

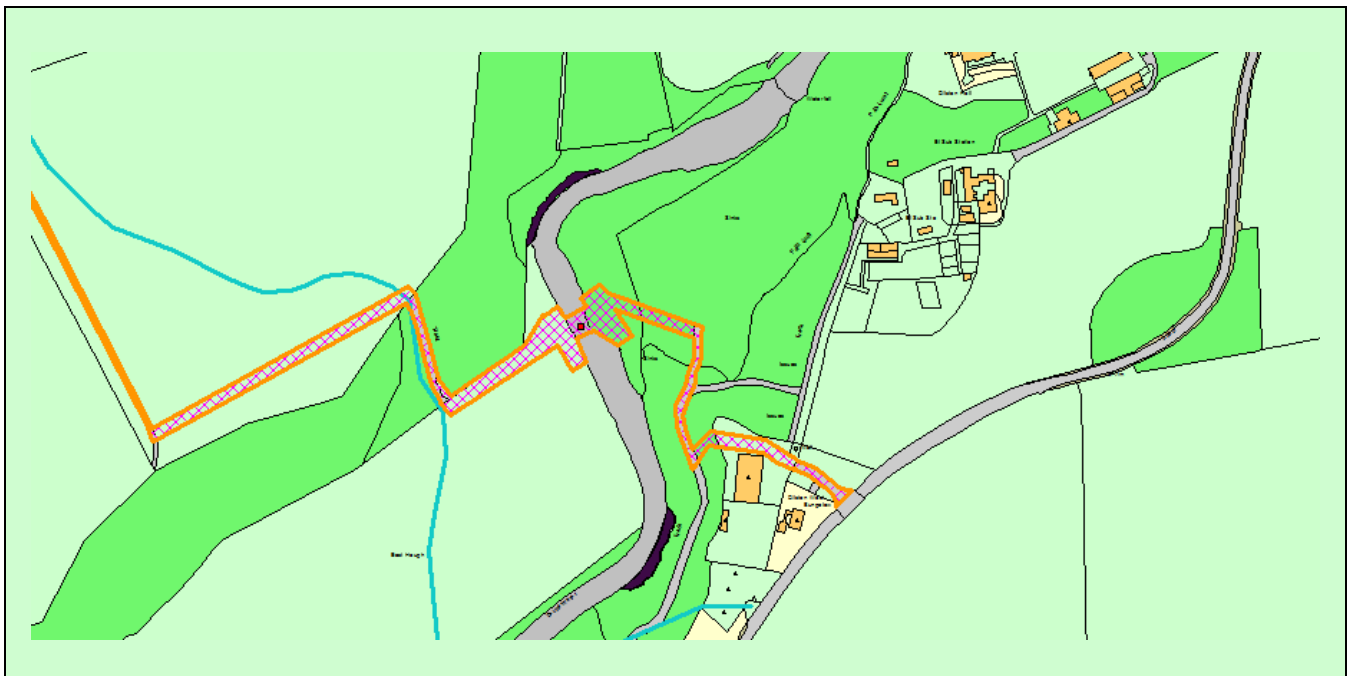


# Northumberland County Council

## Tynedale Local Area Council Planning Committee 13 August 2019

<b>Application No:</b>	18/02853/CCD		
<b>Proposal:</b>	Construction of new footbridge across the Devil's Water for public footpath.		
<b>Site Address</b>	Devils Water Footbridge, Dilston West Cottages, Corbridge, Northumberland		
<b>Applicant:</b>	Mr Tim Fish County Hall, Morpeth, Northumberland, NE61 2EF	<b>Agent:</b>	None
<b>Ward</b>	Corbridge	<b>Parish</b>	Corbridge
<b>Valid Date:</b>	10 May 2019	<b>Expiry Date:</b>	16 August 2019
<b>Case Officer Details:</b>	Name: Miss Rachel Campbell Job Title: Planning Officer Tel No: 01670 625548 Email: Rachel.Campbell02@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



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## 1. Introduction

1.1 This application falls to be determined by members of the Tynedale Local Area Council Planning Committee, in accordance with the Council's current Scheme of Delegation, as Northumberland County Council is the applicant.

## 2. Description of the Proposals

2.1 Planning permission is sought for the construction of a new footbridge across Devil's Water to the north of Dilston West Cottages, near Corbridge.

