

**Open Report on behalf of Richard Wills  
Executive Director, Environment & Economy**

<b>Report to:</b>	<b>Planning and Regulation Committee</b>
<b>Date:</b>	<b>6 October 2014</b>
<b>Subject:</b>	<p><b>County Council Applications</b></p> <p><b>L/0643/14 - Section 73 application to vary conditions 2, 10 and 24 of planning permission L/0110/13 relating to the Lincolnshire Eastern Bypass proposed at land to the east of Lincoln.</b></p> <p><b>W42/131879/14 – To construct a non-motorised user bridge at land east of the junction between Hawthorn Road and St Augustine Road, Lincoln.</b></p>

**Summary:**

Planning permission for a single carriageway bypass (the LEB) was granted in June 2013 (ref: L/0110/13) and proposes to link the existing northern relief road at the junction of the A15/A158 (Wragby Road) to the A15 (Sleaford Road). In January 2014, a separate planning permission (ref: W42/130726/13) was granted for the construction of an additional non-motorised user (NMU) bridge which would span the bypass route in order to enhance connectivity across the bypass and reconnect both sides of Hawthorn Road which would be severed and stopped up following the construction of the LEB.

Although planning permission exists for these two developments on 8 July 2014 the Department for Transport (DfT) published its decision confirming that the Compulsory Purchase and Side Roads Orders that are required to enable the consented LEB and NMU bridge to proceed would not be granted. The DfT decided not to grant those orders exclusively due to safety concerns that were raised by the Inspector who oversaw the Public Inquiry. The specific concerns related to the Hawthorn Road intersection and in particular the visibility between the crossing point for NMUs across Hawthorn Road and that of vehicles exiting the bypass onto Hawthorn Road. In response to the DfT's decision the County Council has reviewed the proposals and decided to revise the Hawthorn Road junction design and positioning of the proposed NMU bridge. Other minor amendments and variations to conditions attached to the existing permission for the LEB are also sought to reflect revisions that have been identified as necessary as the scheme has advanced into its final detailed design stage. Two separate planning applications have therefore been submitted which seek permission for the proposed amendments/revised proposals and given their close inter-relationship this report deals with both applications.

The first application (ref: W42/131879/14) is a new application for a revised NMU bridge at the Hawthorn Road junction. The revised NMU bridge has been designed to address the concerns raised by the DfT/Inspector and objections and comments received from the public regarding how the bridge would connect the two sides of Hawthorn Road following the construction of the LEB. Under this revised proposal the position of the NMU bridge would be realigned such that it would provide a link to the existing cyclepath/footway which runs along the southern side of Hawthorn Road.

The second application (ref: L/0643/14) seeks to vary Conditions 2, 10 and 24 imposed on the planning permission for the single carriageway LEB scheme which was granted planning permission in June 2013. The variations are sought in order to reflect the proposed amendments to the layout and design of the Hawthorn Road intersection as well as alterations to the position of a bridge footing/pier where the bypass crosses the River Witham. These amendments would require changes to be made to the existing approved drawings cited by Condition 2. The application also seeks to amend the wording of Condition 10 so as to revise the timing for when details relating to the temporary bridge structures have to be submitted for formal approval. Finally, this application also seeks to amend the noise mitigation measures proposed along part of the route from low noise road surfacing to acoustic fencing and to facilitate this change an amendment to the current wording of Condition 24 is proposed.

The issues for the Committee to consider are whether the NMU bridge as proposed provides safe arrangements for the use of the highway and associated footpath/cycleway network. Objections have been received regarding the need for a motorised user/road bridge over the bypass at Hawthorn Road but this is not a matter for consideration in the determination of the merits of these applications.

**Recommendation:**

W42/131879/14 - That planning permission be granted subject to the conditions set out in Appendix A.

L/0643/14 – That planning permission be granted subject to the conditions set out in Appendix B.

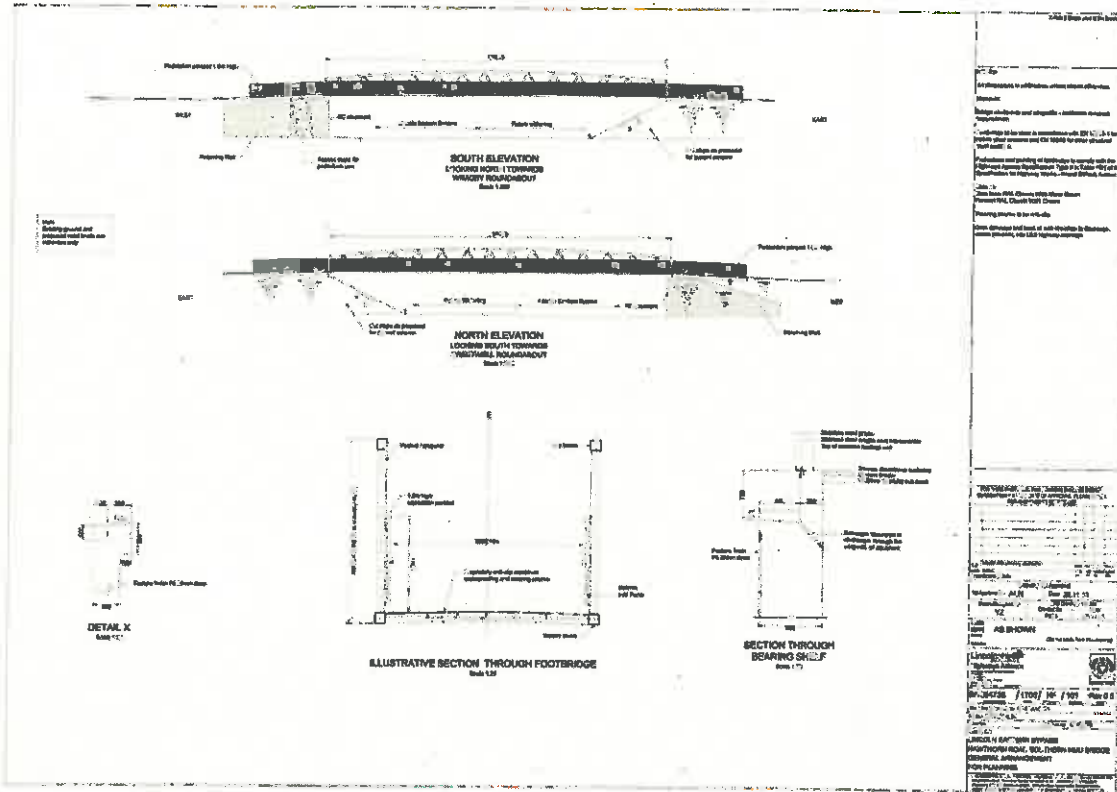
**The Applications**

**W42/131879/14 – Revised Hawthorn Road Non-Motorised User Bridge**

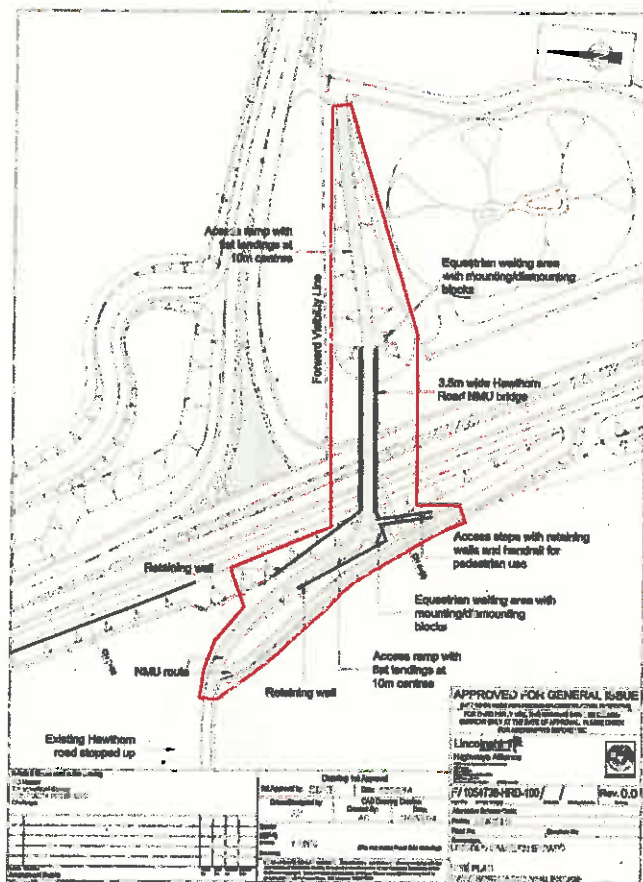
1. The first application (ref: W42/131879/14) is a new application for a revised NMU bridge at the Hawthorn Road junction. An earlier application (ref: W42/131549/14) which had sought to make minor changes to the existing consented NMU bridge had previously been made and was consulted upon, however, that application was subsequently withdrawn and this revised proposal submitted instead.
2. Under this revised proposal the position of the NMU bridge would be realigned to the south of Hawthorn Road and would span the LEB such that

it would provide a link to the existing cyclepath/footway which runs along the southern side of Hawthorn Road (as shown below). This revised design and positioning seeks to directly address the concerns raised by the DfT/ Inspector and the previous objections and comments that had been received from the public in relation to the now withdrawn application (ref: W42/131549/14), in particular the concerns expressed regarding how the bridge would connect the two sides of Hawthorn Road following the construction of the LEB.

