

DEVELOPMENT CONTROL AND REGULATION COMMITTEE
29th September 2022
A report by the Executive Director for Economy and Infrastructure

Application Reference No. 5/22/9001

Application Type: Full Planning Permission

Proposal: A595 Grizebeck Improvement Scheme. Comprising the construction of a new 1.4km two-way, single carriageway replacement section of A595 incorporating a new A595/A5092 junction with bridge widening works; new or modified road junctions/access arrangements and agricultural access tracks; a new overbridge; shared use (cycleway/footway) paths; an underpass; plus additional modifications to the existing highway network; creation of drainage infrastructure (including drainage basins); landscaping (including habitat mitigation works) and associated engineering and ancillary operations.

Location: Land between the villages of Grizebeck and Chapels

Applicant: Cumbria County Council

Date Valid: 4 March 2022

Reason for Committee Level Decision: EIA Application made by the Executive Director for Economy and Infrastructure with objections received from representees

1.0 RECOMMENDATION

1.1 That having first taken into consideration the environmental information, as defined in the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, submitted in connection with the planning application, planning permission be granted subject to the conditions set out in Appendix 1 to this report.

2.0 THE PROPOSAL

Cross Boundary Planning Application

2.1 The application site, which extends to 19.9268 ha, crosses two planning authority boundaries. The majority of the site (19.0868 ha) lies within the administrative area of South Lakeland District Council, where the County Council is also a local planning authority, with the minority of the site (0.84 ha) falling within the Lake District National Park (LDNP). The Lake District National Park Authority (LDNPA) is the local planning authority for the LDNP (Appendix 2 provides a plan of the Proposed Scheme and how it relates to the Lake District National Park Boundary). Cumbria County Council, as applicant, has therefore been required to apply to both Cumbria County Council and the Lake District National Park Authority for planning permission in relation to this proposal.

2.2 This report will assess the proposals as a whole, including, any potential impacts upon the Lake District National Park. Any determination made by the County Council's Development Control and Regulation Committee will, however, relate

solely to the part of the scheme that lies outside the National Park, where CCC is the planning authority. It should be noted that the Lake District National Park Authority will be reporting this planning application to their Planning Committee on October 5. Similarly, any determination made at that committee will relate to the part of the application site that falls solely within the National Park, where the LDNPA is the planning authority.

The Proposed Scheme

- 2.3 The A595 Grizebeck Improvement Scheme (**the Proposed Scheme**) is a proposal for the construction of new highway infrastructure on a corridor of predominantly agricultural land between the villages of Chapels and Grizebeck on the A595 north of Barrow-in-Furness. The proposed new 1.4km single carriageway road would run north/south on a parallel alignment predominantly to the east of the existing A595 and include improvements to the existing A595 adjacent to Chapels. It would run to the east of properties at Dove Bank and Dove Ford Farm, before crossing the existing A595 via a new bridge and then forming a new junction with the A595/A5092 to the west of the existing junction at Grizebeck.
- 2.4 The new route would bypass a section of the existing A595 between the two villages of Grizebeck and Chapels, at Dove Ford Farm, which is currently an accident black spot and pinch point. The new alignment would also serve to remove the main road traffic from the centre of Grizebeck village itself.
- 2.5 The Proposed Scheme seeks to deliver the following objectives:
- Improve road safety by reducing the number and seriousness of incidents by re-routing traffic away from the current accident black spot/pinch point at Dove Ford Farm, and make the current A595 in this location an access only and shared use road (for non-motorised users);
 - Improve resilience and journey time reliability by avoiding the build-up of traffic at the current pinch point at Dove Ford Farm;
 - Improve the A595 to make it suitable for freight traffic by providing a standard 7.3m-wide carriageway in place of the current narrow alignment;
 - Support economic growth in Cumbria by improving journey times generally on the A595;
 - Reduce the effect of severance on the village of Grizebeck, created by the current A595 alignment, and
 - Minimise the adverse impacts on the environment and reduce carbon emissions by reducing traffic and congestion.
- 2.6 The Proposed Scheme would comprise the following main elements:
- A595 Chapels Junction improvements. Commencing from the south at Chapels, the Proposed Scheme would comprise improvements to the existing alignment, including the provision of right turn lanes for improved local access to the centre of Chapels and a new junction arrangement providing alternative access to Buckthorn Lane (leading directly to the A5092 to the east of Grizebeck) and to change the status of Buckthorn

Lane to access only to discourage use as a 'rat-run'. A series of improvements and additional facilities are proposed for pedestrians and cyclists within and adjacent to Chapels, including the modification of a section of current carriageway linking the existing A595 to Buckhorn Lane to create a 3m wide non-motorised shared (pedestrian/cycle) use path, and the change in status of a linked carriageway to residential vehicle access only which would provide a footpath between the bus stop on the existing A595 and Buckhorn Lane. Additional A595 crossing points with refuge islands would be created at Chapels and the south bound bus stop would also be moved to a new dedicated stopping place and provided with a new footpath link to the village.

- A595 Modifications Opposite Chapels. This would initially comprise the modification and improvement to a farm access to the west of the existing A595 (Meadow Bank Farm) and an additional farm access onto the existing A595 to the north. It is also proposed to create a 3m wide non-motorised shared (pedestrian/cycle) use path to connect to and continue the existing footpath from the A595 immediately to the south. The path would connect further north to the existing A595 which would become access only and re-purposed as a shared use path for cycling/walking for length of approx. 300m. This connection point would mark the start of the new A595 alignment. The speed limit would be 40mph on the existing section of the A595 and at the start of the new alignment immediately north of Chapels and then rise to the national speed limit along the new alignment until Grizebeck.
- A595 Pen Hill Cutting. The section of the new alignment from the north of Chapels, located parallel to the existing A595 and immediately adjacent to Dove Bank, would be largely accommodated within a cutting through Pen Hill. This significant part of the Proposed Scheme would lie immediately east of the properties at Dove Bank with the level of the proposed new road set within a false cutting creating an embankment proposed to reduce the visual and noise impacts upon these properties.
- Farm Underpass to the east of Dove Ford. The new road would continue due north towards Grizebeck and cross a new Farm Underpass. A new farm underpass is proposed for landowner access only immediately to the south east of Dove Ford Farm. This would consist of a precast reinforced concrete box unit tunnel (approximately 2.275m high by 3m wide), with precast reinforced concrete wing wall and headwall units faced in stone. The new road would continue due north and cross, via a proposed culvert, an unnamed watercourse. The culvert would be formed from precast reinforced concrete box units with precast reinforced concrete wing wall/headwall units faced in stone.
- A595 New Bridge. A new bridge to cross over the new road alignment would be constructed in order to link the old section of the A595 and the road from Bank End (immediately to the west of Grizebeck) to Grizebeck village. The bridge would be constructed approximately 5.7m above the new road. It would form a 6m wide carriageway with 2m verges either side and barrier fencing up to a height of 0.65 m. The bridge would have reinforced concrete wing walls faced with slate stone and would start with an improved junction and extend from the current fork in the A595 immediately south of Grizebeck, to Grizebeck Community Centre on the

eastern side of the new alignment. Its purpose would be to facilitate local access only with no direct connection to the new A595. The new road would continue towards Grizebeck village and cross, via a proposed culvert, over another watercourse, Grize Beck. The Grize Beck culvert would be formed from precast reinforced concrete box units with precast reinforced concrete wing wall and headwall units faced in stone. Approaching the village itself the speed limit on the new carriageway would be reduced from the national speed limit to 40mph within the village.

- **A595/A5092 New Junction.** A new A595/A5092 junction would be created to the west of the existing at Grizebeck. The new junction arrangement would include a ghost island junction with a right-turn lane added to the A5092 (for A595 traffic to Barrow-in-Furness); the widening of a section of the existing A595/A5092 at this point to facilitate safer access to residential properties on the north side of the carriageway; a traffic island to restrict unsafe traffic overtaking. An extension to Ellermire Bridge is also proposed. This would be formed from precast reinforced concrete portal units, with precast reinforced concrete parapet/headwall units faced in stone. To accommodate the carriageway improvements, the footprint of the A595/A5092 running west to east would be increased with the additional land-take to the south of the alignment. The existing footpath on the north side of the A595/A5092 would be retained and the existing access to Eller Mire would remain with a dedicated right turn pocket for ease of access provided.
- **A5092 Improvements at Grizebeck.** Several improvements to the existing junction arrangements at Grizebeck village are proposed (within the Lake District National Park's administrative area) for safety reasons. These include the retention of existing vehicular accesses to Grizebeck village but dedicating the westernmost access for entry only and the easternmost access for exiting Grizebeck only; creating a new pedestrian crossing with refuge island to provide a dedicated crossing point to the existing footway on the north side of the A595/A5092; and the relocation of the bus stop within Grizebeck to allow for the provision of dedicated bus lay-by adjacent to the existing bus shelter.
- **A595 'Mousetrap' Junction.** Vehicular traffic would be prohibited from access to/from the A595 at Bank End Farm though the introduction of a new gateway feature to prevent vehicular access, in order to prevent the use of this as a 'rat-run'. Access for non-motorised users would, however, be maintained. An associated vehicular turning head would be provided adjacent to Bank End Farm.
- **Surface Water Attenuation Basins.** The proposals also include the provision of four surface water attenuation (drainage) basins, proposed as part of the drainage strategy. One of these would be located adjacent to Grizebeck Community Hall, which would retain a permanent water level and so be a permanent feature here. The car park adjacent to the Hall would be raised in level to provide bunding to the east for the pond. The other drainage basis would be located on the west side of the new A595/A5092 Grizebeck junction; on the west side of the new road alignment adjacent to the proposed new overbridge at Dove Ford and immediately east of Chapels on the east side of the existing A595

alignment.

- Temporary Construction Compounds and Storage Areas. The main compounds would be located in two areas: firstly, adjacent to the proposed new A595/A5092 junction at Grizebeck on the eastern side of the new road alignment, and the second immediately to the west of Chapels on the opposite side of the existing A595 at the southern end of the Proposed Scheme.
- Landscape Proposals and Ecological Mitigation. Landscaping proposals include the reinstatement of significant swathes of agricultural grassland, extensive seeding to create species rich meadow, hedgerow and woodland grassland, as well as amenity grassland; native tree, hedge and shrub planting to establish woodland and hedgerow planting, pond and wetland areas and for amenity purposes; and the establishment and management of areas to encourage natural regeneration (exposed rock and scree areas; adjacent mitigation land). Two distinct areas specifically for the purposes of essential biodiversity mitigation are proposed at the northern end of the scheme, to the west of the proposed new alignment. A combination of native scrub and tree planting, natural regeneration and pond and wetland planting is proposed for these areas. In addition, the Proposed Scheme includes the provision of field access points and tracks to improve farm access for landowners and to mitigate severance.
- Village Gateway Entrance Features. The Proposed Scheme includes the provision of gateway features, immediately adjacent to the existing carriageway, at either end of the A595/A5902 in Grizebeck. These serve as landscape enhancement features, but their purpose is also to signify the proposed change in speed limit from 60mph to 40mph speed limit through Grizebeck. Further reductions from the national speed limit to 50mph on either side of the A595/A5092 are also proposed (through the associated A595 and A5902 Road Safety Scheme proposal*)

2.7 Should planning permission be granted, it is currently envisaged that implementation of the scheme will begin in early 2024 with an estimated completion of the scheme by mid-2025.

3.0 SITE DESCRIPTION AND CONTEXT

3.1 The proposed scheme would be developed on predominantly agricultural land between the villages of Grizebeck and Chapels, within 150 metres east of the current A595 alignment. Immediately north, the A595 and A5092 corridor provides a west-east link between Millom and Kendal, and to the south, the current A595 alignment provides access from the west-east corridor to the Furness Peninsula. Connectivity is currently constricted in parts southbound between Grizebeck and Chapels. This is due largely to the configuration of the road, there being multiple bends, and the fact that the road is currently not wide enough to support two-way traffic in several places. At its narrowest point, the A595 narrows to effectively a single lane as it passes between buildings associated with Dove Ford Farm; however, there are other pinch points close to Dove Bank, adjacent to the Grizebeck Community Hall and within the centre of Grizebeck itself. This proposal would provide a route that by-passes the narrowest section of the A595.

- 3.2 At the northern end, the proposed route would connect to the A595 east of Ellermire Bridge and west of the A595/A5092 junction at Grizebeck. The route would then continue south over Grize Beck and east of Dove Fold Farm and Dove Bank before re-joining the A595 at the A595/Buckhorn Lane junction immediately west of Chapels. The topography generally steepens towards Kirkby Slate Quarry, approximately 700m to the east, and slopes gradually downwards towards the Duddon Estuary, approximately 1.7km to the west.
- 3.3 The key features crossed by the proposed route would include the watercourse known as Grize Beck (a Main River) and an unnamed watercourse (Tertiary River) to the south of this. Press Beck (a Main River) at Ellermire Bridge also runs beneath the proposed new junction at Grizebeck. Other landscape features include an area of woodland surrounding Grize Beck immediately to the south of the Beck, and the north-south section of the A595 between Grizebeck and Dove Fold Farm. Further to the south, the new road alignment would be required to cut through Pen Hill which rises to the east immediately adjacent to the properties at Dove Bank.
- 3.4 The land uses affected by the Proposed Scheme would comprise improved or semi-improved grassland, hedgerows, scrub, woodland and agricultural land, and buildings/hardstandings. The Agricultural Land Classification (ALC) would constitute broadly Grade 4 land with some Grade 3 along the line of the proposal. The farms directly affected are three livestock farms, two dairy farms, and one fruit/firewood producing smallholding. It is unlikely the scheme would affect any Best and Most Versatile (BMV) land, although it would have a severance impact upon Dove Ford Farm. The proposed new section of road would be located within 50 metres (at either end) of the villages of Grizebeck and Chapels. This new alignment and the rest of the improvement works would also be constructed and implemented immediately adjacent, or in very close proximity, to a number of residential properties at Dove Fold Farm, Dove Bank and Chapels, and a number of residential and commercial properties at Grizebeck, as well as Grizebeck Community Hall.
- 3.5 There are several key features/designations either in reasonable proximity to or wholly/partially within the site. The most notable of these is the fact that a small part of the Proposed Scheme, at Grizebeck, lies within the Lake District National Park, designated for its landscape significance and more latterly its heritage status as a World Heritage Site. Other key features/designations include the following:
- A range of statutory designated nature conservation sites, the closest of which include the Duddon Mosses SSS, SAC and National Nature Reserve (NNR) (420m at its closest, to the west), and the Duddon Estuary Ramsar site, SPA, SSSI and SAC and Morecambe Bay SAC and SPA (700m west and south). Others include Kirkby Moor SSSI (850m east) and Subberthwaite, Blawith and Torver Commons SAC and SSSI (1.4km north-east);
 - A range of non-statutory designated nature conservation sites, including Special Roadside Verges (directly adjacent to the to the north-eastern part of the Proposed Scheme); County Wildlife Sites (Black Springs and Press Beck Woods, Hallstead Wood and Bessy Wood, 480m north, 590m east and 1.1km north-east respectively), and Duddon Mosses Site of Invertebrate Significance (SIS) (700m west);
 - A variety of habitats, present either within the Proposal Site or within a

250m buffer of the site, including UK Habitats of Principle Importance and UK Priority Habitats (Woodlands, Hedgerows, Watercourses, Ponds and Wet Woodlands), confirmed Important Hedgerows, Ancient Woodland, and a variety of grassland (Semi-Improved Neutral, Improved, Marshy);

- A variety of protected and significant species reportedly present within 2km of the Proposed Scheme, including Bats, Otters, Badgers, Hedgehogs, Barn Owl, Brown Hare, Breeding and Wintering Birds, Amphibians, Reptiles, Invertebrates and Fish (Brown Trout, Lamprey, Eel);
- A range of landscape designations and landscape character areas, as well as the Lake District National Park and the English Lake District World Heritage Site, including National Landscape Character Areas (South Cumbria Low Fells and West Cumbria Coastal Plain); a range of local landscape character areas within these (Coastal Margins: Coastal Mosses and Coastal Plain, Intermediate Moorland Plateau: Ridges, and Low Fell: Morland Ridge) defined within the *Cumbria Landscape Character Guidance and Toolkit*; Cumbria County Council, March 2011, and the Lake District Character Assessment Supplementary Planning Guidance (SPD) comprising the Lake District National Park Landscape Character Assessment and Guidelines; September 2008, revised May 2018); and a range of notable landscape features including Important Hedgerows and Ancient Woodland;
- Heritage assets, as well as the English Lake District National Park World Heritage Site, including Grade I, II and II* Listed Buildings and other historic buildings and structures; areas of archaeological potential, and various historic landscape features, including hedgerows and field boundaries;
- The site lies within Environment Agency designated Flood Risk Zones 2 and 3 and Flood Risk Area, and is located within Areas Susceptible to Ground Water /Surface Water Flooding;
- The site lies within a designated Minerals Safeguarding Area/ Minerals Consultation Area, as defined in the *Cumbria Minerals and Waste Local Plan 2015-2030*; and
- The site lies adjacent to designated Public Rights of Way and would physically impact upon one of these.

4.0 SITE PLANNING HISTORY

- 4.1 There is no planning history that is directly relevant to the physical footprint of the Proposed Scheme. In terms of this planning application itself, however, there has been a significant level of pre-application engagement between the County Council as applicant and the County Council as the planning authority prior to the submission of this planning application. This included the issuing by the County Council as the planning authority of an EIA Screening Opinion in December 2019; an EIA Scoping Opinion in August 2020, and pre-application advice in May 2021.
- 4.2 There have been no previous planning applications for similar types of development on or within the application site, and there are no major projects within the vicinity of the site that have either planning permission or are being developed which could be impacted by the Proposed Scheme. There are, however, a limited number of recent planning permissions for minor, small-scale development, immediately adjacent to the proposed planning application boundary, which the road scheme may impact upon, or which conversely, could impact upon the Proposed Scheme.

- 4.3 Planning permissions have been granted for the conversion of existing barns to create additional dwellings at Dove Ford Farm (Refs. SL/2017/0949 and SL/2021/0635), which would potentially increase the impact of the Proposed Scheme upon residential amenity in this location. The Proposed Scheme could also potentially affect the amenity of an 8-bedroomed holiday home, recently consented as a replacement dwelling at the Bank End part of the Proposed Scheme (Ref. SL/2020/0524). This site also lies adjacent to the proposed turning head at Bank End, part of the Proposed Scheme. Access to this site would need to be rearranged, however, this would not encroach upon the proposed turning head.
- 4.4 In Chapels, permission has recently been granted for a new dwelling with vehicular access (Ref. SL/2021/0755). As this site is adjacent to the Proposed Scheme, again, residential amenity could potentially be impacted, particularly during the construction phase of the road scheme. On the eastern side of Chapels and around the Buckhorn Lane area, the erection by British Telecommunications (BT) Plc of 9 electronic communication poles is consented (Ref. PN/2021/0036). A small part of this scheme is sited within the footprint of the Proposed Scheme. Two telecommunications poles, which overlap into the footprint of the Proposed Scheme, have been installed and, according to the applicant, would need to be removed to enable the implementation of the Scheme. Negotiations are ongoing between BT and the applicant to resolve this matter.

5.0 CONSULTATIONS AND REPRESENTATIONS

Statutory consultees

- 5.1 The Environment Agency (EA): No objections in principle to the proposed development, but comments as follows:
- 5.2 Flood risk:
- Following a review of the Flood Risk Assessment (FRA) submitted by the applicant, the EA is satisfied that the development would not exacerbate flood risk elsewhere if the proposed flood risk mitigation measures are implemented. Notes that the FRA includes two options for the management of flood risk off site, and states that if the preferred option is not acceptable to the owner of the land where flooding will potentially increase as a result of the proposed development, a scheme for compensatory flood storage will be required. Advises that a planning condition is attached to any planning consent to require the submission and consequent approval of a flood risk management strategy (to include proposals for compensatory flood storage as necessary), prior to the commencement of the use of the road, and retained and maintained throughout the lifetime of the road.
 - Advises that the proposed development is appropriate provided it complies with the requirements of the Exception Test (stipulated by the NPPF; paragraphs 164 and 165) in relation to the part of the test that demonstrates the development is safe. Advises that the local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.
 - Advises the local planning authority of its duty to consider the

development proposal in the context of the sequential test, as set out in the NPPF (paragraph 162); that development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding, and that the sequential test establishes whether this is the case.

- Highlights the types of development that are exempt from the application of the sequential test and emphasises that the application of the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.
- Advises that it is for the local planning authority to decide whether the sequential test has been satisfied, but it is for the applicant to demonstrate, with evidence, what area of search has been used to select the development proposal site. Advises that the Environment Agency's role in the sequential test is to advise on the relative flood between the proposal site and any alternative sites identified, but it will not advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development, nor whether there are sustainable development objectives that mean alternative sites would be inappropriate.

5.3 Advises the applicant that the Environmental Permitting (England and Wales) Regulations 2016 will require a permit to be obtained as a number of structures proposed as part of the development would be sited within 8 metres of a Main River.

5.4 Advises that there are no known land quality issues likely to affect development of the proposal site. Notes that made ground is likely to be encountered as engineered fill at the junctions for tie-in with the existing A595, but comments that this is not an issue. Further notes that there could also be small pockets of agricultural waste in filled depressions and hollows, but the ground investigation reports submitted by the applicant which targets areas, have revealed no unacceptable levels of contamination. Requests that a planning condition be attached to any planning consent to ensure that any currently unexpected or unidentified contamination that may be encountered during the course of construction is appropriately dealt with through the submission and subsequent implementation, once approved, of a remediation strategy.

5.5 Notes that the interaction of road-cutting and groundwater is an issue that has been identified in Chapter 12 of the Environmental Statement. Advises that this is a potential dewatering issue that is relevant to both the construction and operational phases. Considers that this issue had not been adequately addressed in the ES, and there needed to be full consideration of all groundwater dependent features in the vicinity of the cuttings and the effects of groundwater drawdown, which would include surface water features which are fed by groundwater. Comments that the mitigation proposed (Table 12.10 of Chapter 12 of the ES) focusses on post-activity monitoring to identify the potential impact of the activity on lowering groundwater levels and apparently only down hydraulic gradient of the cutting. Advises that there needed to be more emphasis on the theoretical impacts of the activity and there were no further details to demonstrate that the modelling had considered this. Advises that the steps required are to identify the relevant water features; assess potential/actual

impacts and then outline potential mitigation as appropriate. Further advises that if the dewatering matters cannot be addressed at this stage, then a suitable planning condition would be required.

