

**Allerdale Borough Council**

**Planning Application FUL/2020/0212**

**Development Panel Report**

**Reference Number:** FUL/2020/0212  
**Valid Date:** 5 October 2020  
**Location:** Siddick Overbridge, Siddick, Workington,

**Applicant:** Mr Michael Gradwell, Network Rail

**Proposal:** Reconstruction of existing highway bridge, construction of new footbridge, realignment of existing footway and associated works including a Temporary Vehicle Level Crossing, haul road and vehicle waiting area to enable the highways diversion during the highways bridge works

**RECOMMENDATION**                      **Grant permission subject to conditions.**

**1.0**        **Summary**

<b><u>Issue</u></b>	<b><u>Conclusion</u></b>
<b>Economic benefits</b>	The economic benefits of the proposal, securing a viable, safe and improved multi-modal access to the port, are afforded substantial weight as the scheme enables the access arrangements to the port.
<b>Landscape and Visual Impacts</b>	The landscape and visual amenity impacts are acceptable given the scheme replaces an existing bridge and that the temporary haul road is temporary and the land affected by that element will be restored to its current condition.
<b>Design</b>	Acceptable design and materials are proposed.
<b>Ecology</b>	The application has been supported by an Ecological Appraisal which has considered the impact following the sequential

	approach of avoidance, mitigation and compensation of protected habitats / species to include grassland features and blue butterfly habitats. Whilst habitat avoidance is not possible, appropriate mitigation has been agreed and can be secured by condition. This principally relates to the impact of the temporary haul road.
<b>Heritage</b>	No harm considered to designated and non-designated assets.
<b>Highways</b>	No comments received from Cumbria Highways.

## 2.0 **Proposal**

2.1 The proposal relates to works to Overbridge 39 commonly known as Siddick Bridge at the Port of Workington. The existing bridge is owned by Network Rail and requires replacement. A weight restriction and reduction to a single lane has been imposed on the bridge due to its condition. This structure is currently the only vehicular access over the railway providing access to the Port of Workington. The improved bridge access supports major infrastructure regeneration and the implementation of new and highly improved services. Specifically, the development will facilitate the port's development into a significant container and logistics hub for the UK's North West region

2.2 The scheme involves works to replacement of the bridge span, repairs to the existing abutments and the installation of a new steel pedestrian bridge adjacent to existing structure. The works will be carried out in three phases:

- a) Installation of pedestrian bridge to facilitate the foot access and service diversions;
- b) Provision of temporary haul road.
- c) Deconstruction and installation of the Highway Structure.

Members are advised that the application is now part retrospective insofar as the pedestrian bridge has already been completed ahead of the application's determination.

2.3 A traffic management plan is proposed to demonstrate how access to the Port of Workington will be maintained during the planned road closure whilst the vehicular bridge span is being replaced. A road closure is intended from 22 April 2021 until 07 June 2021. Access across the railway will be enabled through the provision of a Temporary Vehicular Level Crossing to the north of the existing

bridge. The route of the temporary access has been amended twice during the processing of the application. Some comments in section 5 of this report explicitly refer to the amended scheme under consideration, some relate to other iterations. The scheme utilises land owned by Allerdale Borough Council west of the railway line and by a third party land owner to the east (between the railway and the A596 and formerly occupied by the temporary Tesco store following the floods in 2009).

2.4 The plans for consideration relate to:

- 7561070 Rev B Site Location Plan
- Existing and general arrangements 139337-MMD-00-XX-DR-C-1001 REV P02
- Preliminary Ecological Appraisal September 2020
- Bat Survey at Siddick Bridge (envirotech)
- CBC2 39 Siddick Bridge Traffic Management Plan 11/02/21

The plans and particulars can be viewed at:-

<https://allerdalebc.force.com/pr/s/planning-application/a3X3X000004DNonUAG/ful20200212>

### **3.0 Site**

3.1 The site of the bridge to be replaced is approximately 200m west of the Northside roundabout.

3.2 The wider site comprises an area of open grassland to the northwest of the overbridge proposed for use as a compound and a small area to the northeast of the overbridge as a temporary access road. Surrounding habitats include broadleaved woodland and a windfarm to the west, broadleaved woodland and a speedway training track to the north, commercial development and the A596 to the east, and sewage pumping facilities to the south. The wider landscape includes the Derwent estuary, the Port of Workington, coast and built development.

