

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>31 AUGUST 2011</b>
<b>TITLE OF REPORT:</b>	<p><b>DMS/111601/F- CONSTRUCTION OF A SHARED FOOTWAY/CYCLEWAY FROM OUTFALL WORKS ROAD IN TUPSLEY THROUGH ROTHERWAS INDUSTRIAL ESTATE TO THE B4399 HOLME LACY ROAD AT SINK GREEN INCLUDING A NEW BRIDGE OVER THE RIVER WYE AT OUTFALL WORKS ROAD THROUGH ROTHERWAS TO B4399, HEREFORD.</b></p> <p><b>For: Herefordshire Council per Mr Andrew Palmer, Thorn Business Park 3 Rotherwas Industrial Estate, Hereford, HR2 6JT</b></p>

**Date Received: 17 June 2011**

**Wards: Hollington, Tupsley  
and St Martins and Hinton**

**Grid Ref: 353035,238545**

**Expiry Date: 21 September 2011**

Local Members: Councillors MD Lloyd-Hayes, R Preece, JLV Kenyon, P Sinclair-Knipe,  
ACR Chappell, AJ Hempton-Smith, P Rone

## **1. Site Description and Proposal**

### Site Description

- 1.1 The site is 6.4 hectares, extending from the northern end of Outfall Works Road at the junction with Eign Road in the north west stretching for a distance of around 3km south east, joining Holme Lacy Road (B4399) approximately 100 metres west of Sink Green Farm at the eastern end of Rotherwas Industrial Estate. More specifically, travelling from the north west to south east, the application site commences on Outfall Works Road where it meets Crozens Lane, east of Park Street. Travelling southwards along Outfall Works Road for a distance of around 280m, the site then turns eastwards across the River Wye just north of the access to the Welsh Water sewage Treatment Works. Additional agricultural land on the western side of Outfall Works Road and a section of the river bank on the eastern side of Outfall Works Road are also included within the development site area primarily for construction access and compound areas.
- 1.2 After crossing the River Wye, the site then travels across agricultural pasture land for a distance of 200m up to the railway line and then runs effectively parallel with the railway line for a distance of 550m. Again, a larger site area is included both adjacent to the river and on the opposite side of the railway line for construction purposes and to accommodate a haul road to serve the main works around the river. The site then travels north eastwards under the railway line via an existing railway under pass entering Thorn Business Park. From here, the site continues between existing industrial units west of Thomas Roofing supplies into the area

known as North Magazine which is allocated, undeveloped employment land. A further compound is proposed within this area. From here, the site travels south eastwards for a distance of around 550m where it crosses Fir Tree Lane and a further 150m running alongside the newly completed extension of Vincent Carey Road.

- 1.2 After crossing Vincent Carey Road, the site continues south eastward among existing trees and vegetation on the northern edge of allocated undeveloped employment land. After 230m, the site crosses Chapel Road approximately 120m north of the Rotherwas Relief Road roundabout. Continuing for a further 260m, the site follows the northern boundary of a vacant employment building now forming part of Sigeric Business Park, continuing north east following the southern boundary of Rotherwas Pools Special Wildlife Site and the base of the disused railway. The site then crosses Fordshill Road continuing for a further 180m south eastwards, again following the northern boundary of the disused railway embankment where it enters onto Holme Lacy Road.
- 1.3 The site gently undulates across its length although the majority is generally flat with the exception of travelling under the railway underpass and rising up to Holme Lacy Road. The section between Vincent Carey Road and Chapel Road and west of Foresthill Road is largely enclosed by existing semi-mature trees and vegetation and the proposed route navigates amongst the trees where possible. The remainder of the route is dominated by a mixture of either employment or agricultural land use within and adjoining the site, the majority of which forms part of Rotherwas Industrial Estate. The nearest residential properties are Wyeside Cottages which lie adjacent to Outfall Works Road near the start of the development site and Goodwin Way Housing Estate south west of the railway underpass.
- 1.4 The majority of the route though the estate largely follows the alignment of the disused railway line which is safeguarded for either future rail use for sustainable transport corridor under Policies T4 & T5 of the Unitary Development Plan (UDP). Adjoining the northern end of the site adjacent to Outfall Works Road is Hampton Park Conservation Area and south of the site adjacent to Welsh Water Sewage Works is a Site of Importance of Nature Conservation. This partly adjoins the River Wye which is designated a Special Area of Conservation, a Site of Special Scientific Interest and a Special Wildlife Site. In addition, Rotherwas Pool towards the eastern end of the site is also a Special Wildlife Site. There are a number of protected species known to be present either on site or within the locality including those associated with the River Wye such as otters. Bats and badgers are also present close to the development site. The majority of the site falls within a combination of flood zone 2 and flood zone 3. Parts of the site are also archaeologically sensitive.

#### Background to the Proposals

- 1.6 Existing pedestrian and cycle access from north of the River Wye is currently very convoluted, primarily on highway and not particularly pleasant. Access to Rotherwas Industrial Estate in particular, which experiences some of the highest recorded cycle trips of anywhere in the city is reliant on Holme Lacy Road for the primary point of access. This Council has had long standing ambition to improve the sustainable transport links generally between north and south of the city specifically and especially to Rotherwas Industrial Estate. Indeed, as far back as 1998, Hereford and Worcester County Council commissioned a report which classified the need for the link as being a high priority. Herefordshire Council through successive local transport plans have subsequently featured the need for a link as a high priority within its cycle priority ranking scheme.

More recently, associated with recent expansions of Rotherwas Estate, the Council has committed to improving the sustainable transport links to the estate through a travel plan in order to try and reduce the number of single occupancy car based trips and encourage modal shift. With the recent announcement of Rotherwas gaining Enterprise Zone status and the likely job creation that this will bring, the need for better pedestrian and cycle links will become even more important to give both employers and employees genuine alternative travel options.

- 1.7 At the end of 2007, Sustrans (the UK's leading sustainable transport charity) was successful in the bid for £50 million of lottery funding for a project known as Connect 2 which incorporated a total of 79 schemes around the Country, of which Hereford is one. Connect 2 is described as walking and cycling schemes which currently are not possible without significant detour. Of the £50 million grant, Hereford has secured £350,000.00 towards the scheme. The scheme has to be completed by spring 2013 to benefit from this funding.

#### The Proposals

- 1.5 The proposal is for the construction of a 3m wide hard surface shared use footway/cycleway hereafter referred to as the Greenway. It should firstly be noted that the entirety of the core route is for the provision of the Greenway from the Cathedral to the eastern end of Rotherwas Industrial Estate onto Holme Lacy Road (phase 1). The Council and Sustrans are also committed to delivering the second phase of the route from Holme Lacy Road to Holme Lacy village following the alignment of the disused railway line. Whilst the funding for this section is currently not available, initial design work and landowner negotiations have commenced. Opportunities to secure funding to deliver this route through the Community Infrastructure Levy in particular will evolve over the next two years or so.
- 1.6 The first section does not form part of the planning application as the works required to facilitate the Greenway within this area are all permitted development amounting predominantly to new signage. This commences at the western end of Castle Street then travelling southwards via Quay Street and Castle Hill following the southern boundary of Castle Green. It then crosses Mill Street onto Nelson Street and onto Harold Street, across Green Street continuing eastwards onto Crozens Lane, then entering Outfall Works Road where the proposed development site commences. Where new signage is proposed, this is to be sited on existing building and walls wherever possible to minimise the degree of street clutter and if this is not possible, it will replace existing finger marker signs. Additional highway works in the form of a new section of pavement and crossing to improve the safety for pedestrians and cyclists travelling from the north and east off Hampton Park Road/Eign Road on to Outfall Works Road is also being considered.
- 1.7 From Crozens Lane, the first part of the development site utilises Outfall Works Road. New highway/cycle signs are proposed along Outfall Works Road and a 40m long passing bay is to be created on the western side of the road. From Outfall Works Road, the Greenway crosses the River Wye via a new cable stay bridge. This entails the construction of a 36m long ramp parallel with Outfall Works Road to support the western bridge abutment and gain access to the bridge. As part of these works, the existing concrete steps down to the river would be relocated northward, near an area known as the Fisherman's car park. The bridge is a single pier design with a series of seven cables fanning out either side of the pier to support the bridge. It spans a distance of 95m entering onto a raised embankment on eastern side of the river with the top of the pier being at a height of 30m above ground level. A contemporary wire parapet at a height of 1.4 metres is proposed. Ground levels are to be lowered under the bridge by around half a metre on average to provide flood storage compensation.
- 1.9 Hereafter, the Greenway then grades back to existing natural ground levels running alongside the railway line and then through the estate. It will be enclosed by a mixture of security fencing adjacent the railway line and adjoining industrial units and a combination of post and rail and stock proof fencing on the river side of the Greenway and elsewhere. The existing public right of way that runs through the riverside fields will be retained with access via gates across the cycleway. The Greenway is a minimum of three metres throughout its length but most parts include additional grass verge and soft landscaping either side of a minimum of one metre in width.
- 1.10 Crossings, where the Greenway crosses existing industrial estate roads, will take the form of dropped kerbs and pavements with appropriate signage both on the Greenway and within the

highway to make pedestrians, cyclist and drivers aware of the existence of the Greenway and traffic. Bollards will also be used to prevent motorised use of the Greenway other than by mobility buggies. The southern section of the route will also be available for equestrian use. A temporary construction haul road is also proposed on the western side of the railway line to provide access for heavy plant required to construct the bridge which will also continue through the Northern Magazine connecting with Vincent Carey Road. The route will form part of national Sustran cycle network.

