



13 March 2018

Agenda Item: 8

REPORT OF CORPORATE DIRECTOR – PLACE

MANSFIELD DISTRICT REF. NO.: 2/2018/0006/NCC

PROPOSAL: PROPOSED MAUN VALLEY CYCLE ROUTE 4, COMPRISING CONSTRUCTION OF NEW BITUMEN PATHS, WIDENING OF EXISTING PATHS AND ASSOCIATED WORKS

LOCATION: THE EXISTING MAUN VALLEY COUNTRY PARK (LOCAL NATURE RESERVE), AN EXISTING FOOTPATH TO THE REAR OF PROPERTIES AND TO THE WEST OF BARRINGER ROAD, AND THE EXISTING BARRINGER ROAD RECREATION AREA.

APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL PLACE DEPARTMENT

Purpose of Report

1. To consider a planning application for the creation of an off-road cycle route, following the Maun valley in Mansfield, comprising the laying of a new path through the park between New Mill Lane and Old Mill Lane and the widening of existing pathways from Old Mill Lane through to Barringer Road recreation ground. The scheme includes provision of associated street furniture.
2. The key issues relate to the impacts on the character and appearance of the Maun Valley Park Local Nature Reserve (LNR) and its associated ecological interest; community safety and amenity interests; and the implications for the status of a Public Right of Way.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

4. The site comprises an identified linear route of approximately 1.75km along the River Maun valley north-east of Mansfield town centre running northwards to Mansfield Woodhouse (see plan 1). The route can be broadly divided into two distinct sections; a northern semi-rural/parkland section running through the Maun Valley Park LNR (see plan 2) and a southern sub-urban section utilising existing paths alongside housing in the Barringer Road area (plan 3).
5. The route starts at the access gate to the park at New Mill Lane where it begins as a stone chip path for about 300m before this branches off towards the

eastern side of the park via a small stone bridge crossing the River Maun. The identified route continues along the western side as an unsurfaced desire line for 450m to the gate at Old Mill Lane. This northern section passes entirely through the park along the river valley floor and is characterised by flood meadows and open parkland. To each side of the valley floor there are steepening wooded flanks, atop of which are residential areas.

6. At Old Mill Lane (A6117) the route utilises the footway along the road bridge over the river and then crosses the road where it picks up an existing path through a wooded area leading, via a steep incline, up to the housing area off Barringer Road. This pathway is a designated Public Right of Way (Mansfield Woodhouse Public Footpath No. 19) and connects into various small cul-de-sacs leading off Barringer Road namely; Rowan Close, Farrendale Close, Blenheim Close, Longdale, Deepdale Road and Glebe View.
7. Between Rowan Close and Blenheim Close the path is narrow and akin to an alleyway passing close to the sides and rear of properties at the end of each cul-de-sac or close. Fringing the path on its west side is a wooded slope leading down to the River Maun below. The woods are noted as a Local Wildlife Site (Maun Woodlands LWS).
8. From Blenheim Close southwards, the pathway opens out into an area of public open space. There are various barriers/chicanes placed along its length. Finally the route enters the Barringer Road recreation ground and skirts around the edge of the playing field before terminating on Barringer Road.

Proposed Development

9. The proposal seeks to create a 1.75km cycle path (also to be shared with pedestrians) along the route as described above. The new path is proposed to be finished generally with a macadam surface except where revisions have been secured for the Maun Valley Park as discussed below. The works would see a mix of upgraded/widened existing pathways and new paths generally formed at 3m wide, but in some areas at 2.5m wide.
10. Within the Maun Valley Park the existing gritstone path running down the western side of the river valley would be replaced with 3m wide tar spray and aggregate chip surfaced path. This would then be extended for the length of the park down to Old Mill Lane, where there is currently an unsurfaced walking route. Adjustments would be made to the entrance gates/ways to provide open access for cycles. At Old Mill Lane an existing fence line would be adjusted with landowner's permission. Along the park section all existing benches, bins and interpretation boards would be retained and re-sited in the same locations beside the widened path.
11. Where the route takes in an existing footpath running along the side/rear of the residential area off Barringer Road, the path would be widened generally to 2.5m or to 3m where space permits. Existing street furniture comprising barriers/chicanes would be removed. For safety reasons replacement chicanes would be sited at the foot and top of the short incline south of Old Mill Lane, leading up to the housing estate. Further along several bollards would be