3.3 The development proposal will require temporary access land to the north west of the bridge structure to facilitate the build and a construction compound 100m x 100m to allow for site welfare and parking.

3.4 The site lies in Flood Zone 1.

### **4.0 Relevant Planning History**

4.1 The existing bridge dates from prior to the commencement of the planning system and is presumably Victorian in origin. However, a public right of way needs diverting to enable this development to proceed. The Order for the diversion under s257 of the Planning Act only affects a very short length of the

footpath. The application to divert the public right of way is being considered by this Council. It is likely that the Order to divert the path would have been “made” by the time members are considering this application. The Order cannot be “confirmed” until this planning permission is granted (and statutory publicity undertaken).

- 4.2 Details of the application for the diversion (our ref FOOT/2020/0001) can be found here;-

<https://allderdalebc.force.com/pr/s/planning-application/a3X3X000004DNpiUAG/foot20200001>

- 4.3 Of note in the vicinity of the site are;-

- a) 2/2008/0495 Construction of a cycle link joining the existing 'Northside' and 'Cloffocks cycleways;
- b) CON1/2008/0495 Compliance with Conditions 2 & 4 of planning approval 2/2008/0495;
- c) SCR/2009/0005 Screening opinion request for proposed mixed use development.

## **5.0 Representations**

### **Workington Parish Council**

- 5.1 No comments received to date.

### **ABC Environmental Health**

- 5.2 No comment.

### **Cumbria Highways**

- 5.3 No comments received.

### **Natural England**

- 5.4 No comments received.

### **CCC Public Rights of Way Officer**

- 5.5 PROW 262029 must not be altered or obstructed before or after development.

### **County Resilience Officer**

- 5.6 No response received to date.

### **Cumbria Constabulary**

- 5.7 No response received to date.

### **Butterfly Conservation Trust (Cumbria representative)**

- 5.8 No objections to amended scheme. The route of the Temporary Haul Road now thankfully avoids the extremely important created, restored and managed wildlife habitat to the north. It will still traverse a section of unimproved grassland but for the greater good the route now proposed should go ahead. When the work is complete and the affected habitat is restored along with the temporary works compound I request that both Butterfly Conservation Cumbria and Cumbria WildlifeTrust (who were also objectors) are consulted so that both can have an input into how the habitat can be restored most effectively. This will also bear in mind Allerdale's own intentions for this area regarding longer term use and the present unauthorised use of off road vehicles.

### **Cumbria Wildlife Trust**

- 5.9 As outlined in the Preliminary Ecological Appraisal (Sep 2020), construction of the temporary access route is likely to lead to the destruction of unimproved grassland. This is not acceptable as this habitat is listed (UKHAB G3a lowland meadow) as a priority for conservation under Section 41 of the Natural Environment and Rural Communities (NERC) Act and in the Cumbria Local Biodiversity Action Plan. The adjacent Oldside CWS is also one of the restoration sites for the Heritage Lottery funded Get Cumbria Buzzing project.
- 5.10 Along with others such as Butterfly Conservation and Workington Nature Partnership, Allerdale Borough Council is a partner organisation on this project and is committed to the restoration of flower-rich habitat for pollinators and a 10 year post restoration management and maintenance plan for the site. Any damage to this site would be against the spirit of the Partnership Agreement signed by Allerdale Borough Council. If the site is damaged or destroyed there would also be an expectation that Allerdale Borough Council will refund all restoration costs spent as part of the project on the site to date

### **Highways England**

- 5.11 No comments

### **Health and Safety Executive**

- 5.12 Do not advise against, on safety grounds, against the granting of planning permission in this case.

