Application No: 1/16/9009  
District: Carlisle City Council

Applicant: Cumbria County Council  
The Parkhouse Building  
Baron Way  
Carlisle

Parish: Part: Unparished  
Part: Kingmoor

Received: 21 October 2016

PROPOSAL: Shared use Footway/Cycleway

LOCATION: Land adjacent to the South-west side of Kingmoor Road, Carlisle
1.0 RECOMMENDATION

1.1 That planning permission be **Granted** subject to the conditions set out in Appendix 1 to this report.

2.0 THE PROPOSAL

2.1 Planning permission is sought to create a new shared-use cycleway/footway on land adjacent to the south-west side of Kingmoor Road, Carlisle. The proposed path would extend from No. 66 Kingmoor Road northward to the A689 - the Carlisle Northern Development Route (CNDR), at its Kingmoor Road Roundabout. This would provide a 770m length of shared pathway providing a connecting link between the CNDR’s shared footway/cycleway and the existing path between 64-66 Kingmoor Road that connects into the Belah and Lowry Hill areas of Carlisle.

2.2 It is proposed that the path would be surfaced in tarmacadam and would vary between 2.5m to 3m in width with a cross-slope of 2-2.5%. North of the industrial estate it would be separated from the highway by a verge (with the exception of the passing of the railway overbridge and related transition areas).

2.3 To accommodate the path it is proposed to reduce the road carriageway down to a single lane under the railway bridge and to also reduce its width slightly adjacent to the Kingmoor Road Industrial Estate. New traffic light signals are proposed to control the flow of traffic under the bridge and allow pedestrian crossing from/to Kingmoor Nature Reserve and a public footpath (Public Right of Way No. 109004). It is proposed to provide a 2-lane entry onto the CNDR roundabout from Kingmoor Road by altering the road markings.

2.4 To create sufficient space for the path and verge approximately 400m section of hedgerow and 8 trees/tree groups would need to be removed. 417m of new hawthorn hedgerow and 13 hedgerow trees would be provided on the western side of the proposed path as compensation with 1.2m high wooden post and wire fences placed on either side of these. The existing field gate would be removed and re-erected at the same point but set back along the line of the new fence with the access being resurfaced with asphalt.

2.5 It is proposed to extend the existing 30mph zone from the Kingmoor Nature Reserve Car Park entrance approximately 170m northwards to the outer edge of Kingmoor Road Industrial Estate. It is also proposed to extend the existing street-lit northwards to the outer edge of Kingmoor Road Industrial Estate. The originally proposed controlled pedestrian crossing at the south side of the railway bridge has been removed from the scheme.

3.0 SITE DESCRIPTION

3.1 Kingmoor Road is a key arterial route to the north-west of the city centre. It is a 2-way single carriageway C class road also identified as the C1016. The road varies in width from approximately 5m to 6m and has no footway provision on either side for the majority of the length that this application relates to. The current speed limit on this section of road is 60mph, reducing to 30mph at the Kingmoor Nature Reserve car park heading towards Carlisle City Centre. The road is unlit from the A689/CNDR roundabout to the edge of the existing 30mph zone.
3.2 The proposed pathway would be adjacent to commercial/industrial business-uses and a field in agricultural use and crosses a number of accesses to these land-uses. To the east of the C1016 there is residential housing; land that forms part of a designated County Wildlife Site / Local Nature Reserve known as Kingmoor Nature Reserve; an agricultural field and a small woodland area. A number of informal footpaths connect onto Kingmoor Road to provide access to/through the assembly of sites that make up Kingmoor Nature Reserve. A public footpath (Public Right of Way No. 109004) connects onto Kingmoor Road to the south-eastern side of the railway bridge. This right of way provides access through a woodland strip to the northern part of the nature reserve.

4.0 SITE PLANNING HISTORY

4.1 The agricultural field on the western side of Kingmoor Road that is proposed to be developed as part of this application was granted outline planning permission for the erection of 65 no. dwellings on 1 December 2016 following the conclusion of a Section 106 Legal Agreement in relation to the site (Ref. 15/0595). The Section 106 provided for affordable housing, an education contribution, payment by the developer for a Traffic Regulation Order to lower the speed limit on Kingmoor Road at the front of the site, public open space and an off-site recreation contribution. The approved documents associated with this outline permission included the provision of a cycle-way along Kingmoor Road.

5.0 OTHER RELEVANT PLANNING HISTORY / BACKGROUND – CYCLING SCHEMES IN NORTH CARLISLE

5.1 Planning Permissions were granted in 2013 for shared-use footpaths/cycleways between Carlisle’s built-up area and the CNDR along Moorhouse Road (Ref. 1/13/9016) and Burgh Road (Ref. 1/13/9015) and have been constructed. Improved pedestrian and cycle-links have also been provided along Orton Road under permitted development rights.

5.2 The City Council and County Council are jointly developing a Carlisle Cycle Network which is being financed, where possible, from developer contributions. The Crindledyke Cycle Route is one such scheme financed by and connecting the new housing development at Crindledyke with Carlisle City centre. It is proposed that only the southern sections of the Crindledyke Cycle Route - which provide links between Kingmoor Road, Dene Crescent and Lowry Hill will be constructed to adoptable standards. The northern section runs between Parkhouse Road (C1022) and Lowry Hill Road and follows the old Waverley railway line through the Kingmoor North Nature Reserve for the majority of its length. In order to preserve the Nature Reserve environment this route is not going to be illuminated or built to an adoptable standard with the surface being unbound. Work on this northern section is currently underway. The northern sections will be maintained by Carlisle City Council as part of their overall maintenance of the Nature Reserve.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the development plan (i.e. planning policy) unless material considerations indicate otherwise. The relevant development plan for this proposal is the Carlisle District Local Plan 2015-2030 (CDLP) which was formally adopted by Carlisle City Council on 8 November 2016. The key policies relevant to the determination of
this planning application are considered to be:

- Policy SP 1: Sustainable Development
- Policy SP 5: Strategic Connectivity
- Policy SP 6: Securing Good Design
- Policy SP 8: Green and Blue Infrastructure
- Policy SP 9: Healthy and Thriving Communities
- Policy IP 2: Transport and Development
- Policy CC 4: Flood Risk and Development
- Policy CC 5: Surface Water Management and Sustainable Drainage Systems
- Policy CM 2: Educational Needs
- Policy CM 4: Planning Out Crime
- Policy CM 5: Environmental and Amenity Protection
- Policy GI 1: Landscapes
- Policy GI 3: Biodiversity & Geodiversity
- Policy GI 4: Public Open Space
- Policy GI 5: Public Rights of Way
- Policy GI 6: Trees and Hedgerows

6.2 Policy Map 2 which shows the Carlisle Urban Area designates land to the north-east side of Kingmoor Road as Public Open Space (see Policy GI 4).