- 1.10 The application is supported by an Environmental Statement (ES) prepared in accordance with the Town & Country Planning (Environmental Impact Assessments) (England & Wales) Regulations 1999. This Council issued a screening opinion in 2009 which determined that the proposed development was an EIA development and the scope of the ES was formally adopted in 2010. This month, new EIA Regulations have come into force which supersede the above Regulations. However, the changes do not materially affect the soundness of the existing ES prepared for this development or the consideration of this application. The ES includes chapters on landscape and visual effects, ecology and nature conservation, archaeology and cultural heritage, geology, soils and minerals, flood risk, climate change and the water environment, effects on all travellers, community and private assets, construction and cumulative impacts.

## 2. Policies

### 2.1 National Guidance

PPS1	-	Delivering Sustainable Development
PPS5	-	Planning in the Historic Environment
PPS9	-	Biodiversity and Geological Conservation
PPS13	-	Transport
PPS33	-	Planning and Pollution Control
PPS75	-	Development and Flood Risk

### Herefordshire Unitary Development Plan 2007

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
S7	-	Natural and historic heritage
S10	-	Waste
S11	-	Community facilities and services
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood risk
T3	-	Protection and development of rail network
T5	-	Safeguarding former railway land
T6	-	Walking
T7	-	Cycling
T16	-	Access for all
LA2	-	Landscape character and areas least resilient to change
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
NC8	-	Habitat creation, restoration and enhancement
HBA6	-	New development within conservation areas

ARCH1	-	Archaeological assessment and field evaluations
ARCH3	-	Scheduled ancient monuments
ARCH6	-	Recording of archaeological remains
RST6	-	Countryside access
RST7	-	Promoted recreational routes
W11	-	Development - Waste implications
NC1	-	Biodiversity and development
NC3	-	Sites of national importance
NC4	-	Sites of local importance
NC6	-	Biodiversity action plan – Priority habits & species
NC7	-	Compensation for loss of biodiversity

### 3. Planning History

- 3.1 Whilst there is considerable planning history associated with existing employment sites adjoining the Greenway route, none is directly relevant to the consideration of this application.

### 4. Consultation Summary

#### Statutory Consultees

#### Natural England

- 4.1 *Habitat Regulations Assessment:* The proposal includes a new bridge over the River Wye Special Area of Conservation which is a European site protected under the Habitat Regulations. From the information provided, it is Natural England's view that the proposal is likely to have a significant effect on the European site. Regulation 61 of the Habitat Regulations requires that the local planning authority undertake an Appropriate Assessment of the implications of the development on the conservation objectives or the European site.

Primary concerns relate to the potential impacts of the bridge construction on migratory fish species, mainly shad, salmon and sea lamprey. The Habitat Regulations screening report submitted with the application makes assumptions about the ability to mitigate the potential construction impact through adapting the construction methods and timing of works. However, the ES highlights uncertainties around the construction process that may be used, which could include thrust piling.

Whilst we welcome the mitigation measures that have already been secured and agree that further mitigation may be possible through appropriate construction methods, due to the uncertainty over the construction methods at this stage, the precautionary principle must apply. Further information regarding the construction methods and timing of works is required and a tailored mitigation strategy needs to be formulated in liaison with the Environment Agency fisheries officer. These matters cannot be dealt with post planning as Natural England would have already given permission for the works in their current form through the application process.

*Other ecological matters:* We agreed with the conclusions and recommendations made in the ES chapter on ecology and nature conservation. We welcome the creation of an artificial otter holt as a contribution to biodiversity enhancement.

Best practice working methods should be employed regarding reptiles and breeding birds and we welcome the creation of artificial banks for sand martins, which should be constructed before works begin. We also support the use of low spill directional lighting only. The proposed construction and environmental management plan should provide for the detail on the ecology recommendations listed in the ES secured through appropriate conditions.

*Landscape and visual impacts:* The new bridge over the River Wye is the main cause of landscape and visual impacts. We acknowledge that given the nature of the structure there is little that can be done to mitigate its visual impact and consider the proposed design, on balance, to be the best solution. Given the proximity of the new bridge to the existing railway bridge and the fact that it will be seen in the context of the edge of the city, we do not consider the visual impact to be exceptionally adverse or significantly detract from the landscape and peoples enjoyment of it. We recommend that detailed landscape mitigation and enhancement scheme is agreed prior to work commencing. This should refer to the Council's Landscape Character Assessment to ensure that the mitigation and enhancement also benefits ecology where ever possible.

*Conclusion:* Natural England is currently objecting to this application on the basis of inadequate information relating to the impacts on the River Wye Special Area of Conservation. This is a holding objection pending further information on construction and submission of an Appropriate Assessment.

#### Welsh Water

- 4.9 There are a number of public sewers, rising mains and water mains crossing the application site and therefore we recommend an advisory note making the applicants aware of the location of these assets and the required safety zones.

#### English Heritage

- 4.10 English Heritage endorses the comments within the planning statement that there will be archaeological implications for which an archaeological mitigation strategy will be required. Implications include the impact of works near to the Row Ditch Schedule Ancient Monument and the archaeological potential on parts of the River Wye flood plain. English Heritage recommends that the archaeological mitigation strategy be completed to enable its timely implementation.

#### Environment Agency

- 4.11 *Flood Risk:* Elements of the proposed development either side of the River Wye are located in Flood Zone 3, the high risk Zone. The proposed embankments required to facilitate the bridge will have an impact on flood storage, which the submitted Flood Risk Assessment, and associated submissions, has sought to address. The proposals are considered acceptable for the reasons detailed below and we would raise no objection to the proposed cycleway and bridge structure.

The information submitted confirms that 1350m<sup>3</sup> loss of floodplain storage volume resulting from the bridge structure and cycleway includes both the south and north bank embankments. The loss of floodplain storage volume is more than compensated for by the proposed 1500m<sup>3</sup> scrape through and adjacent to the railway arches.

The proposed 2 No. cattle grids and 450mm high single rail fence alongside the cycleway will have a negligible impact upon flood flows. Consent from the Agency will be required for bridge works in addition to any planning permission.

We also note comments made by Natural England and their request for further assessment under the Habitats Regulations. We welcome this request and would provide further comments on any further assessment, which would also be required as part of the Consent application for the bridge construction.

*Contaminated Land:* This site appears to have been subject to a comprehensive desk based contaminated land study. Appropriate contaminated land conditions are recommended.

*Pollution Prevention:* Developers should incorporate pollution prevention measures to protect

ground and surface water.

*Export & Import of wastes at site:* Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

The Environment Agency therefore have no objection to the proposed development as submitted.

#### Ramblers Association

- 4.12 The cycleway crosses footpath LOB 10 and there should be no step change in level in the footpath. Outfall Works Road is narrow and carries some motor traffic and therefore a 20 mph speed limit will be desirable. Developers should be aware there is a legal requirement to maintain and keep the footpath clear at all times.

#### Forestry Commission

- 4.13 The application is within 500m of the ancient semi natural woodland. However, the scale of the proposal is such there will be no effect on the woodland.

#### Network Rail

- 4.14 No comments received.

#### H & W Gardens Trust

- 4.15 No comments received.

#### Open Space Society

- 4.16 No comments received.

### **Internal Council Advice**

#### Traffic Manager

- 4.17 No objection.

