

Planning and Rights of Way Panel 15th February 2022
Planning Application Report of the Head of Planning and Economic Development

Application address: Southampton Common, The Avenue, Southampton			
Proposed development: Widening of the path known as 'Lovers Walk' that runs north to south on the eastern side of Southampton Common between Burgess Road and Westwood Road.			
Application number	20/00255/FUL	Application type	FULL
Case officer	Mat Pidgeon	Public speaking time	5 minutes
Last date for determination:	17.04.2020	Ward	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received.	Ward Cllrs:	Cllr Cooper Cllr Mitchell Cllr Savage
Applicant: Southampton City Council		Agent: Balfour Beatty Living Places	

Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and were reported to the Planning and Rights of Way Panel on 15th February 2022 are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS13, CS14, CS18, CS21, CS22, CS23 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP10, SDP11, SDP12, NE3, NE4, HE5, CLT3 of the City of Southampton Local Plan Review (Amended 2015).

	Appendix attached		
1	Relevant Development Plan Policies	2	Overview plan

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 Lover's Walk measures 1.3km long and is situated within a 36.6 hectare area of Southampton Common known as Little Common (east of The Avenue) and is defined as a Site of Importance for Nature Conservation (SINC). Much of Lover's Walk is bordered by broadleaved woodland and amenity grassland. Adjacent verges have in many locations been worn back to bare ground where pedestrians and cyclists have deviated from the path to pass each other. There are three sections to the route:
- Section 1, between Burgess Road and Highfield Avenue, is currently of varying width generally between 2.5m and 3m and is of tarmacadam surface.
 - Section 2, between Highfield Road and Winn Road is between 1.8 & 2m wide and is also a tarmacadam surface.
 - Section 3: is currently a compacted gravel path between Winn Road and Westwood Road.
- 1.2 The wider landscape is dominated by Southampton Common Site of Special Scientific Interest (SSSI) to the west and the University of Southampton and suburban residential housing to the east. Lover's Walk is situated in a SINC due to a significant element of ancient semi-natural woodland, semi-improved grasslands and notable presence of biodiversity, including stag beetles. At its closest point, it is 45m away from Southampton Common SSSI. Southampton Common is owned and managed by Southampton City Council, and its partners, and is designated 'Leisure' land and is subject to the Commons Act 2006.

2.0 Proposal

- 2.1 The proposal consists of work to three separate sections of Lovers Walk:
- Section 1:
Widening of the existing unsegregated shared use cycle/pedestrian path between Burgess Road and Highfield Avenue. It is currently of varying width generally between 2m and 3m and is of tarmacadam surface. This application proposes widening to 3.5m, with two shorter sections of up to 4m, and a new tarmacadam surface. This part of the route is part of the cycle corridor (SCN5) defined by the City's cycling strategy.
 - Section 2:
Widening of the existing footpath of Lover's Walk between Highfield Road and Winn Road. The section between Highfield Road and Blenheim Avenue will be widened from between 1.8 and 2m to 2.5m; to enable it to meet current user demand. This is also to be tarmacadam surface similar to the current surface. This section does not form part of the Council's signed cycle corridor; instead cyclists will be directed onto an on road segregated cycle lane on The Avenue. This does not, however, prohibit cyclists from using any of section 2.
 - Section 3:
Since the submission in 2020 the hoggin path between Winn Road and Westwood Road has been replaced by a 3m wide compacted gravel path

which did not require planning permission. The planning application seeks to change the surface material to tarmacadam to 3m in width.

- 2.2 The aim of the works proposed are to repair the sections of broken poor quality tarmacadam surface and remove the damaged verge/reinstating an improved verge and re-establish a better environment for all users of the path including pedestrians, wheelchair users, the elderly, cyclists and scooter users. These works will improve pedestrian safety and improve the cycle network within the city. The legal status of the route will remain unchanged remaining shared use between the following:
- Burgess Road and Highfield Avenue;
 - Shared use between Highfield Road and Oakmount Avenue; and
 - and shared use between Winn Road and Westwood Road.
- 2.3 In response to initial reservations over pedestrian safety the scheme has been amended to include signage, information boards and repeater '*share with care*' signs to establish and reinforce a behavioural code of conduct. Currently eight physical interventions in the form of street furniture (bollards) and short sections of textured tarmacadam along the route have also been introduced with the aim of reducing the speed of bicycles and scooters, encouraging considerate use of Lovers Walk, the details of these will be controlled by planning condition.
- 2.4 The proposal takes account of trees positioned close to the path and construction methods will limit impact by treating the entire route as a root protection area. A no dig strategy, where necessary due to tree roots, is also proposed. No protected trees are to be felled as a consequence of the path widening scheme. This is a response to initial reservations identified by the Council's Tree Team.
- 2.5 Approximately 1,422sq.m of common land will be required for the works, which also requires an application for consent to Secretary of State under s.38 the Commons Act (2006). Mitigation for the loss of green space will be achieved by transferring 157sq.m of public highway (currently hard surfaced) to common land. Soft landscaping and a scheme of biological enhancement measures will be introduced to offset the net loss of approximately 1265sq.m of open space. It should also be noted that since the original submission the location intended for biodiversity offset has changed and measures also no longer include the separation of the boating lake by fencing of any type (which proved to be unpopular with members of the public). The proposed biodiversity offset will now take place in a different location to that which was originally proposed; the details of which will also be secured by planning condition.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out in **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision

making purposes, unless otherwise indicated.

