

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT, 1990. (AS AMENDED)



Applicant

Dr Mannings NNB Generation Company Limited
The Qube
90 Whitfield House
London

W1T 4EZ

Date Registered 26/11/2010

Application No 3/32/10/037

Application Type Full Planning Permission

Parish Stogursey

Grid Reference Easting: 321029 Northing: 145553

Description of Proposal

The proposed development involves the following activities: site clearance (including fencing, vegetation removal, demolition of existing structures, and creation of alternative footpaths); earthworks (including soil stripping and storage, site levelling, spoil screening/storage for re-use on-site); provision of earth retaining structures; deep excavations; provision and relocation of drainage infrastructure (including culverts, outfalls, balancing ponds); the provision and operation of plant and machinery (including concrete batching); site establishment works (including layover facilities, car parks, haulage roads, site access points and roundabouts, and laying replacement and/or diversion of apparatus); and other associated works, in the event that Hinkley Point C is not consented all structures would be removed and the site reinstated.

Location of Site

Land to the West of Hinkley Point, Stogursey Bridgwater, TA5 1TP

Planning Permission is granted for the following reasons:

Summary reasons for grant

In accordance with Article 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 the following is a summary of the reasons for the grant of planning permission, together with a summary of the policies in the development plan which are relevant to the decision to grant permission.

Section 70 of the Town and Country Planning Act 1990 provides that in dealing with an application for planning permission, a local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that:
"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

1) Development Plan

In relation to this application, the Development Plan consists of the following:

- The South West Regional Spatial Strategy: Schedule of the Secretary of State's Proposed Changes and Reasons - For Public Consultation July 2008 (note this does not have full Development Plan status, as it is not adopted)
- Saved Policies of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000); and
- Saved Policies of the West Somerset District Local Plan (adopted December 2006).

The Coalition Government has announced its intention to revoke Regional Spatial Strategies (RSS). The revocation will come into effect if and when the Localism Bill is enacted and assuming the Act includes the current RSS revocation clause. Enactment is expected to take place at the end of 2011 / beginning of 2012.

Until that time, the policies of the RSSs, or emerging RSSs (given appropriate weight), remain extant and are capable of being relevant to the consideration of planning applications and in drafting Development Plan Documents. The draft RSS (published in 2006) and the Government's Proposed Changes to it following an Examination in Public (published in 2008) and their associated evidence base thus remain potentially material to planning applications.

A detailed assessment of the application against Development Plan policies is contained within Section 5 of the officers' committee report (dated 19th July 2011). A summary of the relevant policies are included in the table below:

Secretary of State's Proposed Changes to the South West Regional Spatial Strategy (22nd July 2008)

Policy	Summary of Policy and Relevance to Proposals
Policy SD1	Provides policy guidance on measures that will be taken in the region to reduce the intensive use of resources and move towards a lower carbon dependent region whilst providing more sustainable settlements. This policy is relevant given the underlying need to source more of the nation's energy from lower carbon sources.
Policy SD2	Gives guidance on how the region will respond to the pressures it will face as a direct result of the impacts of climate change. It makes specific reference to the considerations of the location of new development. This is relevant as it makes specific reference to improving the

	resilience and reliability of our existing infrastructure, including energy generation capacity.
Policy SD3	Highlights the need to protect the region's environment and natural resources by ensuring their importance is fully taken account of in the design of new development and steps are taken to enhance the region's natural environments. The Site Preparation Works will remove significant proportions of on-site vegetation, which will have a knock on effect on onsite wildlife.
Policy SD4	Provides guidance on how development will be actively managed in order to help create and maintain sustainable communities in the region whilst also ensuring the long-term prosperity of the region. The Site Preparation Works, whilst having adverse impacts on (for example) on-site wildlife, vegetation, landscape and heritage (though mitigation measures reduce such impact), are to help prepare for a nuclear power station with some benefits to the regional economy alongside securing a potential quicker move to a lower carbon energy supply. Some benefits (e.g. employment) also arise directly from the site preparation works themselves.
Policy CSS	Sets out the core spatial strategy for the region, which makes specific reference to enhancing the economic prosperity of the region, whilst ensuring this stays within the environmental limits of the region. This is relevant to this proposal as a key issue is the balancing of the economic and national need of preparing for a nuclear power station, against the environmental impacts which this development is likely to cause and the certainty of whether the new nuclear power station will be consented.
Development Policy A	Provides guidance on the role of Strategically Significant Cities and Towns (SSCTs) of which Bridgwater is one. It advocates that the focus of much development will occur in these locations. Although the application is not located within Bridgwater, it is likely to have some impacts on Bridgwater due to the traffic volumes associated with this project.
Development Policy C	Provides guidance on the scale of development, which would be acceptable in small towns and villages. Both Stogursey and Cannington would fall within the village category. The policy highlights that any development should help to improve the self-containment of that village. The Site Preparation Works are not to be located within any of the identified settlements as it is to be located in the open countryside; it will however have direct and indirect impacts on the character and function of such centres.
Development Policy D	Provides guidance on the delivery of development, how it should ensure efficient and effective use of existing infrastructure and where appropriate should help facilitate the delivery of new or improved infrastructure.

	<p>Some road junctions will need to be improved in order to accommodate the level of transport movements associated with this development. The conditions and obligations secure the measures necessary to upgrade or reinforce transport or other infrastructure in the area.</p>
Policy RTS2	<p>Provides policy guidance on how traffic demand management systems should be incorporated progressively into the regions SSCT's (including Bridgwater) alongside helping to alleviate traffic congestion on the regions roads.</p> <p>Although the development is not located within an SSCT, there exist clear congestion issues along the A39, which may be further exacerbated as a result of this development. The conditions and obligations secure various measures to reduce or minimise impacts of the development on the highway network.</p>
Policy RTS3	<p>Provides guidance on the level of parking provision, and highlights that measure should be implemented to reduce the need to travel by car.</p> <p>The proposed development not only has significant HGV movements associated with it but also the need for workers to get to and from site. The conditions provide maximum levels of parking during the various phases of the development.</p>
Policy SK1	<p>Highlights the role that Local Authorities should play with other partners to help ensure the adequate provision of access for their resident population to further skills and training.</p> <p>The proposed development has the opportunity to be able to help provide and up skill a significant number of people within the immediate area and measures are secured to achieve this in the conditions and obligations.</p>
Policy ENV1	<p>Highlights the important need to protect the regional natural and historic environment and specifies that where proposed developments would have a detrimental impact on such assets, appropriate mitigation should be provided.</p> <p>The Site Preparation works are likely to have significant adverse impacts on on-site ecology and heritage assets, though mitigation is secured through the conditions and obligations.</p>
Policy ENV2	<p>Provides policy guidance on landscape character areas and how the distinctive quality and features of these areas should be protected.</p> <p>The Site Preparation Works will significantly alter the character and appearance of the landscape in this area, though mitigation is secured through the conditions and obligations.</p>
Policy ENV3	<p>Ensures the protection of protected landscapes such as AONBs etc. The default should be to conserve and where appropriate enhance the natural beauty and cultural heritage of such landscapes.</p> <p>The proposed development will likely have detrimental impacts on the setting of and views to two AONBs (Mendips and Quantocks), though landscape mitigation is secured to minimise and reduce</p>

	these.
Policy ENV4	Provides policy guidance on the protection of distinctive habitats and species within the South West as outlined within the South West Regional Biodiversity Action Plan. The proposed works will likely have a detrimental impact to onsite habitats, though mitigation is secured to minimise and reduce this.
Policy ENV5	Seeks the protection of the historic environment of the South West and that such assets should be preserved or enhanced where possible. The proposed works will have a direct adverse impact on the setting of a scheduled ancient monument and will affect already identified archaeological remains on the site itself, though mitigation is secured through the conditions and obligations.
Policy CO1	Gives guidance on the undeveloped coastline around the region and acceptability of such development in these unspoilt locations. The proposed works are on undeveloped ground but are located in close proximity to the existing two power stations at Hinkley Point.
Policy F1	Highlights the risks from flooding within the region and gives guidance on how the location of new development should be planned for with these risks in mind. The Site Preparation works are located in an area vulnerable to flooding from coastal sources as well as onsite watercourses. Flood risk has been considered by the Environment Agency and taken into account by the Council in relation to the assessment of this application.
Policy RE6	Focuses on the protection of the region's network of ground, surface and coastal waters and the ecosystems, which they support. Development decisions should be taken with the protection of these resources in mind. The proposed development includes the culverting of an on-site watercourse and is located in close proximity to coastal waters and other watercourses.
Policy RE9	Gives guidance on the impact of development on air quality. The proposed Site Preparation Works and the associated transportation movements are likely to have a detrimental impact on local air quality although the conditions include detailed measures to monitor and manage impacts on air quality.
Policy TO2	Provides policy guidance on sustainable tourism. This includes improving the access, quality and diversity of existing facilities and accommodation. The site preparation works in themselves do not propose new tourism services, though they do however have the potential to have implications for the local tourism market and mitigation measures are secured in the planning obligations.

The following policies from the West Somerset District Local Plan have been considered and are summarised below:

SP/1	Settlement hierarchy: provides the development hierarchy for settlements within the West Somerset District. The Hinkley Point C site is located within the Parish of Stogursey although is not located within any defined settlement limits.
SP/5	Development outside defined settlements: outlines the criteria, which should be satisfied in order to permit development in the open countryside. As the development site is within the open countryside, the requirements of this policy (namely to benefit economic or social activity, no significant increase in car travel and maintenance or enhancement of environmental quality) have been taken into account.
LC/3	Landscape character: highlights that for development outside settlement limits, such as this application, particular attention should be given to protection of scenic quality and distinctive local character of the landscape.
TW/1	Tree and woodland protection: provides guidance on the conditions that must be satisfied in order to mitigate adverse impacts to woodlands, groups of trees or individual trees. The Site Preparation Works involve the clearance of the majority of vegetation on site although measures to mitigate and offset these impacts are secured through the conditions and obligations.
TW/2	Hedgerows: requires that development proposals should demonstrate the provisions made for the retention and protection of hedgerows unless they are considered to not be of value. The Site Preparation Works involve the clearance of the majority of vegetation on site.
NC/1	Site of Special Scientific Interest: highlights that development which adversely impacts on SSSIs either directly or indirectly will not be permitted unless the reasons for development outweigh the value of the site. The Hinkley Point C site is in close proximity to and could impact upon a SSSI. The Council has considered these potential impacts, including (where relevant) through the adopted Habitats Regulations Assessment.
NC/3	Sites of local nature conservation and geological interest: states that planning permission will not be granted for development which has an adverse impact on the local nature conservation/geological interests or integrity of landscape features. This policy is of direct relevance given the development's impact on the local ecology and environment.
NC/4	Species protection: makes provision for the protection of species protected by law, unless harm can be avoided. The presence of bats and badgers alongside other species are known to be present on site and the Council has considered the relevant environmental information and mitigation measures secured through the conditions

	and obligations.
NC/5	Wildlife habitats: provides the policy for the protection of species identified within the West Somerset Biodiversity Action Plan, with the management and enhancement of their habitats encouraged. Species contain within the West Somerset Biodiversity Action Plan are known to be present on site and the Council has considered the relevant environmental information and mitigation measures secured through the conditions and obligations.
W/1	Waste water, sewage management and infrastructure: seeks to ensure appropriate drainage, sewerage and sewage treatment facilities are provided on site. Given the nature of the application, particularly in relation to the culverting of the Holford Stream, this policy is of relevance. Such facilities are secured through the conditions.
W/2	Surface water protection: makes provisions for the protection of the quantitative and quality aspects of surface, underground or coastal waters. Given the proximity of the development to the coast and the presence of on-site watercourses such as the Holford Stream, this policy is of direct importance. Where possible, measures are secured through the obligations and conditions to minimise such impacts.
W/3	Groundwater source protection: highlights that development that would adversely affect the quality and quantity of water in watercourses will not be permitted. The application involves the culverting of the Holford Stream but includes measures (secured by conditions) in relation to the flow and control of water through the culvert.
W/4	Water resources: makes provisions for proposals where the development would increase the requirement for water. The Site Preparation Works would require additional water resource to facilitate the development.
W/5	Surface water run-off: highlights that where proposed development would result in significant additional surface water run-off and result in increasing the flood risk on site or elsewhere will only be permitted where appropriate mitigating measures are taken as part of the development. The proposals will significantly alter the site's surface water run-off capacity and this policy has been taken into account. Measures are secured through the conditions in relation to surface water control.
W/6	Flood plains: specifies that where development would result in increased flood risk of water courses, land or property, then development would only be permitted should suitable mitigation measures be provided. The proposed development will result in a significant alteration to on-site watercourses, alongside changes to the topographical layout of the site. Measures in relation to flood risk are secured through the conditions.