2.2 The proposed footbridge would be constructed of corten steel crossing members with timber decking. The site area of the proposed footbridge is 20 square metres. The application form states that the proposal would require the diversion of an existing Public Right of Way. The supporting information states a Diversion Order for the Parish of Corbridge Public Footpath No. 16 has already been made and would be confirmed following the construction of the footbridge. The existing public footpath, which runs to the south of the application site, is proposed to be diverted further north and would connect to the proposed footbridge. The application site would be accessed via the existing forestry track.

2.3 The application site is located in the open countryside and Green Belt to the south west of the village of Corbridge. The application site is also within Flood Zones 2 and 3 (as identified by the Environment Agency), is within an Area of High Landscape Value and is within an Impact Risk Zone for a nearby Site of Special Scientific Interest. The application site forms part of Swallowship Woods, which is ancient woodland and also forms part of Devil's Water Woods, which is a Site of Nature Conservation Importance.

## 3. Planning History

3.1 No planning history.

## 4. Consultee Responses

Corbridge Parish Council	Fully supports the application.
Countryside/ Rights Of Way	Diversion Order for the Parish of Corbridge Public Footpath No.16 is already made and is awaiting confirmation upon construction of the bridge.
County Ecologist	No objection subject to conditions.
West Tree And Woodland Officer	No response received.
Lead Local Flood Authority (LLFA)	Recommends informative.

Northumberland Wildlife Trust	No response received.
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## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	9
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

Site notice affecting a Public Right of Way – Displayed on 7<sup>th</sup> June 2019  
 Press notice in Hexham Courant – Published on 23<sup>rd</sup> May 2019

### Summary of Responses:

None received.

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PD58BBQSICV00>

## 6. Planning Policy

### 6.1 Development Plan Policy

*Tynedale LDF Core Strategy (2007)*

Policy BE1 – Principles for the Built Environment  
 Policy GD1 – The General Location of Development  
 Policy GD5 – Minimising Flood Risk  
 Policy NE1 – Principles for the Natural Environment

*Tynedale District Local Plan (2000, Policies Saved 2007)*

Policy GD2 – Design Criteria for all Development  
 Policy LR19 – Safeguard Existing and Promotion of New Public Rights of Way  
 Policy NE7 - New Buildings in the Green Belt  
 Policy NE21 – Protection of Sites of Nature Conservation Importance  
 Policy NE27 – Protection of Protected Species  
 Policy TP26 – Protection and Enhancement of Rights of Way Network  
 Policy TP27 – Development affecting Public Rights of Way

### 6.2 National Planning Policy

### 6.3 Other Documents/Strategies

*Northumberland Local Plan (Publication Draft Plan) (Regulation 19) and Proposed Minor Modifications, as submitted on 29 May 2019*

Policy ENV 2 – Biodiversity and Geodiversity  
Policy ENV 3 – Landscape  
Policy QOP 1 – Design Principles (Strategic Policy)  
Policy QOP 2 – Good Design and Amenity  
Policy QOP 6 – Delivering Well-Designed Places  
Policy STP 1 – Spatial Strategy (Strategic Policy)  
Policy STP 2 – Presumption in Favour of Sustainable Development (Strategic Policy)  
Policy STP 3 – Principles of Sustainable Development  
Policy STP 7 – Strategic Approach to Green Belt (Strategic Policy)  
Policy STP 8 – Development in the Green Belt (Strategic Policy)  
Policy TRA 1 – Promoting Sustainable Connections (Strategic Policy)  
Policy WAT 3 – Flooding

## **7. Appraisal**

7.1 The main considerations in the determination of this application are:

- Principle of the development in the Green Belt;
- Design;
- Impact upon residential amenity;
- Impact upon the Public Right of Way;
- Ecology; and
- Flood risk.

*Principle of the Development in the Green Belt*

7.2 The National Planning Policy Framework (NPPF) maintains that the starting point for the determination of planning applications remains with the development plan, unless material considerations indicate otherwise. As a starting point, Policy GD1 of the Tynedale LDF Core Strategy refers to the principles for the general location of development. This policy states development should be limited to the re-use of existing buildings within the open countryside unless otherwise allowed under alternative policies in the development plan.

