

AGENDA MANAGEMENT SHEET

Name of Committee Regulatory Committee

Date of Committee 21 August 2007

Report Title Bridge Details Relating to the Approved Rugby Western Relief Road

Summary This report recommends the discharge of bridge designs, under Condition number 2 of Planning Permission R1442/02CC093, for the approved Rugby Western Relief Road

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Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Background Papers Bridge Drawings.
Emails from District Councillor Rock 5/5/2007 and 15/7/2007.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

- Other Committees
- Local Member(s) Councillor T Cavanagh } No comments
(With brief comments, if appropriate) Councillor G Collett } received as at
Councillor K King } 7 August 2007.
Councillor B Levy }
Councillor J Wells }
- Other Elected Members
- Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive

- Legal I Marriott - agreed.
- Finance
- Other Chief Officers
- District Councils Rugby Borough Council - No comments received.
- Health Authority
- Police
- Other Bodies/Individuals Environment Agency – No objection.
District Councillor Rock – see paragraph 2.7.

FINAL DECISION **YES/NO** *(If 'No' complete Suggested Next Steps)*

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Regulatory Committee - 21 August 2007

Bridge Details Relating to the Approved Rugby Western Relief Road

Report of the Strategic Director for Environment and Economy

Recommendation

That the Regulatory Committee authorises the discharge of Condition number 2 of Planning Permission R1442/02CC093 for Bridge designs relating to the approved Rugby Western Relief Road.

The Proposal : Discharge of Condition number 2 of Planning Permission R1442/02CC093 for the construction of the Rugby Western Relief Road

Site & Location : The route of the approved Rugby Western Relief Road

1. Application Details

- 1.1 Details have been submitted in relation to the discharge of Condition number 2 of Planning Permission R1442/02CC093. This condition reads as follows:-

No development shall take place until detailed bridge designs have been submitted to and approved in writing by the County Planning Authority. The details shall include wildlife mitigation measures.

- 1.2 The submitted drawings show details of the following bridges:-

Lawford Brook Culvert
Cawston Bridleway Bridge
Various culverts around Cawston
Sow Brook Bridge
Parkfield Road Railway Bridge
River Avon Bridge
Cawston Underpass

- 1.3 Some information relating to the major bridges along the route of the relief road was submitted as part of the original planning application. Indeed, indicative

designs, including headroom heights of the Cawston underpass and bridleway bridge were included in the application drawings. This submission further illustrates such bridges with detailed materials and construction design.

2. Consultations

2.1 **Councillor T Cavanagh** – No comments received as at 7 August 2007.

2.2 **Councillor G Collett** - No comments received as at 7 August 2007.

2.3 **Councillor J Wells** - No comments received as at 7 August 2007.

2.4 **Councillor Ms K King** - No comments received as at 7 August 2007.

2.5 **Rugby Borough Council** – No comments received.

2.6 **Network Rail** – No comments received.

2.7 **District Councillor Rock** (Stratford on Avon: Stockton and Napton) – Comments in relation to the Cawston underpass.

- (i) Email dated 5/5/07 - This bridge is to allow passage of pedestrians, cyclists and horse riders I think. Also the county has gone to some lengths to preserve the possibility of some sort of rail link being reopened in the distant future. All of this could be achieved if the height of the liner was 4m clearance rather 3m and the floor of the tunnel specified to be an appropriate structural grade to light railway load bearing.
- (ii) Email dated 15/7/07 - I have no wish to impose any additional and unnecessary steps, but my concerns remain. It appears that bridleway clearance, as standard, is a 4m high clearance for a number of local authorities.

3. Representations

3.1 None

4. Observations

4.1 The design of bridges, including culverts, take a conventional design that would be expected along such a road. In addition, measures to allow for wildlife mitigation have been incorporated, for example mammal passageways are proposed for the culverts and River Avon bridge, whilst the Sow Brook design incorporates a higher bench of land to allow mammals to pass underneath. These features which would meet the requirements of incorporating wildlife mitigation measures.

