

# **LINCOLNSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

**District: South Holland District Council**

**Application number: H18-0674-23**

**Application Type:**

**Proposal: Proposed fencing, gates, earth bund and associated landscaping**

**Location: Sutton Bridge Port Ltd, West Bank, Sutton Bridge, Spalding**

**Response Date: 21 September 2023**

This report includes the Substantive response of the Local Highway and Lead Local Flood Authority to a planning consultation received under the Development Management Order and includes details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement.

## **General Information and Advice**

Please note that although the Definitive Map and Statement proves the existence of any recorded rights of way, there may be further or higher rights that are not shown on this document that the County Council is not currently aware of. This would be especially relevant where the public has had informal access to the site or where there are references to routes across this in maps or other historic documents. As the County Council has received no application to recognise further rights of way affecting the site, no more informed guidance can be offered at this stage.

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## **Highway and Lead Local Flood Authority Report**

**Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:**

**Recommendation:**

**No objection:**

**The proposed fencing, gate, bund and landscaping are all within the confines of the Port complex and would not therefore be a hazard to road users.**

**Neither would the proposed development have the potential to affect the capacity of the local highway network.**

**In consideration of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.**

**Officer's Name: Jon Sharpe**

**Officer's Title: Principal Development Management Officer**

**Date: 21 September 2023**

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**From:** Andrew Savage  
**Sent:** 16 August 2023 08:19  
**To:** HighwaysSUDsSupport  
**Subject:** RE: SOUTH HOLLAND DC AREA - OBSERVATIONS ON CONSULTATION REQUEST - H18-0674-23

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:**

Thank you for providing details of the above planning application.

**Executive Summary**

The Public Rights of Way and Access Team **OBJECTS** to the application and recommends refusal in its current form. The proposed development is considered to substantially increase the danger to users of the byway and will have a significant detrimental impact to the King Charles III England Coast Path and the public rights of way network, contrary to Paragraph 100 of the National Planning Policy Framework and Policy 33 of the South-East Lincs Local Plan 2019. Further discussion is invited with the developer and the Public Rights of Way and Access Team to explore design changes that would mitigate these impacts.

**Planning Policy Links**

**National Planning Policy Framework –**

**Para 100.** Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

**South-East Lincolnshire Local Plan 2011 -2036 –**

**Policy 33:** Delivering a More Sustainable Transport Network. The Local Planning Authorities will work with partners to make the best use of, and seek improvements to, existing transport infrastructure and services within, and connecting to South East Lincolnshire, having considered first solutions that are based on better promotion and management of the existing network and the provision of sustainable forms of travel. To achieve this, the following priorities and actions have been identified:

- C. For cycling, walking and other sustainable transport this will be by:
1. protecting existing footpaths, cycle routes and public rights of way from development;
  5. helping to ensure the continuous and safe operation of the Port of Boston and the Port of Sutton Bridge.

**Detailed Planning Application Comments –**

**Safety Concerns**

- The proposal would involve byway users and HGVs utilising the same restricted corridor which would be fenced on one side. The described layout would be inherently dangerous given the restricted width of the byway and the proposed 140 HGV movements each day. HGV vehicles have a limited visibility range, a large turning circle requirement and a long stopping distance which places pedestrians and cyclists at particular risk around moving HGV vehicles. The proposal will increase the potential conflict between users and vehicles along the byway and present a significant safety hazard. Accordingly, it is considered that the development runs contrary to NPPF Para 100 detailed above as it does not protect or enhance the existing public right of way, and would have a significant detrimental impact. Additionally, the proposal runs

contrary to Policy 33 of the SE Lincs Local Plan 2011-2036 (adopted in 2019) as it does not protect the right of way from the development, and does not contribute towards the safe operation of the Port of Sutton Bridge.

- The proposal would involve the provision of four passing places which would be positioned at the existing junctions to the Warehouse complex. It is considered that positioning the passing places would not contribute to the safety of path users. There are no safe refuge areas within the plan that would assist people looking to avoid moving HGV vehicles.
- Sutton Bridge Public Byway No. 503 forms part of the King Charles III England Coast Path and it is likely that the section of byway which passes through the Port of Sutton Bridge will see a notable increase in users in the coming years. It is therefore important to ensure that any developments in the port complex do not compromise the use of the national trail.
- HGVs exiting the quayside via Gate 4 would have limited visibility of byway users travelling in a southerly direction along the route. Measures would therefore need to be put in place to mitigate the risks associated with this HGV manoeuvre.
- The proposed planting strip may potentially limit visibility for HGVs exiting through the electric gates from the quayside. It would therefore be desirable to ensure that shrubs are selected which do not grow more than 500mm in height.

#### **Potential encroachment of the byway and Petts Lane**

- Further assessment will be required regarding the legal alignment of the section of Sutton Bridge Public Byway No. 503 which passes through the Port of Sutton Bridge. This may then require the formal diversion of the public byway. Previous surveys have highlighted the centre line of the byway in a significantly different position to that marked on the development proposal plans.
- The proposed development involves amending the junction of BOAT 503 and Pett's Lane. Pett's Lane is HMPE and the southern section adjoining the public byway will require stopping up or diverting.

#### **Surfacing of the byway**

- The section of byway which is currently unsurfaced would require surfacing with a suitable material to be agreed by the highway authority.

#### **Alternative options**

- It is recognised that the SE Lincs Local Plan seeks to ensure the continued and safe operation of the Port of Sutton Bridge, and discussions are welcomed with the developer to explore alternative designs that would eliminate or mitigate the concerns detailed above. It is recommended that alternative options are considered to provide an alternate route for HGV vehicles that avoids the use of the byway, or to provide additional space to allow for a segregation between byway users and HGV vehicles.

Regards

#### **Andy Savage**

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