

## **LAND AT RECTORY FARM YATTON**

**APPEAL Ref: APP/D0121/W/24/3343144**

### **Response to LPA's Undated Note Relating To Land Ownership**

#### **1. Introduction**

- 1.1. On the 8<sup>th</sup> November 2024 the Appellant received an undated note from the LPA again raising issues of a Land Ownership/Control nature. It had been understood that such issues had by now been dealt with. This note attempts to deal with these further/resurrected points once and for all.
- 1.2. The LPA's note raises the following (paraphrased) matters:
  - 1.2.1. The use of certificate C
  - 1.2.2. The land bound within the s106 agreement
  - 1.2.3. Sensitivities of features within the shadow HRA
  - 1.2.4. Proposed licence of the mitigation land

#### **2. Certificate C**

- 2.1. It is a matter of record that this application was made using certificate C to satisfy the terms of section 65 of the Town and Country Planning Act 1990 and article 13 of the Town and Country Planning (Development Management Procedure) Order 2015 (the Order) and to fulfil the general requirement that any person that may have (or believe they have) an interest in the land the subject of the planning application is duly notified of the intention to apply for planning permission. Certificate C being used in circumstances where the applicant/appellant is not the sole owner of the application site and is not aware of the names and addresses of every person that might have an interest in such land.
- 2.2. The LPA now question whether the appeal can be entertained because it now questions whether a) the requisite newspaper notices were published and whether "reasonable steps" were taken to identify other owners of the land. These being submissions that should have been made many weeks ago (if they were to be made at all).
- 2.3. Attached are the 2 notices that were inserted in the North Somerset Times on the 15<sup>th</sup> March 2023 for the application and 24<sup>th</sup> April 2024 for the appeal .
- 2.4. The appellant being a housing developer and with the full intention of purchasing the land in order to carry out housing development (subject only to the grant of the planning permission) has, of necessity, sought to identify persons who may have an interest in the land. In this case a search of land registry was carried out and the land owners, via their solicitors, were interrogated as to the identity of any third party that may have an interest in those parts of the land that were not registered. No such persons were found. To the best of the owners' knowledge they have owned and managed the entire area within the land (registered and unregistered) throughout their period of ownership In the case of title AV101173 the period of almost 40 years ST859846 being 4 years and in the case of the remainder (and majority) of the site that period being over 10 years.
- 2.5. In those circumstances the advertisement was placed in the Somerset Times on the 15<sup>th</sup> March 2023. There being no responses to that advertisement suggesting other owners certificate C was completed on the 27<sup>th</sup> March 2023 asserting that the known owners of the land had been served notice and that the advertisement had been placed. All of which is correct. It is true that in fact further steps had already been taken to ascertain the existence of other owners of the land but the requirement in completing certificate C is not to set out an exhaustive study of the steps taken

(although note here that the certificate on the council's application form goes further than as required by the Order. The Order requires only that "reasonable steps" have been taken whereas the LPA certificate suggests "all reasonable steps", it is suggested the Order's formulation is to be preferred to the extent this is material) In any event the LPA did not raise the matter throughout the application process and has only sought to make an issue of it at this very very late juncture.

- 2.6. In absence of any further avenue to pursue it is entirely reasonable for the appellant to have used the certificate C process and to have completed the certificate as it did. It is also worth commenting that in this part of the Somerset levels this situation is fairly common and has been encountered multiple times previously.
- 2.7. The alternative to using certificate C would be to say that:
  - 2.7.1. only it (Persimmon Homes) had ownership of the land, which is patently not correct (certificate A) or
  - 2.7.2. all other persons who have an interest have been served with notice, which it was again not possible to certify (certificate B), or
  - 2.7.3. none of the owners of the land were known, again not correct (certificate D).
- 2.8. Article 13 requires that if the applicant "...has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so ..." then under the provisions of article 14 certificate C is the appropriate means to certify the land ownership position and that publicity requirements have been met. It will be noted that there is no further guidance as to the meaning of "reasonable steps" but it is submitted that the steps taken above fully satisfy that test.
- 2.9. The LPA have been aware of the land ownership situation since the application was made in March 2023 which was supported by Certificate C. It has been fully aware of the title to the land from, at the latest, 10<sup>th</sup> September 2024. In relation to their email of 13<sup>th</sup> August 2024 wider discussions were ongoing but on the 26<sup>th</sup> September an email reply was sent to the council which read (in so far as relevant)