- 3.3 Southampton Common is owned and managed by Southampton City Council and is designated 'Leisure' land. There are various levels of planning policy and legislative protection afforded to The Common. At the local level the LDF Core Strategy seeks to '*protect and enhance*' existing open space (Policy CS21). Paragraph 5.4.11 adds that '*the LDF will seek to protect and improve the quality of open spaces and ensure adequate provision in a way which delivers the best outcome for the community, promotes participation in sports and active recreation, health and well-being and has regard for the city's rich natural environment*'. The LDF also safeguards international, national and local designated sites from inappropriate development, thereby promoting biodiversity and protecting habitats (Policy CS22). These points are also echoed by the more general criterion of Policy CS13, which also promotes safe, secure, functional and accessible streets and quality spaces (Point 4); supports development that impacts positively on health, safety and amenity of the city and its citizens (Point 7); and seeks to improve accessibility throughout the city by ensuring that developments, including public places, are accessible to all users including senior citizens and disabled people (Point 9).
- 3.4 Policies in the Local Plan also seek to protect important landscape and wildlife features ensuring that any loss is mitigated and by enhancing other biological assets; policy SDP12 (Landscape and Biodiversity) refers. HE5 (Parks and Gardens of Special Interest) notes that development must not detract from the historic character.
- 3.5 *Although entirely separate from the planning process, with no bearing on the determination of this planning application, s38 of The Commons Act 2006 explains that additional consents are required from the Planning Inspectorate, on behalf of the Secretary of State, to carry out any works that would prevent or impede access to common land or for works for the resurfacing of land. These works could include:*
- *putting up new fences*
 - *erecting buildings*
 - *making ditches or banks*
 - *resurfacing the land*
 - *building new solid surfaced roads, paths or car parks*

4.0 Relevant Planning History

- 4.1 950346/295/W – Conditionally Approved 6th June 1995, Provision of cycle path and relaying footpaths.
- 4.2 A subsequent application to the Department of the Environment, Transport and the Regions (DETR) was made under s.194 of the Law and Property Act (1925) for approval of the works to The Common. DETR approval was given, following a Public Inquiry, in November 1998.
- 4.3 Planning permission for the replacement and widening of existing steps and ramp leading from Lovers Walk to the University of Southampton Highfield campus was granted on appeal in October 2017.

- 4.4 Two previous applications seeking to widen Lovers Walk have been withdrawn; 15/02327/R3CFL and 17/00703/FUL refer. The applications were withdrawn due to the concerns raised by members of the public and the Council's Trees and Ecology Officers and the reservations highlighted by the Open Spaces Manager. Where practical, and considering the necessary widening works that aim to improve the path from a highway's perspective, the current application has overcome the concerns raised.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners and erecting a site notice (28.02.2020) and publishing a press notice (28.02.2020). At the time of writing the report **69 representations** have been received, with **15** objections and **51** in support. The City Council (as applicant) has also undertaken its own consultation exercise, which has helped to widen public knowledge of the project. The following is a summary of the relevant planning related points raised in response to the consultation carried out by the Planning Department:
- 5.2 At the time of writing **51 letters of SUPPORT** have been received including letters received from Highfield Residents' Association Committee, Sustrans, The University of Southampton, The University Students Union, Southampton Cycle Campaign and Southampton Friends of the Earth. The comments received include the following:
- 5.3 Additional lighting requested between Highfield Road and Blenheim Avenue. If this is not possible infrastructure, to allow future lighting to be installed, should be added.
RESPONSE: Lighting is not proposed. The southbound cycle corridor will divert cyclists around the unlit part of section 2 from Highfield Road to Blenheim Avenue via the segregated cycle route on The Avenue; this route is already street lit.
- 5.4 Highway's improvements, including road crossing and junction changes.
RESPONSE Changes to the highway do not require planning permission, not form part of the planning application and is not a material planning consideration.
- 5.5 Routing would be improved if cyclists were directed onto Westbourne Crescent rather than The Avenue.
RESPONSE: The suggested route would direct cyclists onto (albeit short) a section of Lovers Walk which is currently not lit.
- 5.6 A clearly defined cycle lane on the path to separate pedestrians and cyclists/scooters would be welcomed.
RESPONSE: The increased width, speed calming features and behavioural code of conduct is intended to prevent the need for formal separation of uses including defined lanes. Provision of segregated two-way cycle facility alongside a pedestrian footpath would require a wider path than proposed and greater hard surface on Common land. The proposed width, without lane definition, is compliant with the most relevant national standards for shared routes.
- 5.7 The university steps junction has poor alignment creating a permanent desire line. The amendments should improve the junction.

RESPONSE: Whilst the junction could be improved this does not mean the current scheme is not acceptable in its own right.

- 5.8 The route would be improved (safety and convenience) if kinks are removed.
RESPONSE: Highways do not oppose the scheme on the grounds of highways safety (sight lines) and the curves will, to some degree, help naturally reduce user speeds.
- 5.9 Slower speeds could be achieved by changing the surfacing material to compacted gravel or hogging.
RESPONSE: Tarmacadam is the most appropriate material for achieving a surface which improves use for all members of society including the elderly and disabled.
- 5.10 More benches should be provided.
RESPONSE: There is also no policy requirement to incorporate benches on the route. Benches can be added without the need for planning permission.
- 5.11 Is the proposed thickness of for the tarmacadam of 25mm required given the intended use by pedestrians, cyclists and scooters etc.
RESPONSE: The surface will also need to be capable of accommodating Open Space's Team's vehicles for maintenance purposes and ensure longevity.
- 5.12 Some tree removal will reduce the canopy cover and increase the amount of natural light received to the path.
RESPONSE: Loss of protected trees is not proposed.
- 5.13 Given the existing damaged caused by verge over run the ecological impact will be negligible.
RESPONSE: Ecological mitigation is included to offset the loss of land with the potential to form wildlife habitat.
- 5.14 Ecological surveys are out of date so will need to be reviewed.
RESPONSE: Support for the scheme has been given by the Council's Ecologist. Where necessary ecological surveys can be updated to inform the detailed mitigation strategy; both of which can be secured by planning condition.
- 5.15 The widened path will need to be maintained to prevent narrowing over time as is the case with some paths within the common, notably those adjacent to the Avenue.
RESPONSE: Agreed, a condition is recommended.
- 5.16 No drainage detail provided - porous material and/or cambered surface, Porous should be used?
RESPONSE: The surface will not be porous. The paths will be designed with a camber including verge for surface run off. Where bunds are located paths levels will still allow for good drainage to surrounding verges. A sealed tarmacadam surface is needed as this is the best surface for pedestrians, cyclists and disabled users; and will have significantly reduced maintenance costs over the expected lifespan.
- 5.17 A large amount of material will need to be imported to level the path and verge along section 1 if the proposed path will not be lowered.

