committee on 11 September 2019. The Strategy and Resources Committee resolved that:

- (a) The objectives of the Bishop's Tawton roundabout improvement scheme be supported in principle subject to consideration being given to:
  - (i) measures to reduce through traffic to South Street e.g. width restriction;
  - (ii) measures to encourage traffic to use more appropriate accesses to the east of Barnstaple; and
  - (iii) whether the provision of an underpass was necessary or whether there were other measures that could provide the same level of cycle and pedestrian safety.
- (b) As a result of the consultation and reviewing the concern raised, the Council was most concerned and requested that a full strategic review of traffic movements and access issues in Barnstaple was undertaken and also expressed concern regarding the funding reductions for park and ride schemes.

The Planning Committee resolved that the decision of the Strategy and Resources Committee be supported and that the following observations be made to Devon County Council:

- (a) That the objectives of the Bishop's Tawton roundabout improvement scheme be supported in principle subject to consideration being given to:
  - (i) physical measures to reduce through traffic to South Street e.g. width restriction;
  - (ii) measures to encourage traffic to use more appropriate accesses to the east of Barnstaple; and
  - (iii) whether the provision of an underpass was necessary or whether there were other measures that could provide the same level of cycle and pedestrian safety and that the two preferred options of providing a toucan crossing and improvements and updates to the existing cycleway/footpath be investigated.
- (b) That as a result of the consultation and reviewing the concerns raised, the Council was most concerned and requested that a full strategic review of traffic movements and access issues in Barnstaple was undertaken and also expressed concern regarding the funding reductions for park and ride schemes.

3.2 Bishop's Tawton Parish Council: Raise concerns relating to the justification of the cost when viewed against the daily use figures; highlight their preferred option of a toucan crossing which in their view would not inhibit free flow of traffic but at the same time would slow traffic speeds down "enabling continuation of flow"; highlight that the removal of trees would have a detrimental effect on 1-5 Oatlands Avenue; outline that many parishioners will not use the Tarka Trail due to it flooding, being overgrown and often used by rough sleepers; question how pedestrians would safely use/cross Chestwood Hill and the suitability for prams, pushchairs, mobility scooters, wheelchairs etc; and raise concerns regarding speeding traffic in Bishop's Tawton village and the need for traffic calming measures.

3.3 Barnstaple Town Council: Recommends refusal on the grounds that "the proposed amenity benefit of an underpass at this location will not be achieved for the following reasons:

- An underpass will create a potential safeguarding issue for users of the facility and there is a lack of policing to ensure that this would be managed.
- In other locations where underpasses have been installed pedestrians have chosen to cross the road at surface level as they have felt safer, creating a greater risk due to the road design not being fit for this purpose.
- The loss of trees on the Bishop's Tawton side of the A361 will mean that the natural sound barrier and wildlife habitat will be lost in order to create the ramp to the underpass.”

The Town Council's preferred option would be a toucan crossing with the consideration of improving the existing footpath route passing under Rumsam Bridge and on to Rock Park.

- 3.4 Natural England: No comments to make.
- 3.5 Environment Agency: No objections to the proposal, and state that the new drainage layout and stream works will provide a betterment to the existing situation in terms of extra storage, discharge to a lower flood risk sensitive location and improved water quality.
- 3.6 Historic England (consulted 30 July 2019): No comments received.
- 3.7 Ministry of Defence: No safeguarding issues.
- 3.8 Wales and West Utilities: No objections raised.
- 3.9 South West Water: No objections raised.
- 3.10 Devon Wildlife Trust (consulted 30 July 2019): No comments received.
- 3.11 Joint Committee of National Amenity Societies (consulted 30 July 2019): No comments received.
- 3.12 North Devon Biosphere (consulted 30 July 2019): No comments received.
- 3.13 Devon County Council Historic Environment: No objections raised.
- 3.14 Devon County Council Highways Development Management: Support the scheme as it improves vehicle flow on the A361 and provides a significantly safer facility for pedestrians, cyclists and all other non-motorised users wishing to negotiate the crossing of the A361.
- 3.15 Devon County Council Public Health: Support the application as it appears to promote active travel, is accessible to mobility impaired, includes the planting of trees and plants including achieving net environmental benefit and aims to provide economic benefit to the area.
- 3.16 Devon County Council Flood Risk: No objections. Commented that the applicant has demonstrated that the surface water drainage strategy will provide a betterment to the existing scenario.
- 3.17 Devon County Council Ecology: No objections subject to conditions relating to protection measures for existing tree and woodland being implemented during construction; all proposed wildlife mitigation measures being actioned; the securing of offsite habitat mitigation; and the submission and agreement of a Construction Environment Management Plan (CEMP) and a Landscape and Ecological Management Monitoring Plan (LEMMP).
- 3.18 Devon County Council Landscape: The Landscape Impact Assessment that accompanies the application can be relied upon in identifying and assessing the likely effects of the proposals on the landscape and on views, although the conclusion that the overall effects would be 'neutral' in the long term is uncertain due to lack of detail in the submitted

information. However, it is concluded that the imposition of conditions relating to tree protection measures, submission of soft and hard landscape proposals and the implementation of the proposed planting would help to mitigate any significant localised impacts on essential green infrastructure and residential amenity as far possible.

3.19 Local Member (Barnstaple South): No objections.

#### **4. Advertisement/Representations**

4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures 11 letters/emails of representation have been received.

4.2 One letter of support has been received, on the grounds that the proposal will allow safer passage on foot instead of by car to Bishop's Tawton , and Codden Hill "without having to cross the dangerous link road".

4.3 Ten letters of objection and/ or comment raise the following issues:

- current level of use of the existing crossing does not justify the need for the underpass proposal;
- cost of the underpass is not justified;
- environmental costs are unacceptable;
- The proposal may prompt users to cross at street level;
- concern from parents at the school in having to use an underpass, out of sight of the passing public;
- A bridge would be the preferred option;
- the accident record at the current site does not justify the underpass proposal;
- The underpass is likely to be used for antisocial behaviour, rough sleeping etc which will discourage use;
- impacts of noise and light pollution on the residents of Oatlands Avenue;
- use of environmentally damaging concrete;
- removal and loss of established green space, mature trees and habitat;
- intelligent pedestrian activated traffic lights on all four exits off the roundabout would be the preferred option;
- crossing surveys do not cover all routes such as crossing of the Bishop's Tawton Road;
- no comparison has been provided showing potential crossing figures between an underpass option and pedestrian activated lights;
- loss of screening provided by vegetation to the rear of Oatlands Avenue;
- toucan crossing as a preferred option causing less impact on the surrounding environment;
- improving the Tarka Trail as a preferred option;
- encourages vehicular use of an already busy route;
- the lack of mitigation both in terms of environmental loss and traffic impacts of facilitating higher flow rates;
- do not agree with the segregation of some highway users to facilitate vehicular traffic;
- unnecessarily expensive scheme which reinforces the severance effect of the A361 on the local community;
- has negative effects on the residents immediately next to it and proposes no mitigation for the damage it will cause to the quality of life for residents in the adjacent conservation areas;
- the submitted road safety audit does not consider risks to pedestrians and cyclists at the junction;
- lack of overall assessment of the impact of proposal on wider pedestrian and cycle movements;