"In terms of title I have been through the CoT [certificate of title] and made some comments in response to yours. I think the only point that comes out of that is your query on the use of Certificate C. Having checked the title information against the red line plan it seems clear that there are some very small areas on the periphery of the site that are not included in the titles. I attach an annotated plan showing a couple of these. You will see if you compare the title plans with the red line plan that particularly along the ditches on the boundary of the appeal site the title boundaries are inconsistent as to whether all none or part of the ditch is included in the title. That is not a problem for the application. The access points appear to the boundary of the site. However, given this uncertainty it was thought best to ensure the application was properly advertised. To accommodate that I would suggest that the redline plan attached to the CoT should be replaced by a plan based on the title plans rather than the application site. I am content for the s106 plan to be kept as is on the basis that if (as seems likely) the landowners own at least half of the ditch where they own the banks of the ditch all land owned by the owners will be bound. "

- 2.10. No response was received to that email in relation to the use of certificate C and certainly no question was raised as to the validity of the application/appeal. It was therefore believed that the matter had been dealt with in as far as it needed to be.
- 2.11. The LPA now assert that a neighbouring resident might own part of the land. The resident's letter is dated 28<sup>th</sup> June 200024 (sic) but the LPA have only now sought to bring this matter up. No evidence is brought forward to support the

resident's assertion (either by the resident or the LPA). Investigation on behalf of the appellant reveals that the property of 10 Grace Close is not registered. It would therefore be necessary to examine the title deeds to determine what land is owned as part of the property. However, it is enlightening that both properties on either side of number 10 are registered and neither of their boundaries extend into the rhyme as it is alluded the boundary of number 10 does. It might be possible that the property benefits from ownership of half of the width of the rhyme (as can be the case with land adjacent to highways or rivers). However, the LPA has been steadfast in their correspondence with the appellant claiming that such rule does not apply in relation to rhynes. Without any evidence to the contrary it is suggested that 10 Grace Close has no interest in the land in the same way as the neighbouring properties have no interest in the land. As the LPA well knows the appellant is under no duty to serve notice on this resident having publicised the application in a local newspaper (without response from the owner of 10 Grace Close prior to the application and appeal ) and no reason to do so having no information to suggest the property at 10 Grace Close encroaches into the land.

- 2.12. As a final point in relation to 10 Grace Close there are no specific plans for works to this rhyme and thus even if the property does extend into the rhyme it will not be affected by the development.
- 2.13. Given all that is set out above it is not accepted that the appellant has erred in any way in relation to the form or process of the certificate provided in these proceedings. It is however, worth considering the attitude of the courts where defects have been pointed out in certificates. It should be said such defects are more normally the result of not having notified the owner of part of an application site. That is not the case here. Other than in cases where there is apparent fraud and an intention to mislead (as was the case in *R (Pridmore) v Salisbury DC [2004] EWHC 2511 (Admin)* (not the same Pridmore as is presently employed by the LPA as solicitor to this matter) the courts have been slow to find that the grant of permission should be quashed as a result of a defect in the certificate used to satisfy notification requirements under the Order. Even in cases where the owner of part of an application site has clearly not been informed of the application the court has taken a pragmatic view and looked at the wider circumstances to determine whether there is any prejudice. In cases such as *Main v Swansea City Council [1985] 49 P.& C.R.26* and High Court of Northern Ireland in *Re Callan (unreported; May 7, 1997; Coghlin J.)* such that even where there were fundamental errors in the certificate used the court would retain its discretion and in doing so would look at factors such as.
  - 2.13.1. the nature of the failure,
  - 2.13.2. the identity of the applicant for relief,
  - 2.13.3. the lapse of time and
  - 2.13.4. the effect on other parties, including the publicNone of these factors, when viewing the present case, would in any way lead to any suggestion that the appeal should not proceed. As already stated, it is not even accepted that there is any defect and further not even the LPA actually state that there is a defect, although that is alluded to.
- 2.14. The final paragraph under this heading is confusing as it relates to various property documents the purpose of which reference is unclear. In as far as this relates to certificate C the existence or substance of these documents has no bearing on the use of certificate C in these circumstances. If it is a misplaced reference to ownership of the land bound by the s106 Agreement then again these prior documents do not give rise to interests that can or should be bound into the

agreement. This is now accepted by the LPA who have agreed the terms of the s106 Agreement.

