

**Item 3**                      **09/00095/FULMAJ Permit (Subject to Legal Agreement)**

**Case Officer**            **Mrs Nicola Hopkins**

**Ward**                        **Astley And Buckshaw**

**Proposal**                  **Land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village (site area 54.34 hectares).**

**Location**                 **Group 1 Euxton Lane Euxton Lancashire**

**Applicant**                **BAE Systems (Property & Environmental Services)**

**1 letter has been received raising concerns about tree loss  
Consultation expiry: 11<sup>th</sup> March 2009  
Application expiry: 11<sup>th</sup> May 2009**

### **Planning Applications**

1) 08/00910/OUTMAJ: Outline planning application for the redevelopment of land at Group One (Site Area 54.34 Hectares), Royal Ordnance Site, Chorley for mixed use development comprising housing and commercial uses (including uses A1, A2, A3, B1, B2, C1, C2 and C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2006) and associated landscape treatment and highway works. Pending Consideration

2) 09/00095/FULMAJ: Land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village (site area 54.34 hectares). Pending consideration

**Proposal**                  This application relates to the land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village. The site is located within the south west corner of the Village and until recently this site was the last remaining part of the Royal Ordnance Factory which was still operational. Operations have recently ceased on the site and potential re-uses have been considered.

This application relates to the current application being considered for the mixed use redevelopment of the site which include between 878-1,168 new residential units and 19,500 square metres of commercial floorspace which will include B1 and B2 uses (08/00910/OUTMAJ).

Although this site was not included within the original Masterplan for the Buckshaw Village development (Outline permission was granted for the Buckshaw Village development in 1997 and amended in 2002.) this site was always envisaged as part of the whole redevelopment of the former Royal Ordnance Site. The site is allocated within the Chorley Local Plan under Policy GN2 which relates wholly to the Royal Ordnance Site. The site as a whole is split between the administrative areas of South Ribble Borough

Council and Chorley Borough Council however Chorley Borough Council are leading on the application as the larger part of the site falls within the boundary of Chorley.

## **Summary**

The proposal incorporates the remediation and reclamation of a brownfield site located adjacent to Buckshaw Village which will enable the redevelopment of the site for mixed use residential and commercial purposes. The site will be an extension to the main Buckshaw Village and will enable a sustainable form of development which is considered to be appropriate for this location.

The main impacts of the remediation relate to ecological impacts and habitat loss. It is considered that on balance the ecological implications are compensated for by proposed mitigation measures and the proposed remediation will facilitate the redevelopment of the site which will aid in achieving the two Council's housing targets and the targets for redeveloping brownfield land.

## **Planning Policy**

### **National Polices:**

PPS1, PPS9, PPS23, PPS25, PPG2, PPG24

### **North West Regional Spatial Strategy:**

**Policy DP1:** Spatial Principles

**Policy DP7:** Promote Environmental Quality

**Policy EM1:** Integrated Enhancement and Protection of the Region's Environmental Assets.

**Policy EM2:** Remediating Contaminated Land

**Policy EM5:** Integrated Water Management

### **Adopted Chorley Borough Local Plan Review:**

**GN2:** Royal Ordnance Site, Euxton

**EP2:** County Heritage Sites and Local Nature Reserves

**EP3:** Nature and Geological Sites of Local Importance

**EP4:** Species Protection

**EP5:** Wildlife Corridors

**EP9:** Trees and Woodland

**EP17:** Water Resources and Quality

**EP18:** Surface Water Run Off

**EP20:** Noise

**EP21:** Air Pollution

### **South Ribble Local Plan Policies:**

**D1:** New Development

**QD6:** Noise Sensitive Developments

**ENV3:** Protecting Other Sites and Features of Nature Conservation Interest

**ENV4:** Protection of the Habitats of Wildlife

**ENV6:** Wildlife Corridors

**ENV7:** Protection of Trees and Woodlands

**ENV9:** Unstable or Contaminated Land

**ENV20:** Flood Risk

**ENV22:** Pollution

### **Interim Planning Policies:**

**H5R:** High Environmental Standards

**Planning History**

**97/00509/OUT:** Outline application for mixed-use development (granted in 1999)

**97/00510/FUL:** Land remediation & earthworks including building demolition & removal of blast walls, building slabs & services; surface scraping; excavation & recycling of foundations & structures & formation of raised landforms as fill disposal areas. Approved February 1999