W/7	River corridor protection: prescribes that where development would harm the landscape, nature conservation, fisheries or recreational interest of water courses will only be permitted where damage is limited and compensatory measures provided. The proposals see the culverting of the Holford stream on site and this is likely to have an impact on the surrounding landscape and nature conservation interest of the stream.
CO/1	The coastal zone: deals specifically with development proposed along the West Somerset coast and stipulates the criteria for which proposals must comply including character of the coastline and impact on heritage and landscape features. The Site Preparation works are proposed at and will impact on the coast.
AH/2	Locally important archaeological remains: seeks to ensure that locally important archaeological remains are protected unless the importance of the proposed development outweighs their value. Archaeological remains are known to be present on the Hinkley Point C site – the conditions and obligations secure mitigation measures in relation to the historic environment.
AH/3	Areas of high archaeological potential: specifies that in areas of high archaeological potential development will only be permitted once an evaluation of the potential has been determined. Archaeological investigations have taken place on the Hinkley Point C site, reported through the environmental information and considered by the Council.
BD/1	Local distinctiveness: states that new development will only be permitted where it is sympathetic to the scale and layout of existing buildings and spaces. The scale of the proposed development is an important consideration in relation to the requirements of this policy.
BD/2	Design of new development: provides guidance on the design implications and consideration of new development. This is considered appropriate due to the visual impact that will result from these development proposals, considered within the environmental information and in relation to which mitigation measures are secured through the conditions and obligations.
BD/8	Re-use of existing building materials: highlights that the maximum possible use of materials within a site is encouraged. The terracing involved within this development will make use of soil excavated from the site (i.e. an on-site cut and fill operation where possible).
BD/9	Energy and waste conservation: has a requirement for development to demonstrate that the conservation of energy and water has been considered in the design process. The Council has considered this policy, including in relation to the on-site re-use of materials (cut and fill).
A/2	Best and most versatile agricultural land: states that the most valuable agricultural land should be protected unless there is an

	overriding need for the development. The Site Preparation works application boundary encompasses such agricultural land.
T/3	Transport requirements of new development: specifies the design principles for the delivery of new roads and improvement schemes resulting from new developments. This policy is relevant as there are highway improvement schemes, which are secured through the conditions and obligations.
T/7	Non-residential development car parking – specifies the car parking requirements for non-residential development. This is applicable due to the nature and location of the development and the requirement for associated vehicle journeys to enable workers to access the site. Maximum car parking numbers are secured through planning conditions.
T/9	Existing footpaths: highlights that where a proposed development would impact on an existing footpath, then it should be incorporated into the scheme design. The Site Preparation proposals seek the closure and divergence of several PRoW on the Hinkley Point C site due to the nature of the scheme. The obligations secure alternative footpaths around and in the vicinity of the site.
PC/1	Air pollution: stipulates that where developments would cause harm or offence to human health, senses or property these will not be permitted. Due to the scale of the traffic movements associated with this proposal, air pollution impacts are potentially relevant and have been considered by the Council. Monitoring and mitigation measures are secured within the conditions.
PC/2	Noise pollution: where proposals would cause a noise nuisance to existing receptors this requires suitable measures to limit the noise impact to be put in place. The Site Preparation works involve significant works, which will generate noise. Noise limits and mitigation schemes are imposed through conditions.
PC/4	Contaminated land: has a requirement that when development proposals are brought forward on or in close proximity to contaminated land then suitable measures to protect human health. The Built Development Area East (BDAE) within the site is being remediated pursuant to a separate planning permission. Conditions secure appropriate remediation of the site.
PO/1	Planning Obligations: highlights that the council may seek to negotiate appropriate planning obligations commensurate with the development proposals. Planning obligations are secured alongside the planning permission.

The following policies from the Somerset and Exmoor National Park Joint Structure Plan Review have been considered and are summarised below:

STR1	<p>Sustainable development: provides the sustainable principles for development to achieve within the Somerset and Exmoor National Park Area.</p> <p>The policy gives broad guidance on sustainable development principles, which have been taken into account.</p>
STR6	<p>Development outside towns, rural centres and villages: provides that development should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment.</p> <p>The Site Preparation proposals are located in the open countryside and the Council has considered the impacts and benefits of the development.</p>
STR7	<p>Implementation of the strategy: this policy relates specifically to the wider community and environmental benefits which would be required to help support the sustainable development aims of the strategy and to ensure sufficient and appropriate contributions are received.</p> <p>The planning obligations related to the permission provide mitigation and compensation for impacts resulting from these proposals.</p>
1	<p>Nature Conservation: this policy affords protection to nature conservation sites, particularly those of international and national importance.</p> <p>The proposed development will impact directly on the County Wildlife site and on other on-site ecology. The Council has also considered (including through the Habitats Regulations Assessment) the potential impact on European Sites and has secured mitigation measures in relation to ecology through the conditions and planning obligations.</p>
5	<p>Landscape character: this policy identifies that there is a distinctive character to the Somerset countryside and due to its quality it should be protected for its own sake. This is with particular reference to landscape, cultural heritage and conservation terms.</p> <p>The proposals would see a significant change to the appearance and character of the landscape in this location when compared to the site's existing use.</p>
7	<p>Agricultural land: makes the provision that no permanent development proposal should be granted which involves the loss of the best and most versatile agricultural land. Unless there are no suitable alternative sites of lower quality land. The site preparation works will result in the removal of a significant area of such agricultural land.</p>
8	<p>Outstanding heritage settlements: Stogursey is identified as an Outstanding Heritage Settlement. Although the Site Preparation</p>

	development is located at a significant distance from the village of Stogursey, the works are likely to result in a significant change to the overall character and appearance of the village.
9	<p>The built historic environment: seeks the protection of the setting, local distinctiveness and variety of buildings and structures of architectural or historic interest.</p> <p>The development affects the setting of Wick Barrow and (less directly) on the nearby Fairfield Estate. Otherwise, the application does not generally directly impact on historic buildings or structures but will have a detrimental impact on the local distinctiveness of this area. Mitigation measures, which will help to reduce such impacts, are secured through conditions and obligations.</p>
10	<p>Historic landscapes: seeks to protect the character of registered historic landscapes e.g. historic parks and gardens. Although the site itself is not such a landscape, such features are in close proximity to the site and will be impacted upon by the proposal. Mitigation measures are secured.</p>
11	<p>Areas of high archaeological potential: prescribes that in areas of high archaeological potential appropriate assessment and protection should be put in place.</p> <p>The site is known to support archaeological remains and therefore the Council considered the archaeological works method statement. The works will involve the destruction of all on-site archaeological remains. The Council has secured mitigation measures through the conditions and obligations.</p>
12	<p>Nationally important archaeological remains: where nationally important remains are present there is a presumption in favour of keeping the remains in situ. The policy also prescribes that the setting and amenity value of the remains should also be protected. Nationally significant remains are believed to be in situ on the site, but due to the nature of the proposed works it is impossible for these to remain undisturbed in situ. Mitigation measures are secured.</p>
13	<p>Locally important archaeological remains: specifies that the presence of locally important archaeological remains should be taken account of when development proposals are considered. It also specifies that if preservation in situ cannot be justified then arrangements for their recording should be made.</p> <p>Archaeological remains are known to be present on the Hinkley Point C site, but due to the nature of the proposed works it is impossible for them to be left in situ. Mitigation measures are secured, including recording.</p>
15	<p>Coastal development: highlights that the initial focus of coastal development should be located within existing towns, rural centres and villages. However, in this instance the development requires an undeveloped coastal location. The policy goes onto highlight that proposals should respect the natural beauty, biodiversity and geology of the coast.</p>

39	<p>Transport and development: provides guidance on the considerations that should be given to the proposals impact on transport movements and suitability of existing transport infrastructure.</p> <p>The proposals will result in a significant number of HGV and other vehicular movements, which need to be appropriately managed and controlled – this is achieved through various controls in the conditions and obligations</p>
42	<p>Walking: advocates that maintaining and extending the footpath network should improve facilities for pedestrians. The proposals will see the closure of certain PRow routes within the site and alternative routes provided.</p>
43	<p>Access for people with disabilities: seeks to ensure that provision of suitable footpaths, bridleways and cycle routes should be improved so as to ensure they can be safely used by people with disabilities.</p>
44	<p>Cycling: advocates the improvement, where appropriate using existing road infrastructure, facilities and routes for cyclists.</p> <p>Although the site is fairly remote from significant settlements and road access is therefore key, a degree of suitable sustainable alternative methods of transportation are secured, including provision of cycle parking facilities on site.</p>
48	<p>Access and parking: highlights that where developments would generate significant transport movements they should be located where they can be accessed by a variety of modes of transport. It notes that parking should be no more than is necessary to enable the development to proceed.</p> <p>Whilst the site preparation proposals do involve significant transport movements, it is not possible to locate them elsewhere given the location of the intended new nuclear power station. Alternative modes of transport to the site have been considered and a number of measures secured through conditions and obligations (including controls on parking levels).</p>
49	<p>Transport requirements of new development: highlights that proposals for new development should ensure that they could be integrated with the existing transport infrastructure network. If not, then suitable measures to provide for other modes of transport and to deliver safe access.</p> <p>The Hinkley Point proposals will generate significant vehicular movements, both in terms of cars and HGVs. The Council has considered these potential impacts and measures to minimise, manage and deal with these are secured through conditions and obligations.</p>
51	<p>Road hierarchy: this policy delineates those roads within the plan area which fall into two road type categories namely National Primary Routes and County Routes. This policy therefore indicates those roads, which are a significant status. The proposals are likely to have a detrimental impact on the immediate highway network</p>

	<p>within the parishes of Cannington, Stogursey and Bridgwater. Mitigation measures are secured through conditions and obligations, including highway improvement works and monitoring mechanisms.</p>
52	<p>Freight traffic (lorries in the environment): highlights that traffic, particularly lorries should use National Primary Routes wherever possible. Lorry routeing measures are secured through conditions and obligations.</p>
54	<p>Transport proposals and the environment: provides guidance that new transport proposals must take account of the wider environmental impacts of that scheme including minimising the impacts of the proposals through suitable mitigation and compensatory measures.</p> <p>This policy is relevant given the proposed junction improvements along the C182 down onto the A39, as well as the integration with the on-site road network.</p> <p>These mitigation measures are secured in the conditions and obligations.</p>
59	<p>Safeguarding water resources: seeks to protect surface, underground and marine water resources. The proposal would see the culverting of the Holford stream. Various measures to monitor and control impacts on water are secured through the conditions and obligations.</p>
60	<p>Floodplain protection: indicates that development should be restricted if it would cause a net loss of flood storage area, interrupt the free flow of water or adversely affect their environmental or ecological value. The proposal includes significant site terracing which is likely to have an impact on the flood storage cell, although the Council is satisfied with the measures secured to mitigate potential flooding.</p>
61	<p>Development in areas liable to marine flooding: highlights that only essential development which cannot be provided elsewhere, should be located in areas susceptible to marine flooding and even then adequate measures should be undertaken to protect that development. The Hinkley Point C site is located on the West Somerset coast and that area has previously experienced flooding issues. Flood risk has been taken into account in the assessment of the application.</p>
63	<p>Utilities development: indicates that utility developments should be facilitated provided they respect the environment and are located in favourable positions. Although this application is not for an energy generating station itself, it does however seek consent for levelling works for a potential future nuclear power station.</p>
64	<p>Renewable energy: makes the provision for renewable energy sources to be promoted as part of new development provided that it is environmentally acceptable. Although this application is not for an energy generating station itself (nor a renewable energy source –</p>

nuclear is considered 'low carbon'), it does however seek consent for levelling works for a potential future nuclear power station.

In relation to the Somerset and Exmoor National Park Joint Structure Plan Review, Policy STR1 sustainable development, and Policy STR6 development outside towns are considered relevant to the principle of development.

Through the mitigation secured, the proposal can be considered to be generally compliant with the relevant parts of policy STR1. To the extent that there is a conflict with this and other policies of the Development Plan, then the Council considers that there are other material considerations, including policies of EN-1 (Overarching Energy NPS) and EN-6 (EN-6 Nuclear Power Generation NPS) (see further on these below), which outweigh the conflict.

Although the Site Preparation proposals are located beyond the development boundary within the open countryside, and therefore conflict with policy STR6, the Council considers that there are other material considerations, including the policies of EN-1 and EN-6, which outweigh the conflict.

The Council's emerging Local Development Framework has not yet been completed and nor has the development plan been updated to take account of EN-6, which includes Hinkley Point as a potentially suitable site for the development of a new nuclear power station.

In relation to the Council's saved Local Plan, Policies SP/1 and SP/5 are relevant to the principle of development. Policy SP/1 relates to settlement hierarchy whilst Policy SP/5 refers to development outside of defined settlements. Although the proposals conflict with policy SP1 and SP5, the Council considers that there are other material considerations, including policies of EN-1 and EN-6, which outweigh the conflict.

2) Material Considerations:

There are a wide range of material considerations, including Government Policy (including National Policy Statements for Energy Infrastructure), emerging policy, policy of other Councils and representations received in relation to this application. Appropriate weight has been attributed to these material considerations, alongside policies set out within the Development Plan.

The National Policy Statements for Energy Infrastructure are one of the material considerations for determination of this application, in particular:

- EN-1 Overarching Energy NPS; and
- EN-6 Nuclear Power Generation NPS.

The energy NPSs provide the primary policy basis for decision-making by the Infrastructure Planning Commission in relation to individual applications for development consent for nationally significant energy infrastructure, such as nuclear power stations.

Having regard to EN-1 and EN-6 and in particular:

- paragraphs 1.2.1 to 1.2.3 of EN-1;
- paragraphs 1.2.3 to 1.2.4 of EN-6; and
- paragraphs 13 to 19 of Annex A of the letter to Chief Planning Officers issued by the Department for Communities and Local Government on 9 November 2009.

the Council has concluded that EN-1 and EN-6 are material considerations which carry significant weight in the determination of the application, recognising that it is not an application to the IPC for development consent but is an application connected to, and in preparation for, a potential Nationally Significant Infrastructure Project.

EN-1 emphasises the need and urgency for new energy infrastructure to be consented and built with the objective of contributing to a secure, diverse and affordable energy supply.

EN-6 establishes why development of new nuclear power stations is needed significantly earlier than the end of 2025.

Paragraph 4.1.1 of EN-6 states that the site at Hinkley Point is amongst those that the Government has determined are potentially suitable for the deployment of new nuclear power stations in England and Wales before the end of 2025.

A significant material consideration for determination of this application is therefore the identified and urgent need for new nuclear generating capacity to be operating as quickly as possible. It is also material that Hinkley Point is identified in EN-6 as a potentially suitable site for a new nuclear power station.

In granting planning permission for the site preparation works, the Council considers that, if a DCO were subsequently granted for a new nuclear power station at Hinkley Point, the site preparation works would allow that power station to be delivered significantly earlier than would otherwise be the case.

