

**TOWN AND COUNTRY PLANNING ACT 1990**

**SECTION 258**

**THE CITY OF SUNDERLAND (CHAPELGARTH) PUBLIC PATH  
EXTINGUISHMENT ORDER 2016**

**RELATING TO LAND SOUTH OF WEYMOUTH ROAD, CHAPELGARTH,  
SUNDERLAND**

**SUMMARY PROOF OF EVIDENCE OF**

**PETER OWENS**

**LANDSCAPE ARCHITECT**

**COLOUR**

**PLANNING INSPECTORATE REFERENCE ROW/3181702**

## **1. Experience and qualifications**

- 1.1 This document has been prepared by Chartered Landscape Architect, Peter Owens who has been working with the complex issues of large scale masterplans since 1990.
- 1.2 My involvement in the project runs from the beginning of the Colour commission to Siglion in July 2015.

## **2. Scope and structure of evidence**

- 2.1 The purpose of this evidence is to demonstrate how the Chapelgarth masterplan has provided suitable and sensitive alternatives to the existing well-trodden routes and desire lines on the site. Through this process, it is contended that a significant betterment of the existing condition would also be delivered.
- 2.2 The issues addressed in the evidence include :
  - 2.2.1 Summary of the evolution of the Masterplan and Design Code;
  - 2.2.2 Summary of existing desire lines and well-trodden routes;
  - 2.2.3 Provision of new all-purpose highway, multi user routes and footpaths as part of the proposed development;
  - 2.2.4 Justification for extinguishment of existing footpaths.

## **3. Evolution of the master plan and design code**

- 3.1 This document summarises a thorough process of survey, analysis, planning and design to develop a sensitive landscape-led masterplan that respects the existing desire lines on a site with complex sloping topography.
- 3.2 The design team included :
  - Masterplanners URBED who worked up the development layout, massing and numbers of dwellings, density and pattern;
  - Civil and Transport Engineers, Cundall who advised on transport issues such as road widths and hierarchy, drainage and earthworks.
- 3.3 This landscape-led masterplan was supported by Siglion at all stages and ensures retention of as much of the existing landscape structure and key characteristics within a viable layout. The process follows :
  - 3.3.1 Desktop study and analysis of :
    - Topography,

- Gradients,
- Settlement pattern,
- Existing road network and hierarchy,
- Public Rights of Way and recreational routes both on and off site, for pedestrians and cycles,
- Green Infrastructure (trees, woodlands and hedges)
- Landscape scale and structure,
- Ecology,
- Views in and out of site,
- Historic field patterns, although we found no firm evidence from before 1861;

3.3.2 Site surveys to verify and develop each of the above;

3.3.3 We defined distinct character areas of the site;

3.3.4 Planning policy context and requirements such as dwelling numbers and densities, the open space requirement, SANG requirement and accessibility requirement were provided by Cundall and URBED;

3.3.5 Liaison was undertaken with SCC officers (evidence of Danielle Pearson);

3.3.6 Landscape and Visual Impact Assessment (LVIA) was undertaken with scoping approved by Sunderland City Council.

- Iterative process with design so as to identify, present and incorporate the distinct characteristics of the site,
- Fixing key views in and out of site,
- Assessment of landscape and visual impacts and effects using industry standard GLVIA methodology,
- Landscape mitigation measures were developed to compensate for the loss of existing landscape resources;

3.4 Technical requirements of the highway system such as road widths, speeds, junction design and geometries were provided by engineers Cundall as were the requirements for a Sustainable Urban Drainage System (SUDS). Colour and URBED shaped these requirements such that a sensitive, landscape-led layout and street character was achieved;

3.5 The masterplan evolved so as to bring together the existing landscape structure with the principal existing desire lines and well-trodden routes. This creates a new

network of public open space as can be seen on the Outline Masterplan [Hybrid Permission – 16/00388/HY4];

3.6 Design measures to create the landscape-led masterplan are outlined in the Landscape Strategy section of the DAS (SCC Additional Bundle, Document 5) on pages 42 and 43 and include :

3.6.1 Retention of existing woodland and hedges;

3.6.2 Framed views of the coast, wider countryside and city throughout the masterplan;

3.6.3 Views of existing woodland, hedges and proposed trees at the end of every street;

3.6.4 Creation of a network of linked public open spaces as identified on :

3.6.4.1 Page 40; Design Codes (SCC Additional Bundle, Document 6), p.44 of the DAS (SCC Additional Bundle, Document 5) 'Open Space Strategy',