**97/00660/CTY:** Erection of a landfill containment facility for the storage of contaminated soils and demolition material and associated land forming. Approved

**02/00748/OUT:** Modification of conditions on outline permission for mixed use development

**05/00017/CTY-** Variation of conditions 1, 3 and 4 of planning permission 9/97/660 to allow the importation of hazardous waste and to amend the phasing of landfilling and restoration at the existing landfill containment facility. Approved April 2005

**07/01108/CTY:** Variation of condition 1 of planning permission 09/05/0017, extending the period of operations of the contained landfill facility by 3 years from 1/03/08 to 1/03/11. Approved

**08/00645/FUL:** Erection of a bat house at Group One, Buckshaw Village. Approved

**08/01002/FUL:** Erection of a bat house at group one Buckshaw Village. Approved

**09/00084/FUL:** Erection of a bat house at group one, Buckshaw Village. Pending consideration

**08/00910/OUTMAJ:** Outline planning application for the redevelopment of land at Group One (Site Area 54.34 Hectares), Royal Ordnance Site, Chorley for mixed use development comprising housing and commercial uses (including uses A1, A2, A3, B1, B2, C1, C2 and C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2006) and associated landscape treatment and highway works. Pending consideration

**09/00058/CTY:** Construction of a landscape mound for recreational and nature conservation use, utilising surplus excavation soils from the restoration of the site. Approved

**Applicant's Case**

The following points have been submitted in support of the application:

- Within Local planning policy Royal Ordnance Chorley is recognised as a strategic location for development. As such, this enabling development proposal, which aims to create development platforms for future development applications in the context of a strategic master plan, is acceptable in principle.
- The development proposals are informed by a suite of accompanying documents addressing environmental considerations. These have considered existing condition, the potential impacts associated with the proposal, and where appropriate, mitigation measures or design responses.
- The proposed development is considered to comply with all relevant aspects of planning policy and to be an acceptable form of development on the site.

**Representations** 1 letter has been received raising concerns in respect of the tree loss along the southern boundary of the site.

**Consultations** **The Corporate Director (Neighbourhoods)** has confirmed that the proposed reclamation and remediation earthworks at the Group 1 site, Buckshaw Village, should be carried out in accordance with the Group 1 Remediation Strategy (Report Ref: B0031-02-R9-B).

**The Environment Agency** originally objected to the application however following the receipt of further information they withdrew their objection subject to various conditions/ informatives

**Lancashire County Council (Ecology)** have been involved in the redevelopment of this site since pre-application stage. The Ecologist initially objected to the scheme in respect of the impacts on the Biological Heritage Sites and Habitats of Principal Importance/BAP Priority Habitats, insufficient mitigation/compensation for habitat loss and other ecological impacts. In order to meet the requirements changes to the layout of the site are likely to be required and the extent of the developable area may be affected.

Following the amendments the Ecologist at Lancashire County Council still had concerns mainly in respect of habitat loss, the most significant impacts will result from the proposed remediation of the site and creation of a development platform.

To protect the Biological Heritage Sites the following mitigation measures were suggested :

- Establishment of buffer zones between the proposed development and the edge of the Biological Heritage Sites
- Implementation of an appropriate management plan
- Additional native planting between the damaged parts of the BHS and the development

In respect of protected species the Ecologist has made the following comments:

- It is unlikely that bat roosts will be affected by the proposed remediation work. Follow-up precautionary surveys are therefore recommended prior to felling.
- An outline mitigation strategy has been provided. This adequately demonstrates that detrimental impacts on the great crested newt population can be avoided. The submission of further details may be addressed by condition.