7.3 Policy NE7 of the Tynedale District Local Plan states that within the Green Belt, planning permission will only be granted for the construction of new buildings for a limited number of purposes. The construction of a public footbridge would amount to engineering operations, which do not fall under the list of development types which are set out within Policy NE7 of the Tynedale District Local Plan, which deals only with the construction of new buildings. There are no policies elsewhere within the development plan which relate specifically to the type of development proposed. Planning law dictates that the determination of

applications remains with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration, and sets out principles for the Green Belt within Chapter 13.

7.4 Paragraph 134 of the NPPF states that *“Green Belt serves five purposes:*

- a) To check the unrestricted sprawl of large built-up areas;*
- b) To prevent neighbouring towns merging into one another;*
- c) To assist in safeguarding the countryside from encroachment;*
- d) To preserve the setting and special character of historic towns; and*
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.*

7.5 Paragraph 143 of the NPPF sets out that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.* Paragraph 144 of the NPPF states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.*

7.6 Paragraph 145 of the NPPF states that *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) Buildings for agriculture and forestry;*
- 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;*
- c) The extension or alteration of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- d) The replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;*
- e) Limited infilling in villages;*
- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *Not have a greater impact on the openness of the Green Belt than the existing development; or*
- *Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority”.*

7.7 Paragraph 146 of the NPPF states “*certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a) *Mineral extraction;*
- b) *Engineering operations;*
- c) *Local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) *The re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) *Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) *Development brought forward under a Community Right to Build Order or Neighbourhood Development Order”.*

7.8 The Northumberland Local Plan (Publication Draft Plan) was published for consultation in January 2019, with proposed minor modifications submitted on 29<sup>th</sup> May 2019. In accordance with Paragraph 216 of the NPPF; the policies contained within the document at this stage carry some weight in the assessment of planning applications.

7.9 Policy STP 7 of the Northumberland Local Plan (Publication Draft Plan) sets out the strategic approach to the Green Belt. Policy STP 7 states “*the Green Belt within Northumberland, as defined on the Policies map, will be protected to:*

- a. *Check the unrestricted sprawl of Tyne and Wear;*
- b. *Safeguard the countryside from encroachment;*
- c. *Prevent the merging of: Newcastle upon Tyne with Ponteland, Newcastle Airport, or Cramlington; and North Tyneside with Cramlington or Blyth;*
- d. *Preserve the setting and special character of Hexham, Corbridge and Morpeth;*
- e. *Prevent Morpeth merging with neighbouring settlements;*
- f. *Prevent the merger of rural settlements; and*

- g. Assist in the regeneration of settlements in South East Northumberland beyond the Green Belt”.*

7.10 Policy STP 8 of the Northumberland Local Plan (Publication Draft Plan) relates to development in the Green Belt. Policy STP 8 states that *“in assessing development proposals within the Green Belt:*

- a. Development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal;*
- b. Development which is appropriate in the Green Belt, as defined in national planning policy, will be supported;*
- c. Development which improves access to the countryside; provides opportunities for outdoor sport and recreation; enhances landscapes and biodiversity; or improves damaged or derelict land will be encouraged and supported, provided it does not conflict with national policy in relation to Green Belt”.*

7.11 Paragraph 146 of the NPPF identifies forms of development which are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of these appropriate forms of development is engineering operations. The proposal seeks to construct a public footbridge which would then connect to a diverted Public Right of Way footpath. Therefore, the proposed works are considered to constitute engineering operations.

7.12 The application has been assessed against the context above. As the works constitute engineering operations, it falls that it is not an inappropriate form of development in the Green Belt on the proviso that the works preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

7.13 The proposed development would not conflict with the five purposes of the Green Belt as set out within Paragraph 134 of the NPPF. The application site is located within the open countryside to the south west of the village of Corbridge and is surrounded by agricultural land and ancient woodland. It is therefore considered that the development would not result in the unrestricted sprawl of large built-up areas, nor would it result in neighbouring towns merging into one another. One of the purposes of the Green Belt is to preserve the setting and special character of historic towns. The proposed development would not conflict with this aim as a result of its rural, isolated location. Furthermore, the small scale nature of the development and its design would not lead to encroachment of the countryside, however it is recognised that further development in this location may cause this. However, should further applications be made they would be assessed on their own merits and as such the granting of this permission would not in itself lead to additional development being looked upon favourably.

