

DPP  
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Newcastle Upon Tyne  
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**Date of Decision 30th March 2021**

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**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (GENERAL) REGULATIONS 1992**

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In pursuance of its powers under the abovementioned Acts and Orders, Sunderland City Council, as local planning authority, has **GRANTED** planning permission for the following development, namely;

**Application ref: 20/02391/LP3**

**Proposal: Construction of a high-level pedestrian and cycle bridge across the River Wear, linking the north and south sides of the river between the 'Vaux' site and the Sheepfolds area.**

**At** River Wear, Sunderland

Subject to the following conditions:

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
2. The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - o Planning Application Boundary and Site Layout SCC-NWF-ATK-SBR-XX-DR-CB-000100 P05.1
  - o Constructions Sequence Sheet 1 SCC-NWF-ATK-SBR-XX-DR-CB-000101

- o Construction Sequence Sheet 2 SCC-NWF-ATK-SBR-XX-DR-CB000102
- o Construction Sequence Sheet 3 SCC-NWF-ATK-SBR-XX-DR-CB-000103
- o Haunched Steel Box Girder General Arrangement SCC-NWF-ATK-SBR-M3-CB-000001
- o Drainage Layout Drawing SCC-NWF-ATK-SBR-XX-DR-CD-000104 P01.2
- o Headwall detail SCC-NWF-ATK-SBR-XX-DR-CD-000117 P01
- o Drainage Strategy SCC-NWF-ATK-SGN-RP-CD-000102, REV 3.0 dated 16 December 2020
- o Flood Risk Assessment SCC-NWF-ATK-SGN-RP-LW-000101 dated 16 December 2020
- o Arboricultural Appraisal Report DEV201111-618 REV1 dated 01/03/2021
- o Tree Protection Plan MWA TPP 002 dated 01/03/2021
- o MWA Tree Survey Schedule DEV-180719-322
- o Geotechnical and Geoenvironmental Desk Study Report SCC-NWF-ATK-SBR\_BN-RP-CB-000005 dated 16 December 2020
- o Construction Noise Assessment NJD20-0190-003R dated December 2020
- o Noise Assessment NJD20-0190-002R dated December 2020
- o Air Quality Assessment NJD20-0190-001R dated December 2020
- o Transport Statement SCC-NWF-ATK-SGN-RP-TR-000104 dated 16 December 2020

Reason: In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3. The development hereby approved will be carried out in accordance with the Construction Environmental Management Plan NB047-SCC-LSI-B-DOC-ZM-0001 P02 and the Construction Transport Management Plan and Pedestrian & Cycle Route Closures and Diversions Report by Atkins dated 16 December 2020, unless other minor variations are agreed in writing with the Local Planning Authority. The development must then be carried out in accordance with any such minor variations as agreed with the LPA.

Reason: in order ensure construction works respect the local environment, amenity and transport network and to accord with the objectives of policy HS1 of the CSDP.

4. The development hereby approved shall be carried out in accordance with the recommendations for species and habitat protection and mitigation outlined in Section 5 of the Preliminary Ecological Appraisal December 2020 report by DWS Ecology and all recommended measures should be adopted and implemented in full, unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: in order to ensure there will be no unacceptable impacts on biodiversity and ecology and to comply with the objectives of policy NE2 of the CSDP.

5. The development hereby approved shall be carried out in accordance with the recommendations for biodiversity net gain outlined in Section 5.6 of the Preliminary Ecological Appraisal December 2020 report and detailed in the Ecological Enhancement and Mitigation Plan by DWS Ecology and should be adopted and implemented in full, unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: in order to ensure the delivery of biodiversity net gain and comply with the objectives of policy NE2 of the CSDP.

6. Prior to commencement of development, details of a sustainable long-term maintenance and monitoring programme for ecological mitigation and enhancement measures, including details of ownership organisation should be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details, unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: in order to ensure ecological enhancements are properly secured and to comply with the objectives of policy NE2 of the CSDP.

7. Prior to construction of the bridge deck, full details of the final design of the bridge deck, including parapet, materials and colour finishes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: in order to ensure final details of the bridge design are acceptable and comply with the objectives of policies BH1 and BH8 of the CSDP.

8. Prior to construction of the bridge deck, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include proposed finished levels or contours; planting plans including written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of trees, plants, noting species, sizes and proposed numbers/ densities. Thereafter the development shall be carried out in accordance with the approved details.

Reason: to ensure final landscaping details are acceptable and to comply with the objectives of policy BH3 of the CSDP.

9. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
  1. A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. It is expected that a remediation strategy will include a plan for the decommissioning of any ground investigation boreholes.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete

and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

10. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: to ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

11. The development hereby permitted shall not be brought into use until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework.

12. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details which should be in the form of a Piling Risk Assessment, as highlighted in the Initial Conceptual Site Model, in table 9-2, within the desk study.

Reason: To ensure that piling does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement N: 'Groundwater Resources', of the 'The Environment Agency's approach to groundwater protection'.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

14. Prior to the installation of any external lighting to the bridge deck, full details of the bridge deck lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved detail unless other minor variations are agreed in writing with the Local Planning Authority.

Reason: in order to ensure that the lighting scheme has an acceptable impact on the local environment and to comply with the objectives of policy HS1 of the CSDP.

15. No groundworks or development shall commence at the north and south bridge landing points until a programme of archaeological fieldwork has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.

16. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (15) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.

17. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.

18. No groundworks or development shall commence in the compound and crane areas of the site until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification approved by the Local Planning Authority after the submission of the geotechnical investigation results. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a

programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.

19. The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition (18) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF and Core Strategy Policies BH8 and BH9.

20. Within three months of the commencement of development, the appointed Transport Co-Ordinator for the development shall undertake a review of the submitted Construction Transport Management Plan (CTMP), in consultation with the Council as Local Planning Authority. The CTMP shall then be subject to ongoing monitoring and review in accordance with a programme to be determined as part of the initial review with the LPA.

Reason: in order to ensure the CTMP properly addresses potential effects on the local highway network for the duration of construction works, in accordance with policies ST2 and ST3 of the CSDP.

21. Prior to the completion of the reinforced concrete bridge deck, final details in relation to surface water drainage arrangements for the bridge must be submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the details to be submitted must include a plan and section, details of the outfall to the River Wear and a section from the outfall to the Wear and the sizing and specification of any proprietary treatment device. The development must then be completed in full accordance with the agreed details.

Reason: to minimise the risk of uncontrolled run-off and to comply with the objectives of policies WWE2 and WWE3 of the Council's CSDP.

**Informatives:**

NOTE 1: The condition requiring the development to be carried out in accordance with the approved plans has been imposed so that minor material amendments and non-material amendments can be made to the scheme, after the issue of this permission, by application under s73 or s96A of the Town and Country Planning Act 1990 (as amended) respectively. Where proposed amendments to the approved development are substantial and fundamentally change the scheme a new full application will need to be submitted to the Local Planning Authority.

NOTE 2: DEVELOPMENT LOW RISK AREA STANDING ADVICE: The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority) Standing Advice valid from 1st January 2021 until 31st December 2022.

NOTE 3: COMPLIANCE WITH CONDITIONS PRECEDENT This planning permission is subject to conditions which, in order to discharge them, require the submission of additional details and written approval of those details before certain elements of the development can commence. This type of condition is called a condition precedent and failure to discharge such a condition prior to commencement of the relevant element of the development on site will make the development unlawful and liable to enforcement action.

NOTE 4: The Local Planning Authority can only provide you with a formal written response to your request to discharge your condition(s) once a fee of £116.00 (commercial applications) or £34.00 (householder applications) (current rate subject to increase) per request has been paid to the Council as Local Planning Authority, together with any supporting information. A single request may cover the discharge of one or more conditions but each subsequent request attracts its own fee. Subject to the required details or actions being satisfactory, a written confirmation of the discharge of conditions(s) will be issued. The Council endeavours to discharge simple conditions within 21 days of the receipt of the request and complex ones within 8 weeks.

NOTE 5: In dealing with the application the Council has worked with the applicant in a positive and proactive manner and has implemented the requirement detailed in paragraph 38 of the National Planning Policy Framework.

NOTE 6: Guidance on working practices and other matters requiring attention before and during construction works have been provided in the consultation responses from Network Rail and the Environment Agency. Copies of the comments received are available on the planning application file. It is strongly advised that the guidance provided is adhered to during the course of the development. For further information or advice, please contact the Local Planning Authority or the relevant consultee.



p.p. Peter McIntyre

Executive Director City Development

**PLEASE NOTE THAT THIS IS NOT BUILDING REGULATION APPROVAL**  
BUILDING CONTROL CAN BE CONTACTED ON 0191 561 1550 FOR FURTHER ADVICE





## **TOWN AND COUNTRY PLANNING ACT 1990**

### **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice REF: [                      ], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 0000) or online at [www.planningportal.co.uk/planning/appeals/online/makeanappeal](http://www.planningportal.co.uk/planning/appeals/online/makeanappeal).
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely based on their decision on direction given by the Secretary of State.

## **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is where the land is situated in a National Park, National Park authority for that Park, or in other cases the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated) This Notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

## **Important**

This decision refers only to that required under the Town and Country Planning Acts and **does not include approval under the Building Regulations** (including their application by Section 24(1) of the Tyne and Wear Act 1980 in respect of Fire Brigade Access) or any other appropriate regulation, enactment, byelaw or order.