In this context, the Council also considers that national policy advice on the determination of development consent applications is a material consideration and this has therefore been given significant weight in the Council's determination of the site preparation application. Paragraph 2.2.4 of EN-6 states that:

"... when considering an application for a new nuclear power station that is capable of deployment by a date significantly earlier than the end of 2025, the IPC should give substantial weight to the benefits (including the benefit of displacing carbon dioxide emissions) that would result from the application receiving development consent"

It is a material consideration to which the Council gives significant weight that the site preparation works would help enable a new nuclear power station to be deployed at Hinkley Point C by a date significantly earlier than the end of 2025.

The legal challenge to NPS EN-6 has been taken into account.

It is considered that the site preparation development would enable the Hinkley Point C nuclear power station, if granted consent, to be delivered significantly earlier than would otherwise be the case, by allowing the developer to start the works (the site preparation development) ahead of any development consent order that may be granted for the power station.

Amongst the other material considerations taken into account in determining the planning application are:

- Draft National Planning Policy Framework (DCLG, 25 July 2011)
- West Somerset Council's Core Strategy Options Paper (January 2010)
- The West Somerset Sustainable Community Strategy 2007-2010

- West Somerset Economic Strategy (Draft, April 2011)
- West Somerset Corporate Plan 2011-2012 (September 2011)
- West Somerset Obligations Supplementary Planning Document 2010 (SPD)
- West Somerset Environment, Community Liaison, Arts and Culture and Economic Growth Service Delivery Plan
- Sedgemoor Proposed Submission Core Strategy (March 2011)
- Sedgemoor Sustainable Community Strategy for Sedgemoor (2009 – 2026)
- Sedgemoor Corporate Strategy (2009 – 2014)
- Bridgwater Challenge Bridgwater Vision
- Sedgemoor Housing Strategy 2010-2015
- Sedgemoor Economic Masterplan (2008)
- Sedgemoor Economic Strategy (Draft, April 2011)
- Hinkley Point C – Draft Supplementary Planning Document (February 2011)
- Planning Performance Agreement with EDFE in relation to Hinkley Point Nuclear Power Station (October 2009)
- All consultation responses

3) Environmental information

The site preparation works planning application included an environmental statement and this has been supplemented by further environmental information and by the Council's and others' consideration of the assessment. The Council concluded that the environmental information is sufficient for it to be able to consider the impacts of the development, including any cumulative impacts with other developments (including other related 'HPC project development components') in determining the planning application.

The Council, following review of the environmental information has been able to consider the likely significant and other impacts of the development, including any cumulative impacts with other developments. These impacts and the environmental information have informed the Council's assessment of the development and the Council has considered the environmental information in determining the application.

With the mitigation proposed and to be secured by planning conditions and obligations, the Council considers that the adverse environmental impacts of the development and departures from the development plan are sufficiently outweighed by the need for the development and other material considerations to grant planning permission, noting also the positive impacts of the development including those relating to job creation and economic activity.

4) Planning Committee - Member's Considerations

The Planning Committee on the 28th July 2011 considered the report and updates to it prepared by the Planning Officer Team relating to plans deposited by the applicant in accordance with the planning legislation. Members, where appropriate, were advised of correspondence received and subsequent updates or amendments since the agenda had been prepared.

The Minutes of the 28 July 2011 Planning Committee provide an account of the discussion, debate and voting at the Committee meeting, these minutes are available for inspection. The Planning Committee's considerations included the following:

- Traffic impact including on the residents of Cannington and Bridgwater
- Washford Cross roundabout
- Traffic flows and highway safety

- Noise mitigation
- Air quality and dust monitoring
- Landscape issues, including bunding, planting and lighting
- Vegetation clearance – hedges and other habitats and landscape features
- Housing accommodation
- Dead animals
- Flooding and drainage issues, including Holford stream
- Fire and emergency rescue services – alternative access
- Top soil storage
- Badger colonies and TB
- Roll-back of the site boundary and site reinstatement, including condition R1 and financial security for reinstatement by the Council
- Habitats Regulations Assessment
- Health issues
- Conditions
- Section 106 planning obligations
- Rights of way
- Flood risk
- Justification for nuclear at the national level

The final form of conditions attached to this permission and the provisions of the associated legal agreement have been approved by the Chair and Vice Chair of the Planning Committee in accordance with the resolution to grant permission.

5) Habitat Regulations Assessment

The Habitats Regulation Assessment Report dated 13th July 2011 was agreed and adopted by the Council, as the competent authority, as an appropriate assessment having regard to the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. In reaching the decision to adopt the Habitats Regulations Assessment Report, the Council considers that the proposed development would not have an adverse impact on the integrity of a European site.

6) Conclusions

In conclusion in relation to the principle and context of the development, on balance, the application for development is one which West Somerset Council is the appropriate body to determine, it is considered to comply with and be supported by EN-1 and EN-6 National Policy Statements, and as a matter of the Council's judgment, is one where material planning considerations, including EN-1 and EN-6, are considered sufficient to outweigh conflicts with the development plan, so as to make the development acceptable in principle. The Council also considers from the review of the environmental information that the presence of adverse impacts that are not mitigated or dealt with by the mitigation proposed and secured are outweighed by the material considerations noted above.

Following the Appropriate Assessment undertaken by the Council in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010, the Council considers that the proposed development would not have an adverse impact on the integrity of a European site.

Planning Permission is subject to the following conditions:

1. Schedule of Conditions

- i. Where in these conditions details are required to be submitted they shall be submitted in writing to the local planning authority and where any approval is to be given by the local planning authority, such approval shall be in writing and wherever possible undertaken under the delegated authority of the Planning Manager
- ii. Where any condition specifies “unless otherwise approved in writing by the Local Planning Authority” or requires the applicant to demonstrate the existence of exceptional circumstances such approval shall not be given or exceptional circumstances agreed except in relation to minor or immaterial changes where it has been demonstrated to the satisfaction of the Local Planning Authority that the subject-matter of the approval sought or the applicant’s proposed response to exceptional circumstances is unlikely to give rise to any materially new or materially different environmental effects in comparison with the Development or works as approved
- iii. In these conditions unless otherwise agreed by the local planning authority, the following terms shall have the meanings given to them for the purposes of interpretation of any of the provisions of this planning permission

"Commencement" means the carrying out of a material operation as defined in section 56(4) of the Town and Country Planning Act 1990 comprised in the Development (or a Phase as the case may be) and the words **"Commence"** and **"Commenced"** and cognate expressions shall be construed accordingly.

"Development" means development involving the following activities: site clearance (including fencing, vegetation removal, demolition of existing structures, and creation of alternative footpaths); earthworks (including soil stripping and storage, site levelling, spoil screening/storage for re-use on site); provision of earth retaining structures; deep excavations; provision and relocation of drainage infrastructure (including culverts, outfalls, balancing ponds); the provision and operation of plant and machinery (including concrete batching); site establishment works (including construction compounds and associated (including layover) facilities, car parks, haulage roads, site access points and roundabouts, and laying, replacement and/or diversion of apparatus); and other associated works and in the event that the Project (other than the Development) is not consented all structures would be removed and the site reinstated and which includes the Reinstatement Works.

"Exceptional circumstances" will be defined within a Construction Traffic Management Plan to be submitted to and approved in writing by the Local Planning Authority, in accordance with the requirements of Condition FP12.

"HGV" means a heavy goods vehicle or any other goods vehicle with three or more axles travelling to or from the Site for the purposes of the Development;

"Local Highway Authority" means Somerset County Council, which is the local highway authority for the area in which the Site is situated (and including any successor body as local highway authority).

“**Local Planning Authority**” means West Somerset Council, which is the local planning authority for the area in which the Site is situated (and including any successor body as local planning authority).

“**Maintenance**” means essential maintenance activities, which are required to be carried out on the Site (with relevant equipment necessary) to maintain the integrity of the development during the carrying out of the Development.

“**Planning Obligation**” means a deed of planning obligations pursuant to section 106 of the Town and Country Planning Act 1990 relating to the Development

“**Security**” means activities associated with the management of the Site to ensure it remains secure at all times and to enable the developer (and its appointed contractors) to meet their requirements outlined in any Security Plan relating to the Site, and as approved by the Office for Civil Nuclear Security.

“**Site**” means the land at Hinkley Point, Somerset, shown for the purposes of identification only edged in a solid red line on HPCSPW001b.

CONDITIONS RELATING TO ALL PHASES OF THE DEVELOPMENT (GENERAL - "G" CONDITIONS)

G1 Time Limit – Commencement of Development

The Development and works hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: in accordance with Section 91 of the Town and Country Planning Act 1990

G2 Approved Drawings

The Development and works hereby permitted shall be carried out (as applicable and subject to conditions R1 and R2) in accordance with the approved drawings as follows:

Drawing Title	Drawing Number	Submission Date
Location Plan	HPCSPW001a	26/11/10
Site Boundaries	HPCSPW001b	26/11/10
Site Layout Plan	HPCSPW002a Rev1	21/04/11
Beach Access Road Plan and Cross Sections	HPCSPW002b	26/11/10
Existing Public Rights of Way around Hinkley Point	HPCSPW003a	26/11/10
Proposed Alternative Rights of Way	HPCSPW003b Rev1	21/04/11
Temporary Proposed Alternative Public Rights of Way	HPCSPW003c	21/04/11
Re-established Network ProW after	HPCSPW003d	21/04/11

reinstatement		
Planning Application Fencing Arrangement (Sheet 1 of 3)	HPCSPW004 Rev1	21/04/11
Fencing Enlarged Detail West (Sheet 2 of 3)	HPCSPW005 Rev1	21/04/11
Fencing Enlarged Detail East (Sheet 3 of 3)	HPCSPW006 Rev1	21/04/11
Indicative Earthworks Cut and Fill Arrangement	HPCSPW007 Rev1	21/04/11
Early Works Water Management Zone (Q1 2011 Approx)	HPCSPW008	26/11/10
Surface Water Catchment Area Overall General Arrangement	HPCSP009 Rev1	21/04/11
Arrangement of Construction Drainage Outfall to Foreshore	HPCSPW010	26/11/10
Surface Water Drainage Holford Stream Culvert	HPCSPW011 Rev1	21/04/11
Deep Water Drainage Arrangement	HPCSPW012a	26/11/10
Deep Water Arrangement Spine Drain Sections A & B	HPCSPW012b	26/11/10
Deep Water Assessment Spine Drain Sections C	HPCSPW012c	26/11/10
Proposed Site Access Points and Roundabouts	HPCSPW013a Rev1	21/04/11
Typical Cross Section Through Haul Road	HPCSPW013b	26/11/10
11kv Sub Station Plan & Elevations	HPCSPW014	26/11/10
Raw Water Reservoir Plans & Sections	HPCSPW015	26/11/10
Surface Water Drainage in the Built Development Areas	HPCSPW016 Rev1	21/04/11
Site Access Control Arrangement	HPCSPW017	26/11/10
Existing Landscape	HPCSPW018 Rev1	21/04/11
Landscape Proposal Plan	HPCSPW019 Rev1	21/04/11
Reinstated Landscape	HPCSPW020 Rev1	21/04/11
Existing Site Topography	HPCSPW021	26/11/10
Proposed Sewage Treatment Plant – Plans & Sections	HPCSPW022	26/11/10
Existing & Reinstated	HPCSPW023a	26/11/10

Ground Level Cross Sections		
Earthworks Platforms Cross Sections	HPCSPW023b	26/11/10
Tree & Hedgerow Retention & Removal	HPCSPW025a Rev2	26/07/11
Proposed Advanced Planting	HPCSPW025b Rev1	21/04/11
Primary and Secondary Access Tracks	HPCSPW026	21/04/11
NW Boundary Mitigation During Construction Cross Sections A and B	HPCSPW027	21/04/11
NW Boundary Mitigation During Construction Cross Sections C and D	HPCSPW028	21/04/11
NW Boundary Mitigation During Construction Planting Plan	HPCSPW029	21/04/11
Proposed Southern Roundabout	9S4862/PR/SK/66 Rev C	21/04/11
Proposed Southern Roundabout Proposed Levels	9S4862/PR/SK/67 Rev C	21/04/11
Proposed Southern Roundabout Contour Information	9S4862/PR/SK/68 Rev B	21/04/11
Proposed Southern Roundabout Visibility Splays	9S4862/PR/SK/69 Rev C	21/04/11
Proposed Southern Roundabout Swept Path Analysis	9S4862/PR/SK/70 Rev B	21/04/11

Reason: To ensure that all works are properly implemented and retained.

G3 Approvals Pursuant to Permission

Any application or submission for any approval pursuant to these conditions shall be made in writing to the Local Planning Authority and no approval shall be given unless approved in writing.

Reason: To ensure that a proper record is kept.

G4 Phasing of the Development

The Development and works shall be commenced and carried out in accordance with the phasing programme specified in the table below unless otherwise approved in writing by the Local Planning Authority:

Phase	Authorised Development within Phase
Pre-commencement works (Phase 0)	Removal of three barns and trees as shown on Plan 2; Construction of site fencing and associated perimeter access road as shown on Plan 3 in accordance with the submitted details (Appendix 2.1 of the Further Environmental Information [Part A] and Other Clarification Material [Part B] April 2011); Archaeological work comprising the set-piece excavations approved pursuant to Condition G31; Provision and operation of plant and machinery directly associated with Phase 0 works; No other Development or works, unless expressly authorised pursuant to the conditions of this permission.
Site Preparation Works – Vegetation Clearance (Phase 1)	Construction of site fencing and associated perimeter access road as shown on Plan 3 in accordance with the submitted details (Appendix 2.1 of the Further Environmental Information [Part A] and Other Clarification Material [Part B] April 2011); Establishment of the alternative footpaths in accordance with Plan 7; Archaeological works comprising the recording of important hedgerows approved pursuant to Condition G33; Removal of trees and hedgerows in accordance with Drawing HPCSPW025a Rev2; Provision and operation of plant and machinery directly associated with Phase 1 works; Site establishment works; No other Development or works, unless expressly authorised pursuant to the conditions of this permission.
Site Preparation Works – Main Earthworks (Phase 2)	Earthworks; Provision of earth retaining structures; Deep excavations; Provision and relocation of drainage infrastructure; Provision and operation of plant and machinery; Site establishments works; and associated works as listed in the description of development and shown on approved application drawings; and Access to site as required for Phase 2 works.
Post completion pre-"follow on" works period (Phase 3)	Ongoing management and maintenance of site, keeping site tidy and safe and Access to site as required for Phase 3 works.
Potential Site Preparation Works	Removal of all structures installed during Phases 1 and 2 and reinstatement of whole application

Reinstatement (Phase 4)	site in accordance with the Detailed Landscape Mitigation and Reinstatement Strategy submitted to and approved by the Local Planning Authority pursuant to Condition R1 and R2.
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Save for removal of the barns and trees as shown on Plan 2 within Phase 0 specified in the table above, not less than 2 weeks notice of the planned commencement date of each of Phases 0, 1 and 2, and, as applicable, Phases 3 and 4, shall be provided to the Local Planning Authority.

