

**Construction of a cycle track along the ‘Canal Bank’ (Queenborough Lines) Sheerness – SW/10/1003**

A report by Head of Planning Applications Group to Planning Applications Committee on 12 October 2010.

Application by Kent County Council Chief Executive’s Department (Regeneration and Economy Division) for the construction of a cycle track along the ‘Canal Bank’ (Queenborough Lines), Halfway Road, Sheerness West, Sheerness (SW/10/1003).

Recommendation: Planning permission be granted, subject to conditions.

Local Member(s): Mr. A. Crowther and Mr. K. Pugh

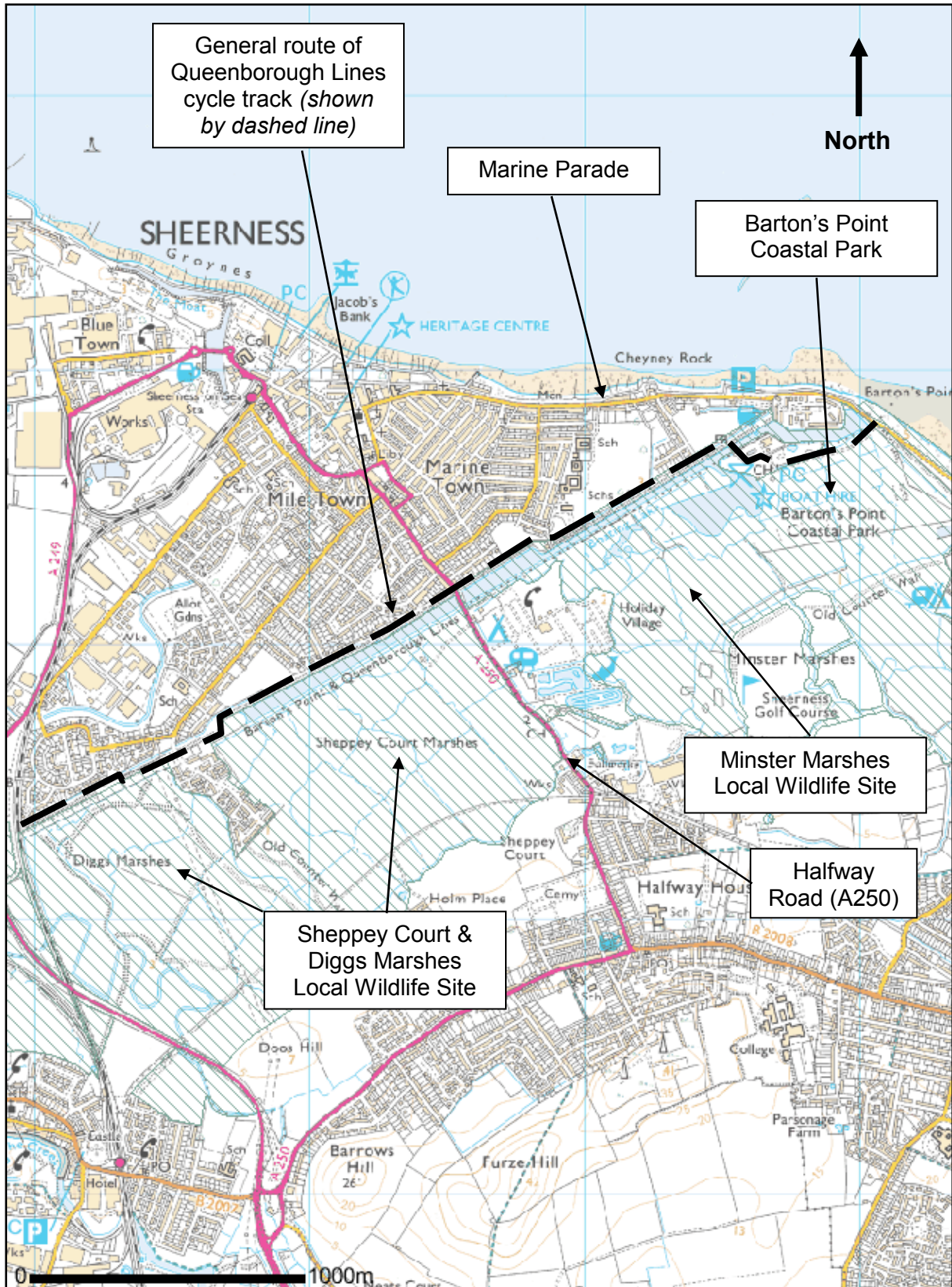
Classification: Unrestricted

**Site**

1. The application site follows Queenborough Lines, a 3 kilometre linear Napoleonic historic fortification structure constructed in the 1860’s in order to defend the then Royal Naval dockyard at the Port of Sheerness from landward attack. When constructed, The Lines (sometimes know locally as ‘Canal Bank’) consisted of a continuous 10ft (3 metre) high embankment with a broad outer ditch, or ‘canal’ to the front, behind which ran a military road protected by the embankment for the movement of troops and equipment. Today much of the Queenborough Lines embankment and canal remains in situ, is open to the public, and provides an important and well used informal recreational and amenity space for the local area. A Public Right of Way runs for the whole length of the Queenborough Lines, most of which runs on the top of the embankment structure. The site is noted for its national heritage value as a fortification structure, and is currently under consideration by English Heritage for scheduling as an Ancient Monument.
2. Queenborough Lines runs from Barton’s Point Coastal Park to the east of Sheerness for approximately 3 kilometres (just under two miles) to Linden Drive in West Minster. The application site itself can be considered in three key sections, owing to the length of the proposed cycle track and its main intersections between the existing local highway network. It should be noted that the proposed cycle track is proposed to form a continuous cycle route along the Queenborough Lines, albeit cyclists would need to cross several existing highways if completing the entire 3km route. Travelling east to west the three sections seeking planning permission would comprise of the following:
  - Section A - Barton’s Point Coastal Park to Halfway Road (A250);
  - Section B - Southview Gardens to Edenbridge Drive; and
  - Section C - Edenbridge Drive to Linden Drive.
3. Part of the application site, and the land generally to the south east of the proposed cycle track falls within a designated regional and local biodiversity area (Diggs Marshes, Sheppey Court Marshes and Minster Marshes) and a Special Landscape Area where Local Plan Policies E9 and E12 apply. It should also be noted that the Queenborough Lines site forms part of the urban boundary of Sheerness and is therefore a transitional zone between urban Sheerness to the north-west and open marshland to the south-east beyond. The Queenborough Lines site is owned and managed by Swale Borough Council, and currently benefits from un-restricted access for pedestrians and cyclists. Complaints have been noted regarding the unauthorised and anti-social riding of motorcycles along The Lines at present, for which it is noted that there are currently only a few physical deterrent measures (in the form of motorcycle ‘A-frame’ deterrent bars) in place to mitigate this existing local problem. *A general location plan is attached on page D2.2, an overall Sheerness cycle route map on page D2.3, and the various sections of the cycle route requiring planning permission on pages D2.4 to D2.7.*