### **Other Representations**

- 5.13 The application, has been advertised by press advert, site notice and neighbour letter. 3 letters/ emails of representations have been received to date and address the following:

- a) Object to the planning application on the grounds of the impact to our operational business (Robin Rigg windfarm). Robin Rigg is a 174MW windfarm which is considered by the UK Government as nationally critical infrastructure, and generates enough electricity to power approx. 117,000 homes, equivalent to half of Cumbria. With all the peripheral parts of the working day to get teams to the point of work on the turbines or offshore substations (including safety briefing, packing of tools and equipment for the working day, loading the vessels, sail time, personnel transfer, craning activities and isolations to make the turbines safe to work on, and the reverse at the end of the working day) staff typically only have around 4 hours of productive time working offshore during their 11 hour shift. Even a small erosion into this time will have a significant impact to our productivity and subsequently the electricity generation from critical infrastructure. The timings of the proposed bridge and road closure coincide with the start of our peak summer campaign. We try and condense as much work in the peak period due to improved weather and safe access offshore. As a direct result of COVID-19 RWE Renewables took the decision to postpone a number of critical work items from 2020, based on risk assessment, with the aim of minimising personnel on site during the pandemic to protect firstly the team, and secondly the continued reliability of the windfarm assets. With the timing of the bridge works this will now directly impact the work programs already planned for 2021, including works postponed from 2020. Concern over access to turbines;
- b) Concerns over loss of blue butterfly habitat;
- c) Irregularities in the application.

## **6.0 Environmental Impact Assessment**

- 6.1 With regards to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the proposal is not considered to be EIA development and is not required to be accompanied by an Environmental Statement.

## **7.0 Duties**

- 7.1 The Conservation of Habitats and Species Regulations state that competent authorities are required to make an appropriate assessment of any plan or project they intend to permit or carry out, if the plan or project is likely to have a significant effect upon a European site. For the reasons set out within the Council's Screening Opinion, the proposal is not considered likely to have any significant effect upon a European designated site.

## **8.0 Development Plan Policies**

### **Allerdale Local Plan (Part 1)**

8.1 The following policies are considered relevant;-

Policy S1 – Presumption in favour of sustainable development  
Policy S2 – Sustainable development principles  
Policy S3 – Spatial Strategy and Growth  
Policy S4 – Design principles  
Policy S5 – Development principles  
Policy S12 – Land and premises  
Policy S13 – Energy Coast Innovation Zone  
Policy S6(a) – Area based Workington  
Policy S22 – Transport Principles  
Policy S23 – Supporting and Safeguarding Strategic Infrastructure  
Policy S24 – Green Infrastructure  
Policy S27 - Heritage Assets  
Policy S29 – Flood Risk and Surface Water Drainage  
Policy S30 – Re-use of land  
Policy S32 – Safeguarding Amenity  
Policy S33 – Landscape  
Policy S35 – Protecting and Enhancing Biodiversity and Geodiversity  
Policy S36 – Air Water and Soil Quality  
Policy DM4 – Expansion and Intensification of Employment Sites  
Policy DM14 – Standards of Good Design  
Policy DM16 – Sequential Test for Previously Developed land  
Policy DM17 – Trees, Hedgerows and Woodland

These policies can be found here;-

<https://www.allerdale.gov.uk/en/planning-building-control/planning-policy/local-plan-part-1/>

### **Allerdale Borough Local Plan (Part 2)**

8.2 The following policies are considered relevant:-

Policy SA1 - Identified Sites  
Policy SA2 - Settlement Boundaries  
Policy SA31 - Gypsy and Traveller Site  
Policy SA34 - Employment Sites  
Policy SA35 - Safeguarding Employment Sites  
Policy SA36 - Land to the north of the Port of Workington  
Policy SA37 - Land at Oldside Workington  
Policy SA52 - Protecting and Creating Green Infrastructure

These policies can be found here;-

<https://www.allerdale.gov.uk/en/siteallocations/>

## **9.0 Other material considerations**

### **National Planning Policy Framework (NPPF) (2019)**

- 9.1 Paragraph 80 advises that planning 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 9.2 Paragraph 213 advises that the weight afforded to development plan policies can vary according to their degree consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 9.3 Paragraph 212 of the National Planning Policy Framework (NPPF) 2019 advises that policies in that Framework are material consideration which should be taken into account in dealing with the applications from the day of its publication.
- 9.4 The NPPF is available to view at:-