6.3 The National Planning Policy Framework (NPPF), which was published on 27 March 2012, and the national online Planning Practice Guidance (PPG) suite, which was launched in March 2014, are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF are considered to be relevant to the determination of this application:

- Paragraphs 4-10 - Achieving sustainable development
- Paragraphs 10-14 - The presumption in favour of sustainable development
- Section 4 - Promoting sustainable transport
- Section 7 - Requiring good design
- Section 8 - Promoting healthy communities
- Section 10 - Meeting the challenge of climate change, flooding & coastal change;
- Paragraphs 186-197 - Decision-taking

7.0 OTHER RELEVANT NATIONAL POLICY

7.1 The Department for Transport (DfT) published the first Cycling and Walking Investment Strategy on 21 April 2015. The strategy recognises that there is significant potential for change in our travel behaviour as two out of every three personal trips are within five miles - an achievable distance to walk or cycle for most people. It sets out the Government’s long-term ambition to "make cycling and walking the natural choice for shorter journeys, or as part of a longer journey" in England by 2040. The ministerial foreword to the document sets out that: “Reaching that goal will require persistence, patience and resolution. But by working together we can transform our country's attitude to walking and cycling, positioning England as a global-leader and inspiration around the world”. The strategy considers itself the first step in that long-term transformative change process. In order to achieve its objective the strategy identifies three key themes for investment/interventions: Better Safety, Better Mobility, and Better Streets. This Government Policy Paper is considered to be a relevant material consideration in the determination of this application.
7.2 The Department for the Environment, Food and Rural Affairs (DEFRA) published a *Draft UK Air Quality Plan* (‘Improving air quality in the UK: tackling nitrogen dioxide in our towns and cities’) for consultation on 5 May 2017 in a bid to ensure timely compliance with Article 23 of the EU *2008 Ambient Air Quality Directive* and linked air quality standard regulations. The directive sets legally binding limits for concentrations in outdoor air of major air pollutants that can adversely impact on public health such as particulate matter (PM$_{10}$ and PM$_{2.5}$) and nitrogen dioxide (NO$_2$). Local Authorities are already expected to play a central role in improving air quality (reducing air pollution on the English Road network), and this responsibility seems sure to be further emphasised by the new plan. Air Quality is considered to be a relevant material consideration in the determination of this application.

8.0 CONSULTATIONS AND REPRESENTATIONS

8.1 The application was initially consulted upon between 28 October 2016 and 21 November 2016. It was advertised by site notices displayed along the site; neighbouring properties and the two local county councillors were notified. A number of representations objecting to the proposal were received expressing concern as to its potential impact on motor-vehicular traffic flow and highway capacity and particularly the provision of traffic light signals at the railway-bridge underpass on Kingmoor Road to accommodate the shared use path underneath the bridge.

8.2 In light of the representations updated traffic surveys and further traffic modelling utilising the newly obtained traffic count data were carried out by the applicant and the proposals reviewed. This information, alongside further details in respect of drainage, kerbs and footways was submitted by the applicant on Thursday 13 April 2017. As the further information did not make any substantial revisions to the scheme as initially submitted, a targeted re-consultation to key consultee bodies with interests in highways and drainage matters was carried out between 18 April and 9 May 2017.

8.3 **Carlisle City Council Planning Department:** No objection. No response received to the re-consultation.

8.4 **Carlisle City Council Environmental Health Department:** No response received.

8.5 **Kingmoor Parish Council:** Are not opposed to the proposed cycleway but express concern to the proposed narrowing of the motorvehicular carriageway underneath the railway bridge to a single lane to accommodate the path and the associated provision of permanent traffic light signals and the impact these measures would have on the flow of motorvehicular traffic on the highway network. In this respect they comment that:

a. Recent utilities works under the railway bridge involved the use of temporary traffic lights on Kingmoor Road which resulted in the backing-up of traffic onto the CNDR/A689 and consequent obstruction of traffic flows on the Kingmoor east roundabout.

b. The provision of traffic lights at the railway bridge will cause backing-up and disruption of traffic flow on the CNDR over peak times as traffic flow increases over time.

c. There is already sufficient width for two vehicles to pass by each other underneath the rail bridge without requiring to give way and they do so all the
time. Traffic lights are therefore not required for the flow of vehicles.

d. No figures are provided for the flows of cycles that pass under the bridge.
e. Motor-vehicular traffic would have to stop all the time at the traffic lights even when there are no cycles going under the bridge. Traffic restrictions should not operate all day.
f. Signage could be placed on the bridge asking cyclists to dismount to go under the bridge and they could use the existing path.
g. Suggest that a traffic light trial be undertaken to determine the level of congestion traffic lights would cause at peak times.
h. To obstruct the highway throughout the full 24 hours of a day causing congestion on the ring road is not viable.
i. Low level unobtrusive lighting should be provided down the full length of the path in the interests of safety.
j. Suggest that the path would be better if it was located on the eastern side of Kingmoor Road on land owned Carlisle City Council, as it would reduce the need for users of the path to cross Kingmoor Road itself and access-roads and that there would also be no need to relocate lamp posts making it a substantially cheaper option.
k. The costs of scheme will increase if compulsory purchase powers are required to obtain the land required for development.
l. Query if the project is compliant with procurement regulations and law.

8.6 A further response, denoted as providing a “revised position” was received on 22 March 2017 from Kingmoor Parish Council. This stated:

“Kingmoor Parish Council supported the original application but wanted the [traffic] lights removed. After a presentation from … Programme Control Officer for Cumbria County Council when it was made clear that the cycleway cannot exist on safety grounds without the traffic lights, the members of Kingmoor Parish Council find themselves unable to support the application due to the sense of feeling in the community. As we are unable to find one person who wants the traffic lights under the bridge as a parish council it would be irresponsible for us to support the application. The parish council asks for the application to be changed from a footway/cycleway to just a footpath. There has been no cycleway from the city under the bridge in the past and no report of an accident. There isn’t a cycleway into the town from the south end of the proposed application and cyclists have to use the road”.

8.7 Kingmoor Parish Council responded to the re-consultation stating that they maintained their objection to the application on the grounds previously stated. In addition they queried the view of the applicant that if the path were to be taken inside the nature reserve, there would still likely be loss of trees and the benefit of natural surveillance from the carriageway would be lost when a similar proposal to put a cycle way through the northern section of ‘Kingmoor Nature reserve has been approved and is underway, even though it will also take cyclists away from the main carriageway and affect the habitat.

8.8 A ‘Joint’ letter from Chair of Kingmoor Parish Council and County Councillor Allison expressed support for the scheme in principle but not in its execution as proposed in this application. The letter reports that the Parish Council placed single form without bias in the local Post Office (Belah Division) inviting comment which generated 109 responses in a single week, with 107 objecting to the scheme and only two supporting. The letter expresses disappointment that there has been no involvement with elected City/County/Parish Council members
familiar with the area nor the cyclists who actually use this road. The letter requested the application be deferred for re-assessment.

