

Committee: **Regulatory
Planning Committee**

Date: **18 May 2016**

Report by: **Team Manager Planning Policy and Development
Management**

Proposal: **Construction of new shared footway/cycleway between
Lottbridge Drove and Langney Roundabout.**

Site Address: **Land between Lottbridge Drove and Langney
Roundabout, Eastbourne.**

Applicant: **Assistant Director (Operations) – Communities,
Economy and Transport**

Application No. **EB/3304/CC**

Key Issues: **1. Principle of development
2. Impact on amenities of adjoining occupiers and
the surrounding area
3. Design
4. Access and the highway network
5. Flood Risk
6. Ecology**

Contact Officer: **David Vickers, Tel. 01273 481629**

Local Member: **Councillor David Tutt**

SUMMARY OF RECOMMENDATIONS

1. To grant planning permission with conditions as indicated in paragraph 8.1 of this report.

CONSIDERATION BY HEAD OF PLANNING AND ENVIRONMENT.

1. The Site and Surroundings

1.1 The site is in the Langney area to the north east of Eastbourne town centre and is currently used, in parts, as an informal route for walkers and their dogs and in other parts as agricultural grazing land.

1.2 The character of the surrounding area is mixed. At its south-western end the site bisects the Birch Road Industrial Estate following the line of the Horsey Sewer. In marked contrast, the eastern end of the site crosses the

undeveloped Willingdon Levels. To the south of this part is a more urban area of Eastbourne comprising the Crumbles Sewer flanked on its west side by playing fields and the southern part of the Birch Road Industrial Estate. On the east side of Crumbles Sewer is Tollgate School and residential areas including Rotunda Road, which the route skirts round to the north.

1.3 The application site includes the Horsey Sewer and the Crumbles Sewer Sites of Nature Conservation Importance (SNCI).

2. The Proposal

2.1 The proposal is to construct a dedicated public shared footway and cycleway ('cycleway') between Lottbridge Drove and Langney Roundabout, a distance of approximately 1 km, together with a spur connecting to Seaside to the south. The proposed route is the third phase of the Sovereign Harbour Cycle Network; itself part of the Cycling Strategy for Eastbourne developed in 2010 as a joint initiative between the County Council and Eastbourne Borough Council. The Strategy seeks to provide dedicated routes for pedestrians / cyclists travelling to the town centre from the residential areas of Sovereign Harbour, Langney and Hampden Park. The first two phases, between the main railway station and Ringwood Road and onwards to Lottbridge Drove have been completed, most recently in 2013.

2.2 The proposed route is, in part, already used informally by walkers and dogs. Other parts are in private ownership and do not currently allow formal public access. Construction will comprise a tarmac surface mainly 3 metres wide narrowing to a minimum of 2 metres in places. It will have timber edging and a 0.5 metre wide buffer either side to include drainage swales or soakaways. Where the path would be close to the top of a Sewer bank the buffer would be 2 metres. As noted the route largely follows the Horsey and Crumbles Sewers and, as such, would also provide improved maintenance access for the Environment Agency.

2.3 Phases 2 and 3 will be connected by a new signalised 'Toucan' type crossing on Lottbridge Drove. A series of linear soakaway and swales are to be constructed alongside the proposed walkway/cycleway to manage surface water and discharge into the adjacent Sewers.

2.4 The proposed Phase 3 will run through the Birch Road Industrial Estate emerging into the Willingdon Levels. At the point where the Horsey and Crumbles Sewers meet, a spur will head southwards along the west side of Crumbles Sewer, crossing it via a new bridge and continuing along the eastern side of the Sewer before emerging onto the north side of Seaside / St. Anthony's Avenue. From this point the footway eastwards to Winston Crescent is to be altered to allow for shared use with cyclists in order mainly to assist children getting to and from Tollgate School.

2.5 Returning to the confluence of the Horsey and Crumbles Sewers the proposed route will continue alongside the Horsey Sewer, cross the

Willingdon Sewer over another new bridge alongside an existing timber farm crossing and continue eastwards to Langney Roundabout.