- 5.6 Advises that Press and Grize Beck provide valuable habitat for eel and fish populations, including salmon and sea trout, and that the detailed design and construction of the culverts proposed should ensure that fish passage is not adversely impacted and improved if possible, in order to comply with the Salmon and Freshwater Fisheries Act (SAFFA). Advise that further details of the culvert design should be submitted by the applicant to show how fish passage and habitat would be maintained, and that this could be secured by a planning condition attached to any planning consent. Further advises that this information would also be required for any future Flood Risk Activity Permit application.
- 5.7 Biodiversity Net Gain: Notes that the Biometric Tool 3.0 has been used by Proposed Scheme demonstrates a good net gain for hedgerow habitat, but that the net gain increase for wider habitats and rivers is only marginal. Advises that, given that the land areas have already been secured as essential mitigation areas as part of this scheme, it should be possible to further enhance these or use other sections of land along the proposed route to achieve a better net gain score for the scheme as a whole; that is, to meet the 10% target. Noting the impact to watercourses from the proposed culverting, it is recommended that the designs of the culverted sections seek to minimise the extent of hard engineering for bed and banks where possible and seek opportunities to enhance remaining sections of open watercourses and bank as mitigation and potentially net gain
- 5.8 Historic England: No comments
- 5.9 Forestry Commission: No comments
- 5.10 Natural England: Comments that the Proposed Scheme is in close proximity or hydraulically linked to the following sites: Duddon Mosses SAC, Duddon Mosses SSSI, Morecambe Bay and Duddon Estuary SPA, Duddon Estuary Ramsar, Morecambe Bay SAC and the Duddon Estuary SSSI.
- 5.11 Natural England welcomes the production of the Habitat Regulations Assessment, and agrees with the conclusions drawn, including the need for a detailed Construction Environmental Management Plan (CEMP) to be produced at the detailed design stage, and welcomes the habitat creation proposed to mitigate any impacts upon otter populations in the area. Natural England advises that the detailed CEMP must include the following:
- Appropriate pollution prevention guideline measures to include materials and machinery storage, biosecurity, and the control and management of noise, fugitive dust, surface water run-off and waste to protect any surface water drains and the SAC from sediment and other pollutants such as fuel and cement;
 - A 10m buffer strip to the river/watercourse, and a bund across the track that leads down to the river to prevent any sediment and pollution in surface water run-off from reaching the SAC. All materials and equipment to be stored outside the buffer strip, and there should be a designated concrete mixing/refuelling site outside the buffer strip, with spill kits on site and drip trays used for refuelling, and

- A 10m fenced buffer (exclusion) zone to the watercourse and any excavations left open overnight to have a means of escape for animals (with respect, in particular, to bats and otters, noted to be present locally). Working hours to be limited to daytime if possible, and lights to be directed away from wooded boundaries and watercourses.

5.12 Natural England welcomes the application of the Biodiversity Net Gain Calculator and welcomes the overall net gain on site.

Non-statutory consultees

5.13 South Lakeland District Council (SLDC) Planning Department: No objections

5.14 South Lakeland District Council (SLDC) Environmental Health Department: No objections in principle but raises concerns regarding impacts during both the construction and operational phases. Advises that several planning conditions, primarily to safeguard and protect the amenity of local residents and the environment, are attached to any consent, to secure the following:

- The provision of a detailed Construction Environmental Management Plan, to be submitted/approved prior to the commencement of development, to include a programme of works; arrangements for public engagement/consultation prior to and during construction works; measures to minimise noise and vibration during construction; details of any proposed floodlighting during construction (location, height, type, direction, intensity of illumination); parking of vehicles for site operatives and visitors; loading/unloading of plant and materials, including delivery times; storage of plant and machinery; erection/maintenance of security hoarding; provision of wheel washing facilities and other works to mitigate the impact of construction upon the public highway; measures to control dirt/dust emissions during construction through an agreed Dust Management Plan, and a scheme for recycling/disposing of waste resulting from ground and construction works;
- The provision of a Blast Monitoring Scheme, and further conditions to restrict ground vibration as a result of blasting in order to protect vibration sensitive properties, to be submitted/approved prior to the commencement of blasting operations;
- To ensure that the hours of operation during the construction phase are limited to 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays, with working prohibited on Sundays and Bank or Public Holidays, unless with prior approval;
- The provision of a scheme to deal with and remediate potential site contamination, to be submitted/approved prior to the commencement of development, and a further condition to address unexpected site contamination.

5.15 SLDC's Environmental Health Department notes that whilst there are no proposals to install highway lighting to illuminate the road once operational, negative impacts are predicted from car headlights. Advises that more extensive measures (that is, in addition to proposed black-out blinds and planting) to attempt to mitigate these impacts are explored, where practicable, by the applicant.

- 5.16 SLDC's Environmental Health Department raises concerns with respect to potential noise impacts upon adjacent residents once the road is operational, but welcomes the fact that some properties would qualify for insulation under the Noise Insulation Regulations 1975. Notes that the predicted noise level are above those generally deemed to be desirable for residential dwellings (as presented in BS 8233:1999: Sound Insulation and Noise Reduction for Buildings – Code of Practice World Health Organisation 1999 Guidelines for Community Noise). Advises that, whilst below the levels advocated by industry standard guidance, daytime sound pressure levels should not exceed 50dB LAeq in outdoor living areas for steady continuous noises, and night-time sound pressure levels should not exceed 45dB LAeq and 60dB LAmax to allow nearby residents to sleep with windows open.
- 5.17 South Lakeland District Council (SLDC) Conservation Officer: Notes that the submitted Heritage Impact Assessment (HIA) confirms that there is a '...high level of preservation of historic elements of the agro-pastoral landscape...' Agrees that the proposal would have a limited impact on the setting of the Grade II Listed Kirkby Hall, and notes that the Proposed Scheme would have a substantial direct impact upon 59 non-designated heritage assets which means it is '...anticipated to result in their loss, or substantial alteration through truncation.' Notes the following findings from the Heritage Impact Assessment:
- Field boundaries: Of the 14 pre-1850 hedgerows potentially protected under the Hedgerow Regulations 1997, considered of District or County significance, 8 would be substantially impacted and 6 would be potentially lost; of the drystone wall field boundaries, two would be substantially impacted and 6 (built pre-1850) would be lost, and a post-1850 hedgerow would be lost. Further notes that the HIA concludes that the loss or alteration to these features would result in a limited impact on heritage significance. Agrees that the scheme-wide commitment proposed by the applicant to reinstate drystone walls and hedgerows would reduce the adverse impacts upon these assets and the setting of other assets and provide appropriate mitigation to the harm identified.
 - Other assets: A village guidepost, a further guidepost and a pair of gateposts would be either substantially impacted or lost. Advises that as no mitigation has been proposed for these impacts, and the applicant proposes a mitigation programme for these heritage assets to be agreed with the Local Planning Authority prior to their removal or provides further justification as to why this would not be necessary. Subject to this requirement, SLDC's Conservation Officer considers that the overall less than substantial harm on heritage assets and their setting is likely to be outweighed by the public benefits of the road scheme.
- 5.18 South Lakeland District Council (SLDC) Arboriculturist: Comments that the development should be carried out in full accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement submitted as part of the Environmental Statement. Advises that planning conditions to secure the following should be attached to any permission:
- The provision of the methodology for the translocation of the hedgerows (as specified on the landscape drawings), to be submitted/approved prior to the commencement of development; and

- The provision of details of the proposed replacement tree species and hedgerow mixes, with full planting, aftercare and maintenance plans for no less than five years from the date of planting, to be submitted/approved prior to the commencement of development.

- 5.19 Lake District National Park Authority (LDNPA): Comments that although the Proposed Scheme is located outside the LDNP/WHS, it is within the 'setting' of these designations and the removal of any individual heritage assets could be considered detrimental. The LDNPA identifies the main impacts on the 'setting' as being: (a) Landscape change – loss of historic field boundaries and woodland, and (b) Impact on the agri-pastoral features (including boundary treatment, buildings and character of the small settlement).
- 5.20 The LDNPA notes that the proposal would result in alterations to the landscape, through the shortening or loss of several field boundaries, and indirectly affecting the setting of four early farm buildings, field boundaries, evidence of prehistoric activity and industrial archaeological remains. The removal of trees as a result of the proposals is also noted.
- 5.21 The LDNPA notes the findings of the World Heritage Site Impact Assessment and concludes that with the proposed mitigation measures (reinstatement of field boundaries - hedgerows and drystone walls - and the further landscape planting proposed to mitigate and compensate), it is satisfied that the Proposed Scheme would not result in any overall harm to the WHS in terms of its authenticity and integrity or loss of attributes of Outstanding Universal Value, and would not have adverse impacts upon the setting of the National Park.
- 5.22 National Planning Casework Unit: No comments
- 5.23 Kirkby Ireleth Parish Council: No objections and supports the Proposed Scheme. Comments that they have worked with the County Council (as applicant) as a consultee and has provided feedback and input throughout the consultation process.
- 5.24 Cumbria County Council (CCC) - Highway Authority: Satisfied that all highway concerns have been accommodated into the outline design for the Proposed Scheme. Comments that the scheme delivers several key highway benefits: improved road safety; improved and more reliable journey times; more convenient, pleasant and safe non-motorised user (NMU) routes, and alternative routes and accesses for local traffic and agricultural purposes.
- 5.25 The Bridges and Structures Team does not object to the proposals, subject to the attachment of a planning condition requiring the provision of details of the structures to be submitted/approved prior to the commencement of development. Notes that the Proposed Scheme would bring positive benefits to non-motorised users (NMU) in an area which has historically lacked a safe network for such users featuring fragmented routes with no link other than the A595.
- 5.26 The Highway Authority confirms that it has no objections to the Proposed Scheme, but recommends the attachment of planning conditions to secure the provision of the following:
- A detailed highway design scheme (to include carriageway/highway construction, highways structures (including bridges and underpass), visibility splays, pedestrian crossings; confirmation of highway standards

adopted; a Stage 2 Road Safety Audit; a review and update of the Walking, Cycling, Horse-riding Assessment and Review), to be submitted/approved prior to the commencement of development;

- A Construction Traffic Management Plan, to be submitted/approved prior to the commencement of development;
- A Stage 3 Highway Safety Audit, to be submitted/approved prior to the use of the road by the public; and
- A Stage 4 Highway Safety Audit, to be submitted/approved post completion and commencement.

5.27 Cumbria County Council (CCC) - Lead Local Flood Authority: Comments that It is satisfied that the outline design takes into account the local watercourses, flow routes and local flood risk issues on the A595 south of Chapels. It is further satisfied that the proposed surface water design principles would replicate existing flow routes for existing watercourses and provide a suitable attenuation and flow control strategy for the management of the run-off from the new road without increasing flood risk downstream. Confirms that it has no objections but recommends the attachment of a planning condition to secure the provision, and subsequent approval, of a detailed surface water drainage scheme prior to the commencement of development. The scheme must include full engineering details of the proposed drainage infrastructure; calculations to demonstrate that the proposed drainage system would not result in flooding as a result of a 1 in 100 year storm event, and a maintenance schedule for all drainage infrastructure and SUDS components.

5.28 Cumbria County Council (CCC) – Countryside Access (Public Rights of Way): Comments that Public Bridleways 539044/46 and Public Footpaths 539045/94, which are present in the development area, must not be obstructed or altered before or after the development has been completed, and if they are temporarily obstructed for surfacing works or other development reasons, then a formal closure would be required for which there is a 12-week lead in time. Advises that no additional structures such as gates should be installed on the public rights of way unless these are for ingress/egress of livestock, and permission must be gained from the Countryside Access Team prior to installation. Notes that further links have been proposed to the current network of public rights of way, which it is considered would improve the overall network.

5.29 Cumbria County Council (CCC) – Consultant Ecologist: Satisfied that the ecological baseline has been thoroughly recorded and robust strategies to deliver the best ecological outcomes have been developed. Comments that for elements such as ecology and dark skies (important in the operational phase of any new road scheme), it is pleasing to see that a safe scheme for users and nearby residents can be achieved without the introduction of carriageway lighting, and therefore is satisfied that compliance with best practice in relation to nocturnal wildlife will be delivered.

5.30 CCC's Consultant Ecologist advises the attachment of several planning conditions to any planning permission, as follows:

- Submission of a detailed Construction Environmental Management Plan (CEMP), for approval prior to the commencement of development. This document to include a risk assessment of potentially damaging

construction activities; identification of 'biodiversity protection zones'; practical measures to avoid or reduce impacts during construction; location and timing of sensitive works to avoid harm to biodiversity features, and times when specialist ecologists need to be present to oversee works on site; role/responsibilities of ecological clerk of works; use of protective fences/exclusion barriers and warning signs; details of soil handling, movement and management protocols, and details of water quality protection measures;

- Condition to ensure the implementation of hedgerow and tree protection measures in accordance with those recommended in the submitted Arboricultural Impact Assessment and Arboricultural Method Statement, prior to the commencement of development;
- Submission of a detailed Landscape and Ecological Mitigation Plan (LEMP) which accords with the submitted plans and Biodiversity Net Gain Report, for approval prior to the commencement of development. This should include: description/evaluation of features to be managed (including trees/hedgerows to be retained); description/proposal of new wildlife features; location, number, size, species of all proposed planting; origin, maintenance, cultivation and aftercare for not less than 30 years (including annual work schedule for this duration); details of the body/organisation responsible for implementation of the plan; where conservation objectives are not being met, a plan setting out contingencies/remedial action to deliver biodiversity objectives and a monitoring plan;
- Given the importance of monitoring to achieving the long-term delivery of Biodiversity Net Gain, the submission (and subsequent approval) of a post-development biodiversity monitoring strategy (based on the submitted Biodiversity Net Gain, Bat Survey and Wintering Bird Survey reports for the key habitats and species, prior to the commencement of development. This should include: aims/objectives of monitoring; description of habitat baseline prior to the start of development; appropriate success criteria against which effectiveness can be measured; methods for data gathering/analysis; location, timing and duration of monitoring; responsible persons/contact details involved in monitoring; review/publication of results; and
- Installation of all Bat, Badger and Otter mitigations as detailed on the submitted plans and reports, prior to the commencement of development.

5.31 CCC's Consultant Ecologist finally advises that an informative be included in any decision notice granting approval which sets out the legislative requirements that must be adhere to in order to protect nesting birds.

5.32 Cumbria County Council (CCC) – Historic Environment Officer:

5.33 CCC's Historic Environment Officer agrees with the conclusions of the assessment that the archaeological assets likely to be disturbed by the Proposed Scheme are of medium to low significance. Has no objection to the proposed development but advises the need for the implementation of a programme of archaeological work as mitigation if planning permission is granted. Broadly agrees with the archaeological mitigation recommended in the ES (and the

Outline Construction Environmental Management Plan and advises that this should be carried out across the proposed development area and its scope should comprise:

- A geophysical survey and/or an archaeological evaluation of those areas where no survey has previously taken place to determine the presence/absence of archaeological assets;
- The archaeological recording of important hedgerows defined by the mitigation referenced in the ES;
- An archaeological evaluation of the features of potential interest identified in the heritage assessment to determine their archaeological significance and to inform the need for/scope of further recording;
- Further archaeological recording of significant archaeological assets, the need for and scope of which will be informed by the evaluation. The recording to consist of either an archaeological evaluation undertaken in advance of development, or a watching brief during construction, and to be followed by a post-excavation analysis and publication of results to disseminate the information to the wider public.

- 5.34 In order to secure the above, CCC's Historic Environment Officer recommends the attachment of two planning conditions to any planning permission: one to secure a programme of archaeological fieldwork that requires the submission and subsequent approval of a number of written schemes of investigation prior to the commencement of construction work; and the other to secure the post-excavation work and publication of result in the event that significant archaeological remains are revealed in the aforementioned fieldwork.
- 5.35 Cumbria County Council (CCC) – Public Health Authority: No further comments to make, having been consulted as part of the development of the Environmental Impact Assessment in relation to the mitigation of impacts on human health.
- 5.36 Cumbria County Council (CCC) – Emergency Planning (Resilience Unit): The Resilience Unit has no objections to the proposed development, but request that it receives regular updates in relation to the progress of the proposed works. Advises that this would be for information purposes as, even though this particular stretch of road is not within the Detailed Emergency Planning Zone for the Sellafield Site, it is within the Outline Planning Zone (an area of 50km from the Sellafield Site) and if evacuation was required, for instance due to an off-site emergency, then this would be a road which could be used.
- 5.37 Cumbria County Council (CCC) – Cumbria Fire and Rescue: No objections to the proposed development, but ask that during the construction works, the road network continues to support their emergency response. Invites any relevant emergency response plans to be shared with this unit.
- 5.38 Cumbria County Council (CCC) – Minerals and Waste Local Plan Officer: The application site falls within the Minerals Safeguarding areas for Sandstone, Sand and Gravel and Slate. Advises that additional sand and gravel reserves will be required before the end of the Cumbria Minerals and Waste Local Plan Period (2030), as current permitted reserves are not sufficient to maintain the required landbank of at least 7 years' supply.

- 5.39 CCC's Minerals and Waste Local Plan Officer is satisfied that Policy DC15 (Minerals Safeguarding) in the Cumbria Minerals and Waste Local Plan has been properly addressed within the supporting documentation and that the significance of the potential mineral resource within and in the vicinity of the application site has been considered. Agrees with the applicant's assessment that there is not a case for undertaking prior extraction of any sand and gravel resource within the application site and considers that the proposed development would not prevent future extraction of the sand and gravel resource within the locality. Notes that the sandstone resource extracted as part of the proposed works would be used to a significant extent within the proposed construction, and that the commercial value of any surplus material would be recognised and utilised on other sites.
- 5.40 Considers the proposed development accords with Policy DC15, meeting criteria 1 (the need for the development outweighs the need to extract the mineral), 2 (prior extraction is not environmentally acceptable or economically viable), and 4 (development will not prevent mineral extraction from taking place in the future).
- 5.41 The applicant's assessment of the impact of the proposed development in terms of waste is also noted, with materials to be re-used where possible on site (and if appropriate the surplus to be used off-site), and that the principle of the waste management hierarchy would be followed, with disposal to landfill only as a last resort.
- 5.42 National Highways: No objections. Comments that Grizebeck is the agreed strategic A595/A5902 Emergency Diversion Route (EDR), which becomes operational in the event of an incident on the A590 between Dalton-in-Furness and Greenodd. National Highways requests that they are involved in discussions to enable an understanding about how the scheme may impact on this diversion route. They advise that Cumbria Police is also involved in the discussions so that a coordinated approach can be taken to provide a suitable alternative diversion route should there be an incident along the A590 and the current diversion cannot be used.
- 5.43 Health and Safety Executive (HSE): Advises that the HSE is a statutory consultee for certain developments within the consultation distance of designated major hazard sites and major accident hazard pipelines and refers the local planning authority to the HSE Planning Advice Web App for advice. Further advises that this App should be used to consult HSE on developments including any which meet the following criteria, and which lie within the consultation distance of a major hazard site or major pipeline hazard: residential accommodation; more than 250m² of retail floor space; more than 500m² of office floor space; more than 750m² of floor space to be used for industrial process; transport links; or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.
- 5.44 Friends of the Lake District (FoLD): FoLD does not support the principle of favouring new road building over less harmful options or over measures to improve sustainable transport, active travel and other measures that would support a modal shift. FoLD also has concerns regarding the chosen route; and whether the landscape characteristics, the statutory duty to the purposes of the National Park or the setting of the National Park and World Heritage Site have properly been taken into account in the assessment of the proposal. FoLD also considers that it is not clear that the biodiversity mitigation, compensation and Biodiversity Net Gain measures proposed have been informed by the habitats

that are currently present. FoLD remain concerned about the proposals and urge that they are rejected in their current form. FoLD makes the following detailed comments:

- 5.45 FoLD accepts that the proposal is identified in studies such as *West of the M6 Connectivity Study* and has Department of Transport (DfT) funding, but considers that this ‘business as usual’ approach to building new roads, rather than directing resources towards sustainable transport and delivering a modal shift, is at odds with the need to respond to the climate change emergency and the local/national targets for achieving net zero carbon. Considers the benefits of the new road (such as those listed at paragraph 1.2.11 of the Walking, Cycling and Horse-riding Review document and those mentioned by the CLEP in their response to the application) could be achieved in more sustainable ways by taking traffic off the road, promoting greater use of public transport and making greater use of rail for freight. Comments that building new and upgrading existing roads encourages more journeys, and that the assertion in the submitted documentation that the proposal will reduce carbon emissions conflicts with the other claims in the same document (Walking, Cycling and Horse-riding Review) that the new road will make travelling by road easier, including for freight, and faster. Comments that faster speeds are likely to correlate with more, and more serious accidents. Suggests that rather than upgrading the road, improvements to the capacity and reliability of the rail routes should be a priority, along with encouragement to use it, particularly as the road serves Millom, Sellafield, Workington, Whitehaven, Dalton and Barrow, all of which are connected directly by rail. Asserts that upgrading the road will not encourage people to travel by rail or otherwise get out of their cars.
- 5.46 FoLD note that at the pre-application stage it expressed concern about the landscape and biodiversity impacts of the two routes being considered at the time and about the principle of developing road upgrades and new roads rather than focusing on sustainable transport, active travel and modal shift. Also suggested at the time making both routes between Chapels and A5092 one-way, with those travelling from Millom to Barrow using Dove Ford and those travelling from Barrow to Millom using Buckhorn Lane, asserting that this would significantly reduce many of the issues cited as reasons for upgrading the road, such as removing pinch points. Suggested that if drivers were also required to turn left (except for access) after Dove Ford, Grizebeck Village would be bypassed without the need for a new road.
- 5.47 Notes that the proposal lies within two Cumbria Landscape Character Assessment types: Type 2b Coastal Mosses and Type 9d Ridges. Notes that Type 2b describes the Duddon mosses area as being “...a rare landscape” and one that “could be susceptible to periodic inundation from sea water if sea levels rise significantly” and that “views could be sensitive to significant changes in land management and large-scale infrastructure development.” FoLD comments that neither of these points are mentioned in the Environmental Statement submitted with the application.
- 5.48 FoLD comments that although largely outside the LDNP, the main elements of the proposal lie in landscape types and areas of distinctive character identified in the LDNP Landscape Character Assessment document too, because the landscape types within the National Park extend beyond its boundary. Advises that the two landscape types are Type K Low Fell and Type B Coastal Margins and the majority of the proposal lies within Area of Distinctive Character (ADC)

54 Broughton and Torver, which is described as predominantly tranquil with a relative absence of settlements and artificial noise. Asserts that upgrading this road would exacerbate the disturbance noted as being caused by other roads in the vicinity, such as the A593 and A5084. Further asserts that the proposal would be at odds with characteristic features of ADC 54 (sinuous, steep and minor roads snaking across the landscape); Type K Low Fell, described as *“intricate patterns of undulating and twisting minor roads...the network of narrow lanes is an important part of the landscape”* and Type B Coastal Margins where tranquillity is a key characteristic. FoLD advises that Type K cites road upgrading and increases in traffic as negative changes in the landscape, due to the resulting topographical changes and impacts on tranquillity, both of which are relevant to this proposal. Consider that the road would urbanise a very rural landscape.