Within 1 calendar month of completion of each of the Phases 0, 1, 2, 3 and 4, the relevant completion date of the relevant Phase shall be notified to the Local Planning Authority.

Unless otherwise approved by the Local Planning Authority, no development shall commence in a subsequent Phase until completion of the previous Phase has occurred and this has been notified to the Local Planning Authority.

References to "Phases" of the Development throughout this planning permission shall be construed in accordance with this condition.

Reason: To ensure the proper regulation of the Development.

G5 Geology and Land Contamination: Spoil Mound Remediation

Unless otherwise approved by the Local Planning Authority, no Development or works pursuant to this planning permission shall commence or be undertaken within the Built Development Area East (as shown on drawing number HP/MR/01 Rev A of planning permission reference 3/32/10/025 dated 13 January 2011 (issued by Somerset County Council) until:

(a) remediation works in any defined area of the site pursuant to planning permission reference 3/32/10/025 dated 13 January 2011 (issued by Somerset County Council) have been completed to the satisfaction of the Local Planning Authority and the validation report and completion certificate for that defined area have been submitted to and approved in writing by the Local Planning Authority; except

(b) within areas confirmed in writing by the Local Planning Authority in which there is no known or identified contamination, whereby development can proceed subject to condition G38.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the Development is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to Saved Policy PC/4 accordance with policy of the West Somerset District Local Plan (2006) and advice set out in Planning Policy Statement 23: Planning and Pollution Control.

G6 Working Hours

No development, works or construction activity whatsoever shall take place on the Site outside the hours of 07:00 to 18:00 Mondays to Fridays and 07:00 to 13:00 on

Saturdays. There shall be no working outside of these hours, or at all on Sundays and public holidays. For the avoidance of doubt, this condition shall not apply where the developer has demonstrated to the satisfaction of the Local Planning Authority that there are Exceptional Circumstances, or to Security and Maintenance activities (so far as required to be carried out outside these hours).

Reason: To safeguard the amenity of local residents and occupiers having regard to the provisions of Saved Policy BD/1 of the West Somerset District Local Plan (2006).

G7 Delivery Hours

Save where the applicant has demonstrated to the satisfaction of the Local Planning Authority that there are Exceptional Circumstances, no deliveries shall arrive, be received or dispatched from the Site outside the hours of 07.00 to 18.00 Monday to Friday and 07.00 to 13.00 on Saturdays. For the avoidance of doubt there shall be no deliveries at all on Sundays or on public holidays.

Reason: To safeguard the amenities of local residents and occupiers, having regard to the provisions of Saved Policy PC/2 of the West Somerset District Local Plan (2006).

G8 On Site Vehicular Movements – Permitted Hours

Save where the applicant has demonstrated to the satisfaction of the Local Planning Authority that there are Exceptional Circumstances, there shall be no use of any construction or demolition vehicles (including no vehicle engines started, no vehicle movements and no reversing alarms operated) on the Site except during the hours of 07:00 to 18:00 Mondays to Fridays and 07:00 to 13:00 on Saturdays. There shall be no onsite construction or demolition vehicular movements outside of these hours, on Saturday after 13:00, or at all on Sundays and public holidays. For the avoidance of doubt, this condition shall not apply to Security or Maintenance activities (so far as required to be carried out outside these hours).

Reason: To safeguard the amenities of local residents and occupiers having regard to the provisions of Saved Policy PC/2 of the West Somerset District Local Plan (2006).

G9 Landscape and visual: External Storage of Contractors Materials

Other than in the site compounds shown on drawing no. HPCSPW002a Rev1, there shall be no external storage of any contractors' materials (excluding aggregates/bulk materials/spoil in temporary or working stockpiles, or in long-term storage) on the Site during any Phase of the Development in excess of 4m in height unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity having regard to the provisions of Saved Policies BD/1 of the West Somerset District Local Plan (2006).

G10 Landscape and visual and air quality: No Burning of Materials

There shall be no burning of waste, materials or refuse on the Site at any time during any Phase of the Development.

Reason: In the interests of residential amenity having regard to the provisions of Saved Policy PC/1 of the West Somerset District Local Plan (2006).

G11 Noise and Vibration: No Amplified Sound

No amplified sound shall be generated at any time within the Site or at any time in the course of carrying out any Phase of the Development save where the applicant has demonstrated to the satisfaction of the Local Planning Authority that there are Exceptional Circumstances and as necessary for the health, safety or welfare of persons on site during such Exceptional Circumstances or in an emergency.

Reason: To safeguard the amenities of local residents and occupiers having regard to the provisions of Saved Policy PC/2 of the West Somerset District Local Plan (2006).

G12 Noise and Vibration: Noise Levels

The level of noise emitted from the Site during all Phases shall not exceed 65dBLAeq, 1 hour during the permitted working hours as measured at the nearest residential receptors and monitoring of the noise levels during the works shall be carried out as part of the management plans submitted and approved pursuant to Condition FP6.

The above noise level restriction shall apply except for specific, short duration construction or demolition activities (to the extent only permitted as described in the noise management plans approved pursuant to Conditions FP6, SP14 and R3) during which an increased noise threshold of 75dBLAeq, 1 hour shall apply. Any such activities and duration of such activities shall be notified to the Local Planning Authority and local residents at least 48 hours before they commence and the duration of such activities and number of such activities during the carrying out of the Development and Works shall be limited to those approved by the Local Planning Authority.

Reason: To minimise the effect of noise from the Development on local residents and occupiers in the interests of residential amenity having regard to the provisions of Saved Policy PC/2 of the West Somerset District Local Plan (2006).

G13 Infill Material

Only uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic shall be permitted as infill material used within the Development. All site won fill materials shall be used subject to the controls established within the Materials Management Plan approved pursuant to condition SP19, and shall follow the protocols defined within CL:AIRE.

Reason: To prevent pollution of the water environment having regard to the provisions of Saved Policy W/3 of the West Somerset District Local Plan (2006).

G14 Trial Concrete Batching

The concrete batching plant to be installed as part of the Development or works may only be used for the purpose of mixing trial mixes and batches of concrete to be used on-site.

Reason: To safeguard the amenities of neighbouring residential properties having regard to the provisions of Saved Policy LC/3 of the West Somerset District Local Plan (2006).

G15 Southern Construction Boundary

The area shown on Plan HPCSPW002A Rev1 within the application redline but outside the "Development Site – Indicative Boundary" (to the south of the Site) shall only be used for the following purposes and shall not, unless otherwise approved by the Local Planning Authority, be used during any Phase of the Development for any other purpose (including general construction works, storage or other purposes):

- planting and landscape mitigation measures (as specified in the application documents);
- activities directly related to any emergency and then only to the extent necessary to adequately deal with any such emergency; and
- bat mitigation measures in accordance with the Further Clarification in Relation to Barbastelle Bats (July 2011).

Reason: To safeguard the amenities of neighbouring residential properties having regard to the provisions of Saved Policy LC/3 of the West Somerset District Local Plan (2006).

G16 Socio-Economics: On-site Medical Facilities

On-site medical facilities are to be provided by converting and refurbishing an existing room adjacent to Building 586 (former Induction and Training Centre) and shall be provided and retained within the Site for the duration of the Development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the health and safety of workers on the Site.

G17 Landscape and Visual: Lighting Strategy

Lighting shall be installed and operated in accordance with the Lighting Strategy (November 2010), unless otherwise approved in writing by the Local Planning Authority.

Reason: To minimise the impacts of the Development on local residents and occupiers and on ecological receptors.

G18 Landscape and Visual: Temporary Lighting

Save for the removal of the barns and trees shown on Plan 2 within Phase 0 as set out in Condition G4, prior to the Commencement of relevant works and development where temporary construction lighting is proposed, details of any temporary construction lighting to be installed at the Site (including measures to prevent light spillage) to ensure safe working practices are adhered to shall be submitted to and approved by the Local Planning Authority. The lighting shall be installed and operated in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To minimise the impacts of the Development on local residents and occupiers and on ecological receptors.

G19 Landscape and Visual: Other Lighting

Prior to the Commencement of relevant works and development where lighting other

than temporary construction lighting is proposed (such as fixed columns and luminaries), details of such lighting to be installed at the Site (including measures to prevent light spillage) to ensure safe working practices are adhered to shall be submitted to and approved by the local planning authority. The lighting shall be installed and operated in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To minimise the impacts of the Development and works on local residents and occupiers and on ecological receptors.

G20 Storage of Oils, Fuels, Concrete and Chemicals

Any facilities for the storage of oils, fuels, concrete or chemicals shall be sited on an impervious base and either graded to drain to a sump/collector or surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work must be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets must be designed to discharge into the bund. All works and facilities as referred to in this condition shall be constructed and completed prior to the first use of the facilities and shall thereafter be retained.

Reason: To prevent pollution of the water environment having regard to the provisions of Saved Policy W/3 of the West Somerset District Local Plan (2006).

G21 Provision of Mitigation

In carrying out the Development and works, mitigation specified in the environmental statement accompanying the application and all additional and supplemental application information (including further environmental information and other clarification material dated 21st April 2011) shall be provided as specified in accordance with the relevant plan, programme, strategy or scheme of mitigation specified unless otherwise specified by conditions in this permission or any Planning Obligations binding the Site.

Reason: To ensure that the impacts of the development are appropriately mitigated.

G22 General Permitted Development Order – Sleeping accommodation

Notwithstanding the provisions of Parts 4 and 5 of Schedule 2 of the Town and Country Planning (GPDO) 1995, no part of the Site shall be used for the stationing of sleeping accommodation for site workers, unless the written approval of the Local Planning Authority has first been obtained.

Reason: To provide control over use of the Site during construction

G23 General Permitted Development Order – Temporary use of adjoining land

Notwithstanding the provisions of Part 4 Class A of Schedule 2 of the Town and Country Planning (GPDO) 1995, no land outside but adjoining the Site shall be used for the provision of temporary buildings, works, plant or construction machinery, unless the written approval of the Local Planning Authority has first been obtained.

Reason: To provide control over the use of land adjoining the Site during construction

G24 General Permitted Development Order – Temporary uses on the Site

None of the rights contained in Part 4 Class B of Schedule 2 of the Town and Country Planning (GPDO) 1995 shall be exercised, unless the written approval of the Local Planning Authority has first been obtained.

Reason: To provide control over potential temporary uses of the Site

G25 General Permitted Development Order – Demolition

None of the rights contained in Part 31 of Schedule 2 of the Town and Country Planning (GPDO) 1995 shall be exercised, unless the written approval of the Local Planning Authority has first been obtained.

Reason: To provide control over demolition of buildings and structures on the Site.

G26 Transport: HGV Flows

Movements of HGVs for the duration of the Development or works, shall not exceed the following limits save in Exceptional Circumstances set out in the Construction Traffic Management Plan approved pursuant to Condition FP12:

- a) Monday to Friday: Maximum 24 two-way HGVs per hour in the AM (08:00-09:00) and PM (17:00-18:00) network peak hours;
- b) Monday to Friday: Maximum 30 two-way HGVs per hour within the hours of 07:00-08:00 and 09:00 - 17:00;
- c) Saturday: Maximum 30 two-way HGVs per hour between 07:00 – 13:00.

At all other times no HGVs shall arrive be received or dispatched from the Site save where the applicant has demonstrated to the satisfaction of the Local Planning Authority that there are exceptional circumstances as set out in the Construction Traffic Management Plan approved pursuant to Condition FP12.

Reason: To control and mitigate the effect of construction traffic on the highway network

G27 Transport: Shift Patterns

The Development or works shall only be carried out by workers operating in a single shift from 07:00 to 18:00 weekdays and provision for Saturday working 07:00 to 13:00.

Reason: To control and mitigate the effect of construction traffic on the highway network and to safeguard the amenity and character of the area

G28 Transport: Vehicle Movements:

The total number of cars and minibuses accessing the site each day for the purpose of carrying out of the Development or works shall not exceed the levels shown in the table below, unless otherwise agreed in the Travel Plan approved pursuant to condition FP13.

	Phase 0	Phase 1	Phase 2 Quarter 1	Phase 2 Quarter 2	Phase 2 Quarter 3	Phase 2 Quarter 4
Total number of cars and minibuses	59	78	94	155	155	235

Reason: To control and mitigate the effect of construction traffic on the highway network and safeguard the amenity and character of the area.

G29 Transport: Parking

The maximum number of car and minibus parking spaces to be provided and available for the purpose of the Development or Works shall not exceed the levels in the table below, unless otherwise agreed in the Travel Plan approved pursuant to condition FP13:

Phase	Number of Parking Spaces
Phase 0	59
Phase 1	78
Phase 2 Q1	94
Phase 2 Q2	155
Phase 2 Q3	155
Phase 2 Q4	235

No more than 78 cars and minibuses may be parked at the Site for the purpose of the Development or Works on any Saturday during any Phase of Development. Weighted cones or similar barriers shall be erected at the end of each Friday shift to restrict the number of spaces available on the following day to 78.