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

### **Allerdale Council Strategy 2020-30**

- 9.5 Priority – Invest to Grow
- Use our asset portfolio to create new or different opportunities (at Lillyhall, Oldside, Reedlands Road and Derwent Valley)
  - Utilise the Allerdale Investment Partnership, the Local Enterprise Partnership and Britain's Energy Coast to stimulate growth
  - Work with partners on key economic sites and opportunities

## **10.0 Policy weighting**

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan (Part 1) 2014 and the Allerdale Borough Local Plan (Part 2) 2020 policies have primacy.
- 10.2 In the context of paragraphs 212 and 213, with Part 2 of the Local Plan having only been adopted in July 2020 and consistent with the provisions of the NPPF, there is no reason why full weight cannot be afforded to it, alongside Part 1.

- 10.3 Members are therefore advised that the decision should be made in accordance with the development plan with no material considerations, such as the NPPF, being afforded sufficient weight or reducing the weight of the Plan to such an extent that a decision contrary to it could be made.

## **11.0 Assessment**

### **Principle**

- 11.1 The principle of the proposed bridge refurbishment and new footbridge are accepted in this location. Policy S23 seeks to support and safeguard strategic infrastructure to include criteria d) West Cumbria railway service and criteria e) Access to Workington Port. Adopted Policy S13 sets out that the Council will work with partners to maximise the economic opportunities identified in the West Cumbria Economic Blueprint by supporting the Energy Coast Innovation Zone including through:
- a) Allocating land in line with the aims and objectives;
  - b) Prioritising important land for investment and maintaining a portfolio of high quality sites;
  - c) Supporting tourist development of Allerdale's harbours;
  - d) Playing a role in delivering supporting infrastructure, such as road and other transport upgrades, port of Workington, energy, broadband and community infrastructure as well as an appropriate stock of housing;
  - e) Supporting development that contributes towards improving education, training and skills;
  - f) Supporting other key objectives in the implementation plan.
- 11.2 The new bridge scheme for Workington Port clearly responds to objectives b), d) and f) and to a degree, c) as well. There is a strategic fit with policies S13 and S23 of the Local Plan Part 1 and a facilitation of the strategic infrastructure delivery to enable the development of allocated sites as addressed under policies SA31, SA36 and SA37 of Part 2 of the Local Plan.  
This consideration is afforded substantial weight in the overall balance.

### **Design**

- 11.3 The utilitarian design and the stone, concrete and steel materials of the bridges are acceptable for the locality and for its purpose to provide strategic access to the Port of Workington in accordance with Policy S4 Design Principles of Part 1 of the Local Plan, which addresses that good design relates not only to appearance of the development but how it functions within its location and how it contributes to a sustainable economy.

## **Highways – The new permanent bridge**

- 11.4 The bridge is designed to accommodate the heavy loads as required for this locality providing access to Workington Port. Policies S2 and S22 of the Local Plan (Part 1) seek to ensure that new development is located in areas that help to reduce journey times, have safe and convenient access to public transport, improve travel choice and reduce the need to travel by private motor vehicles. This is a multi-modal solution. There are actually two bridges proposed; the new vehicular span and the separate footbridge/cyclebridge (now in situ). This permits safe access by foot, cycle and motor vehicle including, importantly, heavy goods vehicles to the port. Carriageway widths, gradients and alignments all meet the County Design Guide and ensure safe passage with optimum visibility afforded.
- 11.5 In a wider strategic sense, the bridge permits the continued operation of the port, the consequences of its loss being the need to use port facilities elsewhere with environmentally, economically and socially unsustainable, longer journeys for goods and employees. It is acknowledged that the port is also served by a branch from the Cumbrian Coast railway line, but it is clear that the port is not viable with reliance on the railway alone.