- 7.14 The proposed development would also not conflict with the seven purposes of the Green Belt, which are specific to Northumberland, and are set out within Policy STP 7 of the Northumberland Local Plan (Publication Draft Plan) and are consistent with the purposes set out within Paragraph 134 of the NPPF.
- 7.15 The application site would remain open, with agricultural land to the west and ancient woodland to the east, albeit the construction of a public footbridge. The design and materials of the proposed public footbridge are not considered to be visually intrusive. The application site would be accessed via the existing forestry track and would not create new access routes. It is considered that the openness of the Green Belt would be preserved and, as such, the development would not be inappropriate within the Green Belt. Very special circumstances need not apply, with the application considered to be acceptable as a matter of principle in line with the NPPF and Policies STP 7 and STP 8 of the Northumberland Local Plan (Publication Draft Plan).

### *Design*

- 7.16 Chapter 12 of the NPPF relates to achieving well-designed places. Paragraph 124 of the NPPF states *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.
- 7.17 Policy BE1 of the Tynedale LDF Core Strategy sets out the principles for the built environment. One of the principles set out within Policy BE1 seeks to *“ensure that development is of a high quality design that will maintain and enhance the distinctive local character of the District’s towns, villages and countryside”*.
- 7.18 Policy NE1 of the Tynedale LDF Core Strategy sets out the principles for the natural environment. One of the principles of Policy NE1 seeks to *“protect and enhance the character and quality of the landscape, biodiversity and geological interest of the District and give particular protection to areas and sites recognised for their environmental and scientific interest”*. The policy also seeks to manage the relationship between development and the natural environment in order to minimise risk of environmental damage and to avoid the urbanisation of the countryside.
- 7.19 Policy GD2 of the Tynedale District Local Plan sets out the design criteria which must be met by all types of development. One of the criteria set out within Policy GD2 states the design of proposed development *“should be appropriate to the character of the site and its surroundings, existing buildings and their setting, in terms of scale, proportions, massing, positioning and appearance of buildings, use of materials, structures and landscaped and hard surfaced areas”*.
- 7.20 Policy QOP 1 of the Northumberland Local Plan (Publication Draft Plan) sets out the design principles for all types of development to follow. Criterion (a) states that design will be supported where it *“makes a positive contribution to local character and distinctiveness and contributes to a positive relationship between built and natural features, including landform and topography”*. Criterion (c) states proposed development should incorporate *“high quality aesthetics, materials and detailing”*.



7.21 Policy QOP 2 of the Northumberland Local Plan (Publication Draft Plan) relates to good design and amenity. This policy states *“development will be required to provide a high standard of amenity for existing and future users of the development itself”*.

7.22 The proposal would result in a new public footbridge in an isolated location. The design, scale and siting of the footbridge is important to lessen the impact of the proposed development on the Green Belt and the open countryside. Despite its isolated location, the proposed footbridge has been sympathetically designed and sited to minimise its impact upon the landscape and the Green Belt. The scale of the proposed development would be typical of a public footbridge which can be found on some Public Right of Way routes. The design, scale and siting of the proposed footbridge has been carefully considered, and minimises the visual impact of the development within the landscape. The proposed development would accord with Policies BE1 and NE1 of the Tynedale LDF Core Strategy, Policy GD2 of the Tynedale District Local Plan, Policies QOP 1 and QOP 2 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the NPPF.

#### *Impact upon Residential Amenity*

7.23 Policy GD2 of the Tynedale District Local Plan states there should be *“no adverse effect on adjacent land or buildings in terms of loss of light, noise or other disturbance, overbearing appearance or loss of privacy”*.

7.24 Policy QOP 1 of the Northumberland Local Plan (Publication Draft Plan) sets out the design principles for all types of development. One of the principles of this policy states that proposals will be supported where design *“protects general amenity”*. Policy QOP 2 of the Northumberland Local Plan (Publication Draft Plan) relates to good design and amenity. This policy seeks to preserve the amenity of those living in, working in or visiting the local area.

7.25 The application proposes to construct a new footbridge across Devil’s Water. This section of the watercourse is immediately surrounded by ancient woodland and agricultural land. There is a cluster of buildings, approximately 100 metres to the south of the application site, which are predominantly residential. The cluster of residential properties to the south is made up of eight properties; Dilston West Bungalow, Fosterhaugh View, 1 Dilston Mews, 2 Dilston West Cottages, 3 Dilston West Cottages, 4 Dilston West Cottages, 5 Dilston West Cottages and Roding Lea. The separation distances between the proposed footbridge and the cluster of properties to the south is considered to be acceptable. The proposed footbridge would be screened from view from these residential properties by the large stretch of ancient woodland which aligns the eastern bank of Devil’s Water.