## **Assessment**

### **Principle of the Development**

The site is located to the south west of Buckshaw Village and forms part of the former Royal Ordnance Site. Until recently the site was still operational and is known as Group 1. The site was formally a munitions factory and occupies 54.34 hectares.

When the Royal Ordnance Factory was fully operational it occupied an area of 350 hectares. In 1997 following the progressive demise of the industrial industry a Masterplan for the whole site was developed. From this Masterplan a number of developments have occurred including Buckshaw Village which

occupies the core of the factory site, over 170 hectares.

The redevelopment of Group 1 has always been envisaged however the site did not form part of the main Buckshaw Village Masterplan as it was, until recently, still operational. When the Chorley Local Plan was adopted in 2003 the whole of Buckshaw Village was allocated under Policy GN2. Policy GN2 states that that high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village.

This part of the Royal Ordnance Factory (Group 1) handled the most volatile explosives and is therefore the most contaminated high risk area. This application relates to the enabling works required to create development platforms across the site for future development projects. In accordance with Government advice contained in Planning Policy Statement 23: Planning and Pollution Control the redevelopment of previously developed sites is central to achieving the Government's objective of ensuring sustainable development and minimises the need to develop Greenfield sites.

The site falls to be considered previously developed land which is defined as land which is or was last occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure.

This application is submitted alongside the application to redevelop the whole site for a mixed use residential/ commercial development (08/00910/OUTMAJ) and acts as the enabler to achieve the proposed redevelopment of the site.

### **Proposals**

The application proposes the reclamation and remediation of the whole site to create development platforms. This process is required due to the previous use of the site and to enable the site to be brought to a standard suitable for redevelopment. The whole of Buckshaw Village underwent a similar process prior to construction work commencing on the site.

This site, however, has a very different character than the main Village site and different constraints which impact on the developable area of the site. This main constraints are the two designated Biological Heritage Sites, the area of ancient woodland and watercourses which exist on the site.

A remediation strategy has been produced for the site and submitted in support of this application. The objectives of this strategy are to reduce the risks from identified contamination, mitigate the risks associated with explosives and munitions, mitigate risks to surface water and any shallow groundwater, practical and safe site works/ construction without environmental damage, environmental sustainability and addressing the issue of perceived risk and occupier confidence in light of historical activities involving explosives on the site.

It is proposed to re-use the majority of the excavated soils in the proposed recreational platform adjacent to the site. This proposal was subject to a planning application which has been assessed and approved by Lancashire County Council. A number of 'hot-

spots' have been identified across the site, these are areas which exceed the levels where the soil can be re-used, which will be excavated and placed in an approved landfill facility on the site.

Across the general development surface it is planned to employ the same method of remediation utilised at Buckshaw Village. A confidence scrape to a nominal depth of 250mm will be undertaken across the former operational areas. However this may vary depending on the nature and condition of soils encountered. In particular the area of land adjacent to the railway (the southern boundary) has been identified as being a high risk of contamination due to the fact that raw explosive materials and completed munitions were transported by rail. This area of woodland covers 5.76 hectares and the majority will have to be removed as part of the 1000mm confidence scrape required in this part of the site.

There are a number of areas named 'burning grounds' on the site which were used for the destruction of explosives and munitions by burning and where high levels of contaminants are present. These areas will be excavated to natural ground level. Any redundant electric cables, water pipes, fire water pipes and buried earthing straps will be removed during remediation.

Due to the constraints of the site the designated Biological Heritage Sites have been classified into specific areas which include areas of high, medium and low risk as part of the remediation strategy. Within areas of high risk the trees and vegetation will be cleared followed by the removal of surface soil and debris to a nominal 250mm confidence scrape. Within areas classified as medium risk there will be a limited confidence scrape removing only ground vegetation and debris. Within areas classified as low risk there will be a two stage 'forensic' style search of the ground which will not be intrusive onto the woodland. The main area of the site classified as low risk is the established woodland area.