Reason: To manage the total number of vehicles on the highway network associated with the proposed Development and the implementation of the Travel Plan.

G30 Ecology: Ecological Method Statement

All Development and works shall be carried out in accordance with the Site Preparation Works Ecological Method Statement (Appendix 2.5 of the Further Environmental Information [Part A] and Other Clarification Material [Part B]; April 2011), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate mitigation measures are incorporated into the development to minimise the impact on species protected by law having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

G31 Ecology: Tree Protection

Save for the removal of the barns and trees shown on Plan 2 within Phase 0 as set out in Condition G4, no Development or works in any Phase shall commence until

protective fencing which conforms with British Standard 5837:2005 have been erected around existing trees which are to be retained in the Development or works in that particular Phase in accordance with drawing HPCSPW025a Rev 2. Until the Development or works have been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works, unless otherwise approved by the Local Planning Authority.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the Site having regard to the provisions of Saved Policies BD/1, TW/1 and TW/2 of the West Somerset District Local Plan (2006).

G32 Historic Environment: Excavation and Recording of Buried Heritage Assets

The programme of Archaeological works relating to buried heritage assets shall be implemented in accordance with the Written Scheme of Investigation for Archaeological Mitigation: Set-Piece Excavation (Annex 2 of Appendix 2.3 of the Further Environmental Information [Part A] and Other Clarification Material [Part B]; April 2011) and results published in monograph form within ten years of Commencement of the Development.

Reason: To enable the remains of archaeological interest which may exist within the Site to be recorded having regard to the provisions of Saved Policies AH/2/ & AH/3 of the West Somerset District Local Plan (2006).

G33 Historic Environment: Building Recording

The programme of archaeological works relating to the three existing barn structures (Benhole Barn; Langborough Barn; and Sidwell Barn) shall be implemented in accordance with the Written Scheme of Investigation for Historic Building Recording (Annex 4 of Appendix 2.3 of the Further Environmental Information [Part A] and Other Clarification Material [Part B]; April 2011) and results published in monograph form within ten years of Commencement of the Development.

Reason: To ensure that features of archaeological or architectural importance within the buildings on the Site are recorded before their destruction having regard to the provisions of Saved Policies AH/2 & AH/3 of the West Somerset District Local Plan (2006).

G34 Historic Environment: Recording of Important Hedgerows

The programme of archaeological works relating to Important Hedgerows shall be implemented in accordance with the Written Scheme of Investigation for Archaeological Mitigation: Trenches through Green Lane and Historic Hedgerows (Annex 3 of Appendix 2.3 of the Further Environmental Information [Part A] and Other Clarification Material [Part B]; April 2011) and results published in monograph form within ten years of Commencement of the Development.

Reason: To mitigate the impacts of the Development or works on important hedgerows of interest having regard to the provisions of Saved Policy TW/2 of the West Somerset District Local Plan (2006).

G35 Drainage: Oil Interceptors

Unless otherwise approved in writing by the Local Planning Authority, surface water drainage from impermeable parking areas and hardstanding for vehicles and lorry parks shall be passed through oil interceptors prior to being discharged to any watercourse, surface water sewer or soakaway system. The oil interceptors shall have a sufficient capacity for the areas being drained and shall be constructed prior to the first use of the parking areas or handstanding and shall thereafter be retained throughout all Phases of the Development or works. Roof water shall not pass through the oil interceptors.

Reason: To prevent pollution of the water environment having regard to the provisions of Saved Policy W/3 of the West Somerset District Local Plan (2006).

G36 Residential Amenity: Information Dissemination and Complaints Handling

Save for removal of the barns and trees approved pursuant to Condition G4, no Development or works shall commence until a system for the provision of information to local residents and occupiers about the Development and works and for the handling of complaints shall have been submitted to and approved in writing by the Local Planning Authority. The information to be disseminated shall include general provision of information in relation to the phasing and carrying out of the Development and works and specifically in relation to activities on-site that may lead to nuisance. The approved information dissemination and complaints handling systems shall be implemented as approved throughout the period of the Development and works, unless otherwise approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring residential properties and the area.

G37 Historic Environment, Ecology and Landscape: Green Lane - Preservation in situ

Save for removal of the barns and trees approved pursuant to Condition G4, no Development or Works in any Phase shall commence until a scheme showing the method of working which ensures the preservation in-situ of the Green Lane as shown on approved drawing no. HPCSPW025A Rev2 has been approved in writing by the Local Planning Authority. The method of working for each Phase shall be implemented as approved, shall be carried out in its entirety and all development works shall be carried out in compliance with the provisions of the approved methods of working.

Reason: In the interests of visual and residential amenity, ecological and archaeological / historical interest in Green Lane and having regard to the provisions of Saved Policies BD/1 and other policies of the West Somerset District Local Plan (2006).

G38 Geology & Contaminated Land: Previous Contamination Unidentified

If in undertaking any Development or works, contamination not previously identified is found to be present at the Site, then no further Development or works shall be carried out (except within a defined area or areas confirmed by the Local Planning Authority in writing in which works can continue) until details as to how this contamination not previously identified is to be dealt with have been submitted to and approved in writing by the Local Planning Authority in consultation with Somerset County Council.

Reason: To ensure that risks from land contamination to the future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the Development and works can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to Saved Policy PC/4 of the West Somerset Local Plan (2006) and advice set out in Planning Policy Statement 23: Planning and Pollution Control.

CONDITIONS RELATING TO SITE PREPARATION WORKS - (PHASE 1 – "FP" (FIRST PHASE) CONDITIONS)

FP1 Ecological Mitigation and Monitoring Plan

No Phase 1 works shall commence until an Ecological Mitigation and Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority. The Ecological Mitigation and Monitoring Plan should reflect the survey results and ecological mitigation and enhancement measures included in the Environmental Statement and include an implementation timetable to include monitoring of:

1. Plant community development (NVC) across the habitats (grassland/woodland/hedgerow);
2. Invertebrate monitoring (butterflies and other agreed indicator species);
3. Scale and timing of habitat creation and enhancement works;
4. Bat activity monitoring during Phases 1 to 4;
5. Additional native hedgerow to be planted as a bat corridor;
6. Management of bat boxes.
7. A scheme for the protection of badgers;
8. Breeding bird counts;
9. Bird counts in the immediate intertidal area during Phases 1, 2 and 4, and
10. Monitoring of activity along the coastal path and onto the intertidal shoreline.

The Ecological Mitigation and Monitoring Plan shall be fully implemented as approved. unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents and occupiers and to safeguard the natural environment within the Site and its surroundings having regard to the provisions of Saved Policies PC/1, PC/2, PC/4 of the West Somerset District Local Plan (2006).

FP2 Dust Management Plan

No Phase 1 works shall commence until a Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan should detail the air quality monitoring and methods for control of air pollution and dust suppression measures. The Dust Management Plan shall be fully implemented as approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents and occupiers and to safeguard the natural environment within the Site and its surroundings having regard to the provisions of Saved Policies PC/1, PC/2, PC/4 of the West Somerset District Local Plan (2006).

FP3 Habitat Management Plan

No Phase 1 works shall commence until a Habitat Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Habitat Management Plan should detail all areas of habitats being retained or created and include information on the management and monitoring of retained features.

The Habitat Management Plan shall be fully implemented as approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the population of Barbastelle bats in the Exmoor and Quantocks Oakwoods SAC and other species and to safeguard the natural environment within the Site and its surroundings having regard to the provisions of Saved Policies PC/1, PC/2, PC/4 of the West Somerset District Local Plan (2006).

FP4 Drainage: Surface Water Drainage Works

No Phase 1 works shall commence until written details of the surface water drainage system (including, as relevant, means of pollution control and a schedule of implementation) relating to Phase 1 have been, after consultation with the relevant drainage authority, submitted to and approved by the Local Planning Authority.

The drainage details shall be designed for exceedances up to the 3.33% Annual Exceedance Probability (AEP). The surface water drainage system relating to Phase 1 shall be constructed, maintained and retained in accordance with the approved details throughout the period of Phase 1 works.

Reason: To prevent pollution to the water environment and to ensure the adequate provision of drainage infrastructure having regard to the provisions of Saved Policies W/1 and W/3 of the West Somerset District Local Plan (2006).

FP5 Air Quality Monitoring

No Phase 1 Development or works shall commence until an air quality-monitoring scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following elements:

a. Air quality monitoring comprising continuous ambient particle (PM10, PM2.5 and TSP) monitoring at or near to Doggetts, Bishops Farm House, Knighton Farm and one close to the hamlet of Wick. The monitoring sites should be sited in agreement with the Local Planning Authority. Monitoring should include where possible real time logging of averaging periods not less than 15 minutes and remote interrogation and downloading. Automatic notification of concentrations above the trigger levels should be agreed with the Local Planning Authority (including the frequency, averaging period, threshold(s), format (e.g. text message, email) and relevant persons (e.g. site manager, EHO).

b. Monitoring should start at least one month prior to any Phase 1 site activities in order to establish a baseline. The most suitable open monitoring station shall also monitor wind speed, direction, temperature, relative humidity and rainfall.

c. Maximum hourly mean concentrations of PM10, PM2.5 and TSP must be set at trigger levels to be agreed by the Local Planning Authority in consultation with Environmental Health.

- d. Concentrations above the trigger levels should be notified automatically within 10 minutes of the end of the relevant averaging period and action must immediately be taken to reduce any dust generating activities being undertaken, to include additional mitigation measures and/or cessation of any or all dust generating activities being undertaken as part of the works, until the monitored concentrations are below the trigger values.
- e. Trigger values may be set as short term means with averaging periods of 1 hour or less and so monitoring should be carried out in accordance with these trigger levels. An initial trigger level of $200\mu\text{g}/\text{m}^3$ PM10 as a 15-minute mean is proposed which shall be reviewed by the Local Planning Authority and the developer and revised levels approved by the Local Planning Authority if it proves to be too high or too low the aim being to ensure adequate protection without excessive alerts.
- f. Suitable and competent persons to carry out visual inspections at locations and frequencies approved by the Local Planning Authority in order to review the potential for dust nuisance and in the event of dust nuisance complaints being made, to help quantify the actual or potential dust nuisance.
- g. Dust deposition (total dust) monitoring to be commenced at least one month prior to the commencement of the Phase 2 works, for the duration of the works and continue 3 months after the works are completed. Monitoring shall be at 1.8 metres above ground level at locations every 500 metres taking account of the presence of potential receptors (unless otherwise approved by the Local Planning Authority or unless there are no receptors within 500 metres of the proposed monitoring point along the Site boundary and at other locations as approved by the Local Planning Authority.
- h. Monitoring shall be for continuous periods of 30 days for the first year of works after which the effectiveness of the monitoring shall be reviewed by the developer and the Local Planning Authority and other stakeholders as approved by the Local Planning Authority, to determine whether modifications should be made. Sampling and averaging should be designed to yield data comparable with and indicative threshold criterion of $200\text{mg}/\text{m}^2/\text{day}$ (30-day mean). As soon as practicable after any data become available they shall be reviewed and where any data are above this threshold, activities on Site shall be reviewed along with any other dust monitoring to determine if additional mitigation can and should be applied and if required, such measures shall be submitted to the Local Planning Authority for approval and if approved implemented and carried out in accordance with such approval.
- i. Measures to ensure that any diesel fuel used on Site shall be ultra low sulphur diesel (ULSD) ($<10\text{mgS}/\text{kg}$). Diesel fuelled construction vehicles travelling off-site shall also use ULSD.

The air quality scheme shall be fully implemented as approved throughout Phase 1 and all subsequent Phases of the Development. The data resulting from the scheme monitoring shall be submitted in an agreed format to the Local Planning Authority and Environmental Health and shall be in compliance with the statutory guidance.

Reason: to monitor and protect human health and the environment.

FP6 Noise and Vibration: Control of Noise During Construction and Maintenance

No Development or works shall commence during Phase 1 unless a written scheme for noise management during the Phase 1 works has been submitted to and approved

in writing by the Local Planning Authority. The scheme shall set out the particulars of:

1. The works, and the method by which they are to be carried out;
2. Any plant and machinery to be used in the works;
3. The noise attenuation measures to be taken to minimise noise resulting from the works, including any noise limits;
4. A scheme for monitoring the noise during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures, including submission of the monitoring information to the Local Planning Authority and publishing of monitoring information in a format accessible by the public; and
5. Further measures to be implemented if the noise limits are being breached during the works.

The noise management scheme shall be fully implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of noise resulting from the Development activities or uses referred to having regard to the provisions of Saved Policy PC/2 of the West Somerset District Local Plan (2006)

FP7 Vegetation Clearance

Vegetation clearance (removal of trees and hedgerows in accordance with Drawing HPCSPW025aRev2) undertaken in Phase 1 of the Development shall not take place during the period from October to March inclusive unless appropriate measures to avoid or prevent impacts on relevant bird species which would or could constitute an impact on the integrity of the nearby European Sites have first been submitted to and approved by the Local Planning Authority. The measures shall be implemented as approved throughout the Phase 1 Development or works (or relevant part thereof).

Reason: To ensure that any impacts on ecology are minimised and that the impacts are in accordance with the predictions in the Environmental Statement and Habitats Regulation Assessment report, having regard to the provisions of Saved Policy CO/1 of the West Somerset District Local Plan (2006).

FP8 Transport: Traffic Incident Management Plan

No Development or works shall commence within Phase 1 until a Traffic Incident Management Plan (TIMP) has been submitted to and agreed in writing by the Local Planning Authority to ensure that the arrangements for the control of site bound vehicles are sufficiently robust to deal satisfactorily and appropriately with all significant incidents (such as public protest and any emergency situations that might require emergency services, other emergency responders and the public to enter or leave the relevant traffic incident management area).