8.9 The letter provides photographs and commentary in respect of the route, breaking it down into three stages/sections - i) the north end at the railway bridge; ii) the mid section and iii) the southern end within the urban area.

8.10 The north end at the railway bridge: Consider the critical direction is southbound from the CNDR as there is limited holding capacity between the bridge and the CNDR. Any tailbacks reaching the roundabout impacts immediately on the CNDR traffic flows. Observe that at busy periods even minor hold ups lead to almost immediate tail backs. The letter provides details of a traffic count undertaken by the Parish Council on Thursday 22 November 2016. This counted 439 vehicles heading southbound during the afternoon peak. They observe that this figure is almost at the projected 2025 levels set out in the application’s original traffic modelling. From this exercise they observed that:

a) there was capacity for 10-12 vehicles between the rail bridge and the CNDR;

b) that only one cyclist was observed during the morning (7.45am-8.45am) and afternoon (4.40pm-5.40pm) peak hours observed;

c) that the traffic speed to the bridge was circa 40mph and from the bridge was circa 25mph and that this “dispels the notion that it is that it is already de-facto single lane by vehicles giving way to those already entering the bridge”;

8.11 In respect of this section of route the letter reaches the following conclusions:

i) Sharing vehicular and cycle traffic is an unacceptable risk.

ii) The ratio of vehicles to cyclists does not warrant the costly creation of a separate cycle lane under the bridge and the high risk of recurring tailbacks onto the CNDR during the PM peak periods.

iii) Sightlines are good on both sides of the bridge and off-peak cyclists use their judgement. For the peak periods we suggest a simple cyclist activated traffic-light as on a pedestrian crossing, on both sides of the bridge operated only on demand. No structural alterations or changes to the road layout are needed.

8.12 The mid section: Calculate that for this 528m section, the two areas of nature reserve on the eastern side of Kingmoor Road cover approximately 50% of this length. Consider that the cycleway could be routed around trees within the nature reserve. Consider this an opportunity to provide and encourage wider recreational access to the Kingmoor Park Nature Reserve for cyclists & disabled access and to be consistent with the new local plan. The letter comments on the comparative financial value of the land to the east compared to the land to the west. Consider that the proposal is determinedly committed to the west side with no evidence that an alternative eastern routing has been assessed and costed against the route proposed in the application.

8.13 The southern end within the urban area: Consider the western side of the road to be inherently unsafe for path users as it crosses three industrial estate entrances. Also observe that the western routing requires narrowing of a section of the road carriageway and movement of street furniture alongside this busy road.

8.14 Cllr Trevor Allison responded to the re-consultation stating that he maintains his objection.
8.15 **Rory Stewart MP for Penrith and The Border:**

“I am writing on behalf of Kingmoor Parish Council regarding the above application for a cycle-way on Kingmoor Road. Firstly, the Parish Council have been very clear that they are supportive of a dedicated cycle-way, and are in fact looking to develop with partners a cycle-way north of the CNDR roundabout to Cargo. It is only certain elements of the application that they have concerns about, namely a set of traffic lights at the Kingmoor Bridge and the cost to date of public funds that have been spent by CAPITA to reach this stage of the application process. They also feel that there has been no involvement of local council members or cyclists who use the route, and are concerned that alternative options have not been given proper consideration. I understand that the Parish Council conducted a short survey, and out of 109 signatures, 107 local people objected to the application, and that City Councillors Marilyn Bowman and James Bainbridge, and County Councillor Trevor Allison are also opposed to the application. I am aware that the Parish Council have written directly to Planning Officer Edward Page with a detailed report and some very sensible recommendations which I fully support. And I would like to ask that this report and all alternative options are given full consideration before the application goes to committee on 6 January. Furthermore, I am told that the Parish Council have requested a site visit, but that the County Council has so far refused, and I would be grateful if you would reconsider this in order that the County Council fully understands both sides of the argument”

8.16 **CCC Highway Authority:** Accept the principle of the installation of a footway/cycleway in this location. Requested further information to assess the interaction of the traffic signals and the A689 roundabout. Considered it would be appropriate to extend the street lighting and 30mph speed limit to the extent of Kingmoor Industrial Estate. LTN 2/95 states that any pedestrian crossing at a traffic controlled point requires street lighting. Observes that there are three accesses/entrances within the existing built-up urban area, two field entrances and the access to Oakdale. Whilst the crossing of this number of accesses is not ideal it is considered that the traffic generated by these will be insignificant and the traffic signals will be visible for the users exiting from these accesses. With regard to the additional information the proposed development is considered to be acceptable in highway terms.

8.17 **CCC Lead Local Flood Authority:** Note that the application site is 0.8ha and within flood zone 1 and as such a flood risk assessment is not required. As the application is proposing to increase the hard surfaced area request further information in the form of a surface water disposal strategy compliant with the non-statutory technical standards for sustainable drainage systems in order to demonstrate that the proposal will not increase flood risk within the site or to other areas. Also notes that there have been occasions when flooding of the railway underpass has occurred and requested information on this and the impact of the additional hard surfaced areas will have on flood risk and drainage within this specific area. Following the re-consultation CCC Lead Local Authority considered the details for the disposal of surface water for each section of the scheme to be acceptable.

8.18 **Network Rail:** Comment that:

a. in addition to any planning consent that may be issued, the developer is to submit directly to Network Rail:
i. a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway in advance of any proposed works that involve excavation and/or construction works on or near the railway bridge.

ii. A BAPA (Basic Asset Protection Agreement).

b. Request that the applicant renew the height warning signs on the railway bridge (ETC 261) and on the approach to the asset. These should be installed as per the latest standard.

8.19 No response received to the re-consultation.

8.20 **Cycle Carlisle:** Express their full support for the application and that they look forward to this additional piece in the jigsaw of Carlisle cycle routes

8.21 **SUS-Trans:** No response received to either consultation.

8.22 **CCC Ecological Consultant:** Satisfied that the proposal will result in little ecological impact and that conditions protecting breeding birds and requiring adherence to the precautionary measures specified in the submitted documents in relation to Great Crested Newts would ensure any direct impacts can be adequately addressed.

8.23 **CCC Historic Environment Officer:** No objection.

8.24 **CCC Rights of Way:** If Public footpath 109004 will be affected by construction work associated with the proposed development at its terminus with Kingmoor Road then it will be necessary for it to be closed / stopped-up for the duration of the works affecting it via a Traffic Regulation Order.

