

# New Road (Reach F3)

## Planning application engagement pack

July 2024



**European Union**  
European Regional  
Development Fund



**Jacobs**





# NEW ROAD

New Road is located in central Kendal adjacent to the river Kent and alongside the A65. This area flooded in Storm Desmond in December 2015 when it was a car park and later repurposed as a public amenity area. This area is at risk from flooding and extends to New Road, A65 main trunk road, Stramongate and Blackhall Road. In total 250 homes and businesses are at risk in this location.



New Road sits between the river Kent and A65

This area has been prone to flooding over previous years with the earliest recording of flooding dating back to 1898.



New Road car park after Storm Desmond



New Road, c.1950



# NEW ROAD SCHEME DESIGN BACKGROUND

New Road forms part of the original Planning application which was submitted in 2018 and approved in June 2019. Since 2019 through consultation and engagement, there have been amendments made to the original approved scheme design for New Road. These amendments will deliver a number of design improvements, the planning application detailing these improvements is currently being determined by Westmorland and Furness Council Planning department.

This approach is not unusual for the Kendal Flood Risk Management Scheme with two other improved planning applications being submitted and subsequently approved for Aynam Road and Waterside; and Gooseholme pumping station and associated defences.

The new application for New Road which has also required and received Common Land approval offers a number of improvements. These improvements have been developed through consultation and engagement with landowners, Statutory consultees, key partners, local interest groups and the community and offers;

- Improved accessibility for common users
- Improved safety for users and operational teams
- Reduced impact on Common Land and has already obtained Common Land approval



Proposed flood wall with integrated flood gates

# NEW ROAD ORIGINAL APPROVED DESIGN IN 2019

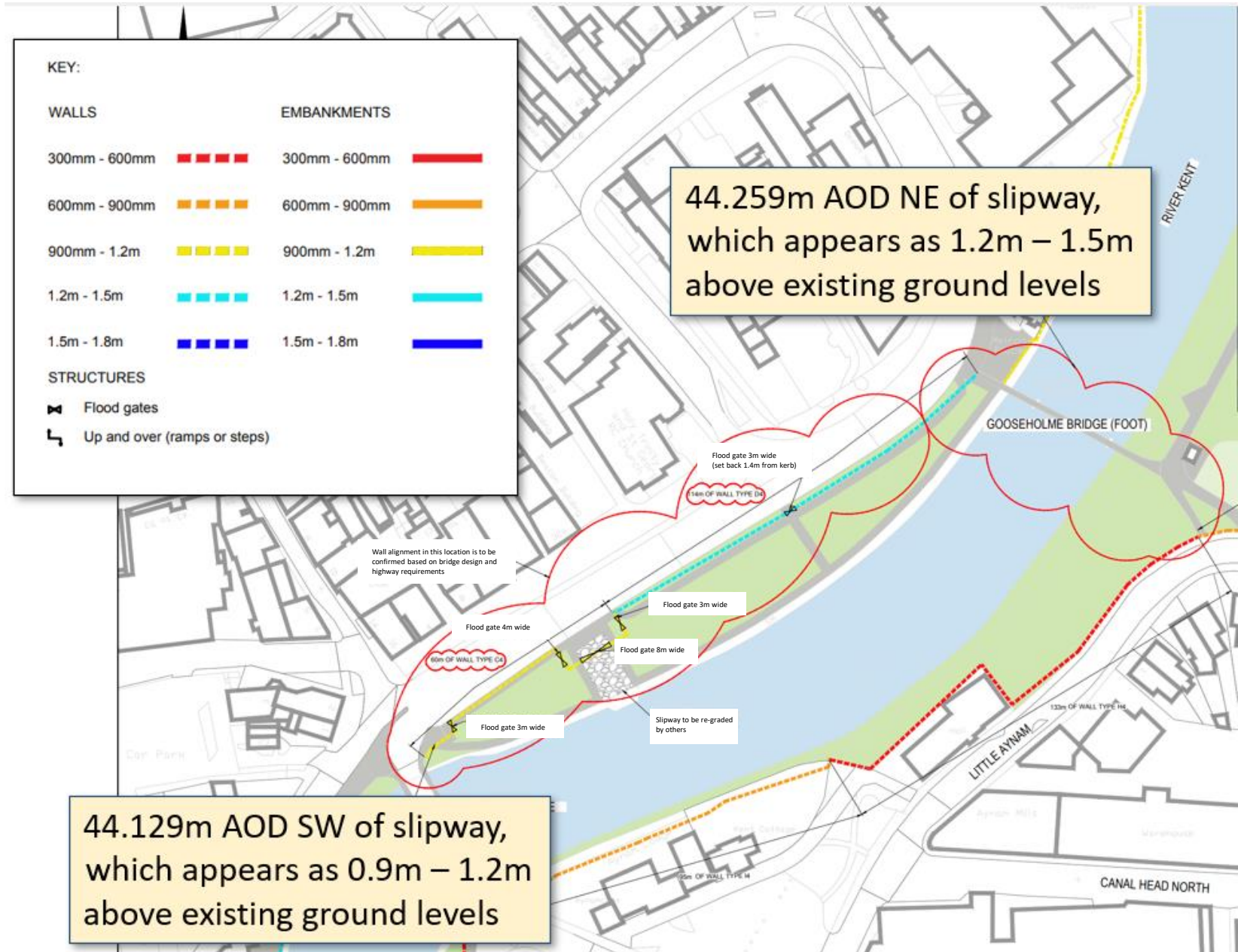
This plan provides an overview of the original scheme design which received planning approval in 2019.

