

## PLANNING AND REGULATORY COMMITTEE

### 6 JULY 2021

# PROPOSED NEW CYCLE / FOOTBRIDGE TO SPAN THE RIVER SEVERN AND ASSOCIATED ACCESS PATHS TO THE LOCAL HIGHWAY ON LAND INCLUDING AND BETWEEN GHELUVELT PARK, WATERWORKS ROAD ON THE EAST SIDE OF THE RIVER SEVERN AND THE RESTORED LANDFILL SITE, HALLOW ROAD, ON THE WEST SIDE OF THE RIVER SEVERN, WORCESTER, WORCESTERSHIRE

---

#### **Applicant**

Worcestershire County Council

#### **Local Members**

Cllr Simon Geraghty and Cllr Mel Allcott

#### **Purpose of Report**

1. To consider an application under Regulation 3 of the Town and Country Planning Regulations 1992 for proposed new cycle / footbridge to span the River Severn and associated access paths to the local highway on land including and between Gheluvelt Park, Waterworks Road on the east side of the River Severn and the restored landfill site, Hallow Road, on the west side of the River Severn, Worcester, Worcestershire.

#### **Background**

2. A Pre-Feasibility Study which outlined possible locations for the proposed cycle / footbridge was prepared by Worcestershire County Council in 2017. A feasibility study was then prepared by Jacobs in 2018 which considered which type of structure would be most suitable. Following on from this, a Strategic Outline Business Case was prepared for the scheme and presented to Worcestershire County Council's Cabinet in November 2019. Recommendations agreed at the Cabinet meeting included:

- Development of a full business case;
- Preparation of a planning application; and
- Submission of funding bids to third parties for the completion of the scheme.

3. The applicant requested an Environmental Impact Assessment (EIA) Screening Opinion on 13 February 2020 from Worcestershire County Council, as the County Planning Authority, which was issued and adopted on 8 June 2020. The EIA Screening Opinion states that the proposal would not likely create any significant

effects on the environment by virtue of its characteristics of the development, location of the development and characteristics of its potential impact. Therefore, the County Planning Authority considered that the proposed development is not EIA development. An Environmental Statement would, therefore, not be required. In making that determination, the following features were envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment:

- The invert of the proposed Kepax cycle / footbridge deck shall be set at a minimum level of 17.03 metres Above Ordnance Datum (AOD), which accounts for a design water level for the 1% Annual Exceedance Probability (AEP) event including climate change (to set the bridge deck above the flooding level); and
- Use of appropriate working practices and relevant mitigation measures, as detailed in Table 7-4: 'Risk Register' of the Ground Investigation Report, dated 23 December 2019 relating to contaminated land.

4. The applicant states that in addition to the scheme presented within this application, the applicant has an ambition to provide upgrades to other wider links in order to provide high quality pedestrian and cycle links further afield. These proposed improvements include:

- Upgrade of the Severn Way to the south of the bridge. To create a riverside loop (via Sabrina or Digris Bridges).
- Walk and cycle improvements to routes on the eastern side of the river, including:
  - Enhancement to the existing National Route 46 of the National Cycle Network (NCN); and
  - Upgrade of connection from the scheme to National Route 45 of the NCN.

5. The applicant states that these works have been split from the main application in order to ensure that the necessary permissions for provision of the bridge are not delayed. Much of the improvements to wider links can be delivered using permitted development rights (Part 9, Class A 'development by highways authorities' of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) and Traffic Regulation Orders. If planning permission is subsequently considered to be required for any other elements of the scheme, a planning application would be submitted.

## The Proposal

6. The proposal is for Kepax Bridge, a proposed cable-stayed pedestrian and cycle bridge over the River Severn, with a bridge pylon on the eastern side of the river. The proposed bridge deck would measure approximately 143 metres in length. Access paths connecting to the local highway would be provided on either side of the River Severn.

7. The proposed location of the structure would be between Gheluvelt Park, on the eastern side of the River Severn, and the site of a restored landfill site (known as the Kepax landfill site), on the western side of the river. The proposed development includes a direct shared access path over the restored Kepax landfill site, connecting users to the western side of the river via Hallow Road. On the eastern side of the river, the bridge would link with existing pathways (National Route 46 of the NCN)

connecting users to Waterworks Road and Barbourne Road via Gheluvelt Park. A connection to the Severn Way long distance path on the western side of the River Severn is also proposed from the restored Kepax landfill site down to the Severn Way.

8. The span of the bridge over the River Severn and Willow Carr (a wet wood area associated with the River Severn) would measure approximately 143 metres long. In line with the EIA Screening Opinion, the invert of the bridge deck would be set at a minimum level of 17.03 metres Above Ordnance Datum (AOD), which accounts for a design water level for the 1% AEP event (16.43 metres AOD).

9. The bridge pylon would be situated on the east bank of the river within Gheluvelt Park and would have a maximum height of 30 metres. The bridge would be constructed from painted steel, with the pylon built from weathering steel (which would weather and over several years would have a rust-like appearance). The bridge deck would measure approximately 4.3 metres wide with a useable width of approximately 3.5 metres wide along its entire span. The parapet height would be approximately 1.5 metres high. The proposal has been designed considering and using the natural landform as far as possible allowing the deck of the bridge to be almost level throughout, due to the positioning and level of landings sites either side of the river. The applicant states that the proposed bridge, ramp and access would be accessible to both cyclists and pedestrians, including those with pushchairs and wheelchair users. Gradients would be no steeper than 1 in 22. The shared use path across the restored Kepax landfill site would measure approximately 405 metres long by 4 metres wide with grass verges on either side which would each measure approximately 2 metres wide (4 metres in total). A timber fence would be provided either side of the path and grassed verges. This would measure approximately 1.4 metres high and would be a post and rail fence. The shared used path on the east side of the river in Gheluvelt Park would measure approximately 130 metres long by 3 metres wide.

10. A new security fence measuring at least 1.8 metres high is also proposed to be installed between the shared use path over the restored landfill site and the rear of the properties of Riverview Close.

11. The applicant states that the key objective of the scheme is to encourage walking and cycling through the provision of new infrastructure, including a river crossing. This would encourage a mode shift from cars, where journeys would be quicker on foot or by bicycle and additional walking and cycle trips, particularly leisure trips would occur.

12. In addition to the proposed bridge, the scheme includes provision of a new shared use path across the restored Kepax landfill site and linkages to existing paths at Gheluvelt Park. Connections are provided to the National Route 46 of the NCN. The applicant is also proposing a connection onto the Severn Way.

13. The Route User Intercept Survey for Diglis Bridge, Worcester in 2011 outlined that “*current annual usage estimate at Diglis Bridge is 465,482*”. The applicant forecasts that the use of Kepax Bridge would be at a similar level to that experienced at Diglis Bridge.

14. Construction works are expected to start in September 2021 (should planning permission be granted). Work undertaken in Autumn 2021 would include preparation works, works for the sub-structure (e.g. piles) and procurement of the steelwork material for the bridge. Construction of the pylon and deck is anticipated to be undertaken in 2022 once the steelwork has been fabricated, with the bridge expected to be operational by Spring 2023.

15. Construction compounds and associated accesses would need to be located on both sides of the river. On the restored Kepax landfill site, the construction compound would be located close to the river, but behind the Willow Carr (wet wooded area) to minimise vegetation loss. A temporary haul route would be provided over the restored Kepax landfill site, with access being taken from the access to Hallow Road Household Recycling Centre. On the Gheluvelt Park side, the compound would be located close to the National Route 46 of the NCN in Gheluvelt Park, to the west of the NCN, to minimise the loss of open space. It is proposed that on this side of the river, access would be taken from Somers Road, Barbourne Walk, Pitchcroft Lane, Pope Iron Road and Waterworks Road.

## The Site

16. The application site measures approximately 25.9 hectares in area (and includes the associated construction working areas and landscaping) and is located within Worcester City, sited approximately 1.7 kilometres north of the city centre. The River Severn bisects the site, flowing north to south through the site, and is bordered by Gheluvelt Park to the east and the restored Kepax landfill site to the west.

17. The proposed development is located approximately 1.4 kilometres north of Sabrina Bridge, which is the closest existing cycle and pedestrian bridge that serves the city centre. The nearest northern river crossing is at Holt Fleet approximately 8 kilometres away. Diglis Bridge which is a cycle / footbridge crossing the River Severn granted by Worcestershire County Council in September 2009 (County Planning Authority Ref: 09/000029/REG3, Minute No. 657 refers) is located about 3.4 kilometres south of the proposal.

18. The eastern extents of the proposed development is located within Gheluvelt Park which is owned by Worcester City Council and is split into two main areas; the Memorial Park which is a Field in Trust and which consists of the more formal grounds that run from Barbourne Road to the east of Barbourne Brook, and the less formal parkland west of Barbourne Brook up to the River Severn. This area was the former location of the Worcester Corporation Water Works. The area closer to the river is generally flat and made up of short grassland with small areas of immature trees, shrubbery and sparsely spread outdoor gym equipment around the perimeter of the park.

19. The north-west corner of the park gently slopes away from the Pump House Environment Centre forming two levels to the land that border the River Severn. A drainage channel running along the northern edge of the park discharges surface water from Barbourne Brook and the River Severn. The locally listed building of the Pump House Environment Centre was constructed in 1857 to draw and filter water from the River Severn. Gheluvelt Park is a designated war memorial and Grade II Listed Registered Park and Garden.

20. On the western side of the river is located the Severn Way, a National Trail that extends along the length of the river and passes through an area of Willow Carr (a wet wood area associated with the River Severn), behind this the land rises to the restored Kepax landfill site managed by Worcestershire County Council. It is understood the southernmost end of the restored landfill site is owned by a third party and leased to Worcester City Council, although this falls outside of the application site boundary. The restored Kepax landfill site is an unnatural raised structure made from the deposit of household and industrial waste with imported soil used as a capping layer and grassed. The land is generally flat with several gas monitoring stations situated throughout the landfill site. Hallow Road Household Recycling Centre is situated on the western side of the restored landfill site.

21. Electrical pylons and cables run approximately north-south across the restored landfill site. There are also some high voltage overhead power cables which cross the river just to the south of Gheleveit Park.

22. The land on the west bank of the River Severn is level with the Willow Carr extending between 40 metres and 55 metres between the riverbank and the restored landfill site. The area is generally wet woodland and has an open drain that dissects the land.

23. There are a number of statutory wildlife designated sites located within 5 kilometres of the application site, this includes:

- Northwick Marsh Site of Special Scientific Interest (SSSI) located approximately 1.3 kilometres north of the site;
- Grimley Brick Pits SSSI located approximately 3 kilometres north of the site;
- Monk Wood SSSI situated approximately 4.4 kilometres north-west of the site;
- River Teme SSSI situated approximately 3.7 kilometres south of the site; and
- Lyppard Grange Ponds SSSI / Special Area of Conservation (SAC) located approximately 3.6 kilometres south-east of the application site.

24. In addition, the application site is hydrologically linked the Severn Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European designated sites. The site is also notified as a Ramsar Site (of international importance) and at a national level as the Upper Severn SSSI, located approximately 49 kilometres south-west of the site. The proposal is located about 30 kilometres north-east of the River Wye SAC.

25. There are also a number of non-statutory wildlife designated sites in the vicinity of the application site, including:

- The River Severn Local Wildlife Site (LWS) which crosses the application site north to south;
- Laughern Brook LWS is situated about 350 metres west of the application site;
- The Worcester and Birmingham Canal LWS is located about 650 metres east of the application site; and
- Lansdowne Allotments LWS is situated approximately 1-kilometre south-east of the site.

26. On the eastern bank of the River Severn are a number of Listed Buildings in proximity of the proposed development, this includes:

- Gheluvelt Park Band Stand, Grade II Listed Building located about 100 metres east of the site;
- Nos. 1-12 Gheluvelt Park, Grade II Listed Buildings located about 210 metres east of the site;
- Gheluvelt Park Arch, Gates and Railings, Grade II Listed Building located about 250 metres east of the site; and
- Octagonal Lodge, Grade II Listed Building located about 275 metres east of the site.

27. Additionally, Hallow Bank, the Grade II Listed Building located on the western side of the river, situated approximately 40 metres west of the application site red line boundary. Further afield are the Grade II Listed Buildings of The Cedars and The Coach House and Stable at The Cedars, located approximately 230 metres south of the application boundary.

28. The application site is located in the Riverside Conservation Area. There are a number of Conservation Areas in close proximity of the application site which includes:

- Park Avenue Conservation Area is located about 125 metres north-east of the application site;
- The Canal (Worcester and Birmingham Canal) Conservation Area is located about 645 metres east of the site;
- St George's Square Conservation Area is located about 335 metres south-east of the site;
- Shrubbery Avenue Conservation Area is located about 550 metres south-east of the site;
- Foregate Street and The Tything Conservation Area is located about 675 metres south-east of the application site; and
- Britannia Square Conservation Area is located about 610 metres south of the site.

29. The application site is located within Flood Zone 2 (medium probability of flooding) and Flood Zone 3 (high probability of flooding), as identified on the Environment Agency's Indicative Flood Risk Map.

30. There are a number of Public Rights of Way within the vicinity of the application site, this includes:

- Footpath WR-817 situated on the north-eastern boundary of the application within Gheluvelt Park;
- Footpath WR-628 situated on the western bank of the River Severn running from Hallow Road eastwards along the northern boundary of the restored Kepax landfill site and application site; and
- Footpath WR-502 is located to the north of the application site, adjacent to the River Severn on its western bank, and forms part of the Severn Way.

31. The Severn Way National Trail runs along the western bank of the River Severn, however, the section of the Severn Way between Footpath WR-502 to the

north of the application site and Bridleway WR-940, which is located along the river bank adjacent to Worcestershire County Cricket Club ground, sited about 1.8 kilometres south of the application site is not designated as a Public Right of Way on the definitive map, but is currently recorded as a permissive path.

32. National Route 46 of the NCN is located to the east of the River Severn, passing through Gheluvelt Park. The route provides a cycle loop around the Pitchcroft Racecourse and provides a connection through to Northwick Road to the north of the site.

33. The application site is located within the Worcester City (Political Boundary) Air Quality Management Area (AQMA).

34. The eastern part of Gheluvelt Park is dedicated as part of Fields in Trust (an independent charity with over 90 years' experience protecting parks and green spaces) protected under a Centenary Fields protection programme. This protection programme protects parks and green spaces in perpetuity to honour the memory of the millions who gave their lives in World War I.

35. The nearest residential properties to the proposed bridge structure itself are located approximately 75 metres south of the proposed bridge deck, at the end of Waterworks Road, on the eastern bank of the River Severn (south of Gheluvelt Park). These properties abut the red line application boundary and are identified in the Riverside Conservation Area Appraisal as key unlisted buildings. Further properties located on the southern side of Waterworks Road also abut the application boundary. The nearest properties to the north of Gheluvelt Park are sited to the south of Tower Road and west of Park View Terrace, with the nearest located approximately 90 metres north-east the proposed bridge structure itself. On the western bank of the River Severn the closest residential properties to the application site are located to the east of Riverview Close, the nearest of which are Numbers 67 and 69 situated approximately 15 metres from the proposed shared use path. Properties 104 and 106 Hallow Road are located within the application site, situated about 185 metres north-west of the proposed shared use path.

## **Summary of Issues**

36. The main issues in the determination of this application are:

- Residential Amenity
- Landscape Character and Visual Impact
- Historic Environment
- Contaminated Land
- Traffic, Highway Safety and Public Rights of Way
- Ecology and Biodiversity
- Water Environment and Flood Risk.

## Planning Policy

### National Planning Policy Framework (NPPF)

37. The revised National Planning Policy Framework (NPPF) was published on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. On 19 June 2019 the NPPF (2019) was updated to include a correction slip to remove paragraph 209a relating to on-shore oil and gas development, following the Secretary of State for Housing, Communities and Local Government issuing a Ministerial Statement on 23 May 2019 due to the outcome of a legal judgment.

38. On 30 January 2021 the government published a consultation on draft revisions to the NPPF and a new draft National Model Design Code. The NPPF has been revised to implement policy changes in response to the Building Better Building Beautiful Commission 'Living with Beauty' report. The draft National Model Design Code provides detailed guidance on the production of design codes, guides and policies to promote successful design. The government expect the National Model Design Code to be used to inform the production of local design guides, codes and policies. The consultation on these documents closed on 27 March 2021. In light of the fact that the Government are currently analysing the consultation feedback and a revised NPPF or new National Model Design Code have not been published, the Head of Planning and Transport Planning consider that very little weight should be afforded to these consultation versions of the documents in the determination of this planning application.

39. The NPPF (2019) sets out the government's planning policies for England and how these are expected to be applied. The NPPF (2019) is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

40. Annex 1 of the NPPF (2019) states that "*the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication*".

41. The NPPF (2019) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that

reflect current and future needs and support communities' health, social and cultural well-being; and

- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

42. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF (2019); they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

43. So that sustainable development is pursued in a positive way, at the heart of the NPPF (2019) is a presumption in favour of sustainable development. For decision taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - the application of policies in the NPPF (2019) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

44. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

45. The following guidance contained in the NPPF (2019), is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land

- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

### **The Development Plan**

46. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan that is relevant to this proposal consists of the adopted Worcestershire Waste Core Strategy Development Plan Document and the adopted South Worcestershire Development Plan.

47. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

48. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF (2019), Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

### **Worcestershire Waste Core Strategy Development Plan Document (WCS)**

49. The WCS policies that are of relevance to the proposal are set out below:

Policy WCS 16: New development proposed on or near to existing waste management facilities

Policy WCS 17: Making provision for waste in all new development

### **South Worcestershire Development Plan (SWDP)**

50. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP policies that are of relevance to the proposal are set out below:

Policy SWDP 1: Overarching Sustainable Development Principles

Policy SWDP 2: Development Strategy and Settlement Hierarchy

Policy SWDP 4: Moving Around South Worcestershire

Policy SWDP 5: Green Infrastructure

Policy SWDP 6: Historic Environment

Policy SWDP 7: Infrastructure

Policy SWDP 21: Design

Policy SWDP 22: Biodiversity and Geodiversity

Policy SWDP 24: Management of the Historic Environment

Policy SWDP 25: Landscape Character

Policy SWDP 28: Management of Flood Risk

Policy SWDP 29: Sustainable Drainage Systems

Policy SWDP 30: Water Resources, Efficiency and Treatment

Policy SWDP 31: Pollution and Land Instability

Policy SWDP 33: Waste

Policy SWDP 34: Tourist Development

Policy SWDP 37: Built Community Facilities

Policy SWDP 38: Green Space

Policy SWDP 40: Waterfronts

Policy SWDP 45: Directions for Growth Outside the City Administrative Boundary

## Draft Planning Policy

### **Emerging South Worcestershire Development Plan Review (SWDPR)**

51. Worcester City Council, Wychavon District Council and Malvern Hills District Council are reviewing the SWDP. The SWDPR will cover the period to 2041. The 'Preferred Options' consultation version of the SWDPR was consulted on from 4 November to 16 December 2019. An Additional Preferred Options (Focused on Sustainability Appraisal) Consultation (Regulation 18), was consulted upon from 1 March to 19 April 2021. The next step is to produce a Publication Consultation (Regulation 19), which is programmed for October – November 2021. The SWDPR would then be submitted to the Secretary of State for Housing, Community and Local Government in March 2022 for independent examination. The Secretary of State would then appoint an independent Planning Inspector to assess the 'soundness' and legal compliance of the plan with hearings anticipated to be between May 2022 – January 2023. Once the plan is adopted which is anticipated for April 2023 it would replace the existing policies in the SWDP. Having regard to the advice in the NPPF (2019), Section 4, as the SWDPR is still at an early stage of preparation, only limited weight should be applied to the policies.

52. The SWDPR policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Policy SWDPR 2: The Spatial Development Strategy and Associated Settlement Hierarchy

Policy SWDPR 3: Strategic Transport Links

Policy SWDPR 4: Green Infrastructure

Policy SWDPR 5: Historic Environment

Policy SWDPR 6: Infrastructure

Policy SWDPR 7: Health and Wellbeing

Policy SWDPR 25: Design

Policy SWDPR 26: Biodiversity and Geodiversity

Policy SWDPR 28: Management of the Historic Environment

Policy SWDPR 29: Landscape Character

Policy SWDPR 32: Management of Flood Risk

Policy SWDPR 33: Sustainable Drainage Systems

Policy SWDPR 34: Water Resources, Efficiency and Treatment

Policy SWDPR 35: Amenity

Policy SWDPR 36: Air Quality

Policy SWDPR 37: Land Stability and Contaminated Land

Policy SWDPR 39: Tourist Development

Policy SWDPR 42: Built Community Faculties

Policy SWDPR 43: Green Space

Policy SWDPR 45: Waterfronts

Policy SWDPR 52: Directions for Growth Outside the City Administrative Boundary:  
Existing Urban Extensions to be Reallocated

## **Other Documents**

### **Riverside Conservation Area Appraisal Document**

53. The Riverside Conservation Area was first designated on 8 September 1992 and boundary amendments have subsequently been made on 13 June 2000. The appraisal records and analyses the various features which create Riverside Conservation Area's special character and contribute to its architectural and historic interest. Townscape Plans of the individual character areas are provided which indicate the location of listed buildings, locally listed buildings and key unlisted buildings which are significant to the history and / or character of the conservation area.

54. The boundary of the Riverside Conservation Area (396 hectares) has been drawn to include the River Severn and its floodplain, (including land on the north side of the River Teme), together with selected areas of built development that have a direct bearing on the riverside environment. The north and south edges of the conservation area are formed by the City boundaries. A large part of the Riverside Conservation Area is an open landscape of floodplain. Whilst conservation area designation is fundamentally designed to protect the built environment or man-made landscapes, many of the fields within the designated area hold a high level of significance in relation to the River Severn and have historic value through industrial, agricultural and recreational uses. These spaces form a strong link between the river and the periphery of the built environment of Worcester with many offering key vantage points for views of the riverside and beyond.

55. The appraisal states that bridges feature strongly in the conservation area, generally concentrated over the River Severn close to the city centre, although two bridges cross the River Teme and there is a cycle / footbridge just south of Diglis Island. It states that bridges provide the best standpoint for views up and down the river and some of the best views are afforded from the bridges along the river which offer panoramic views of the built-up historic core of Worcester, and some of the most well-known images of Worcester. Here from an elevated position one can see further and often enjoy longer views than those gained on the riverside footpath. The appraisal also states that parks play a big part in the Riverside and combined they provide a valuable recreational asset.