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**General Location Plan**

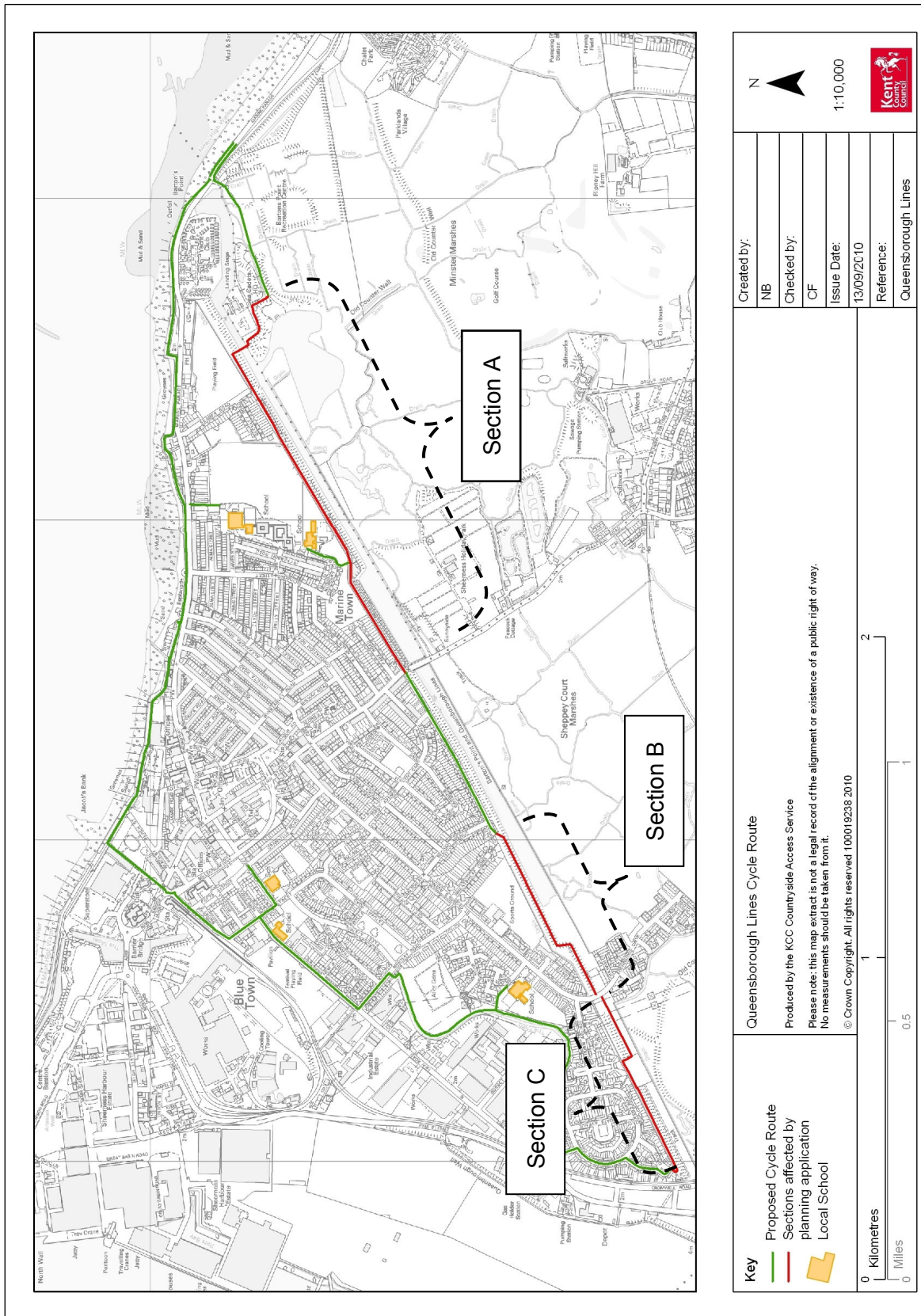


**General Location Plan - Queenborough Lines Cycle Track**  
Scale 1:21,000



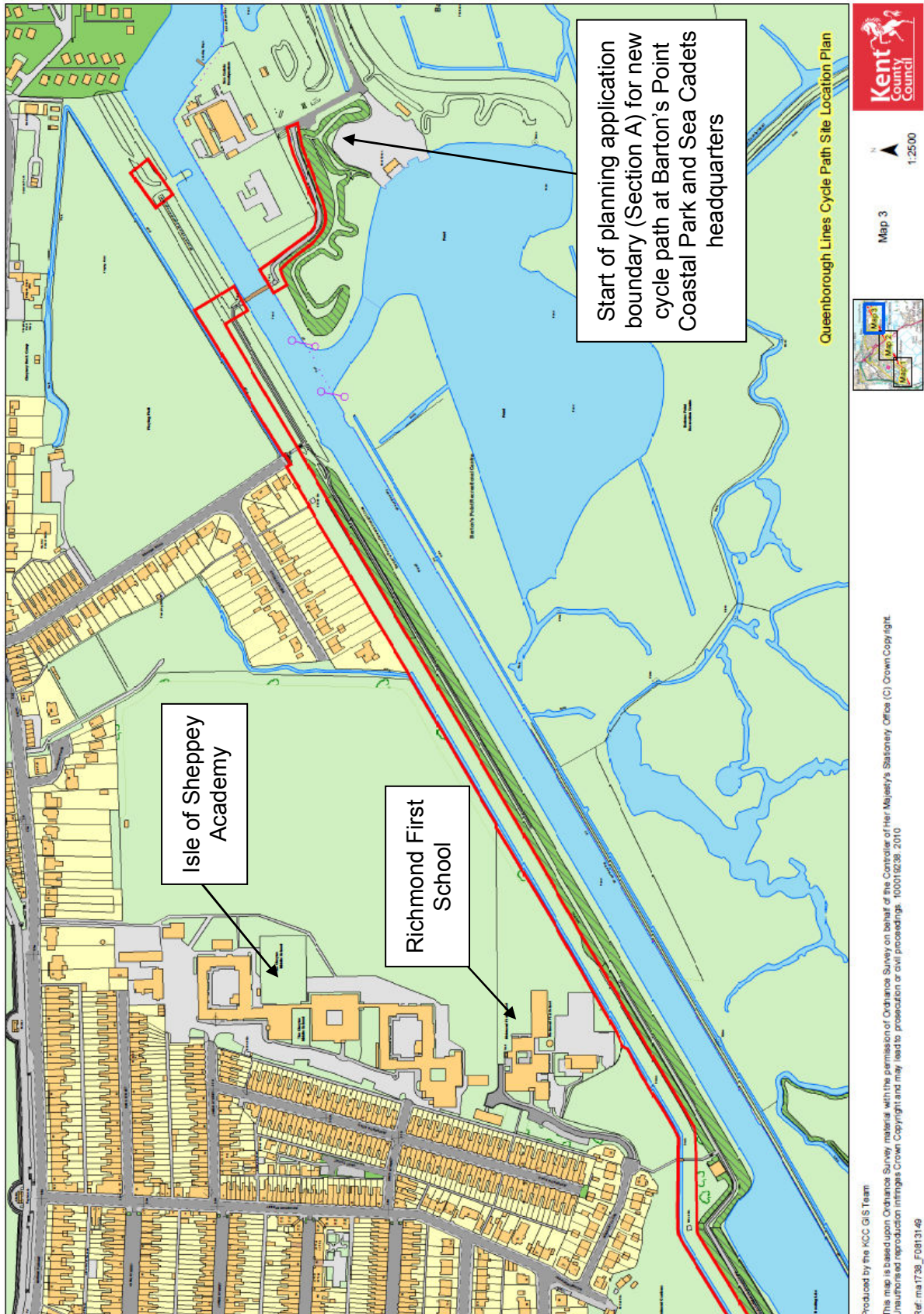
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**Proposed Overall Sheerness Cycle Route Map**