2.6 Column lighting 5 metres high is to be provided at roughly 35 metres intervals along its entire length together with signage and timber bollards at appropriate points. Post and wire stock proof fencing, 1 metre high, is to be erected along the route where it crosses agricultural land in order to prevent livestock straying onto the cycleway and to prevent trespass onto agricultural land.

3. Relevant Site History

3.1 EB/2990/CC – 2011 - Granted. A new shared footway/cycleway route between Ringwood Road and Lottbridge Drove in Eastbourne (Phase 2 alongside Horsey Sewer)

4. Consultations and Representations

4.1 Eastbourne Borough Council: The Council has no objections to the proposal

4.2 Environment Agency: No response received

4.3 Natural England: Raises no objection and considers that the proposal is unlikely to affect any statutorily protected sites or landscapes.

4.4 Sussex Wildlife Trust: No response received

4.5 Scotia Gas Networks: No response received

4.6 Sussex Police (Crime Prevention Design Adviser): Supports the proposal and states that shared use between pedestrians and cyclists will increase human activity and so reduce both risk and fear of crime and will promote a sense of safety that will be further increased with the lighting to be installed along the route.

4.7 Highway Authority: No objection to the proposal. This is Phase 3 of the Horsey route which would provide a footway/cycle link from Eastbourne Town centre to Langney, St Anthony's and Sovereign Harbour. The route will meet National Cycle Route 21 which runs along Lottbridge Drove and provides a link to Hampden Park and North Langney. A spur will also link to St Anthony's Avenue, adjacent to Tollgate School. The off road route will allow cyclists of all abilities an opportunity to cycle away from vehicular traffic. The design is in accordance with relevant guidance and has been subject to Safety Audits.

4.8 Local Representations:

4.8.1 In total 14 representations have been received. 5 are in support, 5 object and 4 make comments. In general the objections are from people living

in the vicinity of the proposed route. Comments can be summarised as follows;

SUPPORT:

- Much needed facilities for pedestrians and cyclists in-line with local and national policy.
- Will enable safer cycling between Langney Point to the Town Centre.
- Proposal follows consultation with both walking and cycle groups in order to form best scheme in line with ESCC lead.
- Route easily accessible to residents and will help open up the Eastbourne Park
- Help suppress demand on roads within the town by providing safe alternative for cyclists and pedestrians.

OBJECT:

- Considered unnecessary cost in time of austerity.
- Built on a floodplain, with concerns of drainage problems to adjacent residential properties and potential flooding.
- Concerns as to impact on sheep, cattle and wildlife currently on land
- Walking groups have not been properly engaged in discussions.
- Shared pedestrian and cycle routes are not an ideal solution and should be a last resort.
- Scheme is pro cycling, yet prejudices against walking and access for all.

GENERAL OBSERVATIONS:

- Should be marked up as per stretch between Fisherman's Green to the sewage works — successful for both pedestrians and cyclists
- Concerns as to amalgamation of cyclists and pedestrians on such a 'narrow pathway'.

5. The key Development Plan and other policies of relevance to this decision are:

5.1 Eastbourne Core Strategy Local Plan 2006 – 2027 (Core Strategy): Policies B2 (general environment), C3 (Seaside Neighbourhood Policy), C6 (Roselands & Bridgemere Neighbourhood Policy), C8 (Langney Neighbourhood Policy), D8 (Sustainable Travel).

5.2 Eastbourne Borough Local Plan 2001-2011 (Local Plan): Saved Policies HO20 (Residential Amenity), NE20 (Sites of Nature Conservation Importance), NE23 (Nature Conservation of other sites), UHT1 (Design of development), UHT4 (visual impact of development), UHT13 (external lighting) US4 (flood protection and surface water disposal).

Eastbourne Borough Council has not formally determined whether its Saved Policies in the Eastbourne Borough Plan are in general conformity with the NPPF. The Saved Policies are considered by the County Planning Authority to be in general conformity with the overarching principles of the NPPF.

