

Agenda



Knowsley Council

4 January 2023

To: The Chairperson and
Members of the
Planning Committee

Dear Councillor

A Meeting of the **PLANNING COMMITTEE** will be held on **Thursday, 12th January, 2023**, in the Council Chamber, Municipal Buildings, Huyton at **6.00 pm**.

If you have any queries regarding this meeting, please contact Andrew Bilsborrow on telephone number 0151 443-3500.

Yours faithfully

Chief Executive

Please Note:-

1. *Access to the Council Chamber is limited. Meetings will be live streamed but, if members of the public or press wish to attend in person, please contact Andrew Bilsborrow on (0151)-443 3500 in the first instance to discuss. The live stream can be accessed from the following link - <https://knowsley.public-i.tv/core/portal/home>.)*
2. *If you have submitted a representation in respect of any of the planning applications that are included on the agenda for determination at this meeting, and wish to speak at the meeting, there is a procedure to be followed which can be accessed via the link below:-*

<https://www.knowsley.gov.uk/residents/building-and-planning/make-a-planning-application/speaking-at-planning-committee>

Membership of the Planning Committee

Councillors

D Lonergan FRICS (Chairperson)

Ms D Allen	Ms J Harvey
Ms J E Aston	Ms J Lilly
Ms C Bannon	K W McGlashan
D J Baum	G J Morgan
H Bell	Mrs S Powell
T Brennan	I Smith
C Cashman	K Taylor
J Donnelly	K F Walsh
A J Flute	Ms A Wright
R Gaffney	

*(Note: The Agenda and Reports are circulated to all other
Members of the Council for information only.)*

A G E N D A

APOLOGIES

1. DECLARATIONS OF INTEREST

2. MINUTES

To receive as a correct record the minutes of the meeting of the Committee held on 3rd November 2022.

(Pages 1 - 6)

3. APPLICATIONS FOR PLANNING PERMISSION

To consider the reports of the Executive Director (Regeneration and Economic Development) in respect of the following applications for planning permission.

(Please note that:-

- (i) Background Papers to the planning applications referred to in this agenda comprise the following: -
 - 1. The planning application as submitted or subsequently revised including all forms and plans, etc.
 - 2. The application case sheet, inspection report, photographs, etc.
 - 3. An Ordnance Survey sheet extract showing the application site and the surrounding area.
 - 4. Standard planning conditions as adopted by the Council.
 - 5. Relevant policies from the Unitary Development Plan as appropriate.
 - 6. Copies of all statutory and non-statutory consultations and related correspondence except where they are strictly confidential.
 - 7. The relevant planning history of the application site.

Specific documents, which have been used as a background paper for a particular planning application, and which are not included in the above, are detailed as appropriate at the end of the individual report concerned. Please contact the planning services team (0151 443 2381 or via email at Dcsubmissions@knowsley.gov.uk) to arrange inspection of these files and documents; and

- (ii) Details of the contact officer is contained in the individual report and additional information/some background papers can be found on the [Public Access](#) site via the link shown beneath each planning application below).

- (a) **22/00195/KMBC1 - CONSTRUCTION OF A MULTI USER ROUTE FOR PEDESTRIANS, CYCLISTS AND EQUESTRIANS INCLUDING A NEW EQUESTRIAN, CYCLIST AND PEDESTRIAN CROSSING ON FOX'S BANK LANE, INSTALLATION OF 2 NO. K-BARRIERS AND ACCESS GATES, REGRADING OF LAND, LANDSCAPING, BOUNDARY TREATMENTS, SIGNAGE AND OTHER ASSOCIATED WORKS TO CONNECT FOX'S BANK LANE AT HALSNEAD PARK TO THE EXISTING PENNY LANE HIGHWAY - FROM FOX'S BANK LANE FOLLOWING THE NORTHERN BOUNDARY OF AGRICULTURAL LAND SOUTH OF PENNY LANE TO OPPOSITE OAK LODGE.**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 22/00195/KMBC1 in the search box.

(Pages 7 - 44)

- (b) **22/00213/REM - RESERVED MATTERS APPLICATION PURSUANT TO PLANNING PERMISSION 18/00283/HYB FOR THE ERECTION OF 208 NO. DWELLINGS AND ASSOCIATED WORKS - APPROVAL SOUGHT FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE - LAND NORTH OF M62 MOTORWAY, OFF WINDY ARBOR ROAD, (HALSNEAD), WHISTON.**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 22/00213/REM in the search box.

(Pages 45 - 74)

- (c) **22/00348/FUL - ERECTION OF 3 NO. COMMERCIAL UNITS (USE CLASS B2 OR B8) INCLUDING MEZZANINE FLOOR, ANCILLARY OFFICE AND WELFARE FLOORSPEACE TOGETHER WITH SERVICE YARD, LOADING BAYS, CAR AND CYCLE PARKING, ELECTRIC VEHICLE CHARGING POINTS, DRAINAGE INFRASTRUCTURE AND LANDSCAPING TOGETHER WITH IMPROVEMENTS TO PUBLIC RIGHTS OF WAY LINKING ORMSKIRK ROAD AND KNOWSLEY LANE INCLUDING THE DIVERSION OF THE PUBLIC RIGHT OF WAY AND OTHER PEDESTRIAN ACCESSIBILITY WORKS - LAND BOUNDED BY EAST LANCASHIRE ROAD, ORMSKIRK ROAD AND KNOWSLEY LANE, KNOWSLEY, L34 9EY**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 22/00348/FUL in the search box.

(Pages 75 - 104)

4. DELEGATED PLANNING DECISIONS

To consider the report of the Lead Development Manager - Planning.

(Pages 105 - 116)

5. TOWN AND COUNTRY PLANNING ACT 1990 - APPEAL DECISIONS

The Lead Development Manager – Planning to report on the following appeal decisions taken by the Planning Inspectorate :-

- (a) **LAND TO THE SOUTH OF HOLLY FARM, CHAPEL LANE, CRONTON**

(Pages 117 - 120)

- (b) **LAND AT CHURCH ROAD/OKELL DRIVE, HALEWOOD**

(Pages 121 - 126)

- (c) **42 STANFORD CRESCENT, HALEWOOD**

(Pages 127 - 130)

- (d) **LAND AT REAR OF 10 VICARAGE PLACE, PRESCOT**

(Pages 131 - 134)

6. ANY OTHER ITEM(S) WHICH THE CHAIRPERSON DEEMS TO BE OF AN URGENT NATURE

APPLICATION NO. 22/00195/KMBC1

APPLICANT: Knowsley Metropolitan Borough Council

WARD AFFECTED: Whiston and Cronton

DEVELOPMENT: CONSTRUCTION OF A MULTI-USER ROUTE FOR PEDESTRIANS, CYCLISTS AND EQUESTRIANS INCLUDING A NEW EQUESTRIAN, CYCLIST AND PEDESTRIAN CROSSING ON FOX'S BANK LANE, INSTALLATION OF 2 NO. K-BARRIERS AND ACCESS GATES, REGRADING OF LAND, LANDSCAPING, BOUNDARY TREATMENTS, SIGNAGE AND OTHER ASSOCIATED WORKS TO CONNECT FOX'S BANK LANE AT HALSNEAD PARK TO THE EXISTING PENNY LANE HIGHWAY

LOCATION OF SITE:

From Fox's Bank Lane following the Northern boundary of agricultural land south of Penny Lane to opposite Oak Lodge

DEVELOPMENT PLAN ALLOCATION:

Green Belt
Local Wildlife Site

REPRESENTATIONS:

28 objections received and 8 comments received in support of the application.

RECOMMENDATION:

That members grant authority to the Assistant Executive Director Development and Infrastructure (subject to receipt of the correct land ownership certificate) to grant planning permission under delegated powers subject to:

- (i) The conditions set out in the attached schedule, or such additional or amended conditions that the Assistant Executive Director Development and Infrastructure, in conjunction with the Chair of Planning Committee consider appropriate.

CASE OFFICER

Clare Appleyard (0151)-443 2848

SUMMARY:

The application site relates to an area of arable land in the Green Belt. The application seeks planning permission for a 3-metre-wide multi-user route (with wider sections to provide horse holding areas), for pedestrians, cyclists and equestrians. The proposed multiuser route runs from Fox's Bank Lane to Penny

Lane.

The main planning issues are:

- Principle of the Development
- Loss of Agricultural Land
- Design & Layout
- Trees & Landscape
- Highway Impacts
- Crime, Safety and Health & Safety
- Inclusive Access
- Impact on Heritage Assets
- Noise, Air Quality & Residential Amenity
- Health
- Ecology
- Surface Water Drainage & Flood Risk

1. SITE AND SURROUNDINGS

- 1.1 The application site consists of approximately 0.56 hectares of arable land running west to east from Fox's Bank Lane to Penny Lane. The eastern end of the site connects with Penny Lane opposite a residential property, 'Oak Lodge'. The Woodlands, Bluebell Farm, Fox's Bank Lane lies on the western side of the application site and this residential property/farm is situated to the north of the proposed multiuser route. The site also includes an area of highway across Fox's Bank Lane.
- 1.2 The site is within the Green Belt and consists of agricultural land, scattered trees, woodland edges, hedgerow and vegetation. The area beyond the site boundary includes ponds, agricultural land and residential properties. The Sun and Air Society also lies to the north of the site.
- 1.3 The site is within a Local Wildlife Site (LWS) and Fox's Bank Brook, classified as a main river, is adjacent to the site. The LWS encompasses a relatively central small area of the application site.

2. PROPOSAL

- 2.1 The proposal is for a 3-metre-wide multi-user route (with wider sections to provide horse holding areas), for pedestrians, cyclists and equestrians. The proposed multiuser route runs from Fox's Bank Lane to Penny Lane. The surfacing proposed is a flexible porous surfacing system on a 150mm sub-base.
- 2.2 The proposal is part of a larger scheme to create a continuous network between residential areas, employment areas and green space with the route creating links to eventually connect to the Trans Pennine Trail. The scheme has been divided up into several phases with this application covering phase 8a. Within Knowsley Borough Council administrative area, the multi route network is proposed to provide new facilities between Carr Lane, Prescott and Sandy Lane, Cronton, via Stadt Moers Park and the proposed Halshead Garden Village country park development. The scheme is proposed to tie into Halton Borough Council, where the route will

continue to Widnes and the Trans Pennine Trail.