Areas where waste was tipped or derelict factory infrastructure exists will be decommissioned and removed. The floor slabs and associated sub surface structures will be excavated or broken out as part of the remediation operations. During this process underlying soils will be inspected to confirm the absence of contamination.

To achieve the proposed development platform traditional cut and fill earthwork operations will be undertaken. All excavations, fill materials and the completed development platform will be subject to validation testing and a verification report will be required. This validation and verification will be inspected by the two Council's Environmental Services Sections to confirm whether the works undertaken are to an acceptable standard. As set out above the Environmental Health Officers are satisfied with the submitted remediation strategy.

### **Ecology**

The presence of two designated Biological Heritage Sites, Ancient Woodland and watercourses on the site ensures that the impact of both the remediation and reclamation works and the creation of a development platform has the potential to impact on the ecological assets and value of the site. This is demonstrated particularly in

respect of the specialised remediation techniques proposed, as set out above, within the Biological Heritage Sites.

As set out above Lancashire County Council Ecology have objected to the proposed remediation due to the impact on the Biological Heritage Sites, the loss of habitats and the impact on the ecological value of the site. The County Council's Ecologist has made similar representation in respect of the application for the redevelopment of the site.

Following a recent high court decision the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:

- 1) the activity must be for imperative reasons of overriding public interest of for public health and safety;
- 2) there must be no satisfactory alternative and
- 3) favourable conservation status of the species must be maintained

This requirement does not negate the need for a Licence from Natural England in respect of Protected Species however the Local Planning Authority are required to engage with the Directive.

In respect of this site the two European Protected Species which have been identified on the site are bats and Great Crested Newts. Ongoing decommissioning has recently occurred on the site which includes decontamination and demolition of the existing buildings on site. This process falls outside the planning system. Bat roosts have been found within buildings in the application area. However, a licence from Natural England has already been issued to allow the demolition of these buildings as a separate matter to this planning application. This matter therefore does not require further consideration as part of this planning application. There is planning permission for a bat house at the site to mitigate for the loss of bat roosts. This has been constructed and is in situ on site.

The other impact on bats as part of the proposed redevelopment of the site will be tree loss. Three of the trees which have been surveyed have the potential to impact on bat roosts and fall within areas requiring remediation. The loss of one tree (reference tree 39 within the survey) cannot be avoided as it is adjacent to the railway which is a high risk area. Two other trees (Reference 32 and 34) have the potential to support bat roosts. They are located with the area of BHS woodland which requires a 250mm (medium level) confidence scrape however trees are planned to be retained in these areas and as such these trees should not be lost. Confidence scraping will lead to the loss of foraging habitats for bats. However given the abundance of other suitable roosting habitat in the BHS woodland and surrounding residential developments the remediation and earthworks are not considered to be a threat to the favourable conservation of bat species in the area.

Mitigation for the impact on bats includes only felling trees identified as 'high bat risk' where absolutely necessary. If tree felling is required a check of the tree will be carried out prior to felling to establish level of bat use and a method statement for felling the tree will be produced. This will be secured via condition. Trees will be felled in Spring or Autumn when bats are least likely to be present. Contractors will be made aware of the possibility of bat presence and advised to stop work immediately to seek ecological advice if bats are found to be present (also secured through condition).

It is considered that due to the previous use of the site remediation is required from a public health and safety perspective. The tree survey identifies trees which have the potential to support bat roosts and these trees will only be felled where there is no other potential alternative. Suitable mitigation measures are proposed which will ensure that the presence of bats is maintained on the site.