56. The application site is located within the Character Area 2 'Barbourne and Kepax'. The appraisal lists a number of management issues and this includes "*6) Kepax Bridge – lack of connectivity between east and west banks to north of the city centre – seek to connect Kepax Country Park and Ghetluevlt Park by pedestrian and cycle bridge*".

### **South Worcestershire Strategic Flood Risk Assessment Level 1 and 2**

57. The South Worcestershire Strategic Flood Risk Assessment Level 1 and 2 (SFRA) documents were published in November 2009 and covers Worcester City Council, Wychavon District Council, and Malvern Hills District Council areas. The SFRA assists in selecting and developing sustainable site allocations away from areas of greatest vulnerability to flooding in the South Worcestershire area. The SFRA provides guidance for the Local Planning Authorities on the future management of development with respect to flood risk, including suggested development control policy for the different flood zones. Guidance is also provided

regarding the requirements for Flood Risk Assessments as well as Sustainable Drainage Systems and flood mitigation measures.

### **South Worcestershire Strategic Flood Risk Assessment Level 2 Update (2012)**

58. The South Worcestershire Strategic Flood Risk Assessment Level 2 (SFRA Update) was published in December 2012 and updates the 2009 SFRA. Changes to high level planning, policy and guidance since the previous SFRA have been identified and taken into account in preparing the SFRA Update, including the NPPF.

### **South Worcestershire Strategic Flood Risk Assessment Level 2 Update (2014)**

59. This South Worcestershire Strategic Flood Risk Assessment Level 2 (SFRA Update) was published in June 2014 and updates the work that was included in the previous SFRA and provided appropriate supporting evidence for the South Worcestershire Development Plan. It includes a review of the site allocations within the South Worcestershire Development Plan.

### **South Worcestershire Water Management and Flooding Supplementary Planning Document (SPD)**

60. The South Worcestershire Water Management and Flooding Supplementary Planning Document (SPD) was adopted in July 2018 and sets out in detail the South Worcestershire Councils' approach to minimising flood risk, managing surface water and achieving sustainable drainage systems. This applies to both new and existing development whilst ensuring that the reduction, re-use and recycling of water is given priority and water supply and quality is not compromised. It relates to policies SWDP 28 (Management of Flood Risk), SWDP 29 (Sustainable Drainage Systems) and SWDP 30 (Water Resources, Efficiency and Treatment) of the adopted South Worcestershire Development Plan.

### **Planning for Health in South Worcestershire Supplementary Planning Document (SPD)**

61. The South Worcestershire Planning for Health SPD was adopted in September 2017, and primarily focuses on the principle links between planning and health. The SPD addresses nine health and wellbeing principles, one of which is 'air quality, noise, light and water management'. The SPD seeks to address issues relating to air quality, noise, light and water management, and sets out guidance on how these matters can be improved via the planning process.

### **South Worcestershire Design Guide Supplementary Planning Document (SPD)**

62. The South Worcestershire Design Guide SPD was adopted in March 2018 and provides additional guidance on how the South Worcestershire Development Plan design related policies should be interpreted, for example through the design and layout of new development and public spaces across South Worcestershire and is consistent with planning policies in the South Worcestershire Development Plan, in particular Policy SWDP 21 (Design).

### **South Worcestershire Infrastructure Study Update Final Report (October 2019)**

63. The South Worcestershire Infrastructure Delivery Plan (SWIDP) was first published in November 2012 and updated in October 2014 and July 2016. The Infrastructure Study builds on SWIDP and includes "Worcester North East-North West Active Travel Corridor (Lower Broadheath to Worcester Six, via new river bridge)" in the list of Transport Project Schedules.

## **Worcestershire County Council's Worcestershire Green Infrastructure Strategy 2013-2018**

64. Green Infrastructure is the planned and managed network of green spaces and natural elements that intersperse and connect our cities, towns and villages. Green Infrastructure comprises many different elements including biodiversity, the landscape, the historic environment, the water environment (also known as blue infrastructure) and publicly accessible green spaces and informal recreation sites.

65. The Green Infrastructure Strategy is a non-statutory county-wide guidance document which aims to direct and drive the delivery of Green Infrastructure in Worcestershire; and inform relevant strategies and plans of partner organisations over the next five years. The Strategy contains high-level priorities which should be explored in more detail at the local and site level.

66. Land to the west of the river (restored Kepax landfill site) is designated as Green Infrastructure - Protect and Enhance. This is outlined as having the 'greatest existing green infrastructure value' in the Green Infrastructure Strategy.

67. The strategy states that "*the main opportunities to plan, deliver and manage green infrastructure in the county will be from integrating green infrastructure priorities and principles into other proposals and decision-making processes. These include...Infrastructure developments such as transport, renewable energy and water related projects*".

## **Worcestershire's Local Transport Plan 4 (LTP4) 2018-2030**

68. Worcestershire's Local Transport Plan 4 (LTP4) was adopted in November 2017. LTP4 sets out an investment programme for Worcestershire's transport networks, including infrastructure, and technology and services essential to support planned growth, and continued social and economic success.

69. LTP4 consists of a suite of policies, four statutory assessments and the main document, which includes a strategic delivery programme. It sets 5 objectives regarding economic, environment, health and safety, equality, and quality of life. It also sets out a package of strategic transport schemes. It also sets out a package of strategic active travel corridor scheme schemes for South Worcestershire this includes "*ID SWAT12 - Worcester North East - North West Active Travel Corridor (Lower Broadheath to Worcester Six, via new river bridge)*" and "*ID SWAT13: Worcester River Severn Active Travel Corridor (Sabrina Bridge to Kepax)*".

70. *LTP4 states "an 'Active Travel Corridor' is systemic investment in walking and cycling links along the corridor to create a safe, comprehensive, integrated network linking residential areas with key trip attractors, including schools, rail stations, town centres and employment locations. This will include surfacing, signage, lighting and public realm improvements to create an attractive and coherent network. Secure cycle parking and sheltered secure cycle parking will be considered".*

## **Worcestershire Local Enterprise Partnership (WLEP) Business Plan 2012**

71. This sets out the WLEP vision, which is to "*create the right economic environment to inspire businesses, encourage investment and to create lasting and sustainable employment in Worcestershire by 2017 and beyond*". It also sets their key measures of success; their role; funding sources; and strategic objectives, which includes 'Objective 4: Planning, Development and Infrastructure'.

72. Strategic Objective 4 states that "*transportation through the movement of goods and people creates opportunities to trade and create economic growth. This connectivity and good infrastructure is essential to maximize Worcestershire's potential and to create a competitive environment*".

### **Worcestershire Local Enterprise Partnership's World Class Worcestershire Our Strategic Economic Plan (SEP)**

73. The Strategic Economic Plan (SEP) was published in March 2014 and sets out the LEP's vision and strategic framework, which is to ensure that Worcestershire's economy grows even more rapidly and makes an increasingly important contribution to the national economy. The SEP aims to grow the local economy by 2025 by generating over 25,000 jobs and to increase GVA by £2.9 billion.

74. The SEP sets three objectives:

- Create a World Class business location;
- Provide individuals with World Class Skills; and
- Develop World Class competitive and innovative business.

75. The SEP sets out integrated programme areas, which comprise prioritised projects and initiatives to meet these objectives. Transport Investment Programme is an initiative identified within the SEP to meet the objective of 'create a World Class business location'. The SEP recognises that "*additional investment in Worcestershire's transport infrastructure and services is essential to provide business with improved access to markets and employees and to encourage economic growth*". The SEP states that "*transport investment will be targeted to unlock the potential of key employment and housing sites to support the overall growth vision. Investment will also improve external linkages (with neighbouring sub-regions and international gateways to enhance access to national and global markets) and enhance accessibility between key economic centres within the LEP area to accommodate the travel demand associated with the growth aspirations*".

76. Within the list of transport and infrastructure schemes for Worcestershire SEP is Scheme Number 8: 'Worcester Crossing – Gheluvelt Park', a new pedestrian / cycle footbridge over the River Severn. It states the rational for the scheme is "*sustainable transport – creates sustainable transport modes which support development to West Worcester – housing and development growth; and River Severn creates a barrier to sustainable transport trips in the Gheluvelt Park area of Worcester*".

## **Consultations**

### **77. County Councillor Richard Udall (Worcester - St John's Division)**

comments that he does not object to the proposal, but considers that the scheme as proposed is inadequate in relation to the proposed access and infrastructure provision to enable a full participatory use of the proposed development.

78. Councillor Udall comments that the project is a good one, a new bridge would improve provision and would add to the riverside experience. However, he is very worried it would stand as a monument in splendid isolation and would be inaccessible to numerous people he represents. Unless infrastructure and linkage are improved,

very few residents who live in the Worcester St John's Division would have any opportunity to use and enjoy the proposed facility.

79. Councillor Udall seeks a condition which would require the applicant to construct a dedicated cycle / footpath from Dines Green, preferably along Oldbury Road (incorporating the University of Worcester) to link to the riverside cycle / footpaths. This would enable improved access to the proposed bridge and enable residents and cyclists to avoid entering the St John's commercial area, which is often heavily congested with traffic and has no safe cycle path or crossings. It would create a direct link to this proposed and other existing river crossings, which would be safer for both cyclists and pedestrians. Such a route would enable hundreds of potential users to access the bridge. Failure to provide such a condition would be a missed opportunity and would limit the people who could access the proposed bridge for recreation and transportation. It would also provide an improved cycle route across the City to access the University of Worcester and tackle the increasing problem of on street parking associated with the University campus. It would also provide a link to the proposed new housing expansion at Earls Court Farm and enable the residents to travel safely into the City and towards the north, including Gheleuvelt Park.

80. Councillor Udall also seeks conditions to require the applicant to provide on street secure cycle storage in St John's and Cripplegate Park, which would enable the Village in the City to be used by cyclists and pedestrians who use the proposed bridge. It would enable them to enjoy the park and to go shopping in St John's.

81. Councillor Udall states that he seeks an undertaking from the applicant that such schemes and conditions would be accepted together with an acknowledgement that the requests would significantly benefit the local community and improve the riverside experience for many more residents.

82. **Hallow Parish Council (Neighbouring)** no comments received.

83. **Worcester City Council** have no objections to the proposal, subject to the imposition of conditions regarding a programme of archaeological work, including a written scheme of investigation, and provision made for the analysis, publication and dissemination of the results and archive deposition; details of groundworks and foundations; and if during the course of the works archaeological features of interest are uncovered (remains associated with the waterworks, buried remains of medieval or earlier date, or remains of Civil War earthworks or other activity of Civil War date), the County Planning Authority shall be notified immediately and no works affecting such features shall take place until they have been inspected by persons authorised by the County Planning Authority and a scheme for their retention and / or treatment agreed in writing; a contaminated land method statement detailing the remediation requirements, a contaminated land verification report.

84. In addition, Worcester City Council request that consideration is given to the following matters:

- the provision for 'bat friendly' lighting for the bridge;
- replacement tree planting;
- measures to enhance the appearance of the flood defence wall; and

- a Construction Environment Management Plan (CEMP), including advance neighbour notification of the construction programme and route of construction traffic.

85. Concerns were also expressed regarding the potential for an increase in demand for car parking on Waterworks Road and nearby streets from people wishing to visit and cross the bridge as an attraction and recommended that provision is made for visitor car parking either side of the bridge and to serve Gheluvelt Park.

86. **Worcester City Council's Landscape and Biodiversity Advisor** has no objections to the proposal, subject to the imposition of appropriate conditions, commenting that the alignment and design of the bridge is a good one, and the bridge pylon on the east side would act as a focal / destination point and contemporary feature for park users. Use of Corten (rusty) steel would also help the structure to blend in rather than bright white colouring.

87. All of the ecological report recommendations should be conditioned in detail, especially all the additional surveys. Consideration of bats is especially vital, and the final design should show exactly how they have been considered and designed for, including position of bat boxes. There should be no lighting and night-time use discouraged for pedestrians. The proposed bridge pylon and its construction disturbance is quite close to the Barbourne Brook, which is used by otters, therefore, a subsidiary report should cover how otters would be considered and protected during the works.

88. A fully specified landscape planting plan should be conditioned which takes on board all the recommendations in the ecological report, which shall include substantial biodiversity enhancement. The City Landscape and Biodiversity Advisor also recommends that the 2-metre-wide verges to the footpath connection across the restored Kepax landfill site is implemented as managed wildflower meadow.

89. The proposed development should include some interpretation panels both about the new bridge and the wildlife of this part of the river corridor, with an emphasis on otters and bats. Also, some suitable seating should be provided at key viewpoints of the bridge, but also along the route, and these should be specified and shown on the landscape masterplan. An Ecological Management Plan should be produced covering both planting and species, and to include future monitoring especially of bats.

90. In response to the submission of a draft Landscape Plan and Bat Tree Assessment Report, the City Landscape and Biodiversity Advisor states that the Bat Tree Assessment Report is welcomed and all the recommended further surveys in the appropriate season should be carried out. The City Landscape and Biodiversity Advisor questions if artificial bat roosts could be installed under the bridge deck at either end of the bridge. They go onto state that the indicative landscape plan is much improved, and the wildflower areas are especially good. They state that the design and location of the cycle shelter is important and recommend that it is not positioned in a central view of the Pump House.

91. Lastly, the City Landscape and Biodiversity Advisor comments that the bridge is a long awaited and excellent addition to the City, with this opportunity now to provide it in a fully sustainable way with both environmental and community benefit.

**92. Worcester City Council's Economic Development and Regeneration Team Leader** has no objections to the proposal, stating that there are significant material considerations with regard to social and economic benefits with the provision of a river crossing to the north of the City, including but not exhaustively:

- Economic benefits from leisure and business usage;
- Linking communities together from either side of the river;
- Impacts on congestion through opportunities for modal changes in transport choices;
- Forming a wider cycling and walking network within the City; and
- Health and wellbeing benefits for residents.

**93.** There are strong links with national government recent initiatives which has raised the profile walking and cycling as well as other forms of sustainable transport. The application promotes a number of local and national strategies such as the Department for Transport's (DfT) 'Gear Change – A Bold Vision for Cycling and Walking', Worcestershire LTP4 and Worcester City Plan 2016-2021.

**94. Worcester City Council Contaminated Land Officer** has no objections to the proposal, subject to the imposition of conditions regarding a method statement detailing the remediation requirements, which would require the applicant to set out their piling assessment and the contaminant resistant materials as part of construction and a verification report.

**95.** The City Council Contaminated Land Officer states that if the development was of a different nature, there would generally be a much more extensive investigation into the high-risk land use associated with the restored landfill. However, a bridge is low risk in terms of human health due to extremely low exposure potential. The proposal does not include any enclosed spaces; therefore, ground gases are unlikely to be a risk in this case.

**96. Worcester City Council's Planning and Conservation Officer** has no objections to the proposal, stating they have looked at the submitted documentation and plans, and at the very detailed and thorough consideration of the likely impacts upon heritage assets and below ground archaeology. They are in complete agreement with the views and opinions expressed. They do not consider that the proposed bridge would have any significant impact upon heritage assets, and it would become a striking new feature in the Riverside Conservation Area. The design is very striking and clearly functional, not being over dominant or including features beyond those needed for its structural integrity. Another important aspect of this proposed bridge is the opportunity it affords to increase public access to and appreciation of the river, riverbank, and Ghetluvelt Park. The City Council's Planning and Conservation Officer also comments that they would welcome interpretation panels relating to cultural heritage.

**97. Worcester City Council's Archaeologist** has no objections to the proposal, subject to the imposition of conditions requiring a programme of archaeological work, including a written scheme of investigation, and provision made for the analysis, publication and dissemination of the results and archive deposition; details of groundworks and foundations; and if during the course of the works archaeological features of interest are uncovered (remains associated with the waterworks, buried

remains of medieval or earlier date, or remains of Civil War earthworks or other activity of Civil War date), the developer should notify the County Planning Authority immediately and no works affecting such features shall take place until they have been inspected by persons authorised by the County Planning Authority and a scheme for their retention and / or treatment agreed in writing. The City Archaeologist also comments that they would welcome interpretation panels relating to cultural heritage.

98. The City Archaeologist states that the application includes an archaeological desk-based assessment, although the report is deficient in that it does not indicate all designated assets, such as the conservation areas are omitted from the mapping. There is also out-of-date referencing in the report including the 2012 NPPF and superseded guidance, and references to the former City of Worcester Local Plan are redundant.

99. The City Archaeologist state that in terms of known or potential heritage assets with archaeological interest in the area of the development, these are either visible at the surface, or are likely to be very deeply buried. The site is in the River Severn floodplain. Earlier archaeological remains here are typically deeply buried and associated with alluvial or drift geology deposits. They may include finds or rarely more complex remains of the Palaeolithic (earlier Stone Age), and remains of floodplain activity of the prehistoric, Roman and later periods. Later remains are more closely associated with the modern ground surface and include industrial remains of the 17th and 18th centuries and later. On the west bank there are no indications of recent remains of significance. However, the preservation of buried remains within or below alluvium may be better here due to the relative lack of later disturbance. On the east bank the more recent past is dominated by remains of the Worcester Water Works. This included buildings and a large number of tanks set into the ground, which were comprehensively removed when the waterworks were decommissioned, and the area landscaped as a park. Earlier remains here may be associated with the outfall of the Barbourne Brook, which was modified in the 18th century in association with the first waterworks, now marked by the base of the water tower on the side of the reconfigured brook. On either bank there could be remains associated with the Civil War, associated either with the siege of 1646 or the Battle of Worcester in 1651. There are known to have been siegeworks in the vicinity and the nearby Barbourne House was a military headquarters in 1651.

100. The desk-based assessment report contains what seems to be a very incomplete assessment of impacts. There is no consideration of impacts on the settings of heritage assets, or on the character and appearance of the conservation area. There is limited consideration of the impact of piled foundations, but none of associated groundworks including the formation of working compounds, landscaping for ramps etc, or the excavation to create floodplain storage compensation. The City Archaeologist, therefore, recommends the imposition of conditions to allow for a broad range of archaeological responses to be secured. The nature of the investigations can be much more closely focussed when the details of groundworks and other impacts become clearer.

101. **Malvern Hills District Council (Neighbouring)** have no objections to this proposal.

102. **The County Archaeologist** has no objections to the proposal subject to the imposition of conditions requiring a programme of archaeological work, including a written scheme of investigation, and provision made for the analysis, publication and dissemination of the results and archive deposition.

103. The County Archaeologist states that the site lies adjacent to the River Severn and within its floodplain. Throughout Worcestershire, this is an area of high potential for prehistoric archaeological remains along the river corridor, including not just later prehistoric settlement remains but also finds and environmental remains from the Palaeolithic period onwards. Archaeology here is often deeply buried under alluvium. There is also potential on the east bank for post-medieval remains associated with the former waterworks and other industrial activities, such as the lime kilns recorded just to the south of the proposed bridge. The submitted desk-based assessment does not consider the impacts of setting, focussing only on below-ground impacts. The borehole data from 2019 also has not been integrated into the report. Nevertheless, the assessment identifies archaeological potential here. In view of this, the County Archaeologist has no objections to the proposed development, but given the archaeological potential, recommends the conditions outlined above to ensure that any archaeology is appropriately dealt with through a programme of archaeological work.

104. **Historic England** do not wish to comment on the application. They recommend the County Planning Authority seeks the views of the County Council's and District Council's specialist conservation and archaeological advisers, as relevant.

105. **The Gardens Trust** state that they have liaised with their colleagues in the Hereford and Worcester Gardens Trust and their local knowledge has informed their response. They state that Ghyllvelet Park is one of the most recently designated historic parks in Worcestershire, but the area registered is the area of park to the east of the application site and separated from it by Barbourne Brook. The open land of the application site was once the filtration fields for the Waterworks company. The only remaining built part of the waterworks is the old pump house which is now an environment centre and café. The proposed bridge pylon and back anchor would be situated close to the Pump House building where there is already a considerable amount of urban clutter such as picnic tables, litter bins, and asphalt parking areas. Although the proposed structure would be open to view, they do not consider that there would be any additional unacceptable visual impact from the Pump House because of its present use.

106. The Gardens Trust go onto acknowledge that the proposal would provide a popular cycle and pedestrian route across the river to the north of the city which would be well received. Notwithstanding this, the Gardens Trust states that that the bridge pylon would be glimpsed from many locations within the registered park, therefore, they request that the bridge pylon is sited on the west bank of the river instead where it would have less impact upon the registered park.

107. **Hereford and Worcester Gardens Trust** - no comments received.

108. **Worcester Civic Society** welcomes the proposed cycle and footbridge in this location. The Civic Society consider that it would provide a much-needed cycle and pedestrian connection across the river to the north, so improving active travel

connectivity, and they approve of the design of the bridge which reflects and complements that of the Sabrina and Diglis Bridges further down-stream.

109. **The Environment Agency** have no objections to the proposed development, subject to the imposition of conditions regarding contamination (preliminary risk assessment, site investigation scheme, options appraisal and remediation strategy if necessary, verification plan and validation report); if during development contamination not previously identified is found on site, works should cease and a Method Statement for remediation and verification report submitted to the County Planning Authority; restricting piling and other foundation designs and investigation boreholes using penetrative methods unless it has been demonstrated that there is no resultant unacceptable risk to groundwater; and a scheme for flood storage compensation.

#### Flood Risk

110. The Environment Agency states that the submitted Flood Risk Assessment identifies that the development is located predominantly in Flood Zone 3. The Flood Risk Assessment further sets out that the South Worcestershire Strategic Flood Risk Assessment places the site for the proposed footbridge in Flood Zone 3b. The Flood Risk Assessment states that the vulnerability classification of the proposal is 'water compatible' in accordance with the NPPF (2019). The Environment Agency consider the location of the proposal in Flood Zone 3b is appropriate on the basis that it is not essential infrastructure. The Flood Risk Assessment states that passing of the Exception Test is not required for the proposed development, in line with the NPPF (2019), given the vulnerability classification. The Environment Agency concur with this statement. The Environment Agency comment that they would expect the bridge to be designed with a soffit level no lower than the modelled 1 in 100 year (1% Annual Exceedance Probability (AEP)) flood level plus an appropriate allowance for climate change. This is known as the Design Flood Level. The Flood Risk Assessment has considered a climate change allowance of 25%, which is in line with the Environment Agency's guidance, taking the 'upper end' allowance. A level of 16.45 metres Above Ordnance Datum (AOD) is provided.