provided in the path to deter misuse such as by motorcycles and these would be backed up with sections of metal post and rail fencing to stop access around the bollards onto grassed areas. A series of lamp columns would be renewed/relocated to accommodate the widened path. It would also be necessary to trim some overhanging vegetation and crown lift trees which lie within an adjacent woodland LWS.

12. At the playing fields on Barringer Road, an existing kissing gate would be swapped for a new staggered chicane from where a 3m path would then be laid around the eastern edge of the fields, terminating onto Barringer Road.
13. Also forming part of the project, but outside of the scope of this application, the County Highways Authority plan to undertake associated highway works to tie the route into a wider network of cycle and pedestrian routes. Of particular note are the provision of two new Toucan crossings along the route. One would be on Old Mill Lane on the eastern side of the bridge, providing a crossing to link up the northern and southern sections of the route. The second Toucan crossing would be at New Mill Lane at the northern end of the route. Here it would replace an existing pedestrian refuge and provide a crossing to public footpaths extending north along the Maun Valley or leading into the Whinny Hill residential area.

Consultations

14. **Mansfield District Council - No objection.**

Raises no objection subject to conditions requiring details of the surface materials to be agreed and that works are carried out in accordance with the mitigation measures contained within the Extended Phase 1 Habitat Survey.

15. **Police Force Architectural Liaison Officer - No objection.**

Comments have been provided following a site visit and review of reported crime and disorder incidents in the local area for the past 12 months.

The proposed new cycle route, from New Mill Lane to Old Mill Lane, is via a rural location with very few homes near to the proposed route. The route from Old Mill Lane towards Ravensdale Lane, passes much closer to residential properties.

There has been a small amount of anti-social behaviour, located around the existing footpath from Deepdale Road to Farrendale Close, and on to the park, this includes a number of reported incidents of off-road motorcycles, riding on the park and along the existing footpath. There are only 5 reported incidents in the past 12 months, but there may be more unreported incidents occurring, as one victim states "that it is an on-going problem". The Local Authority have installed barriers to deter off road motorcycles from the park, but I fear this has not been totally successful.

The last reported incident was in March 2017, nothing reported to the Police since then, so the problem may have gone away, there is only one similar reported incident within the Maun Valley existing rural pathways.

The installation of a wider cycle route could increase this type of anti-social behaviour, but as the numbers are low and the last incident was reported in March 2017, I see no reason to raise concerns to this application, however plans should be considered to be implemented should the new cycle route become a problem with off road motorcycles, in the future.

I note the pathway from Deepdale Road to Farrendale Close is lit with 3m lamp standards. I note these will remain once the footpath is widened. I would support this action.

One advantage along this stretch, is that the proposed cycle route will have decent natural surveillance from nearby homes, which supports crime reduction.

16. NCC (Highways) - No objection.

The proposal will have very little impact on the existing highway network. In coming to this conclusion the Highways Authority has considered issues of highway access, capacity and safety, parking, servicing and sustainability.

The Highway Authority is content with the proposed development subject to a planning condition stipulating that no part of the development shall be brought into use until the two signalised crossings at New Mill Lane and Old Mill Lane have been provided.

17. Via (Countryside Access) - No objection.

Mansfield Woodhouse Public Footpath No. 19 is directly affected by the proposal ... [and is] ... highway maintainable at [the] public expense. Its status as a Public Footpath ... [means there is a public] ... right to pass and repass on foot only.

As a minimum, an agreement needs to be reached with the landowner regarding the long-term safeguarding of the full width of the route as a cycle route and the maintenance responsibility for it. Alternatively, the landowner may enter in to a long-term permissive agreement. It would be desirable for the formal procedure of designating the full width of the route as a cycle track to be followed, this being Section 3 of the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984.