8.25 **Cumbria Constabulary Crime Prevention Design Adviser:** No objection. Notes that the proposed route runs directly adjacent to the present carriageway for its entire length and consequently shall be in full view from passing traffic. Advises that care must be taken that plant species in the new landscaping scheme do not obstruct views or create hiding places along the route as they mature.

8.26 **Cumbria Fire & Rescue Service:** No comment.

8.27 **British Telecom:** No response received.

8.28 **Electricity Northwest (ENW):** No objection. Note the application could have an impact on their infrastructure as records indicate an ENW underground high voltage cable close to Kingmoor Road. Advise the applicant that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity and stress that safe digging techniques must be used during any ground works in the area. Should there be a requirement to divert the apparatus because of the proposed works the cost of such a diversion would be borne by the applicant.

8.29 **Northern Gas Networks:** No objection. Note that they have apparatus in the area that may be at risk during construction works and should the planning application be approved care must be taken in working in proximity to their assets and that diversionary works may be required.

8.30 **United Utilities:** No response received.
Four representations have been received; two from residents on Kingmoor Road, one from the Carlisle City Councillor for the adjacent district ward of Stanwix Rural and the other from a local landowner.

One of the local residents supports the application but raises safety concerns about the proposed introduction of an uncontrolled crossing for pedestrians and cyclists just inside the existing 30mph speed limit as they observe that many drivers leaving Carlisle accelerate before they reach the 'derestricted' sign, and similarly on entering Carlisle many drivers only begin to decrease speed when they reach the 30mph sign. They query whether it would be possible to reduce the speed limit of the section of road that is currently set at the national speed limit in proximity to the urban area.

The other local resident raises concern about the “certain congestion” the proposed traffic lights at the railway bridge would cause as motor-vehicles form the majority of the users of this route. They also observe that the section of Kingmoor Road subject of this application has become a fairly high volume traffic route between the northern bypass and residential areas.

The neighbouring City Councillor, echoes concerns about potential backing-up and congestion on the A689/CNDR at peak times as a result of the proposed traffic lights and raises concerns that traffic lights at this point on Kingmoor Road could lead drivers seeking out the next viable route from the CNDR into Stanwix which would be through Stainton (U102) and into the side streets of Stanwix and that this would be a retrograde step. The Councillor also raises concerns in respect of drainage under the bridge, highlighting that at times of heavy rainfall the dip under the bridge floods to a quite high level.

McCarron Enterprises Carlisle Limited who own property and land at “Kingmoor Works” object as they did not receive notification of the application directly (instead receiving it via one of their tenants) and because discussions/communications regarding a deed of dedication for this land were stopped by Carlisle City Council on the basis that plans had changed. Following confirmation that the path was not on their land the objection was withdrawn.

9.0 PLANNING ASSESSMENT

Principle of the Development

The proposed shared footway/cycleway (the pathway) would provide improved transport infrastructure supporting and encouraging more sustainable methods of travel thereby improving the safety of pedestrians and cyclists and contributing to the improvement of air quality by reducing the number of vehicles on the road. The proposed pathway would provide an improved pedestrian / cycle link to the north-east of the River Eden between the existing shared-use paths of the City of Carlisle and the CNDR (and to the businesses located around the CNDR) and to local communities beyond the city limits such as Cargo and Rockcliffe. The provision of a shared pathway segregated from traffic along Kingmoor Road would provide a short, safe and direct route/link on a clear desire line from the urban area to the CNDR’s surfaced shared path network and towards major employment areas.

As such the principle of the proposal is supported by CDLP Policies SP5, SP9 and IP2 which seek to increase the provision for walking and cycling and prioritise safe and convenient access for cyclists and pedestrians; and the NPPF
which encourage the provision of safe and convenient pedestrian and cycle routes.

**MAIN PLANNING ISSUES**

9.3 The main planning issues raised by the application are considered to be the suitability/desirability of the proposed routing; the proposals potential impact on flows of motor-vehicular traffic and highway safety and the proposed removal of hedgerow/trees and the associated ecological impact of this. Other material planning considerations include matters of amenity, minimising opportunity for crime, public rights of way, the water environment (including drainage and flood risk) and visual and landscape impact.

**Suitability/desirability of the proposed route**

9.4 There are clear benefits and dis-advantages to routing the proposed pathway on either side of Kingmoor Road.

9.5 The applicant engaged an Arboriculturist to survey a section of trees on the eastern side of the highway located within the nature reserve (just north of the reserve’s car-park) who concluded a high proportion of the trees to be mature and of high quality and that given there is negligible highway verge along the eastern side of the road beside this, any direct linear route down this side through the nature reserve would inevitably result in the loss of mature/high quality trees. Similarly any routing through the midst of the nature reserve could not be direct and linear, would inevitably result in the loss of mature trees and would not have the benefit of natural surveillance of the carriageway (i.e. it may not feel a very safe route for users). Consequently the eastern routing option was discounted during the preliminary design appraisal stage as any route option through the nature reserve would have had an unacceptable environmental impact in terms of loss of mature trees, hedgerow and biodiverse nature habitat.

9.6 Whilst provision of the route on the eastern side of the road would have the benefit of reducing the need for most users to cross Kingmoor Road, it is considered that safe crossing could be achieved and that this benefit would not outweigh the loss of the mature trees and important habitat within the nature reserve.

9.7 The proposed routing along the western side of Kingmoor Road within Carlisle’s built-up urban area has the dis-advantage of having to cross two industrial estate accesses. If the route were to run along the eastern side of Kingmoor Road within the urban area it would need to traverse across pavement that provides vehicular access to the driveways of three residential properties on Kingmoor Road, a private road serving 15 properties (including Kingmoor Terrace) and the nature reserve car-park.

9.8 On balance, it is considered that the proposed alignment of the route on the western rather than eastern side of Kingmoor Road is preferable as it would have the lesser environmental impact in terms of flora and fauna (avoiding the important habitat of Kingmoor Sidings Nature Reserve and the greater number of mature trees present within this) and has less potential for impact upon residential amenity/conflict (via aligning it on the opposite side of the carriageway to properties on Kingmoor Terrace and Kingmoor Road).
Traffic Impact & Highway Safety

The Railway Bridge Underpass

9.9 The existing width from abutment to abutment under the bridge is only 7.4m which is insufficient to accommodate a paved verge (required to protect the bridge abutments), two way traffic and a shared use path.

9.10 There is currently enough room for two vehicles to pass underneath the rail bridge with the current carriageway at this point measuring approximately 5m in width. Current highways standards require 3.65m per lane for national speed limit roads (i.e. 7.3m width for a two way single carriageway such as this as specified by the Design Manual for Roads and Bridges Volume 6 Section 1 – Part 1 – TD 9/93). Guidance on carriageway widths contained in Road Design Bulletin 32 (April 1992) indicates that 5.5m is an acceptable minimum width for two way HGV traffic.