- 5.49 FoLD also considers that the relevance of the location of the proposed development in the setting of the LDNP is also downplayed in the application. Cites paragraph 4.2.4 of the Planning Statement which asserts that the majority of the proposal is in an area that *“potentially”* contributes to the setting of the National Park, suggesting that it may not do so. FoLD asserts that given the proximity of the proposal to the LDNP boundary and the fact that it lies within one of the ADCs in the LDNP Landscape Character Areas, it is clear that the proposal lies firmly within the setting of the National Park.
- 5.50 FoLD notes that the application does not mention the statutory duty that public bodies have to the purposes of National Parks referencing NPPF (paragraph 039) which states that *“This duty is particularly important to the delivery of the statutory purposes of protected areas. It applies to all local planning authorities, not just National Parks authorities, and is relevant in considering development proposals that area situated outside National Parks or Areas of Outstanding Natural Beauty boundaries, but which might have an impact on their setting or protection.”* FoLD comments that it is therefore unclear whether this duty has been taken into account.
- 5.51 FoLD notes that the proposed scheme falls within the area independently assessed and recommended as an extension to the LDNP and under consideration by Natural England, which does not appear to have been mentioned in the application. (Note: FoLD submitted a formal request to extend the southern boundary of the LDNP to Natural England for its consideration on 18 June 2019.)
- 5.52 FoLD highlights a mistake in the lighting assessment that describes the LDNP as an AONB, which FoLD considers raises questions about the knowledge of the assessors and the implications for making decisions amongst those promoting the scheme. Consider the visuals submitted as part of the Landscape and Visual Impact Assessment (LVIA) to be unhelpful and potentially misleading giving a falsely positive impression of impacts of the new road in the landscape.
- 5.53 FoLD notes that the Heritage Impact Assessment and World Heritage Site (WHS) Impact Assessments fail to mention the need for the application of great weight to the conservation of designated assets prior to the weighing of harm against any public benefits, and notes that it also fails to explain if, which, or how and public benefits outweigh the less than substantial harms identified. FoLD considers the impact on the setting of the WHS, including on views outward from the WHS, is given too little weight in the assessment.

- 5.54 FoLD asserts that as well as informing the assessment of biodiversity impacts, existing habitats on site should inform the Biodiversity Net Gain plan. FoLD notes that the main section of the proposed new road crosses an area of Coastal Floodplain Grazing Marsh Priority Habitat, but this is not mentioned at paragraph 2.3.3 of the Biodiversity Net Gain Report, even though this paragraph claims to summarise the “*UK habitats of Principle Importance and/or Cumbria Local Biodiversity Action Plan (BAP) Priority Habitats present on-site.*” It is therefore not clear how this habitat has been mitigated or how it has informed the Biodiversity Net Gain proposals. The only notation described as Priority Habitat on the BNG Post Development Plan drawings is ‘Ponds’. Similarly, FoLD points out that the site overlaps with areas of Network Enhancement Zones 1 and 2 and Restorable Habitat, but it is not clear how this has informed the Biodiversity Net Gain proposals.
- 5.55 Open Spaces Society: No comments.
- 5.56 Transport for the North (TfN): Supports the application and comments that the scheme is included in their statutory Strategic Transport Plan and their Investment Programme.
- 5.57 Cumbria Local Enterprise Partnership (LEP): Supports the application, given the strategic importance of the A595. Comments that the A595 through Grizebeck is sub-standard, with poor visibility and alignment; that in one location the route becomes a single-lane through farm buildings, requiring vehicles to give-way to oncoming traffic, and that elsewhere within Grizebeck unsuitable rural lanes are used by high volumes of traffic as shortcuts. States that without investment, journey time reliability will deteriorate further, with increased risk of accidents due to increased traffic growth and other significant delay incidents at Grizebeck.
- 5.58 Cumbria LEP considers that the A595 needs investment so that it can operate effectively as an Emergency Diversion Route (EMR) during closures on the A590 between Dalton-in-Furness and Greenodd. Comments that the West of M6 Study and A595 and A66 Strategic Outline Business Case (SOBC) provide evidence and detail of the issues and measures identified along the two route corridors, and demonstrated the importance of transport investment on north-south connectivity between the west coast of Cumbria and Furness Peninsula in defining its scheme objectives: economic growth, connectivity, network performance and environment. Notes that this identified a package of highway improvement measures on the A595 corridor, including Grizebeck.
- 5.59 Cumbria LEP reiterates the Grizebeck scheme’s objectives - to improve strategic and local connectivity through improved journey times; to enhance resilience of the road to withstand severe weather events; to preserve its function as an EDR for the A590; to reduce severance and accidents; support to the nuclear and manufacturing sector supply chains, and environmental improvements at Grizebeck – and concludes that there is an excellent fit between the proposed improvements to the A595 at Grizebeck, and the Priority Transport Schemes in Cumbria.
- 5.60 Cumbria Constabulary: No comments
- 5.61 National Air Traffic Service (NATS/NERL): Comments that the proposed development does not conflict with its safeguarding criteria, and so has no safeguarding objection to the proposal.

- 5.62 United Utilities (UU): Has concerns when new development is in close proximity to or directly over its assets, and advises that all of its assets will need to be afforded due regard as complications could arise otherwise. Points out that UU has a number of water assets within the red line boundary of this planning application, and parts of the proposal are likely to be close to and potentially over a number of UU Water Mains. Requests that the applicant continues discussions with UU as soon as possible and provides an update to the tracing information to UU in line with UU's '*Standard Conditions for Works Adjacent to Pipelines*' (Issue 3.1, July 2015) guidance document.
- 5.63 UU further advises that there are UU legal easements associated with the water main crossing the proposed development site which is in addition to its statutory rights for inspection, maintenance and repair. Easements N 1509, N 1510, N 1823a and N 1823c contain restricted covenants that must be adhered to. Advises that it is the responsibility of the developer to obtain a copy of the document, available from UU Legal Services or the Land Registry and to comply with the provisions stated within the document. Further advises that under no circumstances should anything be stored, planted or erected on the easement width; nor should anything occur, that may affect the integrity of the pipe or UU's legal right to 24-hour access. Advises that the applicant makes direct contact with UU's Property Services Team to discuss how the easements affect the proposed development.
- 5.64 British Telecommunications (BT) Plc: Advises that the proposed development should not cause interference to BT's current and presently planned radio network.
- 5.65 Electricity North West (ENW): Advises that the proposed development is adjacent to ENW's operational land or electricity distribution assets and so could have an impact upon its infrastructure. Where the development is adjacent to operational land, ENW advises that the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements, and if planning permission is granted the applicant must verify such details be contacting ENW's Land Rights and Consents department.
- 5.66 Cadent Gas Ltd: No objections to the proposed development, but requests that an informative note is attached to any decision notice stating that Cadent Gas Ltd owns and operates gas infrastructure within the development site and there may be a legal interest (easement and other rights) in the land that restricts activity in proximity to these assets in private land, and that the applicant must ensure that the proposed works do not infringe on legal rights or access and or restrictive covenants that exist.
- 5.67 Northern Gas Networks: No comments.
- 5.68 The application site falls within the County Council electoral division of High Furness, Mr Matt Brereton, the County Councillor representing this division has been notified. The application site is also within relatively close proximity to the County Council electoral divisions of Low Furness and Dalton North. The County Councillors representing these divisions, Ms Janet Willis and Mr Ben Shirley, respectively, have also been notified of this planning application.

5.69 **Individual Representations from Members of the Public.**

5.70 Six representations have been received; of these, two strongly objects, and the others raise a number of concerns. Please note that as this same planning application was also submitted to the LDNPA for planning permission relating to that part of the scheme within its administrative area, account has also been taken of the representations made to the LDNPA. Two representations, both of which raise concerns, were received by the LDNPA and these are summarised separately below. The assessment of and responses to all representations made to the two respective planning authorities follows in the Planning Assessment part of this Committee Report.

5.71 The representations are summarised as follows:

5.72 **Economic issues:**

- The applicant provides no economic justification for the scheme, and the scheme provides no local economic advantage (no new businesses have been attracted and no new job opportunities are forthcoming).

5.73 **Transport/Traffic issues:**

- Suggests there is a lack of data to justify the scheme: no census of road users, particularly those travelling from the west, including Barrow, Askham, Kirkby and others who travel through Grizebeck, has been carried out to establish level of usage, and no statistics have been presented for start and finish points and for average journey times for road users travelling through Grizebeck.
- The length of the journey time for vehicle travelling at the proposed speed limits compared to the new road is just over one minute.
- There is no correlation between current journey times and the proposed savings and therefore no grounds for the proposal on economic grounds.
- The scheme relies on incorrect accident reporting at Dove Fold Farm to justify the proposal. One of the accidents actually happened between Bank End and the petrol filling station (witnessed by the representee); a second serious accident in this area is not even recorded, and fatal accidents have been recorded here and been ignored.
- There are no major accident reports at Dove Fold Farm.
- One of the objectors believes that the scheme provides insufficient opportunities for the enhancement of cycling and fails to take into account the requirements of DfT Local Transport Note 1/20. This states that appropriate cycle provision should be made within all new or improved road schemes. The objector doesn't believe that adequate provision has been made at both the northern and southern ends of the scheme and that the old A 595 should have a 20mph speed restriction.

5.74 **Speed Limits:**

- Concern that the 40 or 50mph speed limits will not be adhered to by motorists, and a recommendation that Cumbria County Council should liaise with Cumbria police to install fixed average speed cameras.
- The scheme ignores the fact that speed limits through villages must follow the Government's ruling of 30 mph, so the proposed limits of 40mph should be reduced to bring Grizebeck into line with other local villages.

5.75 **Pollution:**

- The scheme will concentrate vehicles increasing noise and exhaust

pollution at the junction and on the main A595.

5.76 Visual impact:

- Strongly objects to the negative visual impacts the scheme would have generally in the locality.

5.77 Convenience and Safety:

- Strongly objects on grounds relating to convenience for residents of Grizebeck. The proposed closure of the 'Mousetrap' to motorised traffic is unnecessary and inconvenient. Once the main part of the proposed scheme has been completed, this road will cease to have any attractions as a 'rat-run', and its residual use would be confined to residents of the half a dozen or so properties to the west of the A595 when they wish to use the A595 to the north. Questions what purpose would be served by forcing them to travel through the village to get to this point.
- Strongly objects on grounds relating to convenience for residents of and visitors to Grizebeck. Comments that Grizebeck is one of the outlying hamlets of Kirkby-in-Furness, which lies on the A595 to the south and beyond Kirkby are Askam, Dalton and Barrow, the nearest largest town. Explains that most traffic to/from Grizebeck is therefore likely to use this road. Notes that the proposed scheme would mean that any resident of the village or visitor to, for example, the Community Hall, coming from the south, would have to make a right turn at the new junction, giving way to traffic from both directions on the A5092/A595 (including the additional traffic currently using the 'Mousetrap'), and then immediately make a second right turn across the A5902 to get to the village. This is both a considerable inconvenience, especially at times of peak traffic flow, and also a potential accident risk. It could also hold up other traffic on the northbound A595, since there does not appear to be any provision for left and right lanes at the junction. Comments that little consideration appears to have been given to vehicles turning right on to the A5902 at all. Considers that the development of a bridge approaching Grizebeck means that more traffic than necessary would be funnelled through the village: that is, all traffic to /from the Community Hall, and all traffic to/from the properties to the west of the A595, regardless of their ultimate destination.
- Following on from the aforementioned point, the representee suggests that a more convenient, less intrusive solution (and far cheaper, although recognising that cost is not a planning consideration) would be to create a (simple or staggered) crossroads (with a pedestrian island) in place of a bridge, and to close off the existing A595/A5902 junction east of the petrol filling station, leaving the road past the Community Hall as the sole access to the village. Suggests that, combined with some minor improvements of this road (widening opposite the Community Hall, correcting the drainage problem, and collapsing stone walls, and potentially rounding off the corner by the CGP car park), this would have the following advantages:
 - It would mean only a single right turn for residents and Community Hall users coming from the south, without having to cross the A5902 twice.
 - It would give direct access to the Community Hall for visitors from further afield, without having to come through the village; and access for village users would be unchanged.
 - It would avoid the problem of having two junctions close together, since the present junction would be reduced to a bus lay-by and petrol filling station access.
 - Pedestrian access from the village to the shop and the post office at

the petrol filling station would be much safer, since there would not be an active road to cross.

- Residents of properties to the west of the A595 would gain direct access to the A595 without having to come through the village.

5.78 Specific comments relating to Bank End (north-western part of the Proposed Scheme):

- General concern that the residents at this location, who will be seriously affected by the proposed scheme, have not had their concerns listened to (whilst others affected by the scheme have); for example, specific requests by residents for an island refuge at Bank End have not been carried forward to the proposed scheme.
- There is no proposal to utilise sound-deadening road surfaces as part of the scheme, and no acoustic barriers are proposed in this location.
- No work is to be undertaken on homes in this location to mitigate the effects of noise and exhaust pollution, and properties on the other side of the road are to receive mitigation measures.
- The area around Bank End is particularly dangerous as vehicles must negotiate a blind bend going at increasing speed downhill. Concern that with three times the daily traffic increase as a result of these proposals, it will only be a matter of time before a further fatality occurs here.

5.79 Specific comments relating to 'West Winds' (property within the LDNP opposite the proposed new junction with the A595/A5092):

- **Increased flood-risk/damage:** Concerned that the development will increase the likelihood and severity of flood risk to this property. Current situation: the land behind this property (Ellermire Farm) follows Press Beck down the valley, and there is a significant risk of the Beck breaking its banks and flood water coming down the field into 'West Winds' property, exacerbated by the already-raised height of the A595 as it passes in front of the property, over the Press Back bridge. Inadequate drainage on the north side of the A595 cannot cope with flash floods and manhole covers have to be removed to help water to drain away. Installed flood and soakaway drainage pipes on the land at significant expense to try to mitigate this risk. Proposed situation: very concerned that the proposed development design increases the road width around Press Beck bridge area (and may also increase the road height), and demand that plans are update to include new drainage system for the properties to the north side of the A595, to mitigate the increased flood risk. The representee suggests the following actions to address these concerns:
 - Survey should be undertaken to assess the existing flood risk to properties and to the existing A595.
 - When changes are made to the A595, the road height should not be increased, as this will create a dam effect, increasing the risk to properties north of the A595.
 - The drainage system at the Ellermire Bridge area should be significantly improved, ensuring that the A595 no longer acts as a dam, holding flood water in residents' properties.
 - The drainage on the A595 should be revised to ensure any water from the road is collected and fed to the south side of the A595, where it can drain into Press Beck.

- ***Blighted views, noise, pollution, light pollution, vibration:*** The Proposed Scheme places a new, very large junction very close to the West Winds property and proposes a significant increase to the width of the road outside the front of this property, as well as installing traffic calming measures (traffic islands and hatched turning lanes). The proposal to close the 'Mouse Trap' route is anticipated to increase the volume of traffic past this property by approximately 2,500 vehicles per day. Vehicles approaching the proposed new junction will slow from 60 to 40mph, stop and then accelerate from standing to 40mph immediately outside this property; vehicles approaching from Broughton travelling to Barrow will queue in the middle of the widened road, which, when busy will result in traffic queues outside West Winds. Very concerned that the current design will significantly impact upon quality of life at West Winds, with vastly increased noise, light and airborne pollution, as well as significant vibration from road traffic and congestion/queuing outside this property. Views from upstairs, currently of livestock/grazing fields, will also be blighted by the proposed large carriageway and junction. For some areas of the proposed new road (for example, the Pen Hill cutting) a significant amount of engineering work is proposed to avoid residents' properties, and limit impacts, but residents at the A5902 junction (particularly West Winds and School House) have not been afforded such consideration, and so will be severely impacted. The representee suggests the following actions to address these concerns:

 - Placing the new A595/A5902 junction further east, closer to the junction by the petrol filling station, where the dilapidated storage buildings are;
 - Planting thick, strong bushes along the west side of the new road as it approaches the A5092 junction, which would reduce noise and light pollution. Bushes should be of a height sufficient to 'hide' normal cars when viewed from the upper floors of West Winds.
 - 40mph limit throughout the whole of the new road would be a sensible compromise between journey times and reducing noise/pollution.
 - The application of a low-noise asphalt surface should reduce noise to properties on the north side of the A595.
 - Leaving the 'Mousetrap' open as one-way system may limit the increase in traffic passing West Winds, whilst reducing journey times and risk of incidents.
 - Limiting traffic calming measures (islands, signs and hatched areas) to limit visual impact of the new development, and certainly no rumble strips as these would create more noise disturbance.

- ***Septic tank soakaway:*** West Winds septic tank soakaway is considered to run under the A595 outside the front of the property and into the field on the south side of the A595. The proposed scheme shows a significantly increased road width proposed here, which would require building into the field, and therefore interfering with the soakaway. A survey should be undertaken as part of the proposed scheme to ensure that the route of the soakaway system is known and the design should be updated to include any necessary work to ensure that the septic tank and soakaway systems remain accessible and compliant. The representee suggests:

 - Surveys to be undertaken to assess the existing soakaway system.
 - When changes are made to the A595, any engineering work to ensure continued functioning of the soakaway should be completed by the

development fund at the expense of the applicant.

- **Access risk (in/out driveway):** Access and egress to West Winds is already a nerve-wracking experience, as the property is in the compression point of the valley as cars rush past to build speed before approaching the hills, both ways. Very concerned that the new development, especially with the proposed closure of the 'Musetrap', is intentionally diverting traffic past West Winds, and predicted to increase the volume of traffic by approximately 2,500 vehicles per day. Even with the reduced speed limit (40mph) and a central 'turning lane', this would still contribute to a significantly increased safety risk when entering and leaving the properties along the north side of the A595. The representee suggests the following actions to address these concerns:
 - Placing the new A595/A5902 junction further east, closer to the existing junction by the petrol filling station, where the dilapidated storage buildings are.
 - 40mph speed limit throughout the new road would be a sensible compromise between journey times whilst reducing noise/pollution.
- **Construction compound:** West Winds currently has southward views across the A595 of grazing/livestock fields and Grize Beck bank, with a wood in the distance. Concerned that the proposed development places a construction site in the adjacent field, blighting views, creating pollution, and forcing out wildlife for the duration of the project. The representee suggests the following actions to address these concerns:
 - Siting the construction compound away from residential areas.

5.80 **Technical issues:** Envisages that the 'tier one' requirements of the client for the design/delivery of this scheme will most likely have included the following:

1. Reduction in transit time on the A595 (to gain funding)
2. Removal of bottlenecks
3. Road safety improvements
4. Meet Environmental Regulations
5. Minimise costs
6. Reduce impacts on community during construction

Considers that these requirements are not mutually exclusive and fears that the heavy weighting given to reduction in transit speed is adversely impacting on the other five requirements in the following ways:

- **Road safety improvements:** In Chapels the key concern is adverse impacts of the proposed scheme associated with the higher transit speed which would be possible through the Chapels junction. Currently, the speed of travel into Kirkby-in-Furness is limited by a blind junction from the hill between Dove Bank and Chapels, which acts as a natural deterrent. The proposed new alignment would make the lines of sight longer and the hill would effectively be removed by the cutting at Dove Bank, which will inevitably lead to people travelling at 60mph+ regardless of any speed limits on this section. The section of road outside Chapels is used as a school bus drop-off point and cars pull in and out of this area. Consider that the proposals do not effectively address this issue with an active means of limiting speed past the Chapels junction. Consider it will be virtually impossible to enforce the speed limit introduce traffic calming measures until a significant number of accidents have occurred.
- **Environmental impacts:** The existing road layout has not changed for

several hundreds of years, evolving from the original driving routes and natural geographical features, rather than being intentionally planned national infrastructure. Consider that 'minimal change' to the existing road layout will provide minimum environmental impact, both during the construction and when operational into the long term, and the magnitude of the proposed development does not 'fit' with the rural Lake District environment. The proposal introduces significant change in the local topography, including major cuttings, bridges, drainage systems. Comments that when questions were raised with the development team on the potential impacts on water flows within the Chapels area, they were unaware of the beck in Chapels and associated flooding issues. Do not understand the need for numerous drainage ponds associated with the scheme and are not aware of any similar arrangements as a drainage solution on any other Cumbrian road system.

- **Minimise costs:** Understand that altering the existing road was dismissed early in the concept development phase due to ground bearing conditions being unsuitable and the impracticality of conducting construction concurrent whilst maintaining use of the road. Note that the current road has not been designed or upgraded to current standards and suspects the issue is that if upgrading were to take place, then the entire road would need to be brought up to specifications for load bearing requiring significant work to improve the underlying groundworks. Consider that as the road has been in existence for at least 500 years without subsidence issues, it cannot be impossible to widen it by a few metres in key locations. Consider that a minimal change approach could be implemented to remove the bottleneck, as follows:
 - Closing the 'Mousetrap' where it joins the A595;
 - Compulsory purchasing the barn at the Irvine's Farm and demolishing it to allow the road to be widened by approximately 2 metres through the farm;
 - Widening and straightening of the raised approaches to both sides of the farm;
 - Re-profiling the T-junction at the entry to the 'Mousetrap' to favour passing through Grizebeck, and
 - Local adjustments to the road through Grizebeck, widening by the occasional metre in certain key locations.
- **Impact on community during construction:** Comment that, other than highlighting potential marshall areas, there has been no communication by the applicant of the construction arrangements or durations to the local community during the consultation process. Considers that this will be highly disruptive, and efforts should be made to co-ordinate the work to ensure consultation with the local community to minimise impacts. Considers there has been a lack of meaningful responses, by the applicant/development team, to written correspondence and queries/concerns raised by local residents compared to other impacted parties and landowners.
- **Preferred route forward:** Whilst supportive of efforts to address the Grizebeck bottleneck, consider the proposed scheme is not an appropriate solution and does not represent efficient use of taxpayer funding (paragraph 5.90 Costs and politics refers). Propose the following actions to look at alternative solutions/arrangements:

1. Investigate in detail why a scheme to widen the existing road in key locations cannot be effectively achieved.
2. Have 'more usual solutions been actively considered; for example, traffic light controls?
3. Investigate how the trade-off of the key requirements of the proposed solutions (paragraph 5.89 Technical issues, introduction refers) are being prioritised.
4. Respond to safety concerns over the increased speeds associated with the proposed development.

5.81 **Costs and politics:**

- Broadly in favour of work to address the A595 Grizebeck Improvement Scheme, acknowledging that the road has long been a bottleneck leading to delays (usually involving buses or trucks trying to pass) and minor damage to vehicles and carriageway infrastructure being common. Notes however, that despite the many minor accidents, the road does not attract funding as an accident blackspot as the low-speed nature of the accidents do not result in injuries, deaths or frequently reported police incidents. Consider these particular proposals, however, to be ill conceived, dangerous and wasteful of taxpayer resources for what is actually required to solve the bottleneck issue.
- Consider the road scheme has been tailored to exploit funding opportunities rather than to solve the root cause of the Grizebeck bottleneck. Acknowledge that road improvements schemes are costly for councils and local authorities to fund, so attaching a road improvement scheme to a nationally funded campaign is advantageous in leveraging funds to instigate projects. Understand that the funding for the A595 improvement is predicated on achieving a reduction in commuter and transit times, and that to achieve reduced transit times, a more significant set of road alterations to enable higher speeds is required, rather than purely addressing delays as a result of bottleneck issues. Believe that the transit speed is not a significant issue for the A595 users, and that removal of the bottleneck is. Believe that the A595, by virtue of geography, is unlikely to ever be a highly transited route: fundamentally it provides a link between Barrow and Dalton to the Broughton, Sellafield and the South Lakes area, and its primary users are commuters into Barrow and Sellafield from the South Lakes area and local residents accessing Barrow for domestic shopping purposes. There are comparatively few tourists or road users who are unaware of the nature of the road or its challenges. Most of the users are therefore experienced in driving on narrow Lake District routes, and the charm of this area is its 'quirky' road system and 'slower' pace of transit/life.
- Consider the road scheme is being fast-tracked to avoid potential costs and scheme limitations associated with the re-classification of the area within the Lake District National Park boundary. Notes that the A595 Grizebeck issues has been actively discussed in the County for more than 30 years, so questions why this has suddenly come to a head in a time of significant fiscal pressures. Believe that the County Council has been spurred into action in a bid to get the road scheme approved/implemented prior to the re-classification and proposed movement of the Lake District National Park boundary. Questions if the scheme was wholly within the National Park boundary what extra measures would have to be taken to satisfy the National Park criteria.