The roadside flood wall was agreed with statutory consultees, local interest groups and the community as part of the wider consultation.

The roadside flood wall was designed to tie into the developing design of the new Gooseholme Bridge through collaboration with Cumbria County Council. The design also included a series of flood gates which maintained access through the area and would be closed in flood conditions.

This approved planning application in 2019 included;

- Flood walls ranged from 0.9m To 1.2m downstream of slipway
- Flood walls ranged from 1.2m to 1.5m upstream of slipway to Gooseholme Bridge
- 6 Flood gates
- Flood gate arrangement around the river access point segregated the north and south areas of the common



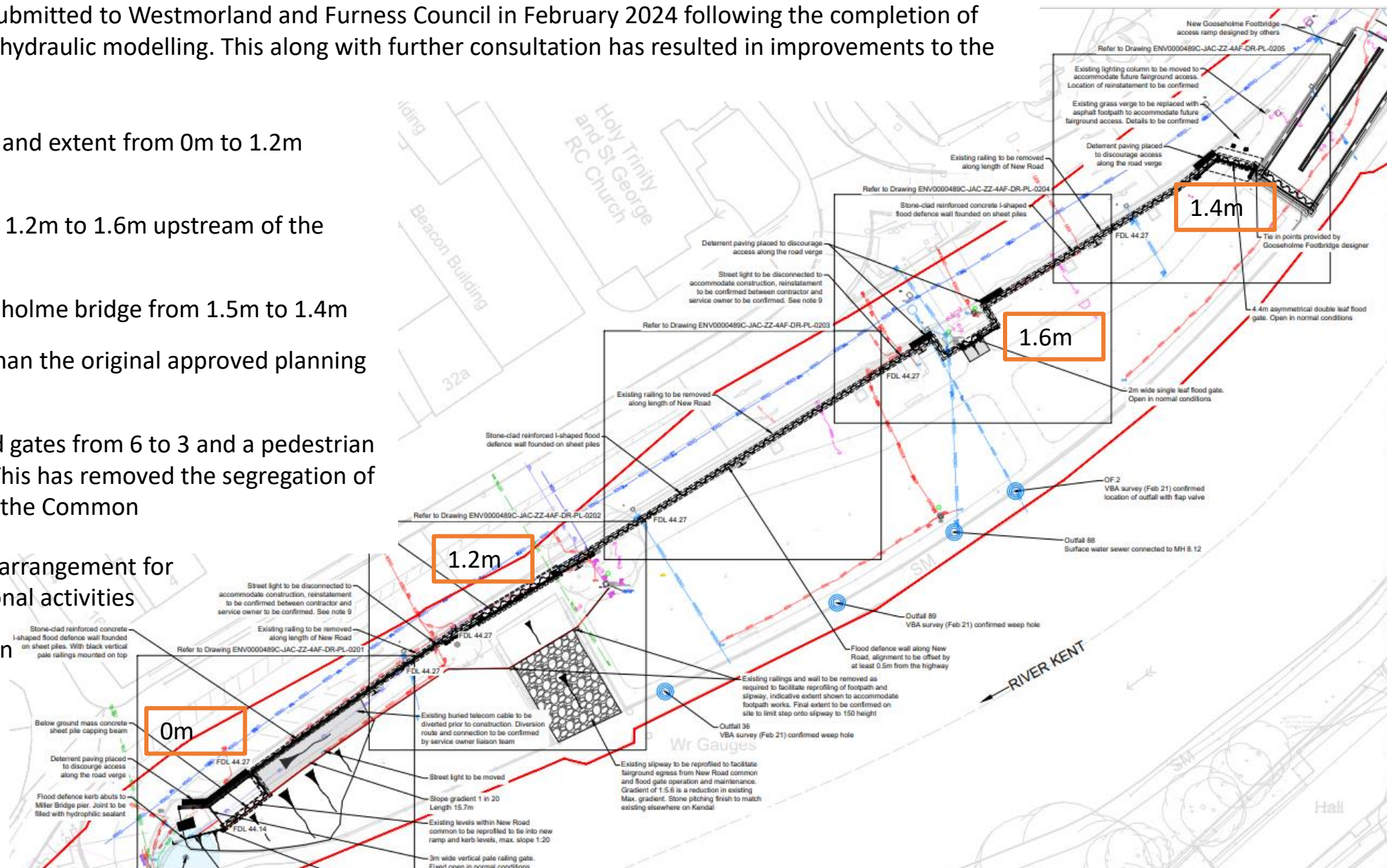


# NEW PLANNING APPLICATION – Submission February 2024

A new planning application was submitted to Westmorland and Furness Council in February 2024 following the completion of Gooseholme Bridge and updated hydraulic modelling. This along with further consultation has resulted in improvements to the original scheme design including;

- Flood walls reduced in height and extent from 0m to 1.2m downstream of slipway
- Flood walls with a range from 1.2m to 1.6m upstream of the slipway
- Reduced wall height at Gooseholme bridge from 1.5m to 1.4m
- A predominantly lower wall than the original approved planning application in 2019
- Reduced the number of flood gates from 6 to 3 and a pedestrian access gate at Miller Bridge. This has removed the segregation of the North and South areas of the Common
- Improved site access and exit arrangement for Fairground and other operational activities