111. The Environment Agency notes from the Flood Risk Assessment that, in addition to utilising existing River Severn hydraulic modelling, additional modelling was undertaken to assess the impact the proposed development is likely to have on flood risk in the area. Whilst the Environment Agency state they have not carried out a formal review of the modelling work in this instance, a technical note has been submitted with the Flood Risk Assessment in support of the planning application, and the Environment Agency accept this in good faith and the results submitted therein. The modelling sets the Design Flood Level at 16.45 metres AOD. The proposed soffit level is set at 17.425 metres AOD at its lowest point. The Flood Risk Assessment also makes reference to the highest recorded historic flood level of 15.79 metres AOD at the development site (in February 2020), which is substantially lower than the proposed bridge soffit level and the Design Flood Level. The Flood Risk Assessment concludes that any water level rises as a result of the development are predicted to be 'negligible'. The Environment Agency confirm that they are satisfied that the Flood Risk Assessment demonstrates that there would be no significant impact on flows and no increase in flood risk elsewhere.

112. The Environment Agency notes that the bridge deck would be above the flood level and, therefore, would not impede flows. It is proposed that in extreme flood

events, the risk of members of the public trying to access the bridge would be mitigated by displaying appropriate warning signage (linked to flood warning). The Environment Agency recommend the County Planning Authority consult with the County Council's Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the NPPF (2019). The Environment Agency advise that the Flood Warning and Evacuation Plan should identify a flood level that would initiate any subsequent closure of the bridge. This trigger level should be when the access / egress is still 'dry'.

113. The Environment Agency note that the supporting structures of the bridge are proposed to be located out of the main river channel in order to minimise impacts on in-channel flows and have been designed to minimise any loss of floodplain capacity. The Flood Risk Assessment further sets out a proposal for floodplain storage compensation. The Environment Agency are, therefore, satisfied that the Flood Risk Assessment includes appropriate mitigation proposals in principle for the loss of floodplain storage, which should seek to offer some flood risk reduction (betterment, post scheme). This should be provided on a level for level, volume for volume basis.

#### Landfill Site / Waste Issues

114. Part of the development site encompasses land on the restored Kepax landfill site adjacent to the River Severn. The restored landfill site is classed as historic, i.e. there is no permit or waste management licence associated with the site. This designation applies to sites that have surrendered or had their permit revoked, but also to sites that closed prior to the implementation of the Waste Management Licensing Regulations 1994. According to their records the restored Kepax landfill site stopped accepting waste in 1985, and as such this restored landfill site is not regulated by the Environment Agency. Any on-going responsibility for the management of the site falls within the remit of Worcestershire Regulatory Services, Worcester City Council and / or the County Council. As such, they should ensure that all the necessary risk assessments are undertaken to ascertain the potential impact of the historic landfill site on the proposed development and its future use. This is especially important considering the landfill is still producing landfill gas and leachate. Furthermore, it is essential the construction work within the footprint of the landfill is planned and carried out in a manner that ensures the infrastructure of the site (e.g. capping layer) is not compromised in such a way that would lead to pollution of the environment.

115. Where waste is produced as a result of the construction works, such as piling or laying foundations, the operator carrying out this work must ensure that the waste is managed appropriately and in accordance with all relevant legislation. Where waste is removed from the landfill cells or is otherwise produced during piling works at the restored Kepax landfill site, it cannot be re-buried and instead must be taken and disposed of at a suitably licenced site. Where waste is suspected or confirmed as being hazardous, then additional waste controls would be required in accordance with the relevant legislation. Operators have a duty of care to ensure that all waste is disposed of correctly. Where it becomes evident that waste is not being managed appropriately then the Environment Agency would investigate the matter in accordance with their statutory responsibilities.

116. This site is located above a Secondary Aquifer, Water Framework Directive groundwater body and is adjacent to the River Severn. The Environment Agency

consider the previous landfill land use to be potentially contaminative. The site is considered to be of high sensitivity and could present potential pollutant / contaminant linkages to controlled waters. The Environment Agency are satisfied that the risks to controlled waters posed by contamination at this site can be addressed through appropriate measures. However, further details would be required in order to ensure that risks are appropriately addressed prior to the development commencing. It is important that remediation works, if required, are verified as completed to agreed standards to ensure that controlled waters are suitably protected.

117. From the submitted Groundwater, Surface Water and Leachate Review, the evidence suggests that there is leachate migrating from the closed landfill site towards the River Severn. Further intrusive work and risk assessment would be required, and the applicant would need to exercise extreme care and ensure not to create new pollutant linkages. In particular, clean drilling techniques would be required, and contaminated arisings and leachate would require appropriate licenced disposal.

118. Piling design should be informed by a piling works risk assessment. Care would be required if drilling within the historic landfill not to penetrate any base or create new leachate migration pathways. The feasibility report has identified that deep piled foundations are likely to be required to prevent the structure from moving and sliding towards the river.

#### Ecology

119. Migratory fish can be impacted by works such as disturbance from machinery and plant during their spawning periods (1 October to 15 June), pollution / poor water quality, changing water levels and removal or damage to spawning habitat. Many of these impacts can be avoided through good practice and mitigation. Whilst the proposed bridge design does not include any piling works within the river channel itself, in this instance a Flood Risk Activity Permit would be required in accordance with the Environmental Permitting Regulations. This would assess and seek to control these impacts. The Flood Risk Activity Permit would include an assessment of the potential impacts upon fish / ecology and demonstrate appropriate mitigation measures, which may include timing of works.

120. The Environment Agency state that they do not wish to comment on the HRA Appropriate Assessment carried out by LUC Ltd on behalf of the County Planning Authority, but note that Natural England who are the primary lead on HRA have raised no objections to the HRA Appropriate Assessment.

121. **Worcestershire Regulatory Services (Air Quality)** have no objections to the proposal on air quality grounds. They state that the largest impact on air quality as a result of the proposed scheme would be dust emissions during the construction phase of the development. They confirm that the submitted Construction Environmental Management Plan (CEMP) adequately addresses mitigation of the impact on air quality from dust during the construction phase of the development. The submitted Environmental Assessment Report states that if dust mitigation measures are implemented, then the residual effect of construction dust emissions associated with the scheme would likely be 'not significant'. Worcestershire Regulatory Services also state that there are no concerns with air quality during the operational phase of the development as it would be used by pedestrians and cyclists only.

122. **Worcestershire Regulatory Services (Noise, Dust, Vibration and Lighting)** have no objections to the proposal, subject to the imposition of conditions regarding specific method statements relating to the control of noise, vibration and dust (monitoring, minimising and mitigating their impacts); and detailed lighting scheme.

123. They state that the submitted CEMP appears to adequately address potential nuisance to nearby sensitive receptors from noise, vibration and dust emissions during the construction phase, however, they request specific method statements as outlined above.

124. **The County Pollution Control Manager** comments that the County Pollution Control Team, who manage the restored Kepax landfill site are represented on the applicant's project board. The Pollution Control Manager states that although it is not ideal for the bridge structure to be landing on the restored landfill site, from a technical perspective this aspect of the project is deliverable. Critical to the proposed scheme, from the perspective of the ongoing management of the restored landfill site, are the future development of links to the wider transport infrastructure. This would ensure that pedestrians and cyclists using the bridge would be encouraged to pass swiftly across the restored landfill site and on to their destination. To enable continued effective management of the restored landfill site and ensure that no harm comes to the public, access to the restored landfill site will continue to be restricted to just those managing the site.

125. **The Canal and River Trust** raise no objections to the proposal, but request that the applicant contacts the Canal and River Trust's Infrastructure Service Team to discuss the proposal further to ensure that the work complies with their 'Code of Practice for Works affecting the Canal and River Trust'.

126. **The Inlands Waterway Society** - no comments received.

127. **Severn Trent Water Limited** have no objections to the proposals, subject to the imposition of a condition requiring drainage plans for the disposal of foul and surface water. They also state that they have apparatus in the area of the proposed development, the applicant should contact Severn Trent Water Limited's New Connections Team in relation to any diversions required to facilitate the proposal.

128. **The Lead Local Flood Authority** have no objections to this proposal, subject to the imposition of conditions requiring a detailed drainage strategy for surface water and Sustainable Drainage Systems (SuDS) management plan. The Lead Local Flood Authority state they are generally supportive of the approach outlined within the submitted Flood Risk Assessment and welcome the recognition given to understanding and addressing the risk of surface water flooding and any potential impacts in relation to this proposal.

129. **South Worcestershire Land Drainage Partnership** have no objections to the principle of the proposal and do not require any conditions to be imposed should planning permission be granted. They state that because the development is located in Flood Zone 3, the applicant would need to consult the Environment Agency regarding a Flood Risk Permit. They go onto state that the Sequential Test should apply to this application. Additionally, any loss of access to the bridge during design flood events to be managed by implementation of a flood evacuation plan in

consultation with Worcestershire County Council's Emergency Planning Officer and Emergency Services.

**130. The County Council's Advanced Public Health Practitioner (Emergency Planning)** has no objections to the proposal from an emergency planning perspective, subject to the imposition of conditions requiring a CEMP which evidences the contractor's flood response arrangements and to provide details of emergency evacuation arrangements for staff and contractors operating at the two construction areas; and an operational Flood Warning and Evacuation Plan. This should include generic flood warning information and awareness of the Environment Agency's flood warning system and actions required. The Advanced Public Health Practitioner considers that given the wide area of benefit to the local community of this proposal and its linking cycle / footways which are likely to attract greater numbers of riverside users beyond the stated planning application boundaries, consideration should be given to the displaying such flood warning and evacuation information digitally, perhaps using a dynamic system similar to real time bus stop service information. This would help to avoid bridge users becoming trapped by rising floodwaters and the provision of real time flood information would contribute directly to enhanced local community resilience and self-reliance in the event of flooding.

**131. The County Highways Officer** has no objections to the proposal, subject to the imposition of conditions regarding a CEMP relating to highways and provision of secure and sheltered cycle parking.

#### Road Adoption

132. The County Highways Officer states that the applicant has confirmed that the entirety of the bridge and associated shared footway/cycleways on the east and west of the proposed development would form part of the adopted local highway managed and maintained by the County Highway Authority.

#### Visibility Splays

133. County Highways request that where the upgraded paths in Gheluvelt Park adjoin the adopted highway at Tower Road and Waterworks Road (which form part of National Cycling Network (NCN) 46), visibility splays are provided measuring 2 metres by 2 metres, to ensure appropriate visibility is provided on a route that is likely to see increased usage following the completion of the proposed scheme. For users exiting Gheluvelt Park onto Waterworks Road and turning right, the applicant has demonstrated that the full extent of the 2 metres by 2 metres visibility splays can be achieved. For pedestrians / cyclists turning left, the full extent of visibility splay cannot be achieved (approximately 2 metres by 1.93 metres can be achieved). The County Highways Officer notes that to mitigate the slightly reduced visibility in this location, bollards are currently in place to ensure that cyclists approach the end of the cycleway at low speed. It is strongly encouraged that the applicant considers all reasonable opportunities to reduce the height of the wall which is currently obstructing visibility. At this time, it is not known who has control / ownership of the wall. However, the wall should be reduced to a height of no more than 0.06 metres within the visibility splay envelope.

134. For cyclists / pedestrians exiting Gheluvelt Park onto Tower Road, the full extent of the 2 metres by 2 metres visibility splays cannot be achieved in either direction. This is due to existing vegetation outside the applicant's control reducing visibility, resulting in visibility splays of approximately 2 metres by 1.85 metres in either

direction. Once again, there are bollards currently in place to ensure that cyclists approach the end of the cycleway at a slow speed.

#### Highway Network Safety

135. The County Highway Authority has undertaken a review of the most recent five-year collision data for Tower Road and Waterworks Road, close to the existing access points. There were no personal injury collisions reported during this period.

#### Width of Kepax Bridge

136. In accordance with the Local Transport Note (LTN) 1/20, when considering a bridge structure, the desirable minimum for a shared foot / cycleway is 4 metres. However, the proposal is for a 3.5 metre shared surface over the bridge. The applicant states that Kepax Bridge would be a minimum of 3.5 metres wide in accordance with the relevant standards within the Design Manual for Roads and Bridges (DMRB) and guidance published by Sustrans. The approach taken by the applicant was to ensure that minimum design widths were achieved, which for a shared use bridge is 3.5 metres total, as per DMRB CD 353 - Design criteria for footbridges. The path over the restored Kepax landfill site (which would measure approximately 4 metres wide) was subsequently designed to be above the minimum width (for a number of reasons, including but not limited to, the provision of fencing along either side of the path). When designing the scheme, the applicant advised that consideration had also been given to the widths of the newly installed bridges located over Southern Link Road – Hams Way (County Planning Authority Ref: 17/000036/REG3, Minute No. 985 refers), Crookbarrow Way (County Planning Authority Ref: 14/000034/REG3, Minute No. 896 refers) and Broomhall Way (County Planning Authority Ref: 19/000021/REG3, No. 1021 refers) and Diglis Bridge which spans the River Severn (County Planning Authority Ref: 09/000029/REG3, Minute No. 657 refers). It was confirmed that the structures are all constructed or planned to have a 3.5 metres width and this standard is been applied consistently.

137. Information on the proposed usage has been provided by the applicant. Table 6.3 of LTN 1/20 presents a recommended minimum width for shared use routes carrying up to 300 pedestrians and 300 cyclists per hour of 3 metres. This, however, does not apply specifically to bridges. The business case for the proposal forecasts use of 1,100 pedestrians a day (or just over 100 an hour over an assumed 10-hour period) and approximately 330 cyclists per day (or around 30 cyclists an hour over a 10 hour period). The applicant advises that Appendix A of LTN 1/20 is a Cycling Level of Service Tool (CLoS) which includes the Design Principle: "*cyclists should be able to comfortably cycle without risk of conflict with other users both on and off road*". Considering this specific criterion only, Kepax Bridge would fall within Amber (not Critical or Red) as "*no more than 25% of the route includes cycle provision with widths which are no more than 25% below desirable minimum*".

138. Provision at 25% below desirable minimum would be a width of 3 metres, and Kepax Bridge and all paths are designed at 3.5 metres minimum width. Paragraph 1.1.2 of the guidance also outlines that the CLoS is designed to give local authorities flexibility on design of infrastructure while setting an objective and measurable quality threshold. Schemes with a minimum score of 70% under the CLoS will generally be considered for funding. The County Council's Streetscape Design Guide states that Active Travel Routes should be a minimum of 3.5 metres wide to allow for two cycles to pass each other comfortably. In view of the above, the County Highways Officer

considers that the proposed width complies with the requirements of the Streetscape Design Guide and other relevant standards.

#### CEMP

139. The applicant states that a total 656 HGV movements associated with the construction programme would take place between May 2021 and March 2022 on the west side of the site. On the east side, it is anticipated that a total of 300 HGV movements would occur during that same period. A total of 40 abnormal loads are anticipated to occur during the construction period. The applicant has advised that the main site compound is proposed to be on the west side of the river. Due to the constraints on the east side, an assessment of the suitability of the proposed construction was undertaken, and this included a swept path analysis. The swept path analysis tracking is based on a LG1750 carrier, which represents the worst-case scenario in terms of vehicle size. The applicant advises that most movements of goods and materials to and from the site would be made by HGV, which is shorter and narrower than the LG1750 vehicle that has been assessed. A Banksman would be available to supervise movements. However, it should be noted that, when used, the LG1750 carrier would overrun some footways and would need close supervision. This demonstrates the particular care and attention that would be required given the constrained nature of the local network.

140. The applicant has discussed suspension of on-street parking with the County Council's Street Works Team and where this is necessary, it has been confirmed that it would be possible to implement this as and when required.

141. The applicant is advised that before works commence on site, the Principal Contractor must produce and submit an updated CEMP. It is expected that contractors are registered with the Considerate Constructors scheme and comply with their code of conduct in full. The CEMP would need to clearly identify how the Principal Contractor would engage with the local community which should be tailored to local circumstances.

#### Cycle Parking

142. In accordance with Streetscape Design Guide, cycle parking should be provided in the vicinity of all trip attractors, positioned to ensure maximum visibility, but not in locations where it would become an obstacle to pedestrians or cyclists. The applicant has indicated the intention to provide cycle parking. This should be secured by the imposition of a condition.

#### Car Parking Demand

143. The bridge would create a new east-west link and pedestrian / cycle crossing of the River Severn providing a connection for nearby residential areas, University on the west and open green spaces being linked. The infrastructure would seek to actively promote walking and cycling providing a more direct route for some journeys. There is some concern noted regarding potential increases in car parking on local roads from people wishing to visit the bridge. The County Highways Officer considers that in the short-term, the bridge could create some novel value as a sight-seeing attraction which generates some increase in demand in vehicles beyond that of construction and maintenance vehicles. However, it is not anticipated that any potential short-term increase would be long-term and as such no additional alterations or additional spaces to the existing car parking on Waterworks Road are required.

144. **The County Footpaths Officer** has no objections to the proposal and notes that whilst there are no Public Rights of Way on the definitive map crossed by the proposed development, the Severn Way long distance footpath runs along the western bank of the river and would be affected by the proposal. In view of this, the County Footpath Officer recommends the imposition of a condition requiring a CEMP which should include measures of how the construction impacts of the scheme upon the Severn Way and the safety of the public would be mitigated. If the development cannot be carried out without temporarily closing the Severn Way, the County Footpath Officer requests that they are contacted to enable the provision of an alternative route to be agreed and implemented. Due to the importance of this trail an easily usable, safe, well signed and convenient route should remain usable throughout the construction programme. The Footpath Officer also notes that no new footpaths or cycle links are proposed to be added to the definitive map of Public Rights of Way as part of this planning application.

145. **The Ramblers Association** support the principle of the proposal which would provide a valuable recreational amenity and longer-term transport link providing a feasible and environmentally friendly alternative for short cross-river journeys into the city. Whilst the Ramblers Association entirely understand the proposition that works to create the wider links have been split from the main application in order to ensure that the necessary permissions for provision of the bridge are not delayed, and that much of the improvements to wider links can be delivered using permitted development rights and Traffic Regulation Orders, they urge the applicant to consult the County Footpaths team on the legal status of the pathways that are presented within the application scheme as potential future wider links.

146. Additionally, the Ramblers Association are concerned with the shared status of the proposed path as they can often feel uncomfortable and disconcerting, which does not make for a relaxed and enjoyable experience, and they would not want to see a plethora of warning signs. Furthermore, the Ramblers Association are concerned with the use of electric bikes and e-scooters on these shared use paths for safety reasons.

147. **The Open Space Society** no comments received.

148. **Sustrans** - no comments received.

149. **Cycling UK (The National Cycling Charity)** object to the proposal on the grounds of cost (estimated at between £10-11 million). Cycling UK also consider that the proposal would provide limited added advantages to the City's cycle network over and above that which are already provided by the existing and soon to be refurbished Sabrina Bridge. Even for the University, which may be seen as the main beneficiary in terms of commute journeys they consider little additional advantage over and above the route currently provided by Sabrina Bridge. The same applies in terms of the proposed major Urban Extension to the west of the Worcester and other proposed developments on the eastern side of the river. The main implication being a massive opportunity cost in terms of using scarce public sector and developer funding on improving other more important and vital parts of the City's cycle network.

150. The biggest impediment to improving the network is the cycle ban imposed on any daily journeys not only into, but just as importantly across the City Centre's pedestrianised area. Cycling UK consider that the business case for funding what is

essential a misjudged, 'nice to have' leisure/vanity project is fundamentally flawed. The £10-11 million would be far better and more effectively used in delivering 3, 4 or more of the other Active Travel Corridors identified within LTP4. On that basis, Cycling UK do not think it appropriate to comment on the detail of the application, as the most rational option is for the project to be abandoned and taxpayers funding invested in far more appropriate schemes around the City.

151. **Bike Worcester** - no comments received.

152. **Natural England** have no objections to the proposal and state that the proposed development would not have significant adverse impacts on designated sites.

153. In response to the Habitat Regulations Assessment (HRA) Screening Assessment carried by LUC Ltd on behalf of the County Planning Authority. Natural England stated that the application site is hydrologically linked to the Severn Estuary, which is a European designated site and, therefore, has the potential to affect its interest features. In considering the European site interest, Natural England advises that the County Planning Autonomy, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. Natural England notes that the County Planning Authority have screened the proposal to assess likelihood of significant effects. The assessment concludes that the proposal will proceed to the appropriate assessment stage. On the basis of information provided, Natural England concurs with this view.

154. In response to the HRA Appropriate Assessment, Natural England states that the Appropriate Assessment concludes that the County Planning Authority is able to ascertain that the proposal would not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

155. **Worcestershire Wildlife Trust** notes that the proposal crossed the River Severn LWS and raise no objections to the proposal, subject to the imposition of conditions regarding a CEMP, Landscape and Ecological Management Plan (LEMP), and detailed Lighting Scheme.

156. With regard to the recommended CEMP, they state this should include protection for nearby ecological features and prevention of pollution during construction, especially in relation to any runoff, noise, extraneous light or dust risks to the River Severn LWS. They welcome the submitted draft CEMP and the proposed Reasonable Avoidance Measures (RAMS) and Species Method Statements. These should be finalised and agreed with the County Planning Authority together with any necessary updating of survey information, prior to work starting. The Wildlife Trust recommend that the County Planning Authority also confirms with the Environment Agency that any constraints to the proposed piling work due to the presence of migratory fish have been considered and can be successfully programmed into the construction schedule if necessary.

157. With regard to the recommended LEMP this should include biodiversity enhancement in line with planning policy and the recommendations made in the various ecological reports, together with long-term management of that enhancement. Particular consideration should be given to management of the trees affected by the bridge and access ramp on the western side of the river. Management of retained trees and some additional planting to mitigate for those lost should be required. Similarly, management of the grassland on the restored Kepax landfill site should be designed to deliver benefits for slowworms and other wildlife. Consideration must also be given to controlling future public access so that positive physical enhancement of the site is not undermined by inappropriate recreational pressures.

158. In relation to lighting, to ensure that the development, once operational, does not cause harm to nocturnal wildlife, the Wildlife Trust welcome the fact that the bridge and its approaches are intended to remain unlit. However, should any lighting be required it is essential that this be rigorously controlled and designed to eliminate significant impacts on species of interest, especially bats and otters using the River Severn corridor.

159. Worcestershire Wildlife Trust are content to defer to the County Ecologist on all on site biodiversity matters.

160. **LUC Ltd acting on the behalf of the County Ecologist** have no objections to the proposal, subject to the imposition of conditions regarding a CEMP, Landscape and Ecological Management Plan (LEMP) and protection of roosting bats.

161. LUC Ltd comment that the submitted updated Bat Roost Mitigation Strategy provides sufficient detail about the survey requirements, potential mitigation and compensation measures, and how the project would meet the three derogation tests in the event that licensing is required. This information is considered to provide sufficient certainty for Worcestershire County Council, as the County Planning Authority to discharge its obligations as a decision maker in respect of biodiversity, subject to the imposition of appropriate conditions.