18. NCC (Nature Conservation) - No objection.

An Extended Phase 1 Habitat Survey concludes that due to the temporary and low impact nature of the works, ecological impacts are likely to be minimal, provided that a range of mitigation measures are put in place. In particular, it is stated that "The habitat to be directly affected by the proposed path works is predominantly small areas of grassland either side of the existing paths and desire lines, and this grassland is a small constituent of a wider habitat resource in the local area. As such, any adverse impact upon the small areas of

grassland will not have any significant impact on the wider grassland habitat and its associated fauna and flora.”

A range of mitigation measures are set out in section 6.2 of the report, and a condition should be used to ensure compliance with these. It is suggested these are actioned through an Ecological Method Statement, to be submitted prior to the commencement of development.

19. **Sport England-** *No objection.*

Satisfied that the sporting capability of the Barringer Road playing fields would not be reduced as a result of the proposed development and in particular its ability to accommodate a youth U15/U16 football pitch. As such, Sport England is satisfied that the proposed development broadly meets the intention of Sport England Policy exception E3:

The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

20. **Environment Agency –** *No objection.*

The proposed footpath is located in Flood Zone 2 and it is understood the newly constructed path would not be raised above existing ground levels and any additional spoil would be removed from the floodplain.

21. **The Maun Conservation Group; Western Power Distribution; VIA (Road Safety);** have not responded. Any response received will be orally reported.

Publicity

22. The application has been publicised by means of site notices placed along the proposed route, a press notice and by twenty six neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement Review.

23. One objection has been received from a nearby resident. The objector is concerned that the new cycle path would attract misuse by those riding motorbikes. The resident states that this has been an ongoing problem which has required public expense to address in terms of police time/call outs and the erection of barriers along the current path. The objector states that the project will make the situation worse and these existing and past problems with the motorbike culture needs to be considered in the plans. The objector takes issue with the use of public funding for the project.

24. As the site straddles Divisional boundaries the Members for Mansfield North, Mansfield East and Mansfield South have all been notified of the application:- Councillors Vaughan Hopewell; Andy Sissons; Parry Tsimbiridis; Joyce Bosnjak JP; Stephen Garner and Martin Wright.

25. Cllr Martin Wright has responded with his full support for the proposal.
26. The issues raised are considered in the Observations Section of this report.

Observations

27. The proposed cycle route forms part of an emerging network being developed by the County Council to provide and improve cycle access across Mansfield. The project is being funded by the D2N2 Local Growth Fund and the County Council. Sister schemes are also being developed for Newark and West Bridgford. A series of public consultations held in July 2017 identified that the Maun Valley Route No. 4 was the most positively received of all the various presented route options.
28. In this case the proposal requires planning permission as the route is primarily not within or alongside a public highway.

Planning policy assessment

29. There are a number of saved policies in the extant 1998 Mansfield District Local Plan which are relevant to this application. The route is identified as a trail route under saved Policy M12 (A) passing through a defined and protected 'Green Wedge' (following the River Maun) under Policy NE5 (A). The route is also within the open countryside for the purposes of Policy NE1 which restricts development with certain exceptions. The parkland, public open space and the recreation ground are also protected under policies LT1 and LT2.
30. The Maun Valley Green Wedge is described in the Plan as one which brings the countryside to within half a mile of the town centre, providing a valuable recreational asset and wildlife resource close to the communities of Mansfield Woodhouse and Forest Town. It is a valuable green area in an otherwise urban area.
31. Policy M12 (A) expressly supports the extension and improvement of the Maun Valley trail route and otherwise seeks to prevent developments which would prevent implementation or lead to the loss of such trails for use by walkers, horse riders and cyclists. Policy M15 also supports the development/extension of a cycle network generally across the District with the aim of providing linkages between areas of population and the town centre and centres of employment.
32. Policy NE1 makes an allowance for outdoor recreation and tourism related developments in the open countryside, subject to sympathetic design in keeping with rural character. Policy NE5 states that permission will not be granted for development which would detract from the openness and landscape quality of the green wedge or undermine its recreational and wildlife value. Policies LT1 and LT2 seeks to prevent loss of public open space and local parks, but makes allowance for proposals which are ancillary to, or would enhance, their recreational value.