### 3. Land Bound Within the S106 Agreement

- 3.1. The present position is that all of the land within the application boundary that is within a known ownership is bound by the terms of the s106 Agreement to comply with the obligations contained in that agreement. The only land that is not so bound is land that is unregistered and not in a known ownership. That said, it is believed highly likely that the owners of the registered land are the only people with an interest in the unbound land since they are the only people to have used or carried out any works of maintenance to the unregistered parts. The unregistered parts all form ditches or rhynes that bound or cross the application site.
- 3.2. The parts of the land in question are shown on the title plan for title AV125643 attached as Appendix 2 and can be identified where there are 2 parallel red lines denoting a gap in the registered title. An example of this is shown below in an excerpt from that title plan.



- 3.3. The unregistered portion of the land forms a relatively small proportion of the overall land area contained within the appeal site. As set out above there are no third parties that are known to have an interest in these parts of the land and it is in fact highly likely that the existing owners of the land are also the owners of the unregistered parts. It was therefore suggested to the LPA that all of the land within the boundary of the application site be included as bound within the s106 Agreement. The registered land would be fully and securely bound the unregistered land would then be bound to the extent of the owners interest in them. This proposal was made to the LPA and also in the note submitted in response to the Adjournment Note and dated 11<sup>th</sup> October 2024. This point was debated at some length with the LPA and terminated in a revised draft received by the appellants from the LPA on the 23 October which was revised to include only the registered title to be bound. With some very minor amendments/corrections (not relevant to this discussion) this draft is the basis of the agreement presently being executed by the parties. The LPA has therefore declined to include any reference to the unregistered parts of the land.
- 3.4. Therefore, the reason that the area bound by the s106 Agreement is smaller than that shown in the note of 11<sup>th</sup> October is because the LPA have required that. In doing so there is no indication as to what material impact that has on the ability of the LPA to secure the obligations contained in the s106 Agreement. As has previously been submitted there is in fact no difficulty with enforcing any such obligation.

- 3.5. In broad terms the obligations contained in the s106 Agreement are:
- 3.5.1. Affordable Housing
  - 3.5.2. Contributions for various purposes
  - 3.5.3. Open Space
- 3.6. The affordable housing will take place on the registered land and the contributions can quite effectively be secured against that land. The Open Space proposals have not yet been fully formulated or agreed with the LPA but such as they are there are no specific proposals in relation to the ditches or rhynes. Importantly there is no provision in the s106 Agreement to comply with the terms of the shadow HRA. It is clear that the affordable housing requirement can and will be achieved on the registered land bound by the agreement. There is similarly no difficulty in enforcing payment of the contributions based only on the registered land being bound. It is stressed both that the LPA has agreed the terms of the s106 Agreement and that it has not raised any specific concern to suggest that any of the obligations contained within the s106 Agreement cannot be enforced adequately.

#### **4. Sensitivities of Features Within the Shadow HRA**

- 4.1. This is a new point raised by the LPA. As set out in the undated note there is no actual accusation that something will or will not happen but merely an inference that some undefined issue might arise. However, to deal with the points that appear to arise and for ease the plan from page 8 of the shadow HRA is set out below at 4.5.
- 4.2. The specific issues appear to relate to hedgerows H1, H6, H7 and H11. Hedges H1, 6, and 7 run along the southern boundary of the land. The registered land lies along the application boundary and there is no reason why this hedge cannot be improved by further planting within the land. H11 lies along the northern boundary of the land and again whilst the registered boundary lies to the south of the drain in this location. there is also no indication as to why the promised additional planting of new hedge cannot or will not take place.
- 4.3. Finally it is suggested that hedge H11, H12, H13, H14 and H15 (which forms the northern boundary of the land) lies within the ownership of the owners of land to the north. This hedge lies on both sides of this boundary ditch and even if it did not there is no reason it could not be improved and reinforced by planting to the south of the boundary drain. To confirm this position please see the photographs taken from within the land looking along the line of hedges H11, 12 and 13 at Appendix 4. This clearly shows the hedge within the land and capable of being improved as necessary. The position is similar elsewhere on the land.
- 4.4. The LPA seem to conflate as an issue the land within the s106 Agreement (or rather the land excluded from it) and land that will be controlled by the conditions affecting the application land. The application site will be controlled by the conditions whether or not the land is within the registered titles bound by the s106 Agreement. It will be clear from remarks made above that this is not a case where the application boundary will knowingly affect third parties. It is believed the land within the boundary has been managed and used by the existing landowners over many years. The application has been very well publicised and therefore if third parties were able to demonstrate ownership and or control over part of the land there has been ample opportunity to do so. Other than the owner of 10 Grace Close it is not understood that any such person has come forward and in relation to 10 Grace Close for the reasons set out above it is not believed any such claim has been substantiated.
- 4.5.