162. **The County Landscape Officer** has no objections to the proposal on landscape grounds, subject to the imposition of conditions requiring LEMP to include a detailed landscaping scheme and schedule of landscape maintenance to cover a minimum period of 5 years post-construction and associated method statements detailing creation of semi-natural habitats, and tree, hedgerow and scrub planting and establishment; and colours / finish of the proposed development.

163. The County Landscape Officer states that the proposed site of the cycle / footbridge is a sensitive landscape, both in the context of the character and visual envelope, and its proximity to designated assets. The course of the River Severn follows and alignment that affords a long vista when looking both north and south from the eastern extent of the proposed site. The western extent is much more enclosed by an extensive wooded bankside tree belt of the Willow Carr.

164. The proposed design option is one of the less-visually intrusive designs, although its proposed arrangement, with the pylon located on the eastern river bank, would impact more upon the setting of Gheluvelt Park (Grade II Registered Park) and the Pumphouse Environment Centre. In the wider site setting, it is considered that there would be little to distinguish in terms of impact regardless of which side the

pylon is located. However, the County Landscape Officer notes the site constraints, of locating the bridge pylon on the western bank of the river. Locating the pylon on the eastern side of the river would reduce some measure of visual impact to residential receptors, fronting the river at the western end of Waterworks Road although the County Landscape Officer acknowledges the concerns submitted by the residents' and their concerns with respect to the "loss of privacy" resulting from the views that would be afforded to users of the bridge. It is difficult to see how this can be mitigated given the openness of the structure. The nearest residential receptor would benefit to some extent from the screening offered by an area of dense scrub, which is augmented by an Alder, Horse Chestnut and a Cotoneaster. The County Landscape Officer understands that this vegetation would be retained.

165. With regard to the issue of lighting and impacts upon bats he defers to the County Ecologist. However, the County Landscape Officer assumes that if the lighting scheme is similar to that installed at Diglis Bridge, then it should not prove to be overly intrusive to local receptors.

166. In terms of finish, the County Landscape Officer appreciates the visualisations are more concerned with showing the structural design and alignment of the bridge, however, he notes that the proposed "rust brown" finish, may be a more suitable palate, compared with the white finish of Diglis Bridge, particularly given the wooded backdrop of the setting.

167. The County Landscape Officer considers that mitigation should deliver a zero-net loss for landscape and he expects a flagship public realm scheme of this magnitude to deliver net gains for both biodiversity and landscape. Notwithstanding the visual impact of the scheme, a net gain for landscape can be achieved through enhanced compensation planting appropriate to the setting. In a site such as this one, it would not be possible to screen-out the visual impact of the bridge, and habitat creation should be the priority. This is particularly important given the established ecological significance of the site and its setting on both banks of the river.

168. **County Street Lighting** - no comments received.

169. **Friends of Għeluvel Park** - no comments received.

170. **The Duckworth Worcestershire Trust** - no comments received.

171. **Fields in Trust** - no comments received.

172. **West Mercia Police** have no concerns or objections to the proposal.

173. **Hereford and Worcester Fire and Rescue** - no comments received.

174. **County Sustainability** - no comments received.

175. **County Public Health Practitioner** no comments received.

176. **Western Power Distribution (Line Search Before U Dig online comments)** confirm that their apparatus is located within the application site, which includes 132kV overhead electricity lines which runs north to south across the restored Kepax landfill site. The applicant must comply with the requirements of Health & Safety

Executive's guidance: GS6, 'Avoidance of Danger from Overhead Electric Lines'. They state that the use of mechanical excavators in the vicinity of their apparatus should be kept to a minimum. Any excavations in the vicinity of their apparatus should be carried out in accordance with the document titled: Health & Safety Executive's guidance: HS(G)47, 'Avoiding Danger from Underground Services'. The applicant should contact Western Power Distribution should any diversions be required.

177. **ESP Utilities Group (Line Search Before U Dig online comments)** state that their apparatus (gas pipeline operating up to 75 millibar gauge) is located within / close proximity to the application site (red line boundary), located within part of the public highway to the south Waterworks Road. They outline a list of safe working practices which includes gas pipes must be located by hand digging before mechanical excavation. A mechanical excavator must not in any case be used within 0.5 metres of a gas pipe. Where heavy plant may have to cross the line of a gas pipe during construction work, the number of crossing points should be kept to a minimum. Crossing points should be clearly indicated and crossings at other places along the line of the pipe should be prevented. Where the pipe is not adequately protected by an existing road, crossing points should be suitably reinforced with sleepers, steel plates or a specially constructed reinforced concrete raft as necessary. They state they must be consulted prior to any excavations taking place within 10 metres of any above ground installation. They also refer the applicant to the Health and Safety Executive's guidance: HS(G)47 'Avoiding Danger from Underground Services'.

178. **Worcestershire Local Enterprise Partnership (LEP)** no comments received.

## Other Representations

179. Prior to the submission of the planning application, the applicant undertook a virtual public information exercise between 17 June and 24 July 2020. It was promoted in print media, on social media and on the County Council website and letters were delivered to residential properties in the immediate vicinity of the proposed bridge location. Participants were provided with information about the proposed scheme and were invited to email their comments to the County Council's Major Projects Team.

180. In addition to the virtual public information exercise four face-to-face engagement events were held either side of the River Severn between 20 and 22 July, as follows:

- Event 1: Tesco Martley Road, Worcester, Monday, 20 July, 09:00 to 11:00 hours;
- Event 2: Tesco, Martey Road, Worcester, Tuesday, 21 July, 16:00 to 18:00 hours;
- Event 3a: Ghulevelt Park, Near Pump House Café, Waterworks Road, Worcester, Wednesday 22 July, 09:00 to 12:00 hours; and
- Event 3b: Ghulevelt Park, Near Pump House Café, Waterworks Road, Worcester: Wednesday 22 July, 15:00 to 18:00 hours.

181. Approximately 160 people attended these events and were encouraged to email their comments to the County Council's Major Projects Team. 275 email responses were received, of these, 218 expressed support for the scheme, 24 expressed

opposition and a further 33 did not expressly support or oppose the proposed development but made comments. The applicant states comments included concerns that the bridge might exacerbate / cause parking problems; it is important that walking and cycling links to and from the bridge are improved; concerns about potential impact on the environment / wildlife; anti-social behaviour / security; the money should be spent on something else; comments on the design of the bridge; the need for litter / dog waste bins; concern regarding overlooking; observations regarding flood risk; and comments that there is insufficient demand for another footbridge.

182. The application has been advertised in the press, on site and by neighbour notification. To date 12 letters of representation objecting to the proposal, 10 letters of representation supporting the proposal and 5 letters of representation commenting on the proposal have been received. These letters of representation were made available to Members of the Planning and Regulatory Committee upon request. Their main comments are summarised below:

**Comments:**

Highways

- Comments that there appears to be no provision for extra car parking that this scheme may attract.
- Of particular concern is the potential for excessive traffic using the exit lane from the Household Recycling Centre.
- Concerns about the significantly impaired visibility when exiting the Household Recycling Centre. A significant increase in traffic volume would increase the probability of an accident and, therefore, the Council should consider traffic calming / control measures during the hours of construction.
- Concerns about the junction of Horsford Road and Riverview Close at the entrance to the restored landfill site This junction is only a 'Give Way' sign in Horsford Road and quite often cars going to the Household Recycling Centre do not slow down, but shoot straight across into the Household Recycling Centre as you are turning from Riverview into Horsford Road and could be dangerous to cyclists and pedestrians.
- The present route to the river is dangerous as dog walkers are in conflict with vehicles exiting the Household Recycling Centre with no footpath.
- This application should join with the parking control plans which are being considered at the moment for the area surrounding Gheluvelt Park.
- Park Avenue, Park View Terrace and Tower Road are very restricted and congested. The junction at Park Avenue and Park View Terrace is dangerous especially for the many children visiting the Scout Hut or on their way to and from school. At weekends, notably during the summer months, the area can be saturated with vehicles parking both on the roads and pavements making the area dangerous for cyclists and pedestrians. Many local residents have difficulty getting in and out of their driveways at weekends due to indiscriminate parking. The scheme should include resident parking or strictly limited and policed parking being introduced. Additionally, pavement parking should be prohibited.
- Application does not assess the impact on parking and traffic movement in the area (Park Avenue, Park View Terrace and Tower Road).

### Amenity

- Requests reassurance that during the construction phase that their quality of life would not be adversely impacted. Specifically that controls would be put in place to restrict the construction hours to between 09:30 to 17:00 hours Mondays to Fridays.
- Requests the Council circulates the working parameters of contractors in terms of hours of construction and permitted noise levels to local residents and provide a mechanism for contacting compliance officers in the case of any issues.

### Antisocial Behaviour

- The wooded area on the north-west edge of Gheluvelt Park is regularly used by young people. There are problems with noise, drinking, drug taking and litter. Locating the bridge so close to the wooded area would simply exacerbate this problem with more people congregating by the riverbank. The bridge should be located nearer to the Pump House and the café.

### **Support:**

#### Highways

- The bridge would provide a safe, unpolluted pedestrian and cycle access to the City of Worcester.
- Great idea which would help make better use of our river for walking and cycling. Also provides better walking and cycling access to Hallow and Grimley from north Worcester.
- Excellent facility for cyclists but must be accompanied by safe route to Hallow and the routes connecting the city from outlying villages are missing.
- It would enable easy access by bike or walking for those residents living on the west side of the River Sever to Gheluvelt Park and the Environment Centre.
- Would help bridge the gap between west and east of the City.
- Cycle rides would be able to be more varied and make it easier to get out of the City onto quieter rural routes.
- The existing cycle / footbridges have made such a difference to the City and encouraged many people to exercise in a safe and pleasurable way and also walk and cycle to work. The numbers using the existing bridges has exceeded all expectations.
- The more people that are encouraged to walk and cycle the better, reducing pollution, promoting good mental and physical health and have some limited impacts on congestion.
- There is still a long way to go to providing a proper cycling network in the City, but this development would hopefully be a catalyst to furthering its development.
- Do not have concerns about parking or other issues caused of the proposed bridge is approved.

#### Ecology

- Very much supports the scheme and requests bat friendly lighting.

#### Security

- Strongly requests that the palisade fencing is extended along the rear boundary of all of properties along Riverview Close.

### Lighting

- Requests that any lighting is directed down onto the shared use paths, rather than all around or lighting the sky, to ensure it does not have an adverse impact on the amenity of local residents.

### Consultation

- Appreciates the initial contact the Council have made with them and looks forward to further updates which may affect them in the future.

### **Objections:**

#### Highways

- Potential conflict relating to shared usage of proposed bridge and walkways and question would a comprehensive risk assessment be carried out to identify what steps need to be taken to minimize risk.
- Traffic calming should be imposed where segregation is not possible.
- The application has not addressed the nuisance of motorcycles using the proposed bridge.
- The proposal is not viable because the infrastructure around the site would not support the extra vehicular and pedestrian traffic.
- Instances where emergency services have been unable to get to and park along Waterworks Road.
- Numerous near misses involving pedestrians and cyclists due to traffic trying to navigate the roads around Barbourne as lines of sight are dramatically decreased due to parking and narrow roads.
- Question if the development is necessary as once arrive at Hallow Road there is nowhere to go.
- The proposed bridge may be of benefit to some cyclists / pedestrians, but it would not reduce the amount of traffic in the City as most cyclists would still continue to drive.
- Consider would increase car usage and pollution rather than reduce them, as vehicles would park as close as possible to the proposed bridge.
- It is a bridge to nowhere.
- Concerned about urban creep along the Severn Way, which is an area of countryside, relatively unspoilt.
- Any upgrade to the Severn Way would mean loss of trees and vegetation which would adversely impact the privacy of residential properties.
- Would exacerbate parking and congestion in the surrounding roads.
- Little scope to improve access or provide further adequate parking in the area.
- Would exacerbate indiscriminate parking, making it difficult for local residents to enter and exit driveways.
- Concerns that further congestions would impact the residents of Riverview Close, Hallow Road, Martley Road and Monarch Drive.
- Concerned about the construction traffic and suitable access.
- The proposal is not far enough from Sabrina Bridge and duplicates the purpose of that bridge. There is already a 'loop' available by using Sabrina Bridge and Diglis Bridge.
- It was always the case that cycling was not encouraged in Ghulevelt Park, especially where there are children and dogs running free. They cannot see this fitting with the atmosphere of the park.

- Would encourage university commuting and parking in and around the bridge.
- There is already a significant issue with vehicles driving down the southern end of Waterworks Road that either are not aware it is a dead-end road or looking for parking for Gheluvelt Park or racecourse. This causes issues with cars having to do a 3-point turn, as a U-turn is not possible due to road width. There are many instances of cars bumping or getting damaged.
- Concerned about the construction traffic accessing the site on already constrained roads, in particular in relation to abnormal loads.
- Consider that a swept path analysis should be included in this application to ensure the safety and accessibility of the site.
- Considers that there needs to be a suitable set of mitigation measures for the increase in longer-term traffic impacts.
- The Severn Way would need to have some form of upgrade as it is currently non navigable for cyclist and in wet weather is not possible without sturdy and waterproof footwear. Without an upgrade to make it accessible for all then the argument for the bridge does not stack up and the assessment of the environmental benefits and business case would need to be re-run.
- The exit/entry of Gheluvelt Park is at an extremely tight section of the road, where Waterworks Road and Pope Iron Road meet, there is often cars parked on either side of this road blocking sections of the footpath forcing pedestrians, wheelchair users and cyclists to use the carriageway. Increasing pedestrian traffic in this area without any upgrade, would see an increase in road safety issues that will need to be assessed and mitigated against.
- Access to Pitchcroft is currently through a single pedestrian gate from Waterworks Road, the access through the car park is rarely used, as there is no pedestrian segregation at all. This access can currently become regularly blocked as it only possible to get one person through at a time, if it is the expectation that the bridge would increase traffic across the north - south river divide, then this access needs to be assessed. In its current form and also as part of the designated NCN, it would not be able to efficiently allow traffic to move along between Gheluvelt Park through onto the racecourse.
- The application does not consider the wider connectivity of how safe on-road cycling can be achieved through to Worcester City Centre and other Worcester areas from the proposal. The wider connectivity benefits need to be better explained and set out.

#### Ecology

- Negative impact upon LWS, wildlife habitat and flora and fauna.
- The application states that there would be “a significant negative impact on the river”. It goes on to confirm that there would be a loss of trees and vegetation, ‘riparian vegetation’ on both sides of the river, which would need to be replanted. These are well established and so would take a considerable number of years to grow back so in the meantime there would be a detrimental impact on the habitat and biodiversity. The report goes on to say that ‘without mitigation in place the scheme has the potential to significantly impact important ecological receptors including species such as otters and bats which use the river to forage and commute’.
- Regularly observed kingfishers, water rail, herons, cormorants and swans use this part of the river to feed, fly and rest. There would be a detrimental impact to these species and the habitats they use.

- Otters and bats are present within the proposed site; therefore, they question how the Local Authority would meet its statutory obligation to protect these species if this project goes ahead.
- The risk of pollution from construction has been identified in the application stating, “short term and long-term disruption to wildlife with a high risk of dust soiling”. Question have the mitigation measures been detailed and costed, who would monitor that these are in place, and would this be an additional revenue cost.
- There would be noise nuisance and vibration during construction, which would impact on wildlife. As the proposed start of construction is April 2021 this would impact on wild bird and wildfowl breeding season and nesting season.
- The application does not mention the problem of birds (swans) flying into the overhead electricity lines connecting to the substation in Gheluvelt Park. The close proximity of the bridge pylon would increase the risk of this occurring.
- Question if an in-depth ecological survey has been conducted recently.
- The proposed bridge is likely to impact bat roosts, badger setts, breeding birds, otters, and grass snakes, and question how the Council proposes to mitigate the impacts of tree and vegetation removal.
- Concerns with the adequacy of the ecological surveys.
- It would appear that a path is proposed in Gheluvelt Park that would cut through the grassy area towards the river and trees and bushes would be cut down to enable this.
- If there is to be some form of new visual screen planting along the river it would need to be innkeeping with the current riverside character, management of this new screening would have to be considered as any new planting would have to establish and be manged to ensure that the footpath does not overgrow or vegetation dies away due to not taking.

#### Cultural Heritage

- The overall impact of this proposal would be a negative not to mention unnecessary one on the Riverside Conservation Area and the Grade II Registered Park and Garden of Gheluvelt Park.

#### Flooding

- Do not consider that adequate consideration has been given to the potential flooding impacts on local property, as considers that even a minor impact could make a substantial difference as to whether local properties flood.
- The bridge would not be accessible in times of flood and may require repairs following flood events.
- Consideration must be given to debris build up during a flood event that would further increase the impact of flooding to residents.

#### Lighting

- If the bridge is illuminated at night, it would have an adverse impact on the amenity of residential properties. Conversely if not illuminated would present a safety concern.

#### Pollution

- Adverse noise, vibration and air pollution.

- Adverse impact upon the restored landfill site, which consists of household and industrial waste, with a suboptimal capping layer. Potential for release of methane and leachate.
- Concerned that the landfill site is not suitable for public use and considers it to be unstable as the topography dramatically changes seasonally, cracks appear in the ground almost overnight and the site significantly floods and has a very high-water table and gets saturated at any time of year with heavy rainfall.
- Adverse health impacts due to potential to disturb the restored landfill site.
- Question if the Environment Agency have been involved in planning for this project in order to minimise impact upon wildlife and also to ensure that disturbing the restored landfill site does not cause hazardous seepage into the waterways.
- Increase in Carbon Dioxide emissions due to increased traffic associated with users driving to the bridge.
- The proposal would sit on the old waterworks site and the restored Kepax landfill site. Both of these areas have potential soil contamination, high water tables and made up ground.
- The current desk-based Ground Investigation Report does not meet Euro code compliance, therefore, the full implications of geotechnical and geoenvironmental conditions cannot be understood at this stage, the report itself recommends that this is completed before any outline design work is undertaken. This appears not to have been taken into consideration prior to a planning application and outline business case being submitted. Question how the Planning and Regulatory Committee can make a decision on the feasibility of this bridge project prior to understanding the likely cost increase of the scheme.

#### Litter

- Question what provision would be made to avoid litter being thrown from the bridge. The stated benefits of this scheme are the increased usage from visitors, but it is also acknowledged that there would be a negative impact as there is likely to be more litter.

#### Privacy

- The proposed walking and cycle route on the restored Kepax landfill site would adversely impact the privacy of the residential properties along Riverview Close.
- The proposal would change the outlook from the properties along Riverview Close.
- The proposed bridge would overlook some of the properties in Waterworks Road, Tower Road and Park View Terrace which would infringe on their privacy and have direct sightline into the upper windows of these properties.

#### Crime, Security and Antisocial Behaviour

- A number of residential properties back onto the Household Recycling Centre, therefore, concerned about the security implications for these properties if the proposal goes ahead. Currently it is difficult to gain access to the rear of these properties, however, this may change as result of the proposal, which is also likely to significantly increase footfall. This may present opportunities for crime. They question if a security fence of suitable height and constructed from

appropriate material is proposed to prevent such access to the road leading to the Household Recycling Centre and proposed cycle/footway.

- Potential for antisocial behaviour by a small minority but which can have a detrimental and lasting negative impact for the majority of users. Question how this would be regulated and have the revenue costs been factored in.
- Youths gather late at night in Gheluvelt Park and along the Severn Way and authorities are reluctant to intervene or take receptibility. Question what assurances the Council provide when this would be exacerbated due to the proposed bridge.
- Having compared the two areas either side of the river using the UK Police website, they are concerned that the proposal would provide a gateway for additional criminal activity. The website indicates that the east side of the river demonstrates an amplified and more diverse range of criminal activity, which includes greater occurrences of criminal damage and arson, drug related offences, possession of weapons and burglary and theft compared to the west side of the river.
- Would adversely impact house prices as would likely lead to increased crime.
- Recently illegal fishing has increased in Pitchcroft and along Severn Way areas, with limited policing. If there is to be an increase in connectivity, they question has an assessment of how to deter or police an increase in fishing been considered.
- There have been several instances of people jumping into the river at the Gheluvelt Park retaining wall, this is due to its quieter and more secluded nature than Sabrina Bridge or the main Worcester bridge (New Road). A bridge in this area would increase the potential of people jumping into the river, especially in the evening when it is darker. They question what consideration would be given to this during design.

#### Overhead Electricity Lines

- Question if the electricity company have been consulted and their requirements for keeping public safe around pylon lines and introducing pathway and bridges near pylons.

#### Cost

- Inappropriate commitment for future Local Authority revenue costs following years of reduced budgets, austerity measures and recent financial impact of COVID-19 pandemic.
- As a taxpayer they object to the proposed scheme since the Council is already stretched financially and are struggling to meet the costs of basic services. The ongoing maintenance would add additional revenue costs.
- The Wildlife and Countryside Act 1981 as amended, The Habitats and Species Regulations 2017 and Rights of Way Act 2000 Section 4.1 states that Local Authorities should demonstrate due diligence for the economic worth of the scheme while considering the financial impact. The ongoing revenue costs and subsequent financial implications have to be considered as part of this decision.
- Overall costs for the scheme appear very high and does not appear to have any economic benefits.
- The Business Plan is biased and there is no reason for anyone to commute using the proposal other than marginal benefits for those wanting to access the University from areas to the north of the city centre, and Sabrina Bridge already caters for this.

### Maintenance

- Question has consideration been given to the maintenance of the bridge, as Sabrina Bridge is in a relatively poor state of repair and requires regular maintenance. With the increase in flooding risk, has due consideration of the cost been undertaken to ensure that the proposed bridge can be maintained during its lifespan.

### Consultation

- Consider the title of the proposal - 'Kepax site' is misleading or deceptive since actual access to the proposed bridge would be made via Riverview Close. Not all local residents are familiar with the exact location of the restored Kepax landfill site. They suspect that if the title of the proposal was "Riverview Close Walking and Cycling Bridge", it would attract a greater degree of interest and/or objection, but question if this is what the County Council is attempting to avoid.
- Do not consider that the Council have carried out suitable consultation, as very few people are aware of the proposals and the timing for pushing this through at a very socially difficult time for communities to get together and share open and honest thoughts is very questionable.
- Considers that the notice given for the pre-application public meetings was very poor.

### House Prices

- Adverse impact upon house prices.