- 2.3 The submitted plans show the Pegasus crossing locations including dropped kerbs, signage and the associated road markings/surfacing works. A Pegasus crossing is a type of crossing with special consideration for horse riders and usually has an additional control panel for horse riders which is positioned at a higher level to assist horse riders, so they don't have to dismount to operate the crossing. It is noted that the proposal includes some works within the highway that can be carried out without needing planning permission. These works include road markings on the highway and warning signage to indicate that there is a Pegasus crossing ahead to aid driver awareness. The proposal includes high friction surfacing on the highway which will tie into the speed reduction works on Fox's Bank Lane, vegetation removal to allow for visibility to the new crossing and provision of crossing infrastructure across Fox's Bank Lane.
- 2.4 The proposed route includes re-grading of the land to provide the path, a new mesh fence to delineate the horse holding area, a post and rail fence for the route of the proposed lease boundary (following the multi-user path) and bollards/signs to notify users of the shared use designation of the route. The proposal also includes the use of K barriers with 'horse friendly' vehicle barriers (a horse step), landscaping and associated works including edging and tactile paving. The entrance onto Penny Lane includes resurfacing of part of the turning head area, to tie-in with the existing hardstanding and a new sign to notify cyclists, pedestrians and equestrians of the recommended route along the main carriageway where users meet Penny Lane.
- 2.5 In accordance with the Environmental Impact Assessment Regulations the proposal does require an Environmental Impact Assessment (EIA).

3. RELEVANT PLANNING HISTORY

- 3.1 There is no other relevant planning history relating to the application site. However, the southern parcel of the Halsnead Garden Village site to the west of Fox's Bank Lane has a resolution from Planning Committee to grant planning permission for a Country Park development subject to conditions and a s106 agreement:

20/00578/FUL Construction of a new country park, comprising of the creation of sculptured landscape, habitat/wetland creation, associated works and infrastructure, engineering/earthworks including changes to site levels together with the erection of a single storey visitor centre including reception, café, education space, ranger offices and outdoor terrace area, erection of outdoor classroom canopy, sky room, provision of colliery and mineral line multi-user route north of the M62 bridge up to Windy Arbor Road and provision of new car park, vehicle access to be taken from Cronton Road via access road to neighbouring employment site, country park car park with new footbridge over employment site, car park access road and pedestrian/cycle access from Cronton Road and Fox's Bank Lane.

4. ARTICLE 35 STATEMENT

- 4.1 Officers have worked with the applicant in a positive and proactive manner in order to seek solutions to the issues relevant to the proposed development, consistent with the requirement in the National Planning Policy Framework (NPPF), paragraph 38.

5. EQUALITIES ACT 2010

- 5.1 In formulating a recommendation on this application, the Local Planning Authority has considered the requirements of S149 of the Equalities Act 2010.
- 5.2 Section 149 of the Act sets out a general duty that requires the council to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.3 In this case the proposed development is not anticipated to have unacceptable impacts from an equality perspective.
- 5.4 The description for the development was amended during the consideration of the application to incorporate equestrians and the route is described as a 'multi-user route'. The use of barriers to manage access is discussed in the report and full regard has been given to promoting access for all.

6. REPRESENTATIONS

- 6.1 The application was advertised on site and neighbouring properties were notified by letter. Two rounds of consultation have been undertaken following the submission of additional information. 28 objections (including several from the same household - 14 sets of comments have been received from one household, 4 from another household and 3 from another household) have been received and 8 comments in support (5 from the same household) have been received. 1 representation neither supporting nor objecting has also been received.

The objections are summarised below:

Loss of Green Belt

The proposal will result in the loss of Green Belt land and the site is outside the area of Green Belt land that has been authorised to be removed from the Green Belt through the Local Plan process.

The land is currently in agricultural use and is not vacant. Arable land should remain in use for agriculture, especially having regard to the food shortages that are being experienced. High quality agricultural land should not be lost.

Impacts on Visual Amenity

The proposal will have adverse impacts on visual amenity. The road markings are intrusive in a rural area as are the number of bollards.

The proposal refers to both post and rail and wire mesh fencing. If wire mesh fencing is used, this would have a detrimental impact on visual amenity and the Green Belt and may also be a safety issue for equestrian users.

Impacts on Residential Amenity

The proposal will significantly alter the privacy of Oak Lodge. This is currently a quiet refuge in a cul-de-sac and will become a thoroughfare.

The residents of Oak Lodge will be the first point of contact for anyone needing emergency assistance/help as this property is next to the proposed route. This will adversely affect residential amenity.

The proposal will cause loss of privacy to adjacent residents and the Liverpool Sun and Air Society which is a naturist club.

Design

Tarmac is not a good surface for equestrian users as it is slippery and unforgiving in a fall as well as being hard on horses' joints.

The proposal does not include litter bins.

Conflict between Users

The proposal will lead to conflict between different users. Even with signage, cyclists will be going too fast and will cause confrontation between different users of the route.

The proposed K barriers will not stop users of motorised vehicles using the path, causing conflict with its intended users.

Health and Safety

The route and the linking roads are dangerous due to there being no lighting, CCTV or call points. Concern has also been raised about the safety of the route and recent muggings near Rainhill Golf Course path.

Legal shooting, clay pigeon shooting and the use of gas guns occurs either side of the proposal, which could alarm/harm users

Concern that other cycle routes in Merseyside have become no go areas due to crime and antisocial behaviour problems.

How will large construction vehicles enter/exit the site safely? There is no plan relating to how residents will access their properties, vehicle turning areas etc during construction.

Anti-Social Behaviour and Crime

The Police should be consulted on the application. There is concern that no consideration has been given to how antisocial behaviour will be controlled.

The proposal will provide opportunities for more antisocial behaviour given how secluded the area is, it will increase the number of people in the area and increase problems with trespass.

Anti-social behaviour is already a problem on the Pasture and at the western end of Penny Lane. The opening up of further and easier access will exacerbate the problem.

The joining up of areas of high crime (e.g., Whiston) to an area of low crime (Cronton) will not be popular with residents and there is concern that crime/ASB will increase along the route and in the village of Cronton.

The proposal provides an opportunity for scrambler bikes etc to have access to another off-road route and it will become another back route from Whiston which will increase the opportunity for more youths to travel/congregate in the area.

An unlit path along an unlit road will be ideal for criminal use under cover of darkness. There is no proposed security presence within the country park and there will be 24hr access via many entrances. The proposal will cause drug crime to increase. The site is on the boundary of two police forces so there is concern that responses to crime may be slow/affected by this.

Penny Lane was closed to through traffic in the 1980s due to increasing levels of criminal activity such as joy riding and due to the dangerous exit onto Fox's Bank Lane where several high-speed accidents have occurred. There is no mitigation to stop this re-occurring and this shows that ASB has been a problem before on a rural route in Cronton. Additionally, the field access was blocked due to criminal activities such as lamping and off roading.

Concern has been raised that the proposal will also lead to increased incidents of trespass and will affect the security of properties. A query has been raised regarding what sort of boundary treatment will be in place to protect neighbouring residents' security. A small fence could easily be stepped over.

Highway Safety Impacts

Concern about highway safety. The speed of traffic along Fox's Bank Lane is already dangerous. This application will make the situation worse. There have been crashes on Fox's Bank Lane even after the speed limit was reduced to 30mph. The Road Safety audit identifies 2 risks of pedestrian/cyclist/equestrian collisions along Phase 8.

The proposed route exits onto a narrow national speed limit road which is not wide enough to accommodate vehicles, pedestrians, cyclists and horse riders safely. Two vehicles cannot pass each other on Tue Lane/Penny Lane/Hall and there are blind bends and ditches which make passing more difficult. The forward visibility

is restricted by vegetation (owned by 3rd parties) in the summer months. e.g. on Fox's Bank Lane.

The Hall Lane/Penny Lane junction is in the Cronton Conservation Area and there is no pavement or refuge area for pedestrians, cyclists or horses. Additionally, the east end of the route will exit onto a concealing turning area. The proposal will be detrimental to highway safety.

There is a working farm in phase 9 which uses large agricultural vehicles and so there is further concern that the proposal will be detrimental to highway safety. Penny Lane is used heavily by farm machinery increasing the risks of an accident further. Access into/out of the local farm will also be more difficult.

Traffic calming measures will be needed on Penny Lane and Hall Lane. The safety report highlights this problem, but the issue is dismissed. The eastern end of Penny Lane is 60mph and the road safety audit does not suggest that the speed limit should be reduced.

The Pegasus crossing will require extensive construction work and space as the levels' differences are extensive from Fox's Bank Lane.

Concern that the proposal does not adequately accommodate wheelchairs users e.g., there are no precautions for if a wheelchair user has a fall and there are no lights planned. There is also no way for someone to raise the alarm if they had a fall given the isolated location.

The proposal is for a "non-motorised" route. Motorised scooters/bicycles/off-road vehicles will all be able to gain access but should be denied access - whereas motorised wheelchairs should be allowed access.

If the alternative route of Cronton Road was followed, policing of these matters would be more manageable. The proposal may discriminate against some users who cannot access the path due to barriers that are in place etc. The route will become a racetrack.

As the path is not being adopted by KMBC, no-one will be responsible for its upkeep. There is also no intention for the route to become a dedicated public right of way. This alters police powers and access rights.

The proposal offers nowhere for users to go as it leads onto a narrow lane and narrow pavement. The country park application does not have planning permission yet and the scheme relies on Colliery land which is not in the applicant's control.

Consideration should be given to phase 9 which connects to this route as there are serious safety questions raised in the road safety audit relating to phase 9.

Ecology impacts

The application has not been accompanied by an Environmental Impact Assessment. There has also been no demonstration that biodiversity net gain can

be achieved nor has a Biodiversity Mitigation Strategy been submitted. The proposal will result in biodiversity net loss, be harmful to biodiversity and will have adverse ecological impacts.

The proposal crosses a local nature site/local wildlife site (to the east of Fox's Bank Lane). Regard should be given to guidance from Natural England and the Department for Environment, Food and Rural Affairs.

The development will destroy wildlife/protected species and important habitat/other biodiversity features/features of geological conservation including plant species. The farmer currently leaves a 1 metre field margin and the proposal will result in the loss of this wildlife corridor. The proposal will also result in the loss of an old hedgerow which is not being replaced and includes non-native species of tree planting which may cause issues for visually impaired people.

The mitigation of erecting a wire mesh fence to restrict encroachment of vegetation will prevent the existing wildlife from accessing their habitats.

There are protected and priority species on the site. No bat survey has been commissioned. 4 species of bats have been identified close to the trees.

No survey of notable species such as common toad, common frog, smooth newt, hedgehog and brown hare has been carried out, all of which have been seen near the site. No terrestrial invertebrate or reptile surveys have been done despite the site supporting appropriate habitat.

Badger and water vole pre-construction surveys should be carried out as the time limits have expired. Water vole footprints have been found close by.

Native Bluebells are within the exact footprint of the works and translocation of the species has not been done.

There is Indian Balsam on the site which needs to be removed as controlled waste under section 34 of the Environmental Protection Act 1990. Other non-native invasive species present include Rhododendron, Japanese Knotweed and Bamboo are present.

The site is in a location of local and national importance for breeding birds. The Cronton Colliery desk survey shows 19 notable bird species within 2km of the site, but the desk survey undertaken by the applicant only shows 1 species. No bird survey has been undertaken.

Tree Impacts

The proposal will adversely impact on trees, some of which are protected by TPOs. The proposal states that some dead trees will be removed; however, they are not dead.