4.6. The conditions to be applied to the planning permission (if the appeal succeeds) include condition 13 that requires a LEMP which in turn requires details of the measures to be taken in relation to the landscape and ecological management of the land together with measures for ongoing maintenance and management. Further, conditions 17 and 18 require existing hedges to be retained or planted to be identified and again that these be maintained. Finally condition 11 provides explicitly that the requirements of the shadow HRA shall be complied with prior to occupation of the development. There is no reason suggested as to why this will not effectively manage the position in relation to the various hedges referred to.

## 5. Proposed Licence of the Mitigation Land

5.1. This is not a new point but one already aired in full by the LPA at the s106/conditions session of the appeal (and before that). The measures proposed in this appeal to deal with the proposed Bat Mitigation Land are the same as were used with approval in relation to the appeal (reference APP/D0121/W21/3286677) on land immediately to the south of the appeal land. This has been pointed out to the LPA. Inspector Mr Harold Stephens considered this point in some detail and confirmed that the arrangements were acceptable. The form of the licence that the LPA complain of is not part of the requirements of the permission either granted in the prior appeal or to be required under the conditions or s106 obligations relating to this appeal. However, I can confirm that the terms of the licence in both cases are materially the same. Similarly, the same (or at least the equivalent) condition is proposed to be imposed in this appeal as was the case in the previous appeal. In this appeal the proposed condition is condition 12 and in the prior appeal it was condition 18, both are included as Appendix 3.

5.2. The council have not explained why the arrangements to secure the off site bat mitigation in the previous appeal are now unsatisfactory in this appeal. It is clear from the decision letter that Inspector Stephens considered this matter very thoroughly. St Modwen the developer of the land to the south has now submitted an application to discharge condition 18 of its permission which is being progressed under application 23/P/2166/AOC. No fundamental objection has been raised to that application and in fact the LPA's ecology officer has reported favourably on the application suggesting the condition can be discharged.

## 6. In Conclusion

- 6.1. These comments have been made very late in the appeal process having either already been made and (apparently) dealt with or having only emerged now without any warning or change in circumstance to explain why they are now being put forward.
- 6.2. As to the perceived issues with certificate C the point is entirely without merit. As explained it is not possible for the appellant to have used either certificate A B or D and it was therefore forced to use certificate C. The procedural steps were followed correctly. It would appear this is simply a very late attempt to cause mischief without any substance.
- 6.3. The LPA have agreed the terms of the s106 Agreement. That agreement is presently being executed by the parties in preparation for it being sent to the LPA for completion before the resumption of the inquiry. The LPA do not give any indication of what issues or problems there will be in fully enforcing the terms of the s106 Agreement as drafted. It is submitted that is because there are no such issues or problems. The LPA would otherwise not have agreed the document.
- 6.4. In relation to "Sensitivities" contained in the shadow HRA it is not explained what the actual problems that might arise are. However, it is absolutely clear that via the presently agreed conditions or the s106 or both there will be provision to ensure that where hedge planting is required it can be carried out and can be required to be so carried out.
- 6.5. As explained above the terms of the licence are to all intents and purposes the same as was the case in the previous appeal on land to the south. The licence does not form part of either the conditions or the s106 Agreement but such arrangements were found to be entirely satisfactory in the previous appeal. No explanation is given either as to why this point has been raised again so late in this appeal or why the arrangements should not be acceptable here when they were approved previously.
- 6.6. For the reasons set out above it is suggested there is no merit in any of these very late submissions from the LPA.



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PLANNING

**Goods Vehicle Operator's Licence**

Apex Marquess Limited of 11 Mendip Gardens, Yatton, BS49 4ES is applying for a licence to use North Somerset Butterfly House, Greenholm Nurseries Retail, Smallway, Congresbury, BS49 5AA as an operating centre for 2 goods vehicles and 0 trailers. Owners or occupiers of land (including buildings) near the operating centre(s), who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 396 Harehills Lane, Leeds LS9 6NF, stating their reasons, within 21 days of this notice. Representations must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A guide to making representations is available from the Traffic Commissioner's Office.