#### PROW Manager

- 4.18 The proposed cycleway will have very little impact on the existing public rights of way network other than the crossing point with footpath LTB10a. At this point, safety considerations such as visibility and gradients must be considered.

#### Conservation Manager – Historic building and Conservation Areas

- 4.19 Policy HE10 of PPS5 sets out considerations for development affecting the setting of a designated Heritage asset. The most significant structure is the new bridge over the River Wye. Although the bridge is relatively long span for a footbridge and the restraining mast is commensurably tall as a result, it is not considered that the visual impact on the heritage asset in the vicinity will be particularly significant.

Firstly, the bridge is a self-consciously designed structure whose functional choices have also been guided by aesthetic consideration, so it is an appealing design in its own right. This will fulfil one of the requirements of PPS5 concerning making a positive contribution. Secondly, it is seen in relation to the existing railway bridge and embankments to the east so its net contribution to their combined impact is relatively small. Indeed, its design forms an interesting contrast with a purely functional engineering of the 19<sup>th</sup> Century railway bridge. There are no objections for the proposed development.

#### Conservation Manager – Biodiversity

4.20 Comments awaited.

#### Conservation Manager – Landscape

4.21 The Landscape and Visual Effects (LVE) chapter of the Environmental Statement follows recommended guidelines. The information presented is accurate and the conclusions are supported. The section titled 'Planning policy, legislative context and standards' is detailed, however it fails to mention the European Landscape Convention concerned with protection, management and enhancement of European landscape or Herefordshire's own Landscape Character Assessment (LCA) Supplementary Planning Guidance. The landscape character designations used below are taken from this LCA.

The route is clearly identified in the Herefordshire Green Infrastructure Strategy (Feb 2010). It is a local strategic corridor (HerLSC8), where the existing historic and natural assets provide the opportunity to increase the sustainability of new and existing development. Such well-connected linear assets will benefit biodiversity, local distinctiveness, flood management, leisure and recreation and alternative transport opportunities.

The route itself will start at the Cathedral within the Urban landscape character type. As it reaches Outfall Works Road, the start of this application, the character changes to Riverside Meadows. The open field to the west and the roadside hedgerows immediately create a more rural setting. This area is also cut off from the residential areas by the railway embankment. The proposed cutting back of vegetation, addition of road markings and higher user numbers will urbanise this section, however this will only be a moderate, not major, impact.

The visual impacts will be the cutting back of vegetation and addition of road markings. The receptors to these changes have all been clearly identified in the LVE and it is agreed that these are mostly highly sensitive. The significance of these changes will be moderate for most receptors.

The landscape character type is Riverside Meadows, which in general terms cannot absorb built development without significant alteration to the linear character. The River Wye itself is a Special Area of Conservation, Site of Special Scientific Interest and Special Wildlife Site. The proposed bridge, with associated ramps, retaining walls, railings and embankments will have a major impact on the landscape character of the site itself. It is acknowledged that alternative crossing points and methods have been assessed and that this proposed scheme is the best compromise in balancing other competing considerations. The primary characteristics of this area – pastoral land use, well defined linear tree cover and unsettled landscape will be permanently altered by this development. This major impact is off-set by the low quality of the existing vegetation, the lower landscape quality to the south and the landscape character further along the river in both directions will not be significantly effected.

The visual impact of the bridge has been assessed in the application for visual receptors within 300m of the route and through the use of computer generated images. There is no mitigation possible for a structure of this size and its design could be viewed positively or negatively. The tower will be 25m high and has the potential to be visible from much greater distances, particularly to the south of Hereford. The structure will be seen in the same views as the built development of Hereford city and the existing railway bridge, therefore providing a suitable context and setting. No lighting details for the bridge have been provided, however this would have a considerable visual impact in an area where lighting is not currently present and is not expected.

The route character changes considerably between the open field to the west of the railway, through the underpass and emerging in the Rotherwas Industrial Estate. The landscape character type is urban, however more specifically this area is large scale, mixed industrial uses with some vacant land and disturbed through on-going building work. The line of the railway is an historic landscape feature that should be retained and this proposal represents an opportunity to enhance it. There are areas of mature vegetation that have colonised along



the route and as much of this should be retained as possible, providing a welcome relief from the surrounding built infrastructure.

The visual impact will be from vegetation clearance and fencing – both of which should be kept to the minimum necessary. The visual receptors affected will be users of Rotherwas Industrial Estate and their sensitivity is low, given the nature of the surroundings.

The mitigation measures set out in the LVE chapter are all suitable to the scheme and would provide benefits to the landscape. These have not all been followed through into the proposal drawings, which do not provide a landscape scheme. Given the numerous references to 'Greenway', the landscape scheme should have formed an integral part of the application. The creation of a 'Greenway' relies on protection of existing vegetation where possible, new planting and habitat creation. The detailed landscape plan should incorporate all recommendations from the ecological reports. It should also be fully integrated with the ongoing changing landscape of Rotherwas Industrial Estate. A tree survey should have been provided along the route, clearly identifying any trees that are to be removed and a tree protection plan for those to be retained.

It is agreed that the application meets with UDP Policies LA2 on landscape character and LA3 on the setting of settlements. Policy LA6 requires a suitable landscape scheme – this has not been clearly identified, however the general annotations on the drawings show that there is an intention to carry out the necessary work.

If the application is to be approved then landscape conditions are recommended.

#### Conservation Manger – Archaeology

- 4.22 The Proposal involves a lengthy route-way into Hereford from the southeast, and a significant new bridge across the River Wye. Although there are a number of sites and locations of archaeological interest that fall within the broad scope of the scheme, they are limited, and the effect the development would have on them is not likely to be harmful.

It is considered that the proposed development would be fully accordance with relevant national and local policy in relation to archaeology, and in fact represents a heritage opportunity.

#### Minerals & Waste Officer

- 4.23 No comments received.

#### Environmental Health Manager

- 4.24 Comments awaited.

#### Economic Development Manager

- 4.25 No comments received.

### **5. Representations**

- 5.1 The development site area crosses three parish council areas, Hereford City Council, Lower Bullingham Parish Council and Dinedor Parish Council.

#### Hereford City Council

- 5.2 We are happy to support this application but anxieties have been raised about anti-social behaviour around the new bridge.

#### Lower Bullingham Parish Council

- 5.3 The parish council asked that the following matters are addressed before planning permission is approved.

1. Install low density lighting along the new bridge
2. That stock proof fencing is put in place along the river meadow
3. Termination of the cycleway directly onto Holme Lacy Road at Sink Green Farm which is an extremely busy, bendy and narrow section of highway is highly dangerous and totally inappropriate. The parish council request that the cycleway terminates at Fordshill Road where the road is straight, wider and with greater visibility for cyclist and walkers.
4. Additional road signage within the highway and road markings both on the cycleway and highway are required to improve the safety for both pedestrian, cyclist and road users.

Once the above matters have been addressed, the application will be supported.

#### Dinedor Parish Council

5.4 The application is not supported. The Parish Council have serious health and safety issues regarding the proposal and it is not considered to be compliant with policies T6, T7 & T8 of the Unitary Development Plan.

- Policy T8 requires development proposals to maximise road safety.
- Policy T7 requires development proposal to incorporate safe, direct, convenient and attractive cycle routes which can also include improvements to roads and junction, cycle quality measures and secure cycle parking.
- Policy T6 requires consideration of appropriate standards including signing, signage and lighting are taken into account when considering local or strategic walking routes.

Termination of the cycleway on Holme Lacy Road by Sink Green Farm which is a known accident black spot has serious road and public safety implications. The road is busy, narrow and on a bend with serious visual impairment from the old railway bridge abutment. There have been a number of accidents at this location including fatalities. The safety of the public has been seriously underestimated and not effectively assessed. How can it be acceptable to terminate the cycleway here?

It is also considered that the signage at the highway crossing points is not sufficient. The grazed agricultural land where the cycleway passes through must be fenced off, to safeguard public safety and the welfare of stock.

The Parish Council considers the 2009 Towpath Report does in fact support the view that there is a perfectly adequate public footpath that could be upgraded from close to the railway line and emerging on St Vincent's Close. The width of this route will exceed the minimum required for Connect 2 and would present few technical difficulties other than those of access for construction. It is not necessary to use the rest of the river bank as this route easily links to the existing cycle route along the straight mile and through Putson to Victoria Bridge. The fact that Victoria bridge is not suitable for Sustrans requirement is not a reason to discount the above option as Sustrans are only contributing £330,000 out of £2.7m.