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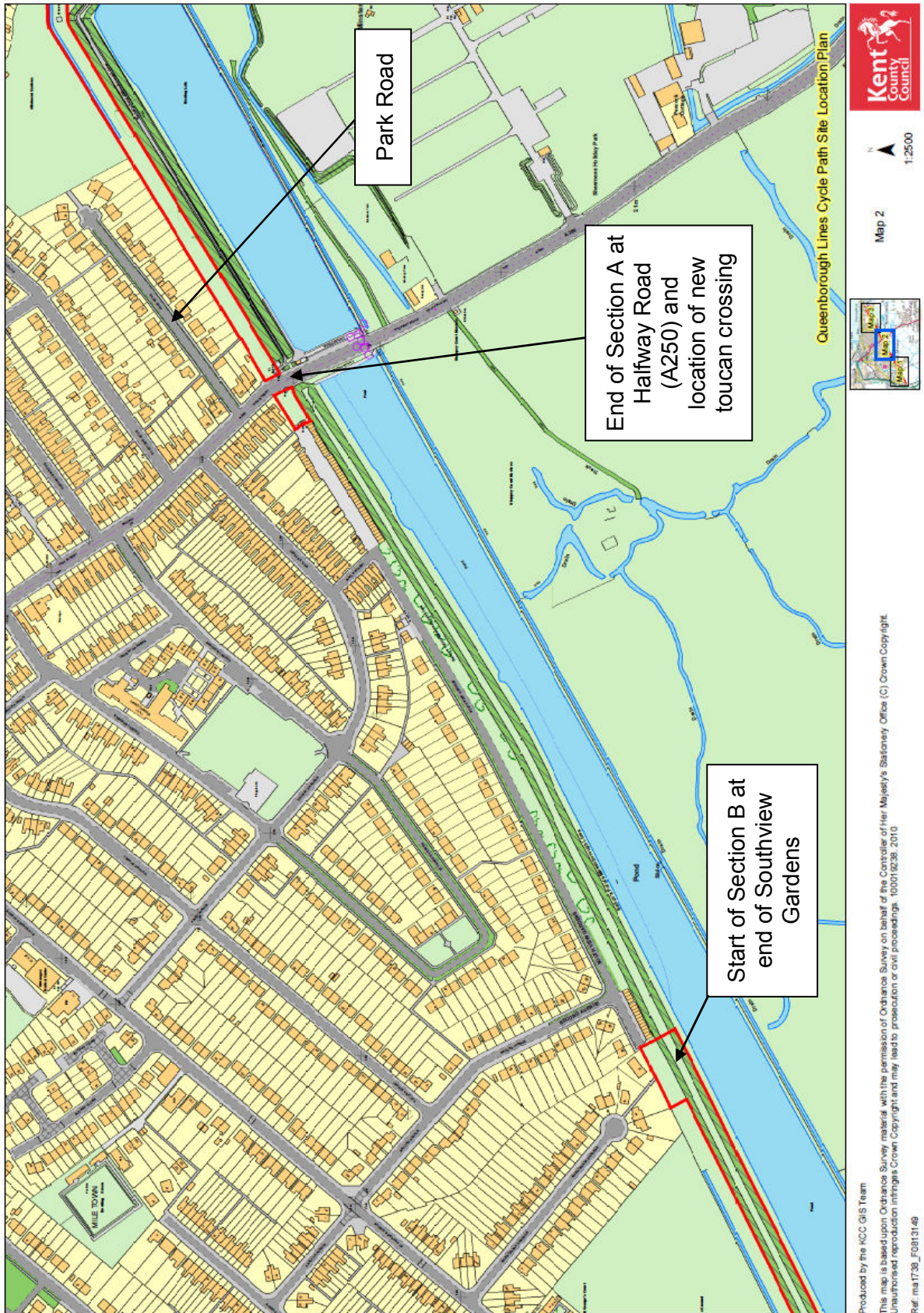
Section A – Barton's Point Coastal Park to Halfway Road (A250)





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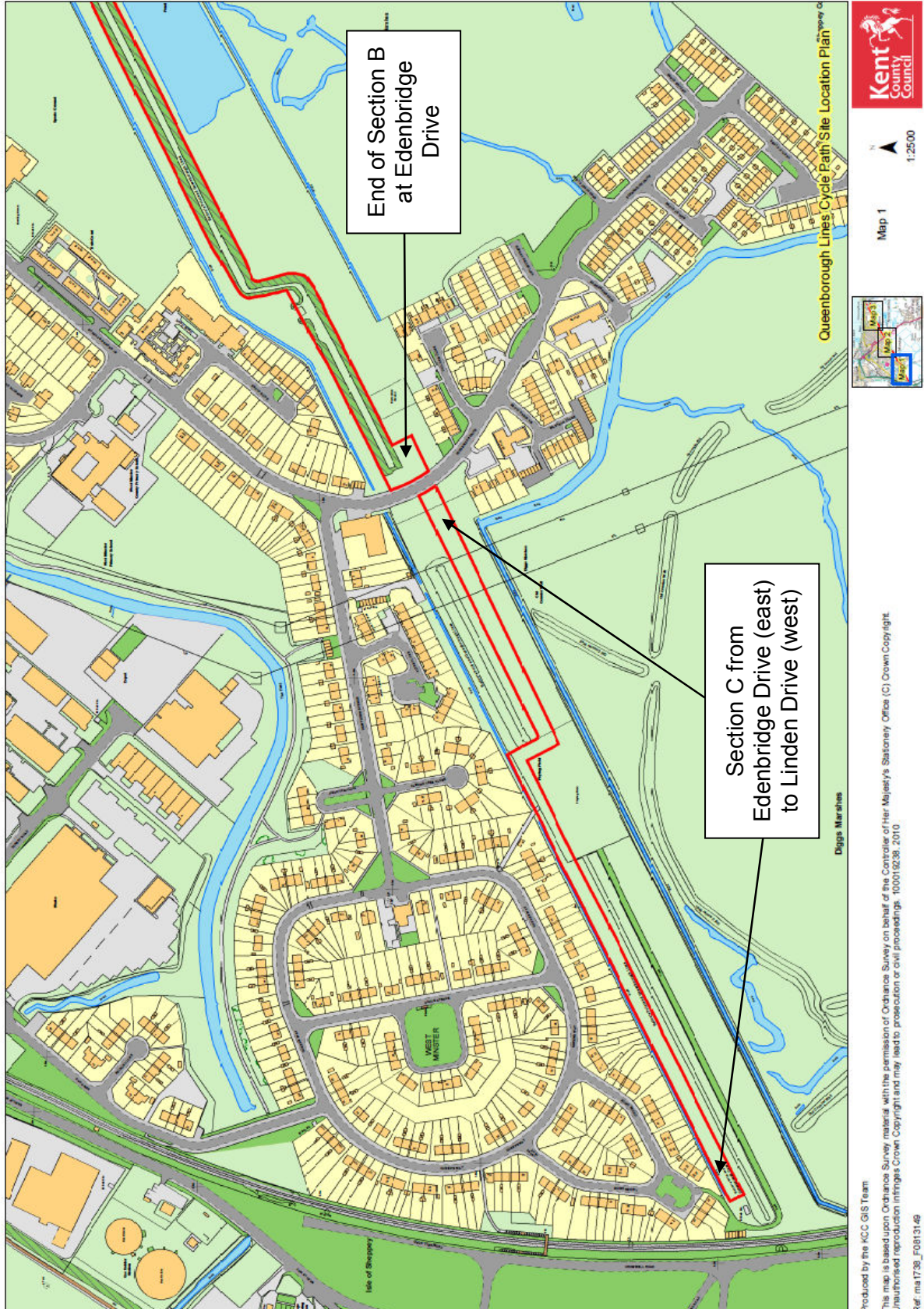
Section A – Barton's Point Coastal Park to Halfway Road (A250) and  
Section B – Southview Gardens to Edenbridge Drive