The TIMP shall be fully implemented as approved throughout Phase 1 and all subsequent Phases of the Development unless otherwise approved in writing by the Local Planning Authority.

Reason: to prevent the site-bound vehicles from affecting the deployment of emergency services or local authority vehicles involved with emergency response or the safe removal of the public from an emergency situation. To ensure the site bound vehicle drivers are prevented from entering a potentially hazardous area or situation.

FP9 Transport: AILs

No Development or works shall commence within Phase 1 until a scheme has been submitted to and approved by the Local Planning Authority with details of a system for prior agreement with Somerset County Council and the police on the proposed routing and timings of each abnormal indivisible load (AIL) delivery prior to the transportation of goods (to be approved by the Local Planning Authority prior to movement of first AIL). The scheme shall be fully implemented as approved throughout Phase 1 and all subsequent Phases of the Development.

Reason: In the interests of regulating traffic impact and environmental management of pollution from HGVs.

FP10 Transport: HGV emissions

No Development or works shall commence within Phase 1 until a scheme has been submitted to and approved by the Local Planning Authority showing how all HGVs to be used in the Development or works will be of the Euro standard that is at least EURO IV. The scheme shall include a requirement for all HGVs to be used in the Development of Works to register on a database held by the developer but accessible to Somerset County Council and the Local Planning Authority. The scheme shall be fully implemented as approved throughout Phase 1 and all subsequent Phases of the Development.

Reason: In the interests of environmental management of pollution from HGVs.

FP11 Transport: Clearway

No Development or works shall commence within Phase 1 until a scheme has been submitted to and approved by the Local Planning Authority (in consultation with the Local Highway Authority) for the implementation and monitoring of a Clearway between the site and north of Claylands Corner on the C182.

The highway between the site and north of Claylands Corner on the C182 will be monitored within Phases 1 and 2 by the developer and the results of the monitoring provided to the Local Planning Authority and Local Highways Authority every three months during the carrying out of Phases 1 and 2 of the development. Should the monitoring show that this is necessary (as notified by to the developer by the Local Planning Authority), and subject to the required statutory approvals, the developer shall formally apply for a Clearway Order implement the approved Clearway Order in accordance with the Traffic Signs Regulations and Directions (TSRGD).

Reason: In the interests of highway safety

FP12 Transport: Construction Traffic Management Plan

No Development or works shall commence within Phase 1 until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall be fully implemented as approved throughout Phase 1 and subsequent Phases of the Development, and in compliance with Condition G7 unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and amenity of transport and to minimise the

impacts of the Development on the highway network.

FP13 Transport: Travel Plan

No Development or works shall commence within Phase 1 until a Travel Plan prepared in accordance with relevant Department for Transport and Somerset County Council guidance has been submitted to and approved in writing by the Local Planning Authority, the Local Highways Authority and the Highways Agency. The Travel Plan shall be fully implemented as approved throughout Phase 1 and subsequent Phases of the Development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the carrying out of the Development and works is adequately served by all modes of transport and to minimise the impacts of the Development on the highway network.

FP14 Ecology: Wildlife Mitigation Measures – Reptiles

Design details of reptile crossings and associated fencing to be installed on both haul road crossings of the Green Lane shall be submitted to and approved by the Local Planning Authority prior to the use of the haul roads and shall remain in situ for the duration of the Development and works.

Reason: To ensure that suitable mitigation measures are incorporated into the Development and works to minimise the impact on species protected by law having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

FP15 Ecology: Wildlife Mitigation Measures – Bats

Mitigation measures to maintain bat flights corridors across haul roads and along hedgerows shall be installed prior to the use of haul roads and the removal of hedgerows, which create gaps of over 10m. Bat habitat areas shall be retained, enhanced and created in accordance with the application documents entitled Appendix 9 Further Clarification in Relation to Barbastelle Bats (June 2011) and Further Clarification in Relation to Barbastelle Bats (July 2011), unless otherwise approved by the Local Planning Authority.

Reason: To ensure that suitable mitigation measures are incorporated into the Development and/or works to minimise the impact on species protected by law having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

CONDITIONS RELATING TO SITE PREPARATION WORKS – MAIN EARTHWORKS (PHASE 2 – "SP" (SECOND PHASE) CONDITIONS)

SP1 Drainage: Surface Water and Foul Drainage Works

No Phase 2 Development or works shall commence until details of the surface and foul water drainage system (including details of the engineering construction of the proposed water management zones, new outfall to the foreshore, all other associated pipe work, manholes, flow controls, means of pollution control and a schedule of implementation) have been, after consultation with the relevant sewerage and drainage authority, submitted to and approved in writing by the Local Planning

Authority. All surface water drainage works submitted for approval shall be in accordance with the concept details indicated on drawings HPCSPW008, 009 Rev 1 and 016 Rev 1 unless otherwise approved by the Local Planning Authority. The details of the proposed freshwater outfall drainage pipe shall be in accordance with the specification proposed in option 2 of the three discharge options outlined in Chapter 10, Volume 2 of the Environmental Statement. The drainage details shall be designed for exceedances up to the 3.33% AEP. The surface and foul water drainage system relating to Phase 2 shall be constructed, maintained and retained in accordance with the approved details throughout the period of Phase 2 works unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent pollution to the water environment and to ensure the adequate provision of drainage infrastructure having regard to the provisions of Saved Policies W/1 and W/3 of the West Somerset District Local Plan (2006).

SP2 Drainage: Culvert of Holford Stream

No Phase 2 Development or works shall commence until details of the Holford Stream Culvert and/or infilling earthworks in the Holford Stream valley have been submitted to and approved by the Local Planning Authority. The construction details for the culvert shall be in accordance with the concept details indicated on Drawing HPCSPW011 Rev 1 unless otherwise approved by the Local Planning Authority. The construction details shall include details of the method of working (including the direction of working, measures for dealing with any flows in the watercourse, backfilling of the original channel, culvert foundations, compaction of fill around the culvert etc), demonstration of whether the proposed perforated land drains will be able to support the structural loading of the 12m of fill material and operate as intended for their design life, future ownership, maintenance and inspection (including of the proposed trash and security screen), repair, and operation of the culvert, and the full hydraulic design of the Holford Stream to demonstrate that there will be no loss of depth upstream or downstream during low flow conditions. The culvert works to the Holford Stream shall be carried out in accordance with the approved method of working and details. The culvert works shall thereafter be retained for the duration of Phase 2 and Phase 3 of the Development.

Reason: To ensure that a satisfactory means of working is maintained during construction and use of the culvert so that land drainage and water quality are not adversely affected at any time in the Holford Stream catchment.

SP3 Drainage: Holford Culvert Flood Risk Management Strategy

No Development or works shall commence during Phase 2 of the Development in respect of any construction of the culvert and/or infilling earthworks in the Holford Stream valley until a flood risk management strategy, including for the existing sea defences protecting third party flood risk receptors has been submitted to and approved by the Local Planning Authority. The strategy shall specify the scope, monitoring regime and remedial repair schedule for the sea defences for the duration of Phases 2 and 3 of the Development or works.

The strategy shall be implemented as approved throughout Phases 2 and 3.

Reason: To ensure that any third party flood risk is minimised for the duration of the Development or works.

SP4 Drainage: Water & Sediment Management Plan

No Development or works shall commence during Phase 2 of the Development or works until a Water and Sediment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Water and Sediment Management Plan shall be fully implemented as approved throughout Phases 2 and 3 of the Development or works, unless otherwise approved by the Local Planning Authority.

Reason: To prevent pollution of the water environment having regard to the provisions of Saved Policy W/3 of the West Somerset District Local Plan (2006).

SP5 Engineering Details of Foreshore Access Road

No works to construct the foreshore access road shall be commenced until engineering construction details for the road including any associated drainage works have been submitted to and approved in writing by the Local Planning Authority. The foreshore access road shall be constructed, retained and removed in accordance with the approved details, unless otherwise approved by the Local Planning Authority.

Reason: To ensure satisfactory construction of the road and protection of the land and marine environments.

SP6 Access to Foreshore (1)

Construction access to and works on the foreshore shall be carried out for no more than a single six week period (unless otherwise approved in advance in writing by the Local Planning Authority) and there shall be no access to or works carried out below Mean High Water Springs line and all materials, excavations and arisings shall be immediately removed from the foreshore onto the main site.

Reason: To ensure that any impacts on marine and terrestrial ecology are minimised and that the impacts are in accordance with the predictions in the Environmental Statement, having regard to the provisions of Saved Policy CO/1 of the West Somerset District Local Plan (2006).

SP7 Access to Foreshore (2)

Prior to construction and use of the foreshore access road and construction of the outfall, the works area/access corridor shall be fenced, or otherwise demarcated, to prevent the movement of construction vehicles or plant on intertidal habitats that form part of the designated features of the Severn Estuary European sites.

Reason: To ensure that any impacts on marine and terrestrial ecology are minimised and that the impacts are in accordance with the predictions in the Environmental Statement, having regard to the provisions of Saved Policy CO/1 of the West Somerset District Local Plan (2006).

SP8 Flooding: Foreshore Access

Prior to first use of the foreshore access road for any construction activities, flood-warning notices shall be erected in suitable and visible positions, such positions and wording of the signs to be first approved in writing by the Local Planning Authority. The flood warning notices shall be retained throughout the period during which the

foreshore access road is in place.

Reason: To ensure that construction operatives are adequately warned of tidal flood risks when accessing the foreshore environment.

SP9 Flooding / Erosion: Retaining Wall

No works to construct the temporary earthworks retaining wall on the cliff / foreshore shall be commenced until engineering construction details of the temporary earthworks retaining wall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and retained in accordance with the approved details.

Reason: To protect the Site from flooding and/or erosion from the sea.

SP10 Geology & Contaminated Land: Radiological Monitoring

No Development or works shall commence during Phase 2 of the Development or works until a scheme for radiological monitoring of Built Development Area East has been submitted to and approved in writing by the Local Planning Authority. The radiological monitoring scheme shall be implemented as approved prior to and during the Phase 2 Development or works. This scheme should focus on the land within a 30-metre radius of sample locations GB2 and TE312 specified on figure 16-8 B (Volume 3 Chapter 16 of the Environmental Statement for the Site Preparation Works dated November 2010).

Reason: To prevent pollution of the environment having regard to the provisions of Saved Policy W/3 of the West Somerset District Local Plan (2006).

SP11 Geology & Contaminated Land: Contamination Risk Assessment and Implementation

No Development or works shall commence during Phase 2 of the Development or works until the following components of a scheme to deal with the risks associated with potential and known contamination of the Site shall each have been submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the Site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation:

1. A preliminary risk assessment which identifies all previous uses of the Site and surrounding land, potential contaminants associated with those uses and a conceptual model of the Site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the Site.
2. A site investigation scheme, based on 1 above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off Site.
3. The site investigation results and the detailed risk assessment in 2 above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in 3 above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to the scheme require the prior written approval of the Local Planning

Authority. The scheme shall be implemented in full as approved.

The Local Planning Authority shall be given two weeks prior written notification of commencement of the remediation strategy works. Following completion of measures identified in the approved remediation strategy, a verification report (as set out in 4 above and referred to in Planning Policy Statement 23 as "a validation report") that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the Local Planning Authority for approval prior to the commencement of any further works. No further Development or works shall be undertaken until the Local Planning Authority has given such approval in writing.

Reason: To ensure that risks from land contamination to the future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the Development or works can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to Saved Policy PC/4 of the West Somerset Local Plan (2006) and advice set out in Planning Policy Statement 23: Planning and Pollution Control.

SP12 Landscape and Visual: Concrete Batching Plants

The concrete batching plants and associated integral silos to be constructed on the Site, as part of Phase 2, shall be finished in a neutral colour and matt finish unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to minimise the landscape and visual impacts of the structures.

SP13 Landscape and Visual: Planting on North West Bund

Construction of the North West bund shown on drawing HPCSPW029 shall commence within two months of Commencement of the Phase 2 works, in tandem with the construction of the adjoining platform, and shall be completed within three months of Commencement of the adjoining platform, and shall be completed before the adjacent compound area (marked "B" on drawing HPCSPW002a Rev 1) is used for significant construction activities, and before Commencement of any other significant development of over 4m in height within the Site (excluding aggregates/bulk/materials/spoil in temporary or working stockpiles, or in long-term storage but including batching plants). Screen planting of the bund shall be undertaken in the first available planting season (November to March inclusive) following the completion of the construction of the bund.

Reason: In the interests of visual and residential amenity having regard to the provisions of Saved Policies BD/1 of the West Somerset District Local Plan (2006).

SP14 Noise and Vibration: Control of Noise During Construction and Maintenance

No Development or works shall commence during Phase 2 of the Development or works until a Noise and Vibration Management Plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out the particulars of:

1. The works and the method by which they are to be carried out;
2. Any plant and machinery to be used in the works;
3. The noise attenuation measures to be taken to minimise noise resulting from the

works, including any noise limits;

4. A scheme for monitoring the noise during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures, including submission of the monitoring information to the Local Planning Authority and publishing of monitoring information in a format accessible by the public; and

5. Further measures to be implemented if the noise limits are being breached during the works.

The noise management scheme shall be fully implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of noise resulting from the Development, works, activities or uses referred to having regard to the provisions of Saved Policy PC/2 of the West Somerset District Local Plan (2006)

SP15 Historic Environment: Monitoring of Paleontological Remains

No Phase 2 development or works shall commence until a monitoring scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with Somerset County Council Historic Environment Service, to ensure that any significant fossil finds are identified, removed, conserved and deposited with the Museum of Somerset. The scheme shall be fully implemented as approved, unless otherwise approved by the Local Planning Authority.

Reason: To enable the remains of paleontological interest which may exist within the Site to be recorded having regard to the provisions of Saved Policy AH/2 & AH/3 of the West Somerset District Local Plan (2006).