5.3 The National Planning Policy Framework, 2012 (NPPF): The NPPF does not change the status of the development plan as the starting point for decision making but constitutes guidance as a material consideration in determining planning applications. It advises due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 118 advises that local planning authorities in determining planning applications aim to conserve and enhance biodiversity. Section 4 aims to promote sustainable transport with paragraph 30 encouraging solutions which support greenhouse gas emissions and reduce congestion.

6. Considerations

Principle of development

6.1 Policies C3, C6 and C8 in the Core Strategy set out neighbourhood policies for those areas of Eastbourne potentially affected by the proposal. All neighbourhood policies encourage sustainable transport through provision of safe cycling and walking routes. Policy C6 specifically refers to land alongside the Horsey Sewer for a new safe cycling and walking route in order to link the Roselands & Bridgemere neighbourhood with other parts of the town. In general Policy D8 promotes development of a network of safe walking and cycling routes especially where they link residential to employment areas and educational establishments and offer potential for modal shift.

6.2 There are no specific Saved Policies in the Local Plan however there is a clear strategy to achieve a modal shift away from the car towards public transport, walking and cycling underpinning many of the transport related policies.

6.3 The proposal is a part of the Sovereign Harbour Cycle Network which itself is part of the evolving Cycling Strategy for the town and provides a key route for cyclists and pedestrians travelling to the town centre from the residential areas of Sovereign Harbour, Langney and Hampden Park.

6.4 The proposal therefore benefits from wide support in principle providing that there are no unacceptable impacts in planning terms.

Impact on amenities of adjoining occupiers and the surrounding area

6.5 Policy HO20 of the Local Plan requires that new development proposals respect residential amenity. Policy UHT13 requires schemes of external lighting to be fit for purpose whilst at the same time respecting the character and amenity of the locality.

6.6 The majority of the route will be off-road and within easy reach of residential areas as it is intended to link them. The route itself is sited sympathetically to strike a balance between intruding into the undeveloped Willingdon Levels and minimising impacts on nearby residential properties. The main ones potentially affected are those in Manton Court flats and numbers 35 – 75 (odds) Rotunda Road although the closest are at 35 – 53 (odds) Rotunda Road with a separating distance of approximately 20 metres. The route is closest to 23 / 25 Tollgate Gardens where, in common with Seaside, it would adjoin the residential boundary.

6.7 The route is proposed to be lit with 5 metres high columns at 35 metres intervals continuing the type of lighting used for Phase 2. Cowls will be installed to contain spill to the route itself and where the route runs through ecologically sensitive areas. Although most of the route is level and open where it crosses Willingdon Levels, a small amount of landscaping will be strategically located where the bridge crosses Crumbles Sewer to soften the impact of the raised cycleway. A mixture of Hawthorn and Willow scrub would be planted to provide screening and minimise the visual intrusion at this point.

6.8 It is considered that there would be no unacceptable impacts to the amenities of residential occupiers living in closest proximity to the proposed route, by way of noise, visual intrusion or lighting and the proposal is therefore in accordance with Saved Policies HO20 and UHT13 in the Local Plan.

Design

6.9 Policy B2 of the Core Strategy seeks to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character. Saved Policy UHT4 in the Local Plan states that proposals which have an unacceptable detrimental impact on visual amenity will be refused. Saved Policy UHT1 of the Local Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials, setting, alignment and layout.

6.10 The proposal will be constructed to a maximum width of 3 metres with an environmental buffer of at least 0.5m either side of the cycleway. This is the minimum recommended to protect cyclists from injury from adjacent structures (e.g. walls, hedgerows and fences). A post and wire stock proof fence, 1 metre high, will be installed as appropriate to prevent livestock straying onto the route.

6.11 The cycleway will be constructed with tarmac surface layer considered suitable for the location due to the proximity of the route to the edge of a built up area, close to the busy A259 and Sevenoaks Road. Timber edging will be provided for the whole length of the route to soften the appearance and give it a more rural character.