3. Under this revised scheme, due to the differences in levels and revised positioning of the NMU bridge, ramps would be required on the approaches to the bridge. These ramps would all have a gradient of less than 1:20 (5%) with flat landings at 10m intervals so that they can be safely used by all NMUs. The bridge itself is of the same design as that of the existing approved NMU bridge but it has been widened from 3m to 3.5m to ensure that it can safely accommodate all NMUs (including equestrian users). Equestrian waiting areas with mounting/dismounting blocks are also proposed to be provided at either end of the bridge and a set of steps would be provided on the western approach ramp connecting to the NMU route that runs alongside the western boundary of the LEB. Due to the changes in land levels and engineering design of the bridge a retaining wall would also be required to safely accommodate the new bridge and the approaches to it. As discussed earlier in this report, due to the positioning of the NMU bridge alterations and amendments are also required to the wider LEB layout especially with regard the layout and form of the surface water lagoons on the eastern side of the site and these amendments are reflected in the drawings submitted as part of the concurrent S73 application relating to the wider LEB scheme which have already been described above.



Revised NMU Bridge Position and Elevations



Revised NMU Bridge Position

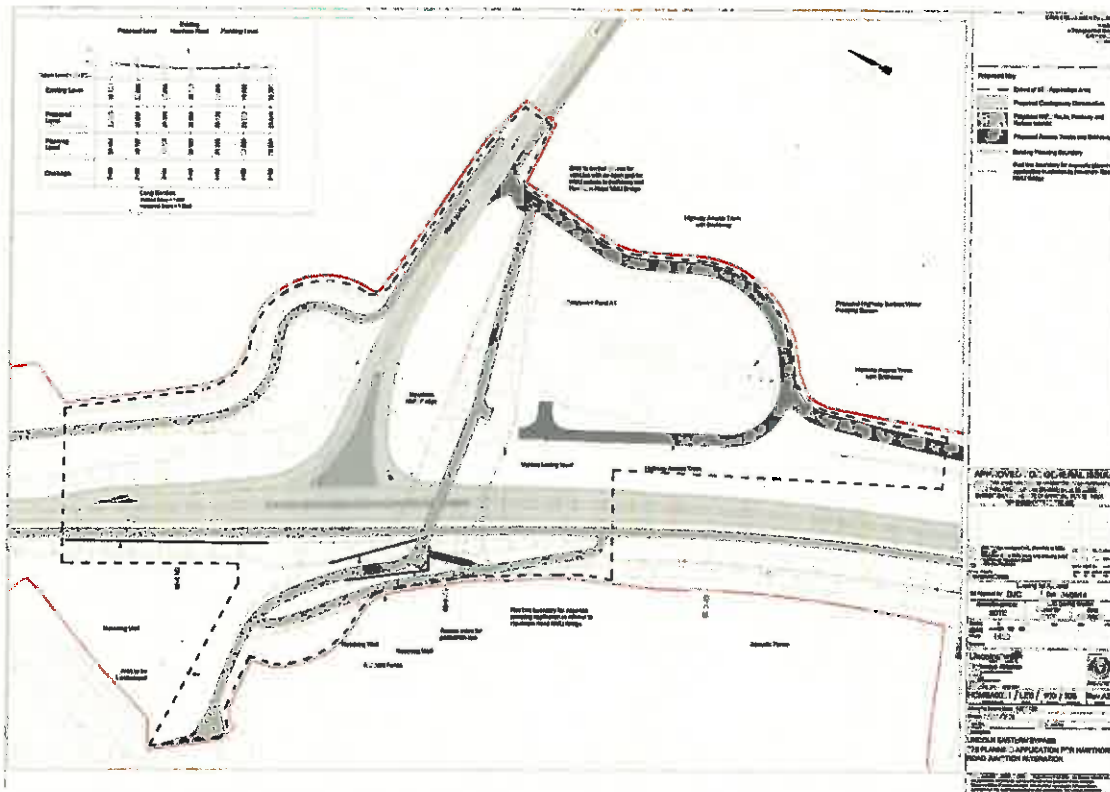
## **L/0643/14 – Variation of Conditions Relating to the Lincoln Eastern Bypass**

4. This application seeks to vary conditions attached to the existing planning permission for the single carriageway Lincoln Eastern Bypass (LEB) which was granted permission in June 2013 (existing permission reference L/110/13). A summary of the proposed revisions and amendments to the conditions is set out below.

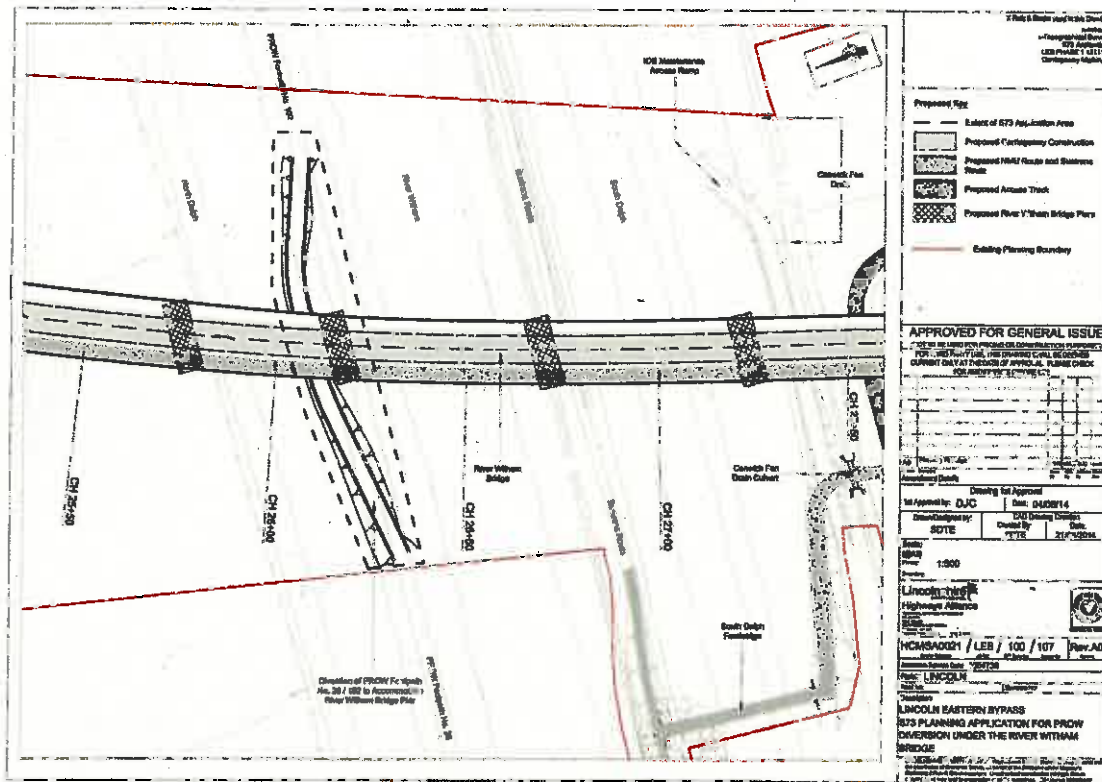
### **Condition 2 – Revised Plans**

5. The LEB scheme has advanced into its final detailed design stage and as a result of this a number of modifications and amendments to the approved scheme have been identified as necessary. The main revisions/ amendments identified include alterations to the layout and design of the Hawthorn Road intersection and proposed relocation of the NMU bridge to the south of Hawthorn Road (subject of the concurrent application – W42/131879/14). The other key revision and alteration relates to the proposed repositioning of one of the bridge footings/piers where the bypass crosses the River Witham and as this would require the realignment of an existing Public Right of Way which would pass under the proposed River Witham bridge.
6. A set of revised drawings have been submitted as part of this application which the applicant is seeking to replace existing drawings cited by Condition 2 of the current planning permission. These drawings show all of the revisions necessary to now construct the scheme and summary of the alterations and amendments shown on these drawings is as follows:
  - The pedestrian crossing on Hawthorn Road (on the eastern side of the LEB route) has been moved further east thus increasing the distance and visibility for vehicles exiting the LEB and persons crossing at this point. A crossing point is still required at this location for NMUs who may be travelling north to south along the LEB from the Wragby Road roundabout but this revision addresses the safety concerns that had been raised by the Inspector.
  - Linked to the above, the left in/left out Hawthorn Road junction and splitter island on the LEB have been realigned to provide a safer means of accessing and exiting Hawthorn Road on the eastern side of the LEB route.
  - Realignment of the NMU route running between the LEB and Hawthorn Road on the western side of the scheme to allow for the approach to the revised Hawthorn Road NMU bridge (subject of the concurrent application).
  - Proposed installation of an acoustic fence along the western side of the LEB extending from the Wragby Road roundabout to a new location further south where the LEB is 6.5m below the existing ground level.