- 4K all weather safety camera in place providing full coverage of the common

The orange boxes refer to the height of the flood wall at key locations between Miller Bridge and Gooseholme Bridge





# NEW PLANNING APPLICATION VISUALISATIONS

A suite of visualisations have been produced to support the planning application and showcase the location and extent of the proposed flood wall along New Road.





# NEW PLANNING APPLICATION VISUALISATIONS



The flood wall has been designed to replace the existing stretch of roadside railings, creating a safe space for the community and visitors to enjoy. The flood wall will be clad in locally sourced natural stone, tying into Gooseholme Bridge and the wider scheme throughout Kendal for consistency in style and finish.

The picture (right) demonstrates the style and finish of an area at Parish Church, Kendal where the flood scheme in this location has been completed, complementing the existing Halls, Parish Church buildings and heritage value of the area





# NEW PLANNING APPLICATION VISUALISATIONS





The planning application was recommended for approval by officers and considered by elected members at the meeting of the South Lakeland Local Area Planning Committee on 10<sup>th</sup> May 2024. In considering the application, elected members voted to **defer** a decision ***‘to allow the Environment Agency to provide more information on how the different options were analysed and how they had arrived at the proposal set out within the application.’***

The deferral decision was due to a number of challenges made to the alignment and aesthetics of the proposed design following misinformation circulated within the community.