5.5 Two emails of objection have been received from numbers 1 & 2 Wyeside Cottages. The main points raised are:

- Whilst we have had assurance there is no increased flood risk, we remain concerned the proposed bridge construction and particularly the embankment will impact on river flows and increased flooding.
- We have grave concerns with the safety of Outfall Works Road. The road is single width, carries a high volume of HGV's and there is currently no room for people, pedestrians or cyclists. It would be irresponsible to take forward this project without further plans to ensure the safety of pedestrians and cyclist along Outfall Works Road. Consideration should be given to 3m path.

- The original bridge location east of the railway bridge would not have needed such a large embankment and would have bought cyclist and pedestrians out onto the existing footpath where there are no health and safety issues.

5.6 22 letters and emails of support have been received including letters directly from Sustrans, Cycle Hereford and South Wye Regeneration Partnership. The main points raised are:-

- The development will be a great utility to workers in Rotherwas and Lower Bullingham providing a much needed safe cycle route between the City and Rotherwas.
- The development would encourage more people to cycle thereby reducing car trips and subsequent congestion and pollution within the city.
- Paths of this nature provide additional freedom and independence to people who rely on mobility scooters.
- The development will half journey times for workers living north of the city travelling to Rotherwas
- The development will help people to include exercise in a daily routine thereby helping to achieve the Governments objectives on C02 reduction, economic growth and obesity.
- The gradient of the bridge ramps have been designed with the mobility impaired user in mind.
- The development will assist in meeting the travel plan targets for Rotherwas Industrial Estate.
- The development will provide a spring board for the extension of the Greenway all the way to Holme Lacy.
- The high standard of bridge design will be a flagship symbol for green transport in the city.
- The development will assist Hereford Pedi-cabs and cargo in developing an affordable cross city delivery network including additional trade waste recycling clients, assisting businesses in reducing their C02 omissions.

In addition, several additional comments and suggestions have been received as follows:-

- Further consideration should be given to the use of the Welsh Water bridge.
- There is a risk of anti social behaviour if the bridge is not adequately lit.
- Additional improvements should be considered to the junction to Outfall Works Road and Eign Road along with appropriate visual warning on Outfall Works Road itself.
- The loss of the sand martin nesting site on the south bank is not desirable although the artificial nesting site would help mitigate this.
- The scheme may lead to loss of existing car parking spaces on Outfall Works Road
- What consideration has been given to creation of additional parking for people who may drive to the bridge and walk across as this may lead to additional parking on local estates?
- The bridge parapet should be designed to mitigate the risk of children jumping off the bridge in the summer as occurs with the nearby railway bridge.

5.14 The full text of these letters and e-mails can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

## 6. Officer's Appraisal

- 6.1 The key issues in the consideration of this development proposal are as follows:
1. The Principle of the Development Including the Consideration of Alternatives
  2. Flood risk
  3. Biodiversity
  5. Pedestrian, Cyclists and Highway Safety
  6. Landscape and Visual Impact
  7. Heritage Assets
  8. Other matters
  9. Conclusion

### **The principle including consideration of alternatives**

#### The Principle

- 6.2 As explained in the introduction, a scheme that provides a safe and direct sustainable transport link between the northern half of the city and Rotherwas has been considered a Council priority for some time. The only route currently available being a lengthy on highway route via the old bridge and onto Holme Lacy Road (cycling across Victoria footbridge is not permitted). The transport sector (excluding international aviation) is currently responsible of a quarter of the total UK carbon emissions, 80% of which is contributed by road users. In recognition of this, the government has required local planning authorities through planning policy to prioritise sustainable, low carbon travel options with greatest emphasis being on walking and cycling for both environmental and health reasons.
- 6.3 This requirement is embedded within the adopted Herefordshire Unitary Development Plan which places a high priority on sustainable forms of travel. Specific policies such as T6 (Walking) and T7 (Cycling) support new sustainable transport infrastructure which encourages more journeys by foot and cycle. T7 in particular lists several cycle schemes which includes Rotherwas/Lower Bullingham to Bartonsham link to create a County wide cycle network. This strategy is reinforced within the adopted Local Transport Plan which identifies walkers and cyclists as the top priority in considering new transport infrastructure. UDP policy T5 also requires former railway land to be safeguarded for new walking, cycling and equestrian routes. The need and principle of the scheme is therefore clearly supported in policy terms, and the scheme represents the implementation of a specific UDP proposal..

#### **Consideration of Alternatives**

- 6.4 Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 requires that development proposals supported by an Environmental Statement (ES) should also outline the alternative options considered. It should be noted that for the purposes of this report and as stipulated within the EIA Regs, other options should be considered in terms of their environmental effects rather than other matters such as cost, which is not normally a land use planning consideration.
- 6.5 Four principal alternative route options have been considered. These being
- 1) Utilising Outfall Works Road, continuing along the river bank and utilising the existing Welsh Water bridge to cross the river into Rotherwas via the railway underpass,
  - 2) Travelling along Eign Road and construction of a new bridge via Quay Close to cross into Rotherwas and
  - 3) Crossing the river via Victoria footbridge and following the river bank through the construction of new, and improvements to the existing riverside footpath to link into Rotherwas via the railway underpass.
  - 4) Attach a new walkway to the existing railway bridge off Outfall Works Road

#### Option 1

- 6.6 The primary benefit of this route option is the utilisation of an existing bridge to cross the river. However, this bridge would have to be adapted entailing work over the watercourse and furthermore, significant ramp structures would be required to provide access onto the bridge on both sides of the river which have the potential to increase flood risk. Significant engineering works including tree and bankside vegetation removal would be required along the river bank to create a continuous cycleway from Outfall Works Road to the bridge through a Site of Importance for Nature Conservation. Therefore, for this reason alone, this option is likely to have greater environmental impacts on the River Wye Special Area of Conservation and designated Site of Importance for Nature Conservation.

#### Option 2

- 6.7 This option is broadly comparable to the proposed scheme as it entails the construction of a new bridge over the river and in many respect provides for safer connections as it avoids the use of Outfall Works Road. However, the location of proposed bridge would require more significant removal of scrub, vegetation and mature trees along the north river bank of the river and adjacent Eign Brook in close proximity to an existing otter resting site. Additional clearance would be required to provide safe working area for construction and in amenity terms, there would be greater impact on local residents. On balance, it is accepted that the environmental effects of construction of a new bridge in this location are likely to be greater than with the proposed route.

#### Option 3

- 6.8 This route avoids the construction of a new bridge by proposing the use of Victoria Footbridge as a means of crossing the river. This bridge, which is Grade II Listed, would need to be adapted to accommodate cycle use thereby requiring some work over the watercourse albeit significantly less than with option 1 & 2. A by-law currently prevents cycling over the bridge which would have to be removed or amended presenting a potential legal complication. The main impacts with this option, however, is that it would require significant engineering works to achieve the required 3m wide shared footpath/cycleway along the river. Whilst a river path already exists along parts of the route, it is not continuous having being closed off due to the river bank erosion and this would require widening along most of its length. This in itself could be achieved but measures would need to be put in place to prevent further erosion of the river bank and path. This would need to take the form of a hard engineering construction such as piling or stone gabions, the scale of these works and the consequential potential for significant residual impacts on the Special Area of Conservation make this option unacceptable.

#### Option 4

- 6.9 This involved attaching a new cycleway on to the side of the existing Network Rail bridge as a means of crossing the river. Environmentally, this option is comparable to a new bridge as engineering works on the river banks would be required to achieve disabled access compliant ramped access on to the bridge and this option would still entail the need to work over the river. However, Network Rail would not give consent to this option.

- 6.10 A 'do minimum' fifth option has also been considered which essentially entails highway alterations to provide safer passage for pedestrians and cyclists on Holme Lacy Road in particular. The environmental impact of these works would be minimal but this would not achieve the desired objective of providing a safe, direct and attractive Greenway encouraging increased cycling and walking between Rotherwas and the northern parts of the city.

#### 6.11 Different Design Options

Once it had been established that the new bridge will be required, a further study was undertaken of the bridge design options. This narrowed down to two options, a warrant truss bridge and cable stay bridge. The environmental impacts of constructing both options were largely comparable in terms of foundation requirements, construction effects on

constructability and therefore the choice of bridge design was made principally on the visual and architectural appearance of the structure. The precise bridge location in the vicinity of the proposed route has also been amended primarily for flood risk reasons.