- Lengthening of the original retaining wall and alterations to the earthworks in the vicinity of Hawthorn Road as a result of proposed repositioning of the NMU bridge.
- A vehicle access track and Pumping Station which was proposed close to the Hawthorn Road intersection has now been removed following confirmation from Anglian Water that they would not require these.
- Reshaping of the surface water catchment pond and alterations to the highway access track/bridleway located to the east of Hawthorn Road as a result of the revised position of the proposed NMU bridge. The fence line and gates around the catchment pond and eastern embankment ramp would also be altered to reflect the new arrangement but the capacity of the pond would remain unchanged from that consented.
- One of the footing/piers associated with the bridge that would cross the River Witham would be positioned directly over the existing line of a definitive footpath which runs between the North Delph and River Witham. This public right of way would need to be formally diverted.



Revised Hawthorn Road Intersection (also showing revised NMU bridge position)



River Witham Bridge Crossing – showing revised position of bridge footing

### Condition 10 – Details of Temporary and Permanent Bridges, Structures, etc

7. This condition requires full details relating to both the permanent and temporary bridges, structures, underpasses and abutments, etc associated with the LEB to be submitted for the written approval of the County Planning Authority (CPA) before the development can commence. Condition 10 currently reads as follows:
  10. *No development shall take place until full details of all bridges, structures, underpasses, bridge wing walls, abutments and crossings (including temporary bridges across the River Witham during construction works) have been submitted to and approved in writing by the CPA. Such details shall include information on the colours and treatment of all surfaces, finishes and textures associated with these elements (e.g. railings, wing walls, side walls of underpass) as well as exact clearance heights. The bridges, structures, underpasses, bridge wing walls, abutments and crossings shall thereafter be constructed in accordance with the approved details.*
8. The applicant is seeking to amend the current wording of this condition so that details of the temporary bridges and structures need only to be provided prior to their implementation as details of these will not be known or available until later in the construction phase and once a contractor has been confirmed. Consequently, rather than delay the ability of the applicant to commence the development, the applicant proposes that the

requirements of the condition be split into two parts and that a revised condition therefore be imposed which would read similar to the following:

10. (a) No development shall take place until full details of all permanent bridges, structures, underpasses, bridge walls, abutments and crossings have been submitted to and approved in writing by the CPA. Such details shall include information on the colours and treatment of all surfaces, finishes and textures associated with these elements (e.g. railings, wing walls, side walls of underpass) as well as exact clearance heights. The bridges, structures, underpasses, bridge wing walls, abutments and crossings shall thereafter be constructed in accordance with the approved details.
- (b). Prior to the installation of any temporary bridges during construction such temporary works will be submitted to and approved in writing by the CPA. Such details shall include information on the colours and treatment of all surfaces, finishes and textures associated with these elements (e.g. railings, wing walls, side walls of underpass) as well as exact clearance heights. The bridges, structures, underpasses, bridge wing walls, abutments and crossings shall thereafter be constructed in accordance with the approved details.

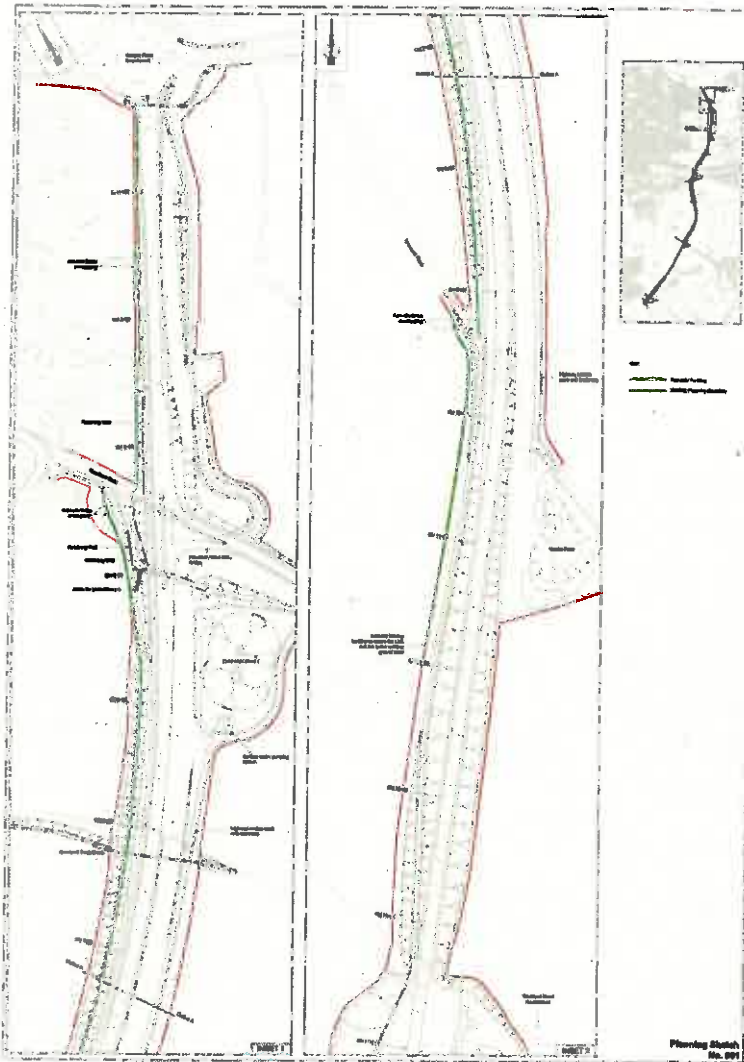
#### Condition 24 – Replacement of Proposed Low Noise Road Surfacing

9. This condition requires full details of the proposed low noise road surfacing that was proposed to be used along sections of the LEB to be submitted for the written approval of the County Planning Authority (CPA) before the development can commence. Condition 24 currently reads as follows:
  24. *No development shall take place until details have been submitted to and approved in writing by the County Planning Authority which confirms the specification, materials and sections or areas of the bypass route where low noise surfacing is to be used. As a minimum these sections or areas shall include those parts of the bypass which lie in proximity to Hawthorn Road, Bunkers Hill, Whitefriars Road, Greetwell Road and in proximity to and south of the village of Washingborough. All works shall thereafter be carried out in full accordance with the approved details including any future replacement or resurfacing works which affect those sections or areas of the bypass which are subject of the approved details.*
10. Following a review of the LEB scheme and noise mitigation measures proposed as part of the original Environmental Statement, the applicant states that the original Environmental Statement had over exaggerated the number of properties that would be likely to experience a major adverse noise impact as a result of the LEB. This error was due to the fact that the traffic model flow and speed data that was used in the noise model/ assessment had not transposed completely accurately and consequently



resulted in a greater number of properties being identified as at risk of high levels of road noise as a result of the scheme when in fact some of these properties such as those in the Canwick areas were far from where noise impacts due to the LEB scheme would be expected.

11. Having identified this error a revised noise model/assessment has been carried out using updated traffic model flow and speed data and this now confirms that only 13 properties would be likely to experience a major adverse noise impact in the long term from the LEB if no mitigation were to be provided. These properties mainly occur on within or around the housing estate south of Bunkers Hill and the Wragby Road/A15 roundabout and include properties on Cornwood Close, Hawthorn Chase, Stocking Way and Eastholm. Given that fewer properties are now predicted to experience major adverse noise impacts (without mitigation) and these are located in one particular area the applicant proposes that a more targeted and effective mitigation measure in the form of an acoustic barrier be installed as part of the LEB scheme rather than the use the low noise road surfacing as originally intended. The exact design and specification of the acoustic fence has not been provided at this stage but the applicant proposes to install an acoustic fence (approx. 1.8m in height) along the western side of the LEB route from the Wragby Road/A15 roundabout to a point just south of Greetwell Fields Lane where the LEB would drop to a level approximately 6.5m below the current ground level.



Extent of acoustic fencing

12. The applicant is therefore seeking to amend the current wording of Condition 24 so as to delete any reference to the need to provide low noise surfacing and instead to replace this with the requirement that full details of an acoustic barrier to be installed along the sections as shown on the submitted drawings be submitted for subsequent approval of the County Planning Authority.
13. Finally, on 1 October 2014 members of the Planning and Regulation Committee are to carry out a site visit to the area around Hawthorn Road where they will observe the site setting and proposed location for the NMU bridge and associated bypass junction.

#### Site and Surroundings

14. The proposed route of the LEB runs from the junction of the A158 and A15 north east of Lincoln City Centre. It would run along a corridor east of Lincoln, crossing North Delph, River Witham and South Delph prior to rising

to cross the B1188 Lincoln Road east of Canwick and then continuing through agricultural land to meet the A15 south of Bracebridge Heath. One of the footing/piers associated with the bridge that would cross the River Witham would be positioned directly over the existing line of a definitive footpath which runs between the North Delph and River Witham. This public right of way would need to be formally diverted.

15. The proposed non-motorised user bridge would be constructed to the east of the current junction between Hawthorn Road and St Augustine Road junction and the new housing development situated to the north of Hawthorn Road. The bridge would span the LEB providing a link between the two sides of Hawthorn Road which would be severed and stopped up as a result of the construction of the LEB.



## Main Planning Considerations

### National Guidance

16. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are of relevance to the proposed amendments being sought by these two applications are as follows (summarised):

Paragraph 31 – authorities and transport providers should work together to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas.

Paragraph 120 – new development should be appropriate for its location and not have adverse effects on the natural environment or general amenity.

Paragraph 123 – development should not give rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum other adverse impacts such as noise.

Paragraphs 186 and 187 - decision-taking should be approached in a positive way to foster the delivery of sustainable development and where possible planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions in the area.

Paragraphs 215 and 216 - the status of Local Plans and policies and their consistency with the NPPF.