33. The proposal is considered generally consistent with the aims of these key policies subject to consideration of the surface treatment through the Maun Valley Park LNR (below). The landscape and open character of the Green Wedge would be maintained and the cycleway would enhance the recreational value of the protected open spaces. The path would not result in the loss of or affect the sports pitches at Barringer Road recreation ground.
34. The District Council is in the process of developing a replacement Local Plan to which some limited weight can be attached. The Consultation Draft (January 2016) broadly provides for the same protection in terms of identifying the route as a Strategic Trail passing through Strategic Green Infrastructure which is also covered by policies relating to their ecological interest and seeking to preserve public open space.
35. Draft Policy ST1 (and ST2) places a greater onus on sustainable transport and seeks to protect and improve the existing sustainable transport network of which the Maun Valley multi user trail is again identified as being part. Proposals which encourage sustainable travel by enhancing the sustainable transport network, such as through new pedestrian and cycle routes will be supported. The draft policy seeks to encourage a modal shift away from private car travel towards greater levels of walking, cycling and use of public transport. This in turn will support the sustainable growth plans of the District and reduce energy requirements and CO2 emissions. At the same time sustainable travel provides health and wellbeing benefits through active lifestyles and through reducing social exclusion.
36. The NPPF at chapter 4 sets out the Government's objective to promote sustainable travel as part of the agenda to reduce greenhouse gas emissions, reduce congestion, support growth and improve health. Proposals should give priority to pedestrians and cyclists, but also consider the needs of people with disabilities and create a safe and secure environment. The NPPF also states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities (Paragraph 73). Planning policies should protect and enhance public rights of way and Local Authorities should seek opportunities to add to or enhance the existing network (Paragraph 75).
37. The proposed cycle route is broadly in accordance with this draft local policy framework along with the overarching national policy agenda and is supported in principle planning policy terms.

Landscape, design and visual impact

38. In requiring high standards of design Policy BE1, requires development proposals to integrate into the existing landscape (and areas of nature conservation interest) and use materials which are in keeping with the site's surroundings. The level of hard and soft landscaping should be consistent with the type and design of the development and its setting.
39. Policy NE1 (which controls development in the open countryside) identifies outdoor recreation uses in this situation as being appropriate, but only where the

nature and scale of the proposal is in keeping with the rural character of the area and the design is sympathetic to the surroundings. Policy NE5 (A) also seeks to prevent proposals which detract from the landscape quality of the Maun Valley green wedge.

40. The proposed 3m wide path through the Maun Valley Country Park can be acceptable and compatible with its function as both a place for people and for nature. However it is considered that the 'black top' macadam surfacing proposed would not meet the terms of the above policies and would not be in keeping with its rural/park character. The applicant has been asked to consider alternative surface treatments which would be visually more sympathetic and appropriate for its use.
41. The applicant states that a bound gravel surface such as that regularly used for footpaths in such situations would not be suitable as it would be quickly eroded by cyclists and more difficult to repair effectively. They therefore consider that a bitumen tar and coloured chip treatment would be best suited and which would blend with the surroundings more effectively whilst still being hardwearing and repairable. It is considered that a sandy coloured chip on tar surface would be an acceptable and balanced choice for this section of the new path and a condition can require the exact specification to be agreed in accordance with the request from Mansfield District Council.
42. The use of black macadam for the widening of the existing route to the rear of Barringer Road would be appropriate to this more urban context where the footpath links up various residential streets. The use of this surfacing is also considered appropriate around the edge of the playing field at Barringer Road.
43. Subject to a condition securing details of the final surface treatments the design meets the terms of policies BE1, NE1 and NE5 (A).