## **The Head of Planning and Transport Planning' Comments**

183. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

### **Residential Amenity, Landscape Character, and Visual Impacts**

184. There are a number of residential properties within the vicinity of the application site, as outlined within 'The Site' section of this report. On the eastern side of the river this includes the properties located along Waterworks Road situated about 75 metres south of the proposed bridge deck; and the properties located along Tower Road and Park View Terrace situated approximately 90 metres north-east the proposal. On the western side of the river this includes the properties located along Riverview Close situated about 15 metres west of the proposed shared use path, and approximately 345 metres west of the proposed bridge structure.

185. Letters of representation have been received objecting to the proposal on the grounds of adverse noise, vibration, air pollution, health and visual impact grounds, in particular loss of privacy due to overlooking.

186. The Environmental Assessment Report in respect of noise and vibration impacts considered the impacts upon the nearest sensitive receptors (Waterworks Road, Tower Road and Riverview Close), and split the development into 5 phases, namely:

- **Phase 1: West side works** – the activities on the west side of the River Severn but excluding the access route construction.
- **Phase 2: East side main support works** – the activities associated with the construction of the main support for the bridge on the east side of the River Severn.
- **Phase 3: East side end of bridge works** – activities associated with the construction of the area where the bridge finishes on the east side of the River Severn and is fixed to the ground.
- **Phase 4: Bridge deck works** – activities associated with the lifting the bridge deck into place and securing it to the supports.
- **Phase 5: West side access route** – activities associated with the building of the access route from Horsford Road to the west bank of the River Severn.

187. The impacts of the construction works were considered to be minor in all but two of the five phases (Phases 3 and 5). However, the works (vegetation clearance, groundworks, framework reinforcement and concreting and excavation) in Phases 3 and 5 were considered to be of a sufficiently short duration to not cause significant effects. The assessment recommends a number of mitigation measures, this includes maintaining all plant and equipment in accordance with the manufacturers' recommendations, equipment to be shut down when not in use, plant and machinery fitted with effective silencers, and informing local residents of the timing of works. Once operational the assessment concludes that as the proposal would be used by pedestrians and cyclists it would not result in an increase in noise and vibration above the existing baseline environment.

188. The assessment states that the only activity within the five phases of the development that could generate noticeable levels of vibration is vibratory compaction, which is expected to be used in Phases 2 and 3. However, the assessment concludes that the magnitude of impact in Phase 2 would be minor and negligible in Phase 3, resulting in a slight effect which is not considered to be significant.

189. The proposal is situated within the designated AQMA for Worcester City. The Environmental Assessment Report in respect of air quality states that in the absence of mitigation, construction activities associated with the proposal have a medium to high risk of dust impacts to local residents. There is therefore the potential for infrequent, short-term episodes of dust deposition to occur, potentially affecting amenity. However, subject to the implementation of a Dust Management Plan, which shall include measures such as minimising drop heights, dust suppression, road sweeping, use of wheel washing facilities, sheeting of loaded lorries and no burning of waste materials on site, it concludes that the residual effects of construction dust emissions associated with the proposal would likely not be significant. The assessment also identified that there is a low risk of construction dust emissions resulting in human health effects, as there is limited potential for emissions of Particulate Matter (PM10) to increase baseline concentrations to a value that is above the air quality objective values set for the protection for human health.

190. Worcestershire Regulatory Services have been consulted in respect of noise, dust, vibration and air quality impacts and have raised no objections to the proposal, subject to the imposition of conditions regarding specific method statements relating to the control of noise, vibration and dust and detailed lighting scheme.

Worcestershire Regulatory Services also state that they have no concerns in relation

to air quality impacts during the operational phase of the development as it would be used by cyclists and pedestrians only.

191. A Health Impact Assessment (HIA) Screening Assessment accompanied the application submission which concluded that a full HIA was not required, as the scheme would have a long-term positive impact in terms of health and where negative impacts have been identified, these are short-term (during construction) and can be mitigated. The County Public Health Practitioner has been consulted, but no comments have been received. The Head of Planning and Transport Planning is satisfied that the submitted HIA Screening Assessment and Environmental Assessment Report are comprehensive and concurs with the findings that a full HIA is not required in this instance.

192. With regard to the design of the proposal, Section 12 'Achieving well-designed places' of the NPPF (2019) at paragraph 124 states "*the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*".

193. Policy SWDP 21: 'Design' of the South Worcestershire Development Plan states at Part A) that "*all development will be expected to be of a high design quality. It will need to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets and their settings. New and innovative designs will be encouraged and supported where they enhance the overall quality of the built environment*".

194. The proposed bridge would be a cable-stayed cycle and pedestrian bridge. The proposed pylon would have a maximum height of 30 metres, which is comparable to Diglis Bridge which has a pylon height of approximately 28 metres above ground level. The bridge would primarily be constructed from painted steel, with concrete supports. The pylon would be constructed from weathering steel (which would weather and over several years would have a rust-like appearance) and as it weathers and darkens it would further blend into the landscape. The Head of Planning and Transport Planning notes that the war memorial within Gheluvelt Park is also constructed from weathering steel, thus the bridge pylon takes inspiration from this in its design and is considered to be in keeping with its local environs. It is considered that the proposed bridge would be distinctive and of a high-quality design, forming a local landmark, whilst not resulting in a bridge that is unduly prominent or overbearing in the landscape. The Head of Planning and Transport Planning also considers that it would complement and be in keeping with the existing family of bridges crossing the River Severn in Worcester.

195. In order to reduce the visual impact of the proposal, the proposed bridge mainstay is positioned in the north-western corner of Gheluvelt Park to minimise its visual impact on the residential properties, in particular the residential properties in close proximity to the proposal along Waterworks Road. The positioning of the proposed bridge to the northern extent of the application site also means that the bridge deck is at its furthest point from these receptors where it crosses the river. The bridge ramp within Gheluvelt Park is curved to run parallel with the river, rather than bisecting the usable open space within the park.

196. Whilst it is considered that the visibility of the proposed bridge pylon would be widespread, it would be broadly contained within the River Severn Valley, its narrow breadth would mean that it is unlikely to be clearly seen in distant views and would form a single feature among several within such views.

197. With regard to the construction impacts, the submitted Landscape and Visual Impact Assessment considers that these would be of moderate adverse significance. The construction works would introduce noticeably incongruous, yet temporary, elements into Gheluvelt Park and the restored Kepax landfill site. The site compounds are likely to replace a large extent of grassland, and house a large amount of machinery, site amenities and material (including topsoil bunds). Fencing is likely to be visually prominent. The visual interaction with the river would also be intruded into by construction elements, and construction activity, such as earthworks and piling operations, the elevation of deck sections and the construction of the bridge pylon, are likely to dominate views of the site, with large plant being prominent features. Notwithstanding this, the construction works would be temporary, and the applicant has sought to minimise the loss of trees and vegetation through design optioneering. The chosen proposed option seeks to minimise vegetation and tree clearance of the Willow Carr. This vegetation clearance is expected to be no greater than 20 metres wide, with trees left in-situ wherever possible and the river itself unaffected as a linear feature for bats. On the Gheluvelt Park side of the river, the applicant has sought to thread the shared use path through the existing vegetation, seeking to minimise tree and vegetation removal, albeit a number of trees would be required to be removed in the south-western corner of the park and in the area where the flood compensation area is proposed. One memorial tree is located where the bridge pylon is proposed, and it is noted that the applicant has relocated this tree (March 2021) to the north-east of Route 46 of the NCN within the park, in liaison with the family involved in its dedication and City Council Tree Officer. The landscaping proposals include planting to visually screen the views of the Household Recycling Centre, other additional planting on both sides of the river in addition to new seating areas to make the most of enhanced views of the riverside. A wildflower meadow seed mix is proposed on both sides of proposed shared use path on the restored Kepax landfill site.

198. With regard to the objections in relation to overlooking of the properties on Waterworks Road, the applicant states that *"there would be a direct line of sight between the proposed bridge deck and the rear of properties to the south that back onto the eastern bank, off Waterworks Road. The privacy of these properties has been considered as part of the design process and, as a result, the proposed bridge has been located as far north as practicable. A distance of 22 metres is commonly prescribed by local authorities to achieve adequate privacy between facing windows [when considering residential developments]. In comparison, the proposed position of the bridge places it at approximately 75 metres distance from the properties to the south".*

199. The Head of Planning and Transport Planning considers that the separation distances referenced by the applicant relate to privacy impacts upon residential properties when they face / back one another (a distance of 22 metres is considered to be the minimum separation distance between facing windows required to achieve a degree of privacy within conventional two storey accommodation), rather than in relation to bridge proposals. However, it is considered a useful comparison when considering a new form of development. It is also noted that existing established

vegetation would filter / partly screen views from these properties and based on the advice of the County Landscape Officer, it is considered that on balance the impact of overlooking and loss of privacy is not of such significance as to constitute a refusal reason in this instance.

200. The County Landscape Officer has raised no objections to the proposal on landscape grounds, subject to the imposition of conditions requiring LEMP to include a detailed landscaping scheme and schedule of landscape maintenance to cover a minimum period of 5 years post-construction and associated method statements detailing creation of semi-natural habitats, and tree, hedgerow and scrub planting and establishment; and colours / finish of the proposed development. Conditions are recommended to this effect.

201. Worcester City Council's Landscape and Biodiversity Advisor also has no objections to the proposal, subject to the imposition of appropriate conditions, commenting that the alignment and design of the bridge is good, and the bridge pylon on the east side would act as a focal / destination point and contemporary feature for park users. Use of weathering steel also helps the structure to blend into its setting. The City Landscape and Biodiversity Advisor recommends the imposition of a condition requiring a fully specified landscape planting plan, and comments that suitable seating should be provided. Conditions are recommended to this effect.

202. Worcester City Council have no objections but request that consideration is given to a number of matters including replacement tree planting and measures to enhance the appearance of the flood defence wall. In response, the applicant states that enhancements may not be possible as the wall is subject to regular flooding and the Environment Agency would need to be in agreement with any alterations to this wall. According to the Environment Agency's Asset Management the wall is in 'good' condition.

203. In view of the above matters, on balance, the Head of Planning and Transport Planning considers that the scale, massing and design of the proposed development would not have an unacceptable adverse impact upon the character and appearance of the local area. Furthermore, on balance, it is considered that the development would not cause an unacceptable overbearing, overshadowing or overlooking implications that detracts from residential amenity due its design, size and location, subject to the imposition of appropriate conditions, including the detailed design, colour palate, surfacing details, CEMP, LEMP and associated method statement for planting and habitat creation, and details of outdoor seating.

204. Objections have been raised by local residents that their house prices would be adversely affected by the proposal. The Head of Planning and Transport Planning notes their concerns but advises Members that property values are not a relevant material consideration in the determination of this planning application.

### **Historic Environment**

205. There are a number of heritage assets within the application site and its wider context, as set out within 'The Site' section of this report, in particular the proposal sits within the Riverside Conservation Area. In addition, the eastern part of Gheluvelt Park is designated as Grade II Listed Registered Park and Garden. There are also a number of Grade II Listed Buildings within or in close proximity of the park, including Gheluvelt Park Band Stand, Nos. 1-12 Gheluvelt Park, Gheluvelt Park Arch, Gates

and Railings and Octagonal Lodge. The Grade II Listed Building of Hallow Bank is located on the western side of the river, situated approximately 40 metres west of the application site.

206. Objections have been received from local residents who consider the proposal would have a negative impact upon the Riverside Conservation Area and the Grade II Registered Park and Garden of Gheluvelt Park.

207. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that "*in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". Section 72 (1) imposes a general duty as respects Conservation Areas in the exercise of planning function stating, "*in the exercise, with respect to any buildings or other land in a Conservation Area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".

208. With regard to heritage assets, paragraph 190 of the NPPF (2019) states that "*local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal*".

209. Paragraphs 193 and 194 of the NPPF (2019) states that "*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of: ...a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of highest significance, notably schedule monuments...grade I and II\* listed buildings...should be wholly exceptional*".

210. Paragraphs 195 of the NPPF (2019) states that "*where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...*"

211. The PPG at Paragraph Ref ID: 18a-018-20190723 states "*whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key*

*element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting..."*

212. There is no statutory definition of setting for the purposes of Section 66 (1) of the Listed Buildings Act. Annex 2 of the NPPF (2019) describes the setting of a heritage asset as "*the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*". It goes on to describe significance for heritage policy, stating that this is "*the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting...*".

213. The PPG at Paragraph Ref ID: 18a-013-20190723 states that "*the extent and importance of setting is often expressed by reference to visual relationship between the asset and the proposed development and associated visual / physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each...*".

214. In respect of above ground heritage assets, the City Archaeologist states that the submitted desk-based assessment report contains what seems to be a very incomplete assessment of impacts. There is no consideration of impacts on the settings of heritage assets, or on the character and appearance of the Conservation Area. The County Archaeologist also states that the assessment does not consider the impacts of setting, focussing only on below-ground impacts.

215. Notwithstanding the above comments, it is noted that the submitted desk-based assessment did consider built heritage assets, albeit the focus of the desk-based assessment was on archaeology. The assessment states that there are 31 Grade II Listed Buildings within the study area (within 750 metres of the application site). It assesses the value of these heritage assets and considered them to be of medium value. It also assessed the Riverside Conservation Area and Registered Park and Garden of Gheluvelt Park and considered these to also be of medium value. It concludes that there are no overarching cultural heritage constraints in respect of the scheme.

216. Furthermore, it is noted that the submitted Landscape and Visual Impact Assessment (LVIA) considered views of the proposal from a number of viewpoints, including within Gheluvelt Park and the Riverside Conservation. With regard to operational impacts upon the Registered Park and Garden Gheluvelt Park, it states that there would be glimpses of the bridge pylon from the Registered Park and Garden. It considers that the visibility of the proposed bridge pylon, though likely to be limited to partial views, would help connect the historic park to its more modern extension, and to the River Severn. It predicts a low beneficial impact of minor beneficial significance. During construction it considers that the presence of the

construction works would likely be felt, though to a limited degree due to its limited visibility. All effects are expected to be temporary, with no lasting effects from construction, predicting the impacts to be negligible adverse or minor adverse significance.

217. With regard to impacts upon the Riverside Conservation Area, it is noted that the Riverside Conservation Appraisal Document states that bridges feature strongly in the Conservation Area, generally concentrated over the River Severn. It states that bridges provide the best standpoint for views up and down the river and some of the best views are afforded from the bridges along the river which offer panoramic views of the built-up historic core of Worcester. The appraisal lists a number of management issues and this includes “*6) Kepax Bridge – lack of connectivity between east and west banks to north of the city centre – seek to connect Kepax Country Park and Gheluvelt Park by pedestrian and cycle bridge*”.

218. In view of this, it is considered that during construction the works would adversely impact upon the Conservation Area, due to the disturbance caused by the proposed works and main construction compound being located within the Conservation Area. However, views of the construction site would largely be contained to immediate views of the site and the construction impacts would be temporary in nature. On completion of the works, it is considered that the proposal would likely have beneficial impact, as whilst the Conservation Area would likely experience an increase in activity as more cyclists and pedestrians pass through the Conservation Area over the new bridge and the proposal would be visible within Conservation Area, it would add to the sense of place, adding visual interest by providing a local landmark. It would also address one of the key management issues outlined in the Riverside Conservation Appraisal Document, enabling further connectivity between the east and west banks of the river.

219. With regard to the visual impact upon the Grade II Listed Building of Hallow Bank the LVIA states “*a dense tree belt separates the building from Kepax landfill, so views into the greenspace are likely to be partial or filtered glimpses at most*”. With regard to impacts upon Gheluvelt Park Band Stand, Nos. 1-12 Gheluvelt Park, Gheluvelt Park Arch, Gates and Railings, Octagonal Lodge, it is considered that due to the distance from these Listed Buildings that the impacts would be limited to distant glimpsed views of the proposal.

220. Historic England do not wish to comment on the application and recommend the County Planning Authority seeks the views of the County Council's and District Council's specialist conservation and archaeological advisers, as relevant.

221. Worcester Civic Society welcomes the proposed cycle and footbridge in this location, and they approve of the design of the bridge which they consider reflects and complements that of the Sabrina and Diglis Bridges further down-stream.

222. The City Council's Planning and Conservation Officer has no objections to the proposal, stating they have looked at the submitted documentation and plans, and at the very detailed and thorough consideration of the likely impacts upon heritage assets. They are in complete agreement with the views and opinions expressed. They do not consider that the proposed bridge would have any significant impact upon heritage assets, and it would become a striking new feature in the Riverside

Conservation Area. The design is very striking and clearly functional, not being over dominant or including features beyond those needed for its structural integrity.

223. The Gardens Trust notes that the registered area of Gheluvelt Park is located to the east of the application site and separated from it by Barbourne Brook. The proposed bridge pylon and back anchor would be situated close to the Pump House building where there is already a considerable amount of urban clutter. Although the proposed structure would be open to views, they do not consider that there would be any additional unacceptable visual impact from the Pump House because of its present use. However, the Gardens Trust go onto state that that as the bridge pylon would be glimpsed from many locations within the registered park, they request that the bridge pylon is sited on the west bank of the river where it would have less of an impact upon the registered park.

224. In response to the Garden Trust, the applicant has confirmed the rational for locating the bridge pylon on the eastern riverbank was to avoid the following impacts:

- *"Impact on ecology - The pylon would cause significant interference with ecology movements within corridor of Willow Carr.*
- *Interface with landfill and associated earth bund resulting in settlement and potential for slope instability due to loading. In addition, if backstays land within the landfill footprint, piling through landfill would be required with associated environmental impacts.*
- *Impact on landfill - Temporary works required to provide access (large crane to erect the pylon in Willow Carr) via the landfill, with potential requirement for a piled access route and lifting platform, resulting in significant environmental impacts. Potential for the landfill bund integrity to be compromised due to large volumes of construction traffic, allowing leachate breakthrough from the landfill.*
- *Flooding – The bridge pylon would cause a substantial flooding hazard as the concrete base would have to be above the flood level which would also reduce the capacity in the flood plain.*
- *In addition, if the bridge pylon was located on the western side of the river, there would need to be a substantial ramp into the park to make up the level difference".*

225. In view of this, the Head of Planning and Transport Planning considers it is reasonable for the proposed bridge pylon to be located on the eastern bank of the River Severn.

226. In view of the above matters, the Head of Planning and Transport Planning considers that the proposals would lead to 'less than substantial' harm to the significance of the designated heritage assets of Riverside Conservation Area, Registered Park and Garden of Gheluvelt Park, Gheluvelt Park Band Stand, Nos. 1-12 Gheluvelt Park, Gheluvelt Park Arch, Gates and Railings, Octagonal Lodge, and Hallow Bank.

227. Paragraph 196 of the NPPF (2019) states "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".

228. The PPG at Paragraph Ref ID: 18a-020-20190723 confirms that "*public benefit may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF (Paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit*".

229. The Head of Planning and Transport Planning considers that proposal would be an addition to the family of bridges over the River Severn, providing a new vantage point where residents and visitors would be able to enjoy a view of the river and Riverside Conservation Area. The proposal would provide a new east-west link and cycle / pedestrian crossing over the River Severn, improving access and allowing the riverside to be enjoyed by more people, increasing the leisure use of the riverside and Ghetluvelt Park. It is considered it would assist with facilitating a step change in the levels of cycling and walking in Worcester City, improving accessibility and transport choices.

230. Having given special attention to the desirability of preserving or enhancing the character or appearance of the Riverside Conservation Areas (Section 72) and having special regard to the desirability of preserving the Listed Buildings or their setting or any features of special architectural or historic interest which they possess (Section 66), and paragraph 196 of the NPPF (2019), it is considered that the public benefits of the scheme are powerful material considerations, which outweigh the less than substantial harm to rebut the strong presumption against causing any harm to these heritage assets.

231. There is a wide range of non-designated features within the vicinity of the proposal, this includes archaeological deposits associated with the former course of the Barbourne Brook comprising palaeoenvironmental remains, remains relating to civil war siege-works, the former City Corporation Waterworks, with the brick Pump House (now an Environment Centre) and the remains of the water tower (within the woodland to the north of the proposal) both being locally listed.

232. The City and County Archaeologists have both been consulted on the application and have no objections, subject to the imposition of appropriate conditions.

233. Paragraph 197 of the NPPF (2019) states that "*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*". In view of this and based on the advice of the City Council's Planning and Conservation Officer, and the County and City Archaeologists, the Head of Planning and Transport Planning considers that on balance, the impact upon the non-designated heritage assets is not of such significance as to constitute a refusal reason in this instance.

234. In view of this, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable adverse impact upon heritage assets, in accordance with Policies SWDP 6 and SWDP 24 of the South

Worcestershire Development Plan, subject to the imposition of appropriate conditions, as recommended by the City and District Archaeologists and a condition requiring an interpretation strategy to include cultural heritage.

### **Contaminated Land**

235. To the west of the River Severn is the restored Kepax landfill site, which is the primary source of potential land contamination. The landfill is an above ground landfill recorded to have operated between 1963 and 1985, and was recorded to accept inert, industrial, commercial, household and liquid sludge wastes. Once the landfill was closed, it was later restored to a grassland.

236. Gheluvelt Park is located within the area of the historical Water Treatment Works. A previous ground investigation noted up to 6 metres of made ground (man-made or artificial materials deposited) to be present in this area. A small number of historical industries were located directly to the south of the park, including a historical tannery, substation and leatherworks which had the potential to contaminate the ground / groundwater in the area.

237. The proposed design layout of the bridge avoids the need to construct bridge foundations within restored Kepax landfill and thus mitigates the main potential impacts associated with undertaking construction within the landfill.

238. The submitted ground investigation has confirmed the presence of ground gas and contamination within the made ground across the site would be further explored as part of a supplementary ground investigation to support the detailed design of the proposal. Given a new shared use path is proposed to cross the restored landfill site. The supplementary investigation would seek to confirm the depth and condition of the landfill cap to inform the design of the path. The applicant has confirmed that the construction depth for the path would not be greater than the depth of the existing landfill cap to mitigate the risks from exposing landfill waste.

239. Piling for the foundations within Gheluvelt Park has the potential to create pollutant pathways. The applicant proposed to mitigate this risk by undertaking an additional phase of ground investigation which would provide the data to produce a piling risk assessment to identify the appropriate piling method to mitigate the potential pollutant risk. The applicant also proposes to include method statements within the CEMP in the event any unforeseen contamination is found on site.