### Local Plan Context

17. The West Lindsey Local Plan 2006 (WLLP) - the following policies are considered to be of most relevance to the proposed amendments now being sought:

Policy STRAT1 (Development Requiring Planning Permission) states planning permission will be granted for development proposals which meet a range of criteria identified in the policy. Such criteria include the need for developments to be of a complementary size, scale, design and layout, include proposals for appropriate boundary treatment, not adversely impact upon the character, appearance and amenities of neighbouring land, amenities of residents, etc.

Policy SUS1 (Development Proposals and Transport Choice) supports developments which generate a significant volume of traffic movement, when they are located where they can be easily and efficiently served by an existing or expandable public transport service, and where there are good local pedestrian and cycle links available or to be provided.

Policy SUS4 (Cycle and Pedestrian Routes in Development Proposals) restricts developments unless the needs of cyclists and pedestrians have been considered and, where practicable opportunities exist, facilities for the safe and convenient passage of cyclists and pedestrians are incorporated into the development.

18. The North Kesteven Local Plan (NKLP) 2007 - the following policies are considered to be of most relevance to the proposed amendments now being sought:

Policy C5 (Effects on Amenities) supports proposals that would not adversely affect the amenities enjoyed by other land users to an acceptable degree.

Policy T4 (Safety) supports developments that would not adversely affect the safety of people using roads, cycleways, footpaths, bridleways or railways.

RST2 (Public Rights of Way) restricts developments which would adversely affect an existing public right of way.

19. The City of Lincoln Local Plan 1998 (CLLP) - the following policies are considered to be of most relevance to the proposed amendments now being sought:

Policy 5 (Strategic Network of Cycleways, Footpaths and Bridleways) restricts developments which would hinder the completion of the strategic network of cycleways, footpaths and bridleways. Support is given to developments which would make suitable provision for stretches of cycleway, footpaths or bridleways to connect with or parts of the network.

Policy 34 (Design and Amenity Standards) states planning permission will be granted for developments which meet a range of criteria identified in the policy. Such criterion include the need for developments to be of a complementary size, scale, design and layout, include proposals for appropriate boundary treatment, not adversely impact upon the amenities of neighbouring residents, etc.

#### Results of Consultation and Publicity

20. Consultations were first carried out on 30 June 2014 with further re-consultation being conducted on the 29 August 2014 following the submission of the revised application for the NMU bridge (ref: W42/131879/14) and revised drawings in relation the changes to the wider LEB scheme (ref: L/0643/14). Below is a summary of any comments received from consultees in respect of the two applications.

Organisation/Person	Response/Comments Received	
	L/0643/14 - Variation to wider bypass scheme	W42/131879/14 - Revised NMU bridge proposal
<b>District Councils and Parish Councils</b>		
North Kesteven District Council	No objections to either application.	
Cherry Willingham Parish Council	Remain very disappointed that the bridge design remains as NMU bridge, particularly as residents continue to strongly express their concerns both about losing the motorised link and about the detrimental effect that this will have on local communities. The Parish Council therefore continues to be very strongly of the opinion that a road bridge is the only option that fully accommodates the needs of all users and comment that there is still strong opposition to the current proposed designs among local residents who remain unhappy that direct vehicular access to Lincoln	

	<p>along Hawthorn road is being closed. The Parish Council therefore remain very disappointed that their discussions regarding an upgrade from the NMU bridge to a single vehicle bridge did not progress any further as this could have been a small compromise from the original plans.</p> <p>Notwithstanding the above, the Parish Council are of the opinion that the latest design for the NMU bridge is an improvement on the original design and are pleased to see that it has been relocated from the north to the south side of Hawthorn Road to allow for continuity in links to the cycle and pedestrian routes as well as incorporating some alterations in line with the recommendations submitted by Reepham Parish Council on behalf of the British Horse Society.</p> <p>Overall the Parish Council consider that the NMU bridge will now provide proper non-motorised multi user access and will be a safer option.</p>
Fiskerton Parish Council	<p>Initially responded advising that having considered the proposed amendments the only further comment they wish to make is that they believe a full road bridge should be installed.</p> <p>Following re-consultation on the 29 August 2014 the Parish Council has stated that they have no further observations to make.</p>
Greetwell Parish Council	<p>Six members of the Parish Council have no objections to the proposals and one member states that nothing but a full road bridge would be acceptable.</p>
Reepham Parish Council	<p>Supports the principle of the LEB but maintains the view that the only appropriate solution to the concerns of all users of Hawthorn Road would be to provide a two way road bridge over the bypass.</p> <p>Following re-consultation on the 29 August 2014, the Parish Council continues to be of the opinion that a two way road bridge is the only option that fully accommodates all users and it is with great disappointment that both the Parish and local resident's feelings have been disregarded in this regard. It is added that it is also disappointing that the suggestion of a single direction bridge, which would be achieved at little extra cost has also not been considered despite several representations having been made on this basis.</p> <p>However, the Parish Council are appreciative that their concerns over the previous lack of consultation has</p>

	<p>been taken into consideration and the suggestions incorporated into a more plausible, safer option for the NMU bridge. The revised design is considered to be satisfactory and answers most of the objections raised when the NMU bridge was first presented at the Public Inquiry.</p> <p>In summary, the revised route of the NMU bridge is accepted but is not considered to be the correct option – a two way road bridge is.</p>
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**Local County Council Members**

I Fleetwood (Bardney and Cherry Willingham)	Has been notified of the application but as Chairman of the Planning and Regulation Committee reserves his position until the meeting of the Committee.
N Jackson (Lincoln Park) R Renshaw (Lincoln East) N Murray (Lincoln Glebe) M Overton (Branston and Navenby) J Brockway (Nettleham and Saxilby) C Oxby (Heighington and Washingborough) C A Talbot (Bracebridge Heath and Waddington)	All notified but no response/comments had been received on either application at the time of writing this report.

**Statutory and Non-statutory Consultees**

Canal and River Trust	No comments to make on either application.	
Design Council (CABE)	Unable to comment due to resource limitations.	No response received on this application at the time of writing this report.
English Heritage	Advise that the applications should be determined in accordance with national and local policy guidance and on the basis of the Council's own specialist conservation advice.	
Environment Agency	No objection/comments to make on the proposed revisions.	No response received on this application at the time of writing this report.
Environmental Health (City of Lincoln District Council)	No objection to the replacement of the existing noise condition (Condition 24) which requires the provision of low noise surfacing with a revised condition to	No response received on this application at the time of writing this report.

	secure the proposed noise barrier.	
Greetwell Quarry Residents Association	Agrees with the revised NMU bridge plans, particularly noting that the new plans maintain the connectivity of the cycle/footpath on the south side of Hawthorn Road. This agreement is on the understanding that the gradient of the ramps is equal to or better than 1 in 20, to ensure that they are accessible for most users.	
Highways Agency	No objection.	No response received on this application at the time of writing this report.
Ministry of Defence (Safeguarding)	No objections to either application.	
Natural England	No objections to either application.	
Network Rail	No further comments to make.	No response received on this application at the time of writing this report.
Witham First and Third Internal Drainage Boards	No comments on either application.	
Western Power Distribution	Has provided advisory information on the position of assets within the area which can be forwarded onto the applicant by way of an Informative.	
Highways (Lincolnshire County Council)	No objection to either application.	
Public Rights of Way (Lincolnshire County Council)	Confirm that as one of the new bridge piers across the River Witham would be positioned directly over the existing line of a definitive path which runs between the North Delph and River Witham, the right of way would need to be formally diverted. The existing and alternative routes shown on the submitted drawing falls entirely within the planning application site as delineated by a red line on the drawing and therefore in this instance, it would be appropriate for Lincolnshire County Council to process a Public Path Diversion Order under section 257 of Town and Country Planning Act 1990.	



21. The following bodies/persons were consulted on both applications but no comments/responses had been received at the time of writing this report.

City of Lincoln Council  
West Lindsey District Council  
Bracebridge Heath Parish Council  
Branston and Mere Parish Council  
Canwick Parish Council  
Nettleham Parish Council  
Washingborough Parish Council  
Anglian Water Services  
Arboriculture Officer (Lincolnshire County Council)  
Campaign to Protect Rural England  
Environmental Health (North Kesteven District Council)  
Environmental Health (West Lindsey District Council)  
Greater Lincolnshire Local Enterprise Partnership  
Historic Environment (Lincolnshire County Council)  
Health and Safety Executive  
Lincolnshire Biodiversity Partnership  
Lincolnshire Fieldpaths Association  
Lincolnshire Wildlife Trust  
Mid Lincs Local Countryside Access Forum  
Railway Paths Ltd  
Ramblers Association (Lincoln Area)  
South Lincs and Rutland Local Access Forum  
Sustrans East Midlands  
Vehicle and Operator Services Agency

22. The applications have been publicised by notices posted at the site (1 July 2014 and 29 August 2014) and in the local press (Lincolnshire Echo on 10 July 2014 and 4 September 2014). Letters of notification were also sent to all persons who had previously been notified and/or made representations on the original LEB and NMU bridge applications. A number of representations were received as a result of this publicity and notification and following the withdrawal and subsequent submission of the revised application for the NMU bridge (ref: W42/131879/14) and revised drawings in relation the changes to the wider LEB scheme (ref: L/0643/14) those same persons as well as a number of additional consultees/interested parties were re-notified and invited to make comments on the revised details and application.