Third party owned high and moderate categories of trees lie along/adjacent to the route and should be protected. A detailed arboricultural method statement should be submitted.

Flooding

Large areas of Fox's Bank Lane and the land adjacent to the Lane are prone to flooding. Concern that the proposal will make the situation worse and the path may not be usable during flooding.

The land has a clay soil which impedes drainage and will lead to flooding problems. The amount of water in Fox's Bank Brook watercourse frequently overloads the culvert which is under the road leading to deep flooding.

Additional

Why is the proposal called a cycle and pedestrian path when an equestrian crossing is being provided.

There has been a lack of engagement / consultation from KMBC and the planning documents do not contain all the required information.

The location plan shows 3rd party land is being used for the proposal and permission has not been granted to do this.

The lifetime agricultural tenant has not been notified, so the Certificate submitted with the application is incorrect. The Agricultural Land Declaration has also not been submitted.

No assessment of alternative routes has been undertaken. Cronton residents have suggested an improved footway/multi-user path along Cronton Road.

No contaminated land assessment has been submitted.

The crossing will require removal of part of the sandstone wall on the colliery side. As this is a non-designated heritage asset, this will harm the Halsnead estate wall.

The application description 'Prescot to Cronton multi-user route' is misleading as the connection is reliant on the mineral line bridge being brought into use as part of this route. This bridge is not currently accessible, and the money has not been secured to bring the bridge into safe use as part of the route.

Queries have been raised about what works are required on the adjacent land within the country park application boundary. The Land Trust have asked that no works be undertaken on their land without their agreement.

Concern has been raised about maintenance of the route (unmanaged vegetation could soon obscure the path). Littering along the route will also require management.

- 6.2 In addition to the above, three representations from Sustrans, The British Horse Society and The Trans Pennine Trail have also commented on the application and these comments are summarised below:

Sustrans –do not support the application and considers that use of barriers would prevent access for all. They recommended that a review of the Sustrans' Greenways Design Guide.

British Horse Society – BHS do not object to the application. The LPA previously received confirmation that the BHS had concerns about a number of issues including the description, which was considered to marginalise and exclude equestrians with walkers and cyclists being favoured. inclusivity of walkers and cyclists should include be extended to equestrians using the mechanism of the Equality Duty; it was considered a form of discrimination under the Equality Act 2010 as no user should be excluded and forced onto a carriageway with the increased danger to them and to motorists. Equestrians should be formally included either through dedicating the route as a bridleway on the definitive map or naming the route a 'greenway or multi-user/non-motorised user route'.

Whilst no objection is raised by the BHS, they have stated that off-road routes should accommodate all non-motorised vulnerable road users – equestrians, cyclists, pedestrians and mobility scooter users. Further comments have been received regarding the use of horse steps. These are considered to be the least preferred option. The installation of a barrier can cause a hazard for equestrians and other legitimate users of the route. Regard should be given to the Equality Act 2010. Installing a barrier is a common 'knee jerk' reaction but there may be no evidence that a barrier will remove antisocial behaviour. It is suggested that strong enforcement and working with the police is the solution rather than reducing access for legitimate users.

Flexi-pave surfacing is preferable to tarmac as tarmac is considered to be unpleasant and dangerous for use by horses.

Trans Pennine Trail – Concern that the proposal is not fully inclusive due to the barriers proposed; as such, the proposal will not comply with the Equality Act 2010 and chicanes should be considered instead. Any tarmac used in the scheme should include a non-slip coating and discussions are encouraged with the National Cycle Network to include the route in their network.

6.3 8 comments which support the principle of the new route have been received. These are summarised below:

The route is supported; a new route which includes provision for horse riders would be wonderful.

The proposed multi-user path will greatly support active travel in Cronton village and the wider area, with benefits to physical and mental well-being for users.

The proposal will help meet Knowsley's objectives in addressing climate change.

Cycle and pedestrian routes around Cronton are currently very dangerous and discourage active travel, whether for commuting or leisure. The proposed path will be a great asset to Cronton and the wider community.

The new description of a multi-user route which includes provision for equestrians giving all users equal status is supported. The route itself will be a tremendous asset for the locality linking up the village of Cronton and beyond with the Proposed Country Park and further afield to Prescott. The proposal is strongly supported as it will link up our community as a multi-user route.

The use of a Flexipave surface is preferable for horses and as such the proposal is supported. 'Thank you for listening KMBC'.

The proposal will provide safer off-road access for horses and riders.

7. CONSULTATIONS

Cronton Parish Council – object strongly to the removal from the description of 'non-motorised' and ask that the 'non-motorised' qualification within the description of development is reinstated. Consider that it is far better to have a non-motorised route with exceptions for motorised wheelchairs and mobility scooters and this should be set out on clear signage signalling who can and cannot use the route.

The proposed route will cross a habitat of principal importance (deciduous woodland) and crosses a local wildlife site. The Ecology Report sets out that there are trees suitable for bat roosts. However, no bat survey has been commissioned by KMBC. 2 surveys are required prior to work starting. No breeding bird report has been undertaken despite the site falling within a site of local importance for breeding birds as identified by the Cronton Colliery application which shows 19 notable bird species within 2km of the site.

There have not been any badger, terrestrial invertebrate or water vole surveys nor other surveys relating to notable species such as common toad, common frog, smooth newt, hedgehog and brown hare; only a great crested newt survey has been undertaken. The scheme should incorporate bluebell translocation.

The proposed route is on private land and not protected by countryside or rights of way legislation.

The flooding potential associated with the development should be addressed.

A highway survey and police survey should be carried out to address policing, safety and anti-social behaviour issues.

Local Highway Authority (Knowsley Council) – No objections subject to the following:

- a condition requiring the speed limit of Penny Lane and Tue Lane to be reduced to 30mph;
- a materials condition;
- submission and delivery of a Pegasus crossing warning signage scheme for speed awareness and to advise of pedestrians crossing, and;
- submission of a road markings scheme on the approach to the Pegasus crossing to aid driver speed awareness on Fox's Bank Lane;

and creation of visibility splays within the adopted highway, with this splay then being clear of obstructions over 0.6m.

Arboricultural Officer (Knowsley Council) – No objection subject to conditions:

- requiring the development to be carried out in accordance with the Arboricultural Impact and Method Statement;
- 5 days' notice to be provided to the LPA before works commence, and;
- to secure tree replacements on a 2 for 1 basis (or 1 for 1 if a larger tree is planted).

Merseyside Police –confirm that their stance is neutral with regards to this application. Advised that consideration is given to the installation of lighting, CCTV and help points.

Merseyside Environmental Advisory Service – No objection subject to the following conditions:

- submission of a landscape environmental management plan;
- soft felling of the mature oak tree (trees with bat roost potential);
- no works to be carried out within 5 metres of the top of the bank of Fox's Bank Brook and submission of details for the method of protection to this zone and toolbox talks;
- submission of a construction environmental management plan, and;
- the implementation and submission of a report setting out a programme of archaeological watching brief works (including a written scheme of investigation).

Environment Agency – No objection.

Local Lead Flood Authority – No objection.

8. POLICY CONTEXT

The relevant adopted policies for the assessment of this application are listed below.

Knowsley Local Plan: Core Strategy (2016)

SD1 - Sustainable Development
CS1 - Spatial Strategy for Knowsley
CS2 - Development Principles
CS5 – Green Belt
CS7 - Transport Networks
CS8 - Green Infrastructure
CS19 - Design Quality and Accessibility in New Development
CS20 – Managing the Borough's Historic Environment
CS21 - Greenspace and Trees
CS22 – Sustainable and Low Carbon Development
CS24 - Managing Flood Risk
CS26 - Waste Management

Knowsley Replacement Unitary Development Plan (Saved Policies 2009)

T7 –New Development and Walking & Cycling Routes

T10 – Access for the Less Mobile

G3 – Agricultural Land

DQ2 - Security in the Built Environment

DQ4 - Trees and Development

ENV2 - Noise and Vibration

ENV3 – Light Pollution

ENV5 - Contaminated Land

Adopted Supplementary Planning Documents (SPD)

Ensuring a Choice of Travel SPD (2010)

Design Quality in New Development SPD (2016)

Trees and Development SPD (2016)

Developer Contributions SPD (2016)

National Planning Policy

National Planning Policy Framework (NPPF) (2021)

Planning Practice Guidance

The NPPF is a material planning consideration in the determination of planning applications. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 11 and 12 of the NPPF states that decisions should apply a presumption in favour of sustainable development. Paragraph 8 then clarifies that achieving sustainable development means that the planning system has three overarching interdependent objectives:

- an economic objective to help build a strong, competitive and responsive economy;
- a social objective to support vibrant, strong and healthy communities; and
- an environmental objective to contribute to protecting and enhancing the historic and natural environment.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. *“Local Planning Authorities may take decisions that depart from an up-to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*

The Knowsley Local Plan: Core Strategy was adopted in January 2016, although saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the provisions of paragraph 219 of the NPPF. The Joint Merseyside and Halton Waste Local Plan was adopted in 2013 and is also part of the development plan.

9. ISSUES AND ASSESSMENT

Principle of the Development

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. It must be considered whether the application is in accordance with the development plan when it is considered as a whole. It is noted that the Local Plan Core Strategy and the most important policies for determining the application are up to date such that the 'tilted balance' in paragraph 11d of NPPF does not need to be applied.
- 9.2 The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "*approving development proposals that accord with an up-to-date development plan without delay*". If there is conflict with the development plan, applications should be refused unless material considerations indicate otherwise. Policy SD1 of the Local Plan Core Strategy reflects this approach which is considered central to decision making.
- 9.3 The relevant policies within the Local Plan Core Strategy and the relevant saved policies within the UDP are considered to be consistent with the NPPF and as such are considered to be up to date. As such, full weight can be given to the Statutory Development Plan and paragraph 11d) of the NPPF is not engaged and members may determine the application, applying the "flat balance". This means members may determine the application from a neutral balance, weighing up harms against benefits.
- 9.4 The site lies within the Green Belt. Policy CS5 of the Local Plan Core Strategy states that:

'inappropriate development will not be permitted in the Green Belt except in very special circumstances in which it has been demonstrated that the harm to the Green Belt (including any harm to its openness, purposes or to its visual and recreational amenities) would be clearly outweighed by other considerations'.

Paragraph 149 of the NPPF sets out that the construction of new buildings is inappropriate development. However, exceptions to this include:

'b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.

- 9.5 Paragraph 150 of the NPPF also clarifies that other forms of development are also not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it:

'e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)'.

- 9.6 The proposal is a recreational multi-user route that includes surfacing works, erection of bollards, signage, fencing and associated works. These works are low level in nature, include a 3m path that widens in places to provide horse holding areas, and are not considered to compromise the openness of the Green Belt. Nor does the proposal conflict with the purposes of including land within the Green Belt, the aims of which seek to prevent urban sprawl. The use of sympathetic materials will also seek to ensure that the essential characteristics of the Green Belt are not compromised. As such, the development is not considered to be inappropriate development in the Green Belt and the principal of development is considered to be acceptable and the proposal is consistent with policy CS5 of the Local Plan Core Strategy.