- the design of the roundabout will encourage traffic flows northwards towards Bishop's Tawton Road and South Street;
- adverse impacts as a result of the proposed infrastructure on the residential amenities of occupants of adjoining properties by virtue of the nature, scale and location adjacent to their homes;
- not in accordance with national and local policy to promote walking, cycling and public transport over private car use, as set out in Local Plan policy ST10 and NPPF paras 102-104; nor in accordance with Local Plan Policies ST01 – Principles of Sustainable Development, ST02 – Mitigating Climate Change, ST03 - Adapting to Climate Change and Strengthening Resilience, ST05 - Sustainable Construction and Buildings, ST14 – Enhancing Environmental Assets, ST23 – Infrastructure, DM01 - Amenity Considerations, DM08 - Biodiversity, DM09 - Safeguarding Green Infrastructure and DM10 - Green Infrastructure; and
- the proposal fails to address the associated traffic issues in South Street and on the A377 Bishop's Tawton Road.

## 5. Planning Policy Considerations

5.1 In considering this application the County Council, as County Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that, where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are listed below and referred to in more detail in Section 6.

5.2 **North Devon and Torridge Local Plan 2011-2031** (adopted 29 October 2018)  
Policies ST02 Mitigating Climate Change; ST03 Adapting to Climate Change and Strengthening Resilience; ST04 Improving the Quality of Development; ST05 Sustainable Construction and Buildings; ST10 Transport Strategy; ST11 Delivering Employment and Economic Development; ST14 Enhancing Environmental Assets; ST15 Conserving Heritage Assets; BAR Barnstaple Spatial Vision and Development Strategy; BTA Bishop's Tawton Spatial Strategy; DM01 Amenity Considerations; DM02 Environmental Protection; DM03 Construction and Environmental Management; DM04 Design Principles; DM05 Highways; DM07 Historic Environment; DM08 Biodiversity and Geodiversity; and DM08A Landscape and Seascape Character.

5.3 **Devon Waste Plan 2011-2031** (adopted December 2014)  
Policies W4 (Waste Prevention) and W21 (Making Provision for Waste Management).

5.4 **National Planning Policy Framework (July 2018)**

## 6. Comments/Issues

6.1 The material planning considerations in the determination of this application are discussed below.

### Policy Context

6.2 The principle of this development is clearly established and supported by North Devon Council through the recently adopted North Devon and Torridge Joint Local Plan. Policy ST01: Principles of Sustainable Development identifies the mutually dependent economic, environmental and social roles when considering development and states: "To achieve sustainable development, economic, social and environmental gains will be sought jointly and concurrently wherever possible". Policy ST06 of the Plan identifies Barnstaple as the 'Sub-regional Centre' for Northern Devon and, as such, the town is the major destination in the area, serves as a transport hub, and is the focus for much future growth. The spatial

development strategy for Barnstaple set out in Policy BAR, also specifically refers to "improvements to capacity at existing road junctions along the A39 and A361" in part (n).

- 6.3 The proposal also supports the delivery of Local Plan Policy ST10: Transport Strategy, in particular with regards to part 1 (a) ensuring the operational effectiveness of the strategic road network (A361 and A30) and other strategic routes including the A39, linking the area to the national road network (M5 and A30) and to Exeter, Plymouth and Cornwall; part 2 (e) protecting and enhancing the function and safety of the road network; and part 3 (f) maximising safety on transport networks through improvements to physical infrastructure design.
- 6.4 The requirement for improvements at junctions on the A39/A361 in order to mitigate the impact of proposed high levels of housing and employment growth is also identified in the Devon and Torbay Local Transport Plan 3 (2011-2026).
- 6.5 The Northern Devon Economic Strategy (2014-2020) states that:  
"The key task to attract inward investing businesses to locate in northern Devon is the need to encourage employers to turn right at Junction 27 of the M5, and for Northern Devon's employment sites to actively compete with more expensive locations in the M5 corridor, Exeter and in Plymouth. In the longer term there is an ambition therefore to significantly improve the A361/A39 link road from Tiverton to Barnstaple and Bideford and improve road links to Ilfracombe".
- 6.6 The Strategy also identifies a number of priorities amongst which is P1A – Provision of effective infrastructure to stimulate economic investment and growth in productivity and employment and in particular P1A4. Priority P1A4 identifies road improvements to strategic links as its key objective with one key action to achieve this stated as "Pursue capacity upgrades to A361 from Tiverton to Bideford, phased to South Molton, Barnstaple, Bideford".
- 6.7 The Infrastructure Delivery Plan (IDP, June 2016) linked to the Local Plan also identifies that "Allowance has to be made for a range of options in some cases. The most substantial examples are the junctions onto and sections of the A361/A39 corridor." The A361 Bishop's Tawton (Rumsam) roundabout improvement has been identified as a 'Priority 1' scheme or, according to the IDP, "Infrastructure that is fundamental to the delivery of the strategic vision, objectives and development strategy for the area as set out in the development plan".
- 6.8 As the IDP suggests this scheme and other schemes along the A361, central government funding has been secured for their delivery.

#### Traffic and Transportation Impacts

- 6.9 The current capacity of Bishop's Tawton roundabout is severely constrained, particularly in peak periods, due to each arm only having one lane for straight-ahead traffic, resulting in long queues and delays. These conditions are likely to become worse as delivery of the 17,000 dwellings and 85 hectares of employment land allocated in the Local Plan proceeds. The widening of the carriageway on the A361 approach roads and roundabout to achieve two straight-ahead lanes will create additional capacity to accommodate the anticipated traffic growth.
- 6.10 These improvements to the capacity of the roundabout will have implications for pedestrian and cyclists travelling between Barnstaple and Bishop's Tawton wishing to cross the A361, as the carriageway to be crossed will be wider and there will be less slow, queueing traffic. These difficulties of crossing the A361 at grade will be increased both for the able bodied and, in particular, for more vulnerable non-motorised users such as children, family groups, the elderly and persons with limited mobility and sight/hearing impediments.

- 6.11 For residents of Bishop's Tawton, the nearest secondary school is Park School, located approximately one mile north of the village centre, while Barnstaple town centre is approximately two miles away. These distances are reasonable journeys on foot or by cycle, but currently require crossing of the A361. Pedestrian and cycle counts in 2019 recorded 46 people crossing the A361 at Bishop's Tawton roundabout on a wet day and 61 on a dry day, with the majority being children travelling to and from school.
- 6.12 Whilst it could be argued that, in isolation, current use figures at this junction may not justify the underpass proposal, upgrading the roundabout junctions to facilitate freer flow of traffic on the A361 and the speeds at which vehicles approach the roundabout, the current at-grade facilities or a signalised at-grade crossing facility is not considered to be a safe option. The proposed underpass is therefore considered to provide a significantly safer and more convenient facility for pedestrians, cyclists and all other non-motorised users, wishing to cross the A361 in the future.