- 6.12 Having studied the environmental effects of the alternative options on the sensitive receptors which primarily relates to the River Wye and its associated linked habitats, it is considered that the proposed option has the least environmental impacts.

### **Flood Risk**

- 6.13 The application is supported by a Flood Risk Assessment which is further considered within the Environmental Statement. A large proportion of the proposed route falls within flood zone 3 which is the highest risk category of flood plain. Planning Policy Statement 25 permits new infrastructure of this nature within a floodplain subject to the application of the 'Exception Test'. This requires that 1) the development provide wider sustainability benefits to the community that outweigh the flood risk, 2) the development is on previously developed land or it is demonstrated that there are no alternatives to developing on greenfield land and; 3) it must be demonstrated that the development will be safe without increased flood risk elsewhere and any residual flood risks that occur can be reduced or mitigated.
- 6.14 The flood risk impacts of the development and particularly the construction of the new bridge and the supporting infrastructure has been assessed through computerised hydraulic modelling. This is also informed by historic flood records for the area gathered in association with the wider flood protection works for Rotherwas Industrial Estate and includes data back as far as 1795.
- 6.15 The modelling has revealed the primary flood risk impact is associated with the new bridge and particularly the ramps that provide access on to the bridge either side of the river. Various bridge locations and ramp design options have been considered to mitigate this flood risk. The proposed solution is that the bridge itself would be flood free up to a 1 in 100 year plus climate change event as stipulated by the Environment Agency. The proposed ramp on the north west side of the river is designed so as not to impede water flow by having a curved radius and a slim profile. Alongside the existing concrete engineered embankment within this area and the existing flood relief outlet immediately to the south, this ramp construction will have negligible flood risk impact.
- 6.16 On the south east side of the river, the bridge design extends for around 50 metres beyond the rivers edge into the adjoining field with a shallow graded earth embankment then proposed to achieved ramped DDA compliant access on to the bridge. To compensate for the bridge pier and embankment within the flood plain, flood storage compensation is proposed. This entails excavating an area under the bridge to an average depth of half a metre equivalent to 1500 cubic metres which is in excess of the volume of the proposed bridge works which amounts to 1350 cubic metres. This effectively allows flood water to continue to flow across the field meadow adjoining the river.
- 6.17 To address the concerns of the Environment Agency, the fence design has also been changed in this location. The previously wire stock fencing which could have been a trap for debris at times of flood has been replaced with a combination of a simple timber post and single rail and two sets of cattle grids to control the movement of stock. The combined impact of the bridge work along side the proposed mitigating measures results in a change in water levels of less than one millimetre in the locality around the bridge. Consequently, the flood risk impact of the works on existing residential properties and business on Outfall Works Road in particular will be negligible.
- 6.18 The remainder of the Greenway will generally be raised around 150 millimetres above existing ground level to ensure it does not become water logged at times of heavy rainfall. Soakaway

drainage will be provided along the length of the route to ensure that the Greenway does not cause increased flooding elsewhere. The Greenway will also ramp up and over the existing flood bund on the east side of the railway underpass to ensure the scheme has no impact on this flood barrier..

- 6.19 South of the river, the Greenway travels through functional flood plain. Elsewhere within the Rotherwas Industrial Estate, until Rotherwas flood alleviation works are constructed, the Greenway will also travel through areas of high flood risk. The probability of the Greenway flooding is around 1 in every 5 year for a duration of less than 12 hours with more significant flooding during extreme flood events, (1 in 100 year) the most recent of which was December 1960. To mitigate against this risk, a flood risk warning plan is proposed. This will include a link to the Environment Agency flood warning system to ensure that users of the Greenway are both aware of the flood risk and suitable measures are put in place including closure of the Greenway when it is at risk from flooding. The full details of this can be secured by condition.
- 6.20 In addition, the ES also considers the impact of the development on both ground and surface water will be minimal given the scale and nature of the work and proposals for sustainable drainage of the route. Working close to the water course will inevitably generate issues during the construction phase. This is to be mitigated through carrying out the majority of the bridge works during the summer when flood risk will be lower. Sediment catchment ponds are also to be constructed to minimise run off from exposed soils and materials whilst any hazardous substances such as fuels and oils will be appropriately stored away from the river. Specialist spill kits will also be available to deal with pollution incidences.
- 6.21 Therefore the environmental statement and accompanying flood risk assessment satisfactorily demonstrates that the tests for consideration of new infrastructure development within the flood plain set out in Planning Policy Statement 25 (the Exception Test) have been met. The flood risk effects of the development and therefore considered low and when the wider Rotherwas flood alleviation scheme is completed, the residual flood risk will be negligible.
- 6.22 Subject to conditions as detailed within this section, the flood and pollution risks of the development both during construction and once complete are acceptable in accordance with the requirements of policies DR4 & DR7 of the UDP. The Environment Agency also support's this view and raise no objection to the application.

### **Biodiversity Impacts**

- 6.23 The Environmental Statement assesses the ecological and nature conservation impacts of the development and identifies mitigation measures and compensatory provision where relevant. The principal ecological receptors are the River Wye Special Area of Conservation and Site of Special Scientific Interest and Rotherwas Pools Special Wildlife Site. The analysis is based on information gathered from desk based research along with the site specific ecological surveys carried out in 2009, 2010 and 2011. Potential impacts will arise from the engineering works, vegetation clearance, noise, vibration and potential risk of accidents. Also, increased human activity once operational could also give rise to ecological impacts.
- 6.24 The River Wye is designated for containing ranaculous beds which support a number of protected fish species, including white-clawed cray fish, sea lamprey and shad. None of these species were found in the immediate area around the bridge but suitable habitat exists in the area to support spawning of these species including shingle beds and areas of silt. The river also supports otters and evidence of otter activity has been found along the north and south bank of the Wye including an above-ground resting site within 150 metres of the bridge. Within 500 metres of the Greenway there are three locations where great crested newts exist, although there are no effective terrestrial habitat links between these locations and the route. Slow worms and grass snakes have also been found within 500 metres of the route including around Fir Tree Lane. There are many records of bats within 1 kilometre of the Greenway

route. In addition there are a number of notable bird species along the bridge including kingfishers and sand martins within the river bank near the bridge location. In terms of plants, the Greenway passes predominantly through improved grassland and farmland but also small areas of woodland and scrub will be affected. Rotherwas Pools Special Wildlife Site contains a breeding population of common toads, along with various other bird species and aquatic vegetation.

- 6.25 The potential ecological impacts of the development have been considered and addressed within both the route selection process and design of the proposed route. Several of the other routes have been dismissed primarily on environmental grounds that would have entailed the engineering of several hundred metres of riverbank and the removal of large areas of trees and vegetation. The cable stay bridge design avoids any new structures within the water course and the long span of the bridge minimises the amount of riverside habitat affected by the proposal. The bridge has a slim profile being 3.5 metres wide and therefore any shading effect will be minimal. The lighting of the bridge deck will need to be carefully considered but low impact LED lights are proposed which in principle, are likely to be acceptable. The bridge will also lead to increased human activity in the area although there is already public access with the fishing on the north-west bank and via the public right of way in the south bank. Therefore, these impacts are not considered to be significant.
- 6.26 The proposed bridge construction will entail piling of foundations and at the time of writing the report, Natural England have issued a holding object due to potential impact of the construction on migratory fish. An likely acceptable solution will be to use bore rather than thrust piling outside of the fish migratory season of March to June but this detail has not yet been clarified. Further information is being provided to Natural England regarding the piling methodology and potential impacts and an up-date on this matter will be provided at committee.
- 6.27 Bat activity surveys have also been carried out in two locations along the route. Various bat species were detected, although no evidence of significant commuting routes and no lesser horseshoe bats were recorded. The required site clearance will not remove any of the areas of vegetation where significant levels of bat activity were recorded or any of the potential roosts identified within existing trees. The Greenway will also create new and enhanced wildlife corridors for bats particularly as the majority of the route will not be lit.
- 6.28 The bridge works will take place adjacent to a sand martin nesting area and without mitigation, significant disturbance to these species is likely to occur. New artificial banks are proposed to be created and the existing site netted off in advance of construction commencing to minimise any disruption during construction. Prior to work commencing, a further otter survey is also proposed to establish any otter activity and construction activities will be controlled through a licence from Natural England if otters are found near the bridge construction. The impact on otters can be further mitigated with new tree and shrub planting on the north and south embankments of the river providing screening and potential new laying up sites.
- 6.29 The applicants also propose to adhere to the Environment Agency's Pollution Prevention Guidelines which include strict controls. This will include installing silt traps around the construction areas to prevent any sediments or contaminants from entering the river. Settling tanks and oil interceptors may also be used and spill kits will be available both sides of the river to deal with any accidental spillages.
- 6.30 Elsewhere around Rotherwas pool in particular, clearance of woodland and vegetation will need to be strictly defined and controlled. This will be ensured through the erection of robust fencing preventing encroachment outside of the construction corridor, and avoiding removal of any mature trees and ensuring clearance takes place outside of the bird nesting seasons. Once completed, the verges of the Greenway along its length and particularly in this area will be planted with native shrub and wildflower planting ensuring the integration of the Greenway



route with the existing ecological and landscape features. Similarly, prior to any clearance of vegetation, a hand search for reptiles will be carried out (slow worms and grass snakes) to avoid any accidental mortality. New species rich grassland planting is also proposed to provide a replacement habitat for these species. The badger setts within close proximity to the route will also need to be closely monitored and may require a licence from Natural England which will include seasonal restrictions on working.