23. A total of 54 representations/comments remain registered at the time this report was prepared in respect of both applications following this re-consultation and notification. A summary of the comments/responses received are set out below:

#### Objections/Concerns

- Proposed bridge is inappropriate and of no value to residents of Hawthorn Road. Cyclists and pedestrians are a minority as far as usage

and so a motorised user road bridge should be installed as originally proposed.

- Concerns regarding the safety of people who would still have to cross Hawthorn Road when approaching from the north/Wragby Road roundabout.
- Objections to the continued proposed closure and severance of Hawthorn Road.
- Any NMU bridge should connect to the existing footpath on the south side of Hawthorn Road as it is dangerous and unsafe for users to have to cross Hawthorn Road especially given the fast traffic entering and leaving the bypass.
- The current plans would put lives at risk especially pedestrians, horse riders and cyclists as well as young children who travel between the Carlton Centre to Cherry Willingham.
- The urgent need for the bypass should not override the requirement to provide safe crossing provisions for all road users.
- A one-way road bridge should be considered as an alternative with traffic being controlled by a set of lights.
- The proposals are a money saving exercise and will not benefit local residents. The money and time spent on revising the plans for the NMU bridge would have been better spent on paying for the original planned motorised road bridge.
- For users who would still have to cross Hawthorn Road (when approaching from the Wragby Road roundabout) a speed restriction should be imposed or a light controlled crossing point.
- Unfair to expect pedestrians and cyclists to share the bridge with horses especially as they can be skittish when in close proximity to people/traffic.
- Potential increased risk of accidents as a result of the removal of the entry slip road for vehicles wishing to join the LEB from Hawthorn Road. The revised 'STOP' junction is a great cause of concern as people can misjudge the speed of approaching vehicles.
- If Hawthorn Road is to be closed then the Greetwell Hollow Road improvement works should also be completed so that it can accommodate increased traffic flows.
- The Lincolnshire Cyclist Touring Club (CTC) are disappointed that there continues to be a 'dismount and dash' crossing for cyclists/pedestrians who would have to cross Hawthorn Road when approaching from the north. People already have to wait up to 10 minutes to cross the A46 where similar arrangements exist. Nottinghamshire have light controlled crossings along the A46 in their area and so the CTC can see no reason why Lincolnshire could not do the same.

#### Support comments

- Supports the change of road surfacing to a noise barrier so long as the trees planted on the existing earth bank are not removed.
- Supports a NMU bridge and would not support a road bridge as it would cause traffic problems and increase traffic through residential districts.

- Supports the NMU bridge and comments that **as a cyclist they feel the bridge would be safe to use.**
- Support given to the revised design/layout of the bridge following its proposed relocation and connection with the existing footpath/cyclepath running along the south of Hawthorn Road.

24. In addition to members of the public the Church Commissioners for England (a landowner affected by the proposal) objected to the proposed use of acoustic fencing rather than the low noise surfacing as they felt that this would not afford adequate protection to future housing developments proposed in the North Eastern Quadrant (NEQ). The Church Commissioners stated that at the very least the proposed acoustic fencing should extend along the entire length of the bypass where it adjoins the NEQ. In light of these comments (and other received during the initial round of consultation) revisions were made to the plans so as to extend the proposed fencing further along the LEB route (as described previously). The Church Commissioners were re-consulted/notified of this revision but no further comments or confirmation that their previous objection has been satisfied had been received at the time of writing this report.

#### District Council's Observations

25. North Kesteven District Council – no comments to make in relation to the proposed variations to the wider LEB scheme.
26. City of Lincoln Council – no response received on either application at the time of writing this report
27. West Lindsey District Council (WLDC) – has responded confirming that Officers have no further comments to make over and above those raised on the original application for the bypass (ref: L/0110/13) which were comments that were considered and endorsed by their Planning Committee (e.g. no objections were raised previously). Due to limited timescales WLDC Officers have been unable to take the applications back to their Planning Committee for comment but Councillors have been consulted and two responses have been received. These are summarised as follows:

WLDC Cllr McNeill – is the Ward Member for Nettleham and he fully supports the application without reservation. The priority must be to construct this section of the bypass.

WLDC Cllr Darcel – is the Ward Member for Fiskerton and Langworth and he objects to the NMU bridge. A number of residents feel the bridge is unsafe especially should a horse rider be crossing at the same time as a pedestrian or children going to school. The acceleration lane onto the bypass is also considered to be inadequate and needs revising.

Some 3,500 people have previously petitioned against the closure of Hawthorn Road and the extra traffic would be forced to use Kennel Lane/A158 or the Greetwell Road routes which are dangerous.

The original bypass plans included a full motorised user bridge over the bypass and this is what the local residents want and so should be reinstated. The suggested £1m saving is not true and the revised NMU bridge is even more expensive than the last given its slipways, central reservations and other paraphernalia which increases the costs to as much as a proper bridge.

## Conclusions

### **L/0643/14 - Variations to LEB planning conditions**

28. This application seeks to modify and amend conditions attached to planning permission L/0110/13 so as to reflect proposed revisions sought to the currently approved scheme. Planning policy considerations with regard to the principle, location and need for this development have already been assessed and accepted by the Planning and Regulation Committee when permission L/0110/13 was granted and the revisions sought by this application do not fundamentally change these aspects of the development and therefore it has not been considered necessary to re-evaluate or reassess these in the consideration of this application.

### Condition 2 – Revised Plans

29. The main revisions/amendments identified include alterations to the layout and design of the Hawthorn Road intersection (reflecting the proposed relocation of the NMU bridge subject of the concurrent application – W42/131879/14) and repositioning of one of the bridge footings/piers where the bypass crosses the River Witham. All of the proposed revisions and amendments fall within the existing planning boundary of the permitted LEB scheme and whilst some of the alterations proposed do result in changes to the overall layout and appearance of land and infrastructure associated with the LEB (in particular the changes to the shape of the surface water lagoons, revised and new earthworks/embankments associated with the proposed NMU bridge) when considered in the context of the overall approved scheme/development, the proposed amendments are considered to be material but not significant in terms of their size, scale and nature and therefore do not introduce matters requiring re-consideration through an Environmental Impact Assessment.
30. Although a number of representations received (summarised in this report) continue to argue that Hawthorn Road should not be closed and severed by the LEB, planning permission for the LEB already exists and such a scheme has been deemed acceptable from a planning perspective. Although the Compulsory Purchase and Side Road Orders were not confirmed by the DfT, the Inspector did accept that there were suitable alternative routes available to road users should Hawthorn Road be closed up and therefore the principle of this closure has already been accepted. Whilst the objections and comments regarding the closure of Hawthorn Road and calls for the provision of a road overbridge are therefore noted, these are not

wholly relevant or linked to the modifications and changes sought by this application and consequently are not considered relevant to the determination of this application. As before such objections and concerns are instead matters which would need to be re-considered again as part of the Compulsory Purchase and Side Road Orders process.

31. Consequently, subject to planning permission being granted for the revised NMU bridge subject of the concurrent application W42/131879/14, it is considered that the proposed amendments and revisions to the scheme and variation of Condition 2 of permission L/1110/13 so as to include the revised drawings and plans is acceptable.

#### Condition 10 – Timing for Submission of Temporary Bridge/Structure Details

32. The proposed variation to Condition 10 would not remove the requirement for the applicant to submit details of the temporary bridges and structures associated with the LEB scheme but would rather require these to be submitted prior to them being erected or installed. The variation is sought as details of the potential structures and bridges are not currently known or available and these may not be available until later in the construction phase and/or once a contractor has been confirmed. The revised condition and wording put forward by the applicant would therefore enable the development to commence whilst not reducing the existing level of control over the development or remove the need for details relating to aspects of the scheme to be submitted for the County Council's subsequent approval. The proposed revised condition is therefore considered to be acceptable as it would remove any unnecessary restriction or impediment which could affect the ability of the applicant to commence the development.

#### Condition 24 – Proposed Acoustic Fencing

33. The acoustic fencing is proposed to replace the use of low noise road surfacing which was originally proposed to be used as part of the LEB and to which Condition 24 currently relates and requires details of. The exact design and specification of the proposed acoustic fence has not been provided at this stage but the drawings submitted as part of this application indicate that it would be at 1.8m in height and be installed along the western side of the LEB. The existing earthbank and soft landscaping that is already present at the rear of the residential properties south of Bunkers Hill and west of the Wragby Road roundabout would be unaffected by the development and the fencing would therefore add an additional level of noise attenuation/protection to these properties. Elsewhere along the route the fencing would be installed in conjunction with the earthbanks and cuttings that would be created as a result of the construction of the LEB. Additionally, and following comments received from the Church Commissioners, the length of fence has also been revised so as to extend from the Wragby Road/A15 roundabout to a point just south of Greetwell Fields Lane where the LEB would drop to a level approximately 6.5m below the current ground level and therefore any future housing on the land

constructed to the west of the LEB would therefore already be afforded protection from road noise due to the differences in land levels.