RESPONSE: This is correct and does not prevent permission being granted.

- 5.18 Benefits outweigh the negative by encouraging less motor traffic and reduced air pollution whilst also improving health and wellbeing of users.

RESPONSE: Agreed.

- 5.19 At the time of writing **15 letters of OBJECTION** have been received including letters received from Oakmount Avenue Residents Association and Southampton Common and Parks Protection Society (SCAPPS). The comments received include the following:

- 5.20 Harm to character to the common (increased width and lighting).

RESPONSE: The impact on the character of the common will need to be judged against the positive aspects of the scheme in the planning balance – please see considerations section. Additional lighting is not proposed.

- 5.21 Use by commuters will intimidate recreational users. No evidence to support widening will result in safer environment. Wider paths encourage faster cycle speeds.

RESPONSE: The code of conduct information boards and share with care repeater signs and traffic calming measures have been included to encourage considerate use of the route. Speed of users will be determined by user behaviour. Planning must be determined with reasonable behaviour in mind. The scheme seeks to improve an existing path so that it achieves, where practical, widths that reflect relevant Department for Transport guidance (Cycle Infrastructure Design Local Transport Note 1/20 – July 2020) on shared use routes (3m – 4.5m).

- 5.22 There are better alternatives to the proposed cycle route.

RESPONSE: The highways team have explored alternatives and the Local Planning Authority have an obligation to consider this application its own merits, noting that there are always alternatives.

- 5.23 The section between Blenheim Avenue and Oakmount Avenue would be insufficiently wide to achieve recommended standards for shared unsegregated footpaths & cycle paths and notwithstanding this should not be part of the cycle route.

RESPONSE: The section referred to is not formally part of the north/south cycle corridor (SCN5) and signage will be added to direct cyclists around the section. The widening works proposed, to 2.5m, is deemed necessary to meet current user demand. It is also recognised that, whilst not part of the official cycle corridor, cyclists are legally allowed to use the route provided.

- 5.24 Widening the path between Blenheim Avenue and Oakmount Avenue will reduce the vegetative border separating the path from rear gardens (Westbourne Crescent) reducing protection from intruder access.

RESPONSE: Most of the space upon which the path will be expanded upon is currently devoid of soft landscaping due to verge overrun and so there will be little net loss of vegetation as a direct consequence of the proposal. The police have not raised an objection on this basis.

- 5.25 No Equality Impact Assessment has been carried out. The scheme fails to comply with the Equality Act 2010 on recommended widths for shared use paths that provide access for disabled users.

RESPONSE: The proposal will improve the surface and widen it to improve access and safety for all members of society. The new improved surface, increased width, behavioural code of conduct, noticeboard repeater '*share with care*' signage and traffic calming measures all seek to encourage considerate use of the route by all users and improve safety for all users. Where the route is to be part of the formal cycle corridor, and where not constrained by protected trees the scheme is compliant with national guidance (Department for Transport Cycle Infrastructure Design Local Transport Note 1/20 – July 2020) regarding minimum widths for shared use routes (3m – 4.5m). An Equality Impact Assessment is not a requirement for the planning purposes although the decision is bound by the requirements of the Act and the issues raised have been considered ahead of this recommendation.

5.26 Widening the path will not prevent verge overrun thus causing additional vegetation loss.

RESPONSE: Where appropriate the verge will be defined by raised bunds to reduce opportunity to overrun. The current narrow width is deemed the most likely cause of verge overrun; the scheme seeks to address this.

5.27 Establishment of successful grass verges could be achieved by improved maintenance.

RESPONSE: This would not lead to a share route which meets recommended widths set out in national guidance.

5.28 Widening the whole length is unnecessary. Commuter cyclists should be using the Avenue. The application is premature.

RESPONSE: The proposal does not prevent cyclists from using the Avenue and the applicant is entitled to submit any scheme of their choosing which must be determined on its own merits.

5.29 A more practical solution would be to improve the footpaths next to the Avenue and allow dual pedestrian and cycle use.

RESPONSE: Each application must be judged on its own merits. Alternative cycle route proposals are not a significant material consideration for the assessment of this application.

5.30 A formal Landscape Visual Impact Assessment (LVIA) has not been prepared –
RESPONSE:

An LVIA is not a validation or policy requirements, and officers do not consider that such an assessment is needed to assess the impact of this development on the landscape character of the Common.

5.31 Mitigation proposals so far submitted do not provide appropriate, fair and sufficient compensation for the loss of green space and habitat.

RESPONSE: The Council's Ecologist supports the amended ecological mitigation and enhancement plans.

5.32 Confirmation requested regarding fencing of the boating lake and no electrical infrastructure added to the section of Lovers Walk behind Blenheim Avenue and Oakmount Avenue to facilitate future street lighting.

RESPONSE: There will be no fencing of the boating lake and no electrical infrastructure added as part of this scheme.