9.11 Narrow footways/verges of 1.05m and 1.35m width are present either side of the carriageway underneath the bridge and which are interrupted by ‘cut-out’ drains. Given the narrow footway under the bridge, pedestrians and cyclists using these are likely to feel uncomfortably close to and possibly intimidated by motor vehicles especially given the speed most motor-vehicles travel through it. Because of the form of the bridge there is also a lack of forward visibility for pedestrians on the grass verge.

9.12 Narrow footways/verges of 1.05m and 1.35m width are present either side of the carriageway underneath the bridge and which are interrupted by ‘cut-out’ drains. Given the narrow footway under the bridge, pedestrians and cyclists using these are likely to feel uncomfortably close to and possibly intimidated by motor vehicles especially given the speed most motor-vehicles travel through it. Because of the form of the bridge there is also a lack of forward visibility for pedestrians on the grass verge.

9.13 There is insufficient width for two traffic carriageway lanes plus a footway/cycleway to meet required modern day standards underneath the railway bridge. Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure and the Manual for Streets recommend a minimum clear width of 2 metres for footways. Local Transport Note 1/12: Shared Use Routes for Pedestrians and Cyclists (September 2012) indicates that shared paths with a physical outer edge constraint (such as a bridge) require at least a further 0.5m additional space beyond that of a normal path. The submitted scheme proposes the shared cycleway/footway to be 2.75m wide underneath the rail bridge, reducing the motor-vehicular carriageway to 3.25m wide. The footway/verge on the eastern side would remain 1.35m in width.

9.14 In order to provide improved and safe continuous segregated footway/cycleway provision there seems to be little option other than to reduce the width of the motor-vehicular carriageway. Should the existing carriageway be maintained with two way traffic and the existing substandard narrow width path be utilised for cyclists and pedestrians there is a risk of potentially serious accidents occurring due to the narrow width available to cyclists and the adjacent narrow carriageway. Cyclists could collide with pedestrians or other cyclists, or in the worst case be struck by passing vehicles. The likelihood of such an incident occurring is considered to be low however the consequences are potentially fatal. Consequently it does not address cyclist safety and represents a significant
departure from cycling design standards. A separate tunnel through the railway embankment for the path was also considered. Whilst this would have the advantage of removing non-motorised users from this potentially dangerous pinch point this option was discounted for cost and technical reasons.

9.15 Policy IP2 requires new development to prioritise safe and convenient access for cyclists and pedestrians. Consequently the proposal is considered to comply with this aspect of Policy IP2 of the CDLP. However Policy IP2 also requires all new development to be assessed against its impact upon the transport network.

9.16 The primary concern of introducing the proposed one-way motor-vehicular traffic control is that the resultant queues from southbound traffic waiting at the traffic signals would extend back and potentially block the A689 Kingmoor Road roundabout. The applicant has submitted traffic modelling which looks at morning and afternoon peak traffic flows in relation to the proposed one-way traffic control under the railway bridge. The distance between the A689 Kingmoor Road roundabout from the proposed southbound stop line is approximately 90m or 15 vehicle lengths. Therefore, a predicted vehicle queue length of greater than 15 vehicles would be expected to interfere with the operation of the Kingmoor Road/CNDR roundabout.

9.17 The deployment of temporary traffic lights at the railway bridge in late 2016 as part of United Utilities works is reported as having caused tailbacks onto the A689 CNDR. The applicant is of the view that the length of the single file section (between the “Wait Here” boards) for these recent United Utilities road works was over twice as long as the approximately 80m length of single file section proposed as part of this scheme. Correspondingly the applicant is of the view that the ‘inter-green/all-red time’ (i.e. the amount of time that both sets of the traffic lights are on red/orange) would have been over twice as long as the 15 seconds inter-green time proposed as part of the scheme design. Furthermore the control of permanent signals with traffic detection loops is more accurate and reactive to flows than temporary signals. A queue loop sensor would be installed on the approach to the roundabout to trigger a hurry-call to give that approach green. This sensor would detect a stationary car at a certain fixed point and trigger a quicker change-over sequence of the traffic lights. In this instance this would be used to trigger a change if queuing traffic were to come close to backing-up onto the CNDR A689. It is considered unlikely that permanent traffic light signals would cause the same amount of queueing as experienced during the recent utilities works.

9.18 The initially submitted modelling indicates that the average of the maximum queue lengths are predicted to comprise between 9-10 vehicles or 55-60m in the 2030 design year scenario for the more critical southbound direction during the evening peak. Within this modelled scenario the proposed traffic lights at the railway bridge would therefore not adversely impact on the CNDR Kingmoor Road roundabout. However the applicant acknowledges that this modelling utilised 2013 derived data (albeit including a 5% addition to account for growth in the intervening time) and, that in light of the higher traffic figures collected by Kingmoor Parish Council, undertook to undertake new traffic surveys and update the traffic modelling based on the new traffic count data. The applicant collected traffic survey data for a two week period running from Monday 9 January 2017 to Sunday 22 January 2017. Present day (2017) and future year (2025) scenarios were modelled for both AM and PM peaks and that the 2025 traffic flows were based on 2017 recorded figures with a 20% increase to reflect growth in the local
The revised modelling reveals that the timings of the traffic lights would allow sufficient traffic through southbound at all times to prevent backing-up onto the CNDR Kingmoor Road roundabout in all scenarios. The model also shows no impact or interference of queuing from northbound traffic from the roundabout give-way line back under the bridge for any of the scenarios.

The modelling indicates that the proposed traffic lights would result in an average of 20-25 second increase in the times of journeys during peak times in the 2025 scenario. Outside of peak times the average delay would be less. Most of the time when the road is quiet and there is no traffic running under the bridge the traffic signals would rest on red and the first car to drive over a detector on the approach would receive a green signal and be able to drive straight through.

The 2030 scenario was not re-run due to current uncertainty in the 2030 figures due to the assumptions on wider development in Carlisle (especially regarding St Cuthberts Garden Village, where the traffic generation assumptions were very high).

The revised/updated modelling is considered to be sound and its results provide confidence that the proposed traffic lights would not jeopardise highway safety on the CNDR or Kingmoor Road and would not cause undue inconvenience to motor-vehicular traffic. CCC Highways consider the updated traffic modelling to be acceptable. The proposals would serve to slow down the speed of traffic on this section of road, and thereby improve safe passage for all. The proposal would prioritise safe and convenient access for cyclists and pedestrians in this location and it is considered that the modelling has demonstrated that the proposed modifications to the highway underneath and around the railway bridge would not have an adverse impact upon the transport network. Consequently this element of the proposal is considered to comply with Policy IP2 of the CDLP.

The field access and private drive access either side of the railway underpass generate insignificant traffic flows, and visibility of the proposed traffic light signal heads and approaching vehicles is available to users of these accesses to assess the current signal priority. The risk is therefore considered to be extremely low.