## **Highways -Temporary Level Crossing**

- 11.6 In order to maintain access to the port there will be a temporary vehicular level crossing across the railway line with associated temporary haul roads to the east and west. Level crossings have inherent risks associated with them and a full risk assessment has been undertaken by Network Rail. In order to reduce and mitigate as much risk as possible Network Rail will be staffing the level crossing at all times with a Level Crossing Attendant, who will operate the level crossing. The crossing attendants will be in place 0700-2300 Monday to Friday and 0700 till 15:30 Saturdays. At times outside of these hours the level crossing will be manned by security personnel and the gates will be left open for free movement of vehicles over the level crossing. Network Rail will also be providing a Park and Ride shuttle facility from the Allerdale House locality free of charge to the Port Staff and users in order to reduce the number of vehicles traversing the crossing each day. The park and ride will provide parking for up to 60 vehicles and a minibus provision will be provided to shuttle users over the TVLC to the Port of Workington. The traffic requirements relate to 120-150 HGVs per day, 40-60 Staff vehicles per day and 15-50 Motocross users on a Wednesday night and Weekends.
- 11.7 It is considered the temporary level crossing arrangements are a pragmatic solution to address concerns regarding continued access to the port and any associated infrastructure and business operations in the vicinity. It is clear that they are an undesirable solution as a permanent feature as they do not offer the safety and convenience afforded by a bridge. However, given the very fact that the level crossing is only proposed for a period of circa 7 weeks and a new

temporary bridge is an unreasonable cost for such a short period of time, the principle of the crossing is considered acceptable in this instance.

- 11.8 Members may be familiar with the geographical context of the temporary haul road's proposed access from the A596. It utilises the access used for the temporary Tesco store (erected for a period during 2010) and is just south of the access to Dunmail Park (that includes Asda). Transport impact is minimised and safety assured due to the following considerations:-
- a) Much of the HGV traffic is from Iggesund less than 1km to the north on the A596. As members may know, this considerable site has the capacity for vehicles to wait there (thereby avoiding vehicles waiting on the A596).
  - b) Even if vehicles, including HGVs, arrived and entered the haul road but the level crossing was temporarily closed to permit a train to pass, there is a length of in excess of 185m clear of the adopted extent of the A596 and the proposed railway level crossing barrier. With 16.65m being the maximum intermodal articulated HGV length permitted on UK roads, this allows for up to 11 such HGVs to wait in line on the haul road for the crossing to open. The gates will only be closed to permit the safe passage of the train and then the signaller will give the all clear. With the anticipated daily movements of 120-150 HGVs, the length of haul road without an off-line waiting/stacking area is considered appropriate.
- 11.9 For vehicles approaching the level crossing from the west (the port side) there is obviously capacity to hold them at the port itself before releasing for the journey across the crossing and onwards to their destination. There is also in excess of 320m of new two-way haul road to permit the safe waiting for vehicles to cross.
- 11.10 Off-line waiting areas were part of the original proposal and this prompted comments from consultees such as the Butterfly Conservation Trust concerned at the ecological impact of the waiting area (loss of habitat for, amongst other species, the small blue butterfly). The deletion of the waiting area addresses this matter.
- 11.11 Members may have also noted the comments from the Robin Rigg Windfarm concerned about access. The revised arrangements with the ability to use the temporary haul road and crossing and the clarification of the times when this will be open (at all times during the night and at all times except when a train is passing during the day) is considered to respond to this concern about the ability to access the port. Port representatives have raised no objections and have been participants in weekly briefings and engagement by Network Rail. The Management Plan also appropriately addresses access to the port by the emergency services and RNLI.

#### **Public Right of Way (No. 262029)**

- 11.12 This path runs through the field west of the railway. A permanent diversion has been applied for under section 257 of the Town and Country Planning Act. Access will be facilitated through the worksite until the temporary diversion is in

place. Access across the compound and worksites will be facilitated via a banksman until the diversion is approved. The cycleway will remain open and access will be facilitated by banksmen when construction activity is near the vicinity of the footway / cycleway. In reality the definitive line of the public footpath is not used anyway. The concurrent application for the actual diversion will be considered against the “necessity” and “merits” tests. The necessity will arise from the granting of this permission as it physically blocks the path’s existing alignment as a result of the required engineering operations in the vicinity of the new bridge crossing.