**Goods Vehicle Operator's Licence**

Mike Howe Transport Ltd of 8 Ham Lane, Congresbury, Bristol

**NORTH SOMERSET COUNCIL – all public notices at [www.n-somerset.gov.uk/notices](http://www.n-somerset.gov.uk/notices)**  
**ROAD TRAFFIC REGULATION ACT 1984 – SECTION 14(1) NOTICE OF TEMPORARY TRAFFIC REGULATION ORDER 2023**  
**Footpath LA13/41/10 (Stock Way North), Nailsea, North Somerset**  
**Temporary Prohibition of Use by Pedestrians Order 2023**

**Date coming into force: 10 April 2023 – Ref: SW23-79**  
 Notice is hereby given that North Somerset Council in pursuance of the provisions of section 14(1) of the Road Traffic Regulation Act 1984, as amended, intend to make an order the effect of which will be to close, temporarily, to pedestrians the lengths of footpaths specified in the Schedule to this Notice. Exemptions are included for emergency services, works access, works vehicles and as works permit for premises which may only be accessed via the closed section of footpath.

This order is required because of the likelihood of danger to the public consequent upon work by Wessex Water to install a 7m sewer relay. This will become operative on the 10 April 2023 for a maximum period of 6 months. However, the closures may not be implemented for the whole of the period but only as necessitated by the works which is 9 days in duration. Appropriate pedestrian traffic signs will be displayed when the measures are in force.

**Schedule – Footpath LA13/41/10 from the underpass on the northside of Stock Way North to Clevedon Walk. Alternative routes – see One Network**

**FINAL NOTICE OF TEMPORARY TRAFFIC REGULATION ORDER 2023**  
**Causeway, Nailsea, North Somerset**  
**Temporary Prohibition of Use by Vehicles Order 2023**  
**Date coming into force: 1 April 2023 – Ref: SW23-24-001**

Notice is hereby given that North Somerset Council in pursuance of the provisions of section 14(1) of the Road Traffic Regulation Act 1984, as amended, have made an order the effect of which will be to close, temporarily, to vehicles the lengths of roads specified in the Schedule to this Notice. Exemptions are included for emergency services, works access, works vehicles and as works permit for premises which may only be accessed via the closed section of road.

This order was required because of the likelihood of danger to the public consequent upon work by National Grid Company to undertake stringing of overhead lines on new build. This will become operative on the 1 April 2023 for a maximum period of 18 months. However, the closures may not be implemented for the whole of the period but only as necessitated by the works which is anticipated to be of 28 days in duration. Appropriate traffic signs will be displayed when the measures are in force.

**Schedule – A38 Bridgwater Road (north-eastbound) between a point 410m north-east of the centre-point of its junction with Hobbs Lane, and a point 25m south-west of the centre-point of its junction with B3130 Barrow Street (a total distance of 280m), A38 Bridgwater Road (south-westbound) between a point 180m north-east of the centre-point of its junction with B3130 Barrow Street, and a point 88m south-west of the centre-point of its junction with B3130 Barrow Street (a total distance of 268m).**

**Road Traffic Regulation Act 1984 – Section 23 Pedestrian Crossing at Station Road, Backwell**  
 Notice is hereby given that North Somerset Council in exercise of powers conferred by Section 23 of the Road Traffic Regulation Act 1984 as amended, and after consultation with the Chief Officer of Police, intends to vary the Scheme for the Establishment of Crossings for Foot Passengers in North Somerset by the addition, hereinafter, of the following crossing and raised table in North Somerset – outside property number 63 Station Road, Backwell – 1 zebra crossing and lengthening of raised table.

A Statement of the council's Reasons for proposing to make these changes may be inspected at [www.n-somerset.gov.uk/notices](http://www.n-somerset.gov.uk/notices). Should you wish to make any observations on this proposal you should make them in writing to the Director of Place, North Somerset Council, Town Hall, Weston-super-Mare BS23 1UJ or email [traffic.orders@n-somerset.gov.uk](mailto:traffic.orders@n-somerset.gov.uk) quoting reference SRB/DN/001 by 5pm on 6 April 2023. Darren Gilbert, Head of Highways Technical Services, North Somerset Council, Town Hall, Weston-super-Mare BS23 1UJ. Tel: 01934 888 888. Email: [traffic.orders@n-somerset.gov.uk](mailto:traffic.orders@n-somerset.gov.uk)

**Town and Country Planning Act 1990**  
**Town and Country Planning (Development Management Procedure) (England) Order 2015**  
**Notice under Article 15**  
**Planning (Listed Building & Conservation Areas) Act 1990 – Notices under Section 67 & 73**