Consultation Responses

5.33 SCC Highways Development Management – No objection

5.34 The proposal seeks to improve the route in conjunction with the recently constructed cycle facilities on The Avenue which do not require the benefit of planning permission. The purpose of the proposed widening is to provide a fit for purpose walking and cycling facility that addresses the current and ongoing demand of cyclists and pedestrians, as Southampton City Council (SCC) continue to promote active travel across the network. The Lover's Walk path on the east side of Southampton Common is currently one of the most heavily used cycle routes in the city. However, the route does not meet the latest standards and is an inadequate width for being shared between walking and cycling (3 – 4.5m being needed).

5.34 The existing route is also in a poor state of repair in sections, particularly section 1 between Burgess Road and Highfield Avenue, where the existing path is not wide enough and has led to over-run which has degraded the soil and surrounding common land. It has also resulted in cracking of the existing tarmac surface causing trip hazards.

5.36 Sustrans – No objection

5.37 Sustrans broadly supports the proposals as improvements to make it easier for people to walk and cycle.

5.38 Currently, there are some instances of conflict on Lovers' Walk, particularly at the busiest times of day. The path must be an inclusive space for everyone. The changes in the proposal would help to address these issues and reduce conflict.

5.39 Routes for walking and for cycling, regardless of purpose, should be designed with the following outcomes in mind, as emphasised in Department for Transport's Local Cycling and Walking Infrastructure Plans guidance:

- Safety and comfort
- Directness
- Coherence
- Attractiveness
- Adaptability

5.40 The plans in the application address these outcomes, within the context of an important green space in Southampton. Research shows that there is a need for the route to be improved on the basis of existing use and the scheme will encourage more people to cycle as the main reason cycling is not a preferred mode of transport for many is safety. The existing narrow path is below recommended levels for shared use according to London Cycle Design Standards and that narrow width brings people walking, running, and cycling at various speeds into closer proximity and potential conflict. The plans to widen should increase comfort for most users.

5.41 Lack of lighting in the proposal is disappointing. Surface quality is important to the comfort for users.

5.42 SCC Planning Ecologist - No objection

- 5.43 No objection subject to the requested planning conditions to secure the details within the amended ecological method statement; and the compensation and management plan submitted to address the points raised within the original holding objection and concerns raised by members of the public.
- 5.44 Vegetation removal also has the potential to adversely impact nesting birds which receive protection under the Wildlife and Countryside Act 1981 (as amended). It is important, therefore, that any vegetation clearance should either, take place outside the nesting season, which runs from March to August inclusive, or after it has been checked by a suitably qualified ecologist. If active nests are found vegetation clearance would need to be delayed until after the chicks have fledged
- 5.45 Supported documents to be secured by condition:
- Lovers Walk, The Avenue, Southampton Common, Southampton. Ecological Method Statement, ECOSA Ltd Final Document 16th August 2018
 - Lovers Walk Cyclepath Upgrade, Southampton Common, Southampton. Ecological Compensation and Management Plan, Final Document (Revision 3) May 2021.

5.46 **SCC Open Spaces Manager – No objection**

- 5.47 Following negotiation between the Open Spaces Manager and the Highways Team responsible for submitting the scheme no objections are raised subject to the requested planning conditions (see below) to safeguard existing trees. The entire site should be considered as a root protection area with no dig strategy adopted.

RESPONSE: In some situations (for example where the path is adjacent to amenity grassland rather than semi-natural broadleaved woodland) it may be possible, practical and more appropriate to dig lower into the ground to create the subbase for the widened surface treatment and so conditions will be worded to allow hand dug foundations if necessary. With works taking place on land managed by the Open spaces Team they will ultimately control the specific construction method along each section of the path. Ecologist and Tree Officer supervision of construction phase activities will also be achieved on a regular basis.

- Arboricultural Method Statement [Pre-Commencement Condition]
- Protection of Trees and Green Space Performance condition
- Tree Retention and Safeguarding [Pre-Commencement Condition]
- No storage under tree canopy [Performance Condition]
- Replacement trees [Performance Condition]

5.48 **SCC Historic Environment Officer – No objection**

- 5.49 The scheme will not affect the setting of the Oakmount Triangle Conservation Area as the overall character of the CA is internal facing and is defined by residential street pattern. As for the wider common area, the path will become more formal in terms of its surface treatment and appearance and would have an impact on local character but given cyclists young and old now use this route, widening the path would put less stress on the fringes of the path in the long term and would create a clear and neater boundary edge between path and habitat, whilst creating

access for all.

5.50 **SCC Urban Design Manager – No objection**

- An impact on the visual character of Lover's Walk is anticipated.
- The submission does not provide any great assessment of visual impact.
- Character would change due to increased cycle traffic (which the scheme seeks to encourage).
- It would be interesting to see what a landscape character assessment would conclude on the impact of the change.

RESPONSE: The central purpose is to improve the existing route which is currently too narrow for mixed use paths when reviewed against current national guidance. LVIA is also not a policy or validation requirement.

5.51 **SCC Archaeologist/Historic Environment Record Officer – No objection**

5.52 The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy -- LAAP 6 (Southampton Common). Prehistoric and later evidence has been found on the Common. It is proposed to widen the path known as Lovers Walk. A no dig construction will be used, raising the ground level, although in some places turf may be removed. Generally, the scheme will not impact on archaeological remains. At the south end of the scheme, south of Winn Road, a new footpath/cycleway will be created along what appears to be an existing earth-covered path. Construction details of the new path in this area need to be confirmed, before I can assess the archaeological impact. Unless these details are forthcoming, I request that the following conditions are applied to any consent, to secure an archaeological watching brief with provision for excavation on the southern part of the scheme:

- Archaeological watching brief investigation & watching brief work programme.