34. Finally, although the exact specification of the fencing has not been provided at this stage information provided in the application indicates that the proposed acoustic fencing would provide a similar level of noise attenuation to that which would have been achieved by the low noise surfacing originally proposed (i.e. achieving an attenuation/improvement in noise level of between 0.8dB to 3.5dB depending on location). The use of fencing rather than low noise surfacing also offers additional benefits in that it would be more cost effective in the longer term as low noise surfacing is thinner and less dense than normal highway surfacing and consequently would need to be replaced and maintained more frequently. The proposed variation to Condition 24 so as to refer to the installation of acoustic fencing rather than low noise surfacing is therefore considered acceptable in principle, however, as the specification of the acoustic fencing has not been provided at this stage it is recommended that any revised condition be worded such that it requires details of the exact specification to be submitted for the County Council's subsequent approval. Any such fencing should, as a minimum, be of such a specification and design so as to achieve the noise level reductions cited in the information that supported the application.
35. Subject to the above, it is your Officer's view that the proposed variation to Condition 24 is therefore acceptable and would not exacerbate or increase the potential noise impacts of the LEB over and above that which has already been considered and therefore would continue to be in accordance with the objectives of CLLP Policy 34, WLLP Policy STRAT1 and NKLP Policy C5.

#### Conclusions

36. This application seeks to vary/modify conditions attached to planning permission L/110/13/. Having taken into account the nature of the changes proposed, the potential impacts of the proposed revised mitigation measures and wording of the amended conditions it is your Officer's view that the proposed revisions/amendments would not exacerbate or give rise to any new significant environmental or amenity impacts over and above those which have already been deemed acceptable and/or for which planning conditions have already been imposed to mitigate or minimise any such impacts.
37. Finally, for clarity it is recommended that should planning permission be granted for the proposed amended conditions then the decision notice should be issued with a comprehensive set of revised conditions which (where relevant) updates, removes and replaces the conditions already attached to permission L/110/13 that:
- the approved documents and drawings identified by the permission reflect the revised development and details submitted as part of this application; and

- re-cites and re-numbers any conditions which were originally imposed on permission L/110/13.

#### **W42/131879/14 – Revised NMU Bridge**

38. The revised NMU bridge is of the same overall design as the previous NMU bridge and similar to the other bridges proposed and permitted to be constructed along the LEB route. Therefore the NMU bridge is considered to be acceptable in terms of both its overall design, scale and appearance and accords with the objectives of WLLP Policy STRAT1 (and CLLP Policy 5 and NKLP Policy C5).
39. Like the currently consented NMU bridge, this revised bridge would reconnect the two sides of Hawthorn Road and therefore provide a link for NMU's travelling along Hawthorn Road. Unlike the currently consented NMU bridge, however, the revised bridge would be slightly wider at 3.5m which is the design standard recommended for equestrian use and this modification, along with the provision of waiting areas with mounting/unmounting blocks and ramped approaches with suitable gradients, ensure that the revised bridge would be accessible and useable for all NMUs. In light of the concerns and objections raised by members of the public and local Parish Councils, the position of the NMU bridge has also been purposefully realigned to the south of Hawthorn Road so as to provide a more direct link between the existing footpath and cycleway which runs along the south of Hawthorn Road. This revision therefore directly addresses and resolves many of the objections and concerns that had been raised from the community about the safety of users along Hawthorn Road. Additionally, although it will still be necessary for users approaching Hawthorn Road to cross the road to access this new link, the revisions to the wider LEB plans show that this crossing point would be positioned further east of the approach slip road off the LEB than previously proposed. This modification would increase the visibility and safety of users crossing at this point and again directly responds to and, in your Officer's view, resolves the concerns that the DfT/Inspector raised at the Compulsory Purchase and Side Road Orders Public Inquiry.
40. Taking into account the above, given that the position of the NMU bridge has been purposefully revised in order to address concerns and objections that have previously been made regarding its connectivity to existing pedestrian links, it is considered that this revised NMU bridge is also acceptable and appropriate and in your Officer's view enhances and further improves the wider LEB scheme and is consistent with the objectives and principles of CLLP Policy 5, WLLP Policies SUS1 and SUS4 and NKLP Policies C5 and T4.
41. Both applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the

Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

## RECOMMENDATIONS

- (A) **W42/131879/14** – that planning permission be granted subject to the conditions set out in Appendix A.

Subject to the Planning and Regulation Committee resolving to approve (A) that:

- (B) **L/0643/14** - that planning permission be granted for the variation of Conditions Nos. 2, 10 and 24 as set out in the Council's Decision Notice reference L/0110/13 dated 10 June 2013 and subject to the updated/revised conditions as set out in Appendix B.

## Appendices

These are listed below and attached at the back of the report	
Appendix A	Proposed conditions relating to application W42/131879/14
Appendix B	Proposed updated/revised conditions relating to application L/0643/14
Appendix C	Committee Plan W42/131879/14
Appendix D	Committee Plan L/0643/14



## Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files W42/131879/14 W42/131549/14 W42/130726/13 L/0643/14 L/0110/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework – March 2012	Communities and Local Government website <a href="http://www.communities.gov.uk">www.communities.gov.uk</a>
City of Lincoln Local Plan 1998	City of Lincoln Council website <a href="http://www.lincoln.gov.uk">www.lincoln.gov.uk</a>
West Lindsey Local Plan (First Review) 2006	West Lindsey District Council website <a href="http://www.west-lindsey.gov.uk">www.west-lindsey.gov.uk</a>
North Kesteven Local Plan 2007	North Kesteven District Council website <a href="http://www.n-kesteven.gov.uk">www.n-kesteven.gov.uk</a>

This report was written by Marc Willis, who can be contacted on 01522 782070 or [dev\\_pcg@lincolnshire.gov.uk](mailto:dev_pcg@lincolnshire.gov.uk)

## Appendix A

### W42/131879/14 – Proposed non-motorised user bridge

1. The development hereby permitted shall be commenced within three years of the date of this permission. Written notification of the date of commencement of development shall be sent to the County Planning Authority (CPA) within seven days of commencement.
2. The development hereby permitted shall be undertaken strictly in accordance with the details contained in the application form, planning statement and the following approved drawings:

F/1054738-HRD-100 Rev.0: Site Plan

B/1054738/1700/HF/101 Rev.0: General Arrangement

#### Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development is carried out in accordance with the details as contained in the application.

## Appendix B

### L/0643/14 – Lincoln Eastern Bypass – Revised Conditions

1. The development hereby permitted shall be commenced before 10 June 2016. Written notification of the date of commencement of development shall be sent to the County Planning Authority (CPA) within seven days of commencement.
2. The development hereby permitted shall be undertaken strictly in accordance with the details contained in the application and in full compliance with the mitigation measures identified and set out in the Environmental Statement (originally date stamped received 8 January 2013) and the drawings (as set out below) except where modified by the conditions attached to this planning permission or by details subsequently approved pursuant to those conditions.

#### Approved Drawings

Drawing No. 1030171-LEB-016 'Planning Boundary'  
Drawing No. 1030171-LEB-017 'Permanent Highway Boundary'

both date stamped received 8 January 2013; and

Drawing No. HCMSA0021/LEB/100/101 Rev.A0 'Main Carriageway:  
Revised Plan & Profile - Sheet 1'  
Drawing No. HCMSA0021/LEB/100/102 Rev.A0 'Main Carriageway:  
Revised Plan & Profile - Sheet 2'  
Drawing No. HCMSA0021/LEB/100/103 Rev.A0 'Main Carriageway:  
Revised Plan & Profile - Sheet 3'  
Drawing No. HCMSA0021/LEB/100/104 Rev.A0 'Main Carriageway:  
Revised Plan & Profile - Sheet 4'  
Drawing No. HCMSA0021/LEB/100/105 Rev.A0 'Main Carriageway:  
Revised Plan & Profile - Sheet 5'

all date stamped received 13 June 2014; and

Drawing No. HCMSA0021/LEB/100/106 Rev.A2 'Hawthorn Road Junction  
Alteration'  
Drawing No. HCMSA0021/LEB/100/107 Rev.A0 'Diversion under the River  
Witham Bridge'  
Drawing No. HCMSA0021/01/108/ Rev.0 'Extents of acoustic fencing'

all date stamped received 27 August 2014.

3. No development shall take place until a detailed landscaping scheme, including any proposed fencing, has been submitted to and approved in writing by the CPA. The landscaping scheme shall include information on the species, numbers, spacing and positions of all grasses, trees, shrubs, hedgerows and bushes to be planted as part of the development and

include details of the long term maintenance and aftercare proposals to ensure their success for a period of 10 years commencing from the date of completion of the development. Any plants which at any time during the development and/or 10 year aftercare period die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the CPA. In respect of fencing, details shall include the type, height, treatment/colour and position of any fencing to be erected as part of the development. The approved scheme shall thereafter be carried out and maintained in accordance with the approved details.