3.6.4.2 Page 45; Regulatory plan 12 : OPEN SPACE STRATEGY 944/REG12\_RevA) (Appendix A)

3.6.4.3 This comprises :

- The SANG (Suitable Alternative Natural Greenspace) with its circular routes is a regional planning requirement to safeguard the future of sensitive parts of the North East coast. The rationale, requirements (SANG Rules), and detailed workings are set out on pages 42-43 in Section 9.3 of the Design Codes,
- The location of the SANG was set out within the South Sunderland Growth Area SPD (SCC Additional Bundle, Document 2). The detail and specification was developed with Andrew Bewick, SCC,
- Amenity Open Space termed 'green links',
- Play, including 4 no. pocket parks with 'doorstep play' and 3 no. play areas,
- New woodland,
- A central Park, 'Joe's Paddock',
- The 'Panoramic Park',

3.6.5 Retention of existing hedges and field boundaries, albeit dissected in 3 no. locations for road access;

3.6.6 Landscape buffers to existing woodlands and hedges as agreed with SCC;

- 3.6.7 Tree-lined avenues along the primary and secondary streets to provide a leafy site-orientating feature (pages 16 to 19 of the Design Codes, Section 02 'Access, Movement and Streets');
- 3.6.8 'Green streets' (definition as per 3.77) that interface development with adjacent countryside and green infrastructure in a domestic setting;
- 3.6.9 Extensive work was undertaken with the design of levels across the site so as to ensure that pedestrian and vehicular movement routes would be as manageable as possible on a site with many slopes steeper than 1:20;
- 3.7 Delivery of the masterplan is set by 'rules' within the Design Codes.
- 3.8 The Section 106 Agreement (SCC Statement of Case, Appendix E) imposes a requirement for all of the privately maintained areas to be made available and managed in perpetuity and for public access to be made available at all times. These include :
- 'Joe's Paddock' (Schedule 3)
  - 'The Panoramic Park' (Schedule 3)
  - The SANG (Schedule 6)
  - Green Links
4. **Summary of existing desire lines and well-trodden routes**
- 4.1 The initial desk study identified no recorded Public Rights of Way over the site other than the Walney to Wear (W2W) multi-user route and bridleway.
- 4.2 However, the first site survey revealed there to be an extensive network of existing desire lines and well-trodden routes.
- 4.3 The masterplan was redesigned, taking cognisance of where these routes start, finish and their relationship with existing green infrastructure, in order to ensure that suitable alternative routes would be provided as part of the masterplan proposals.
- 4.4 Currently there are security concerns due to reported dangerous, uncontrolled and unlawful access by off-road vehicles and motorcycles on site.
- 4.5 There is no known management of the existing desire lines and well-trodden routes other than from regular usage.
- 4.6 It is not proposed to extinguish the combined bridleway and multi-user route.
5. **Provision of new all-purpose highway, multi user routes and footpaths**

- 5.1 The proposed network of footpaths, footways, cycleways, bridleways is shown on :
- Proposed Masterplan [683-MIL-SD10.2-Rev F] (Appendix B)
  - Regulatory Plan 02: Access, Movement and Streets [944-REG02\_RevA] (SCC Statement of Case, Appendix I(ii))
  - Regulatory Plan 13: Recreation Routes [944-REG13\_Rev0] (SCC Statement of Case, Appendix I(iii))
  - Colour plan L-1515-PRP-027 Revision 12 Existing and Proposed Movement Routes (Appendix C)
- 5.2 New routes would either be ‘controlled’ or ‘flexible’ through the Planning process.
- 5.3 Controlled routes are the fixed aspects of the masterplan which any future, detailed housing layout will have to comply with. These are :
- 5.3.1 Identified as ‘Access, movement and streets’ on Regulatory Plan 02; the main spines that will govern the structure of future development.
- 5.3.2 Footpaths within parks and green spaces as identified as ‘Recreational Routes’ on Regulatory Plan 13.
- 5.4 Surfaces would be bound on all new routes forming part of the proposed development.
- 5.5 The new network comprises of a number of types of movement route, each suited to its location. The masterplan thus creates a richness of spatial experiences.
- 5.6 Analysis was undertaken of all the routes identified within the Extinguishment Order according to the intended alternative provision. Lengths were derived from the individual sections of footpath as identified in the Extinguishment Order and presented as Table 4, ‘Analysis of footpath sections’ (in Appendix D).
- 5.7 Plan L-1515-PRP-027 revision 12, ‘Existing and Proposed Movement Routes’; differentiates controlled with flexible proposed routes and overlays it with the existing well-trodden paths and desire lines and their connections offsite.
- 5.8 As can be seen :
- 5.8.1 The Masterplan has been designed in order to provide new routes where possible along similar alignments to existing routes. The extinguishment is necessary because it is not possible to prepare the site for development and construct the proposed development whilst working around and retaining all of the existing routes in situ. Furthermore, even where new routes may largely coincide with the existing routes it is likely that there will be at least a degree of divergence in route alignments for a variety of factors which may include securing the final gradient for the new route, tying in with new routes or minimising construction within root zones of trees or hedgerows to be retained. Where it has not been possible to provide new routes along similar alignments to existing routes, the masterplan provides