Residential amenity

44. Policy BE1 with regards to design requires consideration of matters of scale, layout and access and how the proposal relates to neighbouring buildings and the local area generally.
45. Draft Policy BE7 (within the Local Plan Consultation Draft) sets out design criteria including that developments should protect the amenity of occupiers by creating high quality, healthy environments, including the provision of public and private space.
46. The southern section of the proposed cycle route utilises an existing footpath passing alongside a residential area off Barringer Road. In part this path is quite narrow at 1.5m wide and bounded directly by the end properties in Rowan Close, Farrendale Close and Blenheim Close. Some of these are orientated side-on to the path, and others face onto the path with rear parking. Several bungalows also utilise part of the path for access to their driveways. Further to the south the pathway opens out as part of a wide area of public open space.

47. The proposed works to widen and improve this section of path as a cycle route should not be overly disruptive or complex, but it is considered necessary to control the hours for construction particularly given the closeness of some of these residences to the path.
48. The path is already well used and any potential greater use, including by cyclists is unlikely to materially affect the existing amenity of these properties and the area in general in accordance with Policy BE1 and draft Policy BE7.

Ecological Impact

49. Policy NE13 states that permission will not be granted for developments which would damage Local Nature Reserves and other sites considered to be of ecological importance, unless there are overriding reasons. Policy NE9 seeks to protect woodlands from adverse effects arising from development.
50. There are potential impacts to the Maun Valley Park Local Nature Reserve (a statutory designated conservation site) where the new path would be laid. Elsewhere the plans indicate that some tree works would be required alongside the current footpath off Barringer Road, where these trees form part of the Maun Woodlands LWS.
51. An extended phase 1 ecological survey has been submitted to support the proposal and which has been reviewed by NCC Nature Conservation. No objection to the proposal is raised and any ecological impacts would be minimal. Various best practice recommendations to avoid and mitigate any impacts to notable or protected species or habitats during construction works are endorsed and a condition can be included requiring an Ecological Method Statement to enact these recommendations. Subject to this the proposed development accords with Policies NE13 and NE9.

Impact on sports pitches

52. Under Policy LT2 the playing fields at Barringer Road are protected from development unless an exemption applies, including where the proposed development would be an ancillary recreational use. Similarly paragraph 74 of the NPPF seeks to ensure playing fields are not built on unless the land is shown to be surplus to requirements; or the loss would be replaced elsewhere; or if the development is for alternative sports/recreation provision.
53. The cycle route would skirt around the eastern edge of the playing field, which until in recent years has been marked out for junior football. Sport England are satisfied that this would not affect the ability to mark out and make use of this football pitch again in the future and as such raise no objection. The cycle path would be ancillary to and enhance the recreational function of the open spaces and therefore the application accords with Policy LT2 and paragraph 74 of the NPPF.

Safe access / highways

54. Policy M16 sets out the access and transport tests development proposals should pass. Developments should have regard to the needs and safety of all modes of travel; provide safe (vehicular) access and not have a detrimental effect to the highway network.
55. NPPF paragraphs 32 and 35 requires safe and suitable access for all people, including consideration of the needs of people with disabilities. Layouts should be designed so they are safe and secure and avoid conflicts between traffic, cyclists or pedestrians, avoiding street clutter where appropriate.
56. NCC Highways is content with the proposed project, taking into account all matters including highway safety, access and sustainability. This is conditional on the implementation of the two planned Toucan crossings at Old Mill Lane and New Mill Lane before the route can be brought into use. It is understood the relevant orders for these are being completed and the crossings will be delivered as highway works on behalf of the County Council. The crossings are considered necessary to permit safe access across the roads and to join the route together and as such the suggested condition can be attached to any grant of planning permission. From an access and highways perspective the proposal complies with Policy M16 and the advice of the NPPF.