7.26 Overall, it is considered that the application would not have a detrimental impact on the amenity of neighbouring properties. The proposal would therefore accord with Policy GD2 of the Tynedale District Local Plan, Policies QOP 1 and QOP 2 of the Northumberland Local Plan (Publication Draft Plan) and the aims of the NPPF in relation to impact upon residential amenity.

#### *Impact upon the Public Right of Way*

- 7.27 Policy LR19 of the Tynedale District Local Plan relates to safeguarding existing Public Rights of Way and promoting new Public Rights of Way. This policy states *“in association with other relevant organisations, The Council will safeguard existing footpaths, bridleways and public rights of way”*.
- 7.28 Policy TP26 of the Tynedale District Local Plan relates to the protection and enhancement of Public Rights of Way networks. This policy states the Council *“will encourage the retention and extension of the existing network of public rights of way and bridleways, provided that the amenity of the local environment or residents/communities would not be adversely affected; and will seek to ensure that all routes are appropriately surfaced, signposted, waymarked and kept free from obstruction”*.
- 7.29 Policy TP27 of the Tynedale District Local Plan relates to development affecting Public Rights of Way. This policy states *“development which would directly or indirectly affect a public right of way will only be permitted if a suitable alternative route is provided by the developer before the development commences”*.
- 7.30 Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan) seeks to support development which *“protects, enhances and supports public rights of way”*.
- 7.31 The application form states that the proposal would require the diversion of the existing Public Right of Way (Parish of Corbridge Public Footpath No.16). The supporting information states a Diversion Order for the Parish of Corbridge Public Footpath No. 16 has already been made and would be confirmed following the construction of the footbridge. The existing public footpath, which runs to the south of the application site, is proposed to be diverted further north and would connect to the proposed footbridge. The Council’s Countryside Rights of Way team have been consulted on this application and they have confirmed that the supporting information is correct and that a Diversion Order has been made. The proposed development would not adversely affect the Public Right of Way and would accord with Policies LR19, TP26 and TP27 of the Tynedale District Local Plan and Policy TRA 1 of the Northumberland Local Plan (Publication Draft Plan).

### *Ecology*

- 7.32 The site lies within close proximity to ancient woodland and the Devils Water Woods SNCI. Policy NE1 of the Tynedale LDF Core Strategy sets out the principles for the natural environment. One of the principles of Policy NE1 seeks to *“protect and enhance the character and quality of the landscape, biodiversity and geological interest of the District and give particular protection to areas and sites recognised for their environmental and scientific interest”*. Policy NE21 of the Tynedale District Local Plan seeks to protect Sites of Nature Conservation Importance. Policy NE27 of the Tynedale District Local Plan relates to the protection of protected species and states development which is likely to adversely affect protected species will only be permitted, if harm to the species can be avoided. Policy ENV 2 of the Northumberland Local Plan (Publication Draft Plan) relates to biodiversity and geodiversity. The application has been

accompanied by an Ecological Walkover Survey and Protected Species Risk Assessment. This document sets out a list of mitigation measures.

7.33 The Council's Ecologist has been consulted on this application and considers the mitigation measures set out within the Ecological Walkover Survey and protected Species Risk Assessment are appropriate and sufficient. The Council's Ecologist has no objection subject to a condition to secure appropriate mitigation. Subject to accordance with these conditions, the application is considered to be acceptable in accordance with Policy NE1 of the Tynedale LDF Core Strategy, Policies NE21 and NE27 of the Tynedale District Local Plan, Policy ENV 2 of the Northumberland Local Plan (Publication Draft Plan) and the aims of the NPPF in this respect.

#### *Flood Risk*

7.34 The application site is located within Flood Zones 2 and 3 and the proposal seeks to construct a footbridge across Devil's Water. Policy GD5 of the Tynedale LDF Core Strategy relates to minimising flood risk. Policy WAT 3 of the Northumberland Local Plan (Publication Draft Plan) relates specifically to flooding. The application has been accompanied by a Flood Risk Assessment. The Council's Lead Local Flood Authority (LLFA) team have been consulted on this application and have advised that anyone who intends to carry out works in, under or near a watercourse or flood defence contacts the relevant authority to obtain any necessary consents before starting the work. The Council's LLFA team have raised no objections. The proposed development has been checked against the Environment Agency's standard advice and due to the minor scale of the development, the Environment Agency did not need to be consulted on this application.