### Alternatives Considered for Crossing the A361

#### *Signalised Pedestrian Crossing (at grade)*

- 6.13 Some residents have called for a signalised crossing; however, research demonstrates that, on higher speed roads in non-built up areas, there is an increased risk (particularly to children) of collisions. The risk is particularly acute on 40mph and 50mph roads where pedestrians who are disobeying the crossing signals find it harder to judge the gaps between vehicles and drivers increasingly find themselves in the 'dilemma zone' where they do not stop at the crossing. The outcomes of crossing violations are also likely to be more severe where they do occur due to the higher speed of vehicles on the road. In addition to this, a signalised crossing in this location would be the only signalised facility on the A361 before it reaches the outskirts of Bideford which brings with it the risk of it being more unexpected than if it were in other environments and, as a result, increasing the risk of violation/ mistakes by motorists. A technical report on signalised pedestrian crossings on higher speed roads can be found at the following link [https://devoncc.sharepoint.com/:b:/s/PublicDocs/Highways/EXoO\\_LNNiTVNn\\_2vUK2YUkgBEQ7FP-214BB84f7XjKoPyQ?e=OqMc2Q](https://devoncc.sharepoint.com/:b:/s/PublicDocs/Highways/EXoO_LNNiTVNn_2vUK2YUkgBEQ7FP-214BB84f7XjKoPyQ?e=OqMc2Q).

#### *Riverside Route*

- 6.14 The route alongside the River Taw is recognised as an alternative crossing of the NDLR which has good connectivity to the school and town centre. It was assessed to be used mainly by adults, distributed throughout the afternoon and early evening. Overall, the riverside route is considered as being an important route, but it has the potential to flood and become muddy and slippery, and it is isolated with no street lighting. It therefore does not offer the roadside paved routes, streetlights and frontage development, which provide additional safety, security and utility aspects, of the preferred underpass route option. It is also considered that the riverside route would not have the capacity required to cater for its current users and those users of the roundabout crossing when combined.

#### *Footbridge*

- 6.15 An overbridge/footbridge was considered by the applicant but not seen as feasible due to its higher cost and significantly larger impact, particularly on residents. To achieve the required height clearance the bridge would be at such a level that users would overlook nearby dwellings. Furthermore, the bridge would also need to be lit, generating significant light pollution, and it would require an increased land take due to the long ramps required, thus having the biggest impact on the landscape.



### *Underpass to the East of the Roundabout*

- 6.16 This option was discounted due the requirement to relocate a watercourse to the east of the roundabout; the conclusion that the eastern underpass option would not provide as effective a facility for mobility impaired users as the preferred western arm option; and the visual impacts of the required ramps and length of travel.

### *Do Nothing*

- 6.17 The option of making no new provision for pedestrians and cyclist to cross the A361 was considered unacceptable as it would compromise the safety of those groups and the strategy for the wider link road.

### Impacts on Living and Working Conditions

- 6.18 The main impacts upon living and working conditions along the proposed route are considered to be noise and air quality and these impacts are likely to be at their greatest during the construction period.

### *Noise Impacts*

- 6.19 The noise impact assessment submitted with the application advises that the removal of the earth bund to the rear of the properties at Oatlands Avenue would be expected to give rise to increased noise levels without any changes to traffic flow and road alignment.
- 6.20 It has also been identified that, during the construction phase, piling and generic construction working are likely to be the main sources of noise impacts. Piling itself is likely to be a short-term activity and has been predicted to have a moderate impact on the nearest residential properties. It is proposed that any works making use of vibratory piling systems or similar will have to be further assessed once the detailed construction methods are known, and it would be possible to bring the noise levels back to values within the acceptable thresholds by limiting construction times and considering additional acoustic barriers. As a result, detailed construction methods will be required as part of the Construction Environmental Management Plan (CEMP) to ascertain if additional noise mitigation measures are required.
- 6.21 In terms of the noise levels associated with the general construction works, a negligible impact has been recorded and it has been concluded that this can be easily reduced by utilising Best Practicable Means (BPM), with the acoustic barrier proposed at the edge of the earthworks south of the pedestrian underpass also providing significant noise reductions on any predicted noise levels from the construction works. It is proposed that a condition requiring the construction of the acoustic barrier prior to construction works for the ramps is undertaken as this will act as an additional noise barrier for any noisy works undertaken on site, create a better environment for the residents during the construction phase and provide a long-term barrier to noise impacts. In addition, the CEMP will also require the adoption of BPM practices as well as additional mitigation measures should construction methods, such as piling, require it.
- 6.22 The noise assessment concludes that, following completion of the construction phase, the operation of the modified road network will have “no predicted perceivable changes in noise levels at any dwelling or other sensitive receptor”. Retention of the new acoustic fencing in perpetuity, in combination with the findings of the noise assessment, indicate that the proposed scheme will avoid adverse impacts on nearby properties when it is in operation.

### *Air Quality*

- 6.23 There is the potential for the construction phase of works to have some impact with regards to dust, and it is proposed that mitigation of such impacts can be addressed through the inclusion of appropriate measures within the CEMP that will be required through a condition.
- 6.24 The proposed works will increase capacity at the roundabout and alleviate the traffic pressures currently being experienced particularly at peak times. As a result, impacts on air quality are unlikely to arise and it is concluded that no specific mitigation measures are required.
- 6.25 During the operational phase, the scheme will reduce congestion and the likelihood of traffic accidents on the route, therefore reducing the likelihood of accidental pollutant releases. The scheme will also result in the general betterment of the drainage design, relative to the existing situation, therefore reducing the likelihood of flooding or of pollutants mobilising into watercourses.

### *Lighting*

- 6.26 Concerns have been raised with regards to the impacts of the proposed lighting on local residents, in particular those in Oatlands Avenue due to the vegetation clearance taking place. It is considered that the utilisation of LED lights on the proposed lighting columns will provide a more targeted and directional light source that will limit light spill towards dwellings, as indicated on the lighting detail drawings submitted with the application.

### *Other Impacts*

- 6.27 A number of residents from South Street have objected to the proposal on the grounds that it will result in increased traffic, and associated impacts, on South Street. However, there is no evidence that this will be the case and the proposal will not in itself generate extra traffic, but will increase capacity at the junction to accommodate future traffic growth generated in the wider North Devon area. In the event of future planning applications being submitted for new development that will generate additional traffic in the area, Devon County Council in its role as highway authority will be able to comment on any potential impacts on traffic levels in South Street.
- 6.28 With regards to the likelihood of antisocial/undesirable behaviour as a result of the underpass, the police architectural liaison officer in response to a consultation request by North Devon Council responded as follows:

"... the police have no objections to the proposal from a crime, disorder and anti-social behaviour perspective. The advice given to DCC remains valid.

