**2022/0364**

Applicant: BMBC

Description: Formation of 3m wide combined cycle and footpath active travel route and associated works including provision of adjacent soft verges, earthworks and drainage installations

Site Address: The route of the disused railway line located between Wakefield Road/Bar Lane at Staincross/Athersley and Lee Lane, Royston

4no. letters of support have been received and 2no. letters of objection.

**Site Description**

The site follows a public footpath along a disused railway line, for approximately 1600m, between Wakefield Road (A61), Athersley, and Lee Lane at Royston. The existing route features an unsurfaced footpath, with restricted access at the southern end caused by a raised infill beneath the A61 highway bridge arch and relatively steep gradients beneath and adjacent to Wakefield Road, A61.

Starting at Barnsley town centre, it heads north, running parallel with the A61, crossing the A61 Gyratory, heading to Smithies Lane, Bar Lane to Lee Lane and a spur from Bar Lane to Carlton, linking an existing bridleway and shared cycleway network constructed as part of a Safer Route to Schools project. This link has a corridor length of 3.6km.

The site runs for approximately 750m within a cutting, at the southern end, transitioning to a similar length of raised embankment before it interfaces with Lee Lane. The cutting has heavily vegetated steep banking, to the immediate east and west of the existing track. The disused railway track width is approximately 6m to 8m for the entire route, with the existing unsurfaced, 2m to 3m width footpath bordered by ground vegetation and trees.

North of the cutting, the site is atop a raised embankment for approximately 750m. Ground vegetation and trees cover the track adjacent to the existing 2m to 3m width unsurfaced footpath.

**Background**

At the start of 2019, Sheffield City Region (SCR) adopted a new Transport Strategy setting out the desire for an ambitious and transformational programme of transport infrastructure investment that would unlock the economic potential of the Region. This need was identified due to a predicted 500,000 extra journeys being catered for on the transport system by 2026, which without mitigation, would lead to worsening congestion, less vibrancy in towns and cities, economic restrictions due to businesses holding back on investment and worsening hotspots of poor air quality.

Transforming Cities Fund (TCF) was identified as an enabler to put this plan into action. Subsequently, SCR along with 11 other shortlisted areas were invited by central government to develop a business case for TCF, which was submitted to Department for Transport (DfT) in November 2019. In March 2020, SCR were awarded £166m, with the Mayor allocating half to active travel schemes across the Region.

The objectives which drive SCR's investment plans and have informed the development of the TCF bid include:

• Residents should be able to walk, cycle, drive or use public transport from their home to their nearest town centre in no more than 15 minutes;

• By using public or private transport, people should be able to travel within the Sheffield City Region in no more than 30 minutes;

• Journey times to at least four major cities in the North, including Leeds, Manchester, Birmingham and Hull, will take no more than 75 minutes.

As part of this process, Barnsley Metropolitan Borough Council (BMBC) have been allocated funding for a collection of schemes designed to bring improvements to bus priority and active travel infrastructure, to encourage modal shift by making sustainable travel a more attractive and viable option.

**Proposed Development**

BMBC has aspirations to create an uninterrupted active travel link connecting Royston to Goldthorpe via Barnsley town centre, to significantly improve and expand east/west connectivity and the *A61 Active Travel Link* forms a key piece of this larger network.

This proposal is to construct a 1600m long bridleway including a 3m wide surface, with adjacent soft verges of up to 1m width. To achieve an inclusive surface geometry and to reduce the risk of flooding, volumes of cut and fill will be required.

With as much of the excavated material being reused on site as possible, it is estimated 1360m3 of material will be imported to site.

The path will be surfaced in a dust aggregate. This type of surfacing has been used at many locations throughout the Borough including a recent scheme on the Elsecar Greenway between Cortonwood and Elsecar, This type of surfacing has the advantage of being Carbon friendly as it is uses recycled materials.

Ground vegetation and trees are to be cleared, pruned and/or felled, either side of the proposed shared route, to create up to a 1.0m wide verge, allowing clear sight lines along the route and creating an increased feeling of space.

There is a considerable amount of fly tipped debris along the length of the cutting, which will be removed as part of the scheme.

The untidy and informal paths/desire lines that currently traverse the cutting embankments are to be cultivated and planted with hawthorn.

**Policy Context**

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.
The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application

The site is allocated as Green Space (former Barnsley Coal Railway), Green Belt and Green Way (Dearne Way, Dearne Valley Park heading North to Royston & Carlton Boundary Walk) therefore the following policies are relevant:

Policy T1 Accessibility Priorities

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy GD1 General Development

Policy GI1 Green Infrastructure

Policy GS1 Green Space

Policy GS2 Green Ways and Public Rights of Way

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

Policy CC3 Flood Risk

SPD's

Those of relevance to this application are as follows:

-Sustainable Travel
-Trees and Hedgerows
-Biodiversity & Geodiversity

NPPF

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 98 – Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

Para 100 – Planning polices and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including national trails.