**Highway Safety in relation to the remainder of the route**

With no existing pavement pedestrians must use a combination of the grass verge (or some sections of local nature reserve) and the highway to travel along this route; whilst cyclists must use the highway. The levels of traffic (which includes a reasonably high proportion of HGVs) and their speed on this stretch of Kingmoor Road create an environment that makes cycling and walking an unattractive option. A number of high-speed overtaking manoeuvres by cars overtaking other motor-vehicles on the short approximately 600m stretch of national speed limit road between the railway bridge and the current city limits have been observed creating risks to pedestrians and cyclists. It is considered the proposed pathway would make the route safer and more attractive for pedestrians and cyclists and thus increase the number of non-motorised journeys.

The proposed scheme would provide a segregated direct route for pedestrians and cyclists for the vast majority of its length and interconnect with other cycle /
pedestrian routes. Where possible the proposed pathway would be separated from the motor vehicular carriageway by a grass verge so as to improve the safety of and experience for non-motorised users of the pathway. For approximately 60% of the route a 5-6m verge between the path and highway would be provided.

9.26 The proposed uncontrolled crossing at the southern end of Kingmoor Road has been assessed for visibility and complies with the necessary standards. Whilst it accepted that the crossing of two industrial estate accesses by the proposed pathway is not ideal, CCC Highways consider that the traffic generated by these access points is low and that they have good visibility for all users. The provision of appropriate signage and coloured surface marking across these accesses would also serve to assist in safe passage for all users. The proposed extension of the 30mph speed limit to encompass the northern access would further reduce risks.

9.27 A combined Stage 1 and Stage 2 Road Safety Audit Report has been carried out in respect of the proposed route and its design. The report concludes that the scheme as designed would allow for a sufficient level of safety for pedestrians, cyclists and motor-vehicular users. It is considered that the proposed pathway would represent a marked and significant enhancement in highway safety for cyclists and pedestrians on this stretch of road from that as existing.

**Loss of Hedgerow**

9.28 For a countryside hedgerow to be categorised as important under the Hedgerow Regulations 1997 it must meet only one of the criteria set out in set out in Part II of Schedule 1 of the regulations. These criteria cover archaeological, historical, wildlife and landscape values. The submitted Hedgerow Assessment concludes that the hedgerow is considered to be important on the grounds of it meeting the woody species criteria set out in Paragraph 7 of Part II of Schedule 1 to the Hedgerow Regulations 1997. Whilst this conclusion is not disputed, it is understood that gapping-up of this hedgerow has recently taken place to a number of sections sometime around 2012. The current good health and condition of these gapped areas demonstrate how quickly new hedgerow can establish in this area.

9.29 There is a presumption is in favour of protecting and retaining important hedgerows; however the Regulations require the local planning authority to make a case-by-case judgement whether the hedgerow removal is justified. DEFRA’s *Hedgerow Regulations 1997 – A Guide to the Law and Good Practise* sets out at paragraph 8.16 that “the circumstances in which removal of an important hedgerow is allowed to proceed are likely to be exceptional. But a local planning authority might consider that the wider public interest was best served by removal of the hedgerow”. The guidance goes on to provide examples of reasons such as overriding arguments of public safety (deploying the example of making way for essential improvements to a local road which is an accident black spot and where there is no other solution to the problem) or where alternatives may have wider environmental impacts.

9.30 The provision of the proposed footway/cycleway link is considered to provide a wider public benefit by providing improved connectivity by more sustainable transport modes and helping promote healthy living objectives. It would also provide safer pedestrian/cycle movements along Kingmoor Road. Provision of the route on the eastern side of the road would have a greater environmental
impact due to the nature reserve and the greater number of mature trees present here, although it is noted that the hedgerow to the eastern field is in poorer condition.

9.31 The existing hedgerow could theoretically be retained and the route provided to either side of this. However if the pathway were to be provided to the western side of the hedgerow, this would create an enclosed and sheltered route that would not benefit from natural surveillance (and thus not contribute to planning-out crime). This would create a more onerous maintenance regime for the hedgerow in terms of access and works to prevent obstruction to the new pathway and maintain suitable visibility for the users of the road and pathway. If the pathway were to be provided to the eastern side of the hedgerow then there would be inadequate space to provide a 2.5m wide shared pathway facility with an acceptable safe clearance from the highway.

9.32 The safety of pedestrians and cyclists is considered to be of prime importance and outweigh any short-term biodiversity loss as a result of hedgerow removal. Moreover the provision of new hedgerow and new tree-planting would ensure that a key wildlife corridor is maintained and enhanced in the long-term.

9.33 Given the minimum requirements of the pathway, the importance of providing a safe and attractive route, and the proposed compensatory hedgerow and field-trees, it is considered that the proposal would be a practicable/pragmatic approach which seeks to compensate for its impact upon existing hedgerow to an acceptable degree. As such it is considered that the circumstances justify removal of an important hedgerow and that the proposed new hawthorn hedgerow would provide adequate compensation representative of the length of hedgerow to be lost. It is therefore considered the proposal complies with Policy GI6 of the CDLP in respect of hedgerows.

Loss of Trees

9.34 The submitted arboricultural report identifies 18 Individual Trees and 5 Tree Groups on the south-western side of Kingmoor Road. Of these 23 trees/tree groups; 8 are assessed as being Category A or B (i.e. trees with a high or moderate retention value likely to make a significant contribution to the locality for in excess of 20 years). The proposed scheme would retain all the Category A and B trees and the scheme design incorporates measures to minimise the effect upon these (e.g. use of no-dig design and provision of geotextile membrane over root areas). It is also proposed to remove 8 trees/tree groups; to compensate for this loss it is proposed to plant 13 new trees (Oaks, Limes, Field Maples and Beeches) within the proposed replacement hedgerow and which is considered acceptable.

Ecological Impact

9.35 An Ecological Desk Study (EDS) has been submitted in support of the application.

9.36 Bats: The EDS notes that while linear features such as hedgerows are known to often be utilised as commuting routes by bats, given the presence of woodland on either side of the road which offer higher foraging value, the existing hedgerows along Kingmoor Road are unlikely to represent a key flight-line. This highlights that two of the over-mature minor value trees (T4 and T9 - a beech and alder respectively) proposed to be felled have a number of rot holes, cracks and
crevices that have high bat roost potential. A detailed inspection of these and three other trees was subsequently undertaken by a Natural England bat licenced ecologist. Of the five trees with bat roosting potential surveyed, the surveyor concluded that three had negligible roosting potential and two had low potential (i.e. is not characteristic of bat usage - being too large or too shallow or too exposed. It is possible that bats may use these features as a transient roost or temporarily, in order to retreat from adverse weather conditions. It is unlikely that these locations would be used as an established roost). The survey report noted that “there was no evidence of bats or any suggestion of any secondary evidence, such as staining, smoothing or other such internal characteristics of bat roosts in any of the trees surveyed” and concluded that the removal of these trees (and their features) is unlikely to constitute an offence under the Wildlife and Countryside Act. However, it also notes that the trees to be lost do have some low potential features that, given time, may continue to rot and evolve into more suitable features and that the removal of the trees eliminates that possibility. Therefore it recommends provision of a number of bat boxes on site. The applicant proposes to install six bat boxes and which can be required by condition to be provided prior to the removal of any hedgerows or trees associated with the undertaking of the proposed development so as to ensure there is no reduction in potential bat roosting habitat prior to the establishment of the compensatory tree planting.