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**Section B – Southview Gardens to Edenbridge Drive and  
Section C – Edenbridge Drive to Linden Drive**







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**Background**

4. The application details that this regeneration project is a joint venture between Kent County Council and Swale Borough Council, with the support of Sustrans (the UK's leading sustainable transport charity). It forms one part of a wider regeneration project for the Isle of Sheppey to create three new cycle routes; one in Sheerness, the second in Leysdown and a third in Queenborough/Rushenden. This overall regeneration investment in the Isle of Sheppey aims to create circular cycle routes to support economic growth, tourism, healthy exercise and recreation. The application sets out that the proposed cycle networks to be created are in direct response to public demand to improve access and walking routes on the Island. Consultations undertaken by the applicant in Sheerness in early 2010 indicated that public support was overwhelmingly in favour of the new cycle routes.
5. The Sheerness route would provide 9 kilometres of circular cycle route around the whole of Sheerness town and seafront – see proposed overall Sheerness cycle route map on Page D2.3. It is noted that the 6km of cycle network to be created by the applicant (over and above the 3km stretch for which planning permission is currently being sought) falls within the existing highway network and therefore does not require the prior permission of the County Planning Authority. Here, alterations to the highway are being made to provide for a shared-space pedestrian and cycle path. A large proportion of these initial works have already been undertaken by the applicant under Permitted Development Rights. The overall cycle network to be created would provide direct cycle linkages to all of the schools in Sheerness (West Minster Primary School, St. Edward's School, Rose Street School, Richmond First School and The Isle of Sheppey Academy), therefore allowing many of the Schools to realise their sustainable travel plan ambitions in terms of home to school transport.
6. In addition, the application documents set out that the proposed scheme would address current problems within Sheerness relating to health and wellbeing, recreation and sustainable transport concerns. The applicant notes that wards in Sheerness currently have some of the highest levels of both overall and health deprivation in Kent. In addition, they note that Swale residents were identified as being in the lowest 25 percent of the population for taking regular exercise in a recent Sport England Active People survey. It is intended that the route along Queenborough Lines would provide a safe and attractive traffic-free route for many people to take exercise. It is also intended that the construction of the cycle route would formalise the existing access of The Lines, in turn allowing greater access to this important greenspace by a wide range of the population, including those with disabilities. The current rough tracks and intermittent usage make Queenborough Lines inaccessible and unattractive to many people, particularly in winter months when much of the lower ground becomes waterlogged and muddy. The applicant therefore hopes that the scheme would extend access and enjoyment of the site throughout the entire year, creating a valuable community asset for the Isle of Sheppey.

**Planning History**

7. The application site itself has not been the subject of any known previous planning application proposals.



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**Proposal**

8. The application is made by Kent County Council Chief Executive's Department (Regeneration and Economy Division) and seeks planning permission for the construction of a shared-space cycle/pedestrian track along Queenborough Lines for a length of approximately three kilometres (just under two miles). As outlined in paragraph (2) above, owing to the length of the proposed track and its various intersections, it is easier to consider the proposal in three key sections travelling from east to west as follows:
- Section A - Barton's Point Coastal Park to Halfway Road (A250);
  - Section B - Southview Gardens to Edenbridge Drive; and
  - Section C - Edenbridge Drive to Linden Drive.

Section A - Barton's Point Coastal Park to Halfway Road (A250)

9. The application site begins at a point just west of the existing Sea Cadets headquarters and Barton's Point Coastal Park. Access to the cycle path prior to this would be gained from Marine Parade via a private driveway of some 500 metres in length which serves both the Sea Cadets headquarters and Barton's Point Coastal Park. It is noted that prior to the point just west of the existing Sea Cadets headquarters (and from the Sheerness direction further beyond) planning permission is not being sought on the basis that the route would follow the existing highway network.
10. From the point just west of the Sea Cadets headquarters, the proposed cycle track would cross the canal via an existing footbridge, after which it is proposed to follow a new route behind the embankment on a relatively flat strip of semi-managed grassland. The path itself would consist of a straight section of tarmac, generally 2 metres wide and separated from the toe of the embankment by approximately 1.5 metres in order to preserve its heritage asset (as agreed during pre-application discussions by the applicant with English Heritage). This stretch of cycle route would consist of a tarmac surface, a design feature which has been incorporated as a result of this area of path being prone to becoming waterlogged due to its low-lying level during winter months. The cycle track would follow along the northern side of the embankment until reaching Halfway Road (A250).
11. At the junction with Halfway Road (A250) the application proposes the installation of a new puffin crossing point. This would require cyclists to dismount and wait for the traffic signal controls prior to crossing Halfway Road. It should be noted that Halfway Road is classified as an A Class highway, and is one of the main routes in and out of Sheerness. The puffin crossing would allow both pedestrians and cyclists to cross the existing road in a safe manner. Appropriate signage is proposed to be installed for pedestrians, cyclists and road users at this new junction point.
12. After the crossing at Halfway Road, heading westwards, a small section of new tarmac cycle path would be constructed, prior to cyclists entering onto the public highway along Southview Gardens.

Section B - Southview Gardens to Edenbridge Drive

13. At the end of Southview Gardens a new 1.5 metre wide ramp would be created to direct cyclists from the highway network to the top of the Queenborough Lines embankment. Once on the top of the embankment, the cycle route would follow the top of the bank

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until it reaches a point near Edenbridge Drive where another ramp would be installed to direct cyclists down to the level of the existing highway. The cycle path along the top of the embankment would be 2 metres wide and surfaced in limestone dust in order to minimise visual intrusion.

14. Cyclists and pedestrians would then be required to cross Edenbridge Drive, an unclassified local highway, for which the application does not propose any traffic signal controlled crossing point. It should be noted however that the whole scheme has passed through an appropriate Safety Audit, which identified that a controlled crossing point (similar to that to be installed at Halfway Road) was not required at this junction point given the lower usage and classification of the highway in this locality.