- 6.31 In summary, several parts of the Greenway route are ecologically sensitive by virtue of statutory designations and the presence of protected species. Whilst there will inevitably be an impact on species and their habitat during construction, it is considered that with the proposed mitigation measures and the design and location of the bridge, any impacts can be minimised. Furthermore, the residual effects, with the enhancements measures proposed, are likely to be beneficial. The biodiversity impacts of the development are therefore acceptable in accordance with the relevant Unitary Development Plan Policies. This is subject to a piling methodology being used that minimises the impact on migratory fish.

### **Pedestrian, cyclists and highway safety**

- 6.32 The actual and the perceived safety of the route for all users is paramount to the success of the scheme. This is why an off road route has been sought wherever possible and the scheme is described a Greenway. Nevertheless, there are several points along the route where pedestrians and cyclist will encounter vehicular traffic and have to cross existing highways.
- 6.33 Although not part of this application, the proposed first section of the route between the Cathedral and Outfall Works Road is predominantly on highway (with the exception of the section through Castle). Where street crossings occur, new directional signage is proposed guiding cyclists and pedestrians along the route and advance warning signage for drivers will also be erected to make them aware of the existence of crossing cyclists and pedestrians. Where required, curbs and pavements will also be lowered. Given the relatively low traffic flows and reasonably good visibility on the crossings, this section of the route subject, to appropriate signage will not pose any highway, pedestrian or cyclist safety issues.
- 6.34 Outfall Works Road is largely single vehicle width and carries a high proportion of HGV's and tractors travelling to the sewage treatment works. Without mitigation, there is therefore likely to be a conflict between pedestrians, cyclists and vehicles which could present a hazard. Indeed, the road safety audit completed for the route highlights this risk, as have local residents. To address this, new highway advance warning signage is proposed at the entrance into Outfall Works Road and at other points along it's length making drivers aware of the presence of cyclists and pedestrians. In addition, a 40 metre long passing bay is to be created through the removal a of section of hedgerow which will provide a safe pull-in for vehicles, pedestrian and cyclists. Whilst it would be beneficial to create a dedicated footpath/cycle way along the length of Outfall Works Road, there is insufficient space within the highway boundary to achieve this and it would therefore entail encroaching into the residential curtilages of adjoining properties and removal of further hedgerow and trees. In the interests of facilitating the scheme, the proposed works will be sufficient to make Outfall Works Road usable and safe, a position which is also accepted by the safety audit.
- 6.35 The Safety Audit has also highlighted the need for improvements to the junction of Outfall Works Road and Eign Road. This does not form part of the core route or this application site area but these works, which involve a new section of pavement on the southern side of highway under the railway bridge and a new toucan crossing, will be considered as part of the wider strategic connections on to the Greenway across the city.
- 6.36 From Outfall Works Road, the section through to Thorne Business Park is all off road. The bridge itself will have low level LED down lighting to ensure that this is appropriately lit without impacting upon the bio-diversity within the river. The City Council also raise concerns

regarding the potential increase in anti-social behaviour in and around the bridge. Whilst this cannot be ruled out, the existing crime statistics do not highlight a problem in this area and therefore the need for CCTV or any other measures cannot be justified. This matter can be monitored and measures implemented in the future including CCTV if a problem exists.

- 6.37 Local residents have also raised concerns regarding the risk of children jumping off the bridge. This could only be mitigated through an enclosed cage parapet which is not considered appropriate. Therefore, whilst this could be an issue, it is not considered the potential issue justifies alterations to the bridge design to prevent this from occurring. The provision of parking at the north end of the Greenway has also been raised as an issue. No land exists to create a car park and in any event, this would be contrary to the ethos and purpose of the scheme which is to discourage car travel.
- 6.38 The Greenway also crosses an existing Public Right of Way east of the proposed bridge. The safety of pedestrians on the existing footpath is to be safeguarded through the provision of suitably designed gates and signage. The linkage of this footpath with the route is welcomed.
- 6.39 The route then crosses Thorn Business Park Estate Road and further along, Vincent Carey Road, Chapel Road and Fordshill Road. All these crossings will include appropriate advance warning signs for motorists along with similar signage on the Greenway Route and dropped pavements and curbs with tactile paving. The possibility and need for the crossings to be lit is also currently being investigated. Each of the highway crossings will also include centrally located bollards either side of the highway to prevent vehicular access onto the Greenway. Similar bollards will be positioned on the entrance to the bridge from Outfall Works Road. The gaps between the bollards will allow access for mobility buggies and Hereford Pedi-cargo cycle trailers. As recommended by both Lower Bullingham and Dinedor Parish Councils, the extent of signage on the crossings and the highway approaches is also currently being reviewed with a view to being increased to ensure the crossings are safe and meet the requirements of the Safety Audit.
- 6.40 After crossing Fordshill Road, the proposed route then proceeds on to Holme Lacy Road near Sink Green Farm. Highway intervisibility in this area is very limited due to the embankment and disused railway abutment on the south side of the road. As a result, there is likely to be a conflict between vehicles and cyclist/pedestrians. In view of this, a further safety audit has been carried out on this section which has recommended that either the intervisibility within this section of highway is improved to include a pull-in for cyclists on the south side of the road or that the route be terminated at Fordshill Road as suggested by the Parish Councils. A scheme is currently being designed to remove some of the existing embankment in this area to improve the visibility around the corner of the bend but these works do not form part of this current application. It is therefore recommended that public access to this last section of the Greenway is prevented until the required highway improvements works are carried out. The Greenway could utilise Fordshill Road to gain access to Holme Lacy Road in the interim subject to landowner agreement. A condition is recommended to require this.
- 6.41 Subject to the measures outlined above being implemented and controlled by conditions, the Greenway will not pose any danger to pedestrian, cyclist or highway safety as required by policies T6 and T7 of the Herefordshire Unitary Development Plan. In addition, the Greenway is designed to accommodate users with mobility difficulties thus meeting the requirements of the Disability Discrimination Act that seeks to make the Rights of Way network more accessible to the wider sections of the community.

#### **Landscape and visual effects**

- 6.42 The Environmental Statement considers the impact of the development on landscape character, landform, vegetation and landscape quality along with the visual impact of the development from defined viewpoints and other sensitive visual receptors such as nearby

residential properties. The landscape character of the route is identified within the Council's adopted Landscape Character Assessment as Riverside Meadows. A landscape and visual analysis of 300 metres either side of the route has been identified as a study area within the Environmental Statement.

