Yorkshire Dales National Park Authority

Committee: Planning

Date: 23 April 2024

Applicant: Yorkshire Dales National Park Authority

Parish: Sedbergh

Officer: Emma Heron

Application No: S/03/759

Site Address: Cross Keys Footbridge and Layby, A683, LA10 5NE

Proposal: Full planning permission for replacement of an existing footbridge and steps, with a road level full accessible bridleway bridge with multi user access capabilities, works to layby parking area and provision of a safer walkway from the road to the bridge

Purpose Of Report

1. That Members APPROVE planning permission for the above development in accordance with the recommendations below.



Reason For Committee Consideration

2. This application is reported to Committee for the following reason: the application has been submitted by the Authority for its own development, and an objection has been received.

Application Site

3. The site is adjacent to the A683 north of Sedbergh. It is to the north of the Cross Keys Temperance Inn and car park, a traditional barn and working farmyard. There is a layby to the north of the farmyard, which is used by walkers. This provides space for around 10 cars. The Cross Keys, and the traditional barn are both grade II listed buildings.

4. The existing footbridge across the river Rawthey is accessed via a set of steps cut into the bank, and a slope up on the far side. It is not widely visible in the landscape as it is set down within the narrow river valley.

Proposal

5. The proposal is for the removal of the existing footbridge and steps, and its replacement with a fully accessible clear-span bridleway bridge. The bridge would have a 2.5 metre wide walkway, with a 2.1 metre high steel outerframe parapet, timber rails and kickboards on the internal side of the frame. It would be mounted in the bank by way of concrete abutments.

6. Layby enhancement works would comprise levelling and re-surfacing works to key in with the highway, and a stone-faced retaining wall on the river bank side. A row of bollards would provide separation between bridleway users and the car parking area. The bollards in front of the bridge would be removable to allow access for land management/emergency access.

7. The applicant sees the bridge proposal as having the following public benefits:
    - Level access onto the fells and the Public Right of Way Network, opening up 700 metres of accessible path that leads to the spectacular Cautley Beck valley and a closer range viewpoint of Cautley Spout.
    - Improved access for farmers and commoners to access the fell via quad bike, and horse riders/cyclists to access the bridleway network, without the need for using a ford or major detour when the ford is impassable.
    - It would bring this part of the PROW up to bridleway standards, which it its formal designation.

Relevant Planning History

8. None relevant to this application.

Consultations

9. The comments of statutory and non-statutory consultees are summarized below:

Sedbergh PC - The Parish Council supports this significant improvement in terms of access to an important local landmark. Mindful of the improvements in the scheme to the existing parking area members were disappointed not to see a net increase in off road parking, particularly as you would expect to see an increase in the usage of the bridge. Whilst opportunities to do so are extremely limited around the site, members hope all possibilities to do so can be further explored.

Wildlife Conservation Officer - A clear timescale for construction should be conditioned for all in-channel works, due to a potential presence of salmonid fish. Following clarification that no lighting is proposed, and one gate on the fellside, there are no objections.

Trees & Woodlands - No objection.

Environment Agency - The site lies within Flood Zone 3. A bridge is considered to be a 'less vulnerable' land use (NPPF). It is therefore necessary for the application to pass the Sequential Test and to be supported by a Flood Risk Assessment (FRA). An informative note is recommended in respect of the need for an Environmental Permit, and a condition requiring a method statement for construction and timescale (mid-June to end September) due to presence of Salmonid fish.
In the absence of a FRA, the Environment Agency objects to the application.
Officer note: An FRA has been submitted and the EA consulted. Their response will be reported in Late Comments.

Highway Authority - The bridge width does not meet a minimum width standard of 4 metres for shared use bridges (Local Transport Note: 01/20 Cycle Infrastructure Design). If it is not practicable to provide the recommended width, mitigation may be needed such as signs giving priority to horses, plus turning and waiting area requirements. Further information also needed in respect of protection of the highway during works, and details of the lay-by improvements.

Lead Local Flood Authority - No objection.

Public Responses

Public responses received at the time of writing: 4

10. The application advertised by way of site notice, posted on 26th February 2024 and neighbours notified. Three letters of support have been received referring to year round access for multiple user groups, and linkage with existing bridleway network.

    One letter of objection raises the following points:

    - Harmful visual impact
    - The path on the other side is unsuitable for multiple user groups.
    - Motorbikes will use the bridge to access the fell causing irreversible environmental damage & noise pollution.

- Highway safety, as more cars will be encouraged.
- Increase in visitors damaging the environment and sheep worrying.
- Tree removal.