240. With regard to comments from local residents regarding the suitability of crossing a restored landfill site, the applicant states *“the pre-construction ground investigation aims to determine the position of the eastern edge of the landfill waste deposits. This is so that the western ramp and associated structures of the proposed bridge can be designed to not intersect the landfill waste deposits, with all construction works taking place on the western bank of the river, to the east of the landfill. By avoiding work on the landfill the risk of leakage would be minimised...During construction of the proposed bridge, it is anticipated that the ground surface / landfill capping layer would be protected by track matting along all transit route(s), so that the potential for damage to occur to the landfill capping layer would be minimised, as far as is reasonably practicable”*.

241. Worcester City Council's Contaminated Land Officer has no objections to the proposal, subject to the imposition of appropriate conditions. The City Council's

Contaminated Land Officer considers that the proposal is low risk in terms of impacts to human health due to extremely low exposure potential. The proposal does not include any enclosed spaces; therefore, ground gases are unlikely to be a risk in this case. The Environment Agency have no objections to the proposed development, subject to the imposition of appropriate conditions regarding contamination (preliminary risk assessment, site investigation scheme, options appraisal and remediation strategy if necessary, verification plan and validation report); if during development contamination not previously identified is found on site, works should cease and a Method Statement for remediation and verification report submitted to the County Planning Authority; and restricting piling and other foundation designs and investigation boreholes using penetrative methods unless it has been demonstrated that there is no resultant unacceptable risk to groundwater.

242. The County Pollution Control Manager comments that although it is not ideal for the bridge structure to be landing on the restored landfill site, from a technical perspective this aspect of the project is deliverable. Critical to the proposed scheme are the future development of links to the wider transport network. This would ensure that cyclists and pedestrians using the bridge would be encouraged to pass swiftly across the restored landfill site and on to their destination rather than the landfill site becoming a destination in itself. The Head of Planning and Transport Planning notes the proposal includes an indicative connection to the Severn Way long distance path. A condition requiring the detailed design of this connection is recommended should planning permission be granted. It is also noted that fencing is proposed along the shared use path that passes over the restored landfill site to prevent public access.

243. In view of this, the Head of Planning and Transport Planning is satisfied that the proposal is acceptable in terms of its impact upon contaminated land, subject to the imposition of an appropriate condition as recommended by Worcester City Council's Council Contaminated Land Officer and the Environment Agency.

### **Traffic, Highway Safety and Public Rights of Way**

244. A number of letters of representation have been received objecting to the proposal on highway grounds as set out within the 'Other Representations' section of this report, including potential conflict relating to shared usage of proposed bridge; exacerbate parking and congestion in the surrounding roads; and unsuitable construction access. County Councillor Udall also requests improved cycle / pedestrian links to Worcester St John's area (Dines Green) and provision of cycle storage in St John's and Cripplegate Park.

245. Section 8 of the NPPF (2019) states that "*planning policies and decisions should aim to achieve healthy, inclusive and safe places which...enable and support healthy lifestyles, especially where this would address identified local health and well-being need – for example through...layouts that encourage walking and cycling*". Section 9 of NPPF (2019) states that "*transport issues should be considered from the earliest stages of plan-making and development proposals, so that...opportunities to promote walking, cycling and public transport use are identified and pursued*". The NPPF (2019) goes onto state that "*planning policies should...provide for high quality walking and cycling networks and supporting facilities such as cycle parking*".

246. It is noted that Paragraph 109 of the NPPF (2019) states "*development should only be prevented or refused on highways grounds if there would be an unacceptable*

*impact on highway safety, or the residual cumulative impacts on the road network would be severe".*

247. The applicant states that Diglis Bridge in the south of Worcester City opened in 2010 and is felt to be a good proxy for expectations in terms of demand for cycling and walking in relation to the proposed development. In 2012 Sustrans released a Route User Intercept Survey for Diglis Bridge, which gave the levels of demand in 2011. It stated that:

- The current annual usage estimate at Diglis Bridge is approximately 465,482. It is estimated that approximately 141,397 users would be cyclists, approximately 290,470 pedestrians and approximately 33,615 other types of route users.
- Approximately 70.5% of trips are for leisure, approximately 13.3% for commuting and approximately 8.2% for shopping, with 8 % other.
- Approximately 25.5% of route users make this journey daily.

248. As with Diglis Bridge, the applicant assumes that the majority of trips over the proposal would also be for leisure use. The bridge would provide a connection from Gheluvelt Park and the nearby Pitchcroft Racecourse, to the restored Kepax landfill site and would create a riverside loop via the Severn Way and Sabrina Bridge and / or Diglis Bridge connecting to National Route 46 of the NCN. In addition to local leisure trips, the applicant envisages that the bridge would provide a useful link for day visitors to Worcester, making use of the NCN or visiting Pitchcroft Racecourse, the University Arena or another attraction. In relation to commuting trips, the National Propensity to Cycle Tool reveals that there are already cycle journeys taking place between areas on the east and west of the River Severn. These include cycle journeys between Henwick and Northwick, Barbourne and Lower Town. Provision of the proposed cycle / footbridge would make these, and other commuting journeys quicker and more direct and there is likely to be an uplift in both cycling and walking trips over the river.

249. The bridge would be for the use of cyclists and pedestrians only (including those with pushchairs, wheelchairs, hand cycles etc.). It is therefore envisaged that the majority of users of the bridge would arrive on foot or by bicycle. Furthermore, the applicant states that Sustrans Route User Intercept Survey Report for Diglis Bridge (dated 2012) found that 82% of respondents did not use any other form of transport during their journey. In view of this, parking issues are not expected to worsen on either side of the river due to the proposed development. Monitoring would be undertaken either side of the river on completion of the development and measures could be implemented if deemed necessary.

250. The bridge and ramps have been designed in accordance with the Design Manual for Roads and Bridges (DMRB):

- Gradients would be no steeper than 1 in 22;
- The bridge would have a useable width of approximately 3.5 metres; and
- Shared use paths would have a width of approximately 4 metres on the restored landfill site and approximately 3 metres within Gheluvelt Park.

251. Construction compounds and associated accesses are proposed on both sides of the river. On the restored Kepax landfill site, the construction compound would be

located in the middle of the restored landfill site, close to the river, but behind the Willow Carr to minimise vegetation loss. A temporary haul route would be provided over the restored landfill site, with access being taken from the Household Recycling Centre access. Site access is anticipated to be taken from Hallow Road, down Horsford Road. To the east of the river, a construction compound is proposed on the western side of Gheluvelt Park, located close to the National Route 46 of the NCN. Site access is anticipated to be taken from Somers Road, Barbourne Walk, Pitchcroft Lane, Pope Iron Road and Waterworks Road via the Pump House Environment Centre car park. The applicant states that exact location of construction compounds and associated facilities will subject to the contractor's review when appointed.

252. The likely levels of HGV movements during the construction of the proposal are as follows:

- West of the River Severn – Approximately 656 HGV movements (approximately 328 HGVs entering the site and 328 HGVs exiting the site)
- East of the River Severn – Approximately 300 HGV movements (approximately 150 HGVs entering the site and 150 HGVs exiting the site)
- Abnormal loads for example piling rigs, bridge structure and associated cranes:
  - West of the River Severn – Approximately 16 movements (approximately 8 abnormal loads entering the site and 8 abnormal loads exiting the site)
  - East of the River Severn – Approximately 24 movements (approximately 12 abnormal loads entering the site and 12 abnormal loads exiting the site)

253. The applicant has confirmed that a Banksman would be available to supervise all abnormal load movements. The applicant anticipates the construction working hours to be between 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays with no working on Sundays, Bank or Public Holidays. These construction working hours are the standard hours recommended in Worcestershire Regulatory Services' 'Code of Best Practice for Demolition and Construction Sites'.

254. There are a number of Public Rights of Way within the context of the application site, as outlined within 'The Site' section of this report. The Severn Way National Trail runs along western bank of the River Severn, however, the section of the Severn Way adjacent to the application site is not designated as a Public Right of Way on the definitive map but is currently recorded as permissive path. The applicant states that although not part of this application there are also aspirations to deliver a number of other improvements to the wider walking / cycling network. These improvements include the following:

- Improvements to the existing Severn Way path to the south of the bridge location to where it meets the existing paved section by the A443 link.
- Improvements to the route to the east of the river from Gheluvelt Park to the City Centre.
- Providing pedestrian / cycle links from the bridge to National Route 45 of NCN.

255. A connection is proposed as part of this application from the restored Kepax landfill site to the Severn Way. A condition regarding the detailed design of this connection is recommended should planning permission be granted.

256. The County Footpath Officer has been consulted and has raised no objections to the proposal, subject to the imposition of a condition requiring a CEMP to ensure the safety of the users of the Severn Way. The Ramblers Association support the principle of the proposal but are concerned with the shared status of the proposed path as they can often feel uncomfortable and disconcerting. Furthermore, the Ramblers Association are concerned with the use of electric bikes and e-scooters on these shared paths for safety reasons. In response to the Ramblers Association the applicant has confirmed that as the paths and bridge would be public highway it would be illegal for e-scooters to use the bridge and the only place an e-scooter could be used lawfully would be on private land. In relation to electric bicycles, the applicant states if users want to use electric bicycles on a public highway, they would need to register with the Driver and Vehicle Licensing Agency (DVLA), and they would need a driving licence, insurance and to wear a helmet. The Head of Planning and Transport Planning considers that there would be little difference between a manual bicycle and electric bicycle using the proposed bridge and notes that the usable width of the bridge is proposed to be approximately 3.5 metres, which is considered acceptable width for the proposed shared use and anticipated usage.

257. The County Highways Officer has been consulted and has no objections to the proposal, subject to the imposition of conditions regarding a CEMP relating to highways and provision of secure and sheltered cycle parking.

258. County Highways requested that where the upgraded paths in Gheluvelt Park adjoin the adopted highway at Tower Road and Waterworks Road (which form part of National Route 46 of the NCN), visibility splays should be provided measuring 2 metres by 2 metres. For users exiting Gheluvelt Park onto Waterworks Road and turning right, the applicant has demonstrated that the full extent of the visibility splays can be achieved. For pedestrians / cyclists turning left, the full extent of visibility splay cannot be achieved (approximately 2 metres by 1.93 metres can be achieved). The County Highways Officer notes that to mitigate the slightly reduced visibility in this location, bollards are currently in place to ensure that cyclists approach the end of the cycleway at low speed. It is strongly encouraged that the applicant considers all reasonable opportunities to reduce the height of the wall which is currently obstructing visibility.

259. For cyclists / pedestrians exiting Gheluvelt Park onto Tower Road, the full extent of the 2 metres by 2 metres visibility splays cannot be achieved in either direction. This is due to existing vegetation outside the applicant's control reducing visibility, resulting in visibility splays of approximately 2 metres by 1.85 metres in either direction. Once again, there are bollards currently in place to ensure that cyclists approach the end of the cycleway at a slow speed. The County Highway Authority has undertaken a review of the most recent five-year collision data for Tower Road and Waterworks Road, close to the existing access points. There were no personal injury collisions reported during this period.

260. In response to the above comments from the County Highways Officer, the applicant states that they understand that the wall on Waterworks Road is owned by Worcester City Council and they have confirmed that they would seek to investigate and

discuss with Worcester City Council the possibility of removing or reducing a section of the wall (approximately 0.07 metres) to meet the relevant highway standards for the visibility splay at this location.

261. The County Highways Officer also states that in accordance with the Local Transport Note (LTN) 1/20, when considering a bridge structure, the desirable minimum for a shared foot / cycleway is 4 metres. However, the proposal is only for a 3.5 metre shared surface over the bridge. The applicant states that Kepax Bridge would be a minimum of 3.5 metres wide in accordance with the relevant standards within the DMRB and guidance published by Sustrans. The approach taken by the applicant was to ensure that minimum design widths were achieved, which for a shared use bridge is 3.5 metres in total, as per DMRB CD 353 - Design criteria for footbridges. The path over the restored Kepax landfill site (which would measure approximately 4 metres wide) was subsequently designed to be above the minimum width for a number of reasons, including but not limited to, the provision of fencing along either side of the path. Information on the proposed usage has been provided by the applicant. The applicant states that LTN 1/20 presents a recommended minimum width for shared use routes carrying up to 300 pedestrians and 300 cyclists per hour of 3 metres. This, however, does not apply specifically to bridges. The business case for the proposal forecasts use of 1,100 pedestrians a day (or just over 100 an hour over an assumed 10-hour period) and approximately 330 cyclists per day (or around 30 cyclists an hour over a 10-hour period). The County Council's Streetscape Design Guide also states that Active Travel Routes should be a minimum of 3.5 metres wide to allow for two cycles to pass each other comfortably. In view of the above, the County Highways Officer considers that the proposed width complies with the requirements of the Streetscape Design Guide and other relevant standards.

262. The County Highways Officer notes that there is some concern regarding potential increases in car parking on local roads from people wishing to visit the bridge. The County Highways Officer considers that in the short-term, the bridge could create some novel value as a sight-seeing attraction which generates some increase in demand in vehicles beyond that of construction and maintenance vehicles. However, it is not anticipated that any potential short-term increase would be long-term and as such no additional alterations or additional spaces to the existing car parking on Waterworks Road are required. In addition, the applicant has confirmed in relation to the local residents' concerns regarding indiscriminate parking, that they would monitor parking on both sides of the river following completion of the bridge, and a number of measures can be put in place if necessary, to combat unsafe or anti-social parking. The applicant also notes that there is already a proposal for a Residents' Parking Scheme in the Barbourne area and correspondents who are concerned about current or future parking issues may wish to support its introduction.

263. The Head of Planning and Transport Planning notes the existing substantial ground level changes along the access into the Household Recycling Centre from Horsford Road. In view of this level change, a condition is recommended requiring the detailed design of the shared use path and its connection to Horsford Road, including surfacing details.

264. The Head of Planning and Transport Planning considers that the scheme would encourage sustainable and active travel, improving transport options for local residents and encouraging further local leisure trips, facilitating a step change in the levels of cycling and walking and helping to contribute to improved health and

wellbeing. Access to open space would be improved, particularly to residents on the west side of the River Severn and the scheme would provide another crossing over the river, thus improving transport resilience.

265. In response to County Councillor Udall's request for improved cycle / pedestrian links to Worcester St John's area (Dines Green) and provision of cycle storage in St John's and Cripplegate Park, the Head of Planning and Transport Planning notes that the applicant is seeking to progress separately to this application upgrades to cycle and pedestrian network linking to the proposed bridge which includes improvements to the Severn Way, and that the bridge is part of the wider and long-term proposal to implement cycling / pedestrian routes (active travel) outlined in LTP4. It is considered that should planning permission be granted the proposal would act as a catalyst for further improvements to the cycle / pedestrian network in Worcester City. The Head of Planning and Transport Planning has considered the conditions requested by Councillor Udall, but considers that they would not pass the 6 tests for planning conditions (necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects).

266. In view of the above, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way (including the long distance footpath of the Severn Way), subject to the imposition of appropriate conditions as recommended by the County Highways Officer and County Footpath Officer and detailed design of the bridge and ramps, shared use footpaths and junctions and connection to the Severn Way and surfacing materials.

### **Ecology and Biodiversity**

267. Section 15 of the NPPF (2019), paragraph 170 states that "*planning policies and decisions should contribute to and enhance the natural and local environment*", *by a number of measures including "protecting and enhancing...sites of biodiversity... (in a manner commensurate with their statutory status or identified quality in the development plan); minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".*

268. Paragraph 175 of the NPPF (2019) states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: "*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"; and "development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity".*

269. The River Severn corridor is an important foraging / commuting habitat for a broad range of bat species, including the light sensitive lesser horseshoe bat and Nathusius' Pipistrelle (at the time of the bat survey this was only the ninth record in Worcestershire for this species). Surveys have identified a number of trees within the vicinity of the proposed development which include features that provide bat roosting opportunities, however, only two trees (a mature pollarded willow (Tree Numbered: T10) located within Ghetluelvlt Park adjacent to the flood defence wall with moderate

bat roost potential and a group of willow pollards (Tree Numbered: T101) to the east of Horsford Road with low bat roost potential) would be directly or indirectly impacted by the proposal. These trees are required to be removed as part of the proposals.

Tree T101 is classed as low potential and so in line with guidance, precautionary methods would be applied during works (pre-works inspection and exclusion) to ensure no bats are harmed by the work. Tree T10 requires additional surveys to verify whether there is a bat roost present and to inform the need for, and level of, mitigation and compensation. The bat mitigation strategy states that should a bat roost be identified within tree T10 then a mitigation licence would be required from Natural England in advance of the work. The level of mitigation required would depend upon the status of the roost, but compensation measures would include provision of x3 crevice or cavity style bat boxes if a day roost was found. Should a maternity roost be found, compensation measures would include x3 crevice or cavity style bat boxes and an attempt to salvage the tree feature and re-hang in a tree outside the works area, if practical and safe. However, this is considered to be highly unlikely as the tree was confirmed to have only a moderate potential for bat roosts and as such is unlikely to support a roost of high conservation status as it lacks features capable of supporting larger number of bats. The applicant states that “*whilst it is acknowledged that tree T10 is yet to receive its full complement of survey effort the mitigation and compensation measures detailed within Section 6 [summarised above] clearly demonstrate how a roost in this tree would be effectively mitigated and compensated. The information provides a clear line of action that shows how whether dealing with a confirmed roost or a tree with potential, impacts to bats would be avoided during construction, and appropriate compensation can be provided in the immediate area. This should allow the proposed development to proceed and to be in accordance with legal requirements and best practice relating to roosting bats*”.

270. Slow worms were recorded within the grassland on the restored former Kepax landfill site. Barbourne Brook was confirmed to be used by otters. There was no evidence for the presence of otter on the west bank of the river, however, due to survey limitations, there was one tree root system that could not be fully surveyed, therefore, it is assumed that an otter holt may be potentially present.

271. In order to mitigate the impact of the proposal upon habitats and protected species the applicant is proposing a number of mitigation measures this includes the implementation of a CEMP and an Ecological Clerk of Works (ECoW) who would be available to give ecological briefing talks to contractors and oversee ecologically sensitive site clearance works. To minimise impacts upon bats the applicant proposes that works would be undertaken during daylight, however, where construction lighting is essential it would be designed to be used at a time of year when bats are relatively inactive and / or directional and away from important bat foraging / commuting habitat (particularly the River Severn). The applicant is proposing a Risk Avoidance Method Statement (RAMS) prepared specifically for the works likely to impact the reptile population present at the restored landfill site. Measures would include cutting and maintaining a very short grass sward in all proposed working areas, and fencing installed to prevent plant and machinery from accessing non-works areas. A pre-construction otter survey would also be undertaken (due to acknowledged survey limitations at the time of the application). If an otter holt, is found to be present, a mitigation licence would be required from Natural England and appropriate mitigation and compensation measures implemented.

272. The Environmental Assessment Report states that loss of trees has been minimised through design optioneering. The chosen option would result in the loss of some trees within Gheluvelt Park; however, for any trees lost there would be planting of an appropriate species. On the west side of the river trees cut back (the vegetation clearance is expected to be no wider than 20 metres) to allow for the construction footprint would be allowed to regrow, although some long-term maintenance of tree growth would be required around the bridge structure for health and safety purposes.

273. Bats are European Protected Species. Given the presence of European Protected Species on site (potential for bat roost), the County Planning Authority must consider the three Habitats Directive "derogation tests" in Regulation 53 of the Conservation of Habitats and Species (Amendment EU Exit) Regulations 2019 before determining the application. Only if the County Planning Authority is satisfied that all three tests are met may planning permission be granted. The three derogation tests to consider before a licence can be granted are:

- i. Does the proposal preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii. there is no satisfactory alternative; and
- iii. the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

274. In relation to the first test, the applicant states that "*the scheme would apply under the imperative reasons of overriding public interest as it would encourage sustainable and active travel, improve transport options for a number of existing local residents, and future residents. An increase in levels of walking and cycling would improve air quality and improve the health and wellbeing of residents of Worcester. Access to open space would be improved, particularly to residents on the west side of the River Severn and the scheme would provide another crossing over the river, thus improving transport resilience*". The Head of Planning and Transport Planning considers that this demonstrates that Test 1 (overriding public interest) would be met.

275. In relation to the second test, the Head of Planning and Transport Planning considers that there are no other viable options for the loss of the tree in order to facilitate construction, nor that the works proposed could be done differently or at another more suitable location, given the purpose of the proposal is to provide a river crossing in north Worcester and the Riverside Conservation Appraisal Document identifies the management issue of "*6) Kepax Bridge – lack of connectivity between east and west banks to north of the city centre – seek to connect Kepax Country Park and Gheluvelt Park by pedestrian and cycle bridge*". It is also noted that the applicant states "*the scheme has been designed in consultation with a number of stakeholders, including architects, relevant contractors and Worcestershire County Council. A number of options were considered in relation to design of the scheme and the chosen design encompasses a cable stay bridge which is in harmony with other bridges across the river*". The applicant refers to a second location option at Northwick which was discounted due to "*ecological concerns in SSSI area, negotiations required with private landowners at higher cost; and limited connectivity on west bank*". The chosen option was selected as it was "*considered to have the*

*least design and construction constraints and would easily tie into the existing footpath network in Gheluvelt Park”.*

276. In relation to the third test, the applicant states “*the favourable conservation status of any bat should a roost be present in tree T10, would be maintained by provision of compensation bat boxes and if possible, salvage and erection of the original roost feature. The features within T10 are a simple cavity and a simple crevice and therefore bat boxes are readily available to replicate (and improve on) the features found so providing like for like conditions of the potential roost features can be ensured. A ratio of 3 compensation features per roost found would ensure there are suitable features suitable for bat roosting with no loss of roosting resource. These would be located on a suitable nearby tree(s) outside the works area with 3 boxes provided in appropriate positions on the tree(s). The surrounding river-edge woodland on the west bank is owned by Worcestershire County Council and the park on the east bank is within the ownership of Worcester City Council and therefore permission would likely be granted to use these areas to erect the compensation bat boxes and / or salvaged roost feature in the immediate area outside of the works. In this way, alternative and viable roosting provision would provide long-term roosting resource in the area of impact and so the favourable conservation status of the species will be maintained*”. LUC Ltd acting on the behalf of the County Ecologist have no objections commenting that the submitted updated Bat Roost Mitigation Strategy provides sufficient detail about the survey requirements, potential mitigation and compensation measures, and how the project would meet the three derogation tests in the event that licensing is required. This information is considered to provide sufficient certainty for Worcestershire County Council, as the County Planning Authority to discharge its obligations as a decision maker in respect of biodiversity, subject to the imposition of appropriate conditions.

277. Worcestershire Wildlife Trust have been consulted due to the proposal crossing the River Severn LWS and raise no objections, subject to the imposition of conditions regarding a CEMP, LEMP, and detailed Lighting Scheme and are content to defer to the County Ecologist on all on site biodiversity matters.