# DESIGN DECISION MAKING – Options assessment

Following Storm Desmond, a number of community and key partner based appraisal workshops and drop-in sessions were held across the Kent catchment designed to capture information on the mechanisms of flooding, the flow routes, timings and depths. This fed into a wider appraisal process which identified over 60 options for measures which could better manage flood risk. These options were tested against the Environment Agency's 4 key tests which looks at each options Technical delivery, Environmental sustainability, economic viability and social acceptability. This process reduced the range of options to a short list and subsequently a preferred option.

In the location of New Road, there are no formal fluvial flood defences in place. The existing slipway to the River Kent allows flood water access to the local vicinity from rising water levels. The existing stone walling along the riverside is in place to prevent pedestrians from falling into the river and does not act as any form of flood defence. The selection of the preferred option for the Consented Scheme therefore included the construction of a linear defence to protect the residential properties and commercial businesses in the vicinity.

The key parameters at the time of developing the design for the Consented Scheme in 2018 at New Road was the desire to set back defences from the river and to avoid in river working and further adverse impacts upon the designation of the River Kent as a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).

The options considered are set out below, with the options assessment and appraisal detail to follow. The options considered include;

- Option 1A – A riverside wall alignment – walled defence
- Option 1B – A riverside wall alignment – walled defence with glass
- **Option 2A – a new road highway alignment – Walled Defence (preferred option taken forward as the scheme design)**
- Option 2B – A new Road highway alignment – walled defence with glass panels

The option 2A is our preferred option following scrutiny against the Environment Agency 4 key tests and was developed and submitted as the agreed design for New Road.

The following pages provide a summary of the decision making for each of the options. Displayed in a matrix through a mini assessment process using the 4 key tests to assess the viability.



# DESIGN DECISION MAKING – Feasibility of design options

## OPTION 1A – Riverside Walled defence

In Summary, Option 1A was discounted for the following reasons;

- Was unacceptable to Natural England due to impacts on the river Kent as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)
- Doesn't comply with Habitats Regulations as there is an alternative feasible design option along the roadside
- Does not allow for flood storage, a requirement of Making Space for Water published in March 2005 and integral to the Government Strategy
- It countered the guidance of SLDC as landowner as a set back defence was desired along the highway
- A full re-build of the riverside wall would be required to meet flood defence standards
- Would compromise the other defences completed and in construction in the vicinity
- Construction along the riverside would be restricted to a 3 month window (July –September) a requirement of Natural England in line with the Habitat Regulation assessment
- Severe impact to the openness of the Common and connection to the river
- Wouldn't provide the future protection of the Common as a green space

		TECHNICALLY FEASIBLE	ECONOMICALLY VIABLE	ENVIRONMENTALLY SUSTAINABLE	SOCIALLY ACCEPTABLE
OPTION 1A  RIVERSIDE WALL, WALLED DEFENCE	✓	Minimal access gates	✗ COST OF REBUILDING FULL HEIGHT WALL IS PROHIBITIVE	✗ OPTION UNACCEPTABLE TO NATURAL ENGLAND DUE TO THE AVOIDABLE POTENTIAL IMPACT ON THE SAC	✓ Retains existing connectivity with New Road
	-	Ensures approaches to Gooseholme Footbridge are on the dry side of the defences	✗ Extends construction programme to allow in river working and requires grant of necessary permissions and consents	- Anticipated significant (adverse) impact to the Conservation Area during construction and anticipated non-significant (adverse) during operation (year 15)	✓ Minimal access gates
	✗	Would require re-building of the full height of riverside wall, not just the section on the grassed common to modern standards	✗ Additional unfunded cost, programme to obtain planning permission and reapply for common land consent		✓ Common remains open to New Road allowing natural surveillance and avoiding perceived occurrence of anti-social behaviour
	✗	Reduces flood storage capacity and possible standard of protection, impacting on defences elsewhere in the consented Scheme	✗ Necessitates design changes to raise other reaches across the Consented Scheme with resultant additional construction costs		- Maximises relationship of New Road Common to New Road
	✗	Flood gate would be required on slipway which is technically difficult to deliver			✗ Severs New Road Common and New Road Common and the River (common land designation extends to the middle of the River)



# DESIGN DECISION MAKING – Feasibility of options

## OPTION 1B – Riverside Walled defence with glass panels

In Summary, Option 1B was discounted for the following reasons;