4. No development shall take place until details of the bunds for noise mitigation and landscaping to be constructed along the boundaries of the development have been submitted to and approved in writing by the CPA. Such details shall include appropriate cross sections of the bunds and include details of the location, size and height of the bund as well as details of the proposed materials and method of construction. Following the construction of the bunds they shall be grass seeded, landscaped and maintained in accordance with the details approved pursuant to Condition 3. Thereafter the bunds shall be constructed and all works implemented and carried out in full accordance with the approved details and thereafter whilst ever the development subsists.
5. Unless minor variations are otherwise agreed in writing by the CPA, construction works which are audible at the site boundary shall only take place between 07:00 – 19:00 Monday to Friday, and 09:00 – 13:00 on Saturdays, and not at any time on Sundays, Public or Bank Holidays. Construction activities which are assessed as being inaudible at the site boundary (such as electrical work) may be undertaken outside of these times.
6. All vehicles, plant and machinery shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be undertaken within a reasonable period, the equipment affected should be taken out of service.
7. (a) No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the County Planning Authority. This scheme should reflect the practices and mitigation measures to reduce or avoid impacts on archaeological deposits as set out in Chapter 12, Section 12.6 of the Environmental Statement and include the following items set out below and be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the County Planning Authority:

- (1) An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements);
    - (2) A methodology and timetable of site investigation and recording;
    - (3) Provision for site analysis;
    - (4) Provision for publication and dissemination of analysis and records provision for archive deposition;
    - (5) Nomination of a competent person/organisation to undertake the work;
    - (6) The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
  - (b) The archaeological site work shall be undertaken only in full accordance with the approved written scheme. The applicant will notify the County Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the County Planning Authority.
  - (c) A copy of the final report will be submitted within three months of the work to the County Planning Authority for approval (or according to an agreed programme). The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.
- 8.
- (a) No development shall take place until details of the historic landscape survey referred to in Chapter 12, Paragraph 12.6.15 of the Environmental Statement have been submitted to and approved in writing by the CPA. The submitted scheme shall provide for the recording of the identified Historic Landscapes affected by the development (as identified by the Drawing No.1030171-LEBEIA- HER-003a contained within Section 12.7 (Volume 2) of the Environmental Statement) and should include measured survey of any field boundaries to be removed as well as photographic survey of the wider area and long views to and from the Historic Landscape Types. The historic landscape survey shall be carried out prior to any construction works taking place within the identified Historic Landscape areas, in full accordance with the approved scheme.
  - (b) A copy of the final report relating to the above shall be submitted within three months of the work to the County Planning Authority for approval (or according to an agreed programme). The material and paper archive shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.
- 9.
- (a) No development shall take place until details of a scheme of historic building recording relating to the Railway Underbridge (Site 220) as referred to in Chapter 12, Paragraph 12.6.14 of the Environmental

Statement has been submitted to and approved in writing by the CPA. The scheme shall provide a written and photographic record of the structure (as appropriate) and provide a permanent record of the structure in its current condition. The historic building recording works shall thereafter be implemented and carried out prior to the structures demolition, in full accordance with the approved scheme.

- (b) A copy of the final report relating to the above shall be submitted within three months of the work to the County Planning Authority for approval (or according to an agreed programme). The material and paper archive shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.
- 10.
  - (a) No development shall take place until full details of all permanent bridges, structures, underpasses, bridge walls, abutments and crossings have been submitted to and approved in writing by the CPA. Such details shall include information on the colours and treatment of all surfaces, finishes and textures associated with these elements (e.g. railings, wing walls, side walls of underpass) as well as exact clearance heights. The bridges, structures, underpasses, bridge wing walls, abutments and crossings shall thereafter be constructed in accordance with the approved details.
  - (b) Prior to the installation of any temporary bridges during construction such temporary works will be submitted to and approved in writing by the CPA. Such details shall include information on the colours and treatment of all surfaces, finishes and textures associated with these elements (e.g. railings, wing walls, side walls of underpass) as well as exact clearance heights. The bridges, structures, underpasses, bridge wing walls, abutments and crossings shall thereafter be constructed in accordance with the approved details.
- 11. All floodlighting and external site lighting associated with the construction of the development hereby permitted shall be positioned and operated to minimise the potential nuisance of light spillage from the site.
- 12. Before the bypass hereby approved is brought into use details of all proposed lighting to be implemented as part of the development (including street lighting and that associated with the bridges, underpasses and other circulation areas, etc) shall be submitted for the approval of the CPA. Thereafter the lighting shall be implemented and carried out in full accordance with the approved details.
- 13. No development shall take place until a method statement, detailed plan and timetable of works to mitigate the impacts of the development on the Greetwell Hollow Quarry SSSI have been submitted to and approved in writing by the CPA. All works shall thereafter be carried out in full accordance with the approved details.

14. No development shall take place until details of the facilities to be constructed to provide public/pedestrian access to the quarry floor and retained exposures of the Greetwell Hollow Quarry SSSI have been submitted to and approved in writing by the CPA. All works shall thereafter be carried out in full accordance with the approved details and the means of access completed at the date the bypass is open for traffic.
15. No development shall take place until a method statement, detailed plan and timetable of works to mitigate the impacts to bats, water voles and grass snakes have been submitted to and approved in writing by the CPA. All works shall thereafter be carried out in full accordance with the approved details.
16. No earthworks, site clearance or ground disturbance works shall take place between March and September, inclusive unless otherwise agreed in writing with the CPA. If these works cannot be undertaken outside this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.
17. No development shall take place until a scheme for the provision of surface water drainage, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the CPA, in consultation with surface drainage authorities, including the Internal Drainage Boards and the Environment Agency. The scheme shall reflect the principles, mitigation measures and specification requirements as set out in Chapter 7, Section 7.6 of the Environmental Statement including the provision of level for level floodplain compensatory storage as indicated in the applications Flood Risk Assessment. The approved scheme shall be implemented and carried out before the development is completed and shall thereafter be maintained for the duration that the development hereby permitted subsists.
18. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
19. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the

CPA. The Plan shall include details of the development which shall include but not necessarily be limited to the following:

- (a) identify the locations of the contractor's temporary site storage areas/compounds including details of the number, size (including height) and location of contractors' temporary buildings;
  - (b) the means of moving, storing and stacking all materials, plant and equipment around the site;
  - (c) the measures to be adopted during all works to ensure that dust emissions are minimised (reflecting those practices and mitigation measures set out in Chapter 11, Section 11.6 of the Environmental Statement);
  - (d) the measures to be adopted during all works to minimise the incidence and impacts of noise and vibration arising from the development (reflecting the practices and mitigation measures set out in Chapter 10, Section 10.6 of the Environmental Statement);
  - (e) the measures to avoid the pollution and discharge of any substances, including surface water run-off, into controlled water during the construction and operation phases of the development (reflecting the practices and measures set out in Chapter 7, Section 7.6 of the Environmental Statement);
  - (f) details of any wheel wash facility, use of water bowsers and any other measures necessary to ensure that vehicles do not leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway. The approved plan shall thereafter be implemented and carried out in full accordance with the approved details.
20. No development shall take place until a detailed strategy and method statement for minimising the amount of construction waste resulting from the construction of the development shall be submitted to and approved in writing by the CPA. The statement shall include details of the extent to which waste materials arising from construction activities will be reused on site and demonstrating that as far as reasonably practicable, maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal. All waste materials shall thereafter be reused, recycled or dealt with in strict accordance with the approved strategy and method statement.
21. No development shall take place until a scheme to assess the nature and extent of any contamination on the site and the methods proposed to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the County Planning Authority. The scheme shall include:
- (1) A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;



- a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
  - (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the County Planning Authority. The scheme shall be implemented as approved.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the County Planning Authority detailing how this unsuspected contamination will be dealt with and obtained written approval from the County Planning Authority. The remediation strategy shall be implemented as approved.
23. The development hereby permitted shall not be brought into public use until a minimum 1.8 metre high acoustic fence has first been erected in the locations as shown on Drawing No. HCMSA0021/01/108/ Rev.0 in accordance with details which have previously been submitted to and approved in writing by the County Planning Authority. Those details shall confirm the design, specification and colour of the proposed fencing and the fence shall be of such a standard so as to achieve, as a minimum, the noise attenuation levels as cited in the supporting letter date 27 August 2014. The acoustic fencing shall thereafter be maintained and retained in a condition fit for purpose whilst ever the development hereby permitted subsists.
24. No development shall take place until details relating to the translocation of the Giant Bellflower have been submitted to and approved in writing by the County Planning Authority. Such details shall include the findings and results of a survey conducted to identify the locations of any stands affected by the development hereby permitted, details of the proposed methods to be adopted to translocate those species, the locations where those stands/species are to be relocated, a timetable for carrying out such works and details of the measures to be adopted to ensure the successful

establishment and maintenance of those translocated species. All works shall thereafter be carried out in accordance with the approved details.

### Reasons

1. To reflect the original deadline for implementation of the planning permission as imposed by Section 91 of the Town and Country Planning Act 1990.

2. To ensure that the development is carried out in accordance with the details as contained in the application and the principles of the mitigation set out in the Environmental Statement in order to minimise the environmental effects of the development.

3 & 4

To minimise the impact of the development on the local landscape in the interests of visual amenity.

5, 6 & 23

To minimise the impacts of noise arising from the development, in the interests of amenity.

7 to 9

To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of archaeological deposits within the site and to secure appropriate schemes for recording of the historic railway underbridge and historic landscape features as identified and proposed within the Environmental Statement.

10. To ensure that the final design, scale and appearance of the proposed structures are appropriate and would not adversely detract or impact upon the visual amenity of the area and views to and from the historic city centre. Such details would also ensure that adequate clearance is provided to allow safe and unrestricted access by users of the River Witham and to protect the bridge from defacement/vandalism as per the recommendations of British Waterways.

11 & 12

In the interests of visual amenity and to minimise the impacts of light pollution on the local landscape and adjoining land uses (e.g. railway infrastructure).