## **Ecology**

- 11.13 Policy S35 of the Local Plan Part 1 applies. This policy has consistency with the NPPF and provides a framework for consideration of proposals. It details that the highest level of protection is afforded to nationally and internationally designated sites and species. It also reflects the sequential approach that impact should be avoided through protection but permits mitigation or compensation (in that order) if the development presents “significant economic or social benefits for the local community.” The policy continues by advising that “where a development poses significant harm to an irreplaceable habitat which cannot be mitigated or compensated for, permission will be refused.” Bio-diversity net gain is sought but not a matter currently which could justify withholding planning permission.
- 11.14 In this policy context, officers opine that the development does present those significant and social benefits; these are already outlined in paragraphs 11.2 and 11.5 of this report. Essentially, the future of the port rests on the delivery of the new vehicular bridge.
- 11.15 Members are advised that all avenues to try and avoid ecological impact were investigated; the Council itself owns much of the land included within the application site and the alignments for alternative routes for the temporary access. As already advised, officers are firmly of the opinion that the closure of access to the port for road traffic for 7 weeks or so would have significant impacts on its economic sustainability. Users such as Robin Rigg Wind Farm have clearly and explicitly voiced understandable, reasonable and real concerns about any halt in the continuity of access to and from the port.
- 11.16 Therefore, accepting a temporary route is required, the area of search is limited to the wedge of land bordered by the River Derwent, the coastline and the A596. At some point a safe crossing of the railway needs to be made. Locations further north are restricted by existing development both west (turbines) and east (Siddick) of the railway line. Further south, the areas that would be affected by the route are characterised by species rich priority habitat. The route now being pursued minimises impact but mitigation is necessary as total avoidance can’t be secured.
- 11.17 The ecological impact is limited to the construction phase rather than the operational phase and, specifically, to the construction of the temporary haul road and the construction compound immediately to the northwest of the bridges.

1 hectare of semi-improved neutral grassland is lost, much as a result of the compound and 0,22 of a hectare of species rich priority habitat.

- 11.18 This species rich grassland, the small blue butterfly (and its kidney vetch habitat) and bats are a particular focus of the impact assessment and identification of mitigation.
- 11.19 In relation to bats, the habitat around the site offers a low potential for foraging being open and exposed grassland in a coastal location. There is poor connectivity between the site and higher quality foraging areas. The bridge affected by the proposed works has negligible potential for use by bats. No indications of use of the site by bats were found during the survey. On the basis of the survey work carried out, under guidance provided in respect of the Conservation of Habitats and Species Regulations (2017), and considering the plans for the site, it is considered that a European Protected Species Mitigation (EPSM) Licence for bats will not be required prior to works being carried out.
- 11.20 The temporary loss of 1ha of semi-improved neutral grassland in the area of the proposed compound is not considered significant. On completion of the project the area should be allowed to recolonise with the species currently present. This may require removal of hardcore or concrete surfaces, but topsoil should not be introduced. The species community has developed on a nutrient-poor freely draining substrate. Works can be secured by planning condition.
- 11.21 The grassland further north is species rich and a priority habitat. Under current proposals approximately 0.22ha (280m x 8m) of this habitat will be lost during construction of the temporary access road. Mitigation options identified by the applicant's ecologist include translocating turfs from the affected area and maintaining them, then reinstating them once the project is completed or, alternatively, allowing the grassland to re-establish following removal of the temporary access road and management of the semi-improved neutral grassland on site or the open mosaic habitat adjacent to the site. Enhancement options include management of the semi-improved neutral grassland on site or the adjacent open mosaic habitat.
- 11.22 Members are advised that the translocation of the turf is considered necessary to ensure the habitat is preserved rather than rely on the probability that nature will naturally regenerate the same species' richness. There are risks associated with such transrelocations but with the management also proposed as an enhancement, the risks can be managed to a degree that is acceptable. A condition is necessary to ensure that the transrelocation complies with international guidelines.
- 11.23 Nesting birds may use areas of grassland and scrub. To avoid impacts to nesting birds, which are protected under the Wildlife and Countryside Act 1981 (as amended) vegetation removal should ideally be undertaken between September and February inclusive. If this is not practical a pre-works survey should be undertaken by a suitably qualified ecologist no more than 48 hours prior to works. Should active nests be identified a suitable buffer zone would need to be maintained until the chicks have fledged.