Assessment

Key Issues:

- Principle of development
- Landscape and visual impact
- Heritage assets
- Sustainability
- Nature recovery
- Highway safety
- Parish Council comments
- Equality Act

Principle Of Development

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on Local Planning Authorities to determine planning applications in accordance with the development plan unless there are material reasons to do otherwise. The development plan for this area is the adopted Yorkshire Dales National Park Local Plan (the development plan). The most relevant policies are:

    SP2: National Park purposes
    SP4: Development quality
    L1: Heritage assets
    T4: Visitor facilities
    CC2: Flood risk
    W1: Wildlife sites, species and networks
    W2: Biodiversity enhancement

12. Policy SP2 sets out the statutory purpose of the National Park, of:
    a) Conserving and enhancing natural beauty, wildlife and cultural heritage;
    b) Promoting opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

13. Paragraph 182 of the National Planning Policy Framework (2023) makes clear that great weight should be given to conserving and enhancing the scenic and natural beauty in National Parks.

14. The Levelling Up and Regeneration Act 2023 introduces a revised duty on relevant authorities to “seek to further the specified purposes of National Parks”. This replaces the existing duty to “have regard to” the specified purposes.

15. Policy T4 seeks to encourage development of facilities that will improve visitor experience of the special qualities of the National Park, whilst policy CC2 aims to steer development away from areas at risk of flooding, whilst managing flood risk

where it is justified, in flood risk zones. The NPPF provides further detail in respect of applying the Sequential Test for development in flood risk zones.

16. The proposal is acceptable in principle as it would further the second purpose of the National Park. Promoting opportunities for the understanding and enjoyment of the special qualities of the National Park. This is subject to assessment of the impact on the natural beauty, wildlife and cultural heritage of the area, and other matters including flood risk.

Landscape And Visual Impact

17. The existing footbridge is inconspicuous in wider views as it is set down within a narrow and wooded river valley. The proposed bridleway bridge would have a far more significant presence within the landscape as it would be elevated at a similar height as the adjoining highway and layby, with a clear span of 35 metres, and a parapet height of 2.1 metres.

18. The main vantage points would be from travelling past the site on the A683, and the bridleway (Pennine Journey) on the northwest side of the river, but it would also be seen from various elevated vantage points on open access land.

19. From the key vantage points, whilst a prominent feature, the bridge would be viewed in the context of the existing building group and associated infrastructure. Its appearance would be recessive, with a backdrop of hills on either side and this would be assisted by the use of a muted paint colour to the steel outer structure. The layby improvements would include mitigating enhancement features including stone faced walling, and bollards as a subtle separation between vehicles and bridleway users. It is considered that it would not have a harmful landscape and visual impact having regard to policy SP4 of the Local Plan.

Heritage Assets

20. Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that in dealing with applications that affect listed buildings, special regard shall be had to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.

21. Paragraph 206 of the NPPF 2023 states, any harm to, or loss of, the significance of a designated heritage asset, (including from development within its setting) should require clear and convincing justification. Paragraph 208 states that where development leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

22. The Cross Keys Temperance Inn, and the traditional barn are both listed buildings and part of their significance lies in their group value, which is described in the list entry. Both buildings occupy a prominent position at an angle to the road, and there are a range of modern but modest agricultural buildings and a modern yard to the rear and side of the barn. The long layby along the site frontage is often occupied by cars which also identifies the site as a visitor destination. The entire group benefits from the backdrop of the Howgills to their rear.

23. The bridge's scale and height is not dominant within the group, and it is viewed in the context of the modern farm building features. It is also not visible until the viewer is at closer range, meaning that from the approaches the Cross Keys Temperance Inn and the barn are viewed in isolation from more distant views from the A684. The use of a muted paint colour would also assist greatly in its recessive appearance within the building group.

24. The harm to the setting of the two grade II listed buildings is considered to be less than substantial, and the public benefits of the proposal (see paragraph 7) weigh heavily in favour. As such the proposal accords with policy L1 of the Local Plan, and the NPPF.

Sustainability

25. The site lies within Flood Zone 3 and the development is classed as a 'less vulnerable' land use in the NPPF. Para 168 of the NPPF advises that development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the development, in areas at lower risk of flooding. A Sequential Test assessment is therefore required.

26. The proposed development is specifically intended as a means of providing a level bridleway crossing of the River Rawthey, as an alternative to a ford which is some distance to the south. The location has been selected as it is on the line of an existing right of way network and would provide level access to a stunning local landscape. There are no other reasonably available alternative sites that would serve this very specific purpose in an area at a lower risk of flooding.