5.53 **Hampshire Constabulary, Crime Prevention Design Advisor – No objection**

5.54 Previous comments linked to withdrawn applications acknowledge that there have been police investigations associated with the route in the past. The current response, in contrast, reports that the officer has been unable to find any recorded incidents over the past year and notes that the Neighbourhood Policing Team advise that there are very few incidents that occur along the path. However, the main point raised in all responses relates to lighting whereby it is requested that street lighting is added to the currently unlit section between Blenheim Avenue and Oakmount Avenue.

RESPONSE: Lighting does not form part of the application; lack of lighting does not make the scheme (which seeks to address the substandard width of the shared route) unacceptable. It is also a short section that does not include lighting and there is alternative, street lit, pedestrian and cycling routes that can be used to avoid the unlit section.

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application relate to:

- a) The Principle of Development;
- b) Residential Amenity;
- c) Design & Impact upon The Common;
- d) Highway Safety & impacts; and
- e) Trees & Ecology.

6.2 Principle of Development

6.3 Southampton Common is owned by Southampton City Council and is designated 'Leisure' land. It is subject to the Commons Act 2006. Most of the Lover's Walk path itself is designated as 'unadopted unclassified highway' (where it is within the boundary of The Common). There are however two sections which differ:

- Part of section 2 between Highfield Road and Oakmount Avenue the footpath is adopted; and
- Section 3 between Winn Road and Westwood Road is informal with no highway designation.

6.4 It is proposed that 1422sq.m of common land will be removed to become shared use path (0.003% of the total SINC area) as a consequence of the development. This requires an application for consent to Secretary of State for Environment under Commons Act 2006, Section 38 but does not prevent the Council from granting planning permission for the development. These processes are separate.

6.5 The proposed Lover's Walk scheme forms part of the Southampton Cycle Network (SCN) as identified in the Southampton Cycle Strategy 2017-27. The Cycle Strategy aims to make Southampton a true cycling city where cycling is an everyday norm. The SCN is part of the approach to achieving this as a network designed to provide good quality, safe and continuous cycle facilities on all the major radial routes from the suburbs, places of work and into the city centre. Part of Lover's Walk forms a section of SCN8 Orbital cycle route connecting Shirley and Southampton University Hospital with Portswood and the University. The route is also part of the northern cycle corridor, SCN5 of Southampton City Council's Cycling Network. It is designated as a Parkway route because it is within Southampton Common, these routes are designed to be shared between people cycling and walking. The Cycle Strategy forms part of the vision within Connected Southampton 2040 Transport Strategy (LTP4) to make Southampton a modern, liveable and sustainable place to live, work and visit, this is achieved by investing in better, safe, cleaner and inclusive transport and cycling is a key part of this. Providing the SCN also helps to achieve the aims of Our Green City Plan.

6.6 There are various levels of planning policy and legislative protection afforded to The Common. At the local level the LDF Core Strategy also safeguards international, national and local designated sites from inappropriate development, thereby promoting biodiversity and protecting habitats (Policy CS22).

6.7 As the route already exists the principle of improving them is considered to be acceptable provided that the proposal successfully integrates with; and improves, the city's transport infrastructure by promoting sustainable modes of transport; as well as maintaining the integrity of the Common as a wildlife habitat, protects the overall visual amenity of the Common and does not significantly harm the living environment enjoyed by neighbouring residents.

6.8 Impact on Residential Amenity

- 6.9 The residential properties most effected by the scheme will be those located along Section 2 which face onto or back onto Lovers Walk between Highfield Road and Blenheim Avenue; these neighbours are already affected by the existing path. In response the official cycle corridor (SCN5) will be directed around the Lovers Walk section between Highfield Road and Blenheim Avenue, with northbound cyclists using an on road segregated cycle lane on the Avenue; and southbound cyclists being directed onto an on road segregated cycle lane on the Avenue. The width of the path will also be limited to 2.5m to meet existing demand and limit residential impact. This is considered a reasonable compromise given the conflicting public opinion on how the section of the route should be treated.
- 6.10 Whilst some consultees (most notably the Police) and many members of the public are keen to see street lighting added to section 2 between Highfield Road and Blenheim Avenue there have also been representations submitted requesting that street lighting is not included, and indeed some that request the path not to be widened at all on security grounds. Putting the representations aside the scheme does not include any additional street lighting or associated infrastructure; it is merely concentrated on improving an existing path which is no longer deemed fit for its intended purpose or existing user demand. Alternative public routes, that are street lit, around the unlit section will remain unchanged and available to all user groups and as such the scheme does not result in any additional increase in risk to safety and security. Moreover, the police have not raised an objection. The widening of the path in section 2 between Highfield Road and Blenheim Avenue (to up to 2.5m) is also not considered to significantly increase the vulnerability of properties that back onto Lovers Walk; again, its noted that the Police have not objected to the widening of the path.
- 6.11 Design & Impact upon The Common**
- 6.12 Policy CS 21 (Protecting and Enhancing Open Space) of the Core Strategy emphasises the need to both protect and enhance key open spaces including Southampton Common, as well as improving their accessibility (Point 1). Point 2 confirms that open spaces can be reconfigured *'to achieve wider community benefits'*. This scheme supports that aim - to widen the path, reduce conflict, and improve the surface so that more can enjoy their journey through the Common, regardless of the reason for that journey. The policy background/justification also states that the LDF will seek to protect and improve the quality of open spaces and ensure adequate provision in a way which delivers the best outcome for the community, promotes participation in sports and active recreation, health and wellbeing and has regard for the city's rich natural environment.
- 6.13 Policy HE5 (Parks and Gardens of Special Historic Interest) is also material in the determination of this planning application as it seeks to prevent development that would *'detract from the character or setting'* of the City's parks and gardens of special historic interest. Furthermore, LDF Policy CS13 (4) promotes safe, secure, functional and accessible streets and quality spaces that contribute to place making and the quality of the public realm.
- 6.14 Whilst the introduction of an increase of hardstanding to the natural environment of the Common would normally be resisted from a character perspective, the proposed varied 0.5m - 1.5m increase in the width of the path along its route is judged to, in reality, only affect the flanks of the path, which have been encroached

upon and damaged by users of the path, be it cyclists avoiding pedestrians, or vice versa. Consequently, these areas are judged to be of very low amenity value. Furthermore, no trees would be lost, and no illumination would be introduced along its route further limiting impact.