13 & 14

In accordance with the recommendations of Natural England and to minimise the impacts of the development on the SSSI and to mitigate for the loss of the SSSI by ensuring suitable access to the retained exposures of the SSSI is secured in the interest of nature conservation.

15. In accordance with the recommendations of Natural England so as to protect bats, water voles and grass snakes that have been identified as

being affected by the development and to secure the mitigation measures for these species as set out in Section 10.7 of the Environmental Statement.

16. In the interests of safeguarding nesting birds that are protected by law.

17 & 18

To reflect the recommendations and conditions proposed by Environment Agency so as to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.

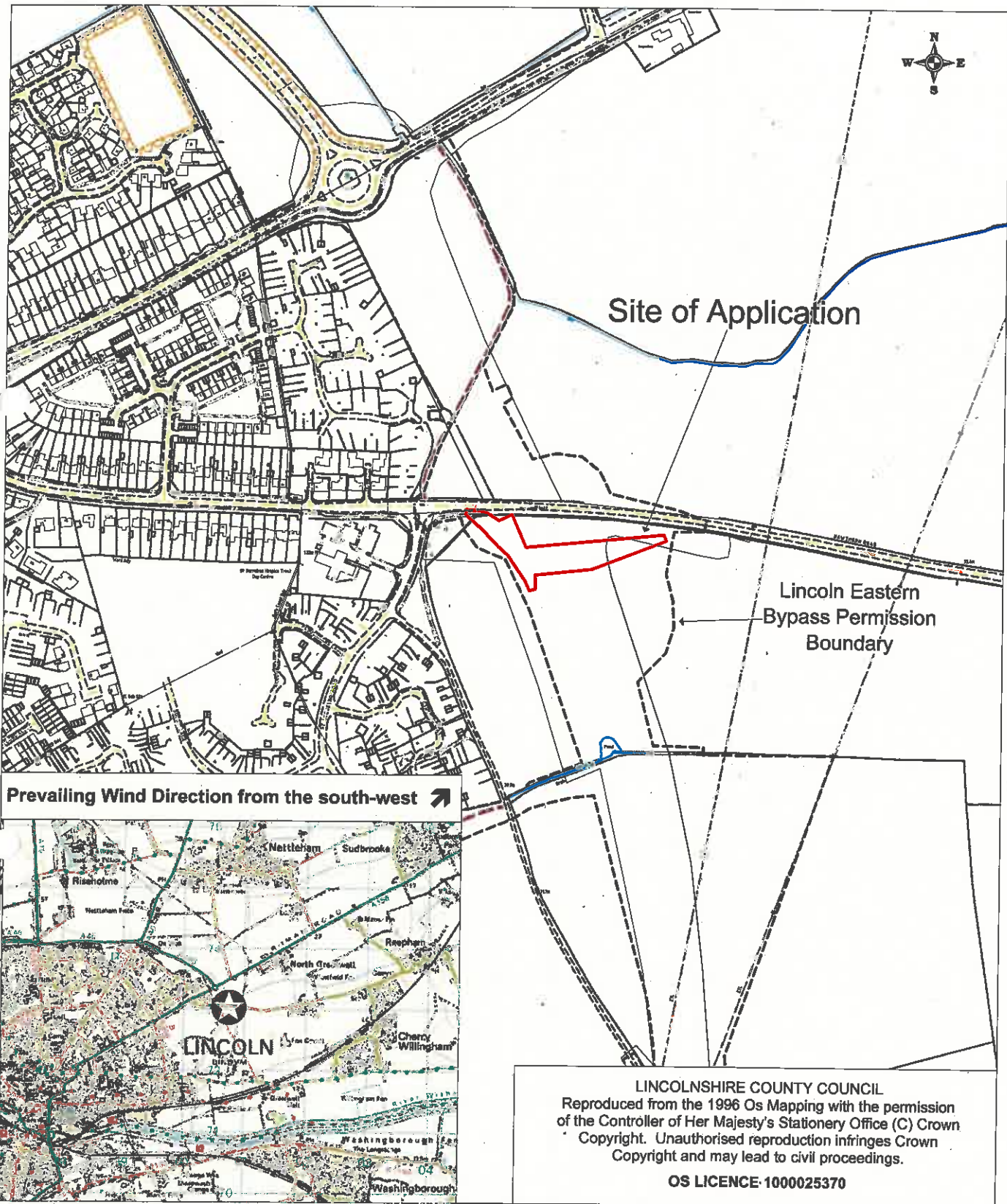
19. To ensure that the development does not give rise to adverse impacts by virtue of noise, dust and to protect water resources from pollution in the interests of the amenity of the area.

20. To minimise the amount of construction waste to be removed from site for final disposal.

21 & 22

In accordance with the recommendations and advice of the Environment Agency and to ensure that appropriate remediation measures can be secured to protect controlled waters for any contaminated land which may be present within the site and to ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner.

24. To secure the measures proposed to mitigate and ensure the successful translocation of Giant Bellflower as part of the development.



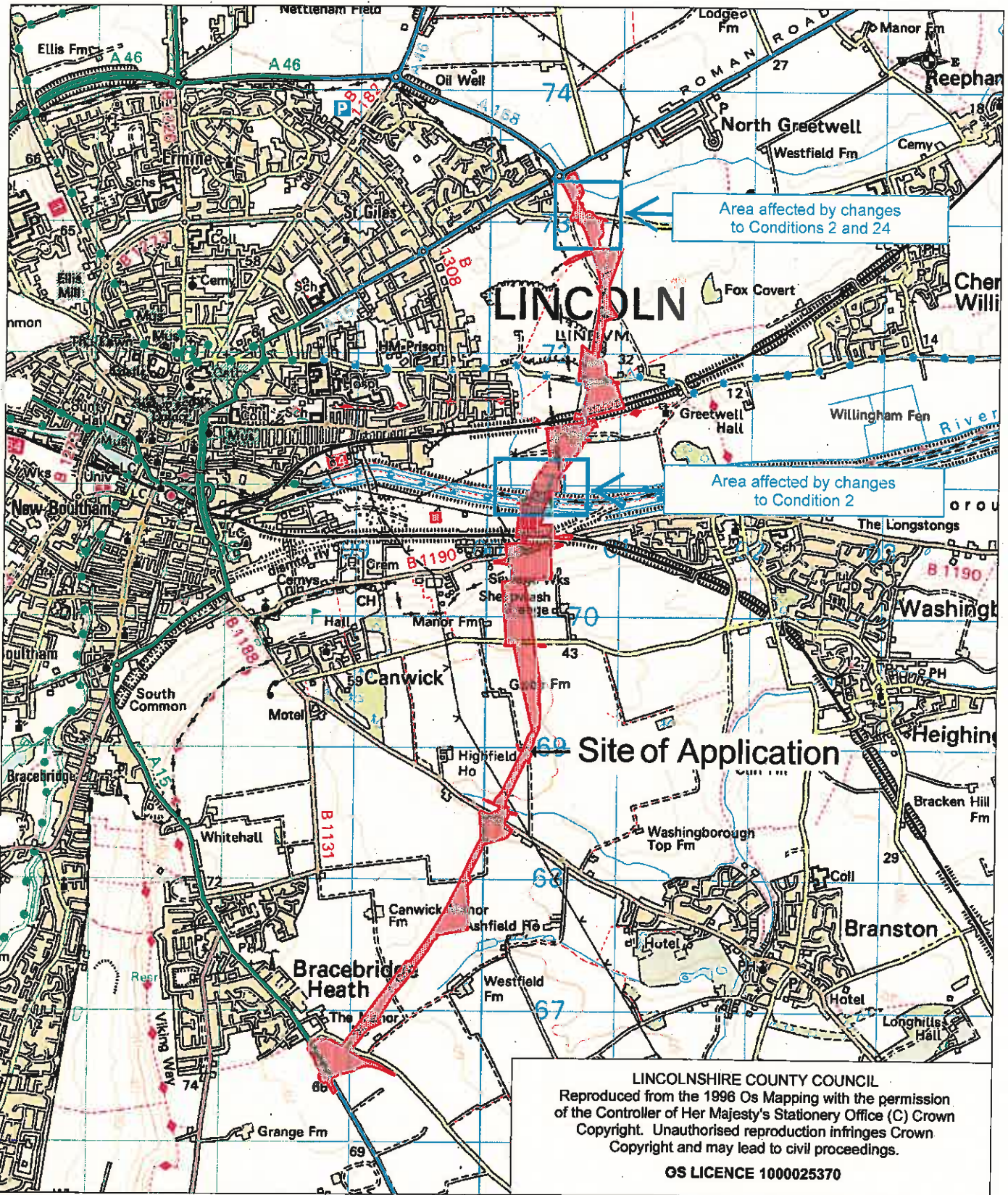
**Location:**  
Land to the east of the junction  
between Hawthorn Road and  
St Augustine Road, Lincoln

**Description:**  
To construct a non-motorised user bridge

**Application No:** W/131879/14  
**Scale:** 1:5000

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 6 OCTOBER 2014



**Location:**  
In the Parishes of Lincoln, Greetwell,  
Canwick, Washingborough  
and Bracebridge Heath

**Description:**  
Section 73 application to vary Conditions 2, 10 and 24  
of planning permission L/0110/13

**Application No:** L/0643/14  
**Scale:** 1:40 000

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