Section C - Edenbridge Drive to Linden Drive

15. From the west of Edenbridge Drive, the cycle path would be constructed on level ground at first the southern and then the northern sides of the embankment. Similar to the cycle path construction in Section A, it would comprise a tarmac path, approximately 2 metres wide set at a minimum distance of 1.5 metres from the toe of the embankment. The proposed cycle path would then finish at a point just south of Linden Drive at the end of Queenborough Lines, after which cyclists would pick up the local highway network on sections of shared footway/cycle way within Sheerness to be created by the applicant (i.e. those not requiring the need for planning permission).
16. The application is accompanied by various supporting documents, including an Ecological Scoping Report and an assessment of the heritage impact on Queenborough Lines. First, the Ecological Scoping Report identifies that there is potential for a number of habitats and species to be impacted by the proposed cycle track. However, given the limited nature of the proposed works, the Report identifies a number of mitigation measures to be undertaken prior to, during and after the construction phase to ensure that no significant resulting harm occurs to habitats or protected species. These measures include, amongst others, the timing of works to avoid the bird breeding season and the managed strimming of rough grassland in progressive stages under the supervision of an ecologist. In respect of the heritage impact of the proposed development on Queenborough Lines, the application considers that the construction of proposed two-dimensional cycle track would not significantly result in any overriding detriment to the setting of The Lines. It is noted that extensive pre-application discussions took place between the applicant, the County Council's Archaeological Advisor and English Heritage regarding a suitable design. The outcome of these discussions formed the basis of the current proposals, which include off-setting the cycle path way at a minimum of 1.5 metres from the toe of the Queenborough Lines embankment, and where on top of the embankment using a limestone dust surface to minimise visual intrusion.
17. As a result of consultation, neighbour notification and publicity carried out by the County Planning Authority as part of this application, a number of residential objections have been received (as outlined in paragraph 32 below) relating to the potential for the new cycle track to be used on an unauthorised basis by motor vehicles, notably motorcycles and cars. The views of the Kent Police Architectural Liaison Officer (as set out in paragraph 28 below) were sought in this respect. To overcome the issues raised by objectors, and taking into account suggestions made by the Police Architectural Liaison Officer, the applicant proposes a number of motorcycle mitigation measures as part of this application as outlined below:



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- Inhibiting motorbike and vehicle access, as far as is reasonably possible, within the limitations of the site through the installation of “A-frame” deterrent barriers at alley way entrance points to the site and other key entrance points, as recommended by Kent Police;
- Limiting any ‘through-routes’ along the site for motor vehicles;
- The installation of clear signage to show which forms of use are legitimate that that use by motor vehicles is prohibited;
- Additional enforcement and education when the cycle path is first brought into use; and
- Monitoring of the route after implementation to reduce and address any additional nuisance issues which may arise, in conjunction with the landowner and Kent Police.

**Planning Policy**

18. The most relevant Government Guidance and adopted Development Plan Policies summarised below are relevant to the consideration of this application:

(i) **National Planning Policies** – the most relevant National Planning Policies are set out in PPS1 (Delivering Sustainable Development), PPS5 (Planning for the Historic Environment), PPS7 (Sustainable Development in Rural Areas), PPS9 (Biodiversity and Geological Conservation), PPG13 (Transport), PPG17 (Planning for Open Space, Sport and Recreation) and PPS23 (Planning and Pollution Control).

(ii) The adopted 2008 **Swale Borough Local Plan**:

- Policy SP1** Requires development proposals to accord with sustainable development principles.
- Policy SP2** Requires development proposals to protect and enhance the special features of the visual, aural, ecological, historical, atmospheric and hydrological environments of the Borough and promote good design in its widest sense.
- Policy SP5** Development proposals in the countryside should seek to protect and where possible, enhance the character of the wider countryside. Seeks high design standards, to protect the countryside from unnecessary development, and to permit innovative proposals that provide new services.
- Policy SP6** Seeks the provision of new transport related infrastructure to enable economic and urban regeneration opportunities to be realised and to ensure that options for walking and cycling are provided.
- Policy SP7** Seeks the provision of new community facilities and services.
- Policy TG1** Within the Thames Gateway Planning Area, amongst other matters, development should seek to provide adequate community facilities as well as raising environmental standards through high quality design and the better management of environmental resources and the creation of a network of accessible open spaces (a green-grid).

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- Policy E1** All developments should, amongst other matters, respond positively by reflecting the positive characteristics and features of the site and locality; protect and enhance the natural and built environments; be both well sited and of a scale, design and appearance that is appropriate to the location with a high standard of landscaping and cause no demonstratable harm to residential amenity or other sensitive uses or areas.
- Policy E6** The quality, character and amenity value of the wider countryside of the Borough, which is all the land falling outside the built-up areas, will be protected and where possible enhanced. Development will only be permitted when, amongst other uses, it is for necessary community infrastructure.
- Policy E7** At the edge of urban settlements with countryside land beyond, development will not be permitted which would result in encroachment or piecemeal erosion of land or its rural open and undeveloped character.
- Policy E9** The quality, character and amenity value of the wider landscape will be protected and, where possible, enhanced. Within the countryside and rural settlements, seeks proposals to be sympathetic to local landscape character and quality, and minimise the adverse impacts of development upon landscape character.
- Policy E11** The Borough's biodiversity and geological conservation interests will be maintained, or enhanced – development will be permitted that conserves or enhances the biodiversity of that area and/or locality.
- Policy E12** Within sites designated for their importance to biodiversity or geological conservation, priority will be given for their protection.
- Policy E13** Development proposals will protect, conserve and, where appropriate, enhance the landscape, environmental quality, biodiversity and recreational opportunities of the coast, whilst respecting those natural processes such as flooding, erosion and sea level rise that influence this Zone.
- Policy E16** Development will not be permitted which would adversely affect a Scheduled Ancient Monument or its setting.
- Policy E19** Seeks development to be of high quality design that responds positively to creating safe, accessible, and attractive places; making safe connections physically and visually both to and within developments, particularly through the use of landscape design, open space to retain and create green corridors for pedestrians and cyclists and in providing development that is appropriate to its context in respect of scale, height and massing.



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- Policy E20** The Borough Council expects proposals to integrate security and safety measures within their design and layout.
- Policy T4** Development proposals will only be permitted where existing Public Rights of Way are retained and new routes are created in appropriate locations.
- Policy C1** The Borough Council will grant planning permission for new or improved community services and facilities.

**Consultations**

19. **Swale Borough Council:** Swale Borough Council's Planning Committee considered the proposal and does not wish to raise any objection to the proposed development, subject to the imposition of the following condition:

*"Details of measures to prevent the misuse of the cycle path by motorised traffic to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and that these measures be carried out in accordance with the agreed details before the cycle track is first used, and then retained in perpetuity".*

20. **Minster-on-Sea Parish Council:** Members of Minster-on-Sea Planning and Transport Committee considered the proposals and make the following comments:

*"A high volume of people will cross the road at a very dangerous point – this presents a hazard. The official cycle route is on the seaward side of the road and the cyclists would have to dismount at a very dangerous junction to cross the road and join the new cycle track down the Canal Bank. The end of the sea wall obscures the point where people cross. Members share a similar concern about the crossing at Halfway Road. They want to see measures taken to ensure public safety. Another concern is whether the proposal would compromise the heritage listing of the site".*

FOR INFORMATION: It should be noted that the first part of the response from Minster-on-Sea Parish Council relating to, in their opinion, a dangerous crossing point at the junction between Marine Parade and Barton's Point Coastal Park is in fact expressing concerns regarding a part of the wider cycle network to be developed by the applicant, but for which planning permission is not required given that it falls within existing highway land. That area is therefore outside of the current planning application boundary and the jurisdiction of the County Planning Authority as part of these proposals. Nevertheless, the concerns of the Parish Council have been passed onto the applicant in this respect. It should also be noted that the concerns regarding the crossing at Halfway Point and any impact on the heritage listing of the site are relevant material planning considerations to the determination of this application.