9.37 Breeding Birds: The hedgerow and associated standard trees proposed to be removed have high nesting potential for breeding birds. A condition is proposed restricting the timing of the removal of the hedgerows and trees and so as to ensure that there is no disturbance to breeding birds during the nesting season. The provision of new hedgerow and trees to the western side of the proposed route would provide suitable compensation for the loss of the hedgerow and trees and provide suitable habitat for nesting birds in the long-term.

9.38 Great Crested Newts (GCN): The EDS notes that recent previous studies have revealed a medium sized GCN population within 500m of the development site. The two ponds with excellent habitat suitability index ratings for GCNs within the 500m buffer lie approximately 130m (Pond 1 within Kingmoor Sidings Local Nature Reserve to the south-west) and 350m (Pond 3 in Kingmoor South Local Nature Reserve to the north-east). Given the scope of the works and their location the EDS concludes that further surveys are not necessary. A Great Crested Newt Risk Assessment and Working Method Statement has been submitted in support of the application. The risk assessment utilises Natural England’s Rapid Risk Assessment Tool and concludes that due to the location of the site relative to the known breeding ponds, the presence of suitable habitat close to the pond, and the presence of Kingmoor Road as a partial dispersal barrier, it is highly unlikely that GCN would be impacted on as a result of the proposed pathway and therefore it is considered unnecessary to undertake the construction works under license. However, given the presence of two breeding ponds within 500m it is considered possible that individual migrating GCN may be encountered during the construction phase. Consequently the Working Method Statement sets out precautionary and sympathetic working methods to avoid any potential impacts on GCN during the construction phase and establishes a protocol should an encounter with GCN occur. The implementation of these measures, which include the direct searching of refuges and soil stripping supervision, would further reduce potential impact of works on GCN. A condition is proposed requiring strict adherence to the Great Crested Newt Risk Assessment and Working Method Statement. Biodiversity Overview: In light of
the above, it is considered that subject to the provision of compensatory hedgerow, field trees and wildflower grassland mix the proposal would not have an adverse impact on protected species and nor would it lead to an overall loss of biodiversity. The proposal is therefore considered to comply with Policy GI3 of the CDLP.

OTHER PLANNING CONSIDERATIONS

Amenity

9.39 The proposed routing means that the proposed pathway would not be in proximity to existing residential dwellings. As such it is considered that usage of the proposed route would not adversely impact on the residential amenity of existing dwellings and complies with Policy CM5 of the CDLP.

Crime Prevention

9.40 The removal of the existing hedgerow would create open views of the proposed path from the public highway thus maximising natural surveillance and avoiding opportunities for concealment. Should the adjoining land be developed for residential purposes in the future, then the route would also be overlooked by residential dwellings. Consequently the proposed route and layout makes a positive contribution to creating a safe and secure environment and is thereby considered to comply with Policy CM4 of the CDLP.

Lighting

9.41 The route of the pathway is currently considered to be a rural link and, in common with other such routes (for example the shared-use footpaths/cycleways provided along Burgh Road, Moorhouse Road and Orton Road to the A689/CNDR), it is not considered appropriate to light it outside of the existing urban boundary.

Public Rights of Way

9.42 The proposed scheme retains and improves pedestrian access to existing public rights of way in the area. The proposal is therefore considered to comply with policy GI5 of the CDLP.

Water Environment - Drainage & Flood Risk

9.43 The proposed pathway would have a cross-slope of 2 to 2.5% to facilitate surface water run-off. It is proposed to discharge water to a combination of existing gullies and associated highway drains and to the adjacent field and replace and provide a number of additional gullies in the vicinity of the railway bridge underpass. The associated improved maintenance access to the downstream pipework would also address the known flooding/blockage issues beneath the railway bridge. The overall area of the proposed development is 0.8ha of which 0.2ha (i.e. 20%) would be impermeable. The majority of the proposed impermeable area would discharge to ground. Only 8% of the development area would be additional impermeable surfacing discharging to existing drainage systems. The LLFA has no objection. The proposal generally promotes infiltration at source and the applicant has demonstrated that the proposal would not increase flood risk in the area. It is therefore considered the proposal complies with Policies CC4 and CC5 of the CDLP.
Visual / Landscape Impact

9.44 The area to be developed sits within a ‘lowland’ landscape character area that comprises a mixture of urban fringe and farmland. The proposed pathway in parallel alignment to the existing road would be acceptable within the transitional character of the local landscape. This alignment would minimise the pathways footprint and along with the provision of replacement hedgerow would ensure it would have marginal visual impact in the long-term. Whilst the application would result in the loss of some Grade 3 agricultural land the 5m strip of land being lost is minor and would not detrimentally impact on best and most versatile agricultural land. It is considered that the proposed pathway would be in-keeping with the existing landscape character, would not have an unacceptable visual impact and therefore complies with Policies SP6 and GI1of the CDLP.

Site visit

9.45 The Parish Council and local County Councillor have requested a site visit. It is considered the requests would not meet the County Council’s guidelines for site visits; the proposal is not contentious or particularly complex, the impact is not difficult to visualise or assess from the plans and supporting information, there would not be a substantial benefit from a visit because of the scale or nature of the proposal which is a relatively small extension to an existing building to improve recycling operations and reduce impacts on the environment.

9.46 The Parish Council has also expressed concerns that the costs of the scheme would increase if compulsory purchase powers have to be used to obtain the land required for the development and question whether the project is compliant with procurement regulations and law. These are not considered to be land use planning matters.

9.47 **Human Rights:** Given the nature, purpose and scale of the proposed pathway, no Convention Rights as set out in the Human Rights Act 1998 would be affected.

10.0 CONCLUSION

10.1 The NPPF and Policy IP2 of the CDLP seek to give priority to pedestrian and cyclist movements. The NPPF seeks local planning authorities to exploit opportunities for the use of sustainable transport modes and to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

10.2 This length of existing road is currently unattractive to, and potentially dangerous for, cyclists and pedestrians. The shared footway/cycleway would be a positive development that would improve the safety of pedestrians and cyclists using this route and help promote an increase in cycling and pedestrian movements in the area. As such it would thus meet key sustainability objectives.