You may inspect the following applications and make representations at [www.n-somerset.gov.uk/planning](http://www.n-somerset.gov.uk/planning) or in writing to: Planning, Post point 15, North Somerset Council, Town Hall, Weston-super-Mare, BS23 1UJ. All comments should be received within 21 days of this notice and will be displayed on our website. Your comments should not be offensive or defamatory. If we refuse permission, there may be no further opportunity to object to an appeal on a householder application. We are registered with the Information Commissioner's Office for the purposes of processing personal data, which we do in accordance with EU and UK data protection law. For details visit [www.n-somerset.gov.uk/planning/privacystatement](http://www.n-somerset.gov.uk/planning/privacystatement). If you have any concerns about how your data is handled, contact us at

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PLANNING

**Town and Country Planning (Development Management Procedure) (England) Order 2015**

**Notice under Articles 13 and 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015**  
Proposed development at  
Land to North of Rectory Farm, Chescombe Road, Yatton

I give notice that Persimmon Homes Severn Valley having applied to North Somerset Council for

Outline planning application for the development of up to 190 no. homes (including 50% affordable homes) to include flats and semi-detached, detached and terraced houses with a maximum height of 3 storeys at an average density of no more than 20 dwellings per net acre, 0.13ha of land reserved for Class E uses, allotments, car parking, earthworks to facilitate sustainable drainage systems, orchards, open space comprising circa 70% of the gross area including children's play with a minimum of 1no. LEAP and 2no. LAPS, biodiversity net gain of a minimum of 20% in habitat units and 40% in hedgerow units, and all other ancillary infrastructure and enabling works with means of access from Shiners Elms for consideration. All other matters (means of access from Chescombe Road, internal access, layout, appearance and landscaping) reserved for subsequent approval

is appealing to the Secretary of State

against the failure of the Council to give notice of a decision

Any owner\* of the land or tenant\*\* who wishes to make representations about this appeal should write to

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

By 8th May 2024

If you decide to make representations you should make it clear that you are an owner of the appeal site or tenant of an agricultural holding on the site and you should give the site address.

\*"owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

\*\*"tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

Signed KATHRYN VENTHAM On behalf of PERSIMMON HOMES SEVERN VALLEY Date 18/04/2024

**Statement of owners' rights**

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

**Statement of agricultural tenants' rights**

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

PLANNING

**Town and Country Planning (Development Management Procedure) (England) Order 2015 NOTICE UNDER ARTICLE 13 OF APPLICATION FOR PLANNING PERMISSION**

Proposed development at Lower Stock Farm, Bakers Lane, Langford, Wrington, North Somerset BS40 5HT.

Take notice that application is being made by Kitland Solar Farm Limited, Mr Mark Henderson for planning permission to Proposed installation and operation of ground-based photovoltaic solar arrays, a battery energy storage system, substation, cable connection, access tracks, other ancillary infrastructure, and landscaping and biodiversity enhancements.

Application submitted to North Somerset Council, Town Hall, Walliscote, Grove Road, Weston-super-Mare, BS23 1UJ. Any owner of the land or tenant who wishes to make representations about this application should write to the council within 21 days of this notice.



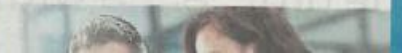
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**ROAD TRAFFIC REGULATION ACT 1984 – SECTION 14(1) NOTICE OF TEMPORARY TRAFFIC REGULATION ORDERS 2024**

Notice is hereby given that North Somerset Council in pursuance of the provisions of section 14 of the Road Traffic Regulation Act 1984, as amended, intend to make an order the effect of which:

**Meor Lane, Hutton and West Hill, Portishead, North Somerset Temporary No Loading or Waiting Restriction Order 2024**  
Date coming into force: 1 May 2024 – Ref: BSP24-017

Will be to restrict loading and waiting, temporarily, to vehicles on the lengths of roads specified in the Schedule to this Notice. Exemptions are included for emergency services' vehicles, for any North Somerset Council vehicle enforcing the restrictions and for any vehicle with agreed dispensation from North Somerset Council undertaking road works.

The above restriction is necessary in the interest of public safety and the facilitation of bus passage. This order will become operative on 1 May 2024 for a maximum period of 18 months. However, the restrictions may not be implemented for the whole of the period but only as necessitated, anticipated to be until 1 September 2024. Appropriate lines, traffic signs or cones will be displayed when the measures are in force.