- 6.15 The main purpose of the proposal is also to bring the scheme up to modern standards for shared use paths and whilst the city seeks to encourage cycling as an alternative mode of transport it is not anticipated that a significant increase in cycling traffic would be generated specifically because of this one proposal meaning that the argument of increased cycle use significantly impacting character falls away. Moreover, if the scheme does indeed result in greater commuter use this is likely to only have an effect at certain time of the day (peak traffic hours), and so there is likely to remain many hours of the day when the impact will not be experienced; thus again whilst there is likely to be an impact, if there is an increase in use, that impact is not considered to be likely to be significant enough to harm the overall character of the Lovers Walk.
- 6.16 The only other part of the scheme that could impact character involves traffic calming measures and signage used to encourage considerate use of the path by its users; these will be designed to be in keeping with the character of wider Common landscape being similar to or improvements on existing street furniture used within the Common.
- 6.17 As such, the path widening scheme is considered not to present harm to the setting of the adjacent locally listed buildings/conservation area, and whilst it is acknowledged that changing the surface of the flanks of the path from grass to tarmac and use by cyclists would cause some impact to the over-riding character of Lovers Walk this is not judged to be significantly harmful when assessed against the positive aspects of the overall scheme.
- 6.18 Accordingly, the scheme is considered to be compliant with policies CS13, CS21 and HE5 as the overall character and setting of Lovers Walk and the Common will not be harmed.
- 6.19 The increased tarmac needed to create the fit for purpose walking and cycling facility and associated infrastructure to encourage considerate use will also require s.38 consent. Temporary fencing required during construction will also need s.38 consent. It should be noted that this process is independent of planning and should not influence the determination of this planning application, which should be assessed on its own planning merits and the impacts of the proposed development. It is feasible that a scheme can secure a planning permission and then fail the s.38 application. These processes are independent of one another.

6.20 Highways Safety & Impacts

- 6.21 The general criterion of Policy CS13 of the Amended LDF Core Strategy (2015) *promotes safe, secure, functional and accessible streets and quality spaces* (Point 4); *supports development that impacts positively on health, safety and amenity of the city and its citizens* (Point 7); and *seeks to improve accessibility throughout the city by ensuring that developments, including public places, are accessible to all users including senior citizens and disabled people* (Point 9).

- 6.22 Policy CS18 of the Amended LDF Core Strategy (2015) is also relevant as it seeks to *'promote patterns and forms of development that reduce the need to travel, especially by car'* (Point 7) and supports infrastructure which promotes *'active travel (walking and cycling)'* (Point 8); and is supported by the policy background/justification of CS 19 whereby *'The Core Strategy seeks to reduce unnecessary car use, by encouraging people to use other travel options, such as..., walking or cycling.'*
- 6.23 The proposal is also supported by Core Strategy policy CS21 which seeks to *protect and improve the quality of open spaces and ensure adequate provision in a way which delivers the best outcome for the community, promotes participation in sports and active recreation, health and well-being and has regard for the city's rich natural environment'*.
- 6.24 Policies set out within the City Council's Amended Local Plan Review (2015) also support the principle of the development; policy SDP11, Accessibility and movement, states: *Planning permission will only be granted for development which:*
- (i) *Contributes to an attractive network of public routes and spaces for pedestrians, cyclists and vehicles.*
 - (ii) *Secures adequate access for all pedestrians including people with mobility and sensory difficulties such as the elderly, disabled people, the very young and those using prams and wheelchairs.*
- 6.25 The scheme is also in line with the Council's Greener City Plan's goal to *'encourage promote and incentivise the use of sustainable and active travel'*.
- 6.26 The most relevant national guidance to use in order to consider the appropriateness of the width and surface proposed is included within the Department for Transport's Cycle Infrastructure Design Local Transport Note 1/20 – July 2020. The guidance states that a minimum width of between 3m and 4.5m should be used for shared use routes (paragraph 6.5.7 & Table 6-3 refers).
- 6.27 The existing width and condition of Lover's Walk does not sufficiently accommodate the existing number of daily users and as a consequence creates conflicts between users and has resulted in overrun degrading the path verges by up to 1 metre in parts. For this reason, it is considered necessary for the path is widened to meet national standards.
- 6.28 In initially preparing for the planning submission guidance for shared use footpaths/cycle ways as set out in Department of Transport's publication Shared Use Routes for Pedestrians and Cyclists (2012) was consulted. The document has now been updated by Cycle Infrastructure Design Local Transport Note 1/20 – July 2020. The guidance states that a width of 3 metres should generally be regarded as the preferred minimum on an unsegregated shared route but acknowledges that in areas with fewer cyclists or pedestrians a narrower route might suffice. Where a significant amount of two-way cycling is expected, additional width is also recommended. To reflect the guidance sections 1 and 3 will be 3.5m in width. As section 2 will not be a formal cycle route (although cyclists will not be prohibited from using the route) the width narrows to generally 2.5m. The Manual for Streets (2002) was also reviewed, it recommends at least 2 metres for footways.