6.12 Overall the design of the shared pedestrian/cycle route is considered to be appropriate for the context of the route and therefore in accordance with Saved Policies UHT1 and UHT4 of the Local Plan and with Policy B2 of the Core Strategy.

Access and the highway network

6.13 This section is Phase 3 of the Horsey route which would provide a link from Eastbourne Town centre to Langney, St Anthony's and Sovereign Harbour joining up with Phase 2, already completed. The majority of the route is off-road providing a safer alternative for cyclists and more pleasant option for pedestrians than currently provided along the busy A259 corridor. The only changes required on the highway network are where the proposed route crosses Lottbridge Drove and Birch Road as well as at Langney Roundabout and Seaside / St Anthony's Avenue.

6.14 A new signalised 'Toucan' type crossing would be installed across Lottbridge Drove providing a safe crossing point. An uncontrolled crossing would be formed in Birch Road and at both Langney Roundabout and St Anthony's Avenue the route will join adjacent to an existing signalised crossing.

6.15 The Highway Authority has advised that any potential safety issues identified have been dealt with in the appropriate manner and the grant of consent for the scheme should not be restricted on Highways grounds.

6.16 The entire Horsey Way cycleway is intended to offer alternative, safer, access between the town centre and the outlying residential areas of Eastbourne for vulnerable road users. The main A259 (Seaside) is congested and cycling is therefore discouraged. The new shared cycleway will be fully accessible for buggies, wheelchairs and mobility scooters as well as pedestrians and cyclists.

6.17 Local Access Groups were consulted by the applicant in May 2013. They were generally supportive of the proposals as the proposal would improve access to areas of the town along a quiet route thus avoiding major roads.

6.18 However some concerns were raised about sharing space with cyclists. Shared arrangements are now the norm and, moreover, as segregated facilities require a minimum width of 4.5 metres this would be largely unfeasible along those parts of the route in the built-up area.

Flood Risk

6.19 Policy US4 in the Local Plan seeks to ensure development makes adequate provision for floodplain protection and surface water drainage including measures to manage any increased surface water runoff.

6.20 Willingdon Levels through which the cycle route runs is subject to flooding. A Flood Risk Assessment (FRA) has been undertaken and the findings and recommendations agreed with the Environment Agency which granted a Flood Defence Consent for the proposal in November last year. The surface of the proposal will be raised slightly above its surroundings to provide flood protection in a 1 in 50 year flood event. The FRA has identified that raising the cycleway to such levels would not adversely affect the flow of water draining away after a flood event. Additionally in order to mitigate against surface water run off affecting other areas, longitudinal swales will be provided along the length of the cycleway where necessary.

6.21 Some local representations express concerns about flooding as a result of the development on land situated within an area of flood risk. With the implementation of the recommended flood risk management and drainage proposals, the proposal is considered to be acceptable in terms of flood risk and is therefore in accordance with Policy US4 in the Local Plan.

Ecology

6.22 Saved Policies NE20 and NE23 in the Local Plan seek to resist development which has an unacceptable adverse impact on the nature conservation interests of designated SNCIs or other areas or nature conservation importance. The Eastbourne Biodiversity Survey indicates that there are many Sites of Nature Conservation Importance (SNCI) in the Borough which should be maintained wherever possible. Development will only be permitted where it can be demonstrated that the nature conservation interest can be maintained or enhanced.

6.23 The proposed route runs through the Horsey Sewer and Crumbles Sewer SNCIs. An ecological survey supporting the application considered the potential impact of the development on species including those covered by the European Protected Species (EPS) and concluded that no EPS will be adversely affected by the proposal, either directly or indirectly.

6.24 The Ecological Assessment identified a number of mitigation measures that could be implemented as a precursor to development to include reptile relocation and erection of reptile exclusion fencing. An ecological "watching brief" will be carried out during construction.

6.25 It is therefore considered the proposals are in accordance with Saved Policies NE20 and NE23 in the Local Plan and that effective management of the SNCI will be in place to ensure that the nature conservation interest is maintained and enhanced for future generations.