**Schedule – Meor Lane, Hutton from its junction with Main Road for a maximum distance of 25m in a northerly direction on both sides of the road, West Hill, Portishead from the eastern end of the existing double yellow lines outside property number 12, West Hill westwards for a maximum distance of 18m on the northern side of the road, West Hill, Portishead from the western end of the existing double yellow lines outside property number 77, West Hill westwards for a maximum distance of 3m on the southern side of the road.**

**Brockley Lane, Brockley, North Somerset Temporary Prohibition of Use by Vehicles Order 2024**  
Date coming into force: 13 June 2024 – Ref: SW24.25-074

Will be to close, temporarily, to vehicles the lengths of roads specified in the Schedule to this Notice. Exemptions are included for emergency services, works access, works vehicles, and as works permit for premises which may only be accessed via the closed section of road.

This order is required because of the likelihood of danger to the public consequent upon work by Gpacstar to clear fire blockages. This will become operative on the 13 June 2024 for a maximum period of 18 months. However, the closures may not be implemented for the whole of the period but only as necessitated by the works which is anticipated to be of 2 days in duration. Appropriate traffic signs will be displayed when the measures are in force.

**Schedule – Brockley Lane from outside properties The Spinney to outside The Lodge, Alternative routes – <https://uk.one.network/communicate/causesway-one-network-map>.**

**FINAL NOTICE OF TEMPORARY TRAFFIC REGULATION ORDERS 2024**

Notice is hereby given that North Somerset Council in pursuance of the provisions of section 14 of the Road Traffic Regulation Act 1984, as amended, have made an order the effect of which:

**Church Road, Yatton, North Somerset Temporary Prohibition of Use by Vehicles Order 2024**  
Temporary Revocation of One-Way Order 2024  
Date coming into force: 13 May 2024 – Ref: SW24.25-041

Will be to restrict, temporarily, to vehicles the lengths of roads specified in the Schedule to this Notice. Exemptions are included for emergency services, works access, works vehicles, and as works permit for premises which may only be accessed via the closed section of road.

This order was required because of the likelihood of danger to the public consequent upon work by Bristol Water to replace stop valve. This will become operative on the 13 May 2024 for a maximum period of 18 months. However, the closures may not be implemented for the whole of the period but only as necessitated by the works which is anticipated to be of 3 days in duration. Appropriate traffic signs will be displayed when the measures are in force.

**Closure and Revocation of One Way Schedule – Church Road outside 35 High Street, Alternative routes – <https://uk.one.network/communicate/causesway-one-network-map>**

**St Marys Road, Portishead, North Somerset Temporary Prohibition of Use by Vehicles Order 2024**  
Date coming into force: 7 May 2024 – Ref: SW24.25-040

Will be to close, temporarily, to vehicles the lengths of roads specified in the Schedule to this Notice. Exemptions are included for emergency services, works access, works vehicles, and as works permit for premises which may only be accessed via the closed section of road.

This order was required because of the likelihood of danger to the public consequent upon work by Bristol Water to connect new supply. This will become operative on the 7 May 2024 for a maximum period of 18 months. However, the closures may not be implemented for the whole of the period but only as necessitated by the works which is anticipated to be of 4 days in duration. Appropriate traffic signs will be displayed when the measures are in force.