Loss of Agricultural Land

- 9.7 Saved policy G3 of the Knowsley UDP states that new development that would involve the loss of the best and most versatile agricultural land (grades 1, 2 and 3a) in a way which would practically prevent it from future return to agricultural land will not be permitted unless it has been demonstrated that the development cannot be accommodated on previously developed (brownfield) land or on land in the urban area and it has been demonstrated that sufficient land of lower agricultural quality is unavailable. Policy CS1 of the Local Plan Core Strategy promotes the efficient and sustainable use of land and infrastructure encouraging reuse of previously developed land in line with the NPPF.
- 9.8 The proposal involves the development of greenfield land, although it is noted that a route has previously run across this field boundary. However, the width of the proposal is more extensive. The extent of hard surfacing and infrastructure to accommodate the route is necessary to facilitate the provision of a route for multi-users. Policy CS1 does not set a rigid target, nor does it preclude development of greenfield sites. The route provides an off-road path linking with other phases to provide a recreational route and it is considered that the loss of the grade 2 agricultural (and greenfield) land is needed to facilitate the delivery of the proposal.
- 9.9 Whilst the proposal will result in the loss of this agricultural land (grade 2), it is not considered that the proposal results in the loss of a large extent of usable high grade agricultural farmland given its location adjacent to the field boundary, and most of this field will remain in agricultural use. Importantly, the proposal would not prevent future return to agricultural land.
- 9.10 The delivery of an off-road recreational route could not be accommodated on brownfield land in an alternative location having regard to the wider phases of the route and the importance of providing off road routes for sustainable modes of transport. As such, the loss of this agricultural land is only given limited weight.

Description of Development

- 9.11 The development was originally publicised as a 'non-motorised' multi-user route. However, the non-motorised element was removed because some e-bikes, mobility scooters and electric wheelchairs users may want to use the route. The proposal incorporates a horse step and K frame to limit access for more 'anti-social' vehicle

use of the route and in accepting that barriers should be put in place, it is acknowledged that some designs of cycle or mobility scooters/cycles may not be able to pass through the barriers. However, it is considered that the barriers will provide limitations to access for motorbikes and scramblers, thereby discouraging their use of the route. However, it is considered that the non-motorised element of the description should not be included given the exceptions mentioned above. The use of a condition to limit access for any motorised vehicle, even with exemptions, would not meet the condition tests in that such a condition would not be enforceable. Clear signage will indicate the users that the route is aimed at. However, this would be advisory and anti-social behaviour would be a police matter.

Design and Layout

- 9.12 Policy CS19 of the Core Strategy Local Plan seeks to enhance distinctiveness, identity and accessibility in new development. In particular, developments are expected to integrate positive characteristics from the immediate surroundings including materials, complement and where possible enhance landscape features and provide safe, secure and convenient routes for movement (including signage) with priority for walking and cycling.
- 9.13 The proposal includes sympathetic materials whilst also having regard to comments about surfacing from the British Horse Society (BHS) and Sustrans. The scheme originally proposed tarmac/bitmac but this was amended to include a flexipave surfacing that is more suitable for horses. Flexipave is a mix of recycled rubber, derived from sources such as vehicle tyres, and stone aggregate. If planning permission is granted it is recommended that a condition is imposed to ensure sympathetic materials are utilised.
- 9.14 The scheme incorporates horse holding areas along a 3m wide route. Concern has been raised about the potential for conflict between different users. The BHS advice statement sets out that incidents of real conflict are rare and are often found to be perceived rather than actual conflict arising from a lack of understanding of who may use the route or a lack of consideration for others. Educating users to promote understanding amongst shared route users can help to manage this issue and, on this basis, it is recommended that a condition is imposed to secure the installation of bollards and signage to clearly indicate to users that the path is a shared multi-user route.
- 9.15 A width of 3m is acceptable, especially with the holding areas which offer wider elements of the path for refuge/passing places. The proposal does not present unacceptable risk to users due to its width and multi-user status. No concerns have been raised from the BHS, Sustrans or the Local Highway Authority about the route's width. If planning permission is granted a condition requiring a management and maintenance plan is recommended, in the interests of promoting a safe route unimpeded by overgrown vegetation. The use of a 1.2m high post and rail fence along the boundary is considered to be sympathetic to the character of the Green Belt and is also recommended to be secured by condition as is securing the height details for the mesh fence around the holding area.
- 9.16 Subject to the above conditions, the design, layout and visual amenity impacts of the route are acceptable. The proposal complies with policy CS2 and CS19 of the Local Plan Core Strategy.

Trees and Landscape

- 9.17 Policy CS21 of the Local Plan Core Strategy seeks to enhance and protect existing trees, woodland, vegetation and other habitat features that offer a positive contribution to the local environment whilst seeking tree planting and other soft landscaping. Where tree loss cannot be avoided, policy CS21 seeks replacement tree planting on a two for one or one for one basis having regard to appropriate tree species and size. Saved policy DQ4 of the Knowsley UDP seeks to protect those trees that contribute positively to amenity, incorporate integral planting within new developments and make adequate provision for replacement planting either on or off site.
- 9.18 The application includes an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS). The AIA sets out that the removal of a number of trees would be needed as a consequence of the proposed development. However, of those listed, and upon further consideration, only one ash tree (T14) is identified as definitely being removed in connection with this proposal. The information within the AIA states that two sycamore trees within the G16 grouping are identified for removal. However, the explanatory text suggests the use of a no dig cellular system for works within the root protection area (RPA). The AIA also identifies that an Oak within G16 shows some evidence of decay but has a crown which is in a good condition and has good vitality. As such, given the decay is localised, the AIA recommends that this tree be monitored, but can currently be retained as it has adapted to the defect.
- 9.19 The scheme therefore will endeavour to retain the two sycamores within G16 if possible. All trees with bat roost potential have been surveyed for bats and, if planning permission is granted a 'soft fell' condition is proposed for all trees that require felling (including the two sycamores in G16 if they are deemed a health and safety risk and do indeed need to be removed as confirmed by an arboriculturist at a later date). It is noted that there is no objection to the removal of these trees within G16 from an amenity point of view.
- 9.20 The AIA recommends use of a no dig cellular system for works within the root protection area for G3 and G16 tree groupings. The AIA also recommends the use of a flexible bonded surfacing for the length of the field adjacent to the trees on the field boundary/referred in the tree survey. This will prevent cracking of the surface which could cause safety issues in the long term. This can be delivered via planning condition. It is also recommended (if planning permission is granted) that a landscaping condition is imposed to secure appropriate replanting based on the number of trees that are removed as a result of the proposal. The Tree Officer has raised no objection to the proposal subject to the undertaking of additional planting, the adequate protection of trees and the adherence to the method statement. Prior notice is also required prior to the erection of any protective fencing. The AIA also recommends that the fencing adjacent to T7 and T8 is set away from the stem of these trees to protect them in the future. These matters can all be dealt with by condition.
- 9.21 In terms of landscape impacts, Local Plan Core Strategy policy CS8 seeks to preserve landscape character. Whilst the development would result in permanent change to the landscape character through the introduction of the multi-user route,

the minimal works involved are designed to ensure that the proposal would integrate effectively within the landscape, reducing the magnitude of change. The development incorporates some new tree planting, and this detail can be secured by condition – if planning permission is granted - alongside a management and maintenance plan.

- 9.22 Subject to these conditions, the proposal complies with saved policy DQ4 of the Knowsley UDP, policies CS2 and CS21 and the Trees and Development SPD.

Highway Impacts

- 9.23 Principle 2 of policy CS2 seeks to reduce carbon emissions and adapt to the effects of climate change whilst principle 3 seeks to reduce the need to travel, especially by car and promote the use of sustainable modes of travel through encouraging the use of public transport, walking and cycling. Principle 5 seeks to ensure efficient use of resources and infrastructure by prioritising the location of development in line with the spatial strategy. Policy CS7 of the Local Plan Core Strategy seeks to promote accessible developments, sustainable modes of travel and reduction of carbon emissions whilst ensuring adequate on-site parking is incorporated within new development. This policy seeks to ensure development impacts are acceptable in highway safety terms.
- 9.24 Policy CS19 of the Local Plan Core Strategy promotes the delivery of accessible places and seeks to ensure new developments provide safe, secure and convenient routes for movement (including signage) with priority for walking and cycling, to meet the needs of all users, particularly pedestrians, cyclists, less mobile people and the elderly. Policy T7 of the Knowsley UDP seeks to ensure new development preserves or where possible enhances the walking and cycling network as well as promoting access to green corridors to encourage healthy living and exercise and policy T10 seeks to ensure adequate access for the less mobile is provided in new developments.
- 9.25 The applicant has carried out a Road Safety Audit Designer's Response, which raised a couple of issues including the presence of low/overgrown vegetation, which increases the risk of horse collisions and the presence of a drainage ditch adjacent to the scheme, which could result in potential collisions between horses, cyclists and pedestrians. The provision of fencing to contain the route and the implementation of a maintenance plan to manage vegetation would address the issues raised by the Safety Audit. If planning permission is granted the delivery of the fencing and the submission of a maintenance and management plan of the route can be conditioned in the interests of protecting user safety. The applicant has confirmed that post and rail fencing would be erected.
- 9.26 Concerns have been raised about vehicle speeds along Penny Lane and Tue Lane. The Highways team has reported that Automatic Traffic Count placement at two sections on Penny Lane and one point on Tue Lane highlighted average speeds of travel at between 20 and 25mph. Slightly higher speeds were recorded towards Cronton on Penny Lane, although on average people were traveling around 25mph. The Highways team has calculated that over the course of a day, approximately 430 vehicles travel on either Penny Lane or Tue Lane, which is approximately one vehicle every 3 minutes.