- Was unacceptable to Natural England due to impacts on the river Kent as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC)
- Doesn't comply with Habitats Regulations as there is an alternative feasible design option along the roadside
- Does not allow for flood storage, a requirement of Making Space for Water published in March 2005 and integral to the Government Strategy
- It countered the guidance of SLDC as landowner as a set back defence was desired along the highway
- Whilst views would be improved to the river, a full re-build of the riverside wall would be required to meet flood defence standards
- Would compromise the other defences completed and in construction in the vicinity
- Construction along the riverside would be restricted to a 3 month window (July –September) a requirement of Natural England in line with the Habitat Regulation assessment
- Severe impact to the openness of the Common and connection to the river
- Wouldn't provide the future protection of the Common as a green space.

	TECHNICALLY FEASIBLE		ECONOMICALLY VIABLE		ENVIRONMENTALLY SUSTAINABLE		SOCIALLY ACCEPTABLE	
OPTION 1B  RIVERSIDE WALL, WALLED DEFENCE WITH GLASS PANELS	✓	Minimal access gates	✗	COST OF REBUILDING FULL HEIGHT WALL IS PROHIBITIVE	✗	OPTION UNACCEPTABLE TO NATURAL ENGLAND DUE TO THE AVOIDABLE POTENTIAL IMPACT ON THE SAC	✓	Retains existing connectivity with New Road
	–	Ensures approaches to Gooseholme Footbridge are on the dry side of the defences	✗	Extends construction programme to allow in river working and requires grant of necessary permissions and consents	–	Anticipated significant (adverse) impact to the Conservation Area during construction and anticipated non-significant (adverse) during operation (year 15)	✓	Minimal access gates
	✗	Would require re-building of the full height of riverside wall, not just the section on the grassed common to modern standards	✗	Additional unfunded cost, programme to obtain planning permission and reapply for common land consent			✓	Common remains open to New Road allowing natural surveillance and avoiding perceived occurrence of anti-social behaviour
	✗	Reduces flood storage capacity and possible standard of protection, impacting on defences elsewhere in the consented Scheme	✗	Necessitates design changes to raise other reaches across the Consented Scheme with resultant additional construction costs			–	Maximises relationship of New Road Common to New Road
	✗	Flood gate would be required on slipway which is technically difficult to deliver					–	Allows for some views to the River from New Road Common, views to the River from New Road would be restricted



# DESIGN DECISION MAKING – Feasibility of options

## OPTION 2A – New Road highway alignment – walled defence

This is the most viable scheme design and was submitted to Westmorland & Furness Council as a new planning application

In Summary, Option 2A is the most viable option for the following reasons;

- Allows for flood storage, a requirement of Making Space for Water published in March 2005 and integral to the Government Strategy
- Approved Common Land consent in place
- No impact on the River Kent SSSI and SAC
- Reduces height and length of the defence
- Maintains current connectivity between Common and river
- Provides a safer space for community and visitor users
- Approved Road Safety Audit in place
- Maximises the extent of the Common area

	TECHNICALLY FEASIBLE		ECONOMICALLY VIABLE		ENVIRONMENTALLY SUSTAINABLE		SOCIALLY ACCEPTABLE	
THE PROPOSED DEVELOPMENT  OPTION 2A  NEW ROAD HIGHWAY ALIGNMENT, WALLED DEFENCE	✓	Maximises flood storage capacity, construction of defences elsewhere unaffected	✓	Demonstrates best value for money	✓	No direct interaction with the designated river which is in accordance with the requirement to avoid impacting on the SAC.	✓	Minimises height and length of linear defence required
	✓	Ensures approaches to Gooseholme Footbridge are on the dry side of the defences	✓	No additional cost, programme to obtain revised planning consent	-	Significant (adverse) impact to the Conservation Area during construction and anticipated non-significant (adverse) during operation (year 15)	✓	Maximises relationship of New Road Common to the River
			✓	Principle of development already established via approval of Consented Scheme			✓	Improves New Road Common to become a more ambient location for all users including cyclists and pedestrians improving their experience
			✓	Common land consent granted			✓	Limits the amount of land take from New Road Common
							X	Views into the Common are limited from New Road reducing natural surveillance