4.2 Councillor Rock has raised issues relating to the bridges proposed over the disused railway that runs from Rugby to Southam. These cover two major concerns:-

- i) That the bridge height may restrict the reinstatement of the disused line to railway purposes some time in the future; and
- ii) That the bridge height would limit the future use of the disused use railway by horse riders.
- (iii) As stated above the headroom of the Cawston underpass was shown on the application drawings at 2.7 metres in height. The detailed drawing submitted for discharge does not change this situation.

Reinstatement of the disused railway line

- 4.3 The planning permission is two phased and the second phase relates to works along the route of the road required to reinstate the former railway into working order at a future date. The supplementary report submitted with the original planning application outlines the engineering works required to implement phase two.
- 4.4 For the Cawston link and underpass works would require the link to be closed to traffic, the removal of the underpass and embankment and a new bridge constructed. Other measures along the route of the road would need to be implemented to allow the railway to be reopened. As consent has been granted for such works any future plans to reopen the railway line could be accommodated.
- 4.5 Ultimately, the road has previously been granted permission incorporating a mechanism to allow for the reinstatement of the railway line any time and on the understanding that this may need to be carried out. Therefore, the low headroom has been accounted for when the planning application was considered and granted and as such an objection to the discharge of the condition on this basis could not therefore be justified.

Future Use of the disused railway line by horse riders

- 4.6 The disused railway does not form a public footpath or bridleway and as such there is no legal right of way for walkers, cyclists or horse riders. The line of the railway has been proposed by Sustrans, a charity that run National Cycle Networks throughout the country, as an improvement to the National Cycle Network route from Warwick and Leamington Spa to Rugby, known as the Lias Line Cycleway.
- 4.7 The role of Sustrans and their estate managers, Railway Paths Ltd was discussed in more detail in the Planning Inspectors Report for the Secretary of State for Transport, in relation to the Side Road Orders and the Compulsory Purchase Order. The report states that “whole of the dismantled railway southwards from Lawford Road to Potford’s Dam and beyond, virtually as far as Leamington, is owned by the charity. An agreement in 1998 with the Secretary of State for Transport intends to ensure that the integrity of dismantled railways is kept intact and the land safeguarded for possible future public transport purposes; the freehold was transferred. Maintenance is the company’s legal responsibility. The agreement is not in the public domain but it enables former

railway land to be used as cycling and pedestrian routes.” This confirms that the route is intended for cyclists and walkers.

- 4.8 Sustrans have been consulted to clarify their intentions further in this regard. We are awaiting their final comments, these will be reported at the Regulatory Committee’s meeting.
- 4.9 In addition, it has been confirmed by the applicant that the cycle route that would utilise the underpass and disused railway would be primarily used for pedestrians and cyclists. It is not possible to provide more than 3 metres of headroom with the proposed design due to the constraints imposed by the vertical alignment of the Cawston Link road that the underpass would carry.

Planning Policy

- 4.10 The provision of the relief road has been long established by the granting of planning permission and policy T9 of the adopted local plan (Rugby Borough Local Plan 2006) that safeguards the route of the Rugby Western Relief Road. The application details identified bridge locations, some of which are located within the Green Belt. As such the principle of siting the road and associated structures within the Green Belt has been accepted.

5. Conclusion

- 5.1 The design of the bridges along the relief road would not inhibit the future reinstatement of the railway, due to the provisions of phase 2 of the planning permission for the road. In addition, the disused rail line is not currently a public bridle path and it is intended to form part of a National Cycle Route rather than a bridleway and as such the 2.7 metre headroom proposed would be acceptable. Therefore, there is no significant reason to withhold the discharge of Condition number 2 of Planning Permission R1442/02CC093 for the construction of the Rugby Western Relief Road .

JOHN DEEGAN
Strategic Director for Environment and Economy
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Warwick

7 August 2007