7. Conclusion and reasons for approval

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 The new shared footway/cycleway will link up with Phase 2 of the Sovereign Harbour Cycle Network and will contribute towards reducing congestion by providing an alternative to car based modes of transport within the town.

7.3 Whilst the proposal runs through the Horsey Sewer and Crumbles Sewer Sites of Nature Conservation Interest (SNCI) there is no evidence to suggest that there will be any adverse ecological or environmental impact as a result of the development that cannot be mitigated.

7.4 The proposal will not harm visual or residential amenity and is therefore considered to comply with Policies B2 (general environment), C3 (Seaside Neighbourhood Policy), C6 (Roselands & Bridgemere Neighbourhood Policy), C8 (Langney Neighbourhood Policy), D8 (Sustainable Travel) in the Eastbourne Core Strategy Local Plan 2006 – 2027 and with Saved Policies HO20 (Residential Amenity), NE20 (Sites of Nature Conservation Importance), NE23 (Nature Conservation of other sites), UHT1 (Design of development), UHT4 (visual impact of development), UHT13 (external lighting) US4 (flood protection and surface water disposal) in the Eastbourne Borough Local Plan 2001-2011.

7.5 In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner. Views from consultees and neighbours have been considered in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.6 There are no other material considerations and the decision should be taken in accordance with the Development Plan.

8. Recommendation

8.1 To recommend the Planning Committee to grant planning permission subject to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed in the Schedule of Approved Plans.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until a scheme and a programme of works to reduce the potential effects from the construction and use of the development on the habitats and species present within the Site of Nature Conservation Importance has been submitted to and approved in writing by the Head of Planning and Environment.

The scheme shall include:

- i) Full details of the Contractor's compound, delivery and access routes;
- ii) A detailed timetable for construction and restoration activities;
- iii) Full details of the location and extent of vegetation to be removed from site.
- iv) Measures that will be employed to ensure that the potential effects from the construction of the development on the habitats and species present within the site will be minimised;
- v) Details of measures that will be taken to restore the application site on completion of the development;
- vi) Details of any measures that will be taken to manage and enhance the application site for the benefit of biodiversity on completion of the development;
- vii) Management responsibilities for the implementation of the scheme.

The approved scheme shall be fully implemented in accordance with the approved timetable.

Reason: In the interest of conserving and enhancing the Site of Nature Conservation Importance, in accordance with Saved Policy NE20 of the Eastbourne Borough Plan 2001 - 2011

4. If, during site preparation, construction or other works associated with the development, contamination not previously identified is found to be present at the site, development must cease, unless otherwise agreed in writing by the Head of Planning and Environment. Development may not recommence until the applicant has received written approval from the Head of Planning and Environment for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the environment from any contamination at the site in accordance with Saved Policy NE20 of the Eastbourne Borough Plan 2001-2011

5. No development shall take place until plans and full details of both hard and soft landscaping works have been submitted to and approved in writing by the Head of Planning and Environment and these works shall be carried out as approved. These details shall include:

Hard Landscaping

- Proposed finished levels or contours
- Means of enclosure
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc)
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc.)
- Retained historic landscape features
- Proposals for restoration, where appropriate

Soft Landscaping

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- Implementation programme
- Management Plan

The landscaped areas shall be maintained thereafter in accordance with the approved management plan.

Reason: To secure appropriate landscaping at the site in the interests of the amenity of the locality and the landscape character of Site of Nature Conservation Importance (SNCI) in accordance with Saved Policies UHT7, NE20 and NE22 of the Eastbourne Borough Plan 2001 -2011

6. Prior to installation, details of the lighting, including design, specification, materials and measures to control light spillage shall be submitted to and approved in writing by the Head of Planning and Environment and the lighting shall be installed in accordance with the approved details and retained thereafter.