The majority of underpasses are intended to avoid the need for pedestrians to cross busy roads and so continue their journey in a safe way. However, many underpasses are poorly designed and have inadequate lighting, poor sightlines, poor way-finding and no surveillance. In addition, many show signs of neglect, such as graffiti, dirt and litter.

Wherever possible, pedestrians and vehicles should be kept on the same level and underpasses removed. However, should an underpass be considered to be necessary, it must be as straight, short and as wide as possible. It must also be well lit, including the approaches and entrance points, with clear lines of sight so that pedestrians can see what is ahead and that their exit is clear. Ambiguous spaces, such as gaps and corners should be avoided as they can provide hiding places for potential offenders and can increase fear of crime.

Underpasses should be maintained in good order and monitored on a regular basis. They should be free from rubbish and any graffiti removed as soon as possible. I note the intention is to use wall finishes, both internal and external, that make this task easier to perform, for example, the use of an anti-graffiti glaze or sacrificial coating. Alternatively, non-invasive climbing plants could be considered, but this would only be suitable for the external walls, excluding the subway entrance/exit.”

- 6.29 The applicant has taken account of the advice from Devon & Cornwall Police by incorporating deterrents to antisocial behaviour in the form of anti-graffiti paint and good lighting, including lighting incorporated within the ceiling. As part of the public highway network, the underpass will be subject to similar maintenance measures as other elements of the network.

#### Ecological/Nature Conservation Impacts

- 6.30 Parts of the application site consist of broadleaved plantation woodland bordering the A361 to the north east, south east and south west of the existing roundabout which screens the road from properties at Oatlands Avenue to the south west and Styles Close and Rumsam Meadows to the north east. A line of coniferous trees also adjoins the A361 for approximately 180m to the north west of the site. A single species rich hedge is also present to the north of the roundabout, on the western boundary of the B3138 (Bishop's Tawton Road) as well as amenity grassland bordering the A361 to the east and west of the existing roundabout. In addition to these habitats, several species poor hedges, mostly located along field boundaries to the north west and south east of the proposed scheme, are present as well small patches of dense and scattered scrub and tall ruderal vegetation.
- 6.31 With regard to species, the Devon Biodiversity Records Centre show reptiles only being recorded some 1.3km from the application site, but it is acknowledged that the scrub, grassland and hedgerows present provide suitable habitats for reptiles with the trees, woodland, hedgerows and scrub also providing suitable nesting habitat for breeding birds and habitat for badgers and dormice. Whilst no trees with potential to support roosting bats were found within the proposed work area and no bats were recorded roosting within the three trees located to the south east of the site and identified viewed as having moderate potential to support bats, bat foraging and commuting activity was recorded during survey work.
- 6.32 The proposals will result in the loss of 3,600m<sup>2</sup> of broadleaved woodland, 2,000 m<sup>2</sup> of improved grassland, 2,400 m<sup>2</sup> of amenity grassland and 333m of hedgerow habitat. Within the application site, these losses will be offset by the planting of 405m<sup>2</sup> of native shrub mix, 330 m<sup>2</sup> of woodland edge habitat, 90m<sup>2</sup> of hedgerow planting and 110m<sup>2</sup> of woodland planting, together with 2,250m<sup>2</sup> of species-rich grassland that will be of higher biodiversity value than the existing amenity grassland. In addition to habitat creation, the applicant proposes a range of other avoidance, mitigation and enhancement including timing of vegetation clearance; provision of bat boxes and dormice nesting boxes; and fencing of deep excavations and provision of a mammal ladder.
- 6.33 It is stated by the applicant that delivery of the necessary level of planting and habitat creation to deliver a 10% biodiversity net gain within the application site will not be possible, and a commitment is therefore made to the delivery of off-site compensation and enhancement. This compensation will preferably be at a site managed by a conservation organisation or otherwise managed to secure a long-term tangible impact, and it will be designed using the Government's Defra 2.0 biodiversity metric.
- 6.34 It is concluded that, providing the mitigation and enhancement measures as set out in the submitted wildlife report are accorded with; all appropriate licences are obtained; and the commitment to achieving a 10% habitat/biodiversity gain (in accordance with the prescribed

Defra Biodiversity Metric 2.0) is secured, the impacts on ecology and habitat will be adequately mitigated.

#### Landscape and Visual Impacts

- 6.35 It is recognised that the woodland, vegetation and bunding to the north east and south west quadrants of the Bishop's Tawton roundabout deliver substantial local green infrastructure functions, including the provision of a visual screen to road traffic and lighting as well providing wildlife habitat and integrating the road into the semi-rural landscape setting.
- 6.36 Construction of the proposed scheme will require the removal of a narrow swathe of the edge of the woodland adjoining the eastbound carriageway of the A361 as well as a reduction in the width of grass verge adjoining the southbound side of Bishop's Tawton Road. To the west of the junction, a substantial width of woodland adjoining the westbound carriageway of the A361 will be removed, as will the hedgerow and line of Cypress trees adjoining the eastbound carriageway of the A361, and the area of trees along the watercourse perpendicular to the north west quadrant of the roundabout.
- 6.37 The landscape impact report submitted with the application advises that the north east quadrant consists predominantly of deciduous woodland belt between the edge of Barnstaple and the A361, with a wide grass verge adjoining the roundabout. The south west quadrant consists predominantly of deciduous woodland belt between houses on Oatlands Avenue and the A361, with a narrow grass verge. Both quadrants consist of both native and non-native species with an estimated lifespan of at least 10 to 20 years depending on category.
- 6.38 It is concluded that the greatest impacts would arise where the width of the remaining woodland would be less than 10m which would be located in the area between the proposed acoustic fence and the gardens of properties 1 to 5 Oatlands Avenue. The earth bund on which the woodland is established would also be removed.
- 6.39 The submitted Landscape Impact Assessment states that:
- "the proposed junction improvement is considered to result in some adverse visual effect on the visual amenity of footpath users and residents of a small number of adjacent and nearby residents of Oatlands Avenue and Style Close, although this would only be slight following establishment of the proposed planting mitigation."
- 6.40 Therefore the protection of the remaining woodland vegetation during construction and the establishment of proposed management and replacement planting of the remaining woodland belt is critical in reinstating the screening effects in the medium to long term in both these locations. In addition to this, the screening provided by the proposed 2m high acoustic fence in the south west quadrant of the development would help to mitigate any adverse effects on Oatlands Avenue residents, both during construction and once the scheme is completed.
- 6.41 The impacts on the properties at the western end of Style Close which would experience a larger magnitude of visual impacts from the road due to tree removal can also be mitigated in the medium to long term by the proposed replacement planting.
- 6.42 Overall the main changes to visual amenity would result from the appearance of the underpass for footpath users and the temporary loss of existing vegetation in the short to medium term, but particularly immediately following removal of vegetation to facilitate the development, and these changes will impact both local residents and footpath users. The proposals are, however, in accordance with Policy DM08A of the North Devon and Torridge Joint Local Plan, particularly when viewed in conjunction with the implementation and establishment of the mitigation planting and the inclusion of compensatory habitat, which

will reduce these impacts in the medium to long term if these measures are implemented as soon as practicably possible.