5.82 The representations received by the Lake District National Park Authority are summarised as follows:

5.83 **Specific comments relating to Ellermire Farm (and other properties on the north side of the A595/A5092):**

- Deeply concerned about the proposed junction at the north end of the proposed scheme and access arrangements for the properties immediately north of the existing A595/A5092. Ellermire Farm's access lane lies immediately opposite the proposed new junction, where there are plans for a filter lane which will require those accessing this (and other) property to wait before crossing the highway onto the lane. Consider this to be very unsafe potentially putting residents/visitors at serious risk of injury or worse. Request that the designers re-consider this element of the proposed scheme.
- Note that the scheme proposes a new road sign at the entrance to Ellermire Farm and ask whether consideration has been given to the sight lines required when leaving this property. Question whether the sign be in direct line so that they will be unable to see clearly whether any traffic is approaching from the west.
- Note from the report on light pollution, submitted in support of the planning application, that Ellermire Farm will be impacted by pollution/glare from the proposed development at levels in excess of the limitations recommended in the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light, and that light trespass will still be present after 15 years. Major concern from the start of the proposal has been impacts of light, noise and air pollution to Ellermire Farm and looks as though these fears are being realised. Consider it to be unacceptable to knowingly expose properties to pollution above the recommended limits and ask that the applicant re-considers this matter. This is a working farm during the hours of darkness and consider they will inevitably be blinded by the lights, with the potential to cause an accident in their yard or fields. Believe that this cannot be acceptable considering that agriculture is one of the most dangerous occupations to date.
- Consider that the proposed scheme will adversely impact upon residents at the northern end of the scheme and the plans, as they stand, should be re-considered in the light of the concerns raised.

5.84 **Specific comments relating to Dove Ford Farm:**

- The proposed underpass serving Dove Ford Farm is welcomed but is limited in size for cattle and machinery movements. Request an underpass that is wider and higher to allow greater flexibility for movements. Note that when this was raised previously, concern was expressed by the developer about drainage of the underpass. Consider this to be a reasonable concern but suggest that this could easily be rectified by the installation of a pump. This has been delivered as a solution on other road schemes including some by Highways England.
- The proposed route and design has resulted in field parcels that are no longer viable. This has been raised with the applicant and their agent and they have agreed that a solution needs to be found. Would like to amend some of the field boundaries outside the permanent land take boundary to enable the farm business to function effectively.
- Emphasise that without the two changes to the proposed scheme

requested above, the farm will struggle to run efficiently which could compromise the farming business.

6.0 PLANNING POLICY

6.1 [Section 38\(6\)](#) of the [Planning & Compulsory Purchase Act 2004](#) provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision making process.

The Local Development Plan

6.2 The adopted local development plan for this application comprises:

- [South Lakeland Local Plan \(Home Page\)](#)
- *South Lakeland Core Strategy - adopted 20 October 2010*
 - Policy CS1.1 – Sustainable Development Principles
 - Policy CS1.2 – The Development Strategy
 - Policy CS3.1 Ulverston and Furness area – economy; access etc
 - Policy CS7.4 Rural economy
 - Policy CS8.1 Green infrastructure
 - Policy CS8.2 Protection and enhancement of landscape and settlement character
 - Policy CS8.4 Biodiversity and geodiversity
 - Policy CS8.6 Historic environment
 - Policy CS8.8 Development and flood risk
 - Policy CS8.9 Minerals and waste – covers minimising waste and using recycled aggregate, as well as recognising need to safeguard mineral resources.
 - Policy CS9.1 Social and community infrastructure -seeks to improve health and wellbeing of all residents through delivering improvements to foot and cycle paths to support active lifestyles
 - Policy CS10.1 Accessing services – penultimate bullet point - specific mention of essential road infrastructure improvements; walking/cycle routes etc (key policy, but not mentioned by RP01 Submitted plg statement)
- *South Lakeland Development Management Policies Development Plan Document - adopted 28 March 2019.*
 - Policy DM1 – General Requirements for all development
 - Policy DM2 – Achieving Sustainable High Quality Design
 - Policy DM3 – Historic Environment
 - Policy DM4 – Green and Blue Infrastructure, Open Space, Trees and Landscaping
 - Policy DM5 – Rights of Way and other routes providing pedestrian, cycle and equestrian access
 - Policy DM6 – Flood Risk Management and Sustainable Drainage Systems

- Policy DM7 – Addressing Pollution, Contamination Impact, and Water Quality
- [Local Plan: Lake District National Park](#) – adopted May 2021
 - Policy 01: National and international significance of the Lake District – most relevant (PA will mention)
 - Policy 03: Development and flooding
 - Policy 04: Biodiversity and geodiversity
 - Policy 05: Protecting the spectacular landscape
 - Policy 06: Design and development – re. use of materials re. bridge structures
 - Policy 07: Historic environment (RP01 doc mentions;
 - Policy 21 Sustainable access and travel (RP01 doc mentions)
 - Policy 26: Major development
 - Policy 28: Minerals Safeguarding Area:
 - Policy 29: Waste management

6.3 The [Cumbria Minerals and Waste Local Plan 2015-2030](#) was formally adopted on 6 September 2017. The key policies relevant to the determination of this planning application are considered to be:

- Policy SP8 - Minerals Safeguarding
- Policy DC15 - Minerals Safeguarding

Material Considerations

6.4 [The National Planning Policy Framework](#) (NPPF) was first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019 and 20 July 2021. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014 and is continually updated (last updated on 24 June 2021). Both are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF are considered to be relevant:

- Section 2: Achieving sustainable development, paragraph 11
- Section 4: Decision making
- Section 6: Building a strong competitive economy
- Section 8 - Promoting healthy and safe communities (Paragraphs 92, 100);
- Section 9 - Promoting sustainable transport (Paragraphs 104c and 110d)
- Section 12 - Achieving well-designed places (Paragraphs 130c)
- Section 14 - Meeting the challenge of climate change, flooding and coastal change (Paragraphs 154, 162; 164 and 167)
- Section 15 - Conserving and enhancing the natural environment (Paragraphs 174 (general overview – mentions protecting valued landscapes; 176 – great weight should be given to conserving and enhancing landscape and scenic beauty in NPs; 177 – within National Parks permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest
- Section 16 - Conserving and enhancing the historic environment (Paragraphs 189, 195.

6.5 PRE – APPLICATION CONSULTATIONS

- 6.6 In June 2018 AECOM consultants looked at nine options. These included widening the existing road; upgrading Buckthorn Lane; a full bypass to the east and another to the west of Grizebeck and a one-way gyratory system using two local roads. Options were ranked according to strategic benefit; value for money; economic benefit and feasibility. The current proposal and an option to upgrade the existing route were selected for public consultation after it was decided that Buckthorn Lane did not provide sufficient economic benefit.(journey times would be longer)
- 6.7 Public consultation events were held between October and November 2018. This included two drop-in days at Grizebeck Community Hall which was attended by 312 people. 258 responses were received, the majority favouring the current proposed route.
- 6.8 A second round of public consultation took place between June and July 2021. 55% of respondents either supported or strongly supported the current scheme. There was very strong support for Pen Hill cutting (70%); with the works around Chapels and stopping up the Mousetrap attracting 65% support (24% dissatisfied). The new overbridge had 61% support compared to 23% dissatisfied. The element with the least support was the new junction with 58% dissatisfied largely over concerns about speed limits and safety. In contrast there was more support for local connections and pedestrian/ cycling/ horse riding proposals (59% and 58% respectively)
- 6.9 As a result of the consultation, several changes were made to the design including introducing a one- way system at the junction; providing bus stop lay-by; planting around the new bridge; relocation of a drainage pond from NW to NE of the overbridge and pedestrian refuge islands at both the north and south ends of the route.

7.0 PLANNING ASSESSMENT

- 7.1 The key planning issues raised by objectors and consultees are whether there is a need for the road; the impact it will have on the landscape including the setting of the National Park, the effect it may have on nature conservation and biodiversity, heritage assets and on residential amenity and safety.
- 7.2 **Is there a need for the road improvement scheme and have alternatives been properly considered?**
- 7.3 The strategic need for the A595 road improvement was not identified in the South Lakeland Local Plan and the route for the new road has not been safeguarded in the Development Plan. The Local Plan was adopted before options for the A595 were developed. The need for the road to be improved on the proposed alignment has been questioned by some objectors. For the purposes of this report if environmental harms are likely to result it will be necessary to consider whether those harms outweigh any benefits in the conclusion to this report.
- 7.4 In September 2016, the *West of the M6 Strategic Connectivity Study* (August

2016), was published by Cumbria Local Enterprise Partnership (CLEP), the principal representative group for business in the county, CCC and Highways England. This study examined the issues and constraints associated with the strategic road connectivity, route capability, resilience and reliability of the A595, A66 and A590 trunk roads, west of the M6 motorway. It identified a list of 100 transport interventions, with 38 prioritised for further development, including improvements to the A595 around Grizebeck. A strategic outline business case was then developed by CCC for improvements to the A595/A66 corridor, which brought together all the interventions identified on these corridors in the Study and assessed their potential impacts. The scheme on the A595 at Grizebeck was identified as a prioritised scheme in the business case.

- 7.5 The strategic business case demonstrated the need for transport infrastructure improvements to support the growing economy and further significant expected investment along the Energy Coast, as well as strengthening resilience on the network. It also recognised the scheme would provide relief from congestion and severance being experienced in Grizebeck village.
- 7.6 There are also existing issues on the A595 in and near Grizebeck, primarily relating to road width and visibility. The road is not wide enough to support two-way traffic in a number of places. At its narrowest point, the A595 passes very close to buildings associated with Dove Ford Farm, and the carriageway is also very narrow close near to Dove Bank, the Community Hall and in Grizebeck village. Two serious accidents have been recorded in the past 5 years along a stretch of the existing A595 in the immediate vicinity of the proposed scheme and the applicant advises that local concerns regarding the road's safety and its effect on local amenity have been expressed by residents, businesses and groups over a long period of time.
- 7.7 The scheme is supported by the Cumbria Local Enterprise Partnership who awarded £2.24m in November 2020 to develop the design and prepare the Environmental Statement (ES). At a national level the strategic importance of the A595 has been acknowledged by Government and it is included as part of the Department for Transport (DfT) Major Road Network programme. Following the submission of a Final Business Case, the DfT is expected to make a formal decision on whether the road should go ahead in early 2024.
- 7.8 The need case for the Proposed Scheme is focussed around the three main objectives:
- (i) Improve the Major Road Network - the Proposed Scheme is intended to directly address the sub-standard section of highway between Grizebeck and Chapels which has poor visibility and alignment, leading to delays, accidents and inappropriate use of rural lanes as rat-runs. The A595 at Grizebeck is an important piece of highway infrastructure that serves several purposes: it provides strategic north-south connectivity between Furness and West Cumbria; it facilitates access to centralised local goods and services for a widely dispersed and rural population, and it serves as an Emergency Diversion Route (EDR) for the Strategic Road Network during periods of closure on the A590, between Dalton-in-Furness and Greenodd.
 - (ii) Support Economic Growth - Cumbria has an ambitious vision to drive business growth, innovation and productivity. Parts of the county are

remote from the country's motorways and national/regional economic centres, yet some of Cumbria's biggest employers such as BAE Systems at Barrow-in-Furness are based in the Furness Peninsula and West Cumbria. Improving and sustaining the competitiveness of these businesses is vital to Cumbria's economic future and the Proposed Scheme is intended to improve journey times and reliability to and from the major road arteries and within the more localised supply chain network for goods and improve connectivity for employees to employment hubs.

- (iii) Reduce the impact of the A595 on severance in Grizebeck - There would be a positive impact on severance within the village as the bulk of motorised traffic, including heavy goods vehicles, would be removed from Grizebeck. This would provide a better local environment for residents, especially as the existing road through Grizebeck is typical for a rural village, with little provision in terms of footways and narrow roads creating an intimidating experience for pedestrians. Additional benefits would also arise as the surrounding area would become better connected for non-motorised users as a result of the new and connecting infrastructure plus some of the existing roads would carry less motor traffic.

The Development Plan and Material Considerations

- 7.9 Although the preferred route for the A595 improvement has only emerged since the South Lakeland Local Plan was adopted, Policy CS10.1 of that Plan indicates support for improvements to accessibility within and beyond the plan area and states that this will centre on, amongst other things: *'Supporting essential road infrastructure improvements, including the A590 road links to the M6 to support the economic, tourism and regeneration objectives for the Ulverston and Furness area'*. This is reiterated in Policy CS3.1 (Ulverston and Furness Area: Access) which states that the strategy for this area will: *'Support improvements to the operation of transport routes linking Furness to the M6 and national rail links'* and *'Improve footpaths and cycle routes'*.
- 7.10 The recently published Cumbria Local Transport and Infrastructure Plan 2022 – 2037 includes a specific Key Proposal 2(b) (Road) to deliver improvements to the A595 at Grizebeck to provide a new link to improve the existing single lane bottlenecks and better link economic activity at Barrow and West Cumbria.
- 7.11 The NPPF at paragraph 104 states that the environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. At paragraph 110, the NPPF requires opportunities for cycling and walking to be considered and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, to be cost effectively mitigated to an acceptable degree.

The main concerns of Objectors

- 7.12 The Friends of the Lake District (FoLD) main issue is that building new roads or upgrading them will only encourage more traffic and increase carbon emissions. FOLD consider that it would be better to invest in public transport.
- 7.13 As part of their case FoLD point to a recent report on behalf of the Campaign for the Preservation of Rural England (CPRE) titled "Transport for Quality of Life;

The end of the road”. That report concluded that road schemes generate more traffic and that in a sample of 11 road schemes, traffic grew on average by 47% more than background levels. The report also claimed that of 25 schemes reviewed only five resulted in direct economic effects.

- 7.14 It is difficult to argue against the case that road improvements will not lead to an increase in traffic. If a new or improved road resolves safety issues, offers better visibility, a wider carriageway and a more direct route to destination, then it is very likely to prove more attractive. Quite how much more traffic it would generate however is open to question since it will depend upon business growth and the availability of alternatives. Unfortunately, in the case of the A595, those alternatives are very limited. There are known problems with the capacity and the ageing rail infrastructure on the Furness line. Major investment is likely to be required to unblock restrictions on more freight and passenger traffic. The Cumbria Transport and Infrastructure Plan recognises that investment is needed in both road and rail, whilst the Strategic Outline Business case confirmed that whilst rail improvements are important, they will be less able to meet the needs of non-bulk freight and the movement of people living in dispersed rural communities with no rail connectivity. Although I would agree with FoLD that public transport is not always given serious consideration, on this occasion, I believe it's not a case of whether one option should be preferred over another, but investment is needed in both the A595 and the rail network. The A590 Barrow to Greenodd road and the A5092 can be used as an alternative to the A595 when it is blocked but the A590 has its own problems and requires a substantial detour to connect Barrow with West Cumbria. Indeed, between 2016 and 2018, the A590 itself was blocked 21 times between Barrow and Greenodd forcing an emergency diversion onto the A5092/ A595 (S) for west bound traffic.
- 7.15 The point made by FoLD about emissions is important because more traffic usually means more emissions and therefore more impact on climate change. However, the Environmental Statement (ES) calculates that whilst there will be some 3,900 tonnes CO₂ emitted through the construction phase, there will be a saving of 190 tonnes CO₂ per annum once the A590 upgrade is operational. Over a 60-year period (and after accounting for construction emissions) this would amount to a total saving of 7,495 tonnes CO₂. Although these results might appear counter intuitive, the ES explains that the reason for the savings in emissions is that the A595 would become shorter in length, (161m shorter) meaning that vehicles would have to travel less to reach the same destination.
- 7.16 FoLD have expressed concerns about the impact of the new road on the landscape and setting of the Lake District National Park and Biodiversity. These matters will be addressed later in this report..
- 7.17 FoLD had suggested using Buckhorn Lane as a one-way road as an alternative to the A595 improvement. However, the applicants state that this road is totally unsuitable for all classes of road user; for example, it is subject to a 6-foot 6-inch width restriction and for this reason alone could not be considered an available option for a strategic A road. Also, the use of an improved two-way section of road which followed the line of Buckhorn Lane was considered as part of the scheme's optioneering process. This option was found to increase distance and travelling time for users as a whole and was therefore ruled out as a suitable option.
- 7.18 As an alternative to the road scheme, a local objector had suggested a simple or

staggered crossroads (with a pedestrian island) in place of the bridge, and to close off the existing A595/A5902 junction east of the petrol filling station, leaving the road past the Community Hall as the sole access to the village. Whilst this is likely to be a cheaper option, I understand it was dismissed at the design stage because it would not help to improve journey time reliability nor improve road safety. The ES claims that the proposed bridge would reduce the number of junctions on the A595 whilst providing a connection for properties either side of the new road. I understand that a majority of the local community favoured this approach.

- 7.19 There are objections disputing the economic need for improvements to the road and suggesting that an uplift in journey times of only one minute is not a sufficient benefit to warrant approval. The decision about whether to build the route will be taken formally by Government in 2024, subject to planning permission and assessed against other priorities. But nevertheless, although a reduction in journey time of one minute might seem inconsequential, it's unlikely to appear that way to motorists who regularly have to stop to give way or reverse to avoid oncoming traffic on the current road. When coupled with the obvious improvements to safety and the advantages of adding resilience to the network, I believe the benefits are not insubstantial and go well beyond simple calculations of a saving in journey times.
- 7.20 Although the South Lakeland Local Plan does not specifically identify the route nor safeguard it, Policy CS10.1 does provide encouragement for essential road infrastructure where it supports the economic, tourism and regeneration objectives of the Furness area. Similarly, under Policy CS3.1 there is a recognition that improvements to the A595 would create a safer diversionary route when there are problems with the A590. Finally, I am also satisfied that substantive weight must be given to the provisions of the Local Transport Plan which under 2(b) Key Proposals, specifically identifies the need for improvements to the A595 at Grizebeck. In my opinion these are matters that demonstrate need for the road and outweigh objections about the "need" for it.
- 7.21 **What impacts does the scheme have on the landscape character types within the scheme area?**
- 7.22 The applicant has carried out a Landscape and Visual Impact Assessment (LVIA) in accordance with the appropriate guidelines. These documents and submitted information and evidence has been reviewed by independent landscape consultants who concur with the methodology and conclusions of the LVIA in terms of landscape impacts that are likely to occur.
- 7.23 The site of the proposed new road is located within four main landscape types, as identified in the Cumbria Landscape Guidance and Toolkit 2011 and the Lake District Landscape Character Assessment. These are, type 2b (Coastal margins – coastal moorland), 2c (Coastal Margins – coastal plain), 9d (Intermediate moorland plateau) and K4 (Low Fell). Both landscape type 2b and K4 are classified as of high sensitivity with K4 being in a very high sensitivity category. It should be noted that landscape type K4 is located within the Lake District National Park boundary. The LVIA also identifies that the scheme falls within area 54 (Broughton and Torver Area of Distinctive Character) which is identified in the Lake District Landscape Character Assessment.
- 7.24 As part of the LVIA, a series of viewpoints have also been agreed with the LPA to

be appropriate to assess the impact of the scheme on the landscape in the area. A total of twenty-two viewpoints have been used, spread within the 1km zone of the red line boundary of the application site. Six viewpoints are located within the boundary of the Lake District National Park or on its boundary.

- 7.25 The impacts upon the relevant landscape character types as defined in the Cumbria Landscape Character Guidance and Toolkit are essentially divided into two main categories – construction impacts and operational impacts in operating years 1 (2025) and years 15 (summer 2040).
- 7.26 The main landscape character types affected by this scheme are; type 2b (coastal mosses), type 9d (ridges) and K4 (lowland ridge – located in the LDNP).

The development plan and materials planning considerations

- 7.27 Protection of the natural environment and landscape quality are important material planning considerations. The National Planning Policy Framework (NPPF), in its latest iteration, gives firm direction on the need to protect and enhance the natural environment in section 15 through planning decisions and policies. Paragraph 174 goes further and states that valued landscapes should be protected and indeed enhanced.
- 7.28 The relevant local planning policy is the South Lakeland Core Strategy and the Development Management Policies Document. The local plan for south Lakeland is currently under review.
- 7.29 This policy direction is transposed to the South Lakelands Core Strategy adopted in October 2010. Policy CS8.2 requires the protection and enhancement of landscape and settlement character taking into account relevant adopted documents – in the case of this scheme, the Cumbria Landscape Character Guidance and Toolkit being the main relevant document. The policy requires development to be sympathetic to and informed by the landscape character of the area. This policy requires that any proposal will protect, conserve and where possible, enhance the landscape character.
- 7.30 Policy DM4 of the adopted Development Management Policies document is relevant to the assessment of landscape impact in so far as it relates to tree loss.

Construction phase impacts

- 7.31 Construction phase impacts are generally significant on the local landscape owing to the scale of operations required to implement a scheme of this type and scale – this is not unexpected.
- 7.32 Construction impacts are greatest and considered ‘large adverse’ on landscape type 2b and ‘moderate adverse’ on landscape type 9d. Such a level of impact is considered material to this decision. The combination of construction compounds, stock piling of materials and the use of large-scale machinery would all bring into the area features which do not exist at present. Such features would significantly change the landscape character, particularly the large plant and machinery to be used.
- 7.33 Severance of fields (loss/breaking up of walls and hedgerows), would occur at the construction phase, resulting in direct loss of landscape character in this agricultural setting – these are key features in this landscape.

- 7.34 Construction traffic would be inevitable during the construction phase and the scheme would bring larger volumes of traffic to this area, above the level of traffic normally experienced. Larger vehicles would also become more common during this period, amplifying the impacts. This type of impact is highly likely to result in the loss of tranquillity and result in increased noise and disturbance in this sensitive landscape. Tranquillity is one of the positive elements of the landscape types in the scheme area and so this impact, though temporary, would have a significant adverse effect.
- 7.35 Another major impact would be the attenuation ponds which would represent an alien feature in this landscape, though this should be balanced against the need for such ponds for sustainable drainage/flood prevention.
- 7.36 Loss of trees to the west of Grizebeck and to the north of the Community Hall would create further significant landscape impacts and the loss of walling and hedgerows would serve to create severance of fields resulting in a loss of these important local landscape features.
- 7.37 Impacts would also be evident on the highly sensitive landscape type K4 within the LDNP, however, these impacts would only be moderate on this landscape during construction activities. This is mainly because the scheme is not located directly within this landscape type, much of the activity would be focussed on land to the south and the existing A595/A5092 roads provide a separation feature to the main site of the scheme from this landscape type.
- 7.38 Night time impacts would come mainly from floodlighting which would be likely to cause significant visual intrusion given that this area is largely unlit. Lighting would also be required for any construction compounds needed in connection with the construction works – again floodlighting is likely to be used.
- 7.39 Within landscape type 9d, during the construction phase, the impacts are defined overall as moderate – this landscape type is generally less sensitive to change than type 2d and so can better accommodate the most significant effects during construction. The main impacts on this landscape type would consist of construction traffic, the severance of fields and the construction of embankments to facilitate the new road. These would be particularly prominent as they would be unvegetated at this stage and would significantly alter the landscape form and local topography.
- 7.40 Lighting at night would remain a problem, but only a small area of this landscape type would be affected by the scheme and careful control over the amount of and type of lighting would help to mitigate impacts to a certain extent.
- 7.41 Many of the above impacts would, however, be temporary and reversible, although the severance of field boundaries and changes to topography would be permanent.
- 7.42 Overall, construction phase impacts would be of a level to be expected for a scheme of this scale. They would be significant, in part due to the sensitivity of the landscapes affected (particularly type 2b), but also as a result of the loss of features which directly contribute to landscape character, most notably field boundaries in the form of hedgerows and walls, and as a result of tree felling.
- 7.43 Some mitigation can be applied to aim to reduce impacts during the construction phase of the scheme – these include careful siting of site cabins in locations not

prominent to public view, limiting stock piling heights and using mute colours in any hoardings or signage. Such measures would be effective to a degree to minimise adverse impacts, but would by no means eliminate them.