278. In response to the comments from Worcestershire Wildlife Trust regarding fish migration, piling for the proposed scheme and the timing of the works, the applicant has confirmed that “*prior to works starting onsite, the Environment Agency would be consulted to discuss the proposed programme, construction methods and appropriate mitigation which would be put in place to mitigate as far as practicable construction impact on fish migration along the affected length of the River Severn. It should be noted that there would be no in channel works as part of the scheme and piling would be approximately 4 metres from the riverbank edge (dependent upon fluvial conditions of the river) at its closest point. In addition to this, the piling method to be utilised would be informed by the environmental constraints and where possible low vibration piling would be used to mitigate impacts on migrating fish*”. It is also noted the Environment Agency has raised no objections and comment that migratory fish can be impacted by works such as disturbance from machinery and plant during their spawning periods (1 October to 15 June), pollution/ poor water quality, changing water levels and removal or damage to spawning habitat. A Flood Risk Activity Permit would be required in accordance with the Environmental Permitting Regulations. This would assess and seek to control these impacts.

279. Natural England raised no objections to the proposal, stating that the proposed development would not have significant adverse impacts on designated sites. Worcester City Council's Landscape and Biodiversity Advisor has no objections to the proposal, subject to the imposition of appropriate conditions requiring the development to be carried out in accordance with the recommendations in the ecological reports, provision of bat boxes, CEMP, landscaping plan, Ecological Management Plan and interpretation scheme for biodiversity. LUC Ltd acting on the behalf of the County Ecologist have no objections to the proposal, subject to the imposition of conditions regarding a CEMP, LEMP and protection of roosting bats.

280. The application site is located approximately 49 kilometres north-east of the Severn Estuary SPA and SAC which are European sites. The site is also notified as a Ramsar Site (of international importance) and at a national level as the Upper Severn SSSI. The River Wye SAC is located about 30 kilometres south-west of the site. Despite the distance from these European sites, the application site is hydrologically linked to them and hence has the potential for impacts through functional hydrological connectivity and the potential presence of migratory species within the upper River Severn catchment.

281. The Government's PPG provides advice and guidance planning applications which may impact upon European sites, stating "*all plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the 'Habitats Regulations Assessment (HRA) screening' – should take into account the potential effects both of the plan / project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view of the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of overriding public interest and if the necessary compensatory measures can be secured*" (Paragraph Ref ID: 65-001-20190722).

282. The PPG goes on to state that "*if a proposed plan or project is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site's conservation objectives, must be undertaken (Part 6 of the Conservation of Habitats and Species Regulations 2017)...A significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site's conservation objectives. A risk or a possibility of such an effect is enough to warrant the need for an appropriate assessment. The conservation objectives relate to each of the habitats and species for which the site was designated and will be provided in more detail by Natural England. A competent authority must consult Natural England for the purposes of the assessment and must have regard to any representations that Natural England may wish to make within a reasonable time (as specified by the competent authority)*" (Paragraph Ref ID: 65-002-20190722).

283. LUC Ltd on behalf of the County Planning Authority as the competent authority have carried out a HRA screening assessment to identify whether the proposal would result in likely significant effects upon European sites. The HRA screening assessment concludes that impacts from non-toxic contamination and water quality could result in a likely significant effect on the Severn Estuary Ramsar/SPA/SAC, either alone or in-combination with other plans and projects. Therefore, these effects require further consideration at the HRA Appropriate Assessment stage.

284. LUC Ltd on behalf of the County Planning Authority have carried out a HRA Appropriate Assessment, which concludes that taking into account both the distance between the scheme and the European sites, and the temporary and isolated / intermittent nature of the likely significant effects, subject to the proposed mitigation measures outlined in the draft CEMP (contained within the 'Ecology and Nature Conservation' and 'Water and Drainage' Sections) are implemented, it can be concluded that an adverse effect on the integrity of the qualifying features of a European sites would be avoided as a result of the scheme or in-combination effects with other plans and projects.

285. In response to the HRA Appropriate Assessment, Natural England comment that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given. The Environment Agency wished to make no comments on the HRA Appropriate Assessment, but noted that Natural England who are the primary lead on HRA have raised no objections to the HRA Appropriate Assessment.

286. In view of the above, the Head of Planning and Transport Planning considers that the "derogation tests" in the Habitats Directive can be met and subject to the imposition of appropriate conditions that the proposed development would have no adverse impacts on the ecology and biodiversity at the site or in the surrounding area, including European sites, and would enhance the application site's value for biodiversity.

### **Water Environment and Flood Risk**

287. A Flood Risk Assessment accompanied the application, as required by Paragraph 163 and Footnote 50 of the NPPF (2019), as the proposed development is located within Flood Zone 2 (medium probability of flooding) and Flood Zone 3 as identified on the Environment Agency's Indicative Flood Risk Map (both Flood Zone 3a 'high probability of flooding' and Flood Zone 3b 'the functional floodplain' as identified in South Worcestershire Strategic Flood Risk Assessment).

288. Paragraph 155 of the NPPF (2019) states that "*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere*".

289. Paragraph 163 of the NPPF (2019) states that "*when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) *the development is appropriately flood resistant and resilient;*
- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*
- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan".*

290. Paragraph 158 of the NPPF (2019) states that "*the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding".*

291. As the purpose of the proposal is to provide a further cycle / pedestrian river crossing in north Worcester, and given the width of the floodplain associated with the River Severn through Worcester is typically more than 500 metres, locating the proposal within Flood Zone 1 would require an exceptionally long span that would be impractical and uneconomic for a cycle / footbridge. In view of this, it is considered that the sequential test is passed.

292. The proposed development is considered to be classified as 'water-compatible', as identified by Table 2: 'Flood risk vulnerability classification' of the Government's PPG (Paragraph Reference ID: 7-066-20140306). Table 3: 'Flood risk vulnerability and flood zone 'compatibility'' of the PPG (Paragraph Reference ID: 7-067-20140306) identifies that water-compatible development located within Flood Zones 2, 3a and 3b is appropriate. In accordance with Table 3, the Exception Test outlined in the NPPF (2019) is not required, subject to being designed and constructed to: "*remain operational and safe for users in times of flood; result in no net loss of floodplain storage; and not impede water flows and not increase flood risk elsewhere".*

293. The submitted Flood Risk Assessment states that there is a high risk of flooding from the River Severn and Barbourne Brook. In view of this, the bridge has been designed to minimise impacts on the floodplain by having slender piers (measuring approximately 0.5 metres wide by 0.5 metres long) to support the bridge deck on the west bank; a cable stayed design to support the bridge deck from the east bank; and the positioning of the bridge deck at approximately 17.425 metres AOD at its lowest point, above the 1 in 100 year flood event level (plus 25% allowance for climate change), which is at approximately 16.45 metres AOD. The Head of Planning and Transport Planning considers that the proposed height of the bridge soffit level is acceptable noting that the Flood Risk Assessment makes reference to the highest recorded historic flood level at the site of 15.79 metres AOD in February 2020, which is substantially lower than the proposed bridge soffit level.

294. Hydraulic modelling demonstrates that the proposal would have a negligible impact on flood flows during all the flood events modelled and any water level rises as a result of the development are predicted to be negligible. However, due to the potential for cumulative impacts from similar minor losses of floodplain volume, the Government's PPG identifies that water compatible development such as this within Flood Zone 3b should be designed and constructed to result in no net loss of floodplain storage. Therefore, the applicant is proposing a floodplain compensation

area (ground reprofiling) to be located immediately west of the National Route 46 of the NCN running through Gheluvelt Park. A condition is recommended should planning permission be granted requiring the detailed design of this flood compensation area.

295. The applicant states that the bridge and access paths would be designed to be accessible during a 1 in 100-year flood event and, therefore, would be accessible in all but the most extreme flood events. To achieve this, the applicant is proposing to raise the level of the paths in Gheluvelt Park. A condition is recommended requiring the detailed design of these paths prior to their construction. In times of flood the applicant would display appropriate warning signs to prevent members of the public trying to gain access through flood waters. A condition is recommended requiring a Flood Warning and Evacuation Plan both during the construction and operational phases of the development.

296. In view of the above, and in light of the advice of the Environmental Agency, the Head of Planning and Transport Planning considers that the Exception Test outlined in the NPPF (2019) is not required and the proposal would not result in a net loss of floodplain storage, would not impede water flows, would not increase flood risk elsewhere and would remain operational in times of flood, and in times of extreme flood events the applicant has demonstrated that measures would be in place to ensure the safety of users.

297. The Environment Agency have no objections to the proposed development, subject to the imposition of a condition requiring a scheme for flood storage compensation. The Environment Agency confirm that they are satisfied that the Flood Risk Assessment demonstrates that there would be no significant impact on flows and no increase in flood risk elsewhere, and are satisfied that the Flood Risk Assessment includes appropriate mitigation proposals in principle for the loss of floodplain storage, which should seek to offer some flood risk reduction (betterment post scheme).

298. With regard to objections from local residents regarding the risk of flooding and debris build up during a flood event, the submitted Flood Risk Assessment notes that due to the limited proposed structures within the floodplain, the span of the bridge and the level of the bridge soffit above the flood level, the risk of blockage would be low and minor accumulations of debris following a flood event would not result in an increase in flood risk. The clearance of small amounts of debris following a flood would be undertaken as part of the inspection and maintenance programme for the proposed bridge.

299. The River Severn is classed as a navigable watercourse; therefore, the applicant is proposing a headroom clearance from the proposed bridge soffit to the average River Severn water level of approximately 8 metres. The applicant states that this is based on the adjacent bridge structures at Holt (headroom clearance of approximately 6.2 metres) and Diglis (headroom clearance of approximately 8 metres).

300. The Canal and River Trust is the Navigation Authority for the River Severn, and they raise no objections to the proposal, but request that the applicant contacts them to discuss the proposal further to ensure that the work complies with their 'Code of

'Practice for Works affecting the Canal and River Trust'. The applicant has confirmed that they are in discussions with the Canal and River Trust.

301. The proposed bridge would collect surface water from the bridge deck and route it into the River Severn either directly or via an infiltration trench beneath the bridge abutments. There would be a slight increase in impermeable area of approximately 630 square metres due to the construction of sections of bridge deck above areas of riverbank. However, rain falling onto the riverbanks would runoff or infiltrate rapidly into the River Severn, the addition of the access ramps would be a negligible change to this existing surface water runoff regime. Therefore, the potential impacts on flow within the River Severn would also be negligible. The applicant states that given the proximity of the bridge abutments to the river, and its location within the floodplain, the attenuation of surface water runoff is not considered feasible.

302. The Lead Local Flood Authority has been consulted and have no objections to the proposal, subject to the imposition of conditions requiring a detailed drainage strategy for surface water and SuDS management plan. South Worcestershire Land Drainage Partnership have no objections and Severn Trent Water Limited also have no objections to the proposals, subject to the imposition of a condition requiring drainage plans for the disposal of foul and surface water. Given the nature and type of development, the Head of Planning and Transport Planning does not consider it is necessary to impose a condition requiring foul drainage plans. The County Council's Advanced Public Health Practitioner (Emergency Planning) has no objections to the proposal from an emergency planning perspective, subject to the imposition of appropriate conditions.

303. Based on the advice of the Environment Agency, Canal and River Trust, Lead Local Flood Authority, South Worcestershire Water Management, Severn Trent Water Limited, and County Council's Advanced Public Health Practitioner (Emergency Planning), the Head of Planning and Transport Planning considers that the proposal would be 'water compatible' development, which is appropriate within Flood Zone 3b, it would be safe throughout its design life, would not increase flood risk elsewhere, and would have no adverse effects on the water environment, subject to the imposition of appropriate conditions.

#### **Other matters:**

##### Lighting

304. Policy SWDP 31: 'Pollution and Land Instability' of the South Worcestershire Development Plan states in relation to light pollution that development proposals must be designed in order to avoid any significant adverse impacts, including cumulative ones, on human health and wellbeing, biodiversity and the effective operation of neighbouring land uses.

305. It is considered that one of the main influences of decisions to choose to cycle or walk is the quality of a route and lighting has a significant role to play in creating pleasant, safe and acceptable conditions. The Head of Planning and Transport Planning notes that whilst the proposal is located within an urban location the application site is mostly within an intrinsically dark environment similar to that found in rural areas and any lighting proposal should be sensitive to the nature of the site.

306. The River Severn corridor is an important foraging / commuting habitat for a broad range of bat species, including lesser horseshoe bat. The lesser horseshoe bat is understood to be the most-light adverse species of bat found within Worcestershire and any lighting proposed would need careful consideration to ensure that it does not alter or damage bat behaviour.

307. Gheluvelt Park is currently partially illuminated by lighting columns owned and maintained by Worcestershire County Council. To encourage safe use of the route in hours of darkness the applicant is proposing that the park continues to be illuminated. Kepax Bridge would span the River Severn corridor and pass over the restored Kepax landfill site which are intrinsically dark, and any lighting could negatively impact bat species which are using the area for roosting, commuting and foraging. To encourage safe use of the structure in hours of darkness, the applicant is proposing that the development is sensitively illuminated in line with British Standards and the County Council's lighting specifications. The applicant states that the ground conditions within the restored landfill site are not fully known and, therefore, the construction of lighting assets has not been proved as buildable. During detailed design the site would be subject to full lighting, ecological and geo-technical appraisal to understand what is practical to encourage safe use of the route in hours of darkness. The equipment specified shall have an LED light source with appropriate colour temperature and dimming capabilities to further minimise the impact of the installation on local sensitive receptors.

308. Worcester City Council's Landscape and Biodiversity Advisor has no objections to the proposal, subject to the imposition of appropriate conditions and comments that there should be no lighting of the proposal to reduce impacts upon protected species. Notwithstanding this, it is noted that Worcestershire Wildlife Trust have no objections to the proposal, subject to appropriate conditions including a detailed lighting scheme and comment that it is essential that any lighting is rigorously controlled and designed to eliminate significant impacts on species of interest. Worcestershire Regulatory Services have no objections, subject to the imposition of appropriate conditions, including a detailed lighting scheme.

309. The Head of Planning and Transport Planning considers that a balance needs to be struck to sensitively light the proposal to encourage its use and ensure the safety of users whilst balancing the impact upon protected species. A condition is recommended requiring a detailed lighting scheme.

#### Green Space

310. Part of Gheluvelt Park (the eastern section only) is dedicated to Fields in Trust. The application site (red line boundary) does not extend into the part of the park.

311. The whole of Gheluvelt Park, the riverside and the restored Kepax landfill site are designated as Green Space in the South Worcestershire Development Plan. Policy SWDP 38 of the South Worcestershire Development Plan states that "*development of Green Space will not be permitted unless the following exceptional circumstances are demonstrated:*

- iv. *The proposal is for a community / recreational use that does not compromise the essential quality and character of the Green Space; or*

- v. An assessment of community and technical need (using recognised national methodology where appropriate) clearly demonstrates that the Green Space is surplus to requirements; or
- vi. Alternative / replacement Green Space of at least equivalent value to the community has been secured in a suitable location".

312. During construction, compounds would be placed on both sides of the river. On the restored Kepax landfill site, the compound would be located close to the riverside but behind the Willow Carr, to minimise vegetation loss. On the Gheluvelt Park side, the compound would be located close to the National Route 46 of the NCN in Gheluvelt Park. This is due to there being a requirement to lift sections of the bridge into place, close to the riverside. However, the compound would be located to the west of the NCN, to minimise loss of open space. Once construction is complete, the land would be reinstated on both sides of the river.

313. The Head of Planning and Transport Planning considers that the proposal would be for community / recreational use, and once operational the proposal would not compromise the essential quality and character of the designated Green Space, albeit that there would be some loss of Green Space in the park due to the footprint of the proposal (approximately 90 square metres). On the restored Kepax landfill site the shared use footpath and associated verges would cover approximately 3,360 square metres, however, this path would enable access across this designated Green Space which is currently prohibited. The proposal has been designed to minimise loss of Green Space, with the design of the proposed development as a predominantly open structure, minimising the need for earth embankments. The proposed bridge ramp within the park would curve around to be parallel to the river, rather than intersecting the Green Space, with much of the space under the ramp still being usable in order to allow visitors to continue to view the riverside (there would be at least 2.4 metres height clearance between the path and the bridge soffit, in accordance with LTN 1/20). Once operational the proposed development would provide improved connectivity for cyclist and pedestrians and enable improved access to a number of community facilities including Gheluvelt Park (which has outdoor tennis courts and table tennis courts), the Pump House Environment Centre and various businesses on Barbourne Road and Hallow Road.

314. Fields in Trust and Friends of Gheluvelt Park have both been consulted but no comments have been received. In view of the above, it is considered that the proposal would not have an unacceptable adverse impact upon the designated Green Space.

#### Crime and Safety

315. Section 8 'Promoting healthy and safe communities' of the NPPF (2019) states at Paragraph 91 that "*planning policies and decisions should aim to achieve healthy, inclusive and safe places which...b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas*".

316. Letters of representations have been received from local residents objecting to the proposal due to concerns regarding increased crime and anti-social behaviour, including jumping into the river, groups gathering in the park at night, security

implications for the residential properties that back onto the Household Recycling Centre along Riverview Close and nuisance due to motorcycles using the proposed bridge.

317. In response to the security concerns from residents along Riverview Close the applicant has confirmed that “*a new steel gate would be provided on Horsford Road for those vehicles wishing to access the Household Recycling Centre (this would be provided in roughly the same place as the existing access gate) and the Household Recycling Centre opening hours would not change as part of this application. Due to the provision of a replacement gate at the entrance to the Household Recycling Centre, vehicles would only be able to access the site during opening hours. Cycle and pedestrian access to the bridge (via a path on the restored Kepax landfill site) is proposed to be 24 hours. However, the shared use path would be fenced on either side to ensure that users do not stray over to either the restored Kepax landfill site, or the Household Recycling Centre. The path fencing would continue all the way to the location where there is interaction with the access gate (end of Horsford Road) to ensure that cyclists and pedestrians are not able to stray onto the vehicular access path (which would remain unchanged). It is proposed that the path over the restored Kepax landfill site would be lit (in such a way that is sensitive to ecology) which would further increase security*”.

318. The applicant is also proposing a new security fence measuring at least 1.8 metres high, located to the rear of the properties situated on Riverview Close running southwards from the Household Recycling Centre to Horsford Road.

319. In response to concerns from local residents regarding antisocial behaviour / illegal activities, the applicant states “*the bridge would include ecologically sensitive lighting to ensure the safety and security of users. It is envisaged that it would be well used, linking residents to nearby facilities, which would result in additional natural surveillance of the area. There is no reason to believe that provision of the bridge would lead to an increase in anti-social behaviour and there were no reported increases in anti-social behaviour when Diglis Bridge opened*”.

320. In response to concerns from local residents regarding nuisance due to motorcycles using the proposed bridge. The applicant has confirmed that removable but lockable bollards would be provided at each end of the bridge to prevent unauthorised vehicular access.

321. With regard to concerns from local residents that there is a risk of people jumping off the bridge, the applicant states that the bridge has been designed to include 1.5-metre-high parapets for added safety to users.

322. The applicant has also confirmed that they are currently investigating the use of Closed-Circuit Television (CCTV) in the location of the proposed bridge and access routes. A condition is recommended requiring details and locations of the CCTV prior to it being erected.

323. West Mercia Police have been consulted and has raised no concerns or objections to the proposal. Based on the advice of West Mercia Police it is considered that the proposal is acceptable in terms of its impact upon crime and antisocial behaviour.

### Safeguarding Waste Management Sites

324. The proposed scheme is adjacent to the Hallow Road Household Recycling Centre. Policy WCS 16 of the Worcestershire Waste Core Strategy relates to new development proposed on or near to existing waste management facilities and states that: “*...a) Development on or adjacent to a site with planning permission or existing use rights for waste management development will be permitted: i. where the proposed development does not prevent, hinder or unreasonably restrict the operation of the waste development...*” and “*b) development within 250 metres of a site with planning permission or existing use rights for waste management that would introduce a new sensitive receptor to the area will be permitted where it is demonstrated that the proposed development would not be unacceptably adversely affected by bio-aerosols or other emissions from the waste*”.

325. The proposed shared use access path would be located approximately 25 metres south of the Household Recycling Centre at its closest point. The path would be fenced to prevent access to the adjacent restored landfill site and the applicant is proposing to extend the Household Recycling Centre security fencing along the rear of the properties along Riverview Close to adjoin the shared use path. An upgraded replacement steel access gate to the Household Recycling Centre is also proposed. The existing footway on the southern side of Horsford Road (the access to the Household Recycling Centre) is to be widened to incorporate a shared use cycleway / footway measuring approximately 3.5 metres wide. To facilitate this, the carriageway width on entry into the Household Recycling Centre would be reduced to approximately 4.8 metres wide, and the footway on the northern side of Horsford Road would be reduced to measure approximately 1 metre wide. It is noted that there are existing substantial ground level changes along the access into the Household Recycling Centre from Horsford Road. In view of this level change, a condition is recommended requiring the detailed design of the shared use path and its connection to Horsford Road. An uncontrolled crossing is proposed at the junction of Horsford Road. The landscaping proposals include planting on the restored landfill site to visually screen the views of the Household Recycling Centre from the shared use path.

326. It is noted that the County Highways Officer has no objections, subject to the imposition of appropriate conditions and the County Pollution Control Manager has also raised no objections to the proposal.

327. Given that users would be transient passing through the area and past the Household Recycling Centre, fencing is proposed to keep users to the shared use path and an updated crossing and shared use path is proposed on Horsford Road, the Head of Planning and Transport Planning does not consider that the proposal would prevent, hinder or unreasonably restrict the operation or the access to the Household Recycling Centre in any way.

### Utilities

328. A Utilities Assessment formed part of the submitted Planning Statement. This Assessment confirms that apparatus from Western Power Distribution and Severn Trent Water Limited are located within or adjacent to the application site. In addition, the County Planning Authority has carried out a ‘Line Search’ review online and ESP have gas pipeline that encroach into the application site, within Waterworks Road.

329. The Utilities Assessment states that Severn Trent Water Limited's water apparatus roughly follows the line of the Severn Way walking trail. The information received from the statutory undertaker's return does not show the type or size of equipment. A Ground Penetrating Radar survey would be undertaken as part of the next stage of ground investigation and a service search would be undertaken as part of the topographical survey for the Severn Way. Hand dug trenches would also be carried out before construction.