21. **Divisional Transportation Manager:** raises no objections to the proposals.
22. **Environment Agency:** has no objection to the construction of the cycle path. However, they note that ecological surveys undertaken show some water vole activity in this area. The scheme should therefore avoid impacting the banks of the water bodies, and if the banks are to be impacted no work should take place until a full water vole survey has been done and any necessary mitigation plan put in place.

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23. **Lower Medway Internal Drainage Board:** notes that the applicant will need to apply to the Lower Medway Internal Drainage Board (LMIDB) for Land Drainage Consent as the proposed cycle path runs close to a drainage ditch maintained by the LMIDB.

FOR INFORMATION: The applicant has submitted an application for Land Drainage Consent to the LMIDB, and a decision is due to be issued in respect of this matter in early October. In any case, this is a legal matter for which the application would need to satisfy themselves that they have all necessary consent(s) in place prior to the commencement of any construction works.

24. **English Heritage:** does not wish to offer any comments on the proposals.
25. **County Council's Archaeological Advisor:** notes the importance of Queenborough Lines as a historical fortification, and that extensive pre-application discussions took place between the applicant, English Heritage and the County Council Archaeologist. Overall, they accept the principle of the proposed works, but consider that it is likely that archaeological remains associated with the construction of the monument may be exposed during the groundwork's. In view of this, they consider that provision should be made in any forthcoming planning consent for a programme of archaeological work prior to the commencement of any construction operations.
26. **Kent Wildlife Trust:** does not wish to offer any comments on the proposals.
27. **County Council's Biodiversity Officer:** does not raise any objections to the proposals, subject to the ecological mitigation measures set out in the application being undertaken. Furthermore, considers that biodiversity enhancement measures should be incorporated as part of the scheme.
28. **Kent Police Architectural Liaison Officer:** does not raise any objections to the proposals, and makes the following key points within his technical crime prevention and community safety role:
- In general, considers that the site layout does not give rise to a great cause for concern, from a designing out crime perspective, as the main structure and proposed usage of the site are already in existence;
  - Has undertaken some research regarding unauthorised nuisance motorcycle use along the canal area and spoken with local neighbourhood police officers who patrol the area. From their records, there have been 21 recorded reports relating to anti-social motorcycle use along this stretch of embankment in the last 18 months, none of which have arisen from Park Road [where the majority of objections to this proposal have been received from]. Although 21 recorded reports of motorcycle misuse in the area have been received during the last 18 months, the local officers thought that motorcycle misuse was not a major issue at the time, given the length of the canal site. They conclude that the formalisation of the existing footpaths, tracks and former military road would probably not lead to a major increase in motorcycle misuse. Instead, it is suggested that whilst motorcycle misuse activities '*might*' increase a little if the cycle path is first brought into use, this would be monitored by the police and addressed should this be proven to be the case;
  - In regard to any physical motorcycle mitigation devices that could be installed to prevent motorcycle misuse along the proposed cycle path, he feels that it would be almost impossible to design in such mitigation devices that would be able to totally exclude motorcycles and yet allow mobility and bicycle access, particularly given the open nature and linear size of the site. However, he advises that the applicant should consider installing "A frame" type mitigation bars or radial gate points where



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pathways lead into the canal site itself from the local streets etc. Although such measures allow easy access for bicycles and wheelchairs, they may deter some misuse of motorcycles by making such access difficult, however, he notes that they are likely to be passable by a determined motorcycle rider;

- Recommends that metal gates be installed on either sides of the cycle path with Halfway Road (A250), an area which has been in the past extensively used by fly-tippers;
- Recommends that the applicant considers the installation of CCTV cameras for some sections of the cycle path.

29. **Sustrans (the UK's leading national cycling charity):** wrote in as part of the planning application to express Sustrans full support for the construction of a shared use walking and cycling path along/besides Queenborough Lines. The proposal would provide a key section in a circular waling/cycling trail linking Sheerness sea front and promenade, Barton's Point Coastal Park and the length of Queenborough Lines, a three-kilometre former defensive earthwork and an important part of Sheerness' heritage. The 9km (total) route would connect all four of the primary schools in Sheerness as well as the Isle of Sheppey Academy. The proposal would also help improve local people's health and well being and attract visitors and business to the Island.

**Local Member**

30. The local County Members, Mr. A. Crowther and Mr. K. Pugh, were notified of the application on the 29 July 2010.

**Publicity**

31. The application was publicised by the posting of six sites notices along the proposed 3 kilometre Queenborough Lines cycle route, a newspaper advertisement in the KM Sittingbourne Extra, and the individual notification of some 336 nearby residential properties.

**Representations**

32. To date I have received 24 letters of representation in respect of this application, including 18 copies of the same letter submitted by different residents living along Park Road (a copy of this petition letter can be found in Appendix 1). The letters set out various grounds of objection to the proposals, the key points of which are outlined below: -

- Do not specifically object to the principle of a cycle track along the canal bank, yet concern is raised that the path would be used by motorcyclists, who, at present use the canal bank as a racing track and a short cut causing a lot of noise and disturbance to residents who live nearby and users of The Lines;
- The site is well used for children and dog walkers and a cycle track would cause conflicts between these current activities;
- Raises concern regarding the possible danger to walkers as a result of unauthorised motorcycle use;
- Considers that the path would not be sufficiently wide enough to accommodate both pedestrians and cyclists as a 'shared-space' in a safe manner;
- Identifies that the new tarmac cycle path could be used by all manner of vehicles, including cars, on an unauthorised basis;

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- Concerned regarding an increased surface run-off as a result of the new tarmac cycle path;
- Concerned that the limestone dust surface for part of the cycle path is not suitable, and would, if installed, sink into the clay and provide no adequate surface to end users; and
- Considers the scheme to be a waste of thousands of pounds of tax payers' money on a facility which is not required. Many other facilities and improvements should be considered for the town of Sheerness before the Council spends its limited and dwindling public money on such a proposal.

**Discussion**Introduction

33. The application seeks planning permission for the construction of a shared-space cycle/pedestrian path along Queenborough Lines for a length of approximately 3 kilometres (just under two miles). The three sections of new cycle track seeking planning permission form part of a larger project by the applicant to create a new cycle network around Sheerness (see wider Sheerness route map on page D2.3), together with additional new cycle routes on the Isle of Sheppey in Leysdown and Queenborough/Rushenden, with a view to supporting economic growth, tourism, healthy exercise and recreation through this regeneration investment. It is noted that the vast majority of the wider cycle network does not require planning permission from the County Planning Authority as the works fall within the boundary of the existing highway network, and therefore are classified as Permitted Development. This application proposes three new sections (Sections A, B and C, as discussed in paragraphs 9 to 15 above) of two metre wide cycle track along a historic fortification known as Queenborough Lines. The application is being reported to the Planning Applications Committee as a result of a number of residential objections being received (as outlined in paragraph 32 and Appendix 1), largely relating to the possibility of unauthorised use of the proposed cycle track by various motor vehicles. In considering this proposal, regard must be had to the Development Plan Policies and National Planning Policy Guidance as outlined in paragraph (18). Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the Development Plan and National Planning Policy Guidance unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be categorised under the following headings:

- consideration of crime and disorder aspects of the proposed development in respect of the duty of care placed on public bodies under Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006);
- the impact of the proposals on local residential amenity;
- the impact of the proposals on ecological and archaeological interests; and
- any other issues arising from consultation and publicity.