7.44 Operational phase impacts

7.45 Operational years 1 and 15 (2025 and summer 2040) are considered in relation to operational impacts

7.46 In operational year 1, the scheme would result in significant landscape impacts on all landscape types. These impacts would remain largely as the construction impacts. By this time, the large, intrusive features of the scheme would be fully constructed, but would appear in stark contrast to the host landscape as mitigation measures would not have had opportunity to mature to soften the impacts. The most intrusive features of the scheme would be the proposed over bridge close to Grizebeck community hall and large hill cutting at Pen Hill.

7.47 The attenuation ponds/basins would be present by this stage and as they would cover fairly large areas in prominent locations, they would appear discordant with the existing landscape baseline.

7.48 Year 1 impacts would be the most severe. Very little mitigation would be present to lessen impacts and the scheme would have an urbanising effect upon this rural landscape. However, the LVIA concludes only a large adverse impact on landscape type 2d which has a high sensitivity – the remaining landscape types suffer a moderate adverse impact.

7.49 The most severe impacts in year 1 would affect landscape type 2b as part of the new road passes through this landscape. Although the most intrusive features of the scheme (the overbridge and cutting at Pen Hill) lie outside or on the boundary of this landscape type, the high sensitive category means the landscape cannot accommodate any significant degree of change. The loss of trees, fields boundaries and introduction of attenuation basins would mark a significant change to this landscape at this time without effective mitigation to reduce impacts.

7.50 Landscape type 9d would be moderately affected in year 1. The cutting and overbridge, together with other elements of the scheme would result in this effect. The removal of trees west of Chapels and close to the Community Hall would result in loss of landscape appeal and, together with the creation of the attenuation ponds and cuttings for the carriageway, would result in a significant change to the landscape form. However, the ability for this landscape to accommodate change is higher than in type 2b.

7.51 At operational year 15, some of the impacts are predicted to soften, mainly as mitigation measures would become more effective at reducing or masking some of the most severe impacts. Although impacts remain as large significant in type 2b, they are considered to reduce to not significant in the daytime for landscape types 9d and K4.

7.52 One of the proposed mitigation solutions is to use planting to reduce impacts and this would start to become more effective by year 15. Such planting would use sympathetic and native species to maximise the effectiveness of this mitigation measure. Vegetation and planting, as it becomes well established, would soften the impacts of the attenuation ponds, and also help to mask some of the most

severe effects of the cuttings and embankments. The proposed overbridge, close to Grizebeck Community Centre, would benefit from careful planting to reduce the engineered appearance of this structure. However, mitigation can only be effective to a degree and even at year 15 the landscape effects would be quite significant overall with any mitigation planting lacking some of maturity of existing vegetation. The overbridge would remain as a stark engineered feature in the landscape and the changes to topography as a result of the embankments and cutting would be little changed by mitigation measures. Permanent severance of fields will have occurred with loss of field boundaries, walls and trees. It is proposed to reinstate some fields boundary features to help mitigate against this impact and to reinstate some of the landscape character otherwise lost. New hedgerows are also proposed to be planted along the margins of the new highway.

- 7.53 However, overall, with the effects of mitigation measures taken into account, the assessment of the landscape impact at year 15 and beyond falls into the category of 'moderate' impact, with no significant impacts on landscape types 9d and K4.

The main concerns of the objectors in relation to landscape impact

- 7.54 Friends of the Lake District (FoLD) raise concerns about the impact of the scheme on the highly sensitive landscape types in the locality, especially type K4 in the LDNP. They also make reference to the sensitive landscape character within the Lake District National Park, but also extending outside its boundary (its setting). Their concerns also centre around the urbanising effect this scheme would have on the tranquil and rural character of the landscape – they consider the scheme to be very much at odds with the essential character of the landscape.
- 7.55 FoLD also raise a number of issues with the information presented in the Environmental Statement (ES). They raise issues in terms of the terminology and descriptions on the landscape types in the ES and LVIA. They suggest the description of characteristics of landscape types 2b and 9d in terms of their descriptions in the Cumbria Landscape Character Assessment as 'rare landscapes' and 'views are sensitive to changes in major infrastructure and land management' do not appear in the ES. Also cited is an apparent lack of consideration of the landscape types within the LDNP and that they extend beyond the national park boundary. Further, it is suggested that insufficient consideration has been given to the impact on the setting of the LDNP and World Heritage Site.
- 7.56 Finally, FoLD suggest there is an omission of consideration of the area of a recommended extension to the LDNP and this doesn't appear to be given mention in the application. FoLD also consider that the landscape visuals presented with the application are unhelpful in the assessment of the scheme in terms of landscape impact.
- 7.57 The applicant contends that there is sufficient information within the application to fully consider the impacts of the scheme on the landscape. The individual characteristics of the landscape types are included in the ES landscape character assessment chapter within the baseline conditions assessment, in accordance with usual practice. However, only the key landscape characteristics are directly quoted in the text with the whole of the description considered in the assessment – this is mainly to avoid significant repetition.

- 7.58 The applicant continues that full consideration has been given to the impact on the setting of the LDNP - in fact a standalone Heritage Impact Assessment has been produced considering only the impact on the LDNP. The effect of the scheme on land which was proposed to be an extension to the LDNP has not been considered – this is because although the LDNP was extended in 2016, the 2019 application to extend the national park (submitted by FoLD) into the scheme area has not been progressed at this time. The government were not prioritising this extension area in their review in 2021. Consequently, this issue can be given limited weight in the assessment of the scheme.
- 7.59 The visuals for the scheme are produced in line with the latest guidance and show long distance views/visualisations from the appropriate viewpoints located within the LDNP. As such, they are considered to represent an accurate assessment of any potential impacts from the national park and on its setting.
- 7.60 It is clear that the scheme would result in lasting long term significant impacts on the landscape character of the area. Such impacts are difficult to mitigate in the long terms, particularly the overbridge structure close to Grizebeck Community Hall and the section of cutting at Pen Hill.

What impacts does the scheme have in terms of visual effects?

- 7.61 The LVIA includes an assessment of the visual impact of the scheme from 22 chosen viewpoints which have been agreed with Cumbria County Council in advance in line with good practice.
- 7.62 The impact of the scheme upon visual amenity is linked to the overall effects the scheme would have on the landscape, but it is more focused on the impacts that might be expected from the various viewpoints which form the basis of the LVIA assessment of the scheme.
- 7.63 A 1 km zone is taken from the red edge of the application to define the scope for the viewpoints and a total of 22 viewpoints have been used to assess the impacts of the scheme – a number of these viewpoints are located with the Lake National Park boundary or on the boundary – a total of 6 of the viewpoints used are within landscape character K4. These viewpoints are located on higher ground and thus provide a useful point to assess the impacts of the scheme.
- 7.64 Significant adverse effects are identified at 17 out of the 22 viewpoints used during the construction phase of the scheme. This is not surprising given the scale of the scheme and what is involved in its construction.
- 7.65 Effects upon visual amenity only diminish slightly in year 1 of operation – viewpoints 1,4,12 and 13 are significantly affected not least given their sensitive location. Much of the same impacts would result in year 1 from those of the construction phase, although much of the heavy machinery and other plants would be removed by this stage, along with the temporary construction compounds.
- 7.66 Much of the adverse impact, particularly from the above viewpoints, comes from the scheme being readily visible from these viewpoints and their sensitivity to change. Significant impacts would remain in terms of visual amenity at year 15 – ten viewpoints are still significantly affected in this operational year. These viewpoints are mainly located on the west side of the site of the scheme and some are within the LDNP boundary. Although mitigation measures will have

matured by this time, they would fail to fully mask the impacts of the scheme on these viewpoints. The cutting at Pen Hill would still be very evident with the permanent changes in levels and topography, although the proposed planting would serve to soften this impact.

- 7.67 Close to Grizebeck community centre, the new section of carriageway which deviates from the existing route of the A595 and the associated overbridge would remain as an engineered feature in this rural location with the associated embankment and change in levels increasing this impact.
- 7.68 Overall, the scheme would still have significant visual effects upon a number of viewpoints and receptors to the west and south at operational year 15.

Night time effects

- 7.69 Visual effects would also be evident at night, but these would be primarily caused by artificial lighting. During the construction phase, this would likely be the major cause of impact since the road would not be operational and traffic would not be using the new carriageway. During operational year 1, a potential significant effect has been identified at four viewpoints due to the flickering effects of headlights using the newly constructed road. By year 15, no significant residual affects at night time would occur, particularly as the new road would be unlit.
- 7.70 It is noted that there are no baseline photographs or visualisations to support the conclusions made, however, as the road would be unlit, it is considered appropriate that this has been scoped out of the LVIA.
- 7.71 **How does the scheme affect heritage and historical features?**
- 7.72 In total some 103 sensitive cultural heritage receptors have been identified which could be affected by the scheme. included those that are located in the Lake District National Park (LDNP) and grade I listed Kirkby Hall (both listed as very high and high value). It should be noted that both of these receptors are located out of the zone of direct impact.
- 7.73 The site and land affected by the scheme have been the subject of a geophysical survey to determine the sort of features that may exist, to assess their relative importance and value, and to establish any suitable mitigation to minimise impacts upon those features and receptors.
- 7.74 Features of historic and cultural interest range from hedgerows, field boundaries, agricultural buildings, ridge and furrow and milestones and guideposts.
- 7.75 A separate heritage impact assessment (HIA) has been submitted in relation to the impact on the Lake District National Park World Heritage site designation.
- 7.76 The scheme would affect a number of the heritage receptors and features based upon survey work carried out to date. As the scheme would result in severance of fields, relocation or removal of hedgerows and walls, it is likely that historic features maybe affected, particularly historic field boundaries. In general, however, the significance of the historic features identified is categorised as moderate to low and the County Councils historic environment officer concurs with this assessment.
- 7.77 It is noted, however, that some areas of the site have not been surveyed due to

unfavourable ground conditions at the time the surveys were carried out. This presents some uncertainty as to the existence of and survival of below ground archaeology. However, given the relatively low to moderate significance of features already identified, there is considered opportunity for mitigation to compensate for their disturbance or loss. This could be in the form of a scheme of recording of such features or their relocation elsewhere, or to a local museum. I also consider further survey work would be required of the areas of the site not already investigated.

- 7.78 Overall, there would be less than significant harm to heritage features within the site as a result of the scheme. It is considered reasonable and appropriate to require further survey work by imposing a suitable planning condition. Such a condition will require a scheme of archaeological investigation work to be agreed prior to any development commencing on the site. An additional condition is recommended which will require that if the scheme of works reveals significant archaeological remains or features, that within an agreed timescale, post excavation assessment and analysis will be carried out.
- 7.79 With the above conditions, I consider that the scheme will broadly comply with policy CS8.6 of the South Lakeland Core Strategy and policy DM3 of the South Lakeland Development Management Policies document.
- 7.80 **What impact does the scheme have on the Lake District National Park and designated World Heritage Site?**
- 7.81 The application boundary of the scheme is located partly within the Lake District National Park (LDNP). As a consequence of this, the scheme is considered to fall within the setting of the LDNP.
- 7.82 The NPPF, at paragraph 176, states that great weight should be given to conserving landscape and natural beauty in National Parks, along with the conservation of culture heritage. The scale and extent of development within the setting of National Parks should be limited, with the any development sensitively locate and designed. Paragraph 177 states that major development in National Parks should be refused unless it can be demonstrated that it is in the public interest and there are exceptional circumstances.
- 7.83 Policy 01 of the Lake District National Park plan is relevant to the issue of the effect upon the setting and context of the LDNP. This policy requires all development proposals to protect and enhance the authenticity, integrity and significant of the LDNP.
- 7.84 The main impact of the scheme will be the loss of landscape elements of importance in the agricultural landscape, particularly field boundaries, drystone walls, loss of trees and hedgerows. Direct impacts on the LDNP are considered limited – only minor highways works are to be carried out within the boundary of the LDNP. A standalone World Heritage Impact Assessment (HIA), has been carried out to consider the impacts on the WHO. It concludes that there will be no major changes to the setting of the LDNP with only a 'slight' impact. Much of the impact of the scheme on the setting of the LDNP will be reduced by proposed mitigation in the form of reinstating of lost field boundaries, planting of additional hedgerows and compensatory and new planting to help to reduce the most significant effects of the scheme.
- 7.85 The Lake District National Park Authority concur with the findings of the HIA and

consider that the scheme overall will not result in overall harm to the LDNP and WHS with the mitigation proposed.

- 7.86 Friends of the Lake District (FoLD) suggest that insufficient weight has been attached to the impact on the LDNP and the effect on the setting has been downplayed. They go on to suggest that it is not clear that the duty to protect the designation has been taken into account.
- 7.87 The applicant responds that the LDNP and WHS has been considered throughout the assessment process of the scheme and that there is a separate HIA only considering the impacts on the LDNP and its setting. This assessment considers the impact of the scheme on the statutory purposes for the designation of the LDNP. The LDNP is also discussed in the baseline conditions of the landscape in this assessment. I am content, based on the above, that due regard has been given to the duty to protect and consider the impact of the scheme on the LDNP setting.
- 7.88 Overall, whilst the HIA does identify some harm to the setting of the LDNP and the southern most extreme of its boundary, even with the proposed mitigation to include reinstating all fields boundaries affected by the scheme, this harm predominantly comes from the creation of the new route in the landscape that would have a visual and permanent effect on its setting and its Universal Outstanding Value. However, the level of harm is considered to be 'less than substantial' and there would be no significant impacts within the boundary of the national park.
- 7.89 **Will the development cause significant or unacceptable harm to protected species/habitats and other nature conservation interests?**
- 7.90 The most relevant policy considerations to assess ecological impact, including biodiversity net gain, against are – NPPF – Section 15 (Conserving and enhancing the natural environment). Para 174 (a) requires decision-making to protect and enhance sites of biodiversity or geological value and soils; 174 (d) minimise impact on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 a) states that when determining planning applications if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. 180 c) states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
- 7.91 South Lakeland Core Strategy (October 2010) Policy CS1.1 – Sustainable Development Principles Criterion 2 of this policy states *"It is vital to protect the countryside for its intrinsic beauty, diversity and natural resources and also for its ecological, geological, cultural and historical, economic, agricultural, recreational and social value;"* Policy CS8.4 Biodiversity and Geodiversity This policy reflects the advice in the NPPF requiring development proposals to *"protect, enhance and restore the biodiversity and geodiversity value of land and buildings.....minimise fragmentation/ maximise opportunities for restoration, enhancement and connection of natural habitats....incorporate beneficial biodiversity and geodiversity conservation features....Proposals should particularly seek to contribute towards the UK priority habitats and species in South Lakeland, and any additional Cumbria Biodiversity Action Plan*

species.....Development proposals that would have a direct or indirect adverse effect on nationally, sub-regional, regional and local designated site and non-protected sites that are considered to have geological and biodiversity value will not be permitted unless.....they cannot be located on alternative sites that would cause less or no harm; the benefits of the development clearly outweigh the impacts on the site and wider network of natural habitats, and prevention, mitigation and compensation measures are provided.”

- 7.92 Lake District Local Plan (May 2021) Policy 04 – Biodiversity and Geodiversity. This policy sets an intention to protect important habitats, sites and species; achieve bigger, better and more joined up and resilient habitats; and improve the function of ecosystems. In accordance with the Biodiversity Supplementary Planning Document, this will be achieved by applying the mitigation hierarchy to all proposals (as set out in the NPPF), supporting proposals which conserve and enhance biodiversity and ecosystems processes, and ensuring proportionate and appropriate biodiversity net gain is secured. Proposals which would have significant and harmful direct or indirect effects on biodiversity and ecosystem processes will only be supported where the need for the development clearly outweighs the harm caused, and an appropriate scheme is proposed which will secure compensation and net increases in biodiversity.
- 7.93 Full consultation responses are set out elsewhere in this report. The key issues of concern raised in relation to ecological impact/biodiversity considerations are assessed in turn below with reference to any relevant information or comments provided in response by the applicant or other consultees.
- 7.94 The Environment Agency (EA) comment that Press and Grize Beck provides valuable habitat for eel and fish populations and that detailed design and construction of the culverts proposed should ensure that fish passage is not adversely impacted. The applicant has advised it was agreed during a meeting with the EA (4th May) that the EA have full control over all aspects of concern regarding incorporating fish passage design into the scheme within their Flood Risk Activity Permit process. Therefore, the duplication of control through the planning process could be argued as being unnecessary. The nature of the likely measures to facilitate fish passage proposed would not necessitate a material change to the scheme and would be able to be accommodated within the existing proposed culverts. However, should the LPA feel a condition is necessary the following wording is suggested. - *No development other than the Approved Advance Enabling Works shall take place until the detailed designs of the proposed culverts to Press Beck and Grize Beck have been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The designs and supporting documentation should ensure clear evidence is provided that fish passage will be maintained and not adversely impacted.* The EA has since confirmed (31st May 2022) it has no objection to the proposed wording of this condition to secure design details relating to fish passage. The EA have further advised (3rd July 2022) that all issues can be resolved via planning conditions.
- 7.95 CCC consultant ecologist (Simply Ecology) expressed initial concern with the submitted Habitats Regulations Assessment (HRA) with further work needed to justify not modelling the impacts of the road on Duddon Mosses SAC. The applicant provided further justification on why Duddon Mosses SAC was not included in modelling in relation to impact on air quality from road traffic emissions. IAQM Guidance states 200m is the usual distance for considering

impact of road source air pollution on designated sites. Beyond this distance the contribution from the new road source is not typically discernible. Natural England (NE) advice refers to the 200m distance being sufficient, noting that where *unusually* there is a credible risk that air quality impacts might extend beyond 200m from a road, they may advise that additional sites be scoped within the road, then NE may advise that additional sites should be scoped in. NE have not in this instance identified the need for additional sites beyond 200m to be included in assessment of air quality impacts. All the guidance documents agree that beyond 200m the change in pollutant concentrations is undiscernible. Duddon Mosses SAC at 700m away and is far beyond the 200 m distance and so the potential change in pollutant concentrations is deemed to be negligible.

- 7.96 Simply Ecology has since confirmed (9th June 2022) that this justification is perfectly acceptable, and it was the omission of this level of detail from the submitted HRA that had been a cause for concern. It was requested the HRA be updated to include this additional detail. The revised HRA has been submitted to Natural England (30 June 2022) and CCC proposed to adopt this HRA as the Competent Authority. NE confirmed on 18th July they have no further comment to make on the HRA and agree with its conclusions. CCC have therefore adopted the applicant's HRA.
- 7.97 The Forestry Commission gave advice on how to consider impact on Ancient Woodland and said to take regard of any comments made by Natural England about biodiversity of the woodland. The applicant has confirmed that no Ancient Woodland or ancient/veteran trees have been recorded on the application site or the wider zone of influence. Natural England raised no comments about biodiversity of the woodland.
- 7.98 The SLDC arboriculturist stated the development should be carried out in full accordance with the submitted AIA and AMS documents and recommended further conditions relating to translocation of hedgerows and planting/aftercare/maintenance plans.
- 7.99 Natural England note the presence of bats and otters and therefore state that the Construction Environmental Management Plan (CEMP) should include requirements for a 10m fenced buffer (exclusion zone) to the watercourse, means of escape for animals to escape if any excavations left open overnight; limit working hours to daytime if possible and lights to be directed away from the wooded boundaries/watercourse. The application has confirmed no objection to incorporating these requirements.
- 7.100 CCC consultant ecologist (Simply Ecology) has confirmed there will be no direct loss or impact on bat roosts, badger setts, or otters/holt features. A number of conditions and informatives are proposed in relation to a Construction Environmental Management Plan (CEMP), hedgerows and trees, Landscape and Ecological Management Plan (LEMP), post-development monitoring.
- 7.101 The applicant has confirmed no objection in principle to any of these conditions proposed. They have asked for consideration of certain 'Approved Advance Enabling Works' to be exempted from the need to first have pre-commencement conditions discharged and also requested the conditions such as post-development monitoring landscape/environmental management plans need not be a pre-commencement condition but could be required to be fully discharged prior to the scheme first being brought into use. Simply Ecology has advised (22nd June 2022) that proposed minor alterations to conditions wording are

acceptable. Also that it will be appropriate to have an over-arching Approved Advanced Enabling Works condition in order to facilitate commencement of the scheme works. The principle of agreeing Approved Advance Works that may be carried out before certain pre-commencement conditions are discharged is an accepted practice. Proposed Condition 3 sets out the specific matters which may be dealt with in this way, namely – vegetation removal to prevent birds nesting prior to the start of the contract; provision of biodiversity essential mitigation areas to west of road alignment; utility diversions, and landowner accommodation works to ensure continuity of operation. Details of the nature and extent of these proposed Advance Works and any measure to ameliorate their impact must first be submitted to the local planning authority for approval. Natural England have confirmed (3rd July 2022) they are satisfied with the amended HRA and proposed conditions.

7.102 The submitted Environmental Statement includes a Preliminary Ecological Appraisal and a full suite of species surveys in order to establish potential impacts and effects of the proposed development on key species and protected sites. Assessment of impact is set out in Chapter 9 -Biodiversity The impact from construction on designated sites is assessed as being negligible, with some mitigation proposed in the form of the Construction Environmental Management Plan (CEMP) that will include suitable measures to avoid risk of impacts from construction related pollution. The impact from construction on identified habitats is also considered to be negligible. For a number of the species identified, some minor negative impacts are acknowledged. These will be addressed through appropriate measures in the CEMP such as avoiding disturbance of bat roosts during the maternity season, guidance on vegetation clearance, biosecurity measures to prevent pollution of watercourses (for invertebrates and fish).