SP16 Groundwater: Monitoring

No Phase 2 Development or works shall commence until a scheme for the management and monitoring of groundwater levels and quality has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the management and monitoring will be undertaken and how the system will be configured to respond to the exceedance of particular contaminants. The approved scheme shall be fully implemented as approved throughout Phase 2 unless otherwise approved in writing by the Local Planning Authority and the results of the monitoring shall be submitted to the Local Planning Authority once every three months during Phase 2.

Reason: In order to adequately monitor and manage groundwater levels and quality having regard to the provisions of Saved Policy W/3 of the West Somerset District Local Plan (2006).

SP17 Construction Method Statement

No Phase 2 Development or works shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement should provide the following detail:

1. the parking of vehicles of site operatives and visitors;
2. the loading and unloading of plant and materials;
3. the storage of plant and materials used in constructing the Development; and
4. wheel washing facilities.

The Construction Method Statement shall be fully implemented as approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents and occupiers and to safeguard the natural environment within the Site and its surroundings having regard to the provisions of Saved Policies PC/1, PC/2, PC/4 of the West Somerset District Local Plan (2006).

SP18 Construction and Environmental Management Plan

No Phase 2 Development or works shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include (but not necessary be limited to) details of the following:

1. Site Security
2. Fuel, oil, chemical and concrete storage, bunding, delivery and use
3. How both minor and major pollution or other spillages will be dealt with
4. How precipitation events exceeding the drainage system capacity will be dealt with
5. Containment of silt/soil contaminated run off
6. Disposal of contaminated drainage, including water pumped from excavations
7. Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove solids. The Environment Agency must be advised if a discharge to a watercourse is proposed.
8. Construction vehicles should not cross or work directly in a watercourse. Temporary bridges should be constructed for vehicles to cross and excavations done from the bank. Any work in or near a watercourse should be done in a dry area e.g. river water should be diverted away from the working area using cofferdams.
9. Site induction for workforce highlighting pollution prevention and awareness

The CEMP should include the details of the monitoring schedule and site-specific methods of pollution prevention and awareness and shall be fully implemented as approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent pollution to the land and/or water environment, protect the amenities of local residents and occupiers and to safeguard the natural environment within the Site and its surroundings having regard to the provisions of Saved Policies PC/1, PC/2, PC/4 of the West Somerset District Local Plan (2006)

SP19 Materials Management Plan

No Phase 2 Development or works shall commence until a Materials Management Plan (MMP) has been submitted to and approved in writing by the Local Planning Authority. The MMP should include (but not necessarily be limited to):

1. Details of the scenarios in which the various materials relating to the development are to be managed
2. Site details
3. Name of landowners producing and receiving material
4. A location plan of the Site, showing where different materials are to be excavated from, stockpile locations, where materials are to be treated and where they are to be re-used
5. A diagram schematic of proposed material movement

6. Names of contractors involved including treatment contractors
7. Line of evidence (suitability for use, certainty of use and quantity)
8. Contingency arrangements
9. Tracking and recording of all material movements with associated plans indicating their origin and final place of deposition
10. Details of what records will be kept, by whom and where.
11. A verification plan
12. An implementation schedule.

The Materials Management Plan shall be fully implemented as approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents and occupiers and to safeguard the natural environment within the Site and its surroundings having regard to the provisions of Saved Policies PC/1, PC/2, PC/4 of the West Somerset District Local Plan (2006).

SP20 Site Waste Management Plan

No Phase 2 Development or works shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan should detail the means by which construction wastes will be managed in order to ensure that the waste hierarchy is respected.

The Site Waste Management Plan shall be fully implemented as approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents and occupiers and to safeguard the natural environment within the Site and its surroundings having regard to the provisions of Saved Policies PC/1, PC/2, PC/4 of the West Somerset District Local Plan (2006).

SP21 Soil Management Plan

No Phase 2 Development or works shall commence until a Soil Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Soil Management Plan should detail the methods and procedures for soil stripping, handling and stockpiling. This plan should include (but not exclusively):

- a. Description of methods for soil stripping, handling, screening and stockpiling of topsoils and subsoils;
- b. A suitable material stockpile plan which shows the location (ideally including a grid reference), composition, movement and time period for the stockpile;
- c. Layout plans that show the locations of proposed treatment facilities (mobile and/or fixed), areas where soils have been or will be treated in-situ, and areas where treated soils and imported soils have been or will be deposited;
- d. Heights of stockpiles; and
- e. Appropriate restrictions on activities on stored topsoil including traversing by vehicles.

The Soil Management Plan shall be fully implemented as approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents and occupiers and to safeguard

the natural environment within the Site and its surroundings having regard to the provisions of Saved Policies PC/1, PC/2, PC/4 of the West Somerset District Local Plan (2006).

SP22 Historic Environment: Scheduled Monument Management Plan

No Phase 2 Development or works shall commence until a Monument Management Plan for Wick Barrow (SM No. 28) has been submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage. The Monument Management Plan is to include:

- a. Investigation of the landscape in which the monument was constructed;
- b. Excavation of earlier archaeological trenches and reinstatement of material;
- c. Scrub management / husbandry;
- d. Details of the timing and implementation of the removal of the existing road adjacent to Wick Barrow (following construction of the replacement road and roundabout) and details of the grassing over of the existing road land.
- e. Phasing of landscaping
- f. Updating of information relating the barrow to the National Monument Record, SCC Historic Environment Record and production of display material (including virtual and illustrated material).

The Monument Management Plan shall be fully implemented as approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate protection and associated mitigation of a Scheduled Ancient Monument.

SP23 Landscape & Visual Amenity: Proposed Planting

No Phase 2 Development or works shall commence until details of the hard and soft landscaping and proposed planting and maintenance and aftercare of new planting have been submitted to and approved in writing by the Local Planning Authority, including details of:

- a. All walls, fences, trees, hedgerows and other planting which are to be retained;
- b. A planting specification to include numbers, density, size, species and positions of all new trees and shrubs, positions, species and size of all new trees and the location of grassed areas and areas for shrub planting;
- c. Details of the hard surface treatment of the open parts of the Site; and
- d. A programme of implementation.

The landscaping and planting works and maintenance and aftercare shall be fully implemented unless otherwise approved in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next available planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure the provision of and implementation of an appropriate landscape setting to the development having regard to the provisions of Saved Policies BD/1 of the West Somerset District Local Plan (2006).

SP24 Socio-Economics: Construction Workforce Development Strategy

No Phase 2 Development or works shall commence until details of:

- a. The performance indicators covering the Construction Workforce Development Strategy; and
- b. The detailed implementation plan related to all activities supported under the Construction Workforce Development Strategy (the implementation plan to include detailed outputs against key performance indicators covering training and skills and enterprise for people and businesses in West Somerset, Sedgemoor, and the wider Somerset area in relation to the Development or Works).

have been submitted to and approved in writing by the Local Planning Authority. The approved Construction Workforce Development Strategy implementation plan shall be implemented as approved in relation to this Development and reports on all measures supported under the Construction Workforce Development Strategy which relate to this Development shall be submitted to the Local Planning Authority every three months starting from the commencement of the Phase 2 Development or works.

Reason: To mitigate the impacts of the Development and works on the local workforce.

SP25 Ecology: Wildlife Mitigation Measures – Birds

Prior to the commencement of construction works on the foreshore, netting is to be erected on any fencing on the outside of the works area to screen the works from birds, which may be present on the water or within intertidal areas.

Reason: To ensure that suitable mitigation measures are incorporated into the Development to minimise the impact on species protected by law having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

SP26 Transport: Traffic Monitoring and Management System

No Development or Works shall commence within Phase 2 until a Traffic Monitoring and Management System (such scheme to comprise a series of automatic number plate recognition cameras, CCTV, variable message signs and associated information and communication technologies and a programme for implementation) to identify, analyse and communicate information related to traffic incidents has been submitted to and approved in writing by West Somerset Council in consultation with the County Council. The Developer shall provide such system as approved on routes between the M5 and the Site in accordance with the programme to be approved as part of the scheme. The scheme shall be fully implemented as approved throughout Phase 2 and all subsequent Phases of the Development, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to enable the Local Planning Authority to adequately monitor and enforce planning conditions and traffic impacts.

SP27 Transport: Parking

No Development or works shall commence within Phase 2 until 30 motorcycle spaces and covered stands for at least 15 cycles have been provided. The motorcycle spaces and cycle stands shall be retained for the duration of the Development or works.

Reason: In order to encourage and achieve sustainable travel to and from the Site.

SP28 Transport: Parking

No Development or works shall commence within Phase 2 until a scheme has been submitted to and approved by the Local Planning Authority (in consultation with the Highways Authority) containing details of:

- (a) a needs based car parking permitting scheme for Phase 2 of the development;
- (b) how that scheme will give preference to parking for car sharers; and
- (c) how off site parking will be prevented.

The approved scheme shall be implemented in full for the duration of Phases 2 and 3.

Reason: In order to limit the number of car parking spaces and achieve sustainable travel to the Site

SP29 Transport - Parking

No Development or works programmed for the fourth quarter of Phase 2 shall commence until the car park at the Site has been laid out and marked to provide 153 spaces for single occupancy vehicles and 71 spaces for cars used for car sharing journeys to the Site. Those spaces and markings shall be retained throughout Phase 2.

Reason: In order to limit the number of car parking spaces and achieve sustainable travel to the Site.

CONDITIONS RELATING TO POST COMPLETION PRE-FOLLOW ON WORKS PERIOD (PHASE 3 – "TP" (THIRD PHASE) CONDITIONS)

TP1 Permitted Works / Activity During Phase 3

Following the completion of Phase 2 works and prior to the implementation of any Phase 4 reinstatement works (if applicable) there shall be no Development, activity or works on the Site except for:

1. Site security;
2. Management and maintenance of structures constructed as part of the Phase 0, Phase 1 or Phase 2 works as required by a condition of this planning permission in relation to the Phase 0, Phase 1 or Phase 2 works;
3. Landscape and ecological management and maintenance to the extent approved by the Local Planning Authority;
4. Development, works or activity permitted by another planning permission;
5. Car parking necessitated by 1-4 above.

For the avoidance of doubt there shall be no other parking or storage of plant or vehicles in the car park during Phase 3.

Reason: To ensure satisfactory management and maintenance of the Site during Phase 3 and minimisation of impact of the Development during Phase 3.

CONDITIONS RELATING TO SITE PREPARATION WORKS – POTENTIAL REINSTATEMENT (PHASE 4 – "R" CONDITIONS)

R1 Potential Site Reinstatement

Unless otherwise approved by the Local Planning Authority:

(a) in the event that development consent for a new nuclear generating station at the Site:

- (i) has not been granted within 4 years of the date of this permission; or
- (ii) has been granted but has not been implemented within the relevant time period specified in the development consent order,

then the Site shall be restored in accordance with a Detailed Landscape Mitigation and Reinstatement Strategy submitted to and approved by the Local Planning Authority before the commencement of the reinstatement works, such reinstatement works to be carried out and completed as soon as reasonably practicable and in any event within three years of such commencement unless otherwise approved by the Local Planning Authority; and

(b) in the event that development consent for a new nuclear generating station at the Site has been granted and has been implemented but the development authorised by such development consent to be carried out on the Site:

- (i) ceases to be capable of being lawfully continued or completed (and any appeal or legal proceedings in relation to the reasons therefore have been exhausted); or
- (ii) neither of the nuclear reactors authorised by the development consent has been substantially completed and is producing electricity by 31 December 2025,

then the Development and any other works or activities in connection with the Development shall be discontinued (if ongoing) and the Site shall be reinstated in accordance with a Detailed Landscape Mitigation and Reinstatement Strategy submitted to and approved by the Local Planning Authority before the commencement of the reinstatement works, such reinstatement works to be carried out and completed as soon as reasonably practicable and by 31 December 2028 unless otherwise agreed by the Local Planning Authority.

Reason: To ensure satisfactory reinstatement of the Site if development consent for a new nuclear generating station at the Site is not granted within 4 years of the date of the permission; or, if granted, is not implemented within the relevant time period specified in the development consent order; or, if implemented, ceases to be capable of being lawfully continued or completed; or neither of the nuclear reactors authorised by the development consent has been substantially completed and is producing electricity by 31 December 2025.

R2 Detailed Landscape Mitigation and Reinstatement Strategy

Any Detailed Landscape Mitigation and Reinstatement Strategy submitted to the Local Planning Authority pursuant to Condition R1 shall be in general accordance with the Landscape Mitigation and Reinstatement Strategy (November 2010) submitted with the application and shall include details of the following:

- proposed finished levels or contours;
- pattern of field boundaries and means of enclosure;
- hard and soft landscaping;
- proposed agricultural land use;
- the shape, pattern and distribution of proposed woodland across the Site;
- the network of public rights of way across the Site and reinstated landscape;
- the distribution and area of the other principal habitats to be created;
- Habitat Management Plan;
- site levels in accordance with the Site levels indicated on Drawing No:023a;
- proposed mitigation measures updated by reference to such further details.

unless otherwise approved by the Local Planning Authority.

Reason: To ensure that the works of reinstatement of the Site are consistent with the details proposed in the planning application and otherwise to the Local Planning Authority's satisfaction in order to ensure the visual, landscape and other amenity is appropriately safeguarded in the event that reinstatement works are required to be carried out.

R3 Noise and Vibration: Control of Noise During Construction and Maintenance

Prior to the commencement of Phase 4 a written scheme for noise management during the Phase 4 Development or works shall be submitted to and approved in writing by the LPA. The scheme shall set out the particulars of:

- a. The works, and the method by which they are to be carried out;
- b. Any plant and machinery to be used in the works;
- c. The noise attenuation measures to be taken to minimise noise resulting from the works, including any noise limits;
- d. A scheme for monitoring the noise during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures, including submission of the monitoring information to the Local Planning Authority; and
- e. Further measures to be implemented if the noise limits are being breached during the works.