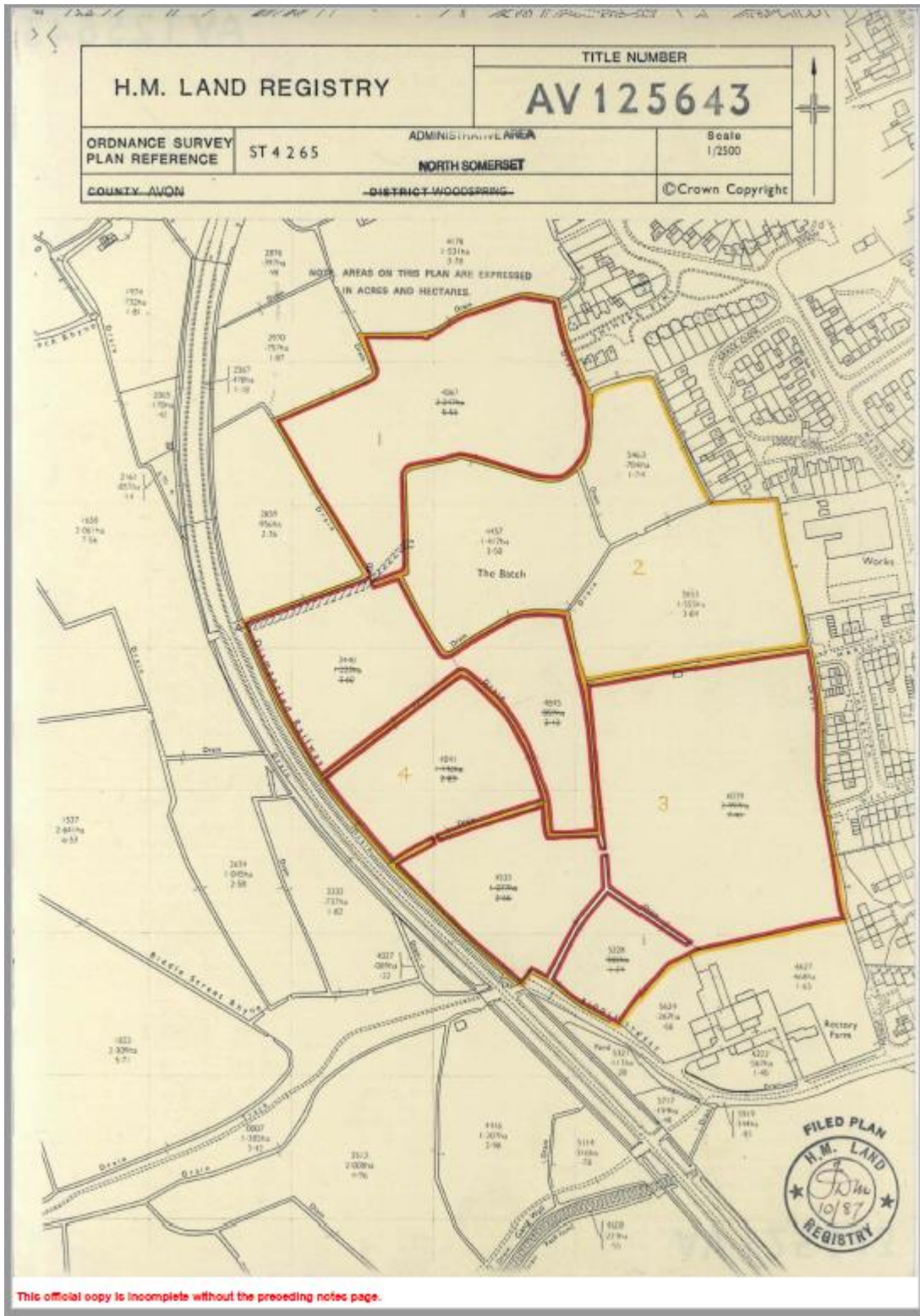
**Schedule – St Marys Road outside property number 18 for 10m each way. Alternative routes – <https://uk.one.network/communicate/causesway-one-network-map>**

For further information [www.n-somerset.gov.uk/roadworks](http://www.n-somerset.gov.uk/roadworks)  
North Somerset Council, Town Hall, Weston-super-Mare BS23 1UJ – 01934 888 602

Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) (England) Order 2015  
Notice under Article 15  
Planning (Listed Building & Conservation Areas) Act 1980 –

# Appendix 2

## Title Plan for AV125643



## **Appendix 3**

### **Comparison Between Condition 18 of Appeal APP/D0121/W21/3286677 and Proposed Condition 12 of this Appeal**

#### **Condition 18**

No development shall take place until bat surveys of the proposed off-site bat mitigation land, which is outlined in blue on the plan (Drawing number 6830 Figure 1), have been carried out, in accordance with the requirements set in the North Somerset and Mendip Bats SAC SPD. Following this, no development shall take place until a final scheme for bat mitigation including a timetable for its implementation which is informed by the results of the Bat Surveys, and an accompanying habitat management plan for the offsite habitat, which avoids adverse effects from the development on the integrity of the North Somerset and Mendips Bats SAC, has been submitted to and approved in writing by the Local Planning Authority. The approved bat mitigation scheme and habitat management plan shall be carried out in accordance with the approved details.

#### **Condition 12**

No development shall take place until a final scheme for bat mitigation, in accordance with the shadow HRA (dated February 2024), including a timetable for its implementation which is informed by the results of the Bat Surveys, and an accompanying habitat management plan for the offsite habitat, which avoids adverse effects from the development on the integrity of the North Somerset and Mendips Bats SAC, has been submitted to and approved in writing by the Local Planning Authority. The approved bat mitigation scheme and habitat management plan shall be carried out in accordance with the approved details.

Reason: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the Ecological Impact Assessment report dated March 2023 by Clarkson and Woods and that Policy C4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

**Appendix 4**

**Photographs of Hedges H11, H12 and H13**



H12 Boundary.jpeg



