

Transport and Works Act 1992

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 — Rule 10(6)

The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order

REQUEST FOR A DIRECTION UNDER SECTION 90(2A) OF THE TOWN AND COUNTRY PLANNING ACT 1990

**To: The Secretary of State for Transport
Department for Transport
c/o TWA Orders Unit
Zone 1/31
Great Minster House
Marsham Street
London SW1P 4DR**

1. Bristol City Council and North Somerset Council (together “the promoter”) hereby requests, in association with its application under sections 1 and 3 of the Transport and Works Act 1992 for The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order (“the draft Order”) and pursuant to Rule 10(6) of the above mentioned Rules, a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990. The Direction sought is one of deemed planning permission to be granted, so far as it is required, for the development provided for in the draft Order within the various limits provided for in the draft Order and the accompanying Order plans.
2. The purpose of the Order is to permit the construction and operation of a rapid transit system between Ashton Vale and Bristol City Centre via Temple Meads and to carry out associated works to the existing Bristol Harbour Railway. The Order would also permit the compulsory acquisition of land and rights in land for these purposes.
3. The proposed development comprises the construction and operation of the works specified in Schedule 1 to the draft Order and any ancillary works proposed to be authorised by the draft Order. In particular it includes a guided busway from Long Ashton Park and Ride to Prince Street Bridge, an adjoining emergency and maintenance access track, busway stops, highway alterations, works to the Bristol Harbour Railway, a bridge crossing the Portbury freight railway line and works to Prince Street Bridge, Ashton Avenue Bridge and Vauxhall Bridge.
4. The proposed development is located in the city of Bristol and the district of North Somerset.
5. The promoter proposes that planning permission for the development be granted subject to the conditions set out in Schedule 1 to this request pursuant to rule 10(6)(b).

6. The matters set out in draft conditions 2 to 10 in Schedule 1 are matters which are intended to be reserved for subsequent approval by the local planning authority pursuant to rule 10(6)(c).
7. A draft Code of Construction Practice has also been prepared and the promoter intends to develop this further in liaison with the relevant local planning authorities before settling a final version following the grant of powers and prior to the award of any construction contract. This and the Visual Identity Guidelines are provided with the application by way of further information.

SCHEDULE 1

Draft planning conditions to be attached to the deemed planning permission

Preamble

In these conditions:

“the busway” means the guided busway as defined in article 2(1) of the Order comprised in Work Nos. 1A, 1B, 2, 3, 5 and 7 and any adjoining emergency and maintenance track;

“the development” means the works authorised by the Order;

“the Environmental Statement” means the set of documents of that description submitted with the application for the Order on 10 June 2010;

“the local planning authority” means Bristol City Council in relation to any part of the development within its administrative area and North Somerset Council in relation to any part of the development within its administrative area;

“the Order” means the Ashton Vale to Temple Meads Rapid Transit Order 201[];

“the rapid transit system” has the same meaning given in the Order;

“Visual Identity Guidelines” means the document of that description submitted with the application for the Order on 10 June 2010.

Time Limits

1. The development shall commence within five years of the date the Order comes into force.

Reason: as required by Section 91 of the Town and Country Planning Act 1990.

Siting, Design and External Appearance

2. The following items of development shall not be commenced until, in each case, prior written approval of their design and external appearance and, in the case of items (b) and (f), siting, has been obtained from the local planning authority and the details submitted for approval shall, where relevant, accord with the Visual Identity Guidelines:
 - (a) the busway;
 - (b) any rapid transit stop including associated street furniture and signage;
 - (c) any new or altered bridge or associated structure;
 - (d) the formation, laying out or alteration of any means of access to any highway used by vehicular traffic;

- (e) the formation, laying out or alteration of any pedestrian or cycle route provided for by the development;
- (f) permanent fencing or any acoustic fencing associated with the rapid transit system;
- (g) culverts and drainage channels;
- (h) any modification to Long Ashton Park & Ride site and its access;
- (i) in Work Nos 1A and 2 the busway, maintenance track and its supporting embankment and retaining structures adjacent to the site of the proposed Ashton Gate football stadium;
- (j) in Work No. 6 any alterations to the carriageway and footways between the site of the new Museum of Bristol and the site of the Wapping Wharf development;
- (k) any works that would materially affect the appearance of Ashton Avenue Bridge, Prince Street Bridge or Vauxhall Bridge;
- (l) any proposed restoration or reinstatement works following the demolition of any building within a Conservation Area; and
- (m) any works that would materially affect the appearance of the Bristol Harbour Railway.

Such development will be carried out in accordance with the written approval given by the local planning authority, unless any amendment or alteration is subsequently approved in writing by the local planning authority.

Reason: to ensure the satisfactory appearance and functioning of the development and in the interests of highway safety, flood mitigation, crime reduction and noise reduction.