The approved noise management scheme must be implemented at all times during Phase 4 and the Phase 4 Development or works must be undertaken in accordance with the approved noise management scheme.

Reason: To minimise the impact of noise resulting from the Development activities or uses referred to having regard to the provisions of Saved Policy PC/2 of the West Somerset District Local Plan (2006)

R4 Control of Reinstatement Phase

No Phase 4 Development or works shall commence until updates to the plans, programmes, strategies or schemes of mitigation approved (in relation to prior Phases, as relevant) pursuant to the following conditions have been submitted to the Local Planning Authority for approval such updates relating to Phase 4 of the Development or works:

1. FP1 – Ecological Mitigation and Monitoring Plan
2. FP2 – Dust Management Plan
3. FP3 – Habitat Management Plan

4. FP5 – Air Quality Monitoring
5. FP8 - Traffic Incident Management Plan
6. FP12 – Construction Traffic Management Plan
7. FP13 – Travel Plan
8. FP14 – Wildlife Mitigation Measures – Reptiles
9. FP15 – Wildlife Mitigation Measures – Bats
10. SP3 – Holford Culvert Flood Risk Management Strategy
11. SP4 – Water & Sediment Management Plan
12. SP6 – Access to Foreshore (1)
13. SP7 – Access to Foreshore (2)
14. SP8 – Foreshore Access
15. SP10 – Radiological Monitoring
16. SP11 – Contamination Risk Assessment and Implementation
17. SP16 – Groundwater Monitoring
18. SP17 – Construction Method Statement
19. SP18 – Construction and Environmental Management Plan
20. SP19 – Materials Management Plan
21. SP20 – Site Waste Management Plan
22. SP21 – Soil Management Plan
23. SP22 – Scheduled Monument Management Plan
24. SP24 – Construction Workforce Development Strategy
25. SP25 – Wildlife Mitigation Measures – Birds
26. SP26 – Traffic Monitoring and Management System

Those details may be submitted to the Local Planning Authority for approval as part of the Detailed Landscape Mitigation and Reinstatement Strategy Update under condition R1.

Phase 4 of the Development or works shall be carried out in accordance with the plans, programmes, strategies and schemes of mitigation approved pursuant to this condition.

Reason: To ensure satisfactory reinstatement and/or use of the Site if development consent for a new nuclear generating station at the Site is not granted within 5 years of the date of the permission or, if granted, is no longer capable of lawfully being implemented or continued and to ensure that any reinstatement Phase of the development is carried out in a way which avoids or minimises the harm to residential, environmental, ecological and other amenities and receptors (as further set out in the reason for each of the above conditions).

R5 Transport: Parking

No Development or works shall commence within Phase 4 until details of:

- a) the location of the car park;
- b) the number of spaces for each vehicle type; and
- c) how the car park will be reduced in size during Phase 4

have been submitted to and approved by the Local Planning Authority (in consultation with The Local Highway Authority). No Development or works shall commence within Phase 4 until the car park has been laid out in accordance with the approved details. The car park shall be retained and reduced in size in accordance with the approved details.

Reason: In order to limit the number of car parking spaces and achieve sustainable travel to the Site

R6 Coastal Hydrology: Cliff Monitoring and Maintenance Plan

No Phase 4 Development or works shall commence until a Cliff Monitoring and Maintenance Plan (CMMP) describing the monitoring and maintenance arrangements and responsibilities for the artificial sections of cliff comprising gabions and backfill, following removal of the drainage outfall and foreshore access road, has been submitted to and approved in writing by the Local Planning Authority. The CMMP shall include, but not be limited, to the following provisions:

- a. Notification to the Local Planning Authority on completion of the artificial reinstatement of the cliff.
- b. The proposed works, and any remedial works required should there be a failure, shall be inspected and approved by the Local Planning Authority.
- c. Proposals for monitoring the work post-completion including through supply of a photographic record on a monthly basis and also after any major storm event to the Local Planning Authority for the period of 2 years.

The CMMP shall be implemented in full as approved and the commencement date for implementation of the CMMP shall be approved by the Local Planning Authority. Implementation of the CMMP shall continue until one year after the completion of all Phase 4 Development or works.

Reason: In order to minimise the landscape and visual impacts of the structures having regard to the provisions of Saved Policy CO/1 of the West Somerset District Local Plan (2006).

Informatives (INF) to the applicant

INF1

The Planning Committee urges, in the strongest possible terms, the applicant to deliver the proposed Cannington Bypass at the earliest possible stage of the overall project to minimise the cumulative traffic impacts on the community of Cannington.

INF2

Any culverting of the Holford Stream will require the separate written consent of the Somerset Consortium of Drainage Boards under the terms of the Land Drainage Act 1991. The Board should be consulted, and their consent obtained, prior to any construction of the culvert. The culverting of a watercourse does not change its status to that of a sewer, consequently the responsibility for maintenance of the watercourse remains with the riparian owner(s).

INF3

The proposal includes the interruption of flow and subsequent diversion or infilling of the Hinkley Point C drainage ditch (ordinary watercourse). Under the terms of the Land Drainage Act 1991, the prior written Flood Defence Consent of the Environment Agency is required for these works, and our permission should be sought prior to any construction affecting this watercourse.

INF4

There must be no interruption to the surface water drainage system of the surrounding land as a result of operations on the site. Provision must be made to ensure that all existing drainage systems continue to operate efficiently and that riparian owner(s) upstream and downstream of the site are not adversely affected.

INF5

Under the terms of the Environmental Permitting Regulations 2010, the prior written consent of the Environment Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto the ground or into waters which are not controlled waters. (Controlled waters include rivers, streams, groundwater, reservoirs, estuaries and coastal waters).

INF6

The applicant's attention is drawn to the need to obtain a formal temporary or permanent order (under the Town and Country Planning Act 1990 section 247 / 257) prior to carrying out any works, which would affect a public right of way.

INF7

The applicant's attention is drawn to Somerset County Council's role as Lead Local Flood Authority and therefore the need for the County Council to be involved in all consenting processes which relate to drainage and / or flooding, including in particular works to and maintenance of the Holford Stream culvert.

INF8

The applicant's attention is drawn to Somerset County Council's comments in responses to the application in relation to emergency plans which must be in place to protect the workforce and members of the public.

INF9

The provisions of the Fire Risk Assessment should be discussed with Devon and Somerset Fire and Rescue Service in the implementation and carrying out of the Development.

INF10

The size, type and location of the water tankers to be provided on the Site as part of the Development should be discussed with Devon and Somerset Fire and Rescue Service.

INF11

The construction of foul drainage in Phase 2 shall be undertaken in accordance with the details approved pursuant to condition SP1 but shall not be used for disposal (they shall only be used for the purpose of disposal under and in accordance with any Development Consent Order made in respect of the Hinkley Point C).

INF12

The proposed development falls within the Detailed Emergency Planning Zone surrounding the Hinkley Point Nuclear Power Stations (Hinkley Point A and B). HSE / Somerset County Council advise that:

EDF Energy/EDF Energy Nuclear Generation Limited should assess (with the relevant authorities) the impact of the proposed development on both the On-Site and Off-Site Emergency Plans.

This assessment should include consultation with the multi-agency emergency responders and the proposer of the development. Such review and assessment is a requirement detailed within the Radiation (Emergency Preparedness and Public Information) Regulations 2001

INF13

Part of the planned works falls on land currently licensed to EDF Energy Nuclear Generation Limited (Hinkley Point B) under the Nuclear Installations Act 1965. HSE advise the applicant to consider the conditions that are attached to the Nuclear Site Licence and their potential impact on the proposed works. None of the conditions contained in this planning permission shall affect, restrict or prejudice the operation of the Hinkley Point B Generating Station or any rights of EDF Energy Nuclear Generation Limited in relation thereto.

INF14

National Grid recommends that no permanent structures are built directly beneath overhead lines. The developer should ensure that any changes to raise ground levels beneath overhead lines do not infringe statutory safety clearances and that at least 10 metres clearance is maintained at the base of our towers. The Grid will also need to ensure that our tower access is maintained during and after construction. Safe clearances to existing overhead lines must be maintained in all instances and circumstances. If a landscaping scheme is proposed, we request that only low growing and slow growing species of trees and shrubs are planted either directly beneath or immediately adjacent to the existing overhead line, to avoid compromising any safe statutory clearances to conductors.

INF15

There are High Voltage Underground Cables, which run outside but in proximity to the proposed development. Unrestricted and safe access to any of the Grid's cables must

be maintained at all times. In addition ground cover above our cables should not be reduced or increased.

INF16

National Grid uses the main access road to access the two substations on site. The proposed development affects this access road. National Grid requires unrestricted access to these substations and the development must ensure that 24-hour access is maintained for our sites.

INF17

The applicant is reminded that the granting of any planning permission does not avoid the requirements of relevant law protecting habitats and species including obtaining and complying with the terms and conditions of any licences that may be required.

INF18

Network Rail has reservations if during the construction or operation of the site abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact their Asset Protection Engineer, Richard Selwood email (AssetProtectionWestern@networkrail.co.uk) to confirm that any proposed route is viable and to agree a strategy to protect their asset(s) from any potential damage caused by abnormal loads. Network Rail advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

INF19

Byelaw 3 of the Parrett Internal Drainage Boards Byelaws, (made under Paragraph 66 of the Land Drainage Act 1991), prohibits the introduction of any water into the Boards area without the consent of the Board.

INF20

Byelaw 10 of the Parrett Internal Drainage Board Byelaws, (made under Paragraph 66 of the Land Drainage Act 1991), prohibits the construction of any building or structures including landscaping within 9.0 metres of any watercourse other than Main River without the consent of the Board.

INF21

Land Drainage Consent will be required from the Parrett Internal Drainage Board for the construction of the Holford Stream culvert and any modifications to the channel or works within 9m metres of it. The Board are unlikely to be able to undertake the future maintenance and operation of this structure. However they will require a legal agreement with EDF to be drawn up that commits them to future operations, maintenance and repair in perpetuity.

INF22

Under the terms of the Water Resources Act 1991 and Land Drainage Byelaws, the prior written Flood Defence Consent of the Environment Agency (in addition to any landowner and/or planning permissions) is required for any proposed remedial works either affecting or within 8 metres of the landward toe of the existing sea defences between Hinkley Point and Stolford village.

INF23

The Environment Agency has advised that, with regard to the contamination scheme required to be submitted for approval pursuant to condition SP11 above, components 1, 2 and 3 (as listed in condition SP11) are considered to be complete and component

4 is considered to be ongoing.

INF24

In the event that the nuclear generating station at the Site has been started but neither of the proposed nuclear reactors is substantially completed and generating electricity by 31 December 2025 (the date by which EN-1 and EN-6 NPS considers it realistic for the construction of the new nuclear power stations set out in NPS EN-6), and if EDF considers it unreasonable to have to begin reinstatement of the Site pursuant to Condition R1 (for example on the basis that it is intending to complete the generating station works), EDF would be able to apply through the DCO process under section 73 of the Town and Country Planning Act 1990 to modify or discharge this condition, a decision which would be taken by the IPC/MIPU/Secretary of State or Local Planning Authority or, if refused and appealed, by the Secretary of State in the normal way.

INF25

In the event that the IPC/MIPU/Secretary of State does not require a similar R1 condition requiring reinstatement of the DCO works after 31 December 2025 in the event that construction works at the Site have been started but neither of the nuclear reactors is substantially completed and generating electricity by such date, and EDF considers it unreasonable for a condition requiring site preparation works reinstatement to remain in such a scenario, EDF would be able to apply through the DCO process under section 73 of the Town and Country Planning Act 1990 to modify or discharge this condition, a decision which would be taken by the IPC/MIPU/Secretary of State or Local Planning Authority or, if refused and appealed, by the Secretary of State in the normal way.

INF26

The plans referred to in the table in Condition G4 are included in the Deed of Planning Obligations attached to this Planning Permission.



Bruce Lang
Corporate Director
27/01/2012

NOTES

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

Discharge/compliance with conditions: A fee is payable from 1 September 2008 where a written request is made for the discharge or compliance with one or more conditions on the same permission. The fee is payable for each request and not for each condition. If when the development has been completed you apply for confirmation of compliance with a condition or conditions then a separate fee will also be payable. Please see the following webpage on West Somerset Council's website: <http://www.westsomersetonline.gov.uk/Planning---Building/Planning/Discharge-of-Conditions> for more detailed information.

Appeals to the Secretary of State: If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Transport, Local Government and Regions under Section 78 of the Town and Country Planning Act 1990 (Please note, only the applicant possesses the right of appeal). If you want to appeal, then you must do so within 6 months of the date of this notice, you must use a Planning Appeal form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require, which you can get from the Planning Inspectorate at Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal, and you should not rely on this concessionary power.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices: If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

Compensation: In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to the conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act.

You are reminded that this permission does not convey any necessary approval under the Building Regulations 1991 (as amended). Further information can be obtained from my Council's Consumer Services Unit should you be unsure of the requirements.

Having regard to the powers of the Highway Authority under the Highways Act 1980 you should consult them by telephoning 01643 700700, if any work connected with the development hereby permitted takes place within or immediately adjacent to a public highway (e.g. footpath and margin crossings, piping of ditches, construction of waiting bays etc).

This permission does not authorise you to stop up or divert a public right of way in order to enable the development permitted to be carried out. Separate legal steps are necessary for this, and if required, further information in connection therewith can be obtained from the Chief Executive, Council Offices, Williton.

Your attention is drawn to the provisions of the Party Walls Act 1996. In many cases this requires notices to be served and a formal procedure to be followed. You should contact your legal advisor, architect, surveyor or other professional advisor for details.

This planning certificate does not purport to convey any approval or consent which may be required by any by-law, order or regulation or any enactment other than the Town and Country Planning Act, 1990.