Reason: To minimise the impact of the lighting on the amenity and privacy of adjoining residential properties in accordance with Saved Policy UHT13 of the Eastbourne Borough Plan 2001-2011

Schedule of Approved Plans

ECN/15/001 RevA - General Arrangement St Anthony's Bridge 10.6m span,
ECN/15/002 RevA - General Arrangement Tollgate Junior School 14.6m
span, ECN/15/003-2 RevA - General Arrangement Culvert Design - Concrete
Bagwork and Granular Fill, ECN/15/003-3 Rev A - General Arrangement
Culvert Design - Brick Headwall & Granular Fill, ECN/15/004 - General
Arrangement Parapet Upgrade, W11048/PH3/RLLP - Red line location plan,
W11048/PH3/EW/01 RevH - Earthworks (Excavation) Sheet 1 of 10,
W11048/PH3/EW/02 RevI - Earthworks (Excavation) Sheet 2 of 10,
W11048/PH3/EW/03 RevH Earthworks (Excavation) Sheet 3 of 10,
W11048/PH3/EW/04 RevI - Earthworks (Excavation) Sheet 4 of 10,
W11048/PH3/EW/05 RevH - Earthworks (Excavation) Sheet 5 of 10,
W11048/PH3/EW/06 RevH - Earthworks (Excavation) Sheet 6 of 10,
W11048/PH3/EW/07 RevI - Earthworks (Excavation) Sheet 7 of 10,
W11048/PH3/EW/08 RevI - Earthworks (Excavation) Sheet 8 of 10,
W11048/PH3/EW/09 RevH - Earthworks (Excavation) Sheet 9 of 10,
W11048/PH3/EW/10 RevI - Earthworks (Excavation) Sheet 10 of 10,
W11048/PH3/SD/01 - Swale Types 1,2,3 and 4 Linear Soakaway Types A&B,
W11048/PH3/SD/02 - Vehicular Barrier Type A General Layout Details,
W11048/PH3/SD/03 RevA - Timber Bollard Types TB1, TB2, TB3 and TB4,
W11048/PH3/SD/05 - Swale Types 5 and 6 Linear Soakaway,
W11048/PH3/SD/04 - Accommodation Works Fence Type,
W11048/PH3/KF/01 Rev H Kerbs Footways & Paved Areas Sheet 1 of 10,
W11048/PH3/KF/02 Rev I Kerbs Footways & Paved Areas Sheet 2 of 10,
W11048/PH3/KF/03 Rev H Kerbs Footways & Paved Areas Sheet 3 of 10,
W11048/PH3/KF/04 Rev I Kerbs Footways & Paved Areas Sheet 4 of 10,
W11048/PH3/KF/05 Rev H Kerbs Footways & Paved Areas Sheet 5 of 10,
W11048/PH3/KF/06 Rev H Kerbs Footways & Paved Areas Sheet 6 of 10,
W11048/PH3/KF/07 Rev I Kerbs Footways & Paved Areas Sheet 7 of 10,
W11048/PH3/KF/08 Rev I Kerbs Footways & Paved Areas Sheet 8 of 10,
W11048/PH3/KF/09 Rev H Kerbs Footways & Paved Areas Sheet 9 of 10,
W11048/PH3/KF/10 Rev I Kerbs Footways & Paved Areas Sheet 10 of 10,
Flood Risk Assessment, November 2013, Supplementary Ecology Surveys
Report, March 2014, W11048/PH3/TS/02 Rev I Safety fences, pedestrian
guardrails, traffic signs, road markings and street furniture Sheet 2 of 10,
W11048/PH3/TS/03 Rev H Safety fences, pedestrian guardrails, traffic signs,
road markings and street furniture Sheet 3 of 10, W11048/PH3/TS/04 Rev I
Safety fences, pedestrian guardrails, traffic signs, road markings and street
furniture Sheet 4 of 10, W11048/PH3/TS/05 Rev H Safety fences, pedestrian
guardrails, traffic signs, road markings and street furniture Sheet 5 of 10,
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10 May 2016

BACKGROUND DOCUMENTS

Development Plan
National Planning Policy Framework
Planning Application File