The Ecologist at Lancashire County Council has made the following comments it is proposed that one tree with the potential to support roosting bats will be felled. A bat survey has been undertaken and no evidence of roosting bats has been found in this tree. It is therefore reasonably unlikely that bat roosts will be affected by the proposed remediation work. However, bats may occupy suitable crevices at any time during their active season. Follow-up precautionary surveys are therefore recommended prior to felling. If new areas of contamination become apparent during works and additional trees need to be demolished, then bat surveys will be required if the trees affected have the potential to support roosting bats. Mitigation measures will need to be submitted for approval and implemented if bats are affected.

In respect of the impact on amphibians there are two ponds on or within 250m of the site which are identified as supporting Great Crested Newts. The remediation and earthworks require confidence scraping within close proximity to these ponds. This involves a standard 250mm scrape in most areas however a 1000mm scrape is required close to one of the ponds. This method of remediation includes intrusive groundworks which could impact on amphibians. These ponds were also found to support smooth newt, common frog and common toad.

However the pond most affected by remediation is Pond 9 which is outside the application site, but close enough to be affected by remediation activities. There is a security fence around the site which will act as a partial barrier to the movement of amphibians.

In order for the population of Great Crested Newts to be maintained a Licence will be required from Natural England, this will include a mitigation strategy in respect of Newts. The Ecologist at LCC has commented that two small populations of great crested newts will be affected by the proposed remediation work. An outline mitigation strategy has been provided which, in my opinion, adequately demonstrates that detrimental impacts on the great crested newt population can be avoided.

Both ponds supporting newts will be retained. A geo-textile fence will be affixed to the existing boundary fence to act as a newt barrier. Areas of suitable terrestrial habitat which are not



separated from the ponds by the existing fence will be subject to a capture and exclusion program. This will be contracted under licence from Natural England. Amphibians will be translocated to suitable habitat away from the works area. Areas of suitable habitat separated by the security fence are considered to be low risk. These areas will be hand surfaced as a precaution immediately before work starts. Additionally six new ponds will be created as part of the mitigation strategy.

Similarly to the assessment of the impact on bats it is considered that due to the previous use of the site remediation is required from a public health and safety perspective. There are ponds present on/close to the site which will be retained as part of the development. Suitable mitigation measures are proposed which will ensure that the presence of Great Crested Newts are maintained on the site.

It is considered that the three 'derogation tests' have been met in respect of this development and the Council has fulfilled its duty by engaging with the Habitats Directive

The main concerns relate to the impact of the proposed remediation on the two areas of BHS (Worden Wood (6.6 hectares) and Buckshaw Wood and Grassland (10.2 hectares)). Within these areas 2.30 hectares are classified as high risk and require confidence scraping, 5.52 hectares are classified as medium risk (these areas tend to be the 15 metre wide buffer zones around the BHS) and will be subject to a 250mm confidence scrape, 0.15 hectares are former burning grounds which require excavating to natural ground level and 8.94 hectares is identified as low risk areas which will be subject to the two stage non-intrusive 'forensic' style walkover.

The low risk areas will not require confidence scraping and will only be affected if any areas of explosives are identified. Removal of pipes, services, drains etc will result in habitat loss however this will be very localised. The high risk areas will require confidence scraping along with the excavation of the burning grounds which will involve tree and vegetation removal. Within the 15 metre BHS buffer strip (medium risk) trees will be retained, where possible, which ensures there is not a total habitat loss.

Within areas not classified as BHS 26.73 hectares of land around buildings require a 250mm confidence scrape which effectively means total habitat loss. Of this area 13.45 hectares is grassland with the remainder comprising of building footprints and hard standing. 1.81 hectares of former burning grounds outside the BHS require excavation back to original ground level.