7.103 Assessment of the Operational impact shows negligible impact on designated sites. The operational impact on habitats identifies the following –

- Permanent loss of semi-natural broadleaved woodland UK habitat of principal importance along Grize Beck and further woodland and trees
- Loss of hedgerows in the short-term but as greater lengths of planted hedgerows mature, impacts will be minor
- Permanent loss of natural watercourse and bankside habitats; permanent local impacts to UK habitats of principal importance

7.104 The operational impact on species identifies the following-

- Minor permanent impacts on bats, at least in the short term while vegetation matures providing better screening for some areas and new commuting and foraging routes are located and utilised by bats
- Minor impacts on otters in the short time while vegetation matures providing better screening for some areas and new foraging and sheltering areas
- The loss of a Barn Owl nesting site is mitigated by provision of a Barn Owl approved nest box in a suitable location and not so near the scheme as to result in increased risk of collisions
- Fragmentation and habitat loss for Brown Hare remains a long-term issue which may not be able to be mitigated for within the scheme
- Some habitat loss and degradation through culverting watercourses will impact on invertebrates and fish. However, some benefits will result from the mitigation design

- 7.105 Enhancement measures for biodiversity mentioned in the Environmental Statement include - Integrate bat roosting features in the south-west facing wing walls of the culvert extension; placing bat boxes on suitable mature trees in the woodland mosaic south of Grize Beck; planting up gaps in hedgerows along the A595 and surrounding roads west of the scheme to enhance bat commuting and foraging corridors; placing a large self-contained bat box on a pole along mitigation or retained planting and/or install suitable bat boxes on retained mature trees; create an artificial log pile holt for otters (subject to further assessment to gauge the level of disturbance risk); interpretation boards including information on hedgehog conservation, including the benefits of hedgehog highways; provision of hedgehog nesting boxes. The Environmental Statement also sets out proposals for monitoring to assess if mitigation has been successful.
- 7.106 The ES chapter concludes that the proposed scheme currently supports a moderate diversity and abundance of protected and notable species such as bats, barn owl, otter, badger and breeding and wintering birds. Construction of the proposed scheme would cause direct loss and fragmentation of many of the habitats supporting these species. The impact avoidance and mitigation measure detailed and the monitoring requirements, if undertaken in full, would minimise the risk of negative impacts and would inform future management of the proposed scheme during operations, as well as similar infrastructure schemes in the county. Some impacts cannot be avoided or completely mitigated for, such as the loss of sections of semi-natural watercourses such as Grize and Press Beck, habitats of principal importance. However, the habitat compensation areas provided to the west of the proposed scheme which will be managed for biodiversity value, provide long-term local benefits for a range of species.
- 7.107 Significant negative local impacts on biodiversity are predicted to be unlikely. Provided the monitoring confirms that the impact avoidance and mitigation measures have been successful, the proposed scheme should minimise risk of and, in many cases, avoid long-term negative impacts on the majority of ecological receptors, with some biodiversity gains. (paragraphs 9.7.1. and 9.7.2 of the ES Chapter 9 – Biodiversity).
- 7.108 The concerns raised by consultees (as noted above) have been adequately addressed through the provision of additional information by the applicant and or the use of appropriate planning conditions.
- 7.109 The application site supports a number of important species and habitats. CCC consultant ecologist (Simply Ecology) has advised there would be no direct loss of or impact on bat roosts, badger setts or otters/holt features. It is acknowledged within the Environmental Statement that the scheme would have some direct adverse impact on habitats which support these species. Impact avoidance and mitigation measures would minimise the risk of negative impacts occurring. It is acknowledged that some impacts cannot be avoided or completely mitigated, in particular the loss of sections of semi-natural watercourses. However, compensatory habitat is proposed which would be managed for biodiversity value, providing a mixture of wetland habitat, scrubland and planting opportunities for trees.
- 7.110 In terms of impacts which cannot be avoided or completely mitigated, there are a few areas of potential concern. Firstly, the loss of sections of natural watercourse where it has been essential to install culverts. The loss of natural beck, aquatic

and marginal vegetation and bankside habitats, and loss of the ability to colonise such vegetation along the sections of proposed concrete culverts would result in significant and permanent local impacts to these UK Habitats of Principal Importance and negatively impact species relying on them, such as fish, aquatic invertebrates, otters and bats.

- 7.111 Where culverting of watercourses cannot be avoided and there is no direct mitigation for their loss, some artificial features have been included to assist passage of species such as otter and fish, supported by this habitat and a section of riparian scrub/woodland would be included along the Press Beck corridor, west of the proposed scheme. This would provide a compensatory habitat buffer, fenced off from grazing, allowing natural regeneration of bankside vegetation along the banks with some tree and shrub planting behind this.
- 7.112 Secondly, areas of mature semi-natural habitat woodland would be lost from the Grize Beck Woodland corridor. This loss would fragment a natural and relatively undisturbed woodland corridor and result in permanent net loss of a UK Habitat of Principal Importance also impacting on any species which are supported by it.
- 7.113 Compensatory natural regeneration areas are proposed to be included within the scheme north of Grize Beck, west of the proposed scheme, which would form some compensation for the loss of woodland in the long-term. Long term significant negative effects on local Brown Hare populations are also identified due to the loss and fragmentation of a number of large, open fields used by hares north of Chapels, as well as patches of scrub located within the scheme used for sheltering and breeding. Proposed mitigation includes toolbox talks on site to guide vegetation clearance in a careful manner which directs any disturbed hare to retained habitats away from the proposed scheme.
- 7.114 I acknowledge that some harm to nature conservation interests – including UK Habitats of Principal Importance - would arise from this proposal and that not all of the harm identified can be avoided or wholly mitigated. The NPPF and relevant local planning policies require such proposals to be carefully considered having regard to the level of mitigation or, as a last resort, compensation that can be achieved and whether the need for the development is considered to outweigh the harm identified.
- 7.115 I have had regard to the information submitted by the applicant regarding biodiversity and ecological impact, including the Environmental Statement; the comments made by statutory consultees and other third parties, the applicant's response to the issues raised, and further advice received from consultees (including Natural England, the Environment Agency, and CCC consultant ecologist, Simply Ecology). I consider that the level of harm identified is capable of being outweighed by the established need for the highway improvements in this location and therefore this proposal can be considered in accordance with Policy CS8.4 of the South Lakeland Core Strategy and Policy 04 of the Lake District Local Plan. As appropriate mitigation and compensatory habitat has been provided where harm cannot be avoided, I consider that the proposal does comply with the requirements of the NPPF (para.180).

7.116 Does the scheme deliver sufficient Biodiversity Net Gain (BNG)?

7.117 Friends of the Lake District comment that Coastal Floodplain Grazing Marsh

priority habitat is not mentioned in the Biodiversity Net Gain (BNG) report. The application site does fall within an area mapped as Grazing Marsh Priority Habitat. An appropriate suite of surveys for this habitat type has been undertaken for the scheme including habitat surveys, aquatic surveys, and wintering/breeding bird surveys with subsequent targeted impact assessments including impact avoidance and relevant mitigation measures incorporated into the design wherever possible. This includes new wetland habitat creation. This is covered in the Biodiversity Chapter of the Environmental Statement.

- The applicant has also advised that the BNG metric habitat type descriptions are not editable so there are priority habitats that do not have the word 'priority' on the metric and therefore do not show on the BNG map. The Network Enhancement Zones referred to are provided by Natural England (NE) as a baseline for developing Nature Recovery Networks and Local Nature Recovery Strategies.

7.118 The Environment Agency (EA) state that although the proposed scheme demonstrates good net gain for hedgerow habitat, the net gain increase for wider habitats and rivers would only be marginal. Other land secured along the route should be further enhanced to achieve a better net gain score overall.

7.119 The applicant has advised that the EA, in the 4th May meeting, confirmed their comments relating to BNG are for guidance purposes as the legislation requiring the 10% BNG target is not yet law. They also confirmed their principal concerns related to river and water habitats. The applicant confirmed that additional land was originally identified for BNG but landowners were opposed to this. Without landowner agreement the acquisition of land for a non-statutory purpose may not be achievable as it could not be justified at a Compulsory Purchase Order (CPO) inquiry. However, land parcels have been identified and included for essential mitigation and the scope for maximising BNG can be reviewed at the detailed design stage and that this could look to maximise habitat improvements along water features within the red line boundary where possible to maximise BNG without extra land take.

7.120 A condition has been proposed by the CCC consultant ecologist (Simply Ecology) to cover the submission of BNG monitoring information. The applicant has no objection in principle to such a condition and it is considered that an additional criterion could be added to it requiring the submission and approval of a revised BNG report following detailed design. The EA has since confirmed (31st May 2022) that, having noted the applicant's response, it has no further comments to make in relation to BNG. Proposed Condition 33 deals with species and habitat monitoring the assess BNG delivery.

7.121 Regarding Biodiversity Net Gain, the metric demonstrates a gain of 2.3% for habitats; 44.78% for hedgerows; 1.11% for rivers. Whilst a higher level of net gain across all habitats and an achievement of 10% net gain overall is to be encouraged, such specific targets are not yet mandatory and will not become so until November 2023. The current relevant policy requirements are to 'provide net gains for biodiversity'. The applicant has demonstrated that net gains have been achieved and, in this case, has provided some justification as to why further net gain could not be achieved on land within the scheme (e.g. owners not willing for the land to be used in that way).

7.122 I consider that current national and local policy requirements for delivering

biodiversity net gain have been sufficiently met by the applicant and therefore the proposal does comply with the policy requirements of the NPPF (para. 174); Policy CS8.4 of the South Lakeland Core Strategy, and Policy 04 of the Lake District Local Plan.

7.123 Would the road improvement scheme be detrimental to residential amenity as a result of noise, pollution, air quality and lighting?

7.124 Aside from issues of road safety and inconvenience a number of objectors have claimed that their amenity will suffer as a result of pollution and disturbance. In terms of the Development Plan it is necessary under Policy DM7 to examine whether these concerns are justified. Similar considerations arise under The National Planning Policy Framework.(NPPF)

7.125 The NPPF advises that planning considerations should prevent: “new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.” Paragraph 185 states that decisions should take into account likely effects of pollution on health, living conditions and the natural environment.

7.126 Policy DM7 of the South Lakeland District Council Local Plan states that development will be permitted where the direct, indirect and cumulative effects of pollution, including, air, noise, light, dust, vibration etc will not have a negative impact on health, the environment and general amenity of residents. The Policy states that all development must be at least air quality neutral in terms of effects at receptors. Where developments are likely to have an impact on, or be impacted by, air quality, the Council will work with developers to look at ways of making sure the development has a positive and beneficial impact on the environment utilising national and local guidance. Developers will be required to submit Air Quality Assessments in support of applications dependent on the location and type and scale of the proposal. The assessments will be used to identify the nature of any required mitigation measures, which may include contributing to targets set out within any published Air Quality Management Area Action Plan, for agreement with the Council in order to ensure all development is air quality neutral”

7.127 A Noise Assessment was carried out as part of the Environmental Statement. This entailed a survey in 2021 at eight locations along the existing A595 taking into account the proximity of nearby Receptors (primarily dwellings). Prevailing noise levels were established and compared against a predictive model using data from 2019 (ie, before Covid). Adjustments were then made to reflect an assumed natural growth in traffic for both 2025 and 2040.

7.128 The results of the Noise Assessment concluded that during the construction phase (approx. 18 months), Receptors within 300m of the new road alignment would generally experience a minor noise increase, equivalent to a neutral or slight adverse impact, but not significant. The only exception to this could be for properties East of Dove Bank where rock removal through “blasting” is an option.

In this “worst case” scenario, the Assessment suggest a trial “blast” to ensure that a satisfactory magnitude of vibration is not exceeded. This is to be secured through a condition

- 7.129 Once operational, it is predicted that there would be an increase in noise levels along the new section of the A595 and a decrease along the current alignment near Grizebeck, including properties either side of the “Mousetrap”. No significant adverse effects are expected; although some slight adverse effects (not significant) are predicted at 4 Dove Bank, 1a-2a Dove Bank, Dove Bank, Dove Bank House, Meadow Croft, Parish Church and Oakfield House. However, all those properties (except for 4 Dove Bank and Dove Bank House, which do not have façades to the west) would experience beneficial impacts on some of their other façades, which the applicants believe will serve to balance out the adverse impacts. The property 4 Dove Bank would be shielded from the road by a false cutting once the scheme is in place. Nevertheless, it is recommended that six properties will qualify for noise insulation measures under the Noise Insulation Regulations 1975. These include; School House; Crown Cottage; Belmont; West Winds and No`s 1 and 2 Malt Kiln Cottages. These properties would witness an increase in noise from additional traffic when the Mousetrap is closed.
- 7.130 The owner/ occupiers of Bank End and West Winds both raised concerns about increased noise from traffic and requested that the new road be surfaced in a noise suppressant material, and in the case of Bank End, by an acoustic barrier. However, I understand that because average traffic speeds are not expected to exceed 47mph, when noise becomes more intrusive, the applicant does not consider that this measure is justified. A 40mph speed restriction would apply to the existing road either side of the new junction. Elsewhere it is expected that noise will be suppressed by a combination of routeing the road away from residential properties and the “false cutting” at Dove End. This was proposed to shield the worst effects of road traffic noise from 4 Dove Bank and Dove End Cottages.
- 7.131 Concerns about airborne pollution were mentioned by the owner occupiers of “West Winds” particularly in respect of the new junction. The ES was supported by an Air Quality Study. This looked at dust particles likely to arise from construction and earthworks and nitrogen dioxide particles arising from the operational use of the road. Baseline data for 2018 concentration levels was taken from DEFRA and modelled for nine receptors including Malt Kiln Cottages. The methodology considered annual averaged daily flows; proportion of HGV`s and average speed. It then applied specific emissions to types of vehicles to predict resultant concentration levels of pollutants and compared them against National Air Quality Objectives (NAQO`s). NAQO`s are thresholds above which particulates cause serious health hazards.
- 7.132 In terms of construction, it is estimated that around 100,000m³ of material will be moved which will result in 10 to 50 outward HGV movements per day. The study concludes that there is a high risk of dust soiling effects on receptors and a low risk to human health. As a result, mitigation measures have been proposed including a Dust Management Plan; a Construction Management Plan; Regular Liaison Meetings with nearby property owners within 500m and general good site management. These are proposed to be covered by Conditions.
- 7.133 For the operational phase, the study predicted that no residential receptors will have Nitrogen Dioxide concentrations above the NAQO level. Indeed, they are

well below. The results ranged from 3.8 up/m³ (annual mean NO₂) to 9.8 compared against a NAQO of 40.0 up/m³. For particles (Pm₁₀) the study predicted a range of 7.7 to 8.9 up/m³ compared to a NAQO of 40.0 up/m³. Interestingly when the results of building the new road were compared against not building it (ie; leaving the existing road in-situ), the results showed a slight adverse impact at one receptor location, negligible at four and slight beneficial effect at four other receptor locations. Overall, the applicants believe that the new road should have a beneficial impact on air quality for residents.

- 7.134 Both the owners of “West Winds” and Ellermire Farm believe that the new road will create problems of light pollution the latter claiming that the levels of lighting near the farm will exceed the recommendations of the Institute of Lighting Professionals. Other than highway signage however, I understand that the new road will not be illuminated once it is constructed. The ES accepts that at night-time there will be flickers of light from car headlights in a predominantly unlit agricultural area, but the overall effect will be “slight adverse”. In other words, not significant. By contrast, for the construction phase, (c 18 months) flood lighting will be required in the winter months, and it will be particularly noticeable in the vicinity of the compounds and near the overbridge. The intention is to place the compounds away from residential properties and limit lighting to working hours by Condition. However, for the duration of the construction works, the ES accepts that the impact will be “large adverse”. In other words, significant.
- 7.135 The owner/ occupier of West Winds contends that his property will be “bighted” by the development, particularly because he believes his views from the upper floor will be dominated by the new carriageway in contrast to the current grazed agricultural land. West Winds is located 30m from the new junction. It has views both South and North so it will look towards the new junction. The existing highway verge provides only a limited buffer to the carriageway. Whilst planting is proposed it will not mitigate the loss of view. However, it is well established that loss of a private view cannot be a material planning consideration.
- 7.136 Both the noise and air quality assessments show that there would be some impacts on general amenity, particularly during the duration of the construction phase. Mitigation is being proposed and although it is anticipated that residents will be aware of increased noise and dust, it would be limited to the duration of construction. Once operational however, air quality is predicted to improve for most properties whereas in terms of noise, some along the existing road will benefit whilst others near to the new junction such as School House; West Winds and Crown Cottage, will not and will require noise insulation measures.
- 7.137 Subject to the conditions proposed by SLDC`s Environmental Protection team requiring a Construction Management Plan; blasting monitoring; working hours for construction; contamination and noise limits, I am generally satisfied that the proposal accords with the requirements of Policy DM7.
- 7.138 **Would the new road scheme be harmful to road safety and create unacceptable problems of delay and inconvenience?**
- 7.139 Several local residents suggest that the new road will be more dangerous because it will encourage faster transit speeds. It was also claimed that there would significant driver delay and inconvenience as vehicles back up trying to cross the carriageway. Policy DM1 of the South Lakeland Local Plan states that

development will be acceptable provided that it “ensures adequate and safe movement of pedestrians, cyclists and motor vehicles”. Policy DM5 states that proposals should seek to provide pedestrian/ cycle links and maintain, protect and enhance the character of other routes. Paragraph 110 of the NPPF requires all significant impacts on the highway network in terms of capacity and congestion as well as safety to be effectively mitigated to an acceptable degree. Paragraph 111 confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety whilst paragraph 112 states that applications should give priority to pedestrian and cycle movements.

- 7.140 The Transport Assessment (TA) states that there is an average annual weekday traffic flow of nearly 4,000 vehicles in both directions on the A595. The 2011 Census Travel to Work data showed 694 people based in Barrow travel to work in West Cumbria and 956 travel to work in the other direction. Around 16% of all vehicles recorded at Dove Farm are either large vans or lorries.
- 7.141 The Transport section of the ES looked at the impact of the new road on matters such as severance (where the road becomes a barrier to communities); pedestrian amenity; fear and intimidation to pedestrians from proximity to traffic; driver delay and potential for accidents. It then used thresholds (ie % increases in traffic) to establish whether the magnitude of impact would be low; moderate or major. It took as its baseline surveyed traffic counts from 2018 and applied DfT traffic forecasts for 2018 -2021 and 2018 – 2040.
- 7.142 At its worst, the results showed that during construction there would be up to a 42% increase in traffic from the A5092 turning left onto the A595 (S) and a 40% increase from the A595 turning right onto the A5092. At other junctions changes in volume are expected to be much lower. Once the road becomes operational an increase of 369% is anticipated on the A595 (W) turning right onto the A595 (S). This change is largely as a result of traffic being redistributed because of the proposal to close the “Mousetrap” to all vehicular traffic. (With the “Mousetrap” closed all vehicles who used to use that junction will be redirected onto the new road). However, all junctions will operate within capacity – see paragraph 7.145 below,
- 7.143 Compared against thresholds the study concluded that for both construction and operational phases there will be a negligible impact on traffic flows. During construction however there would be a minor adverse impact for driver delay because of the need for temporary traffic lights. But once operational, driver delay would be improved.
- 7.144 In terms of severance and pedestrian amenity, the junctions and links are anticipated to exceed thresholds. In theory this means that there could be a negative impact. However, by way of mitigation, the speed limit is to be reduced to 40mph and a pedestrian crossing built on the East side of the A595 to allow residents and visitors to cross more safely from one side of Grizebeck to the other. By converting part of the old A595 and the Mousetrap to a cycleway/ footpath link this is expected to improve amenity. The study concludes that for both severance and amenity the significance of impact will be negligible
- 7.145 In the last five years there has been 1200 accidents or collisions over the length of the A595; 49 of which have occurred between Dalton and Broughton in Furness. Surprisingly, only two accidents have been reported in the study area over the last five years, one involving an HGV. The new road is intended to

remove the accident “blackspots” where the carriageway is narrow and restricted by blind bends. The study concludes that if the project is approved, there will be a minor beneficial impact on the A595.

- 7.146 The Transport Assessment reviewed both the capacity of the road junctions to absorb more traffic and driver delay. The TA found that the ratio of flow to capacity on the A595 (S) turning left to A595 (W) (the junction most frequently used) would increase from 0,10 in 2018 to 0.35 in 2025 and 0.41 in 2040. A figure of 1.0 is used to define when capacity is reached. The TA considers that all junctions will still operate well under capacity. Delay, in terms of time that traffic has to wait to cross the highway, is expected to only marginally increase. (At its worst delay is forecast to be in the region of an extra three seconds for traffic on the A595 (S) turning right onto the A5092 by 2040)
- 7.147 Knowing how dangerous and awkward that it is to drive along the current A595, it is difficult to agree with the Objectors that the new carriageway will be more dangerous. I accept that speed will increase but it should be far safer because the carriageway will be a lot wider and because visibility will be markedly improved. The removal of the sharp bends and pinch points can only improve safety. Near the A595/ A5092 junction speeds will be scaled back by first a 50mph limit and then a 40mph restriction accompanied by “ghost” traffic islands. This should serve to curtail the current practice of some vehicles speeding to get up the hill either side of the junction and in the process make the road less dangerous. Whilst some delays are inevitable, particularly when the road is under-construction, these are not predicted to be significant or inconvenient.
- 7.148 I am not totally convinced about the results of the model used to predict the impact on pedestrian amenity. For example, it does seem surprising that changes in traffic flow of up to 100% are considered to be very low. However, I accept that repositioning the junction away from the core of Grizebeck village will benefit pedestrians in the village. Following the closure of the Mousetrap, the owner/occupiers of properties North of the A595/ A5092 might feel less inclined to walk across into the village because of the increase in traffic but at least traffic should be slower and there will be pedestrian refuge. The amenity of other residents living along the current A595 should benefit, particularly as it will be restricted to “access only” and part of it will be converted to a cycleway/ pedestrian route.
- 7.149 A walking, cycling and horse-riding review of the proposal concluded that should planning permission be granted, the next design stage should widen the central pedestrian refuge proposed near the new junction of the A595/ A5092 to accommodate cyclists to allow better north-south connections. This was one of the points raised by an Objector who also felt that provision should be made for a shared cycle/ pedestrian path at the southern end of the scheme to connect to the next junction. At present the scheme stops at a narrow footpath near Chapels To extend it would require the acquisition of new land because the existing highway verge is not wide enough. This would add extra cost to the project and require negotiation with other landowners.. I understand that a 20mph restriction is not required for the old A595 since it will have traffic flows of less than 2,500 vehicles per day and since the Grizebeck stretch will be access only and the road south of Dove Fold will be prohibited to motorised traffic.
- 7.150 Bearing in mind the support of CCC highways, subject to conditions, and the comments of National Highways, I am generally satisfied that the scheme will

benefit road safety and will not inconvenience or delay residents to an unacceptable degree. For these reasons I believe that the proposal is compliant with Policies DM1 and DM5.

7.151 Other Matters

- 7.152 The owner occupier of “West Winds” contend that the construction of the new junction will increase the likelihood of Press Beck flooding, by creating a “dam” effect on land immediately North of the A595/ A5092. I understand that the existing culvert is in good condition but as part of this proposal, it would be lengthened to accommodate the new junction. The invert level of the new section of culvert would be built below that of the existing culvert to minimise impacts to flow and reduce sediment and is predicted to continue to function within capacity.
- 7.153 The scheme does, however, involve the construction of an embankment upon which the by-pass would be constructed. This would require a new culvert over Grize Beck plus a secondary flood relief culvert to capture “out of bank flows” in high rainfall events. Four surface water attenuation ponds are also proposed to manage run off from the new road. The proposed road is not predicted to flood but in making an allowance for climate change there may be some localised flooding immediately upstream of the Grizebeck culvert. This should not affect any buildings or property. This land is currently in Flood Risk Zones 2 and 3. and has been earmarked as a mitigation for biodiversity to compensate for the loss of woodland to the south. The rest of the road is in Flood Risk Zone 1. Despite the preferred route having a slightly higher flood risk than other options, (the sequential test) the risk was identified as minimal. The ES also considered that the road passed the “Exceptions Test” because it was deemed to be “essential Infrastructure” where community benefits outweighed the risk of flooding. Subject to a condition requiring a detailed drainage scheme, the Local Lead Flood Authority is satisfied that the surface water design strategy takes proper account of filtration rates and water courses and provides suitable attenuation to manage run off. The Environment Agency are satisfied that the scheme would not exacerbate flooding elsewhere but have suggested conditions requiring a flood risk management strategy and groundwater, particularly in respect of the road cutting
- 7.154 Although no objections were received about the impact of the road on agriculture, the scheme will nevertheless affect six farms, all of whom will lose land temporarily to site compounds and to permanent works to create attenuation ponds, landscaping and building the route itself. The ES estimated that during construction, the loss of land from each farm, including severance, would range from 0.62ha to 6.45ha. This would reduce to 0.4 to 3.69ha once the road became operational. The ES estimated that the economic impact would be low or minor in all cases except for one farm where the magnitude of impact would be moderate (where it can effect viability).
- 7.155 Both SLDC`s Environmental Protection team and the Environment Agency have requested a condition to deal with unexpected contamination. The ES was supported by a Geo-technical Study; 2 walk-over surveys; 12 borehole investigations and 9 groundwater samples. It found that there were no underground workings within 500m of the route; no historical landfill or licensed waste sites; no animal pits or made-up ground, other than one sample where mineral amosite was found near the filling station. Amosite is a type of asbestos.