330. Western Power Distribution's existing 11 kV overhead powerlines cross the river within 30 metres of the proposed bridge structure. This would impact on potential crane operations and consideration of this is required with regards to design and buildability. These 11 kV overhead powerlines are linked to underground power cables. The assessment states that a Ground Penetrating Radar survey would be undertaken as part of the next stage of ground investigations and a service search would be undertaken as part of the topographical survey. Hand dug trenches would be carried out before construction commences.

331. To the west of the river running in a north to south direction are 132 kV overhead powerlines that cross the middle of the restored Kepax landfill site, however, the assessment considers that these are at a safe and sufficient distance from the proposed development. The overhead powerlines are at a high enough elevation to allow construction machinery to pass safely underneath, although line heights and the swing and sag of cables would need to be confirmed by Western Power Distribution prior to any construction work commencing. All heavy lifting machinery is proposed to be brought to the site on the eastern side of the river to avoid disturbance on the landfill site and for ease of access.

332. The assessment states that it is anticipated that no service diversions are necessary at this stage and that the hazards can be managed safely on site, however, this would be reviewed at the design stage.

333. Severn Trent Water Limited have raised no objections to the proposals in terms of impacts upon their apparatus and advise that the applicant should contact them in relation to any diversions required to facilitate the proposal. Western Power Distribution and ESP Utilities Group have both been consulted and have made no adverse comments on the proposal, setting out safe working practices and refer the applicant to the Health and Safety Executive's guidance document.

334. In view of this, the Head of Planning and Transport Planning is satisfied that the proposed development would not have an unacceptable impact upon utilities.

#### Economic Impacts

335. The NPPF (2019) states that the purpose of the planning system is to contribute to the achievement of sustainable development through the three overarching objectives of economic, social and environmental. In particular, the NPPF (2019) sees the economic role of planning as "*to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure*".

336. In addition, the NPPF (2019) at Paragraph 80 states that "*planning policies and decisions should help create the conditions in which businesses can invest, expand*

*and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.*

337. The Head of Planning and Transport Planning notes that the proposal is identified within the Riverside Conservation Area Appraisal Document, LTP4 and the SEP.

338. The applicant states that “*the scheme would open up the opportunity for people to cycle and walk much more quickly between the Henwick Park area and further afield such as Hallow and Broadheath on the western side of the river and Barbourne, Claines and associated areas on the eastern side of the river. In addition, future improvements to the existing adjoining cycling and walking network would connect residents to wider leisure, employment and education opportunities via the NCN. A step change in the levels of cycling and walking in north Worcester would be facilitated and opportunities for riverside leisure walks and access to a Green Flag Park would be enhanced. Improved leisure and tourism opportunities would increase visitor spending in the area and expand the number of jobs offered in this sector. The scheme would encourage the use of active modes for journeys around the city generally. This mode shift would result in improved health and wellbeing, reduced levels of congestion and improved safety and air quality*”.

339. The applicant states that a Strategic Outline Business Case has been prepared for the proposal, which uses a number of standard Government tools to assess the cost and benefits of the scheme. The economic case included the following:

- The scheme was found to represent medium value for money.
- The scheme delivers a present value of benefits of £15.5 million (2010 prices). These benefits are derived from the Department for Transport’s (DfT’s) Active Mode Toolkit and include increased physical activity, reduced absenteeism, reduced accidents and journey quality. Decongestion and associated environmental benefits are also monetised.
- An additional gross annual visitor expenditure of over £690,000 and the creation of 17 new tourism jobs would be realised if day visitors increase by 1% as a result of the scheme.
- Construction of the scheme creates 182 full time equivalent jobs and a Gross Value-Added uplift of approximately £6,819,943 (2019 prices).

340. The Head of Planning and Transport Planning acknowledges that the NPPF (2019) affords significant weight to economic growth and considers that the proposal would contribute to sustainable economic growth in accordance with the NPPF (2019), which weighs in its favour.

341. The Head of Planning and Transport Planning notes that a number of objections have been raised regarding the cost of the bridge, including comments from Cycling UK. Whilst the cost of the scheme is not considered to be a relevant planning consideration in this instance, but a matter for Worcestershire County Council, as the applicant, it is noted that funding sources for the bridge may involve national funding targeted at encouraging active travel or developer contributions. To date [at the time of the application submission], £1 million funding has been secured via the Local Enterprise Partnership as part of the ‘Getting Building Fund’ which aims to deliver new infrastructure.

### Human Rights Act 1998

342. Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

343. The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

344. All material planning issues raised through the consultation exercise have been considered and it is concluded that by determining this application the County Planning Authority would not detrimentally infringe the human rights of an individual or individuals.

### Consultation

345. Letters of representation have been received objecting on the grounds of lack of suitable public consultation and consider that the notice given for the pre-application public meetings was very poor.

346. The applicant ran a virtual Public Information Exercise between 17 June and 24 July 2020 and also held with four face to face public engagement drop-in sessions. 275 email responses were received, and of these 218 expressed supports for the scheme, 24 expressed opposition and a further 33 did not expressly support or oppose the proposed scheme but made comments.

347. It is noted that there is no statutory requirement for applicants to undertake pre-application public consultation on such applications. However, it is considered good practice for applicants to undertake public consultation on all application proposals at the pre-application stage. This is emphasised by the NPPF (2019) (Paragraphs 39 and 40) and in the County Council's Statement of Community Involvement (February 2015 and the 2020 update).

348. The statutory requirements for consultation on planning applications by local planning authorities are outlined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and amended by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 and The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020.

349. The statutory requirement is for a site display in at least one place on or near the land to which the application relates for not less than 21 days and; by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

350. Fifteen Public Notices were erected on and in the vicinity of the application site; a Press Notice was published in Worcester News, giving 35 days' notice and neighbour consultation letters (approximately 233) were sent out to nearest local residents. An electronic copy of the submission was also made available on Worcestershire County Council's website. In view of this, the Head of Planning and Transport Planning is satisfied that the County Planning Authority has complied with the appropriate procedures.

## Conclusion

351. Worcestershire County Council is seeking planning permission for a proposed cable-stayed cycle / pedestrian bridge over the River Severn, with the bridge pylon, constructed from weathering steel located on the eastern side of the river within Gheluvelt Park connecting to the restored Kepax landfill site. The bridge would link users from Waterworks Road and Barbourne Road via Gheluvelt Park (National Route 46 of the NCN) on the eastern side of the river to Hallow Road and the Severn Way on the western side of the river.

352. The bridge deck would measure approximately 143 metres long and would have a useable width of approximately 3.5 metres wide, and the bridge pylon would have a maximum height of 30 metres. The shared use path across the restored Kepax landfill site would measure approximately 405 metres long by 4 metres wide. The shared use path on the east side of the river in Gheluvelt Park would measure approximately 130 metres long by 3 metres wide. It is considered that the scale, massing and design of the proposed development would not have an unacceptable adverse impact upon the character and appearance of the local area. Furthermore, on balance, it is considered that the development would not cause an unacceptable overbearing, overshadowing or overlooking implications that detracts from residential amenity due its design, size and location, subject to the imposition of appropriate conditions, including the detailed design, colour palate, surfacing details, CEMP, LEMP and associated method statement for planting and habitat creation, and details of outdoor seating.

353. It is considered that the proposal would lead to 'less than substantial' harm to the significance of the designated heritage assets of Riverside Conservation Area, Registered Park and Garden of Gheluvelt Park, Gheluvelt Park Band Stand, Nos. 1-12 Gheluvelt Park, Gheluvelt Park Arch, Gates and Railings, Octagonal Lodge, and Hallow Bank. Paragraph 196 of the NPPF (2019) states "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".

354. The Head of Planning and Transport Planning considers that the proposal would be an addition to the family of bridges over the River Severn, providing a new vantage point where residents and visitors would be able to enjoy a view of the river and Riverside Conservation Area. The proposal would provide a new east-west link and cycle / pedestrian crossing over the River Severn, improving access and allowing the riverside to be enjoyed by more people, increasing the leisure use of the riverside and Gheluvelt Park. It is considered it would assist with facilitating a step change in the levels of cycling / walking in Worcester City, improving accessibility and transport choices. In view of this, it is considered that the public benefits of the scheme would outweigh the less than substantial harm to these heritage assets.

355. Based on the advice of the City Council's Planning and Conservation Officer, and the County and City Archaeologists, the Head of Planning and Transport Planning considers that on balance, the impact upon the non-designated heritage assets is not of such significance as to constitute a refusal reason in this instance, subject to the imposition of appropriate conditions.

356. The Head of Planning and Transport Planning is satisfied that the proposal is acceptable in terms of its impact upon contaminated land, subject to the imposition of an appropriate conditions as recommended by Worcester City Council's Council Contaminated Land Officer and the Environment Agency.

357. It is considered that the scheme would encourage sustainable and active travel, improving transport options for local residents and encouraging further local leisure trips, facilitating a step change in the levels of cycling and walking and helping to contribute to improved health and wellbeing. Access to open space would be improved, particularly to residents on the west side of the River Severn and the scheme would provide another crossing over the river, thus improving transport resilience. The County Highways Officer and County Footpath Officer both have raised no objections subject to the imposition of appropriate conditions. Based on this advice, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way (including the long distant footpath of the Severn Way), subject to the imposition of appropriate conditions.

358. Given the potential presence of European Protected Species (potential for bat roost), in order to discharge its duty under the Habitat Regulations, the County Planning Authority must consider whether the three Habitats Directive "derogation tests" are met. The Head of Planning and Transport Planning considers that the "derogation tests" can be met, subject to the imposition of appropriate conditions and that the proposed development would have no adverse impacts on the ecology and biodiversity at the site or in the surrounding area, including European sites, and would enhance the application site's value for biodiversity.

359. Based on the advice of the Environment Agency, Canal and River Trust, Lead Local Flood Authority, South Worcestershire Water Management, Severn Trent Water Limited, and County Council's Advanced Public Health Practitioner (Emergency Planning), the Head of Planning and Transport Planning considers that the proposal would be 'water compatible' development, which is appropriate within Flood Zone 3b, it would be safe throughout its design life, would not increase flood risk elsewhere, and would have no adverse effects on the water environment, subject to the imposition of appropriate conditions.

360. Taking into account the provisions of the Development Plan and in particular Policies WCS 16 and WCS 17 of the adopted Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 7, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30 and SWDP 31, SWDP 33, SWDP 34, SWDP 37, SWDP 38, SWDP 40 and SWDP 45 of the adopted South Worcestershire Development Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

## **Recommendation**

361. The Head of Planning and Transport Planning recommends that planning permission be granted for proposed new cycle / footbridge to span the River Severn and associated access paths to the local highway on land including and between Gheluvelt Park, Waterworks Road on the east side of the River Severn and the restored landfill site, Hallow Road, on the west side of the River Severn, Worcester, Worcestershire, subject to the following conditions:

### **Commencement**

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission;
- 2) The developer shall notify the County Planning Authority of the start date of commencement of the development hereby approved in writing within 5 working days following the commencement of the development;

### **Approved Drawings**

- 3) The development hereby approved shall be carried out in accordance with the details shown on the submitted drawings numbered: B2367216-GEN-KPX-DR-CB-0001, Rev P01; B2367216-SGN-KPX-DR-CH-0003, Rev P03; B2367216-SGN-KPX-DR-CH-0004, Rev P03; B2367216-SGN-KPX-DR-CH-0005, Rev P02; KEPAX\_MOX\_001, Rev B; KEPAX\_MOX\_002, Rev B; KEPAX\_MOX\_003, Rev A; B2367216-ELS-KPX-DR-LE-0001, Rev P01; B2367216-ELS-KPX-DR-LE-0002, Rev P02; and B2367216-ELS-KPX-DR-LE-0003, Rev P02, except where otherwise stipulated by conditions attached to this permission;

### **Construction Environmental Management Plan**

- 4) Notwithstanding the submitted details, prior to commencement of development hereby approved, a Construction Environmental Management Plan (CEMP), in accordance with Worcestershire Regulatory Services "Code of Best Practice for Demolition and Construction Sites" shall be submitted to and approved in writing by the County Planning Authority. The approved CEMP shall be implemented for the duration of the construction works. The CEMP shall include the following:

#### **Hours of Working**

- i. A scheme providing the days and hours of construction operations;

#### **Lighting**

- ii. Details of the proposed construction lighting;

#### **Dust and Air Quality**

- iii. A scheme to minimise and mitigate the impacts of dust emissions and impacts to air quality;

#### **Noise and Vibration**

- iv. A scheme to minimise and mitigate the impacts of noise and vibration;

**Water Environment**

- v. Measures to be undertaken to ensure that any pollution and silt generated by the construction works shall not adversely affect groundwater and surface waterbodies;
- vi. Details of flood response arrangements, including emergency evacuation arrangements for construction staff;

**Contamination**

- vii. A Method Statement for the control of unexpected contamination;

**Highways**

- viii. A scheme to minimise and mitigate the impacts upon the Severn Way long distance footpath and ensure the safety of its users;
- ix. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- x. Details of site operative parking areas, material storage areas and the location of site operatives' facilities (including offices, toilets);
- xi. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- xii. Details of any temporary construction accesses and their reinstatement;
- xiii. Details of construction traffic routeing;
- xiv. A highway condition survey (pre-and-post), timescale for re-inspections, and details of any reinstatement;
- xv. Details of communication protocols and communication programme for stakeholders including the County Planning Authority, County Highway Authority, local residents, businesses, and other relevant interested parties;
- xvi. Details of the construction programme;
- xvii. Any temporary road closures; and,
- xviii. Specific proposals as to how the developer intends to monitor compliance with the measures that are contained with the CEMP;

- 5) Notwithstanding the submitted details, prior to commencement of development hereby approved, including vegetation clearance, a Construction Environmental Management Plan (CEMP) for Biodiversity, shall be submitted to and approved in writing by the County Planning Authority. The approved CEMP for Biodiversity shall be implemented for the duration of the construction works. The CEMP for Biodiversity shall include the following:

**Biodiversity**

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of "biodiversity protection zones";
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction may be provided as a set of Method Statements;
- iv. The location and timing of sensitive works to avoid harm to biodiversity features;
- v. The times during construction when specialist ecologists need to be present on site to oversee works;

- vi. Responsible persons and lines of communication;
- vii. The role, responsibilities and external reporting requirements of an on-site Ecological Clerk of Works (ECoW) or similar competent person;
- viii. Use of protective fences, exclusion barriers and warning signs;
- ix. Evidence of survey outcomes for protected species including for bats, otter and badger in line with recommendations provided within the Desk-based Ecological Assessment, dated November 2017; Preliminary Ecological Appraisal Report, dated June 2019; protected species survey reports; and the Bat Roost Mitigation Strategy, Revision 02, dated April 2021;
- x. Detailed mitigation strategies for all habitats and species to include all details of licensing, mitigation and compensation in the event protected species or their resting places are recorded, pursuant to part ix) of this condition above;

#### **Landscape and Biodiversity**

- 6) Notwithstanding the submitted details, within 6 months of the commencement of development hereby approved a Landscape and Ecological Management Plan (LEMP) and accompanying method statement detailing creation of semi-natural habitats, and tree, hedgerow and scrub planting and establishment shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details. The LEMP shall include the following:
- i. Description and evaluation of features to be managed;
  - ii. Ecological trends and constraints on site that might influence management;
  - iii. Aims and objectives of management;
  - iv. Appropriate management options for achieving aims and objectives;
  - v. Prescriptions for management actions;
  - vi. Detailed designs and working methods necessary to achieve the stated objectives;
  - vii. Extent and location of proposed works shown on appropriate scale maps;
  - viii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - ix. Timetable for implementation;
  - x. Details of the body or organization responsible for implementation of the plan;
    - i. Ongoing monitoring and remedial measures including details of Initial aftercare and long-term maintenance;
  - xi. Details of any legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the applicant with the management body(ies) responsible for its delivery;
  - xii. Where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, the LEMP shall set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the

**fully functioning biodiversity objectives of the originally approved scheme;**

**Thereafter the development shall be carried out in accordance with the approved details and implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species;**

- 7) The felling of trees with bat roosting suitability, as identified within the Bat Roost Mitigation Strategy, Revision 02, dated April 2021, shall not commence unless the County Planning Authority has been provided with either:
  - i. Evidence of the survey outcomes as set out in the Bat Roost Mitigation Strategy demonstrating that bats are present, and a commitment to implement a bat licence; or
  - ii. Evidence of the survey outcomes as set out in the Bat Roost Mitigation Strategy demonstrating that bats are not present;

**Interpretation Strategy**

- 8) Within 6 months of the commencement of the development hereby approved, an interpretation strategy for biodiversity and cultural heritage shall be submitted to the County Planning Authority for approval in writing. The Strategy shall include the content topic headings, concept design and location of any interpretation panels. Thereafter, the development shall be carried out in accordance with the approved details;

**Lighting**

- 9) Details of any new lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. The details shall include details of the height of all lighting, the intensity of lighting (specified in Lux levels), spread of light, including approximate light spillage levels (in metres), the times when the lighting would be illuminated, any measures proposed to mitigate impact of the lighting or disturbance through glare and upon protected species and habitats, in particular bats. Thereafter, the development shall be carried out in accordance with the approved details;

**CCTV**

- 10) Details and locations of any new Closed-Circuit Television (CCTV) to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. Thereafter, the development shall be carried out in accordance with the approved details;

**Design**

- 11) Notwithstanding the submitted details, no development of the above ground works associated with the cycle / footbridge hereby approved as shown on Drawing Numbered: KEPAX\_MOX\_002, Rev B, shall take place until detailed

**design drawings of the bridge, pylon, ramps, landings, steps including surfacing details, materials, colour, finishes, size, and cross section of the bridge parapets have been submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**

- 12) Notwithstanding the submitted details, no development of the footpaths and shared footpaths / cycle paths as shown on Drawing Number: B2367216-SGN-KPX-DR-CH-0003, Rev P03, including the junction with the National Route 46 of the National Cycle Network (NCN) shall take place until detailed design drawings of the footpaths, shared footpaths / cycle paths and junction, including surfacing details have been submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**
- 13) Notwithstanding the submitted details, no development of the footpaths and shared footpaths / cycle paths as shown on Drawing Number: B2367216-SGN-KPX-DR-CH-0004, Rev P03, including the footpaths and shared footpaths / cycle paths along Horsford Road, shall take place until detailed design drawings of the footpaths, shared footpaths / cycle paths and surfacing details have been submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**
- 14) Notwithstanding the submitted details, no development of the connection to the Severn Way as shown on Drawing Numbered: B2367216-SGN-KPX-DR-CH-0004, Rev P03 shall take place until detailed design drawings of the connection to the Severn Way including surfacing details have been submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**
- 15) Details of any new or alterations to existing fences, gates, walls and other means of enclosure to be erected or altered at the site shall be submitted to and approved in writing by the County Planning Authority prior to being erected or altered. Thereafter, the development shall be carried out in accordance with the approved details;**
- 16) Notwithstanding the submitted details, within 6 months of the commencement of development hereby approved, the location and details of new outdoor seating to be provided within the application site shall be submitted to the County Planning Authority for approval in writing. Thereafter, the development shall be carried out in accordance with the approved details;**

#### **Water Environment**

- 17) Notwithstanding the submitted details, no development shall commence until detailed design drawings for surface water drainage have been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;**

- 18) No works in connection with site drainage shall commence until a Sustainable Drainage System (SuDS) management plan which shall include details on future management responsibilities, together with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the County Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the approved terms and conditions and the SuDS scheme shall be managed and maintained in accordance with the approved maintenance plan thereafter;**
- 19) Prior to the commencement of development hereby approved, a scheme for flood storage compensation, including flood risk reduction shall be submitted to and approved in writing by the County Planning Authority in consultation with the Environment Agency. Thereafter, the development shall be carried out in accordance with the approved details;**
- 20) The development hereby approved shall not be brought into use until a Flood Warning and Evacuation Plan has been submitted to and approved in writing by the County Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**
- Archaeology**
- 21) Notwithstanding the submitted details, prior to the commencement of the development hereby approved, a programme of archaeological work, including a Written Scheme of Investigation shall be submitted to the County Planning Authority for approval in writing. The scheme shall include an assessment of significance and research questions; and:**
- i. The programme and methodology of site investigation and recording;**
  - ii. The programme for post investigation assessment;**
  - iii. Provision to be made for analysis of the site investigation and recording;**
  - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;**
  - v. Provision to be made for archive deposition of the analysis and records of the site investigation; and**
  - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;**
- 22) The development hereby approved shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 21) of this permission, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured;**

- 23) Notwithstanding the submitted details, groundworks and foundations shall be constructed in accordance with details to be agreed in writing by the County Planning Authority before ground disturbance commences;
- 24) If during the course of the works hereby approved, any of the following features of interest are uncovered: 'remains associated with the waterworks', 'buried remains of medieval or earlier date' or 'remains of Civil War earthworks or other activity of Civil War date', the County Planning Authority shall be notified immediately and no works affecting such features shall take place until they have been inspected by persons authorised by the County Planning Authority and a scheme for their retention and/or treatment agreed in writing;

#### Pollution

- 25) 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 tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and site glasses shall be located within the bund or have separate secondary containment. 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 tanks or vessels, overflow pipe outlets shall be detailed to discharge downwards into the bund;

#### Contamination

- 26) Prior to the commencement of the development hereby approved, a Method Statement detailing the remediation requirements, including measures to minimise the impact on human health, ecological systems, property, ground and surface waters, using the information obtained from the Site Investigation shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be fully implemented prior to development first commencing;
- 27) Upon the completion of the remediation detailed in the Method Statement, approved under Condition 26) of this permission, a report shall be submitted to the County Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report;
- 28) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the County Planning Authority. No further development, unless otherwise agreed in writing with the County Planning Authority, shall be carried out. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the

**County Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the County Planning Authority prior to the use of the development hereby approved. The report shall include results of any sampling and monitoring. Future monitoring proposals and reporting shall also be detailed in the report;**

- 29) Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details; and**

**Cycle Parking**

- 30) The development hereby approved shall not be brought into use until sheltered and secure cycle parking to comply with Worcestershire County Council's Streetscape Design Guide has been provided in accordance with details which shall be submitted to and approved in writing by the County Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only;**

**Contact Points**

**Specific Contact Points for this report**

Case officer: Steven Aldridge, Team Manager - Development Management

Tel: 01905 843510

Email: [saldrige@worcestershire.gov.uk](mailto:saldrige@worcestershire.gov.uk)

**Background Papers**

In the opinion of the proper officer (in this case the Head of Planning and Transport Planning) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference 20/000035/REG3, which can be viewed online at: <http://www.worcestershire.gov.uk/eplanning> by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.