#### Other Environmental Considerations (Including Climate Change)

- 6.43 Paragraph 148 of the National Planning Policy Framework requires that “the planning system should support the transition to a low carbon future in a changing climate”, while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon’s carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 6.44 The proposed junction improvement scheme will not, in itself, generate additional traffic but is intended to better accommodate the additional traffic that will arise from development of the land allocated in the Local Plan. The scheme has the potential to promote active travel by foot or cycle and thereby remove cars from the highway, while improving the flow of motor traffic through the junction will reduce the instances, especially during peak periods, of idling engines and congestion and the impact these have on air quality and CO<sub>2</sub> emissions.
- 6.45 The applicant confirms that the scheme specification will allow for the use of recycled materials for capping and surfacing work, and that all lighting will be specified as LEDs with bollard lighting being solar powered.
- 6.46 In accordance with Policy ST03 (Adapting to Climate Change and Strengthening Resilience) of the North Devon and Torridge Local Plan, the proposed development incorporates a drainage scheme that has been designed to match or provide betterment on the current discharge rates inclusive of a 40% allowance for climate change. Incorporated into the proposals are new vegetated swales and ditches that utilise check dams to provide both storage and water quality improvements.

#### **7. Reasons for Recommendation/Alternatives Options Considered**

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 The proposed improvements will accord with, and support delivery of, the North Devon and Torridge Local Plan in relation to Barnstaple as a ‘sub-regional centre’ and future centre for housing growth. This report demonstrates that full regard has been given to the importance and setting of assets of heritage, nature conservation and landscape importance, in line with North Devon and Torridge Local Plan requirements.
- 7.3 It is considered that the overriding public benefits of the junction improvements, particularly in improving highway safety and traffic flow, outweigh the less than substantial harm associated with the local landscape, ecological assets and the setting of heritage assets. It is also considered that the mitigation proposals put forward, as set out in the report and through the attached conditions, will ensure that any impacts are minimised and that the road proposal fits within its surroundings, wildlife is protected and enhanced, surface water flooding or flood risk are not increased and the living conditions of surrounding residents are protected to an appropriate degree.
- 7.4 It is therefore recommended that the development be approved in accordance with the recommendation of the report.

Mike Deaton  
Chief Planner

**Electoral Divisions: Barnstaple South, Chulmleigh & Landkey**

Local Government Act 1972: List of Background Papers

Contact for enquiries: Barnaby Grubb

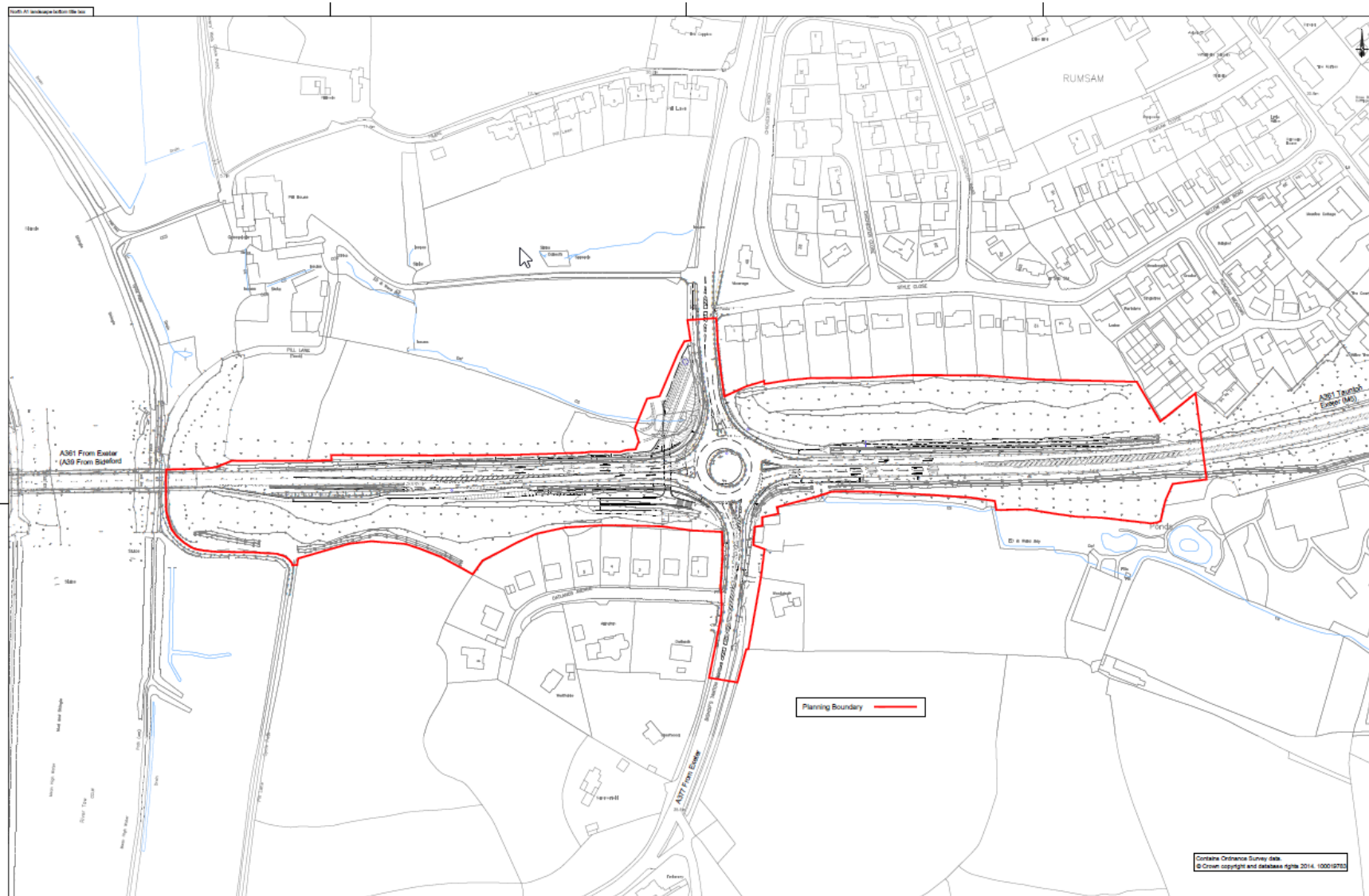
Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