In this case the sample was a loose bundle of fibres with a very low “mass”. This was identified as a moderate risk but nevertheless justifies the inclusion of a condition to protect human health.

7.156 The route and the surrounding area fall into a mineral consultation and safeguarding area for sandstone. The southern tip falls into a similar area for slate whilst at the northern end near Grizebeck village, sand and gravel is safeguarded. Where these areas might be impacted a decision has to be made whether the minerals should be extracted before development can proceed. In this case although there is a shortfall of sand and gravel, the land taken by the route is relatively small and will not prevent further extraction in the locality. Any sandstone extracted as part of the proposed works would be used in the construction of the road with surplus material sold into the commercial market. The slate found at the southern end of the route is already overlain by an existing road. In paragraphs 5.31 to 5.32 of this report we concur with the conclusions of the ES.

7.157 At the construction stage, the scheme is expected to re-use 42% of all material excavated. (cut and fill) This would result in surplus of 70,667 tonnes of material to be exported elsewhere on other projects. Where it can't be re-used the ES states that the principles of the waste hierarchy will be used to minimise the amount going to landfill. Any surplus is not predicted to have a significant impact on the capacity of local waste management facilities.

7.158 **CONCLUSION**

7.159 Surprisingly for an application that cuts across so many issues from farm severance to impact on amenity and from road safety to effect on the setting of the National Park, this proposal has attracted relatively few objections. To a large extent this is possibly because the problems of road safety along the current A595 are self-evident and partly because some of the issues have been addressed at the pre application consultation stage. Nevertheless, as the assessment to this report has shown, we have identified a number of environmental harms and these need to be weighed against any benefits.

7.160 Amongst the most significant harms will be those associated with construction. The proximity of the works to Grizebeck village means that inevitably, many are likely to experience disruption, noise and inconvenience particularly when construction starts on the new junction, the attenuation ponds and the overbridge. If, and when blasting has to be used to create the cutting at Pen Hill, the impact on the properties at Dove Fold Farm could be considerable, albeit for a short period. The compounds will require artificial flood lighting, dust emissions are likely, and many will experience delays and inconvenience as traffic “controls” are introduced. I have no doubt that for some these impacts will be difficult and a lot will depend on the success of mitigation and the management of the works by the contractor.

7.161 It is inevitable that a scheme of this nature and magnitude will have a significant and profound effect on the landscape in which it is to be located. The high sensitivity of the host landscape means it has a limited ability to accommodate change and it is very difficult to prevent significant adverse impacts. In particular, construction phase activities would be especially harmful in landscape terms with a relatively long period where construction compounds, plant and large scale

machinery would be located in the landscape and, of course, there would be inevitable disruption to local communities during this period and a perception, both real and perceived, of significant visual harm.

- 7.162 In the short term I expect the impact on the landscape to be “very raw”. However, in the long term the impacts are predicted to be far less significant and only remain a large problem in the sensitive category 2b landscape type. As mitigation takes effect, even the most harmful parts of the scheme would start to blend to the landscape and result in the harm overall being less than significant. It is also perhaps surprising that the scheme results in a ‘negligible’ impact on the setting of the Lake District National Park, maintaining the outstanding character of this world heritage site with no prejudice to the reasons for its designation.
- 7.163 I acknowledge that the scheme will have a significant effect on heritage features and assets within the area of the planning application. More than half of the assets identified by survey work will be significantly impacted, but they are considered to be of either low or medium value. It is also possible to relocate a number of them to help offset or mitigate the impact. A scheme of recording will also be acceptable to note the importance of the assets. Whilst there is a defined impact on heritage, it can be mitigated satisfactorily and such mitigation can be required by imposition of appropriate conditions. I therefore consequently give less weight to this adverse impact when balanced against the benefits of the scheme.
- 7.164 There will be some harm to nature conservation interests – including UK Habitats of Principal Importance. Unfortunately, not all of the harm identified can be avoided or wholly mitigated and so compensatory habitat has had to be provided as a last resort. Although the scheme is expected to deliver an uplift in biodiversity net gain it will not be to a level that will be required by the Environment Act once it comes into force next year.
- 7.165 Finally, whilst there will undoubtedly be some residents who will benefit from the access restrictions proposed for the existing A595, it has to be acknowledged that for those who live north of the proposed new junction, there will be more traffic, more noise and more light pollution. The noise insulation measures proposed will help to mitigate the worst of these impacts but nevertheless I would expect that their amenity will be adversely affected, albeit not to a significant effect.
- 7.166 Turning now to the benefits. These have been identified as reducing journey times and in so doing improving conditions for economic growth; providing resilience to the highway network; removing traffic from the centre of Grizebeck village and improving road safety.
- 7.167 Shaving a minute off the time it takes to travel 1.4km is impressive but given that an average journey takes around 20 minutes to travel between Barrow and Millom and 30 minutes between Barrow and Whitehaven, the benefit that the new road will bring is probably not considerable. Whilst the ease of connecting one place to another is important, it can also be overstated. On its own I am not convinced that the marginal reduction in travel times overcomes the harms to the landscape, nature conservation, historic interests and amenity.
- 7.168 If the new road were built, it would be likely to add some resilience to the network. But I am aware that the existing A595 south of Chapels is also

constrained by things like carriageway width. So, at best the benefit would be limited and in my opinion, it will not on its own overcome all the environmental harms identified.

- 7.169 Where I do think the scheme will provide a more tangible benefit, is the proposal to remove the majority of road traffic from the centre of Grizebeck village, along the existing A595 and from the “Mousetrap” junction. These routes will be restricted to “access only” but are currently heavily trafficked at peak times. They are also where most residential properties are located and who are affected by road traffic noise, congestion and inconvenience. Notwithstanding what I said in paragraph 7.163, I believe that the ES is right to conclude that overall, there will a positive environmental impact on amenity.
- 7.170 Probably the biggest benefit is to road safety. Regular users of the current road know where the pinch points are; where the carriageway narrows to a single width and where the blind bend is, but even they seem to approach the current road with a high degree of caution. New users might be surprised if not a little intimidated by the lack of visibility and reduced carriageway. Although reported accidents are perhaps not as high as might be expected, there is no doubt that some will be unreported, and that the potential for more will increase as the road becomes busier. The road is I understand substandard as a priority “A” route. By contrast. the new A595 will have far better visibility, a wider carriageway and a straighter alignment. Although traffic speeds will be higher, the road will be far safer. This must point to a significant public benefit.
- 7.171 In weighing the harms against the benefits, I have been very conscious of the strong support the CLEP has given to the scheme and the fact it has been accepted by DfT at the outline business case stage. I have also had consideration of the mitigation proposed to deal with nature conservation, noise and amenity and the consultation responses from statutory agencies which have largely been supportive. For these reasons I believe that, subject to conditions, the strategic need for the road outweighs the environmental harms.
- 7.172 In summary, the proposed development is supported by policies CS10.1 and CS3.1 of the South Lakeland Local Plan which support essential road infrastructure and in particular the A595. However, the scheme fails to fully comply with policy CS8.1 of the South Lakeland Core Strategy as there will be a lasting impact on the landscape and the scheme will fail to fully conserve and enhance those landscapes affected. Similarly, only a minor biodiversity net gain will occur as a result of the scheme. Whilst this is unfortunate, I consider that on this occasion, the conflict with these policies is outweighed by the benefits of the scheme in terms of the overriding need to improve road safety.

Human Rights

- 7.173 The Human Rights Act 1998 requires the County Council to take into consideration the rights of the public under the European Convention on Human Rights. Article 8 of the Convention provides that everyone has the right to respect for his private life and home save for interference which is in accordance with the law and necessary in a democratic society in the interests of, amongst other things, public safety, the economic wellbeing of the country or the

protection of the rights and freedoms of others. Article 1 of Protocol 1 provides that an individual's peaceful enjoyment of his property shall not be interfered with save as necessary in the public interest and subject to conditions provided for by law. For any interference with these rights to be justified the interference needs to be proportionate to the aims that are sought to be realised. The County Council has a duty to consider the policies of the development plan, which regulates development in the public interest, and to protect the amenities of residents as set out in those policies.

7.174 The proposal would have a significant impact on the visual amenity of the area and a limited impact on the residential amenities in the area, but it is considered that satisfactory controls could be imposed on the proposed development to protect the amenities of the most affected residents. The impacts on the residents that could not be mitigated in their entirety would be kept to a minimum and would be proportionate to the wider social and economic interests of the community as set out in the report.

Angela Jones
Executive Director for Economy and Infrastructure

Contact: Mr. Paul Haggin, 01539 713414 and Mr. Richard Cryer, 01539 713427

Electoral Division Identification: High Furness, Mr.Matt Brereton

Development Control and Regulation Committee – 29 September 2022

Appendix 1 - PROPOSED PLANNING CONDITIONS

Time Limit for Implementation of Permission

1. The development hereby permitted shall be begun before the expiration of five 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, except where modified by the conditions to this permission, in accordance with the following:
 - a. The submitted Application Form – dated 17th February 2022
 - b. Planning Statement GRZB-CAP-LPN-00-RP-T-0003
 - c. RP01 Planning Statement GRZB-CAP-LPN-00-RP-T-0003 RP02
 - d. Design and Access Statement GRZB-CAP-LPN-00-RP-T-0002 RP03
 - e. Volumes 1 - 3 of the Environmental Statement (ES)
 - f. Statement of Community Involvement GRZB-CAP-LPN-00-RP-T-0001 RP04 Consultation Feedback Report Rev. 2 - 30/11/2021 RP05
 - g. Drainage Strategy GRZB-CAP-HDG-XX-RP-Z-0001 RP06
 - h. Flood Risk Assessment GRZB-CAP-EWE-00-RP-V-0001 RP07
 - i. Geo-environmental Desk Study GRZB-CAP-HGT-00-RPT-CE-0004 RP08
 - j. Lighting Impact Assessment GRZB-CAP-HLG-ZZ-RP-E-0001 RP09
 - k. Heritage Impact Assessment CL12570/RPT-001 (July 2021) RP10
 - l. World Heritage Site Heritage Impact Assessment CL12570/RPT-003 (Nov 2021) RP11
 - m. Biodiversity Net Gain Report GRZB-CAP-EBD-00-RP-V-0010 RP11
 - n. Biodiversity Net Gain Report Appendix C Metric RP12 Outline Construction Environmental Management Plan GRZB-CAP-EGN-00-RP-V-0006 RP13
 - o. Shadow Habitat Regulations Assessment GRZB-CAP-EBD-00-RP-V-0011 RP14
 - p. Site Waste Management Plan Statement GRZB-CAP-LPN-00-RP-Y-0002 RP15
 - q. Socio-Economic Assessment GRZB-CAP-LPN-00-RP-Y-0001 RP16
 - r. Transport Assessment GRZB-CAP-TPL-00-RP-TP-0002 RP17 BS5837
 - s. Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement V4.0 (February 2022) RP18
 - t. Walking, Cycling and Horse Riding Review GRZB-CAP-ENM-00-RP-TP-0001 RP19
 - u. Water Framework Directive Compliance Assessment GRZB-CAP-EWE-00-RP-V-0002
 - v. Plans numbered and named:

- D01 Site Location Plan GRZB-CAP-HGN-00-DR-CH-2002_S4_P03
- D02 Site Plan GRZB-CAP-LPN-00-DR-CH-2003_S4_P04 D03 Red Line Boundary GRZB-CAP-LPN-00-DR-C-1001_S4_P05
- D04 Temporary and Permanent Works Boundaries GRZB-CAP-LPN-00-DR-C-2001_S4_P07
- D05 Overlap of Red Line Boundary with LDNP Boundary GRZB-CAP-LPN-00-DR-C-2004_S4_P03
- D06 General Arrangement GRZB-CAP-HGN-00-DR-C-1100_S4_P11
- D06/1 General Arrangement with Red Line Boundary GRZB-CAP-HGN-00-DR-C-1100_S4_P12
- D07 Landscaping Sheet Layout GRZB-CAP-ELS-00-DR-L-1000_S4_P03
- D08 Landscaping Sheet 1 of 2 GRZB-CAP-ELS-00-DR-L-1001_S4_P03 D09 Landscaping Sheet 2 of 2 GRZB-CAP-ELS-00-DR-L-1002_S4_P03 D10 Highway Longsections Sheet Layout GRZB-CAP-HML-00-DR-CH-0200_S4_P02
- D11 Highway Longsection A595 Sheet 1 GRZB-CAP-HML-00-DR-CH-0201_S4_P03
- D12 Highway Longsection A595 Sheet 2 GRZB-CAP-HML-00-DR-CH-0202_S4_P02
- D13 Highway Longsection A5092 GRZB-CAP-HML-00-DR-CH-0203_S4_P02
- D14 Typical Cross Sections Overview GRZB-CAP-LPN-00-DR-CH-0100_S4_P02 D15 Typical Cross Sections Sheet 1 GRZB-CAP-LPN-00-DR-CH-0101_S4_P02
- D16 Typical Cross Sections Sheet 2 GRZB-CAP-LPN-00-DR-CH-0102_S4_P02
- D17 Typical Cross Sections Sheet 3 GRZB-CAP-LPN-00-DR-CH-0103_S4_P02 D18 Typical Cross Sections Sheet 4 GRZB-CAP-LPN-00-DR-CH-0104_S4_P02
- D19 Typical Cross Sections Sheet 5 GRZB-CAP-LPN-00-DR-CH-0105_S4_P02
- D20 Typical Cross Sections Alignment A5092 (Sheet 1 of 1) GRZB-CAP-LPN-00-DR-CH-0106_S4_P03
- D21 Existing Contours Sheet Layout. GRZB-CAP-HGN-00-DR-CH-0110_S4_P03 D22 Existing Contours Sheet 1 of 2 GRZB-CAP-HGN-00-DR-CH-0111_S4_P03
- D23 Existing Contours Sheet 2 of 2 GRZB-CAP-HGN-00-DR-CH-0112_S4_P02
- D24 Existing & Proposed Contours Sheet 1 of 2 GRZB-CAP-HGN-00-DR-C-0101_S4_P02
- D25 Existing & Proposed Contours Sheet 2 of 2 GRZB-CAP-HGN-00-DR-C-0102_S4_P02
- D26 Isopachtye Plans Cut & Fill Sheet Layout GRZB-CAP-HGN-00-DR-C-0200_S4_P03
- D27 Isopachtye Plans Cut & Fill Sheet 1 of 2 GRZB-CAP-HGN-00-DR-CH-0201_S4_P02
- D28 Isopachtye Plans Cut & Fill Sheet 2 of 2 GRZB-CAP-HGN-00-DR-CH-0202_S4_P02 D29 Existing Utilities Plan GRZB-CAP-VUT-00-DR-C-0003_S4_P01

- D29 Existing Utilities Plan GRZB-CAP-VUT-00-DR-C-0003_S4_P01
- D30 Proposed Drainage Strategy Sheet 1 GRZB-CAP-HDG-00-DR-CH-3001_S4_P04 D31 Proposed Drainage Strategy Sheet 2 GRZB-CAP-HDG-00-DR-CH-3002_S4_P04
- D32 Proposed Drainage Strategy Sheet 3 GRZB-CAP-HDG-00-DR-CH-3003_S4_P04
- D33 Drainage Basin 1 Details GRZB-CAP-HDG-00-DR-CH-6001_S4_P02 D34 Drainage Basin 2 Details GRZB-CAP-HDG-00-DR-CH-6002_S4_P02 D35 Drainage Basin 3 Details GRZB-CAP-HDG-00-DR-CH-6003_S4_P02 D36 Drainage Basin 4 Details GRZB-CAP-HDG-00-DR-CH-6004_S4_P02 D37 Standard Drainage Details Sheet 1 GRZB-CAP-HDG-00-DR-CH-6005_S4_P01 D38 Standard Drainage Details Sheet 2 GRZB-CAP-HDG-00-DR-CH-6006_S4_P01
- D39 Standard Drainage Details Sheet 3 GRZB-CAP-HDG-00-DR-CH-6007_S4_P01
- D40 Typical Headwall Details GRZB-CAP-HDG-00-DR-CH-6008_S4_P01 D41 Filter Drain Details GRZB-CAP-HDG-00-DR-CH-6009_S4_P01 D42 Grizebeck Culvert GRZB-CAP-SGN-S4-DR-S-0001_S4_P02
- D43 Un-Named Watercourse Culvert GRZB-CAP-SGN- S3-DR-S-0001_S4_P02
- D44 Ellermire Bridge Extension Plan & Elev GRZB-CAP-SGN-S5-DR-S-0001_S4_P02
- D45 Ellermire Bridge Extension Sections GRZB-CAP-SGN-S5-DR-S-0002_S4_P02
- D46 Accommodation Bridge GRZB-CAP-SGN-S2-DR-S-0001_S4_P02 D47 Farm Underpass GRZB-CAP-SGN-S1-DR-S-0001_S4_P02
- D48 Fencing Standard Details Sheet 1 GRZB-CAP-HFE-00-DR-C-2001_S4_P01
- D49 Fencing Standard Details Sheet 2 GRZB-CAP-HFE-00-DR-C-2002_S4_P01
- D50 Fencing Standard Details Sheet 3 GRZB-CAP-HFE-00-DR-C-2003_S4_P01 D51 Traffic Sign Details GRZB-CAP-HSN-00-DR-C-1001_S4_P01
- D51 Traffic Sign Details GRZB-CAP-HSN-00-DR-C-1001_S4_P01

w. 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.

3. No Advance Works shall commence until details of the nature and extent of the proposed Advanced Works and measures proposed to ameliorate their impact have been submitted to and approved in writing by the Local Planning Authority. Any such details submitted to the Local Planning Authority for approval shall

include plans at an appropriate scale which show the proposed works in context, both existing and proposed. The Advance works shall be limited to the following matters;

- Vegetation removal to prevent birds nesting prior to the start of road construction works;
- Works to create the areas indicated as 'Biodiversity Essential Mitigation' to the west of the road alignment as described in the Environmental Statement and shaded green and identified on the General Arrangement with Red Line Boundary drawing GRZB-CAP-HGN-00-DR-C-1100_S4_P12;
- Utility diversions; and
- Landowner accommodation works to ensure continuity of operation

The Advance Works shall be carried out in accordance with the approved details. For the avoidance of doubt, the Approved Advance Works may be undertaken prior to the submission or approval of certain details or schemes reserved by pre-commencement conditions (i.e. where a condition specifies no development other than approved Advance Works). More than one set of submissions can be made under this condition.

Reason: To allow for the submission and approval (and thereby implementation) of Advance Works before specific pre-commencement conditions matters submission and approval.

4. No development other than the approved Advance Works shall take place until plans showing the detailed design of the scheme have been submitted to and approved by the Local Planning Authority. The detailed scheme design shall be consistent with and not materially different from the preliminary scheme design shown on the approved general arrangement plans and sections. Requirements include:
 - Detailed design drawings including long-sections and cross-sections showing the proposed scheme including details of the carriageway construction, road markings, vehicle and pedestrian safety and restraint systems and highway visibility splays at all junctions and pedestrian crossing points;
 - Confirmation of the highway design standards adopted (such as Highways England's current 'Design Manual for Roads and Bridges) and details of any departures and / or relaxations from standard;
 - Detailed drawings of Highway structures (which are to be designed in accordance with Design Manual for Roads and Bridges) including technical approval in accordance with CG 300 Technical Approval of Highway Structures;
 - Detailed drawings of the Gateway Features indicated on the approved general arrangement plans at the 'Mousetrap' junction and adjacent to the

proposed new turning head shown south of Dove Bank;

- Confirmation that a Stage 2 Road Safety Audit (RSA) has been carried out and approved by the Local Highway Authority;
- A review and update of the Walking, Cycling and Horse-riding Assessment and Review (WCHAR)

The development shall be carried out in accordance with the approved details.

Reason: To secure scrutiny of the detailed design and in the interests of highway safety

5. No development other than the approved Advance Works shall take place until a Detailed Surface Water Drainage Scheme that is in accordance with the principles set out in the submitted Drainage Strategy (GRZB-CAP-HDG-XX-RP-Z-0001_P02 and Drainage Strategy Drawings (GRZB-CAP-HDG-00-DR-CH-3001_S4_P04, GRZB-CAP-HDG-00-DR-CH-3002_S4_P04 and GRZB-CAP-HDG-00-DR-CH-3003_S4_P04) and the Flood Risk Assessment (GRZB-CAP-EWE-00-RPV-0001_S4_P04 – dated February 2022) has been submitted to and approved by the Local Planning Authority. The scheme shall include (but not be limited to):

- Full engineering details of the proposed drainage infrastructure including detailed plans of drainage arrangements - for the avoidance of doubt this shall include details of how the drainage infrastructure connects / discharges into the existing system / receptor;
- Calculations and details to demonstrate that the proposed drainage system will not result in flooding as a result of a 1 in 100 year storm event incorporating a 40% uplift for climate change;
- Confirmation of exceedance routes;
- Maintenance requirements for all drainage infrastructure and SUDs components, including SUDS adoption proposals.

The development shall be carried out in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG

6. No development other than the approved Advance Works shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include

details of:

- Proposed phasing of development and any associated temporary operations (including the set-up and demobilisation of temporary construction compounds);
- Details of proposed crossings of the highway verge;
- Retained areas for site offices, compounds, temporary works areas and platforms, stores, vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- Specify measures for the monitoring adjacent public highway;
- Specify the location of wheel washing facilities / wash-down areas for vehicles/plant;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian);
- Details of site compound fencing and scheme publicity signing.

The CTMP shall be implemented as approved and adhered to throughout the construction of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. To support Local Transport Plan Policies: WS3, LD4.

7. No development other than the approved Advance Works shall take place until a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved by the Local Planning Authority. The CSWMP shall include drawings and method statements detailing surface water management proposals including:
 - Temporary drainage systems;
 - Measures for managing pollution / water quality and protecting controlled waters and watercourses;
 - Measures for managing any on or offsite flood risk associated with construction on neighbouring land where interrupted/severed by

construction works.

The CSWMP shall be implemented as approved and adhered to through-out the construction of the development unless otherwise agreed in writing by the local planning authority. Construction phase facilities associated with any specific section or phase of the Works shall be retained and maintained until such time that construction works for the associated section of phase are completed and the facilities are no longer receiving flows from any areas of construction work or associated activity.