Safe environments/ crime and disorder

57. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. This includes the discharge of the planning function.
58. Policy M13 requires development proposals to make provision for the safety, security and needs of pedestrians. Proposals should have regard to inter alia, the lighting of pedestrian areas and crime prevention measures.
59. Paragraphs 58 and 69 of the NPPF recommend that planning authorities should ensure their decisions aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
60. A local objection has been received citing previous issues with off-road motorcycles using the paths in the Barringer Road area. Various barriers have been erected in places in an attempt to deter this. The objector believes the improved and extended path will exacerbate the misuse by motorcyclists to the detriment of residential amenity and with consequences for policing.
61. The applicant and designers have considered this issue in the submitted scheme and in their Design and Access Statement. This states that it is not the intention to allow the incursion of motorbikes and quad bikes to the rear of houses on Barringer Road and in order to prevent this a staggered chicane is proposed at the entrance to the playing fields. A series of bollards are also

included to deter motorbikes travelling north into the area, where also metal post and rail fences would be added to stop access around the bollards on the grass.

62. The Police have considered the proposal in some detail and have reviewed the local crime and disorder records. They acknowledge an issue with the motorcyclists using the current path, but state that this has reduced in recent months. There were 5 reported incidences in the last 12 months, although it is possible that there may be more unreported incidents occurring. Only a single similar reported incidence occurred in the Maun Valley rural park area.
63. The Police, whilst noting there is potential for the cycle route to increase cases of such anti-social behaviour, do not raise an objection and cite the low number of reported incidents. They do however recommend a review mechanism is put in place to address any issues post-completion. This could for example keep under review the types and positioning of the various chicanes and barriers along parts of the route. However it must be noted that there is a necessary balance to be struck between providing an accessible and open route for legitimate cyclists, pedestrians and users of mobile scooters/wheelchairs, and installing measures to prevent misuse by motorcyclists, which would affect its legitimate use and enjoyment. The Police also notes that the southern section of the route benefits from good passive surveillance from neighbouring houses and that the path will be lit along this section. It is hoped that increased lawful use may also deter any unlawful use.
64. On balance and with the addition of a condition requiring a post-completion review of crime and disorder, it is considered that reasonable and proportionate measures have been included to discharge the Section 17 duty on this Council, Policy M13 and the national guidance.

Public Rights of Way

65. Whilst the proposed cycle route would provide an addition to the local sustainable transport network, it also has implications for an existing definitive public right of way. Much of the southern section of the proposed route would utilise and widen an existing right of way (Mansfield Woodhouse Footpath No.19) which runs alongside properties off Barringer Road (see plan 3). As it stands it is not lawful to cycle along this footpath as there is only legal right of passage on foot.
66. Policy M11 states that planning permission will not be granted for developments which would lead to the loss of footpaths, bridleways, byways, or cycle routes unless acceptable alternative routes are provided.
67. Via Countryside Access advises that an arrangement needs to be concluded with Mansfield District Council as the landowner to acquire rights to the full width of the widened path and for its long-term safeguarding as a cycle path, along with arrangements for its maintenance. While some additional public access over new sections of the route could be achieved through a long term permissive agreement and/or a lease or license with the District Council there exists a separate statutory process (a Cycle Track Order) which is intended to be used to upgrade the existing legal footpath into a cycleway, thereby

permitting use by both cyclists and those on foot. Via Countryside Access have stated in discussions they would prefer that this method be used. Separately to this, the Highway Authority can formally decide to create a cycle track over the footway over the bridge to create one coherent linear cycle route.

68. Whatever mechanism is used to enable the passage of cyclists will be a contractual and legal process to be concluded separate to any grant of planning permission. The practical outcome would be a much improved route that can be legally used by both cycles and pedestrians. As such this is not considered to amount to a loss for the purposes of Policy M11.
69. The applicant department is therefore advised to liaise with Via Countryside Access and Mansfield District Council to secure the cycle track implementation and discuss maintenance arrangements. A suitable informative note can be applied to any decision notice to this effect.