7.35 The Flood Risk Assessment states that the proposed footbridge has a narrow profile (300mm) to the cross sectional beam, with a wire balustrade to minimise potential resistance to water levels above the 39.2 datum. The Flood Risk Assessment also states that the curved profile of the proposed footbridge allows for an additional 1.5 metres water height above bank level before the footbridge deck is totally inundated by a high water event, and a total of 3.3 metres above the regular water level height of Devil's Water. It is therefore considered that the proposed development would not give rise to any greater risk of flooding at the site or elsewhere, and in this respect the proposal would be in accordance with Policy GD5 of the Tynedale LDF Core Strategy and Policy WAT 3 of the emerging Northumberland Local Plan (Publication Draft Plan).

#### *Equality Duty*

7.36 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

## *Crime and Disorder Act Implications*

7.37 These proposals have no implications in relation to crime and disorder.

## *Human Rights Act Implications*

7.38 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic well-being of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.39 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.40 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 National and local planning policies have been taken into consideration when assessing this application. The provision of a public footbridge in the open countryside is not covered by any development plan policies and would therefore not accord with Policy GD1 of the Tynedale LDF Core Strategy. However, the provision of a public footbridge constitutes engineering operations which is identified as an appropriate form of development within the Green Belt within Paragraph 146 of the National Planning Policy Framework and is therefore acceptable as a matter of principle. The proposal would also accord with Policies BE1, GD5 and NE1 of the Tynedale LDF Core Strategy, Policies GD2, LR19, NE21, NE27, TP26 and TP27 of the Tynedale District Local Plan, Policies ENV 2, ENV 3, QOP 1, QOP 2, QOP 6, STP 2, STP 3, STP 7, STP 8, TRA 1 and WAT 3 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the National Planning Policy Framework.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

Conditions/Reason

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

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

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:

1. DEVILS WATER FOOTBRIDGE, Drawing No: S001 (Date: June 18) (Received on: 08/08/2018)
2. Devil's Water Footbridge Access from north side (No Date) (Received on: 16/08/2018)
3. Devil's Water Footbridge Access to site from west (No Date) (Received on: 16/08/2018)
4. Ecological Walkover Survey and Protected Species Risk Assessment - New Footbridge Devil's Water, Dilston June 2018 produced by Ann Deary Francis (Date: 21/06/2018) (Received on: 16/08/2018)
5. Devils Water Footbridge - Flood risk assessment (No Date) (Received on: 16/08/2018)

Reason: To ensure the approved development is carried out in complete accordance with the approved plans.

03. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Ecological Walkover Survey and Protected Species Risk Assessment New Footbridge Devil's Water, Dilston. Northumberland County Council. June 2018') and this condition, including but not restricted to;

- Production and implementation of method statement
- All contractors working on the site are to be briefed on this via a Toolbox Talk to be delivered by the Ecological Clerk of Works/county ecologist before work begins.
- Access through the east bank woodland will only be via the existing forestry track.
- A checking otter and water vole survey will take place prior to works commencing (within 1 week prior to works).
- All works will avoid the salmonid spawning period mid October - February.
- Passage of fish must be maintained adjacent to the working area.
- Silt curtains will be placed downstream of the works site to control any siltation effects during construction.
- Any construction pits or trenches will be covered at night.
- No night-time working will be permitted.
- No refuelling will take place within the work area.

- All construction plant and machinery will carry spill kits and all operatives will be trained in their use.
- All site works must follow the provisions of the Environment Agency's Pollution Prevention Guidelines *Works and maintenance in or near water: PPG5*.

Reason: To maintain the favourable conservation status of protected species and to conserve and enhance the biodiversity of the site in accordance with Policy NE27 of the Tynedale District Local Plan and the National Planning Policy Framework.

### **Informatives**

1. It is essential that anyone who intends to carry out works in, under or near a watercourse or flood defence contacts the relevant authority to obtain any necessary consents before starting the work. For any work, both permanent and temporary, that are to be within the cross-sectional area of the watercourse, please contact the Flood and Coastal Erosion Risk Management (FCERM) team at: [fcerm@northumberland.gov.uk](mailto:fcerm@northumberland.gov.uk)

**Date of Report:** 24.07.2019

**Background Papers:** Planning application file(s) 18/02853/CCD