10.3 The submitted traffic modelling indicates that there is sufficient capacity on the existing roads to accommodate the proposed scheme. Whilst it would marginally increase average journey times of road traffic movements during peak hours, this delay would be minimal. CCC Local Highway Authority has no objection to the proposals. As such it is considered the proposal would not compromise highway safety for vehicles using the highway but would significantly improve pedestrian and cycle safety. Therefore, it is concluded that there are no local circumstances
or potential adverse highway impacts that would outweigh the strategic objectives of Local Development Plan Policy and the NPPF in respect of transport matters.

10.4 The proposed route has been designed in a way to have minimum impact on the environment and would provide adequate compensation for the hedgerow and trees that would need to be removed and some enhancement that would, once established, be of equal if not greater value than that existing. The development of the western/southern side of Kingmoor Road is considered to have a lesser environmental impact than the development of the route on the eastern/northern side of the road due to the presence of Kingmoor Local Nature Reserve.

10.5 In summary, it is considered that the proposed development is in accordance with the policies of the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions proposed, any potential harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development. It is therefore recommended that planning permission be granted subject to the conditions set out in Appendix 1 to this report.

Dominic Donnini
Corporate Director Economy and Highways

Contact:
Mr Edward Page, Kendal,
Tel: 01539 713 424

Background Papers: Planning Application File Reference No. 1/16/9009

Electoral Division Identification:
Belah ED - Mr A Toole (Pre-Election); Mr G Ellis (Post-Election)
Dalston and Burgh ED - Mr T Allison
Proposed Planning Conditions

Time Limit for Implementation of Permission

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Scheme

2. The development hereby permitted shall be carried out in accordance with the following:

a. The submitted Full Planning Application Form – dated 21 October 2016;
c. Drawing No. KCW-CAP-VES-00-DR-V-0001 - Tree Constraints Plan;
d. Drawing No. KCW-CAP-HGN-00-DR-C-0022-S4-Rev.P01 - Site Plan - Red Line Boundary;
e. Drawing No. KCW-CAP-HGN-00-DR-C-0023-S4-Rev.P02 - Site Plan - General Arrangement;
f. Drawing No. KCW-CAP-HGN-00-DR-C-0017-Rev.P01 – Cross Sections at Rail Bridge;
g. Drawing No. KCW-CAP-HGN-00-DR-C-0024-S4-Rev.P01 - Typical Details (Sections);
h. Drawing No. KCW-CAP-ELS-00-DR-L-0001-S2-Rev.P03 - Proposed Planting Plan and Details;
i. Drawing No. KCW-CAP-HDG-00-DR-D-0501-Rev.P01 - Drainage Layout - Sheet 1 of 3;
j. Drawing No. KCW-CAP-HDG-00-DR-D-0502-Rev.P01 - Drainage Layout - Sheet 2 of 3;
k. Drawing No. KCW-CAP-HDG-00-DR-D-0503-Rev.P01 - Drainage Layout - Sheet 3 of 3;
l. Drawing No. KCW-CAP-HKF-00-DR-C-11010S2-Rev.P02-- Kerbs and Footways - Sheet 1 of 3;
m. Drawing No. KCW-CAP-HKF-00-DR-C-1102-S2-Rev.P02 - Kerbs and Footways - Sheet 2 of 3;
n. Drawing No. KCW-CAP-HKF-00-DR-C-1103-S2-Rev.P03 - Kerbs and Footways - Sheet 3 of 3;
p. The details or schemes approved in accordance with the conditions attached to this permission.

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.
FURTHER INFORMATION REQUIRED TO BE SUBMITTED

Lighting

3. No additional street lighting shall be installed on site until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of:

   a. how the lighting has been sited and designed to ensure it does not adversely impact upon ecological interests and the wider landscape;
   b. how it takes into account Tables 1 & 2 of the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011 regarding Environmental Zones and associated recommended limitations;
   c. lighting column heights;
   d. light sources (lamp type) along with their proposed level of brightness/luminance in LUX, colour rendition values and energy efficiency;
   e. Any cowls, hoods, shades or baffles that may be needed to control light spill and glare, including their number, fixing, dimensions and finish;
   f. plans showing the location/position of all new lighting units and their beam orientation (and illustrating proximity to the site boundary, the highway, any nearby residential properties and any existing/proposed screening);
   g. overspill contours (i.e. an isolux diagram) of maximum, minimum and average levels of illuminance (measured in lux) in the horizontal and vertical plane and overspill beyond the site boundary;
   h. measures for reducing light intrusion, glare and skyglow.

Once approved the scheme shall be implemented in full.

Reason: To require further detail not submitted with the application and to ensure provision of adequate lighting whilst minimising light spillage and reducing the potential impact of light pollution on the Kingmoor Nature Reserve.

PRELIMINARIES / RESTRICTIONS

Timing of Provision of Bat Enhancement/Mitigation

4. The bat boxes specified on Drawing No. KCW-CAP-ELS-00-DR-L-0001-S2-Rev.P03 - Proposed Planting Plan and Details shall be provided in the locations indicated on this plan prior to the removal of any hedgerows or trees.

Reason: To provide ecological enhancement and mitigation prior to the construction of the pathway to ensure there is no reduction in potential bat roosting habitat prior to the establishment of the compensatory tree planting.

Timing of Hedgerow and Tree Removal – Protection of Breeding Birds

5. No trees, bushes or hedges within the development site shall be removed, lowered or pruned during the bird nesting season between 1 March and 31 August inclusive. If areas cannot be cleared outside this time, they should be checked for breeding birds in accordance with Natural England’s Guidance and, if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

Reason: To ensure appropriate protection for breeding birds under Section 1 of the Wildlife and Countryside Act 1981.
Vegetation Clearance Methodology and Precautionary Measures to Avoid Impact on Great Crested Newts


Reason: To ensure appropriate protection for Great Crested Newts in line with Section 1 of the Wildlife and Countryside Act 1981.

CONSTRUCTION PHASE

Highway Cleanliness

7. Measures shall be employed to ensure that no mud or other debris from the site is tracked onto the public highway throughout the construction phase of the development.

Reason: To ensure the safety of the public on the highway.

Implementation of Planting

8. The proposed hedgerow and tree planting shown on Drawing No. KCW-CAP-ELS-00-DR-L-0001-S2-Rev.P03 - Proposed Planting Plan and Details shall be implemented within the first available planting season following completion of the construction of the pathway hereby approved.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with policy.

POST-DEVELOPMENT

Replacement Planting

9. Should any part of the replacement hedgerow or any of the replacement trees die, become damaged, diseased or be removed within the duration of 5 years from the completion of the development then it shall be replaced during the next available planting season (October to March inclusive).

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with policy.