Flooding

70. The section of the proposed route running through the Maun Valley Park is in Flood Zone 2, at a medium probability of flooding. The proposed path however can be classified generally as minor development and one which is 'water compatible' with reference to the National Planning Practice Guidance (the proposal would fall within the amenity open space, nature conservation and biodiversity, outdoor sports and recreation category). Such uses are identified as being wholly appropriate in Flood Zone 2.
71. The Environment Agency raise no objection and note that the path would not raise overall ground levels and so will not impede flood water flows. The path would be sloped or crowned so that surface water would be shed on the adjacent grassland where it will continue to naturally infiltrate. The path will also help passage on foot in seasonal waterlogged ground conditions.

Legal Agreement

72. As noted above, if planning permission were to be granted, the applicant department will have to make arrangements to enable the path to be used by cyclists, with particular relevance to the southern section which is an adopted Public Footpath. A statutory Cycle Track Order could be used, or, if this should not be possible, a long term permissive agreement could be negotiated with Mansfield District Council to provide some additional public access over the sections which are not already public highway. (This would not enable cyclists to use the existing footpath and footway, however.) In this case it is not considered necessary to make the granting of planning permission dependent on this process as the works are considered acceptable in planning terms and if for whatever reason an Order was not duly made, the route would be available for pedestrians.

Other Options Considered

73. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

74. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

75. The issue of potential anti-social behaviour along the route is considered in the Observations section above.

Data Protection and Information Governance

76. All members of the public who have made representations on this application are informed that copies of their representations, including their names and addresses, are publically available and are retained for the period of the application and for a relevant period thereafter.

Financial Implications

77. The proposed cycle route forms part of the Mansfield Strategic Cycle Network project which forms part of the LTP and is included in the Council's Capital Programme. The scheme is being jointly funded by the D2N2 Local Growth Fund and Nottinghamshire County Council. Any costs incurred by drawing up of any license or legal orders and the costs for land purchases will be funded from the total scheme budget.

Human Rights Implications

78. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Public Sector Equality Duty Implications

79. The cycle route would help foster equality and inclusivity by opening up existing sections of path which are currently constrained/closed off such that they prevent access to users of wheelchairs or mobility aids. The route will promote access to jobs, services and green spaces in and around the town and would be suitable for all age groups.

Safeguarding of Children and Adults at Risk Implications

80. The proposal would provide a safe off-road cycle route suitable for children and young adults to use.

Implications for Service Users

81. Local residents and visitors alike would benefit from the expansion of the local sustainable transport network and the opportunities to access jobs, services and green spaces by bicycle. The improvements would also benefit other users such as pedestrians and people using mobility aids.

Implications for Sustainability and the Environment

82. These have been considered in the Observations section above, including how the project would promote sustainable travel choices and consideration of any potential impacts to a designated nature reserve.
83. There are no human resource implications.

Conclusion

84. The proposed cycle route is an appropriate form of sustainable development in the Maun Valley having regard to the saved Development Plan policies governing protected landscapes, open spaces and parks, the recreational value of which will be enhanced by the new route. The enhancement to the sustainable transport network is strongly supported by the saved policies, by the draft policy agenda and by national planning guidance promoting active travel and lifestyles.
85. Consideration has also been given to the safeguarding of local wildlife and the amenity of adjoining residents and where necessary planning conditions can be used to control construction impacts. Consideration has also been given to community safety concerns with assistance from the Police.
86. Following any grant of planning permission, it will be necessary for the County Council (in its capacity as Highway Authority) to modify an existing public footpath designation, to convert a short section of footway into a cycle track, and to provide new Toucan crossings in the highway.

Statement of Positive and Proactive Engagement

87. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

88. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 1/3/2018]

Planning & Licensing Committee is the appropriate body to consider the contents of this report.

Financial Comments [RWK 01/03/2018]

The financial implications are set out in paragraph 77 of the report.

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Divisions and Members Affected

Mansfield North - Cllrs Parry Tsimbiridis and Joyce Bosnjak

Mansfield East - Cllrs Vaughan Hopewell and Martin Wright

Mansfield South - Cllrs Andy Sissons and Stephen Garner

Report Author/Case Officer

Joel Marshall

0115 9932578

For any enquiries about this report, please contact the report author.