27. A Flood Risk Assessment has been compiled. This identifies a low risk of flooding, with the mitigation relating to making use of the Environment Agency's flood alert system during the demolition of the footbridge and construction phase. The comments of the Environment Agency will be report in Late Comments.

28. The proposal accords with policy CC2 of the Local Plan and the NPPF (2023).

Nature Recovery

29. The proposed works to remove the existing bridge and construct a new one, has the potential to directly affect Salmonid species within the River Rawthey. A Construction Environment Management Plan would be required by condition of any planning permission. This would include timings and methods for works. Conditions would also be included requiring a scheme of biodiversity enhancement to be installed on the bridge, including dipper boxes/ledges, and a scheme of appropriate native planting in the location of the steps and slope down to the footbridge, once these are removed. It is also noted that the removal of the central pier of the old footbridge would help restore the integrity of the river bed. This accords with policies W1 and W2 of the Local Plan.

Highway Safety

30. The Highway Authority has advised that the bridge width does not meet a minimum width standard of 4 metres for shared use bridges, and states that if it is not practicable to provide the recommended width, mitigation may be needed such as signs giving priority to horses, plus turning and waiting area requirements. The proposed bridge is 2.5 metres wide so does not meet the recommended standard. However, it is also noted that there is clear visibility of the bridge from the approaches on either side of the river, such that horse-riders would be seen and can see onto the bridge before entering. Further, the bridge is designed for a rural location, whereby bridge usage is likely to be much less intensive than an urban location. Mitigation measures would include signage at both ends requiring priority for horse riders, and 3m x 4m waiting areas on either side. The applicant is in discussion with the Highway Authority in respect of the bridge width, and an update will be provided in Late Comments.

31. The existing footbridge provides walkers with access to the PROW network and open access fells. The layby allows parking for around 10 vehicles, and there is an additional smaller layby to the south of the Cross Keys Inn. These informal parking opportunities mean that the site is often used as a convenient starting point for walks. Parking can be an issue, as visitors are known to park on both sides of the road when the laybys are full.

32. No new parking spaces are proposed. However, the aim of the proposal is not to increase visitor numbers. The aim is to make the location more accessible to a broader range of the public, and to upgrade the crossing point to bridleway standards, in line with its existing formal designation, in accordance with policy T4, and the National Park's visitor management strategy, "Special Qualities, Special Experiences".

33. The Highway Authority has not commented specifically on this point. Having regard to highway safety and as the applicant is not seeking to promote the bridge as a means of increasing visitor numbers to the location, there is no compelling justification to require an increase in car parking spaces. Additionally,

the site and the highway are self-limiting in terms of the number of visitors that can arrive and park.

34. Overall, the proposal is considered to accord with policy SP4 of the Local Plan in this regard.

Parish Council Comments

35. The Parish Council support the scheme but would prefer to see an increase in parking space due to a potential increase in usage. This issue is assessed in the Highway Safety section of the report, above.

Equality Act

36. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

37. It is considered that the proposal would positively affect persons with protected characteristics by improving opportunities for access to the countryside and the special qualities of the National Park, such that this is a factor to weigh in favour of granting permission.

Conclusion

38. The proposal would provide for a river crossing that is suitable for the PROW's bridleway status, and it would provide level access for a range of users, including horseriders, wheelchair users, trampers, and pushchairs. Whilst the bridge would be prominent in the locality it would not be visually harmful. Measures for biodiversity enhancement, flood risk safety and safety mitigation measures for equestrians would be required by condition of any planning permission. The proposal is considered to be in accordance with the relevant policies of the Yorkshire Dales Local Plan (2015-2030), and the NPPF.

Recommendation

39. It is recommended that permission/consent is GRANTED subject to conditions including the following:

- Three year time limit for implementation
- To be constructed in accordance with the approved plans and documents
- Construction Environment Management Plan (incorporating footbridge demolition)
- Colour of steel work (RAL 7009: green Grey)
- Biodiversity enhancements to be installed

- Landscaping details and implementation
- No lighting or gates unless details first agreed
- Tree protection measures
- Details to be submitted: stone facing, bollards, surfacing
- In accordance with any FRA measures relating to flood warning during demolition and construction
- Details of any mitigation measures (e.g. signage or waiting area), relating to conflict between users of the bridge to be submitted and approved.

Plus, informative notes relating to PROW closure and Environmental permit requirements