- 6.43 The primary change to both landscape character and visual impact arises from the proposed bridge. With a span of around 95 meters rising to a height of 25 metres from deck height along with the necessary ramped embankments either side, this represents a significant structure. The bridge materially impacts upon the landscape character and landform due to the scale of the structure and changes in levels with the new embankment. It will also necessitate the removal of a small area of scrub and vegetation on the west side of the river bank and east to accommodate the embankments. Consequently there will be a high magnitude of change in the landscape in this area in conflict with the prevailing landscape character.
- 6.44 The bridge is within relative close proximity to the existing railway bridge and therefore the landscape and visual effects of the bridge will be viewed in this context from many public vantage points and from residential properties to the north in particular. The bridge is also located on the edge of the city close to high density development and therefore the overall visual effects must be viewed in this context.
- 6.45 Along Outfall Works Road, a section of hedgerow has to be removed to create the passing bay but this hedgerow has not been identified as species rich or structurally diverse. A new native hedgerow will be planted to link in with the existing hedgerow. Along the river embankment in the locality of the bridge, Himalayan Balsom and Giant Hogweed exist and therefore the works also offer the opportunity to remove these invasive plants and undertake new planting which could result in a beneficial landscape and visual impact. The bridge is to be illuminated with subtle LED downlights and the bridge can be finished in light grey/sky colour to further soften it's visual impact.
- 6.46 The remainder of the Greenway then largely meanders amongst existing trees and vegetation avoiding tree removal wherever possible. The character is predominately dominated by existing industrial development which will be reinforced as future phases of Rotherwas are developed out. The relatively high density of existing development that exists along the route also minimises the visual impact of the construction, which is in any event minimal. In addition, several sections of the route offer the opportunity for new planting to reinforce the Greenway as a green infrastructure link. This will include new tree, hedgerow, scrub and grass planting including a wildflower verge planting. The attractiveness of the route will be further enhanced with the provision of interpretation boards emphasising local features of interest, seating and public art.
- 6.47 It will not be possible to mitigate the landscape and visual effects of the new bridge due to its scale. Consequently, some residential properties in the area may experience a slight adverse effect on their outlook. However, it is considered that the quality of the existing landscape in the location of the bridge is relatively low and therefore it has capacity to absorb the impact of the bridge. Elsewhere along the Greenway route, the landscape and visual effects will be minimal immediately post construction but once new planting establishes, the effects will be beneficial. The landscape and visual impact during construction particularly around the bridge works will be more extensive but given the short-term nature of these works (approximately 3 months) these impacts are not considered significant.
- 6.48 Overall it is not considered that landscape and visual impacts of the development are not significant. The development therefore accords with Policy LA2 of the Unitary Development Plan in this respect. This is subject to appropriate new landscaping in accordance with policy LA6 of the Unitary Development Plan being secured through a condition.

## **Impact on Heritage Assets**

### Conservation Area

- 6.49 The heritage assets of relevance to the consideration of this application are the setting of Hampton Park Conservation Area, the nearby Row Ditch Scheduled Ancient Monument and archaeological remains along the length of the route.
- 6.50 Hampton Park Conservation Area was designated in 1969 and it's particular character was defined at the time as comprising of houses from a range of ages and styles within a planted environment. This character is more prevalent further east of the site. Nevertheless, the Conservation Area boundary comes relatively close to the location of the new bridge and given the scale of this structure, the impact on the setting of the Conservation Area must be considered. The proposed cable stay design bridge will be at odds with other bridges in the area which are all of a warren truss design. The bridge design is however of its time and provides a more architecturally interesting solution to the required crossing of the river. The juxtaposition of contemporary architecture within an historic setting is also not an uncommon situation and in this instance, it is considered the impact on views to and from the Conservation Area will be positive. This view is supported by the Conservation Manager who describes the design "as forming an interesting contrast with the purely functional engineering of the 19<sup>th</sup> Century railway bridge".

### Scheduled Ancient Monument

- 6.51 The Row Ditch Scheduled Ancient Monument is located around 250 metres north of the main bridge works therefore although this is a highly significant heritage asset, the impact of the more prominent elements of the scheme on the setting of this asset will be negligible.

### Archaeology

- 6.52 The scheme will travel through some undisturbed land in an archaeologically sensitive area where there are known archaeological remains. However, the Council's archaeologist advises that the risk of disturbing any concealed remains is relatively low. Nevertheless, until a phase 2 geotechnical survey is completed, further archaeological remains of significance may be encountered. To address this, a condition is recommended requiring an archaeological watching brief. The Council's Archaeological advisor supports the conclusions in the Environmental Statement and the need for a condition of this nature.
- 6.53 The impact of this development on the heritage assets in the locally are therefore acceptable in accordance with the conservation policies of the Unitary Development Plan.

## **Other Matters**

### Waste Management

- 6.54 All development projects with a gross development value in excess of £300,000 are now required to produce a Site Waste Management Plan. The purpose being to firstly to minimise the amount of waste and secondly, to manage any waste in a more sustainable manner preferably through it's re-use on site. The principal waste arising from this development will be excavated top-soil and sub-soil.
- 6.55 The bridge sub structure is to be piled which will reduce the amount of deep excavation required. The main excavation around the bridge is to achieve the flood storage compensation which amounts to around 1,500m<sup>3</sup> and this will largely be used to construct the east side embankment to create the ramped access to the bridge. Along the remainder of the route, any excavated top-soil or sub-soil will used to level out any undulations within the landform with any surplus deposited on adjacent land forming part of the Northern magazine where existing levels have to be raised for flood protection. In addition, existing aggregates

obtained from the crushing of former ammunition bunkers within the North magazine are to be used for the sub-base for the proposed Greenway.

- 6.56 Therefore, whilst a full Site Waste Management Plan has not been provided, the waste generated is largely to be used on site with any surplus exported to adjoining land. The importation of raw materials is also minimised as a result of the re-use of the existing recycled aggregate. The proposal represents an excellent example of sustainable waste management. Subject to a full Site Waste Management Plan being submitted, the requirements of Policy W10 of the UDP have been satisfied.

#### Contaminated Land

- 6.57 The Environmental Statement considers the outcomes of the initial geotechnical surveys. This has revealed potential areas where contamination is more likely particularly where there is made up ground through the Estate and alongside the disused railway embankment. However, due to the nature of the construction, the majority of the Greenway will involve minimal excavation and any contamination that may exist is unlikely to be disturbed and will ultimately be capped through sub-base and tarmacadam surface.
- 6.58 A phase 2 geotechnical survey will be required around the bridge works in particular but the soil analysis within other parts of the route including north of the bridge location have not revealed any significantly elevated levels of contaminants. Nevertheless, due to the high water table and potential existing/new pathways being created to the River, further soil analysis and control over contamination will be essential. Subject to completion of the further geotechnical analysis and pollution prevention measures being implemented as recommended by the Environmental Agency, the contamination impacts of the works are considered to be minor and therefore acceptable in accordance with policy DR10 of the Unitary Development Plan.

#### Construction Impacts

- 6.59 The Environmental Statement also considers the construction impacts including increased noise, vibration and general impact on local amenity along with the impact on the natural environment. The most sensitive area is around the new bridge work due to its proximity to a number of existing residential properties and the River Wye. The majority of the bridge works are likely to take place from the eastern side of the river. Access will be gained through the construction of a temporary haul road parallel with the railway line under the existing rail arches adjacent to the river. In addition large plant and equipment will be transported across the railway.
- 6.60 Any noise and vibration impact are likely to be temporary in nature and the use of haul roads should ensure that dust is minimised. Stockpiling of waste and site compounds areas can also be controlled by condition to further minimise the construction impacts. The vibration impacts on the local bio-diversity are discussed in detail in the bio-diversity chapter. Subject to responsible site management, the construction impacts can be acceptably mitigated.

### **Conclusion**

- 6.61 The desire to create a new safe and direct sustainable transport link between the city centre, the north east areas of the city and Rotherwas Industrial Estate was identified as far back as 1998 by the previous authority. The need for this link has been reinforced with successive studies by Herefordshire Council resulting in the proposed Greenway being a high priority route within the Local Transport Plan and a listed scheme in the Unitary Development Plan. The successful National Lottery funding bid provided the catalyst to implement the design of the route.

- 6.62 An exhaustive assessment of route options has been carried out over the last three years or so which has resulted in four other route corridor options being investigated in detail. The proposed route corridor is considered to provide the most appropriate balance between minimising the environmental impact and creating an attractive, user friendly route for walkers and cyclists.
- 6.63 The principal challenges with the preferred route concerning flood risk and biodiversity in particular have largely been addressed and demonstrated that any impacts can be appropriately mitigated. Other matters such as heritage impacts, pollution prevention and waste management have been fully considered in the design of proposed scheme.
- 6.64 The Parish Council comments have also been taken on board in recognition of the safety concerns regarding the last section of the route and point of connection on to Holme Lacy Road. The scheme has been amended to prevent this section becoming operational until a scheme of highway and pedestrian/cycle safety works have been agreed. These works may also facilitate implementation of the next phase of the scheme through to Holme Lacy more deliverable.
- 6.65 The scheme will provide an attractive, direct and safe commuter and recreational route between north and south of the city for pedestrians, cyclists and mobility impaired groups. It will also support the Councils green infrastructure strategy which aims to provide a network of new green infrastructure around the city and will form part of Sustrans national cycle network. Most importantly, however, it will provide a user friendly and healthy sustainable travel option that will assist in reducing CO2 emissions and reducing congestion within the city. Subject to Natural England removing their objection to the impact of the construction works on migratory fish within the River Wye, the application is supported.