Para 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 126 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of

sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 174 – Planning policies and decisions should contribute to and enhance the natural and local environment.

Para 180 - When determining planning applications, local planning authorities should apply the following principles: [...]

d. development whose primary objective is to conserve or ***enhance biodiversity*** should be supported; while opportunities to ***improve biodiversity in and around developments*** should be integrated as part of their design, especially where this can secure ***measurable net gains for biodiversity*** or enhance public access to nature where this is appropriate

**Consultations**

Biodiversity – No objection subject to a condition to mitigate the loss of habitat on site

Drainage – No objections subject to conditions

Highways – No objections subject to conditions

Network Rail – No objections

Northern Powergrid – No objections, guidance provided

Tree Officer – No objections subject to an Arboricultural Method Statement being conditioned

PROW -No objections subject to the route being formalised as a public bridleway and additional guidance has been provided

Regulatory Services – No objections subject to a working hours condition

SYMAS – Agree with findings of submitted report and no objections subject to an informative

The Coal Authority – Concur with the findings of the submitted report and raise no objections subject to an informative

Trans Pennine Trail – Raise no objections and support the proposal

Yorkshire Water – No objections

Councillors – 1no. cllr has submitted comments of support

**Representations**

74no. letters were sent to neighbouring properties and a site notice was erected within the immediate area. As a result of the consultation exercise 4 letters of support were received and 2no. letters of objection. The main points of concern were;

- Local paths are currently used by motorbikes and improving the pathways would encourage further use, in conflict with walkers, cyclists and horse riders.
- The choice of material for the path was questioned with alternatives suggested

**Assessment**

Principle of development

Local Plan Policy GI1 'Green Infrastructure' states 'we will protect, maintain, enhance and create an integrated network of connected and multi-functional Green Infrastructure assets.

Green Infrastructure can be described as including strategic networks of accessible, multifunctional sites (including playing fields, parks, woodland, informal open spaces, nature reserves and historic sites) as well as linkages (such as the principal transport corridors, river corridors and floodplains, wildlife corridors and greenways). These contribute to maintaining the region's biodiversity and environmental quality as well as people's well-being. GI networks should consist of a series of features (both existing and new), appropriate at various spatial scales, preferably with links connecting smaller, more local sites with larger, more strategic ones.

The mental and physical health and wellbeing, social and economic benefits of green infrastructure should also be maximised and can include such things as increased accessibility using sustainable transport, attractive footpaths and cycleways, the creation of an attractive environment which improves image and encourages investment and development, increased property values and more tourism.

Green Infrastructure will have an important role to play in helping Barnsley to adapt to climate change, in line with Government guidelines and the Authority's commitment to become net carbon zero by 2040.

When considering new development, it must help create places that connect with each other, providing the right conditions to encourage walking, cycling and the use of public transport. One of the benefits of Green Ways and Public Rights of Way is that that they allow connections with and access to leisure and facilities. However, we must also ensure that there are no negative visual or environmental effects and that development is consistent with Green Belt policy. Furthermore, development will be expected to conserve and enhance the biodiversity and geological features of the borough.

NPPF Paragraph 98 states access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

Paragraph 100 goes onto states planning polices and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including national trails.

Paragraph 180 states development whose primary objective is to conserve or *enhance biodiversity* should be supported; while opportunities to *improve biodiversity in and around developments* should be integrated as part of their design, especially where this can secure *measurable net gains for biodiversity* or enhance public access to nature where this is appropriate.

In principal, the proposed scheme is considered to meet the above requirements.

Residential Amenity

The site runs to the rear and adjacent to a number of residential properties in Athersley South, New Lodge and Mapplewell. It is acknowledged that the widening and resurfacing will likely increase its usage over and above the existing unmade footpath, however, any noise or disturbance would be fleeting and the path would remain tree lined and parts would be cut lower than existing levels to further reduce noise. The path would also likely be used generally during social hours due to the lack of lighting. As such, residential amenity levels would be maintained, in accordance with Local Plan Policy GD1.