There will be total habitat loss within the area of secondary woodland identified adjacent to the railway which requires a 1000mm confidence scrape. Concerns have been raised in respect of the loss of these trees mainly due to noise created by tree felling and the creation of loss of outlook and loss of privacy when the trees are removed. This area was used for rail sidings and is likely to have a risk of explosives being present. As such the removal of the trees is required to ensure that the area can be adequately re-mediated and to bring the site back to a suitable

standard for redevelopment. The application for the redevelopment of the site proposes to create a 3 metre high earth mound with a 10 metre wide belt of planting on top to replace the existing woodland and will form part of the gardens of the future residential dwellings. The remediation of the site will be phased and undertaken over three seasons (April to September). In relation to tree removal and structure planting it is proposed that by phase of the site tree removal, remediation and earthworks and then structure planting will follow in sequence and that the structure planting will take place within the first planting season following the completion of remedial works in any one phase of the site. Along the southern boundary, the land owners have confirmed that they will endeavour to ensure that tree removal is quickly followed by remediation and the formation of the soil bund and that the associated structure planting will take place within one year of the trees being removed.

A further consideration in respect of the removal of the trees is the fact that they are not protected and as such the trees can be removed without requiring the submission of a tree works application.

The western boundary of the site is considered to be a low risk area and will be subject to the two stage walkover. This area covers 3.11 hectares and any impacts will be localised.

To mitigate for the loss/ impacts on the BHS and habitats on the site it is proposed to create grassland, create a woodland strip along the railway, create new ponds and wetland habitat and restore woodland areas. An area to the west of the A49 is planned to be managed for biodiversity. A landscape mound, which lies to the north east of the site boundary, will be created and incorporate woodland, shrub and grassland. It is also proposed to manage an area of land to the south of the railway for biodiversity. Within this area it is proposed to replace grassland, plant new trees, incorporate more shrub, manage the existing mature woodland, manage the existing pond for biodiversity and create an amphibian hibernacula. Within the site itself areas of woodland which require remediation will be restored. The retained and restored woodland will be subject to woodland management for a period of 25 years.

The Ecologist does not consider the proposed mitigation measures to be acceptable as there will be an overall loss in the extent of habitat. Additionally he does not consider that the landscape mound adjacent to the site should be included within the mitigation for the impacts on the Group 1 site. He considers that the landscape mound should be restored and habitats created in its own right separate to the requirements resulting from the proposed remediation on the Group 1 site.

In response to the Ecologists concerns the agents for the application have made the following comments. We have demonstrated that the level of intervention required to prepare the land for alternative beneficial uses is unavoidable and that a range of measures can be put in place to mitigate for impacts on habitats and fauna.

The agent argues that Planning Policy in respect of nature conservation has been a strong influence over the way in which the regeneration proposals for this land have been conceived.

However there are equally significant policies that seek to prioritise the recycling of derelict land, ensure new housing is delivered in the right place at the right time and that urge the delivery of new employment development in sustainable locations.

The agent comments that the degree of intervention and harm to habitats or species is counter-balanced by the package of compensation or mitigation measures. In its own right this is a considerable achievement given the level of risk to be addressed (arising from over 70 years of munitions related use), the intervention that is required to address that risk and the fact that a significant majority of habitat loss is amenity grassland between and around buildings.

In respect of the Biological Heritage Sites the agent confirms that approximately half of the area within the application site requires high risk or medium risk confidence scrapes, trees within medium risk areas will be retained wherever possible. Whilst it is acknowledged that the important woodland soils and ground flora will be unavoidably lost, the approach has been to retain important habitats wherever possible within the constraints of the required remediation. As these areas are planned for woodland restoration, to include new planting of native species, the retained trees will provide structure to this restored habitat.

The agent argues that this project is not a simple case of loss versus gain in terms of habitats as management is considered to be a positive outcome of the scheme. This is because the woodlands on site are currently suffering from lack of management, which has led to a simplified woodland structure with little or no understorey level. The agent considered that the adjacent landscape mound, as an area of habitat creation, is linked to the remediation and reclamation of Group 1. Material arising from the remediation will go to the landform site and will form the main area of open space available to future land uses of Group 1.