<b>Background Paper</b>	<b>Date</b>	<b>File Ref.</b>
Casework File	Current	

bg260919dma  
sc/cr/improvements to an existing roundabout and provision of a new underpass at land at Bishop's Tawton Roundabout,  
Barnstaple  
03 071019

# Location Plan



Contains Ordnance Survey data.  
© Crown copyright and database right 2014. 100019732



**Engineering Design Group**  
 Taw Vale,  
 Barnstaple,  
 EX31 1EE  
 Tel: 0845 155 1004  
 Fax: 01392 382342  
 customers@devon.gov.uk  
 www.devon.gov.uk

NORTH DEVON LINK ROAD

Document Title

Bishops Tawton Junction  
 Location Plan

Rev	Date	Drawn	Reviewed	CHK
A				

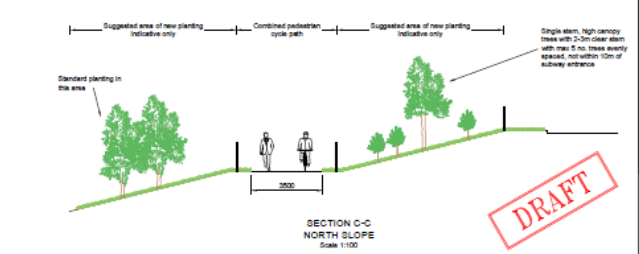
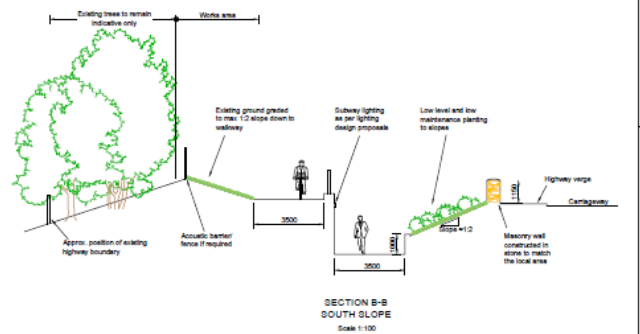
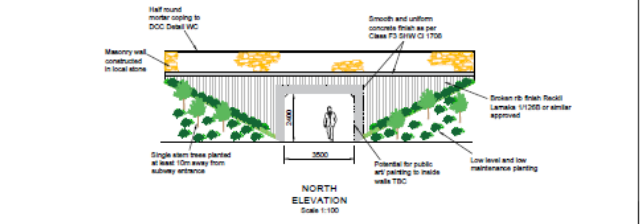
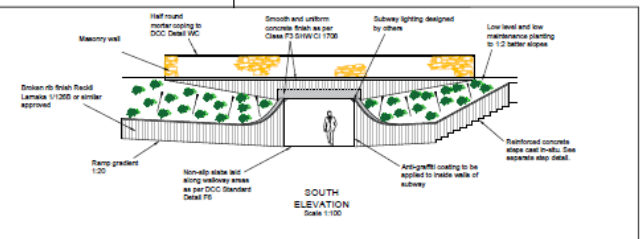
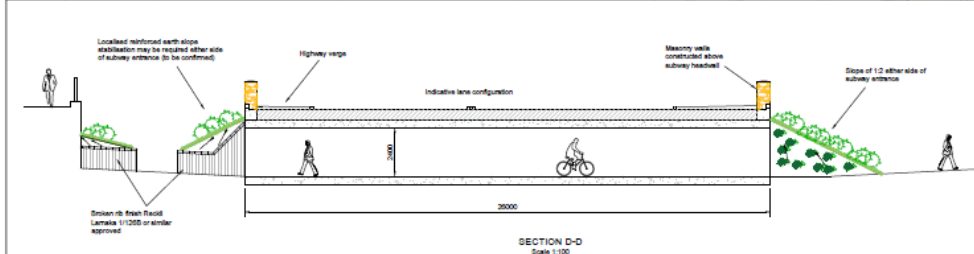
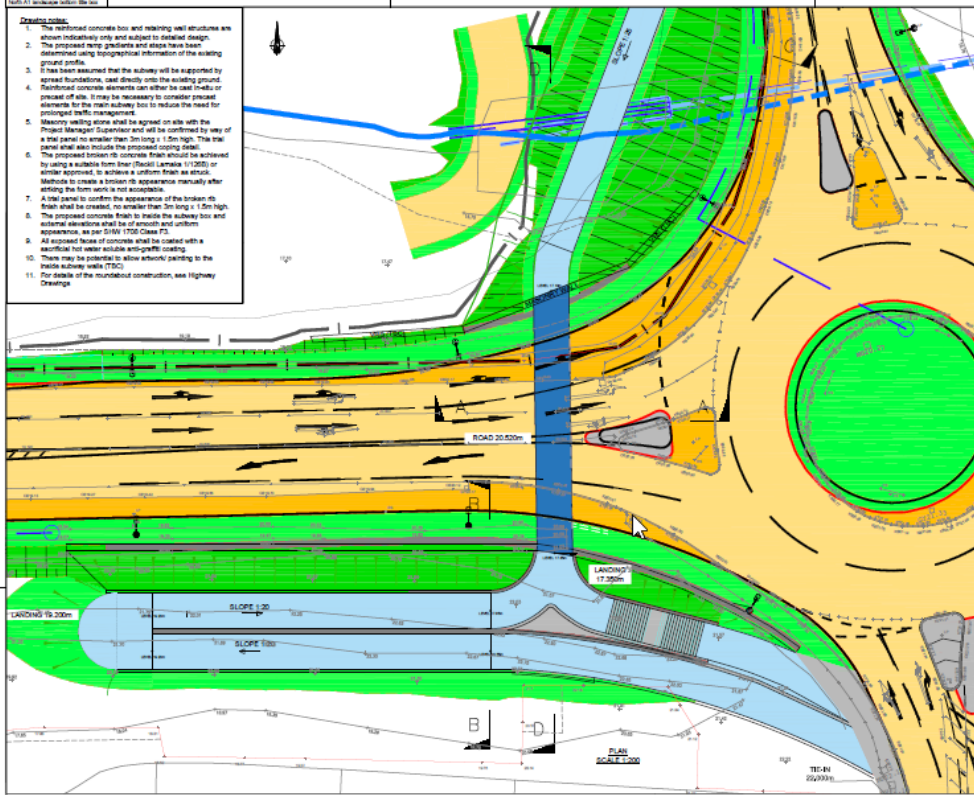
Do not scale from this drawing to either hand or electronic format. No responsibility is accepted where this drawing is used in circumstances other than that for which it was originally prepared and issued.