## **RECOMMENDATION**

**It be recorded that the Environmental Statement and associated documents including the consultation and other responses received on the Environmental Statement and associated documents have been taken into account in making this decision.**

**That subject to Natural England removing their holding objection, planning permission be granted subject to the following conditions and any further conditions considered necessary by officers:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. E01 Site investigation - archaeology**
- 5. G03 Retention of existing trees/hedgerows**
- 6. G04 Protection of trees/hedgerows that are to be retained**
- 7. G09 Details of Boundary treatments**
- 8. G10 Landscaping scheme**
- 9. G11 Landscaping scheme - implementation**
- 10. H27 Parking for site operatives**

11. **I16 Restriction of hours during construction**
12. **I20 Scheme of surface water drainage**
13. **I25 Bunding facilities for oils/fuels/chemicals**
14. **I33 External lighting**
15. **I55 Site Waste Management**
16. **K1 Nature Conservation - access for recording**
17. **K5 Habitat Enhancement Scheme**
18. **M08 Flood warning**
19. **Notwithstanding the approved plans, the last section of the Greenway between Fordshill road and the B4399 hatched green on drawing number shall not be accessible to the public until a scheme of highway, pedestrian and cyclists safety improvement works at the junction of the Greenway and the B4399 has been submitted for the approval in writing to the Local Planning Authority.**

**The approved scheme shall be implemented as approved and completed prior to first use of the last section of the Greenway as defined by the green hatching on drawing number.**

**Details of the means of preventing public access to this section of the Greenway shall be submitted for approval of the local planning authority prior to work commencing on the development and installed as approved prior to first use of the Greenway hereby permitted.**

**Reason: In the interest of highway, pedestrian and cyclist safety and to comply with policies T6, T7 and T8 of the Herefordshire Unitary Development Plan.**

20. **Prior to the commencement of the development, details of the finish to include the BS paint colour proposed for the bridge shall be submitted for the approval in writing of the Local Planning Authority. The bridge should be finished in accordance with agreed colour and maintained thereafter.**

**Reason: To protect the visual amenities of the area and ensure that the development complies with the requirements of policy DR1 of the Herefordshire Unitary Development Plan.**

21. **Prior to the commencement of the development, a construction and environmental management plan to include details of the construction methodologies and timing of works and an environmental risk management strategy shall be submitted for the approval in writing of the Local Planning Authority. The plans should include measures to minimise the extent of dust, noise, vibration, measures to safeguard the biodiversity interests of the site and surroundings and measures to minimise the risk of contamination as set out in the environmental statement.**

**The construction shall be carried out in accordance with the approved construction and environmental management plan and the accompanying methodologies and environmental risk management strategy.**

**Reason: To protect the environment and biodiversity interests of the site, to safeguard the amenity of properties in the locality and to comply with policies DR2, DR4 and NC1 of the Herefordshire Unitary Development Plan.**

- 22. Prior to commencement of the development, full details to include scale plans of the proposed site compound to include details of the proposed stock piling of any waste material and the proposed restoration of the compound and haul road areas following completion of the construction works shall be submitted for the approval in writing by the Local Planning Authority.**

**The construction compound, waste storage and haul road along with the proposed restoration works shall be carried out in accordance with the approved details.**

**Reason: To protect the environment and safeguard the amenity of properties in the locality and to comply with policies DR2 & DR4 of the Herefordshire Unitary Development Plan.**

- 23. Prior to the commencement of the development full details of design and location of all signage to be installed along the route shall be submitted for the approval in writing by the Local Planning Authority.**

**The signage shall be installed in accordance with the agreed details prior to first use of the Greenway hereby permitted.**

**Reason: In the interest of highway, pedestrian and cyclist safety and to comply with policies T6 T7 & T8 of the Herefordshire Unitary Development Plan.**

**24 M09 Contamination**

**25 M10 Unsuspected Contamination**



**INFORMATIVES:**

- 1. **N15 Reason(s) for the Grant of PP/LBC/CAC**
- 2. **N19 Avoidance of doubt - Approved Plans**
- 3. **HN02 Public rights of way affected**

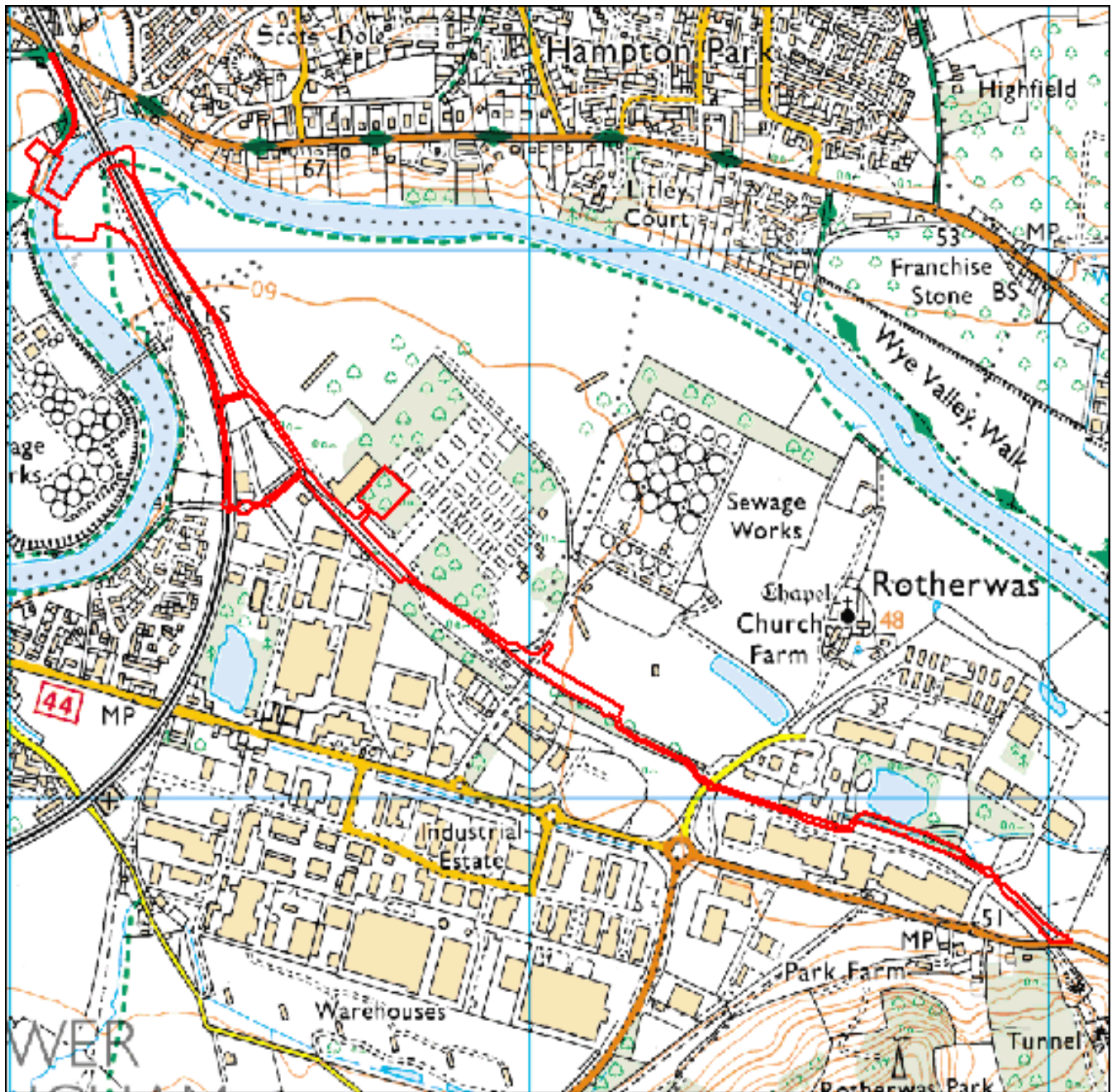
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMS/111601/F

**SITE ADDRESS :** FROM OUTFALL WORKS ROAD THROUGH ROTHERWAS TO B4399, HEREFORD

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Further information on the subject of this report is available from Mr R Pryce on 01432 260288