# DESIGN DECISION MAKING – Feasibility of options

## OPTION 2B – New Road highway alignment – walled defence with glass panels

The Road Safety Audit heavily influenced the viability for the integration of glass panels along the roadside. In Summary, Option 2B was discounted for the following reasons;

- Glass panels could create a distraction contributing to collisions of vehicles and pedestrians and therefore a full height wall should be provided
- The roadside proximity could cause a ‘mirroring effect’ or create glare from the sun or vehicle headlights
- Glass panels prone to damage should a vehicle strike the glass, resulting in injury
- Realigning the glass flood wall further back into the Common to mitigate the hazards associated with introducing glass would encroach further into the green space and take from Common Land
- The requirement for additional safety measures such as HGV kerbs and fixed barriers would not support access requirements for users, particularly the Fairground and for maintenance activity

	TECHNICALLY FEASIBLE		ECONOMICALLY VIABLE		ENVIRONMENTALLY SUSTAINABLE	SOCIALLY ACCEPTABLE	
OPTION 2B  NEW ROAD HIGHWAY ALIGNMENT, WALLED DEFENCE WITH GLASS PANELS	✓	Maximises flood storage capacity, construction of defences elsewhere unaffected	✓	Principle of development already established via approval of consented Scheme	✓	✓	Minimises height of linear defence required
	✓	Ensures approaches to Gooseholme Footbridge are on the dry side of the defences	✗	Additional cost, programme to obtain revised planning consent	–	✓	Maximises relationship of New Road Common to the River
	–	The self-cleaning feature of the glass panels would be less effective due to the proximity of the highway	✗	Would require a new application for Common land consent delaying construction by up to 1 year		✓	Improves New Road Common to become a more ambient location for all users including cyclists and pedestrians improving their experience
	✗	Motorists may become distracted from being able to observe the road and / reflections in the glass panel and could lose concentration	✗	Additional maintenance and replacement costs if panels are damaged		✓	Limits the amount of land take from New Road Common
	✗	Should a vehicle leave the carriageway it could strike the glass panel and compromise the defence				–	Views into the Common would be opened up increasing natural surveillance at a lower height with introduction of glass panels



# DESIGN DECISION MAKING – Glass panels road safety audit

The Environment Agency acknowledges glass panels are featuring in other locations at Castle Street, Aynam Road and Waterside however, these are in locations that are not directly adjacent to the highway and are outside the Common Land designated areas.

The glass panels integrated elsewhere were designed in key locations to maintain views of the river. At New Road this would not provide any view of the river and instead enhance the view of the highway from New Road Common.

A number of concerns regarding the integration of roadside glass panels feature within the independent road safety audit and below are a couple of examples of these within Kendal.



The road safety audit recommends that to mitigate glare or risk of strike and injury, the flood defence containing glass panels would need to be set further back from the carriageway with additional measures such as fixed barriers to protect the flood defence. As previously outlined, the setting back of the defence into the Common impacts the designation of the common and therefore has been discounted. Likewise, incorporating a safety barrier along New Road would obscure the glass and reduces, if not eliminates the benefit.



# THE FLOOD RISK MANAGEMENT SCHEME FOR NEW ROAD

The Westmorland & Furness Local Area Planning Committee will reconvene to determine the application again following further evidencing of the design decision process. This pack of information has summarised what will be presented to the Planning Committee for determination. Our preferred option that we would like to deliver is shown again in the visualisation below for reference.



PROPOSED ROADSIDE FLOOD WALL WITH INTEGRATED FLOOD GATES RETAINING ACCESS THROUGH THE COMMON AND TO THE RIVERSIDE

## FEEDBACK

Feedback is extremely important to us, and we would welcome your views of which you can do so anonymously. You can provide feedback in two ways;

A feedback form can be found in the Public Consultation section of the Flood Hub [Public Consultations | The Flood Hub](#) or you can leave feedback on Westmorland and Furness Planning Portal here to support this design option. [Planning application: 2024/0216/FPA | Westmorland & Furness Council](#) ([westmorlandandfurness.gov.uk](https://westmorlandandfurness.gov.uk))