- 9.27 When considering a 12-hour period (7am to 7pm), which is when the majority of people are likely to use the multi-user route, then approximately 360 two-way vehicles can be expected on either Penny Lane or Tue Lane. This breaks down to approximately 30 vehicles an hour or circa 1 vehicle every two minutes. The Highways team has confirmed that neither assessment period is excessively busy (24 or 12 hr). The proposed pathway will allow pedestrians, cyclists and equestrians to utilise Penny Lane to avoid sections of the A5080 Cronton Road, which is a busier and arguable faster route.
- 9.28 It is also noted that there have been no accidents recorded in the last five years on this section of Tue Lane and Penny Lane and both roads provide generous levels of forward visibility. However, in the interests of highway safety, it is recommended that if planning permission is granted a condition is imposed to ensure that no part of the development is commenced until the process of seeking to implement a Traffic Regulation Order (TRO) is begun in a timely manner to reduce the speed limit of Penny Lane and Tue Lane to 30mph. The TRO would need to extend from the pathway access onto Penny Lane through to the 20mph speed limit change on Penny Lane and the entirety of Tue Lane.
- 9.29 Objections are also raised about the safety of the Pegasus crossing and the visibility splays which encroach onto 3rd party land. The most up to date plan shows a 51m visibility splay is possible in both directions from the crossing with this visibility being based on a measured 85th percentile speed of 35mph. Whilst the pedestrian/equestrian visibility crosses slightly into some hedging on the south side of Fox's Bank Lane, the Highways team considers that this hedging will be removed to facilitate the visibility splay given this is within the adopted highway. If planning permission is granted, a condition is recommended to ensure the visibility splay within the adopted highway is kept clear of structures and vegetation over 600mm in height.
- 9.30 Having regard to wider considerations of the extent of the visibility splay, it could be construed that a very small sliver of land - approximately 30cm - lies on 3rd party land. The Highways Team has confirmed that the visibility splay achievable in connection with the crossing is acceptable having regard to a number of factors. Firstly, the extent of adopted highway can be open to interpretation although it is unlikely that the encroachment is more than 0.3m. Given the small section of visibility splay that appears to be on 3rd party land, it is highly unlikely that a structure could be erected that would warrant a safety concern in relation to obstructing the visibility. Permitted development rights would limit the erection of any fencing in this location to 1m maximum and planning permission would be required for any boundary treatment over 1m in height. The visibility splay has been based on the 85th percentile speeds and if planning permission is granted, the crossing would include signage, which is likely to reduce overall speed and change the character and nature of the route. This signage would include both road markings on the approach to the Pegasus crossing and Pegasus crossing warning signage to aid driver speed awareness and make drivers aware of the crossing.
- 9.31 The eastern pedestrian/equestrian visibility splay in question (highlighting whether crossing users can see approaching vehicles) is unobstructed, with the western splay being minimally obscured. When considering the visibility for approaching

vehicles seeing the crossing, this splay remains clear and unobstructed. Warning signage would also make vehicles aware they are approaching a crossing and the erection of this signage and the provision of road markings to slow driver speed can be secured via planning condition. Finally, the Highways Team has confirmed that the completed Safety Audit did not highlight any issues regarding visibility in connection with the crossing. Subject to the above conditions, the crossing is acceptable in highway safety terms.

- 9.32 Concern has been raised about the safety of users of the multi-user route and why alternative routes have not been considered which do not involve loss of green belt land; e.g., taking the route via Cronton Road. On this last point, the merits or advantages of different routes compared to the current application in the context of considering highway safety or anti-social behaviour is not relevant to consideration of the current application. Rather, this application must be considered on its own merits
- 9.33 Objections have been received on the grounds that this proposed multi-user route ties into the Country Park 'mineral line' multi-user route, which has not been delivered and currently does not have planning permission; so, the route, for which this application forms a part, is considered to lead to nowhere.
- 9.34 The applicant states that the Council remains fully committed to the delivery of the Halsnead Garden Village Masterplan, of which the mineral line route is a key connection. Engagement with National Highways has occurred to raise the profile of these works and the Council remains keen to deliver a fully accessible route. However, accepting the current situation, the Highways Team has recommended a condition to ensure that no part of the multi-user route should be brought into use until an appropriate signage scheme for speed awareness/pedestrian crossing warning signage on Fox's Bank Lane is erected. Additionally, they have advised that whilst the path would be opened to allow users to pass and re-pass, the signals should not be turned on until the infrastructure for the crossing within the Country Park proposed area is delivered and the path is created to the west of the proposed route.
- 9.35 In conclusion, subject to the above conditions, the proposal is acceptable in highway safety terms. The proposal would not have an adverse impact on highway safety and the proposal offers a safe off-road route for pedestrians, cyclists and equestrians. The proposal would not compromise the safe operation of the local highway network for the reasons set out above. The proposal would also encourage exercise and healthy living. As such, subject to above conditions, the proposal complies with the NPPF, policies SD1, CS2, CS7, and CS19 of the Knowsley Local Plan: Core Strategy, saved policies T7 and DQ2, of the Knowsley UDP and Ensuring a Choice of Travel SPD.

Crime, Security and Health and Safety Considerations

- 9.36 Policy DQ2 of the Knowsley UDP requires developments to be designed to provide good levels of security. This policy promotes good levels of natural surveillance, landscaping schemes that avoid providing potential hiding places whilst also providing defensible space, inclusion of features to prevent inappropriate access and inclusion of security features such as fencing, walls, CCTV cameras and lighting. Policy CS19 of the Local Plan Core Strategy requires new developments

to maintain a good standard of amenity for all existing and future occupants of land and requires developments to minimise crime, fear of crime and Anti-Social Behaviour (ASB) whilst also ensuring developments avoid unacceptable impacts.

- 9.37 Merseyside Police have been consulted on the application, and they acknowledge that the application is causing concern to residents. However, due to the nature of the proposal, Merseyside Police's stance with regards to this application is "neutral". Whilst difficult to retrieve exact reported crime statistics for the area, they highlight that one fly tipping incident, 2 incidents reporting suspicious circumstances and 4 incidents of scramblers/vehicles on private land have been reported over a 2-year period relating to Penny Lane/Tue Lane. In addition to the police log of incidents, the Council's Principal Crime and Communities Officer has provided details of anti-social behaviour in the last 5 months (up to November 2022) and these include two nuisance bike incidents and two criminal damage incidents.
- 9.38 As demonstrated above there is evidence of some ASB in the area, however these do not relate directly to this site or relate to well design routes such as the route proposed. Merseyside Police have advised that routes should be in straight lines to enhance visibility and that consideration be given to installation of CCTV, lighting or help points.
- 9.39 The proposal includes the use of post and rail fencing to delineate the extent of the proposed leased area of the land as well as installation of a horse step/vehicle barrier and a K barrier. The fence line would continue to ensure that no user can get around the barriers. This will discourage inappropriate use of the route by quad bikes, scramblers and similar vehicles. There is no current intention to include CCTV, lighting or help points. Many multi-user routes are not lit which can ensure that they are not attractive routes to be used during dark evenings/night-time. However, the site is also within the Green Belt and as such, it is important that the route does not significantly urbanise the area with bright lighting and further urban infrastructure such as CCTV. It is not considered that help/contact points are a necessary feature of a rural route and would not meet this condition test. Additionally, they would involve additional infrastructure which would not be characteristic of a rural route. Access routes through agricultural fields are common for allowing access into the countryside for cyclists, pedestrians and equestrians and the ability for these different uses to co-exist side by side is part of rural life.
- 9.40 The route includes straight stretches of path and this helps with maximising sight lines. In terms of the risk from shooting on adjacent land, a licence is required for the use of firearms and there is no further objection from Merseyside Police in this regard. Responsible gun owners should not shoot onto the multi-user route and users will undertake individual risk assessments in using any path. Merseyside Police has confirmed that there is no legislation requiring the erection of signage and those using firearms are expected to take all necessary health and safety measures and operate in accordance with their licence; some landowners also inform Merseyside Police control room to advise of any shooting activity so the police are aware should people call with concerns.
- 9.41 The impact of lighting on visual amenity and the harm that lighting would cause to the open and rural character of the Green Belt are given significant weight. In this case it is not considered that lighting would be appropriate for the multi-user route nor is it considered that contact points are necessary. Users would undertake their

own risk assessment with regards to using routes of this nature, which includes, for example, potentially not using the route at night.

- 9.42 Overall, it is considered that there are limited opportunities for natural surveillance of the multi-user route given its location from nearby residential properties. The inclusion of barriers to limit access and the installation of fencing are designed to limit opportunities for anti-social behaviour and inappropriate uses of the route. It is recognised that by including barriers, this will impact on inclusivity, which is discussed below, and it is recognised that there is no barrier that will prevent all anti-social behaviour opportunities. The fear of crime and ASB and the opportunities for crime and ASB are material planning considerations given significant weight
- 9.43 There is no perfect solution that can satisfy the concerns raised, but the proposal contains measures to reduce the opportunities for crime and anti-social behaviour and these can be secured by planning conditions. It is considered that the proposal delivers a safe off-road route for users, as an alternative to a heavily trafficked route and will eventually link in with a wider network to support sustainable travel linkages. As such, subject to the above conditions, the proposal is considered to generally accord with the principles within saved Policy DQ2 in the Knowsley UDP; and Policies CS2 and CS19 of the Local Plan.

Inclusive Access and the designation of the route

- 9.44 Policy CS2 of the Local Plan Core Strategy promotes inclusive access with principle 3 encouraging safe and accessible access for all. Policy T10 of the Knowsley UDP also promotes adequate access in all new developments for the less mobile. Policy CS7 of the Local Plan Core Strategy also seeks to ensure people can get where they need to by a choice of walking and cycling.
- 9.45 A number of representations have been received by charity and interest groups (Sustrans / British Horse Society / Trans Pennine Trail) that raise issues with the measures proposed to restrict access to the route.
- 9.46 The application proposes to include the erection of K barriers and a horse step to limit access onto the multi-user route. The objections are on the basis that the proposal would not accommodate all users and would not make adequate provisions for disabled access, some cyclists, and pedestrians with prams. It is claimed the proposals will breach the Equality Act 2010 and that any barrier will not totally stop inappropriate access onto the proposed route. An alternative approach of a staggered chicane arrangement has been suggested; however, the application must be determined on the merits of details submitted as part of the application.
- 9.47 The proposed barriers on this route have been carefully considered. Whilst significant weight is given to promoting inclusive access, significant weight is also given to a fear of crime and the objections received relating to the potential for anti-social/criminal behaviour along the route and the evidence of existing incidents in the area that are held on police records and the evidence provided by the Council's Communities and Neighbourhoods team.
- 9.48 There is no perfect solution here and whilst it is recognised that some types of non-standard cycle, carriages, larger mobility scooters etc may have difficulty accessing

the route, the proposed solution represents a compromise to balance inclusivity and use of the route with the necessity to reduce the potential for ASB and possible criminal behaviour, having regard to existing ASB in the area and giving significant weight to the evidence of ASB in the area as reported by the Police and the Council's Crime and Community Officer. The K barrier would allow access to those on some types of mobility scooter. It is noted that the Highways Team does not object to the inclusion of the barriers, accepting that whilst some users will be limited, barriers would, overall, improve the safety of the route.

- 9.49 The applicant has agreed to the imposition of a condition to secure the installation of a horse step. On this basis it is recommended that, if planning permission is granted, a condition to secure the K frame barrier should be imposed alongside a condition requiring submission of the final horse step details, including external finish.
- 9.50 In conclusion, the proposal would result in some people not being able to easily access the route but this would affect a small minority of users. The conflict with policy T10 of the Knowsley UDP and policies CS7 and CS2 of the Local Plan Core Strategy in this regard is given moderate weight because of the limited number of users affected. Regard is given to the Equalities Act 2010; however, regard is also given to delivering a solution that does not adversely affect the amenity of local residents. The fear and potential for anti-social behaviour and crime is an important material consideration and is given significant weight. On balance it is recommended that a condition is imposed to seek the installation of barriers to reduce the opportunity for crime and antisocial behaviour, in accordance policy DQ2 of the Knowsley UDP and policy CS19 of the Local Plan Core Strategy.