new routes on alternative alignments. Additional routes on new alignments are also proposed.

- 5.8.2 The proposed development would provide suitable alternative routes to existing routes. The alignment of c.2,704m or 41% of proposed new routes is fixed through the current planning approval.
  - 5.8.3 When also including existing routes to be retained, figures rise to c.4,260m or 64% fixed.
  - 5.8.4 Alignment of the remaining 2,388m or 36% of total routes is flexible and would be fixed through the determination of reserved matters approval applications for the respective phases of the proposed development.
- 5.9 We compared the length of existing and proposed routes before and after the first detailed planning application, by Miller Homes :
- 5.9.1 Existing length as taken from Sunderland City Council Statement of Reasons : 6,647 m (6.65 km)
  - 5.9.2 Proposed length as per the Outline Masterplan [Hybrid Permission – 16/00388/HY4] (fixed or flexible) : 16.26 km
  - 5.9.3 Proposed length (fixed or flexible) as per Outline Masterplan with Miller development Parcel [Miller Permission – 16/02356/LR4] provides marginally more at 16.79 km
  - 5.9.4 In summary, the Planning Application layout would increase the length of pedestrian routes on site by c.9.61 km or 144%.
  - 5.9.5 The Miller scheme would increase the length of footpath by c.10.14 km or 153%.
- 5.10 This clearly demonstrates a highly significant increase in the length of pedestrian routes as a result of both the planning application- and Miller application masterplans.
- 5.11 Increased length has the inevitable result of enhancing the permeability of the site for pedestrian access and movement;
- 5.12 The masterplan also proposes enhanced connectivity to offsite connections :
- 5.12.1 Opening up Burdon Lane in 3 no. new locations as identified on Colour plan L-1515-PRP-027 revision 12 (Appendix C). This increased permeability would also improve the security and sense of safety of the route through providing opportunities for a user to move to a different path if feeling threatened. All of these connections are fixed;
  - 5.12.2 Connection from Burdon Lane eastwards into the proposed development of 'Land at Burdon Lane';



- 5.12.3 A new crossing on Weymouth Road to aid Burdon Vale residents access the recreational routes and open spaces proposed in the masterplan.
- 5.13 Cycle access is currently restricted to off-road mountain bikes and includes the W2W route. To encourage wider cycle usage for recreation and commuting, the Masterplan provides :
  - 5.13.1 C.2,469m of dedicated new cycle routes as combined cycleway / footway and new multi-user route;
  - 5.13.2 C.1,826m or 74% of these routes would be fixed;
  - 5.13.3 C.2,416m of traffic calmed 'Green Streets', suitable for road bikes – the locations of these are flexible;
  - 5.13.4 Improved permeability through the site and access to off-site connections.
- 5.14 Further enhancement to cycling route provision would be achieved through improvements to the W2W multi-user route, which would take the route away from the edge of the A19 and behind a proposed acoustic bund and fence.
- 5.15 Security measures have been developed with Tim Ducker at SCC. These include :
  - 5.15.1 The provision of access control measures to prohibit 4-wheel drive vehicles and make motorcycle access more difficult in comparison with the existing situation;
  - 5.15.2 Lighting of footpaths to extend the usability of the footpaths and routes during the hours of darkness in winter months and at night;
  - 5.15.3 Passive surveillance of routes from overlooking properties;
  - 5.15.4 Improved permeability which provides alternative routes to allow escape from perceived threats.
- 5.16 Proposed new routes which fall within the privately maintained areas would be actively managed by a management company in accordance with an approved management plan. This is covered in further detail in the Proof of Evidence of Katie Sully. The requirements for the management of these areas are set out in Schedule 4 of the S106 Agreement and include grass cutting, weeding and bin emptying.
- 5.17 Management of footways adjacent to roads would be undertaken as a result of their adoption by SCC.
- 5.18 It is considered that proposals will amount to a betterment of the existing network of rights of way and improve connectivity :
  - 5.18.1 The overall length of the pedestrian movement network would be significantly increased as demonstrated in 5.9;