- 6.29 The guidance also recognises that when considering an appropriate width, the needs of disabled people and older people also need to be accounted for, with these user groups tending to need more space to manoeuvre. Increasing width to an average of 2.5m and 3.5m for the different sections respectively will therefore improve access for these user groups.
- 6.30 As such from a policy perspective and having received support from the Highways Development Management Team there is no reason to oppose this scheme which seeks to bring an existing shared footpath/cycle route up to modern standards.
- 6.31 It is noted that in the representations concerns have been raised to indicate that path widening would be simply increasing the scale of the problem as path overrun is always a likely consequence of highly used shared paths located in public parks within highly urbanised environments. In addition, concerns have been raised that a widening project of this nature would also lead to increased speeds and a reduction in safety for pedestrians. These potential problems need to be considered in the planning balance which, it is important to remember, must take reasonable behaviour into account rather than the behaviour of a minority of users who choose not to be considerate. As a direct response to these practical concerns the proposal now includes traffic calming measures to encourage slower travel speeds. A behavioural code of conduct has also been established with signage erected and '*share with care*' surface repeater signs consistent with signage on other parts of the Common where paths are also shared. Earth bunds will also be used on edges of the path where it is deemed appropriate to do so which will also discourage verge overrun.
- 6.32 It should also be noted that since the application was originally submitted changes to the Avenue cycle route (SCN5) that have occurred with the northbound and southbound cycle corridor being changed, removing the northern part of the segregated cycle lane on the Avenue and moving in onto the common. This should however not influence the determination of this planning application, which should be assessed on its own planning merits.
- 6.33 The temporary diversion, of parts of the route will be needed for construction purposes. There is no objection to the temporary diversions in planning or highway safety terms.
- 6.34 Overall, it is considered that the development contributes to, and will not adversely affect, an attractive network of public routes and spaces for pedestrians and cyclists. The scheme is also considered to encourages a reduced need to travel by car, promotes health and wellbeing and will benefit all members of society including the elderly and disabled as is required by Local Plan Review saved policies SDP11 and CS13, CS18, CS19 and CS21 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).
- 6.35 Trees & Ecology**
- 6.36 Amended Local Plan Review (2015) policies NE3 (Sites of Local Nature Conservation Importance), NE4 (Protected species) and SDP12 (Landscape and biodiversity) recognise the Common As an important feature for nature conservation and require development to, prevent habitat loss and enhance existing natural resources and protect important habitats and species. CS22 the

Local Development Framework Core Strategy Development Plan Document (Amended 2015) also supports these objectives.

- 6.37 It is estimated that 1,422sq.m of common land will become shared use path (0.003% of the total SINC area). This requires an application for consent to Secretary of State for Environment under Commons Act 2006, Section 38. By transferring this green Common space, compensation and/or mitigation measures are required that should be funded through the scheme budget. 157sq.m of public highway will be transferred to common land as part of this. There is also a proposal for habitat management works on Little Common as mitigation for this loss. This is detailed in a separate Ecological Compensation and Management Plan. The net loss of open space is 1265sq.m. The mitigation will create forest margin sections along Carriage Drive to increase species diversity where currently the canopy cover is almost fully enclosed and characterised by broadleaf woodland.
- 6.38 As most of the land required for widening has been worn there is little vegetation clearance required to facilitate the development. Where vegetation is required to be removed it is low quality amenity grassland and ruderal vegetation. There will naturally however, be an impact on the immediate area of the Common during works and for a period afterward as local wildlife returns. While unfortunate in the short-term over a longer period and whilst the compensatory management measures are established, offsetting will lead to improved biodiversity within the common.
- 6.39 The alignment of the path has been designed to reduce the land take as far as practical and ensure to that there is no tree loss. This tactic will also limit impact on biodiversity. A precautionary approach to the construction will be achieved with all works assumed to be within tree root protection areas and thus any foundations needed will be hand dug to avoid severing roots that could undermine the health and longevity of protected trees although owing to the request of the Parks and Open Spaces Manager the project intends to be a no dig construction wherever possible and practical.
- 6.40 The ecological mitigation proposed will improve existing areas of low ecological value within the common increasing species diversity and natural value. The works will be secured by planning condition. The amended ecological mitigation and enhancement plan submitted has been agreed by the Council's Ecologist. The plan will secure funding for ten years which will pay for management and site works, mostly cutting back edge encroachment of broadleaf trees, along Carriage Drive. This will compensate for the biological damage caused by the works.
- 6.41 No changes to street lighting are proposed along the route and as such no direct additional impact on protected bat species will occur. Therefore, as per the existing layout 850m will be lit, while 480m will remain unlit.
- 6.42 For clarity there will be no fencing of the boating lake which was formally part of the mitigation measures included as part of the two previously withdrawn applications and was objected to by members of the public.
- 6.43 Numerous culverts cross under the route in order to drain the surrounding Southampton Common. These will be maintained with the same pipe diameter and will therefore not affect drainage. There is a small stream at the far north of Section 1; the bridge over it will be unaffected by the proposed works.

6.44 The proposal does not jeopardise the overall wildlife value of 'Little Common' or the ability of Little Common from supporting protected species and thus the scheme complies with policies NE3, NE4 and SDP12 of the Local Plan and CS22 of the Core Strategy.