Project Number  
**DCCP16425-EDG-HGN-27502200-C**

Drawing Number  
**P\_08\_GC\_08**

Scale: 1:1000  
 Size: A1  
 Revision: A

# Underpass Plan



**DRAFT**

<p><b>Engineering Design Group</b> Taw View, Barnstaple, EX31 1EE Tel: 0845 155 1004 Fax: 01392 362342 customers@devon.gov.uk www.devon.gov.uk</p>	<p>NORTH DEVON LINK ROAD</p>	<p>Bishops Tawton Subway General Arrangement</p>	<table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Drawn</th> <th>Revised</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>18.02.19</td> <td>AD</td> <td>Initial</td> </tr> <tr> <td>B</td> <td>19.03.19</td> <td>AD</td> <td>Adjustment to planting and color</td> </tr> <tr> <td>C</td> <td>25.03.19</td> <td>AD</td> <td>Final Safety Audit recommendations incorporated</td> </tr> </tbody> </table>	Rev	Date	Drawn	Revised	A	18.02.19	AD	Initial	B	19.03.19	AD	Adjustment to planting and color	C	25.03.19	AD	Final Safety Audit recommendations incorporated	<p>Drawn: [Name]</p> <p>Checked: [Name]</p> <p>Scale: 1:100</p>	<p>Project Number: DCCP16425-EDG-HGN-27502200-C</p> <p>Drawing Number: P_08_ST_01</p> <p>As shown: A1</p>
			Rev	Date	Drawn	Revised															
A	18.02.19	AD	Initial																		
B	19.03.19	AD	Adjustment to planting and color																		
C	25.03.19	AD	Final Safety Audit recommendations incorporated																		
<p>Engineering Design Group</p>			<p>Scale: 1:100</p>																		



## Planning Conditions

### STANDARD COMMENCEMENT

1. The development shall commence within ten years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

### STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/ titled:

- Planning Statement – July 2019;
- Design and Access Statement – July 2019;
- Flood Risk Statement and Drainage Strategy – 10 July 2019;
- Proposed Storm Sewer Design 1 Critical Storm Rev A – 18/09/2019;
- Proposed Storm Sewer Design 2 Critical Storm – 28/08/2019;
- Proposed Storm Sewer Design 3 Critical Storm – 09/09/2019;
- Existing Outfall Layout Plan - P\_08\_PP\_08 REV A;
- Landscape Impact Report - B23006DP/LAND/R/001/0 – 12 July 2019;
- Wildlife Report - B23006DP/ECOL/R/001/1 – September 2019;
- Off Site Compensation – Letter of Intent – September 2019;
- Tree Survey Schedule and Tree Constraints Plan - B23006DP/ARB/R/001/1 – 16 July 2019;
- Noise Impact Assessment;
- Noise Impact Assessment - Appendix 1.1 - I-ES-16-001-009 REV A;
- Noise Impact Assessment - Appendix 1.2 - I-ES-16-001-010 REV A;
- Noise Impact Assessment - Appendix 1.3 - I-ES-16-001-011 REV A;
- Road Safety Audit - GH/RW/18/1714/NDLR/PKG2/RSA1;
- Location Plan - P\_08\_GC\_08 Rev A;
- Scheme Plan - P\_08\_PP\_03 REV A;
- Existing Highway Drainage Catchment - P\_08\_GC\_04 REV A;
- Proposed Highway Drainage Catchment Areas - P\_08\_GC\_05 REV A;
- Alignment Plan - P\_08\_GC\_06 REV A;
- Signing Plan - P\_08\_GC\_07 REV A;
- Bishop's Tawton Subway GA - P\_08\_ST\_01 REV C;
- Bishop's Tawton Subway - Indicative construction details - P\_08\_ST\_05;
- LH Headwall - AH4CA LH;
- RH Headwall - AH4CA RH;
- Small Headwalls - HW1/HW2HW3;
- Headwall Sloped Grating - R18B 01 1150;
- Headwall + 3 Sided Kee Klamp - SFA15B + KK3S;
- Pedestrian and Cycle Links - P\_08\_PP\_04A REV A;
- Typical Sections - P\_08\_XS\_04 REV A;
- Cross Sections - P\_08\_XS\_05 REV A;
- Cross Sections - P\_08\_XS\_06 REV A;
- Cross Sections - P\_08\_XS\_07 REV A;
- Cross Sections - P\_08\_XS\_08 REV A;
- Cross Sections - P\_08\_XS\_09 REV A;
- Cross Sections - P\_08\_XS\_10 REV A;
- Cross Sections - P\_08\_XS\_11 REV A;

- Cross Sections - P\_08\_XS\_12 REV A;
- Landscape and Ecology Mitigation Proposals - B23006DP/LAND/001 REV 2;
- Planting Schedule - B23006DP/LAND/002 REV 1;
- Subway & Ramp Lighting design 1 of 2 - B23006DP/LIGH/D/001 REV P01
- Subway & Ramp Lighting design 2 of 2 - B23006DP/LIGH/D/002 REV P02
- Street Lighting Layout and Specification - RAB-200 REV A;
- Acoustic Reflective Fencing - ARF/1 REV S307;
- Traffic Signs Schedule;
- Statutory Undertakers Plan - P\_08\_PP\_05 REV A;
- Site Clearance Plan - P\_08\_PP\_06 REV A;
- Vehicle Tracking Plan - P\_08\_PP\_07 Rev A;
- Drainage plan - P\_08\_GC\_03 Rev B;
- Long and Drainage Sections - P\_08\_LS\_01 REV A;
- Long and Drainage Sections - P\_08\_LS\_02 REV A;
- Long and Drainage Sections - P\_08\_LS\_03 REV B;
- Long and Drainage Sections - P\_08\_LS\_04 REV A;

unless as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

### **Pre-commencement Conditions**

#### LANDSCAPE AND ECOLOGICAL MANAGEMENT AND MONITORING PLAN

3. Prior to commencement of the development hereby approved, a Landscape and Ecological Management and Monitoring Plan (LEMMP) shall be submitted to and approved in writing by the County Planning Authority. The LEMMP shall include the following:
  - (a) details of all soft landscaping elements, including detailed proposals for the 1:2 slopes as indicated on drawing number P\_08\_ST\_01 REV C (Bishop's Tawton Subway General Arrangement); details of proposed ground preparation for the different vegetation types proposed; and details of the sourcing of new planting species to demonstrate that they will be appropriate to the prevailing conditions, environmental functions and likely management constraints;
  - (b) details of all ecological mitigation and enhancement measures to be undertaken in relation to habitats, designated sites and species as recommended within Section 6 and Appendix E of the submitted wildlife report (B23006DP/ECOL/R/001/1 dated September 2019), and a timetable for their implementation;
  - (c) details of hard landscaping elements including the proposed internal and external finishes to the underpass; and proposed retaining wall masonry and coping, type of local stone and masonry coursing, colour and finish of exposed concrete surfaces, and handrails as indicated on Sections B and C on drawing P\_08\_ST\_01 Rev C (Bishop's Tawton Subway General Arrangement);
  - (d) confirmation that all proposed planting shall be implemented in the first planting season following substantial completion of the scheme;
  - (e) details of the proposed maintenance and aftercare tasks, including measures to control invasive species, for a minimum period of five years following the completion of new planting; and
  - (f) full details of the off-site biodiversity compensation calculations, using the DEFRA 2.0 metric, and all details relating to the compensatory and enhancement works including habitat type, location, management plan, budget and monitoring arrangements.