- 5.18.2 Permeability of the site to pedestrian and cycle access would be improved through the introduction of new cycleways, the locations of which are fixed as highlighted in 5.13;
- 5.18.3 Access to offsite connections and thus the wider countryside would be improved for pedestrians as highlighted in 5.12;
- 5.18.4 Local and natural history would be celebrated through interpretation, gateway features and public art;
- 5.18.5 There would be a strong connection to the wider countryside and wider context from the proposed network with specific character views of the countryside, city centre, sea and historic landmark chimney of Ryhope Pump Station framed by the proposed street pattern and enshrined by the Design Codes;
- 5.18.6 A new footway is proposed along Weymouth Road, a key potential route which would encourage pedestrian movement through providing a safe connection that currently doesn't exist;
- 5.18.7 Bound surfaces would extend the benefits of movement routes throughout the year, muddy conditions and to a broader section of the population; including those less able;
- 5.18.8 Promotion of commuting to work on foot as cleaner surfaces would be more suitable for 'work shoes' and improved connectivity along Weymouth Road;
- 5.18.9 Increased commuting by foot and cycle would help reduce vehicle traffic and promote public activity and health;
- 5.18.10 Wherever possible, gradients of footpaths and footways have been set to a level which makes them accessible to as large a number of user groups as possible. This would represent a significant improvement over the current position;
- 5.18.11 Proposed new routes, including the circular route, would run through and connect the proposed multi-purpose parks and SANG;
- 5.18.12 The formalisation of the SANG as requested by SCC would help alleviate current and projected pressures of overuse on the beaches in Sunderland by leisure users including dog walkers. In addition, this would help reduce road traffic to and from the coast by such users.
- 5.18.13 The Masterplan proposes improvements to the Walney to Wear multi-user route.
- 5.18.14 Security of the movement network would be enhanced as identified in 5.15.

## **6. Justification for extinguishment of existing rights of way**

**6.1** The justification for extinguishment of the existing rights of way is based on the evidence presented within this document and is built on 8 key foundations :

**6.1.1** The Masterplan has been designed to ensure that elements of the existing network of routes would be retained or where existing routes would be extinguished under the Extinguishment Order, suitable alternative routes would be provided.

- Some new routes would broadly follow the alignment of existing routes,
- Others follow an alternative alignment, and
- The remainder would follow a new alignment;

**6.1.2** 64% of the routes comprised in the proposed development are either routes to be retained (which are unaffected by the Extinguishment Order) or new routes which have been fixed through the outline planning approval. The remainder of the proposed new routes are flexible, although an analysis of the Miller reserved approval demonstrates both greater provision than the Outline Application, and a significantly greater provision than at present;

**6.1.3** The routes to be retained and proposed new routes would be constructed to a high specification in terms of surfacing, gradient, lighting and therefore security. This would represent a considerable improvement over the existing situation;

**6.1.4** Connectivity and permeability across the site would be significantly increased with pedestrian routes gained in the order of 10km;

**6.1.5** The number of connections between the site and adjacent residential areas and recreational routes would be increased;

**6.1.6** Long term management of the network would be introduced. This would significantly improve the current position, which does not benefit from active and regular management;

**6.1.7** The period of unavailability of movement routes during construction would be minimised and permissive access would be allowed across the site until the relevant area is required for development or enabling works;

**6.1.8** The above 7 foundations were reached as a result of a sensitive, thorough and holistic landscape-led masterplanning process with support from Siglion, public consultation and continuous liaison with the officers of Sunderland City Council.

**7. Conclusions**

**My conclusion is that the proposals, as enshrined in the Masterplan and Design Code, provide for the creation of suitable alternative routes to the existing routes. The Council can ensure that the alternative routes would be delivered through ensuring compliance with the outline planning permission conditions and S106 Agreement obligations and through the approval of reserved matters which accord with the Masterplan and Design Code.**