Archaeology

- 9.51 Policy CS20 of the Local Plan Core Strategy requires developments to preserve or enhance the Borough's historic assets and archaeological remains. There is one non-designated heritage asset recorded on the Merseyside Historic Environment Record within the proposed development: former site of a cottage, Fox's Bank Lane. The Tithe map of 1849 shows a building on this site and records it as No. 141, a cottage and garden, owned by Richard Willis and occupied by Edward Banks. The proposed development site lies adjacent to the Halsnead Park Wall which is an eighteenth-century boundary to Halsnead Park.
- 9.52 Therefore, as there is potential for buried archaeological remains associated with the mid-19th century building such as walls, floor surfaces and artefacts indicative of social status to be present. As such, Merseyside Environmental Advisory Service (MEAS) advise that the applicant should undertake a targeted archaeological watching brief. If planning permission is granted a pre-commencement planning condition is recommended. It is advised that a programme of archaeological works be undertaken in accordance with a Written Scheme of Investigation (WSI) which has been approved by the LPA. The WSI should include:
- A phased programme and methodology of site investigation and recording;

- A programme for post-investigation reporting to include production of a final report of the significance of the below-ground archaeological interest;
- Provision for appropriate publication and dissemination of the archaeology and history of the site;
- Provision for archive deposition of the report, finds and records of the site investigation; and
- Nomination of a competent person or persons / organisation to undertake the works set out within the approved WSI.

9.53 Subject to the above condition, the proposed development complies with Policy CS20 of the Local Plan Core Strategy and the NPPF. The use of this condition is also in line with “Managing Significance in Decision Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2” (Historic England: 2015).

Impacts on Heritage Assets

9.54 Policy CS20 of the Local Plan Core Strategy, chapter 16 of the NPPF and Historic Environment Good Practice Advice in Planning: 2 (Historic England: 2015) all seek to preserve or enhance the Borough’s historic and architectural assets and any archaeological remains. This includes non-designated heritage assets. Section 66(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to show special regard to the desirability of preserving and enhancing listed buildings and their settings, in exercising their planning functions. Considerable importance and weight should be given to the desirability of preserving listed buildings and their settings.

9.55 It is considered that the proposed development would not impact upon any nationally listed heritage assets. Old Halsnead is due northwest of the site, although having regard to the distance between the site and this listed building, the proposal would not result in any harm to the setting of any listed building. The application site is adjacent to the Halsnead Park Wall, which is an eighteenth-century boundary to Halsnead Park, both of which are non-designated heritage assets.

9.56 The applicant has not submitted a Heritage Assessment due to the proposal not directly impacting on the non-designated heritage assets. The proposal includes a crossing and infrastructure on the east side of Fox’s Bank Lane, which forms part of the crossing. The opposite side of the crossing - within the boundary of the Land Trust owned site - is not included in the application site, because the removal of a small section of the estate wall and the provision of the link onto Fox’s Bank Lane were considered as part of the country park planning application (reference 20/00578/FUL). Whilst that permission has not yet been granted, a resolution of approval from planning committee is in place, and this phase of the mineral line route, which will connect to this phase of the multi-user route, requires delivery of part of the country park planning permission. As such, levels and hard landscaping details will be required to be submitted to satisfy a planning condition in connection with the country park planning application.

- 9.57 Whilst the site is adjacent to Halsnead Park and the Halsnead Park wall, the development would not result in significant impacts over and above those consented as part of the planning committee resolution. This proposal would not adversely impact on the non-designated heritage assets or their setting having regard to the nature of the proposal. As such, the proposal complies with the Local Plan Core Strategy policy CS20 and the requirements set out in the NPPF.

Noise, Air Quality and Residential Amenity

- 9.58 Saved Policy ENV2 of the Knowsley UDP seeks to ensure that new or existing developments are protected from new or existing noise sources and that, where necessary, effective mitigation measures are secured. Policy CS2 also sets out development principles which require new development to recognise environmental limits, enhance local character and promote quality of place by mitigating potential negative impacts of traffic growth on noise and health, and minimising negative impacts upon noise ensuring any negative impacts are appropriately mitigated. Additionally, Policy CS19 of the Local Plan Core Strategy sets out that new development will be expected to maintain a good standard of amenity for all existing and future occupants.
- 9.59 Policy CS2 of the Local Plan Core Strategy also seeks to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality; principle 4 of policy CS2 seeks to ensure that developments are within environmental limits. Proposal should seek to mitigate/minimise adverse impacts on air quality.
- 9.60 If planning permission is granted it is also recommended that a Construction Environmental Management Plan (CEMP) is secured by condition to mitigate/minimise any noise and air quality impacts during the construction phase, in the interests of protecting residential amenity. This CEMP, in addition to the ecological requirements set out elsewhere in this report, would also require submission of the following details:
- Methods for the mitigation of noise and vibration from building works and also from the operation of any temporary power generation or pumping plant which will operate overnight;
 - Methods for dust control and suppression;
 - Details of wheel washing facilities;
 - The areas for the storage of plant and materials, and;
 - Location of any site compound.
 - Hours of construction
- 9.61 It is not considered that noise or general disturbance from use of the multi-user route could form the basis for a robust reason for refusal on residential amenity grounds. Concerns have been raised (by objectors) about overlooking from users of the multi-user route. The boundary with the adjacent property is well screened in the most part and it is considered that the proposal will not result in unacceptable levels of overlooking or loss of privacy. Whilst it is noted that horse riders would also traverse the route at a higher level than a pedestrian user, the impacts from any overlooking would not be so adverse as to harm residential/adjacent occupier amenity.

- 9.62 Concerns are also raised about security of the adjacent land. The proposal includes a post and rail fence across most of the boundary along with the retention of the existing vegetation. This is considered appropriate, and any further measures could have a detrimental impact on Green Belt character of the area.
- 9.63 Subject to the above conditions being imposed, the noise and air quality impacts can be appropriately mitigated and the impacts on residential amenity are acceptable. Noise generated by the proposed development is unlikely to give rise to adverse noise impacts for nearby householders. Impacts on air quality and residential/adjacent occupier amenity are also acceptable. The proposal complies with Policies CS2 and CS19 of the Local Plan Core Strategy, policy ENV2 of the Knowsley UDP and the NPPF.

Health

- 9.64 Strategic objection 9 within the Knowsley Local Plan Core Strategy seeks to address existing health inequalities and encourage enhancements to the health and well-being of Knowsley's residents. Promoting health and well-being is embedded across several policies in the Local Plan Core Strategy. In particular, Policy CS2 states that new development should promote sustainable development by reducing health inequalities between Knowsley and other areas of the UK and provide opportunities for positive lifestyle choices and health improvement for everyone. Policy CS8 of the Local Plan Core Strategy also promotes local opportunities for sport and recreation.
- 9.65 Policy T7 of the Knowsley UDP seeks to ensure new development preserves or where possible enhances the walking and cycling network as well as promoting access to green corridors to encourage healthy living and exercise. Policy CS7 of the Local Plan Core Strategy seeks to promote sustainable modes of travel through a choice of walking and cycling and promotes the mitigation of carbon emissions. This policy also promotes enhanced provision of walking and cycling routes as part of the green infrastructure network and seeks to improve the health and wellbeing of local people.
- 9.66 The proposal involves the intended provision of a multi-use route, as part of a wider Prescott to Cronton network, which would offer a recreational route for cyclists, pedestrians and equestrians. The proposed route incorporates an off-road link between Penny Lane and Fox's Bank Lane and would help to promote healthy communities by encouraging sustainable modes of transport whilst also promoting recreation and encouraging exercise and healthy living, which are material planning considerations that should be given significant weight. The proposal complies with Policies CS2, CS8 and CS7 of the Local Plan Core Strategy, Policy T7 of the Knowsley UDP and the NPPF.

Ecology

- 9.67 Policy CS8 of the Core Strategy aims to ensure that new development protects and enhances biodiversity, including the protection of designated sites, priority habitats and protected and endangered species. This is consistent with the aims of the

NPPF. The application is accompanied by an Ecological Planning Report which has limitations although these were overcome through the submission of additional information. The Ecological Planning Report comprised an extended Phase 1 Habitat Survey and habitat suitability index of 41 habitats (which is a list of habitats and species which are of principal importance for the conservation of biodiversity).

Local Wildlife Site (LWS)

- 9.68 The application site includes land designated as a LWS (land east of Fox's Bank Brook) and Local Plan Core Strategy policy CS8 applies. A LWS is typically an area of land with significant wildlife or geological value. MEAS has confirmed that approximately 0.03ha of the LWS would be lost because of the proposed development. However, the habitat which would be lost (i.e., ruderals) is not a designation feature of the LWS and therefore only limited harm would be caused by the loss of this habitat. The applicant's Ecology report states that survey work (in Spring 2020) confirmed the presence of English bluebell adjacent to the LWS woodland, north of the path. Therefore, the proposal may have a direct adverse effect on English bluebell, which is a designation feature of the site.
- 9.69 MEAS raise no objection to the proposal subject to the imposition of planning conditions. The LWS woodland area is adjacent to the proposal and would require a buffer and protection measures if planning permission is granted. As such, mitigation and avoidance measures are required, and these can be secured via the imposition of a CEMP, which is recommended.

Bats

- 9.70 The applicant's bat survey report identifies two ash trees with 'moderate' bat roosting potential. Emergence surveys recorded no roosting activity and MEAS accept the results of the bat survey.
- 9.71 Consistent with best practice it is recommended that if these trees were to be felled, soft felling techniques under supervision of a qualified ecologist should be employed, following a close pre-start inspection of the trees. A Mature Oak was also identified as having low bat roost potential and soft felling of this tree is advised (if felling is required). This can be secured by condition within the CEMP, if planning permission is granted. Bats (*Pipistrelle* and *Myotis* species) were recorded foraging and commuting along the tree line. However, as no lighting of the pathway is proposed, there are no impacts anticipated. MEAS has confirmed that subject to the conditions listed, the proposal would not harm the status of the local bat population.

Water Vole

- 9.72 Previous survey work has identified possible water vole footprints on the banks of Fox's Bank Brook. Water vole is a protected species and Local Plan Core Strategy policy CS8 applies. Nevertheless, no works to the brook are proposed although consistent with best practice guidance and the water vole survey report (September 2022), MEAS advise that no works should be carried out within a minimum of 5m of the top of the bank and details of methods of protection to this zone, including demarcation and a toolbox talk should be submitted for approval. If planning permission is granted it is recommended that this is secured by condition within the

CEMP. Subject to the recommended conditions, the proposal is not considered to result in harmful impacts on water voles.