The approved LEMMP shall be implemented in accordance with these approved details. Any trees, plants or grassed areas, or replacement of it, that are removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

REASON: To ensure remaining green infrastructure is protected and strengthened, to ensure no significant harm to residential amenity and to ensure a good quality detailed design that is appropriate and sympathetic to the landscape setting and contributes positively to local distinctiveness, is safe, attractive, complements the built form and minimises anti-social and criminal behaviour in accordance with Policies DM09, DM01 and DM04 of the North Devon and Torridge Local Plan 2011-2031.

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

4. Prior to commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the County Planning Authority. The CEMP shall provide:
- (a) a timetable/programme of works;
  - (b) measures for traffic management including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles and proposed on-site parking for vehicles associated with the construction works including site personnel, operatives and visitors and the provision made for access thereto;
  - (c) detail for proposals to promote car sharing amongst construction traffic staff;
  - (d) the details of days and hours for deliveries and the times within which traffic associated with construction can enter and leave the site; and details of any proposed night- time operations and/ or working and hours for noisy operations taking place on site, to include piling and breaking up of hard materials;
  - (e) details of any significant importation, exportation or movement of spoil and soil on site;
  - (f) details of the measures for soil management, including identifying locations of separate topsoil and subsoil storage heaps and method statements detailing how the quality of topsoil would be conserved through best industry practice (Defra (2009 - <https://www.gov.uk/government/publications/code-of-practice-for-the-sustainable-use-of-soils-on-construction-sites>) for re-use within planting/ seeding areas;
  - (g) details of measures to prevent mud from vehicles leaving the site/wheel-washing facilities;
  - (h) details for the control and/or suppression of fugitive dust from demolition, earthworks and construction activities;
  - (i) details of construction methods such as vibratory piling and additional measures, if necessary, to mitigate noise levels back to values within the acceptable thresholds, such as by limiting construction times and considering additional acoustic barriers;
  - (j) details of a noise control plan which details hours of operation and proposed management procedures and mitigation measures including the use of Low Noise equipment, the use of mufflers or silencers, management of equipment, and restriction of working times. To minimise the impact of any construction activities on nearby sensitive receptors, 'Best Practicable Means' (BPM) should be followed. Section 72 of the Control of Pollution Act 1974 along with section 79 of the Environmental Protection Act 1990 define BPM as: "reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications";
  - (k) details of measures to prevent disturbance from temporary light sources associated with all stages of the construction process;
  - (l) details for site waste management disposal procedures and processes for all waste types including waste derived from vegetation clearance and other green waste operations. This should also include:

- (i) measures for the management of any waste generated through the construction process, as required by Policy W4 of the Devon Waste Plan;
  - (ii) methods to reduce the amount of waste material;
  - (iii) methods to re-use the waste, including soil and vegetation, within the development;
  - (iv) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place;
  - (v) estimated quantities of excavated/demolition materials arising from the site;
  - (vi) evidence that all alternative methods of waste management have been considered;
  - (vii) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.
- (m) details of a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed;
  - (n) the location and details of any boundary fencing and/ or hoarding associated with the contractor compounds/ facilities and areas for loading, unloading and storage of plant;
  - (o) confirmation that measures to protect all existing trees and woodland to be retained as shown on the Landscape and Ecology Mitigation Proposals Plan (Drawing B23006DP/LAND/001/Rev2) shall be implemented prior to commencement and during construction in accordance with BS5837:2012 (British Standard for trees in relation to construction; and
  - (p) measures for the management of temporary surface water discharge during construction including:
    - (i) a plan showing how the temporary surface water drainage proposals will be incorporated with the proposed methods of construction;
    - (ii) appropriate Method Statements for the construction phase detailing measures to control site activities to manage flood risks and prevent pollutant releases and to monitor polluting activities on site;
    - (iii) measures following the relevant Pollution Prevention Guidance to ensure no pollution of the watercourses occurs, paying particular attention to avoiding silt pollution and minimising the risk of accidental spillages, and including: an Incident Response Plan in case a pollution incident occurs; consideration of the effects of erosion of earthworks and the consequent transmission of sediments during storms; and a combination of measures to prevent or reduce erosion where possible and to treat runoff from earthworks to ensure that the limits of suspended solid concentrations set in temporary environmental permits (to discharge to surface waters or sewers) are met and that sediments are not otherwise transmitted to watercourses;
    - (iv) the assessment and monitoring of surface water and preparation of Emergency Spillage Response Plans, in case a pollution incident occurs, and an Emergency Evacuation Plan in the event of a significant flood event as described in the Environment Statement Chapter;
    - (v) avoidance of derogation of either chemical or biological water quality occurs as a result of the works; and
    - (vi) protection of the existing surface water drainage system (including gullies) during the construction phase of the proposal to prevent damage and prevent clogging of the system by sediment and debris.

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

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction activities on nearby residents, the landscape, ecology, surface water and the local highway network in

accordance with Policies ST02, DM01, DM02, and DM03 of the North Devon and Torridge Local Plan 2011-2031 and Policy W4 of the Devon Waste Plan 2011-2031.

### **Operational Conditions**

#### **NOISE MITIGATION**

4. In accordance with the recommendations of the submitted Noise Impact Assessment, the acoustic fencing (type ARF/1) as shown on drawing P\_08\_PP\_03 REV A shall be installed prior to the commencement of construction works for the proposed ramps and shall be maintained in perpetuity.

REASON: To minimise the impact of construction activities on nearby residents in accordance with Policies DM01 and DM03 of the North Devon and Torridge Local Plan 2011-2031.

#### **VEGETATION CLEARANCE**

5. Vegetation clearance shall be in strict accordance with the approved plans as varied by these conditions. No vegetation clearance shall take place during the bird nesting season (1 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

REASON: To minimise impacts on nesting wild birds and ensure that no birds take up residence in the intervening period in accordance with Policy DM08 of the North Devon and Torridge Local Plan 2011 - 2031.

#### **CONTAMINATION**

6. Should any contamination of soil or groundwater not previously identified be discovered during development of the site, the County Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing such contamination, within that sub-phase or part thereof, is agreed upon with the County Planning Authority or other regulating bodies.

REASON: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with Paragraphs 179 of the National Planning Policy Framework (2018) and Policy DM02 of the North Devon and Torridge Local Plan 2011 - 2031.