- 11.24 Officers are aware that some preparation works have already occurred outside of the nesting season i.e. before the 1<sup>st</sup> March but there are further works to be undertaken in the coming weeks if permission is granted. The pre-works survey is therefore necessary by the ecologist. This can be secured by condition.
- 11.25 Widespread reptile species such as common lizard and slow worm may be present on the railway embankments, especially around the edges of scrub but possibly beneath logs, rocks or railway sleepers. These species are protected against intentional killing / injuring. No evidence of badgers was recorded during the survey. However, suitable habitat is present within adjacent woodland and along the railway corridor. There is vegetation clearance necessary to facilitate the development, particularly along the route of the temporary haul road in the vicinity of the level crossing (the railway line is flanked by a corridor of vegetation that will need to be breached by the haul road). Members are advised that it is necessary that such clearance works abide to a Precautionary Working Method Statement (PWMS) to minimise risk of incidental harm to badgers. The same mitigation, secured by condition, is necessary to respond to the potential presence of hedgehogs within the vegetation.

### **Landscape and Visual Amenity**

- 11.26 Policy S33 of the Allerdale Local Plan Part 1 seeks to ensure that the landscape character and local distinctiveness of the Plan area are protected, conserved and where possible, enhanced. Policy S32 seeks to resist development that would have a detrimental impact on the visual amenities of the local area. Policies S4, and DM14 seek to ensure (amongst other matters) that new development is of a high quality design, of appropriate scale and appearance and responds positively to the character, history and distinctiveness of the locality.
- 11.27 The construction phase of the development will have the most impact on the existing landscape, especially the compound and the temporary haul road. The railway line will be a sensitive visual receptor, albeit views of the works will be fleeting from passing passenger trains accelerating away northbound from Workington station or slowing southbound for that stop. The impact is considered to be slight given the temporary period of the works and fleeting nature of the glimpses.
- 11.28 Change experienced from the A596 will be negligible given the fact that the haul road will use the pre-existing macadam access to the former Tesco site for the first 100m or so from this road. The vegetation flanking the railway retained for nearly all its length and the changes in levels will minimise harm.
- 11.29 For the operational phase, the grassland will have returned to the sites of the compound and haul road and the two bridges (one separate pedestrian bridge) in the same location as the existing bridge will result in negligible landscape change and, therefore, negligible harm. Indeed, the impact is considered to be neutral especially as the grassland re-establishes itself.

## **Heritage Assets**

- 11.30 There are no heritage features affected by the development or their setting.
- 11.31 The existing bridge is of no particular architectural or historical quality. It appears to occupy the location annotated on late Victorian maps, these maps reveal a purpose serving a road access to Workington Hematite Iron and Steel Works rather than the port. However the maps also reveal that the bridge comprised or two spans, spanning many more railway lines than the two that exist today. There are also signs on the ground that the bridge has been repaired at some point and the original form is rather diluted by these interventions, although the sandstone facing on the arch and parapets survives. Given the bridge is not considered to be a non-designated heritage asset, its loss is not afforded any weight in the overall balance.

## **Local Financial Considerations**

- 11.32 Having regard to S70 (2) of the Town and Country Planning Act the proposal will have no financial implications.