Construction Environmental Management Plan (CEMP)

9.73 The proposed CEMP would seek to manage and mitigate the main environmental effects during the construction phases of the development. The CEMP would address and propose measures to minimise the main construction effects of the development and would include details of ecological mitigation, construction and demolition waste management, pollution prevention and soil resource management, amongst other things. Concern has been raised by neighbours about the presence of invasive non-native species. However, MEAS has confirmed that there were no invasive non-native species recorded on the site and in any event these are not a material planning consideration. The CEMP would normally be expected to include the agreed method statements to mitigate or avoid adverse environmental impacts including:

- A pre-start check for English bluebell and other notable plants by an Ecological Clerk of Works (ECoW) is required to confirm presence. The ECoW would identify suitable methods and a receptor location(s) for transplantation if required;
- The ECoW would undertake a pre-start walkover for signs of other Protected Species e.g., water vole, hedgehog, brown hare, badger, reptiles (small bank along top of arable field);
- Avoidance of the breeding bird season (1 March to 31 August) for the removal of any trees, or a pre-start check for nesting birds by the ECoW;
- Soft felling of mature oak/trees with moderate suitability for bat roosts, supervised by the ECoW if felling is required;
- An ecological buffer of 5 metres, demarcation and protection measures such as HERAS fencing to protect Fox's Bank Brook, pond 2, LWS woodland, tall ruderal with English bluebell and the small bank along the top of the arable field. A toolbox talk should also form part of the mitigation;
- Measures to prevent pollution of control waters (such as Fox's Bank Brook and pond 2), and;
- Waste Audit or similar mechanism for managing waste.

Landscape Ecological Management Plan (LEMP)

9.74 The proposal may lead to increased recreational pressure on the Local Wildlife Site, as mentioned above. As such, MEAS advise that signage on the route should incorporate interpretation boards highlighting the importance of the LWS designated features such as English bluebell. This can be secured by a suitably worded Landscape Ecological Management Plan (LEMP) condition should planning permission be granted.

9.75 The applicant has submitted a landscape plan, which specifies planting native tree species, and these are acceptable. If planning permission is granted this landscape plan is recommended to form the basis of the Landscape Ecological Management

Plan, and additional required details would include the following ecological mitigation:

- Installation of bird boxes to mitigate loss of habitat from tree removal works;
- Log piles sited at appropriate locations along the proposed route e.g., logs as hibernacula / refuge for small mammals, amphibians and invertebrates.
- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site which may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan and how the plan will be rolled forward annually);
- Personnel responsible for implementation of the plan;
- Confirmation of funding and ownership and
- Details of a programme of monitoring and remedial measures triggered by monitoring.

Objections relating to ecology and specifically lack of information/insufficient survey work

- 9.76 Several objections are on ecology grounds as summarised earlier in this report. Concerns are raised about 'out of time' surveys or surveys that have not been undertaken. However, based upon the advice from MEAS, it is considered that the application is accompanied by sufficient ecological information to allow the planning application to be determined. Objections have also been raised that no bird survey has been undertaken in an area considered of local and national importance for breeding birds. However, in response, an extended Phase 1 habitat survey and updated tree survey adequately provide information to assess impacts. Much of the remaining points of objection are addressed above.
- 9.77 The CEMP requires a pre-start bird survey if works take place during the bird breeding season and protection measures for the retained woodland and other habitats is also required; the LEMP also requires the installation of bird boxes to provide compensation for habitat loss. Breeding bird surveys are considered unnecessary due to the minor effects of the scheme on birds. Any additional bird survey data would not result in additional mitigation measures beyond those recommended and as such, having regard to proportionality, no further surveys are required.
- 9.78 In terms of the area of search for the desk study, again this is considered proportionate to the scale of the proposal. Whilst more notable species of birds were identified in the Cronon Colliery study, the area of search relating to the scale of this development is acceptable having regard to the extent of habitat affected and the area of search for the Colliery extended to 2km rather than 1km, which was used for this proposal. The CEMP includes sufficient protection measures for habitats which support protected species.
- 9.79 Objections have also been received on the grounds that the 'North Merseyside Biodiversity Action Plan' lists conservation species that will be affected by the proposal (e.g., Grey Partridge) and the RSPB has a red list of birds (of highest

conservation priority), which are also present in the local area. Whilst this is noted, the arable land in the surrounding area is largely unaffected by works and as such, impacts to farmland birds is limited. Additionally, the CEMP proposes the protection of habitats during construction. The route of the path follows the existing route, albeit a wider version and, if planning permission is granted, pre-start checks are recommended by condition to avoid impacts on protected/priority species. As such, impacts on field margins is considered to be limited and the LEMP will offer means of offsetting any impacts. The proposal does not pose a risk to populations of birds within the surrounding landscape and subject to the CEMP, LEMP and landscaping conditions to secure additional planting, the proposal would result in an overall increase in opportunities for breeding birds.

- 9.80 Comments from objectors relating to surveys for other species such as terrestrial invertebrates are noted. However, these were not required due to the type and scale of habitat loss. Additionally, the LEMP recommends creation of deadwood/brush piles along the route to improve invertebrate habitat and it is not anticipated that the proposal would adversely affect invertebrates. Surveys, before development starts, are a requirement for hedgehog and brown hare as set out in the CEMP and there are no Great Crested Newt records within 1km of the site; various amphibian surveys within Halsnead Park also recorded an absence of GCN whilst common toad, smooth newt and common frog are present within 1km. It is also noted that the Habitat Suitability Index recorded pond 2 (adjacent to the site) to be poor and sampling of ponds 1, 3 and 5 returned negative results for GCN. As such, it is considered unlikely that GCN are present at pond 2 and this pond will also be protected during construction with amphibian reasonable avoidance measures also required as part of the CEMP condition. Again, proportionality is applied to the survey work undertaken for a scheme of this scale.
- 9.81 Subject to the imposition of the above conditions, the ecological impacts of the development are acceptable. The habitat loss is relatively limited and the LEMP and landscaping scheme provides an opportunity to enhance habitat and achieve no net loss. The proposal, therefore, complies with policies CS2 and CS8 of the Core Strategy and the NPPF.

Surface Water Drainage and Flood Risk

- 9.82 Policies CS2 and CS24 of the Local Plan Core Strategy seek to ensure that development will not cause any unacceptable risk of flooding and that surface water will be drained in a safe and sustainable manner. Policy CS22 of the Local Plan Core Strategy requires new developments to offer sustainable design including flood resilient design. This is reiterated in the NPPF. The applicant has submitted a Flood Risk Assessment (FRA) with the application.
- 9.83 The application site lies within flood zones 1 (low probability of flooding), 2 (medium probability of flooding) and 3 (high probability of flooding). Fox's Bank Brook (main river) lies to the north of the site and flows in a westerly direction to join Ochre Brook. Whiston Brook flows north to south, lying to the east of Bluebell Farm and Woodlands Farm. There are also ordinary watercourses nearby, offering agricultural land drainage to the south. The FRA states that the site is at risk from fluvial flooding from main rivers.

- 9.84 As part of the development is within flood zones 2 and 3, the sequential test needs to be undertaken as set out in the National Practice Guidance for flood risk and coastal change. The 'sequential test' is a risk-based approach to steer new development to areas of lowest risk of flooding in the first instance. It is considered that the proposal passes the sequential test having regard to the linkages involved in providing a continuous route that avoids roads as much as possible and taking into consideration that there are strong benefits associated with providing off road recreational routes.
- 9.85 The NPPF considers the vulnerability of different types of development to flooding and classifies uses accordingly. The National Planning Practice Guidance considers the proposal to be water compatible, meaning the development is appropriate for its location (subject to mitigation measures) and as the development is a multi-user route, the consequences for flooding would be low. As such the Exception Test is not applicable for this proposal.
- 9.86 The Environment Agency flooding maps indicate that the site is generally at low risk of flooding from surface water with an area of high risk located adjacent to Fox's Bank Lane to the west. The use of impermeable surfacing for the route has the potential to increase surface water run-off rates. However, this increase will not be significant having regard to the scale of the development and the inclusion of permeable surfacing areas within the design of the path which will be constructed to allow infiltration of surface water to ground. The extent of permeable area can be determined via condition and this mitigation can be secured via condition. It is considered these mitigation measures are appropriate to the scale and nature of the proposal. The FRA also sets out that signage would be included to raise public awareness to the possibility of flooding.
- 9.87 Details of ground levels have been provided to satisfy the Environment Agency, who raise no objection to the proposal, and it is recommended that a condition is imposed to secure these levels. The LLFA has raised no objection to the proposal nor recommended planning conditions. Whilst it is recognised that there are existing issues with flooding in parts of the site, given the nature of the proposal, it is considered that the scheme will not materially contribute to additional levels of flooding within or off site and a condition to secure the mitigation measures outlined in the FRA is recommended to ensure the development can be made as safe as possible throughout the lifetime of the development without increasing flood risk elsewhere. It is also noted that culvert/drainage channel maintenance factors into the drainage system in this location and as such, this relies on landowners to ensure appropriate maintenance/clearance is carried out. However, this is outside the remit for drainage management in connection with this application; securing culvert maintenance elsewhere would not meet the condition tests.
- 9.88 Subject to the condition above, the proposal complies with policies CS2, CS22 and CS24 of the Local Plan Core Strategy and the NPPF.

Other Issues

- 9.89 Saved Policy ENV5 of the Knowsley UDP seeks to ensure that development does not occur on contaminated sites that could place future occupiers at risk from contaminants within the ground. This policy also seeks to ensure that adjacent land occupiers, ecological systems and ground water are also not at unacceptable

risk from contamination. This is reiterated within the NPPF. The proposal is for a footpath along the field boundary of an agricultural field. A contaminated land assessment is not required having regard to the scale, nature and location of the proposal.

- 9.90 The proposal involves excavation and construction activities which are unlikely to generate significant volumes of waste. Policy CS26 of the Local Plan Core Strategy seeks to promote sustainable waste management in accordance with the waste hierarchy. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP), the National Planning Policy for Waste and the Planning Practice Guidance are all relevant and require the minimisation of waste production and implementation of measures to ensure efficient use of resources. This can include designing out waste and minimising disposal of waste off site. In accordance with Policy WM8, if planning permission is granted it is recommended that a waste management plan is secured within the CEMP condition to evidence how waste minimization and efficient use of resources can be achieved within the development.
- 9.91 Concerns have been raised regarding land ownership and the path boundary extending beyond existing lease arrangements. Land ownership is not a material planning consideration, however, the applicant has confirmed that the correct land ownership certificate and agricultural declaration notice have been submitted.
- 9.92 Objections have also stated that the route is not a public right of way on the definitive maps nor has a public right of way application been applied for. The applicant has confirmed that there is currently no intention to designate the route as a public right of way or as part of the National Cycle Network. This is not a statutory requirement, nor is it a material planning consideration.