Visual Amenity

The site for the proposed shared footpath is currently the route of a disused railway line, which runs for approximately 1600m between Wakefield Road, A61, Athersley, and Lee Lane at Royston. The route features an unsurfaced footpath, with restricted access at the southern end caused by a raised infill beneath the A61 highway bridge arch and relatively steep gradients beneath and adjacent to Wakefield Road, A61

The 3m wide surface is to be formed using a compacted 6mm dust aggregate, founded on a base of recycled road planings. The construction will provide a solid, hardwearing surface, while still maintaining a visually softer appearance to blend in more comfortably with the natural surroundings. This type of surfacing has been used at many locations throughout the borough including a recently completed scheme on the Elsecar Greenway between Cortonwood and Elsecar. The surface has the advantage of giving a pleasing visual appearance whilst being robust enough for all users. This type of surfacing also has the advantage of being considerably more Carbon friendly in line with Government guidelines and the Authority's commitment to become net carbon zero by 2040, due to the use of recycled materials rather than the virgin materials required for a traditional Tarmac construction.

Ground levels were found to have been raised by over 4m at the southern end of the route, with an additional 2m+ infill beneath the arch of the A61 highway bridge. Local gradients are currently too steep for inclusive access. As such, embankments are proposed between the existing raised areas to form suitable gradients for the new shared footpath. Horizontal lengths of 5m to 10m are proposed between inclines to create resting areas and gradients throughout the rest of the route are to be reprofiled to align with current design guidance.

The widening of the existing path and the gradient work outlined above would inevitably lead to some loss of trees and vegetation (commented on further in the Tree section below), however, the tree lined nature of the route will be maintained, and the removals are restricted to strictly necessary, as such, it would leave the majority of the embankments untouched, therefore, visual amenity would be maintained.

It should also be noted that there is currently a considerable amount of fly tipped debris along the length of the cutting, which will be removed as part of the scheme and, as such, would improve the visual amenity of the area. In addition, the untidy and informal paths/desire lines that currently traverse the cutting embankments are to be cultivated and planted with hawthorn.

Trees

Ground vegetation and trees are to be cleared, pruned and/or felled, either side of the shared footpath, to create up to a 1.0m wide verge, allowing clear sight lines along the route and creating an increased feeling of space. An arboricultural report, Method Statement and Arboricultural impact assessment are included with this application.

The area of the old dismantled railway is largely full of self-set trees. These trees as a whole do have value in a wider landscape context, however in arboricultural terms the vast majority are relatively poor or insignificant specimens. In the main the few better quality category B trees are to be retained as part of the scheme. Ultimately the scheme is for the wider public benefit and this must be balanced against the removal of generally poorer quality self-set trees. Given that the tree lined nature of the route will be maintained, and the tree removals are restricted to those directly in the way of the path or those which require removal for arboricultural reasons, it would leave the majority of the embankments untouched.

Given the above, the Councils Tree Officer has raised no objections to the scheme, subject to conditions.

Highways

The proposal seeks approval for the provision of a segregated, off road active travel route between Barnsley town centre and Royston. This scheme is one element of the council's wider aspirations to create an uninterrupted active travel link connecting Royston to Goldthorpe via Barnsley town centre to significantly improve and expand connectivity by modes of active travel.

The route follows a public footpath along a discussed railway line between the A61 Wakefield road and Lee Lane Royston. As part of the proposals, the footpath is to be upgraded to Bridleway status to provide a legal right of access for pedestrians, horse riders and cyclists. The application construction details are in accordance with public rights of way specification which has previously been used successfully elsewhere within the Borough.

Having reviewed the proposals, the Councils Highways Officer has raised no objections from a highway's perspective, however it is acknowledged that during construction there may be a requirement for temporary diversions or closures of public rights of way which will be addressed by the Public Rights of Way Team.

Coal Mining

The application site falls partly within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to development proposals.

More specifically, the Coal Authority's information indicates that parts of the proposed active travel route cross areas where historic unrecorded shallow coal mining activity is likely to have taken place. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The planning application is accompanied by a Phase 1 Desk Study & Phase 2 Ground Investigation Report (March 2022, prepared by Abbeydale Building Environment Consultants). Based on a review of coal mining and geological information, the submitted report acknowledges the potential for unrecorded shallow workings beneath parts of the site.

Nevertheless, the report author is satisfied that the proposed development, which would involve only limited groundworks to an existing public right of way, would not be significantly at risk from such workings. As such, they do not consider that further investigation works are required in respect of coal mining legacy matters.

The report correctly notes that there are no recorded mine entries present within or close to the application site. It does, however, indicate that the potential for unrecorded mine entries cannot be ruled out. The Coal Authority and SYMAS therefore welcome the recommendation that a watching brief should be maintained during any groundworks for the presence of unrecorded mine entries. Should such a feature be encountered on site, it should be appropriately treated in accordance with details permitted under a Coal Authority Permit.

Based on the information submitted and the professional opinions contained therein, the Coal Authority and SYMAS raise no objection to the proposal, subject to an appropriately worded informative.