Reason: To secure proper drainage and to manage the risk of flooding during the undertaking of the development.

8. No part of any newly constructed highway shall come into public use without a safety review being undertaken by a representative of the Local Highway Authority. Within 2 weeks of the whole road coming into use an independent Stage 3 Highway Safety Audit shall be carried out and within 4 weeks of the audit's completion it shall be submitted for the approval of the Local Highway Authority.

Reason: In the interests of highway safety

9. Within 15 months of the commencement of use of the new road constructed as part of this permission, a Stage 4 Highway Safety Audit shall be carried out and agreed with the Local Highway Authority.

Reason: In the interest of highway safety

10. Prior to the commencement of work on any part of the proposed road embankment between the new over bridge (chainage 1050) and new A595/A5092 Junction (chainage 1375) a Detailed Flood Risk Management Strategy for the management of flood risk shall have been submitted to and approved by the Local Planning Authority in conjunction with the Environment Agency. The strategy will include proposals for compensatory flood storage and must contain details of the proposed location, design, volume, methodology and maintenance arrangements and be supported by detailed hydraulic modelling.

The approved flood management strategy shall be fully implemented prior to operation of the road and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

11. No development shall commence until a scheme to deal with potential site contamination has been submitted to and approved in writing by the local planning authority. The scheme shall include an appropriate desktop study, site investigation, conceptual model and risk assessment in accordance with Land Contamination Risk Management, to identify the extent of any contamination and the measures to be taken to avoid the risk to the public/ buildings/ environment when the site is developed. If during the course of development, any contamination is found which has not been previously considered or identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. Public use of the road shall not commence until the measures approved in the scheme have been implemented and a Validation report and statement has been submitted to and agreed in writing by the local planning authority.

Reason: These details are required to prevent harm to human health and the environment.

12. No development shall take place until a Groundwater Monitoring and Impact Strategy has been submitted to and approved by the Local Planning Authority. The Strategy will build on the information already submitted to the LPA including:
 - Preliminary Sources Study Report (GRZB-CAP-HGT-00-RP-CE-0002 Rev.02);
 - Capita Ground Investigation Report (GRZB-CAP-HGT-00-RP-CE-0005) October 2021;
 - Capita Drainage Strategy Report (GRZB-CAP-HDG-XX-RP-Z-001) October 2021; and
 - Baseline groundwater analysis and Mitigation measures in Environmental Statement - Volume 1.

It shall provide details of the methodology (including timescales) for recording and reporting the likely effects on groundwater flow regimes (including groundwater-dependent surface watercourses) and local water supply boreholes/springs of both the construction and operational phases of the proposed development. The Strategy will also outline how and what mitigation measures could be put in place if any significant adverse effects on groundwater or groundwater-fed features are identified. For the avoidance of doubt the Strategy shall include (but not be limited to):

- a) identification of all groundwater sources, groundwater-dependent surface watercourses and local water supply boreholes/springs (including private water supplies) within the vicinity of the scheme that could potentially be significantly affected by the proposed development;
- b) assessment of the level of vulnerability of existing groundwater features taking into account the local geological characteristics;
- c) details of the location of any existing and proposed new groundwater boreholes/features to be monitored and the period/frequency of

monitoring to be undertaken including during the construction and early operational phases of the proposed development;

- d) details of any existing and proposed targeted site investigation of groundwater levels in areas of deep cutting;
- e) details of the any existing and anticipated (modelled) results of the likely effects of the proposed development and indicative proposed mitigation measures that will ensure that there are no significant adverse effects on groundwater or groundwater-fed features in the vicinity of the development site.

The strategy shall be implemented as approved unless otherwise agreed in writing by the local planning authority.

Reason: To assess the risks of effects arising from changes in groundwater levels and to secure appropriate mitigation in order to comply with Local Plan policies.

13. No development shall take place until a Groundwater Monitoring Report and Impact Assessment (GMRIA) has been submitted to and approved by the Local Planning Authority based on the approach set out in the Groundwater Monitoring and Impact Strategy approved in accordance with Condition 12. The GMRIA shall include (but not be limited to):

- a) details of the results of the groundwater monitoring regime, further ground investigations or other monitoring agreed in the approved Groundwater Monitoring and Impact Strategy;
- b) updated impact assessments, based on the monitoring results, of the proposed development on all groundwater and groundwater-dependant features including the potential impact of areas of cutting on groundwater flow regimes and local water supply boreholes;
- c) details of proposed mitigation measures to address any potential significant adverse impacts identified in the above assessments during the construction and early operational phases of the proposed development;
- d) provision for a continued programme of Groundwater Monitoring throughout the construction phase and for the initial years of operation of the development.

The GMRIA shall be implemented as approved and adhered to throughout the construction of the development and initial two years of operation.

Reason: To assess the risks of effects arising from changes in groundwater levels

and to secure appropriate mitigation in order to comply with Local Plan policies

14. The development hereby permitted shall be carried out in accordance with the Tree Protection and Removal Plans contained in the approved 'A595 Grizebeck Improvement Scheme– BS5837:2012 Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement' (ECUS – Version 4.0 dated 11/2/2022) unless otherwise approved in writing by the Local Planning Authority. All tree protection measures shall be put in place prior to development commencing in the vicinity of trees that require protection measures. The tree protection measures shall be retained in place throughout the undertaking of development. For the avoidance of doubt, no construction activity – including material storage or temporary compound establishment shall take place within the root protection areas of any trees without the oversight of a qualified Arborist to oversee the works and to ensure damage to tree roots is either avoided or minimised.

Reason: To secure the retention of as many existing trees and hedgerows of healthy conditions as possible in the interests of visual amenity and preservation of existing habitats in line with local planning policies

15. No Hedgerow, Scrubland, Shrub, Tree or any other form of woody vegetation shall be removed, pruned or otherwise cleared between the 1st March and 31st August inclusive in any year unless they have been first checked by a qualified ecologist for breeding birds in accordance with Natural England's Guidance. In the event that breeding birds are found to be present an appropriate exclusion zone shall be set up around the habitat in question. No work shall be undertaken within the exclusion zone until a qualified ecologist has confirmed that nesting birds have fledged and the nest is no longer in use.

Reason: To ensure appropriate protection for breeding / nesting birds..

16. No sections of hedgerow identified for translocation on the approved landscaping plans 'Landscape Design Sheet 1 GRZB-CAP-ELS-00-DR-L-1001_S4_P03' and 'Landscape Design Sheet 2 GRZB-CAP-ELS-00-DR-L-1002_S4_P03' shall be removed until the methodology for the translocation and aftercare of the hedgerows specified on these approved landscaping plans has been submitted to and approved in writing by the Local Planning Authority. The translocation works shall then be implemented and the translocated hedgerows managed in line with the approved methodology.

Reason: To secure the retention of existing hedgerows, in the interests of visual amenity and preservation of existing habitats in line with local planning policies

17. No part of the development hereby approved shall be brought into use until a Detailed Landscaping Scheme and Plans that are substantially in accordance with Landscape Plans - GRZB-CAP-ELS-00-DR-L-1000_S4_P03, GRZB-CAP-ELS-00-DR-L-1001_S4_P03 and GRZB-CAP-ELS-00-DR-L-1002_S4_P03 - have been submitted to and approved by the Local Planning Authority. The scheme and plans should include Aftercare and Maintenance Plans to be implemented for a period of no less than five years from the date of planting. The scheme and plans must include details of hard and soft landscaping works, including:

- a) location, number, species, size and planting density of any proposed planting;
- b) cultivation, importing of materials and other operations (including general management and maintenance) to ensure plant establishment;
- c) proposed finished ground levels;
- d) hard surfacing materials;
- e) details of existing trees and hedgerows retained, including root protection areas and tree canopy spreads;
- f) implementation timetables for all landscaping works.

The detailed landscaping scheme and plans shall be implemented in full no later than 12 months following the road being first opened to the public. The scheme shall be in accordance with the approved details with landscaping works carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice. Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, dies or becomes, in the opinion of the local planning authority, seriously diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless an alternative plant size and species have been agreed in writing by the Local Planning Authority.

Reason: To ensure the early establishment of the landscape planting scheme in the interests of promptly reducing the visual and landscape impact of the scheme and to ensure the prompt delivery of biodiversity benefits in accordance with local planning policies.

18. No vegetation clearance or removal of any hedgerows/trees or works within watercourses other than the approved Advance Works shall take place until a detailed scheme of protection, mitigation and enhancement measures for Bats and Otters, and other European Protected Species identified as potentially being affected by the development during the construction and operational phases of the scheme, that is in broad accordance with measures outlined in Volume 1 of the Environmental Statement, has been submitted to and approved by the Local Planning Authority. This shall include full details of any European Protected Species licenses issued by Natural England.

For the avoidance of doubt, the measures shall include for checks for otter presence under and around construction plant and stored construction materials present in proximity to watercourses and set-out measures to ensure mammals

do not become trapped in excavations. Furthermore, it shall include a methodology for the management of blasting activity east of Dove Bank cottages to mitigate the disturbance to bats during the bat maternity period - May to August.

The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To secure agreement of detailed protection, mitigation and enhancement measures for European Protected Species in line with the submitted Environmental Statement and local planning policies.

- 19.** No clearance of woodland or hedgerows/trees or works within watercourses other than the approved Advance Works shall take place until a detailed scheme of protection, mitigation and enhancement measures for non-European protected species listed in the Volume 1 of the Environmental Statement and identified as potentially being affected by the development during the construction and operational phases of the scheme, that is in broad accordance with Volume 1 of the Environmental Statement, has been submitted to and approved by the Local Planning Authority.

The development shall thereafter be carried out fully in accordance with the approved scheme.

Reason: To secure agreement of detailed protection, mitigation and enhancement measures for non-European protected species in line with the submitted Environmental Statement and local planning policies.

- 20.** No development other than the approved Advance Works shall take place until Construction Phasing Plans have been submitted to and approved by the Local Planning Authority. The plans shall set out the proposed geographic sequencing of development and any associated temporary operations (including the set-up and demobilisation of temporary construction compounds). The plans shall include details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration works, together with details of their timetabling. Once approved the phasing plans shall be adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of local amenity, highway safety and minimising the impact on habitats and species in accordance with local planning policies.

- 21.** Development within each phase approved under Condition 20 above other than the approved Advance Works shall not be commenced until a detailed Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction

period. The Plan should incorporate pollution prevention guideline measures to include materials and machinery storage, biosecurity, and the control and management of noise, fugitive dust, surface water runoff and waste to protect any surface water drains and the SAC from sediment, and pollutants such as fuel and cement. It shall be based on the Outline Construction Environmental Management Plan (Version P02 dated 10/2/2022) submitted to and approved by the Local Planning Authority and also include but not necessarily be restricted to the following matters:

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed methods of any piling and blasting, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;
- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- i) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- j) Measures to control the emission of dust and dirt during construction through an agreed Dust Management Plan;
- k) Temporary drainage and silt control measures;
- l) A scheme for recycling / disposing of waste resulting from groundworks and construction works;
- m) Measures to ensure there is a 10m buffer strip to the watercourse, and a bund across the track that leads down to the watercourse to prevent any sediment and pollution in surface water run-off from reaching the SAC. All materials and equipment must be stored outside the buffer strip, and there should be a designated concrete mixing / refuelling site outside the buffer strip, with spill kits on site and drip trays used for refuelling;
- n) Measures to ensure that a 10m fenced buffer (exclusion) zone to the watercourse. Any excavations left open overnight should have a means of escape for animals to escape, working hours should be limited to daytime if possible, and lights should be directed away from the wooded boundaries / watercourse:
- o) Provision of a written commitment to appoint an Ecological Clerk of Works which will include their terms of reference;
- p) A scheme for managing the impact of the construction phase on directly affected landowners and occupiers.

Thereafter the approved document shall be implemented.

Reason: To protect the amenity of local residents and environment.

- 22.** A scheme of blasting including details of preliminary test blasting shall be agreed with the local planning authority prior to any blasting taking place. The scheme shall provide for ground vibration, as a result of blasting operations, to not exceed a peak particle velocity of 6mm per second in 95% of blasts measured over any period of 6 months and for no blast to exceed 12mm per second as measured at vibration sensitive properties. The measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.

A vibration sensitive property shall be defined as any occupied building outside the site boundary where the occupants of such buildings are likely to be adversely affected by an increase in vibration levels.

The test blasting and construction blasting shall be implemented in accordance with the approved scheme details. The results of the test blasting shall be submitted to the local planning authority within 10 working days of being carried out and if they do not meet the limitations as set out in the approved scheme no further blasting of any nature shall be carried out until a further scheme has been submitted to and approved by the local planning authority.

Following completion of the construction blasting carried out under the approved scheme a report detailing the monitoring and measurement of blasting shall be submitted to the local planning authority within 6 months of the final blast taking place. The report shall include measurements and other details to demonstrate compliance with the approved scheme.

Reason: To protect the amenity of local residents and structures from vibration during the construction phase.

- 23.** No phase of development, as approved by Condition 20, other than the approved Advance Works shall take place until detailed plans of all proposed temporary construction compounds, temporary works areas and other works related activities have been submitted to and approved by the Local Planning Authority. The plans shall be at an identified standard metric scale, include the direction of north and:

- a) show the location and extent of each compound and temporary works area in relation to their neighbouring context – including all buildings, boundaries, public rights of way; and the positioning of the approved tree and hedgerow protection fencing;
- b) stipulate the extent, type, height and any additional finishes / signage to all boundary fencing/security hoarding;
- c) specify the construction details and surfacing treatments to each site compound and temporary works area;

- d) specify the proposals for existing soil resource underneath each site compound and temporary works area;
- e) provide details of their site access construction and layout and include details of visibility splays where these connect directly onto the public highway network;
- f) provide details of the formation of any temporary access tracks to each compound and temporary works area;
- g) specify measures for the monitoring and cleaning of site entrances and the adjacent public highway;
- h) specify the location of wheel washing facilities / wash-down areas for vehicles/plant;
- i) show sufficient onsite parking provision for all site operatives and visitors;
- j) demonstrate on-site turning/manoeuvring space that is sufficient to allow vehicles to enter and exit the temporary construction compounds/areas in a forward direction of travel and commitment to the retention of this at all times;
- k) delineate areas reserved for the loading and unloading of plant and materials;
- l) delineate areas for storage of plant, machinery and materials;
- m) delineate the location and extent of any temporary soil storage mounds within these areas;
- n) specify the maximum height of stored materials or soils within each area;
- o) detail the surface water drainage management arrangements for each site;
- p) provide details of security measures to discourage criminal activity and antisocial behaviour

The temporary construction compounds and temporary works areas shall be implemented and maintained as approved. They shall be removed as soon as reasonably practicable after the construction works they are required for have been completed. Where they are situated on land to be returned to agricultural use, then all hard-standing surfaces shall be removed, the land underneath them decompacted, any stripped soils re-spread and graded and then re-seeded in the first available sowing season. The above restoration operations shall be undertaken in line with the MAFF Good practice guide for handling soils (April 2000).

Reason: In the interests of amenity, highway safety, protecting the environment and minimising the impact of the construction of the scheme on agricultural businesses in line with local plan policies.

- 24.** No phase of development as approved by Condition 20, other than the approved Advance Works, shall take place until a detailed Soil and Earth Material Management Plan has been submitted to and approved by the Local Planning Authority. The plan shall follow the DEFRA (2009) Construction Code of Practice for the Sustainable Use of Soils on Construction Sites and MAFF (2000), Good

Practice Guide for Handling Soils (version 04/00). FRCA, Cambridge. The plan shall include (but not be limited to):

- a) Detailed Soil Movement and Storage Proposal Plans which include details of the location, form and maximum height of temporary storage stockpiles that reflects different soil types/stratas (i.e. top soil, sub-soil and other earth material);
- b) Details of how both (i) unstripped in-situ soils and (ii) stripped and temporarily stored soils will be protected and managed during the construction phase (including management measures to ensure that all soils and soil-making material are protected from being traversed by machinery and kept free from noxious weeds throughout the construction phase);
- c) Management measures to ensure no mixing of top or sub-soils stripped from different landownerships;
- d) Measures to ensure that all topsoil, subsoil, soil-making material and other earth material shall be stacked separately and prevented from mixing prior to placement for agricultural land restoration and/or scheme formation;
- e) Measures to manage the condition of temporary soil stockpiles;
- f) Management procedures to ensure that the stripping, movement and respreading of topsoil and/or subsoil shall be restricted to occasions when the topsoil and/or subsoil is in a suitable dry and friable condition and the ground is sufficiently dry to allow the passage of heavy vehicles and machinery over it without damage to the topsoil and/or subsoil so that the topsoil and/or subsoil can be separated without difficulty; and
- g) Commitment to not handling or moving soil to be used for agricultural restoration between the 1 November and 1 March in any year without the prior written consent of the Local Planning Authority.

The Soil and Earth Material Management Plan shall be implemented as approved and adhered to through-out the construction and restoration phases of the development.

Reason: To safeguard soil resources.

25. No phase of development as approved by Condition 20, other than the approved Advance Works, shall take place on any land that is intended to be returned to previous use until a Land Soil Restoration and Aftercare Method Statement has been submitted to and approved by the Local Planning Authority. The method statement shall cover activities relating to the working, restoration, and aftercare of all areas to be restored to agricultural use and be in accordance with the requirements of the detailed Soil and Earth Material Management Plan approved as part of Condition 24, the statement shall include details of:

- a) Areas to be restored;
- b) Arrangements to prevent the spread of soil-borne diseases;
- c) Land drainage proposed;
- d) Soil replacement including cultivation and seeding;
- e) Management of differential settlement;
- f) Removal of rocks and other materials capable of impeding cultivation

- (where appropriate);
- g) Detailed aftercare programme; and
 - h) Timetable for implementation including phasing.

The Land Soil Restoration and Aftercare Method Statement shall be implemented as approved and adhered to through-out the construction and restoration phases of the development.

Reason: To protect land and soil resources to ensure that reinstated land does not adversely impact existing landowners and occupiers.

- 26.** No development involving excavations below ground level shall commence until the applicant has secured the implementation of a programme of archaeological site work in accordance with written schemes of investigation which have been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains.

- 27.** Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development.

- 28.** The elevations of structures illustrated on the approved drawings as being faced with stone masonry or containing stone shall be completed using natural stone of a colour and texture matching or similar to those quarried and used in the surrounding area. Prior to the completion of any such structure a sample panel (or sample panels if differently sourced stones, face finishes, coursing arrangements or pointing styles are proposed for different structures) shall be erected on the site for the further written approval of Local Planning Authority before stone-facing is applied to any of the structures. The sample panel(s) of the proposed stonework shall demonstrate the colour, texture and face-finish of the stone, the coursing pattern and the colour, texture, finish and joint size of the

mortar.

The development shall thereafter be constructed in accordance with the approved sample panel(s) and a record of the approved materials maintained in order to facilitate closely matching repair work in the future.

Reason: To promote and respect local character and distinctiveness within the scheme design and secure an appropriate external appearance in line with local plan policies

- 29.** No outfalls into any existing watercourses hereby approved shall be constructed until the detailed design of each outfall has been submitted to and approved by the Local Planning Authority.

The outfalls shall thereafter be constructed in accordance with the approved detailed outfall design.

Reason: To prevent any adverse ecological, morphological or visual effects and to ensure surface water outfalls are robust.

- 30.** No culverts hereby approved shall be constructed until the detailed design of each individual structure has been submitted to and approved by the Local Planning Authority in conjunction with the Environment Agency. The submitted designs shall include all provisions necessary to ensure the migration of fish is unhindered.

The culverts shall thereafter be constructed in accordance with the approved detailed culverts design

Reason: To prevent any adverse ecological, morphological or visual effects and to ensure the culverts are robust.

- 31.** For the avoidance of doubt the completed scheme shall not incorporate any form of lighting to any component of the development without the written approval of the Local Planning Authority.

Reason: In the interests of visual amenity and to protect ecological interests

- 32.** No construction works, including site preparation, earthworks, start-up of machinery, deliveries and unloading of equipment and materials shall take place outside the hours of 08.00 - 19.00 Mondays to Fridays and 08.00 - 13.00 on Saturdays and at any time on Sundays, Public or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring occupiers.

- 33.** No use of the development hereby approved shall take place until a scheme for monitoring of habitats and species and for the management of new habitats created has been submitted and approved by the Local Planning Authority. The scheme shall include:
- a) Details of measures to be undertaken for the management of newly created habitats from the completion of the development (including an implementation timetable);
 - b) Details of the habitats and species to be surveyed; the survey methodologies to be employed; the frequency of survey for each habitat/species and a timetable for the undertaking of all survey work;
 - c) Provision for the undertaking of a number of biodiversity audits at appropriate junctures to calculate the amount and quality of habitats created so as to facilitate comparison with the Biodiversity Impact Assessment Calculation and in order to form recommendations for any further habitat maintenance works and interventions necessary;
 - d) Confirmation that all surveys, audits and assessments will be undertaken by appropriately qualified ecologists;
 - e) Provision to submit the results of all surveys, Biodiversity Audits and Condition Assessment to the Local Planning Authority within three months of their undertaking.

The surveys and habitat maintenance scheme shall be undertaken as approved. The recommendations from the Biodiversity Audits and Condition Surveys shall be implemented in full in the first appropriate season following the completion of each report.

Reason: The surveys and habitat maintenance scheme shall be undertaken as approved. The recommendations from the Biodiversity Audits and Condition Surveys shall be implemented in full in the first appropriate season following the completion of each report.

- 34.** No development other than the approved Advance Works shall take place before details of all walls, fences, gates or other means of enclosure to be erected in or around the development have been submitted to, and approved in writing by, the local planning authority.

Reason: In the interests of safety and to protect visual amenity.

- 35.** None of the following non-designated heritage assets, identified and numbered in the Heritage Impact Assessment submitted with the application hereby approved, shall be disturbed or removed until a method statement to deal with their identification, treatment and mitigation has been submitted and approved in writing by the local planning authority.

- i. Village guidepost (no. 69),
- ii. A guidepost (no. 35)
- iii. A pair of gate posts (no.40),
- iv. A well structure (no. 50),
- v. Potential surviving milestone (no. 36), and
- vi. Potential surviving benchmark (no. 66).

The method statement shall include proposals for the following:

- a) Identification of the asset – if its presence has been confirmed a photographic record and plan shall be provided showing its current position and condition, if not a methodology shall be submitted which seeks to determine whether the assets is still present on site;
- b) Confirmation whether the asset will be affected and/or disturbed by the proposed works;
- c) If any of the assets are to be disturbed or removed in order to preserve them, details shall be provided to deal with their safe removal and/or protection during the works;
- d) If any of the assets requiring removal are not able to be returned to their previous location, details shall be included of how and where the asset will be re-used in the approved scheme or otherwise preserved; and
- e) If any assets cannot be preserved and are to be demolished they shall be recorded in accordance with a Level 1 Survey as described by Historic England's document Understanding Historic Buildings - A Guide to Good Recording Practice, 2016. Within 6 months of the completion of the development, 2 copies of the resultant Level 1 Survey report shall be provided to the Local Planning Authority.

The approved method statement shall be implemented as approved and adhered to throughout the construction and operational phases of the development.

Reason: In the interests of protecting non-designated heritage assets.

Appendix 2 - PLAN OF SITE LOCATION/EXTENT