10. CONCLUSION AND PLANNING BALANCE

- 10.1 The development plan is the starting point for decision making where applications that accord with the up-to-date development plan should be approved without delay. Where there is conflict with the development plan, applications should be refused unless there are material considerations that indicate otherwise.
- 10.2 The proposal does not represent inappropriate development in the Green Belt and does not affect the open character of the Green Belt, nor conflict with the purposes of including this land within the Green Belt. Having regard to the development plan as a whole, the proposal offers an off-road multi-user route which would provide a stretch of pathway which negates the need for users to use heavily trafficked roads to access the countryside. The proposal, which is part of a wider Prescott to Cronton network, would offer a recreational route for cyclists, pedestrians and equestrians which would help to promote healthy communities by encouraging use of sustainable modes of transport, promoting walking, cycling and horse riding in accordance with T7 of the Knowsley UDP. This is given significant weight. The promotion of recreation, encouraging exercise and healthy living, in accordance with policies CS2, CS8 and CS7 of the Local Plan Core Strategy, are also given significant weight.

- 10.3 The loss of agricultural land is given limited weight having regard to the nature, location and scale of the development. The use of barriers to prevent access to some users of the multi-user route would have implications for inclusivity and this conflict with policy T10 of the Knowsley UDP and policies CS2 and CS7 of the Local Plan Core Strategy (in relation to inclusivity) is given moderate weight. In coming to this view, regard is also given to the Equalities Act 2010 and the role of encouraging access for all and inclusivity. However, the role of these barriers to reducing the potential for anti-social behaviour and crime, and the ability for the proposal to comply with policy DQ2 is a material planning consideration which is given significant weight.
- 10.4 The environmental impacts are acceptable on the grounds set out in the main body of the report. The impacts on ecology, trees, highways impacts, residential amenity, noise impacts, air quality and drainage can all be appropriately mitigated by planning conditions, and as such, weigh neutral in the planning balance. As outlined above, the social impacts, which include health impacts and access to recreation opportunities weigh in favour of the proposal. The promotion of sustainable modes of transport also weighs in favour. The economic impacts of the proposal weigh marginally in favour, in the planning balance, given the proposal is for a multi-user route which will offer a small number of construction job opportunities.
- 10.5 As such, on balance, the proposed development is considered to comply with the development plan as a whole.

11. RECOMMENDATION

- 11.1 That members grant authority to the Assistant Executive Director Development and Infrastructure (subject to receipt of the correct land ownership certificate) to grant planning permission under delegated powers subject to:
- (i) The conditions set out in the attached schedule, or such additional or amended conditions that the Assistant Executive Director Development and Infrastructure, in conjunction with the Chair of Planning Committee consider appropriate;

SCHEDULE OF CONDITIONS

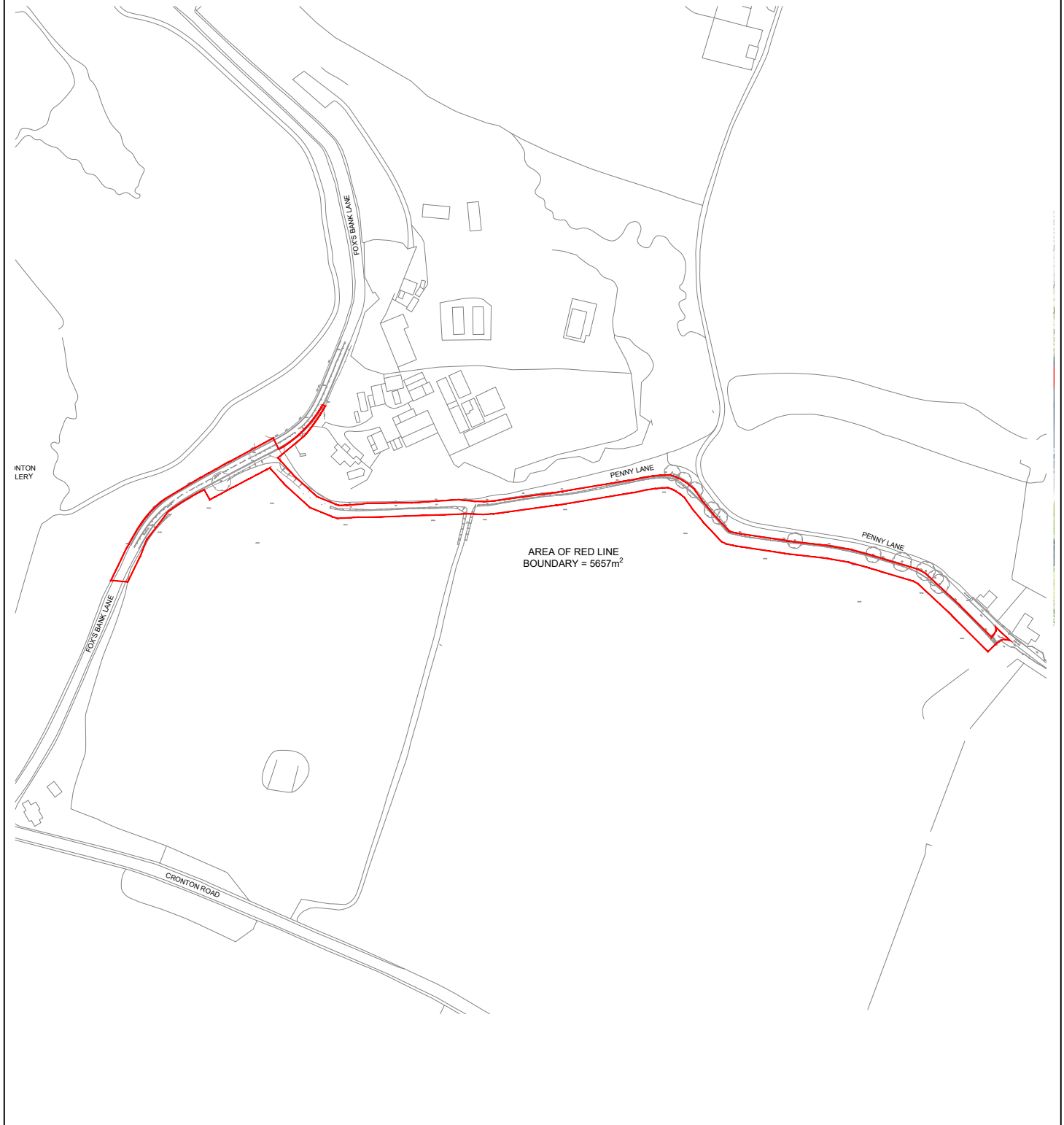
	<i>Condition</i>	<i>Trigger</i>
1.	Time period to implement the permission – 3 years	Compliance
2.	List of approved plans and documents	Compliance
3.	Pegasus crossing warning signage details for speed awareness/pedestrian crossing on Fox's Bank Lane. The signage shall then be erected in accordance with the approved details.	Prior to first use

4.	Road markings – an appropriate scheme for road markings on the approach to the new Pegasus crossing to aid driver speed awareness on Fox's Bank Lane shall be submitted for prior approval.	Prior to first use
5.	The process of seeking to implement a TRO shall be begun to reduce the speed limit on Penny Lane and Tue Lane to 30mph. For the avoidance of doubt, the extent of the TRO shall extend from the pathway access onto Penny Lane through to the 20mph speed limit change on Penny Lane and along the entirety of Tue Lane.	Prior to the laying of any part of the surfacing material (wearing course) for the route hereby permitted.
6.	Visibility splay created within the adopted highway and kept clear of any obstruction exceeding 0.6m in height.	Compliance
7.	Bollards, (multiuser route signage), boundary fencing to be erected in accordance with approved siting detail (with fence adjacent to T7 and T8 sited to protect these trees) with heights to be confirmed (post and rail fence and mesh fence detail); the fencing shall align with the barriers to ensure there is no gap. Management and maintenance plan for the route.	Prior to the path being brought into use
8.	K barriers to be erected in accordance with the approved detail and details of the horse step to be submitted to and approved in writing by the LPA.	Prior to the path being brought into use
9.	Details of materials	Prior to any wearing course surfacing/edging works
10.	Development shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement. 5 working days advance notice shall be given prior to the erection of protective fencing. If the 2 trees within G16 are required to be removed, full replanting details shall be submitted to and approved in writing by the LPA.	On-going

11.	Construction Environmental Management Plan (to include soft felling of trees with bat roost potential should it be required).	Pre-commencement
12.	Landscaping scheme and Landscaping Ecological Management Plan.	Prior to the path being brought into use.
13.	No works to be carried out within 5m of the top of the bank of Fox's Bank Brook and submission of the method of protection to this zone and provision for toolbox talks.	Prior to commencement
14.	Archaeology condition	Pre-commencement (excluding works within the highway)
15.	Levels shall be as shown on the submitted plans.	Compliance
16.	The mitigation set out in the FRA shall be implemented prior to the path being brought into use and use of permeable surfacing areas shall be incorporated into the development.	Compliance

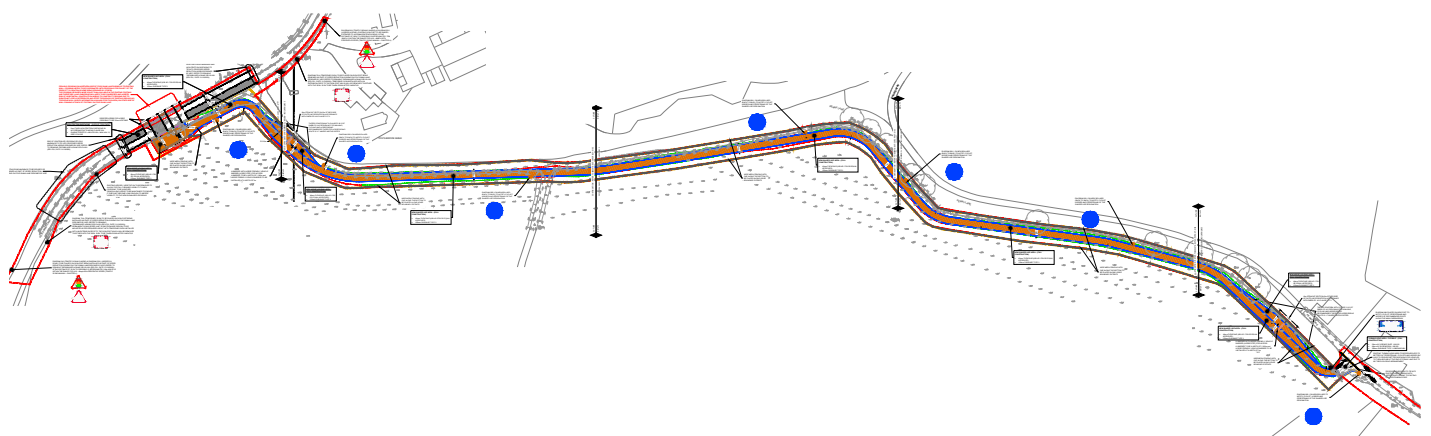
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