34. The scheme has been developed in partnership between the County Council and Swale Borough Council, with the support of the UK's leading sustainable transport charity, Sustrans. The specific aim of this regeneration investment project is to improve green travel within Sheerness and to create new cycle linkages with other key settlements within the Isle of Sheppey. It is noted that the current proposals would provide vastly



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improved cycling connectivity to all schools within Sheerness, including the new Isle of Sheppey Academy to be developed in due course, allowing them to realise the potential of encouraging greener modes of home to school travel as advocated by their individual School Travel Plans. I note that currently the Queenborough Lines are used for walking and leisure purposes, and consider that the principle of improving and formalising cycling facilities in this locality should be strongly supported. In any case, national planning policy guidance generally supports the principle of providing improved access to, and the use of, recreational and leisure facilities by local communities.

Unauthorised motor vehicle use

35. Members will note that many of the residential concerns received relating to this proposal, as set out in paragraph (32) above, focus around the possibility of the new cycle path being used on an unauthorised basis by motor vehicles. Residents have claimed that motorcycle use along Queenborough Lines is already an existing ongoing problem as the route offers a short-cut between key points such as the coastal promenade (Marine Parade), Halfway Road and Edenbridge Drive, causing a lot of noise and disturbance to those living nearby and/or those enjoying The Lines for recreational purposes. The local Kent Police Architectural Liaison Officer was consulted in respect of these proposals (see paragraph 28 above), particularly in respect of establishing the extent of the existing problem, and to identify, in his view, as to whether the proposed development would present any detrimental intensification of this unauthorised activity. It is quite clear from the professional advice received from the Police Architectural Liaison Officer that during the last 18 months there have been some 21 recorded incidents of anti-social motorcycle use along the Queenborough Lines stretch. He has stated that having spoken to a number of his local patrol officers that the issue was not considered to be a major issue at the time, particularly taking into account the length of The Lines and its present open nature. In coming to a view on the proposals before him, the Police Architectural Liaison Officer has concluded that the formalisation of the existing tracks along Queenborough Lines would probably not lead to a major increase in motorcycle misuse in the locality. Instead, he has offered a number of suggested physical restriction measures which the applicant could reasonably install to act as a deterrent to unauthorised motor vehicle misuse. The applicant has considered these measures as part of their application, and now proposes a package of mitigation control measures, as set out in paragraph (17) above, including the installation of "A-frame" motorcycle deterrent bars at key alleyways to and from the Lines site.
36. Taking on board the County Council's duty to consider crime and disorder impacts of any new development in the decision-making process, as required under Section 17 of the Crime and Disorder Act 1998 (and as amended by the Police and Justice Act 2006), I am satisfied that subject to the imposition of the mitigation measures as set out in paragraph (17) above being installed prior to the cycle path first being brought into use and their permanent retention in situ thereafter, that the County Council has fulfilled its duty and has taken the necessary and reasonable steps to limit the possibility of anti-social behaviour. I am satisfied therefore that the concerns expressed by residents in respect of unauthorised motor vehicle use have been taken into consideration in the decision-making process, and an appropriate solution has been provided to mitigate, as far as is reasonably possible, from any negative impacts on surrounding residential amenity. Furthermore, I consider that the formalisation of the Queenborough Lines cycle path, together with the vehicle control measures proposed, is in fact likely to reduce the level of anti-social motorcycle riding in this area to that below current levels experienced by nearby residents. I do accept that the measures the applicant is proposing in terms of gating structures is unlikely to deter a *determined* motorcycle

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rider, but consider that there has to be a balance between ensuring easy authorised access – in terms of pedestrians, cyclists and mobility scooters, to the Queenborough Lines site. I note the Borough Council's position on this matter, in terms of requesting that this issue be dealt with by condition, but note that the further information containing the mitigation measures were sent to the Borough previously for consideration prior to their Committee Meeting. It is therefore unfortunate that they do not appear to have considered these measures when reaching their decision.

37. Members will note that the Police Architectural Liaison Officer has suggested that the applicant considers the installation of CCTV equipment at key points along the route to deter unauthorised and anti-social motorcycle use. Unfortunately, given the relatively limited scale of the project, the funding required for the installation and subsequent management/operation of CCTV equipment, I considered the insistence of such measure to be an unreasonable request in this instance. This measure, together with further police surveillance patrols along the route, could if required, be considered in the future should the need arise.
38. On balance, I am satisfied that I have given sufficient consideration to the issue surrounding anti-social motorcycle misuse along The Lines and take the view that an objection on these grounds alone could not be substantiated on the basis that the problem already exists and the application seeks to improve the current situation. I therefore do not raise any objection to the proposals on the basis of crime and disorder aspects, and in my opinion consider that the formalisation of the route as a cycle path is likely to improve the situation beyond that currently experienced at present. I note that my view is shared by that of the Kent Police Architectural Liaison Officer, as set out in paragraph (28) above. Furthermore, I consider the proposals to be broadly in line with the general thrust of Local Plan Policy E20 which seeks to ensure that security and safety measures are integrated within new developments design and layout.

Amenity considerations

39. It is noted that The Lines pass alongside the gardens of residential properties, especially those in Park Road from where a large proportion of the residential objections have been received, and questions of impact to amenity have been raised. However, setting aside the issues relating to motor vehicle misuse, as discussed in paragraphs (35) to (38) above, I do not consider the proposed cycle path would adversely affect residential amenity or raise any new issues not already experienced by nearby residents from the use of The Lines by existing passing pedestrian and cycle traffic. I therefore do not raise any objection to the proposals on the basis of any detrimental impact on neighbouring residential amenity, and consider the proposals to be in line with the general principles set out in Local Plan Policy E1.

Impact on ecological and archaeological interests

40. As noted above, the application site lies within a designated Special Landscape Area and local wildlife area to the western side of The Lines. However, given the largely two-dimensional aspect of the proposed cycle path I do not consider there would be a negative impact upon the Special Landscape Area to where it would sit. I consider that the surface treatment of the path has been appropriately chosen, consisting of a tarmac construction in low lying areas on the landward side of the embankment which is generally out of sight from wider views, and a limestone dust surface treatment for more prominent locations on top of the existing embankment structure itself. The views of Kent Wildlife Trust and the County Council's Biodiversity Officer are noted, for whom either offer no comments on the proposals or do not raise objections subject to

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ecological mitigation as set out in the application being undertaken. Accordingly, I consider the proposals to be acceptable in relation to ecological matters and to accord to the general principles of Local Plan Policies SP2, E11, E12 and E13. Furthermore, I consider there to be no overriding wider visual impacts caused as a result of the proposals sufficient to warrant objection in this instance, and consider the development to conform to Local Plan Policies SP5, E6, E7 and E9. In my opinion the slight but negligible visual impact of the proposals would be vastly outweighed by Local Plan Policies SP6 and C1 which seek to provide new and improved walking/cycling opportunities, together with improved community facilities within the Borough.