7.0 Summary

7.1 This planning application seeks to improve the existing Lover's Walk shared path so that it meets appropriate local and national standards. The existing path is no longer fit for purpose and is in need of investment. The planning application has been assessed as acceptable in terms of highway safety, neighbouring residential amenity, biodiversity and tree impact. Whilst it is acknowledged that there will be an impact on character and in the short term there would be ecological impacts this minor level of harm would be far outweighed in the planning balance by the public benefits of the scheme which ultimately creates a suitable unsegregated pedestrian/cycle path that promotes active travel and has regard to the natural environment through mitigation and enhancement measures. Accordingly, the scheme is recommended for approval subject to securing the proposed biodiversity mitigation and enhancement measures and the suggested planning conditions.

8.0 Conclusion

8.1 It is recommended that conditional planning permission for this development is granted.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a)/(b)/(c)/(d), 2(b)/(d), 4(f), 6(a)/(b).

Mat Pidgeon for 15.02.22 Planning Panel

PLANNING CONDITIONS to include:

1.Full Permission Timing Condition (Performance condition)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

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

2.Approved Plans (Performance condition)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

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

3.Cycle Speed Calming Measures (Pre-operation condition)

Prior to the use of the hereby approved development final design details of the cycle speed calming measures shall be submitted to and agreed in writing with the Local Planning Authority and any subsequent design changes to any of the approved traffic calming measures shall first be agreed (by further condition discharge). The development shall be implemented as agreed and thereafter retained as approved.

Reason: In the interests of the users of the route, highways safety and visual amenity.

4. Shared Path Construction (Pre-Commencement condition)

Prior to the commencement of the development hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority:

1. A specification of the type of construction proposed for the shared path including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with the method of disposing of surface water.
2. A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.
3. Details of a management process which will maintain these areas in the future.

The road and footways shall be completed in accordance with the agreed details before the development first comes into use and thereafter retained as approved for the lifetime of the development.

Reason: To ensure that the shared path is constructed in accordance with standards required by the Highway Authority.

5. Hours of work for Demolition / Clearance / Construction (Performance condition)

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

6. Construction Management Plan (Pre-Commencement condition)

Before any development works are commenced, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) details of temporary lighting
- (d) storage of plant and materials, including tarmac mixing and washings, used in constructing the development;
- (e) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (f) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (g) details of construction vehicles wheel cleaning; and,
- (h) details of how noise emanating from the site during construction will be mitigated.
- (i) Schedule of onsite supervision/inspection with/by Council Tree and Ecology Officers.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, and the character of the area, highway safety, biodiversity and trees.

7. Removal of reductant concrete (Pre-operation condition)

Prior to the upgraded Lover's Walk route hereby approved first coming into use, the 157m of public highway, to be converted to common land, will be completed including soft landscaping to the specification approved by the below landscaping condition.

Reason: To secure part of the necessary ecological mitigation measures.

8. Foundation construction (Pre-operation condition)

Notwithstanding the no dig intended approach to the construction proposed if practical to do so, due to site levels and distance from protected trees, no mechanical machinery shall be used in the excavation of foundations at any time. Any excavation of foundations will need to be carried out by hand and shall first be agreed in writing by the Local Planning Authority. REASON: In the interests of the health and protection of protected trees along the site and in the interests of the character of the Lovers Walk and the wider Common setting.

9. Ecological Mitigation Statement (Pre-commencement condition)

Prior to development commencing, including site clearance, the developer shall implement the programme of habitat and species mitigation, compensation and enhancement measures, as set out in:

1. Lovers Walk, The Avenue, Southampton Common, Southampton. Ecological Method Statement, ECOSA Ltd Final Document 16th August 2018
2. Lovers Walk Cyclepath Upgrade, Southampton Common, Southampton. Ecological Compensation and Management Plan, Final Document (Revision 3) May 2021.

The programme of habitat and species mitigation, compensation and enhancement measures shall accordingly be continued for a minimum period of 10 years.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

10. Protection of nesting birds (Performance condition)

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been first submitted to and agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity.

11. Arboricultural Method Statement (Pre-Commencement Condition)

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. A method statement showing any trees lost or impacted; the extent of any pruning necessary to facilitate the build and any replanting (with location species, and stock type/size) and any special engineering or protection required.

8. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

12. Protection of Trees and Green Space (Performance condition)

Work vehicles will not be driven or parked on any part of the root protection zone or green space without prior written permission from the Council.

Reason: To ensure green space is protected and not damaged through compaction by vehicular access

13. Tree Retention and Safeguarding (Pre-Commencement condition)

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan (tree protection plan) and agreed with the Local Planning Authority in writing before any site works commence in line with BS5837:2012 trees in relation to design, demolition and construction. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason: To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

14. No storage under tree canopy (Performance Condition)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

15. Archaeological watching brief investigation (Pre-Commencement Condition)

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

16. Archaeological watching brief work programme (Performance Condition)

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

The fencing of the boating lake will not be included as part of the mitigation measures required to offset the impact of the development.

17. Landscaping detailed plan - verges and bunds (Pre-Commencement (condition))

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme, including plans, and implementation timetable detailing how the verges and bunds adjacent to the path will be treated shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours with a section showing existing and proposed spot heights and the proposed build up on typical edges along the route (Above Ordnance Datum - AOD);
- ii. 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/planting densities where appropriate.
- iii. a landscape management scheme.

The approved landscaping scheme for the whole site shall be carried out prior to the first use of the shared path, or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

18.Width maintenance (Performance condition)

The path shall be inspected on a regular basis and the full width shall be maintained at a frequency to first be agreed in writing by the Local Planning Authority prior to the first use of the shared path. Once agreed the details shall be complied with throughout the lifetime of the development.

Reason: To maintain the full width of the path (preventing vegetation growth over the edges).

19. No lighting (Performance condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2021 as amended or any Order amending, revoking or re-enacting that Order, at no time shall lighting of any type be added without separate planning permission. No lighting infrastructure shall be added as part of this scheme.

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development with regard to the amenities of the surrounding area.