Landscaping Scheme and Protection of Trees and Hedges

3. No part of the development shall take place until there has been submitted to and approved in writing by the Local Planning Authority for that part of the development a scheme of hard and soft landscaping, which shall include:
 - (a) indications of all existing trees and hedgerows, and details of any to be retained, together with measures for their protection, in the course of development;
 - (b) proposed works to trees and hedges to be retained;
 - (c) details of any ditches, drains and other water areas to be created; and
 - (d) proposals for the maintenance of landscaping.

The tree and hedge protection measures shall be implemented prior to the commencement of that part of the development and retained during the course of development. The approved hard landscaping shall be implemented in full prior to the opening of the rapid transit system for public use and the soft landscaping scheme shall be implemented in full no later than the first available planting season following the opening for public use of the rapid transit system unless otherwise agreed in writing by the Local Planning Authority.

All planted materials shall be maintained for five years from planting and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: to ensure satisfactory landscaping of the development and to ensure that such landscaping is maintained.

Drainage and Flood management

4. No part of the development shall be commenced until the implementation of arrangements for the disposal of foul and surface water and the management of flood risk during construction and operation has been secured in relation to that part in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved scheme and completed to the satisfaction of the Local Planning Authority prior to the opening of the rapid transit system for public use and thereafter maintained in accordance with the approved scheme unless any amendment or alteration is subsequently approved in writing by the local planning authority.

Reason: to prevent flooding and pollution of the water environment in the interests of amenity.

Ecology

5. The development shall not commence until an ecological management and monitoring scheme has been submitted to and approved in writing by the local planning authority. Such scheme to generally accord with and give effect to the measures proposed in the Environmental Statement submitted with the application for the Order.

The development shall be carried out in accordance with the approved ecological management and monitoring scheme, unless any amendment or alteration is subsequently approved in writing by the local planning authority.

Reason: to mitigate the ecological impact of the development in the locality of the development in the interests of nature conservation.

Code of Construction Practice

6. The development shall not commence until a Code of Construction Practice has been submitted to and approved in writing by the local planning authority. Such code shall accord generally with and give effect to the draft code submitted with the application for the Order.

The development shall be carried out in accordance the approved Code of Construction Practice, unless any amendment or alteration is subsequently approved in writing by the local planning authority.

Reason: to mitigate environmental impacts arising from the construction of the development and to preserve local amenity.

Archaeology

7. No part of the development shall be commenced until a written scheme of archaeological evaluation in relation to that part is approved by the local planning authority and, following a review of the results of the evaluation, a programme of archaeological work for that part of the development has been agreed with the local planning authority. The development shall be carried out in accordance with that programme unless any amendment or alteration is subsequently approved in writing by the local planning authority.

Reason: to ensure that works are undertaken with due regard to archaeological remains.

Lighting

8. A lighting scheme and switching arrangements at all stops, along the off-highway sections of the rapid transit system route and to new and replacement footpaths and cycleways shall be implemented before the public use of the rapid transit system, in accordance with proposals submitted to and approved in writing by the local planning authority unless any amendment or alteration is subsequently approved in writing by the local planning authority.

Reason: in the interests of safety of users, as well as visual and residential amenity.

Contaminated Land

9. In relation to the remediation of contamination on the site:
 - (i) The development shall not begin on site until a detailed contamination remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, including controlled waters, has been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority; the scheme must include a clear description of the contamination expected to be found on the site, all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, method statements relating to contamination and site

management procedures; furthermore 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.

- (ii) The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works and the remediation scheme approved under part (i) of this condition shall be carried out in accordance with its terms prior to the commencement of other development works, unless otherwise agreed in writing by the Local Planning Authority.
- (iii) Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation undertaken shall be submitted to and approved by the Local Planning Authority.
- (iv) In the event that contamination is found at any time when carrying out the development that was not previously identified within the remediation scheme approved under part (i) of this condition, this must be reported in writing immediately to the Local Planning Authority; remediation of the unexpected contamination shall only be carried out in accordance with a revised remediation scheme (supported by an investigation and risk assessment in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR11'*) that has been submitted to and approved by the Local planning Authority; the revised remediation scheme shall then be implemented and verified respectively in accordance with parts (ii) and (iii) of this condition.

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 can be carried out safely without unacceptable risk to workers, neighbours and other onsite and offsite receptors.

Diverted Public Footpaths

10. Prior to commencement of any part of the development details of the proposed diverted and retained public footpaths (including, where relevant, the width and materials for path surfacing, lighting, drainage, fencing, boundary details and associated works and including any works to connect these paths to the public highway) relating to that part of the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and completed to the satisfaction of the Local Planning Authority prior to the opening of the rapid transit scheme for public use.

Reason: To ensure the altered public footpath network is provided in a satisfactory form and condition to encourage walking.

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Procedure) (England and Wales)
Rules 2006**

Rule 10(6)

**The Ashton Vale to Temple Meads
and Bristol City Centre Rapid
Transit Order**

**STATEMENT OF PROPOSED
PLANNING CONDITIONS**

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