Drainage

The site is located within Flood Zone 1 which is an area with a low probability of flooding. However, the site area within the cutting is generally found to be boggy, with a surface water flow path entering the cutting from an adjacent brownfield site (former William Freeman factory site). A number of surface water drains and ditches have been identified within the site. However, the majority of these appear to be filled or to have been severed during past works to increase ground levels at, and immediately south of, the A61 highway bridge. The existing site drainage therefore no longer functions.

To mitigate on-site flooding issues, the scheme includes the installation of a 325m length swale / detention ditch along the side of the proposed shared cycleway, to store the 1 in 100 year, 6 hour runoff volume from the site and adjacent land and discharge at a suitable rate to a watercourse.

Yorkshire Water have raised no objections to the scheme and the Councils Drainage Officer has raised no objections subject to a suitably worded condition requiring surface water drainage details, plus informatives directing the developer to the Highways Drainage team.

Contamination

With a likelihood of contamination associated with previous land use of the adjacent brownfield site to the west of the cutting (highlighted in a South Yorkshire Mining Advisory Service report for the site), site investigations were conducted by Abbeydale BEC, with 17 exploratory window sample cores taken to confirm ground conditions across the site.

As part of the scope of investigations, samples of surface water from the adjacent brownfield site were also taken for chemical analysis, during the initial ground investigation and again during post-investigation monitoring.

The report concludes that, following soil, water and gas testing along the route, the risks are low and should not prevent the proposed development or pose a risk to future users.

Biodiversity

The NPPF paras 174, 179 and 180 state that developments should contribute to and enhance the natural environment, minimising impacts on and providing net gains for biodiversity. Local Plan Policy BIO1 'Biodiversity and Geodiversity' states development will be expected to enhance the biodiversity of the borough and where development may harm biodiversity effective mitigation and/or compensatory measures will be required. The Environment Act also sets out key components of mandatory biodiversity net gain.

The Site supports common and widespread habitats, though the large amount of broadleaved woodland present along the disused railway line leads to the Site and as such, overall, is assessed as being of moderate ecological value. The proposal site is located within a SSSI Impact Risk Zone; however, the development type is not listed as having a likely risk upon the SSSI within this zone, as such the LPA are not required to consult Natural England in this instance

As outlined above, in order to widen the pathway and create a clearing at either side there needs to be removal of some of the woodland, grassland and scrub. This leads to a biodiversity net loss of 22.66%, equivalent to 6.39 units. Given the linear nature of the site and the moderate condition of the woodland it would not be possible to achieve no net loss by enhancing the existing site, as such, off site mitigation would be required. There are some on site improvements proposed but they would only equate to circa 0.12 habitat units.

In similar situations, the applicants would be required to enter into a legal agreement to either provide off site mitigation or pay a set amount of money per habitat unit. However, given this is a Council application, the Council cannot enter into a legal agreement with itself. As such, in this instance a condition is required to ensure mitigation measures are put in place to result in at least no net loss. Discussions have already started to take place with Parks Services to identify sites as close as possible to the application site which would prove functional. Given the bulk of the loss on site is woodland, it is likely the required replacement would also be woodland with Athersley Memorial Park muted as a potential site. However, full details will be submitted and approved through a discharge of conditions application.

As per the Biodiversity Management Plan, management and monitoring for the duration of 30 years will be required for created and enhanced habitats inline with Biodiversity Net Gain guidelines. Monitoring reports will be required to be submitted to the LPA in years 1, 2, 5, 10, 20 and 30.

The Councils Biodiversity Officer has concurred with the findings set out in the submitted Ecological Assessment, Construction Environment Management Plan, and Biodiversity Net Gains Matrix and has raised no objections to the proposal subject to a suitably worded conditions.

Summary

In summary the proposed development is considered acceptable in principle due to the land being allocated as a Green Way and the proposals seeking to protect and enhance a public right of way and access, including taking opportunities to provide better facilities for users. The mental and physical health and wellbeing, social and economic benefits of green infrastructure are also encouraged through Local and National policy.

Biodiversity habitat on the site is generally of a moderate condition, however the metric assessment has quantified that a loss of value would occur and so a mixture of on site and off site solutions are required to arrive at a position of no net loss of biodiversity. A condition is required therefore to ensure that the requirement is delivered as part of the future development.

The application is considered acceptable in relation to the other considerations set out in the assessment section of the report including visual and residential amenity, highways matters, drainage, trees, contamination risk, coal mining risk, relationship with the adjacent Public Right of Way subject to appropriately worded conditions.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies T1, T4, G11, GS1, GS2, D1, Poll1 and BIO1) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay. The recommendation is one of approval therefore subject to the conditions listed below.

**Recommendation**

**Grant** subject to conditions