41. In terms of heritage issues, Members will note that concerns have been expressed (as detailed in paragraph 20) from Minster-on-Sea Parish Council regarding whether the proposals would compromise the future heritage listing of the site. It should be noted that the scheme has been drawn up by the applicant, with extensive pre-application discussions with both the County Council's Heritage Advisors and English Heritage. Furthermore, the absence of any comments from English Heritage when consulted on this planning application would indicate to me that that they raise no objections to the scheme, having been involved with the project from an early stage. In the main, the majority of the cycle path has been designed to be off-set some 1.5 metres from the toe of the embankment to avoid any potential disturbance to the heritage asset. Where this has not been possible – notably within Section B of the proposed route from the end of Southview Gardens to Edenbridge Drive, the path has been designed with a limestone dust surface dressing to sit on top of the existing embankment and follow the line of the existing Public Right of Way. The views of the County Council's Archaeological Advisor are noted insofar as they wish a pre-commencement programme of archaeological work to be undertaken by the applicant, and this approach is supported given the importance of the fortification structure and its possible future listing by English Heritage. I consider this approach to be consistent with National Planning Policy Guidance as set out in PPS5, and for the reasons set out above do not consider the proposals to adversely affect a possible future Scheduled Ancient Monument, as would be afforded protection by Local Plan Policy E16 should the structure become Scheduled in the future. Accordingly, I do not raise an objection to the proposals on heritage or ecological grounds.

Other issues arising from consultation and publicity

42. Concerns have been expressed relating to the proposed cycle path width (two metres) not being sufficiently wide enough to allow walkers and cyclists to safely use it as a 'shared-space'. It is important to note the historical value of the site in this instance, insofar as there is a balance to be achieved between a safe path width and creating an undue impact on the heritage asset. It is noted that neither Sustrans, the national cycling charity for which the scheme has been designed in conjunction with, or Kent Highway Services, have raised an objection relating to an unacceptable safety impact. Furthermore, the applicant has advised that the whole scheme has met and passed an appropriate Safety Audit, a requirement for new highway projects. I am therefore satisfied that the path width of two metres as proposed is acceptable, and represents a balance taking into account the historic interest of Queenborough Lines.
43. Another couple of issues which have been raised during the neighbour notification process include an issue regarding an increased amount of surface water run-off from the new tarmac path, and the limestone dust surface being an inappropriate design feature. Firstly, in respect of surface water management it is important to remember the width of the path and taking this into account it is considered that there should be no adverse impact on the locality as a result of the installation of the development.



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Secondly, in respect of the limestone surface dressing, it is noted that this finish would only be used for high level areas on top of the existing embankment structure where the ground is generally harder and drier, unlike the wetter conditions found at the toe of the embankment. The applicant has fully considered the use of this type of surface dressing, and is confident that it would be fit for purpose. I therefore see no reason to challenge that justification, and in any case should the surface be found to be a problem in the future it could be resurfaced with a new layer of limestone surface dressing at the applicant's expense. I am therefore satisfied that this is more of a management issue, and one for which the applicant should bear in mind in terms of future maintenance.

44. Members will be aware that residential concern has been expressed to the view that the scheme is a *'waste of taxpayers money'* and that *'improvements for the town of Sheerness should be considered before the Council spends its limited and dwindling public money on such a proposal'*. Members will be aware that financial issues are not material considerations in the decision-making process and therefore this issue is not relevant for consideration by this Committee. I am aware however that a large proportion of the funding for the scheme has been awarded from external sources, for which the applicant considers will bring significant regeneration benefits to the Isle of Sheppey as a result of the delivery of the scheme.

**Conclusion**

45. The proposal seeks permission for the construction of a shared-space cycle/pedestrian path along Queenborough Lines for a length of approximately 3 kilometres (just under two miles), forming part of a wider project to create greener transport routes within Sheerness and the Isle of Sheppey. The scheme would allow direct cycle network connectivity to all schools in Sheerness, in turn helping to allow them to realise the sustainable home to school travel targets set in their School Travel Plans. Having fully considered the potential environmental, heritage, amenity and crime and disorder impacts of the proposals, together with National Planning Policy Guidance and Local Development Plan Policies, I am satisfied that there are no overriding grounds for objection to the proposed development. I consider that subject to the installation of the motorcycle mitigation measures put forward by the applicant, as set out in paragraph (17) above, being provided prior to the first use of the cycle path and thereafter retained in perpetuity, that the nuisance issues raised by local residents relating to the anti-social use of the current Queenborough Lines site by motorcycles would reduce beyond the levels currently experienced. I am therefore satisfied that this nuisance issue, would not be intensified as a result of the current proposals. For the reasons set out and discussed throughout this report, I therefore recommend accordingly.

**Recommendation**

46. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:
- 5 year implementation period;
  - the development to be carried out in accordance with the permitted details;
  - ecological mitigation measures be undertaken as detailed within the planning application;
  - programme of archaeological works prior to commencement of construction activities;

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### Construction of a cycle track along the 'Canal Bank' (Queenborough Lines, Sheerness – SW/10/1003)

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- motor vehicle mitigation measures be fully installed as detailed within the planning application prior to the cycle track being first brought in to use, and then retained in perpetuity thereafter; and
- measures to prevent mud and debris being tracked out onto the public highway during construction activities;

#### General photographs of Queenborough Lines



Queenborough Lines embankment shown on right-hand side of canal.  
*Photograph taken August 2010.*

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Existing motorcycle mitigation measures already in place along part of the Queenborough Lines path – shown here is a typical 'A-frame' motorcycle restriction structure, similar to that proposed by the applicant at key alleyways/entrances leading to/from the proposed new cycle route.

*Photograph taken August 2010.*



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Semi-managed flat area of grassland behind the Queenborough Lines embankment where the proposed cycle track would be installed in route Sections A and C (note that in the main the route for Section B would be constructed on top of the existing embankment structure)

*Photograph taken August 2010.*

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**Appendix 1 – Copy of main text of standard letter received from 18 residents along Park Road**

Planning Application Group  
First Floor, Invicta House,  
County Hall,  
Maidstone.  
ME141XX.  
Ref:- SW/10/TEMP/0024



Dear Sir,

The purpose of this letter is to register my objections to the proposed construction of a cycle track along the canal bank (Queenborough Lines), Sheerness at Halfway Road, Sheerness, planning application No:- SW/10/TEMP/0024. I understand the proposal is for a 2.5mtr wide concrete cycle track on the grass band adjacent to the canal bank. My objection to this construction is that historically we have suffered nuisance from motorbikes, mopeds and other motorised vehicles using the canal bank as a short cut to and from Marine Parade and The High Street. The nature of the nuisance is motorized vehicles speeding along the grass with no regard for the safety of others and the resultant noise nuisance. Police have been notified on numerous occasions by my neighbours and I, the main problems being during the summer months but are not restricted to this time of year.

If the cycle path is constructed the ongoing problems will only increase with the manufactured cycle path being used by all manner of vehicles, the proposed design and size of the track will make it wide enough for cars to be driven along it and this will inevitably result in serious injury or fatality.

The green belt as it stands is used by dog walkers, runners, school children and cyclists and I can see no reason to spend thousands of pounds of tax payers money on a facility which is not required. Many other facilities and improvements should be considered for the town before the council spends its limited and dwindling public money on such a proposal.

In short, and to confirm, I object to the construction of the cycle track, planning application number SW/10/TEMP/0024.

Yours Sincerely.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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