## **12.0 Balance and conclusions**

- 12.1 The new bridge scheme for Workington Port clearly responds to objectives b), d) and f) and to a degree, c) of policy S13 of the Local Plan Part 1. There is a strategic fit with policies S13 and S23 of the Local Plan Part 1 and a facilitation of the strategic infrastructure delivery to enable the development of allocated sites as addressed under policies SA31, SA36 and SA37 of Part 2 of the Local Plan. This consideration is afforded substantial weight in the overall balance.
- 12.2 There are some risks that the mitigation proposed to respond to the ecological impact will not work, but the risk is low and the mitigation can be secured by condition. Significant harm is not considered to arise as a result. Members are also reminded that policy S35 advises that “developments that present significant economic and social benefits (as this scheme does) may be permitted where necessary impacts can be mitigated or compensated.” There is accordance here, in the latest negotiated iteration of the scheme, with policy S35.
- 12.3 There is no other conflict with development plan policies and, therefore, it is recommended permission be granted subject to conditions securing compliance with the ecological mitigation and traffic management plan.

## **RECOMMENDATION**

**Grant permission subject to conditions.**

## **Annex 1**

### **Conditions:**

#### **TIME LIMIT**

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

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

#### **IN ACCORDANCE WITH:**

**2. The development hereby permitted shall be carried out solely in accordance with the following plans:**

- a) 7561070 Rev B Site Location Plan**
- b) Existing and general arrangements 139337-MMD-00-XX-DR-C-1001 REV P02**
- c) Preliminary Ecological Appraisal September 2020**
- d) Bat Survey at Siddick Bridge (envirotech)**
- e) Amended CBC2 39 Siddick Bridge Traffic Management Plan received 5<sup>th</sup> March 2021**

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

#### **PRECOMMENCEMENT**

**3. No development of the temporary haul road element hereby approved shall commence until a method statement for the transrelocation of turf within the alignment of the haul road has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved method statement.**

Reason: Transrelocation of turf is necessary mitigation to preserve species rich grassland priority habitat and to accord with policy S35 of the Allerdale Local Plan Part 1 2014.

#### **OTHER**

**4. Access to and from the port and all other sites currently accessed by the existing bridge shall be in accordance with the provisions of the amended CBC2 39 Siddick Bridge Traffic Management Plan received on 5<sup>th</sup> March 2021 following the existing bridge being removed and until the new vehicular bridge granted by this permission is first brought into use.**

Reason: In the interests of safeguarding highway safety during the construction works of the development hereby approved, in compliance with the National Planning Policy Framework and Policy S2, S22 and S23 of the Allerdale Local Plan (Part 1), Adopted July 2014.

**5. Use of the temporary haul road shall cease within 3 days of the new vehicular bridge hereby approved being first available for use and the land restored, in accordance with the turf transrelocation methodology cited in condition 3, to its existing condition identified in the Preliminary Ecological Appraisal dated September 2020, within 3 months of the cessation of the haul road's last day of use.**

Reason: Firstly, in the interests of safeguarding highway safety, in compliance with the National Planning Policy Framework and Policy S2, S22 and S23 of the Allerdale Local Plan (Part 1), Adopted July 2014, as a level crossing is not an appropriate permanent solution. Secondly, the cessation of the use of the temporary haul road and reinstatement of species rich grassland is considered necessary to accord with policy S35 of the Allerdale Local Plan Part 2014.

**6. In addition to the requirements of condition 3, all construction works, and the associated habitat and species avoidance, remediation and enhancement works shall be implemented solely in accordance with the mitigation and compensation strategy outlined in Section 9 of the Bat Survey report received 8 October 2019 and Section 4 Discussions and Recommendations of the Preliminary Ecological Appraisal September 2020.**

Reason: To safeguard the habitat of bats in compliance with the National Planning Policy Framework and Policy S35 of the Allerdale Local Plan (Part 1) Adopted July 2014.

### **Advisory Note**

- The developer should consider a protective shelter for construction staff to take refuge, in the event of the release of toxic chemicals or in the event of fire on the Vertellus Site;
- All construction staff employed on site to receive a copy of the Information leaflet produced by Vertellus Specialties UK Ltd and receive specific instruction on procedures to follow in the event of an emergency at the Vertellus plant;
- Details of measures to be taken to guarantee, at current capacities (including that of the currently available overspill areas adjacent to the ponds), Vertellus' ability to contain, control and export foul water and trade effluent.