The agent concludes that this recycling of a significant area of contaminated and derelict future use is complex and challenging. The project recognises the significance of nature conservation interests. It predicts impacts and sets out a package of appropriate and proportionate mitigation measures both on the site and the immediate vicinity. Nature conservation is not the only driver in the proposals to regenerate the site but it is a consideration that has been given considerable and appropriate attention.

The main issue in respect of this planning application is the balance between re-use of the site and the ecological implications associated with reusing the site. As set out within Planning Policy Statement 1: Delivering Sustainable Development, Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by, making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; contributing to sustainable economic development; protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities; ensuring high quality development through good and inclusive design, and the efficient

use of resources; and ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

The site is allocated under Policy GN2 of the Adopted Chorley Borough Local Plan Review which is allocated for a mixed use village including employment development and community uses. The key to this approach is giving people an opportunity to live close to where they work and spend their leisure time.

Government advice contained in PPS9: Biodiversity and Geological Conservation refers to previously developed land and states that the re-use of previously developed land makes a major contribution to sustainable development by reducing the amount of countryside and undeveloped land that needs to be used. However where such sites have a significant biodiversity or geological interest of recognised local importance there should be aim to retain this interest and incorporate it into any new development on the site.

The designated Biological Heritage Sites and area of Ancient Woodland ensure that these areas have a significant biodiversity and geological interest. PPS9 does not restrict the redevelopment of such sites it just requires the areas to be retained. However due to the previous use of the site this has to be balanced against the remediation requirements.

Approximately half of the designated Biological Heritage Sites will be affected by the proposed remediation and a large area of the site, outside the BHS, will also require remediation which will result in the loss of grassland. The scheme, however, does incorporate proposed mitigation measures, as set above, to mitigate for any losses/ impacts. Additionally it is proposed to manage the retained woodland for the benefits of the future residents and the community as a whole.

Due to the previous use of the site the existing woodland was inaccessible to the public. Additionally the woodland was never formally managed as an asset and it is clear that the area would benefit from active and suitable management. Both of these issues are a benefit to the woodland and the proposed redevelopment of the site as a whole which are a consideration when assessing this application.

Although the Ecologist does not consider that the adjacent landscape mound should form part of the mitigation for the impacts on the Group 1 Site the Planning Officers do consider that the two entities are interlinked. The purpose for creating a landfill facility on this site was to accommodate the material taken from the Royal Ordnance Site when the main Buckshaw Village was remediated. Without the redevelopment of the main Village there would have been no need for the landfill facility. The redevelopment of Group 1 is interconnected with Buckshaw Village and the redevelopment has always been envisaged to create a mixed use, sustainable village.

The time period for the use of the landfill facility has been permitted to be extended to enable facility to accommodate the remediated earth from Group 1. Once this time period expires there

are conditions on the original permission requiring the site to be restored and landscaped. The proposals to create a landscape mound have been approved by Lancashire County Council as they are the Minerals and Waste Authority however if Chorley Council had minerals and waste powers the site would have been included within the Group 1 applications and considered as a whole.

The proposals for the landscape mound subsume the original restoration proposals for the landfill site and would ultimately result in greater areas of planting and subsequent habitat creation than the scheme previously approved. The applicant has provided a detailed outline of the proposals, however, Lancashire County Council will be requiring further details to be submitted by way of condition.

It is considered that as the landfill facility would not be required without Buckshaw Village and Group 1, the physical location of the facility in respect of Group 1 and the fact the facility ensures materials generated from Group 1 do not have to be transported off site ensures that the two sites are interconnected and the proposed landscape mound can form part of the mitigation for the habitat and ecological implications of the Group 1 development.

The landscape proposals for the mound are over and above the original requirements for the site. The current proposals build on the 1997 permission and landscape proposals. However the current scheme uses native species. The total area of woodland and shrub planting is greater than the previous landscape scheme, 20,220 sq.m in comparison to 19,950 sq.m.

The majority of the proposed mitigation measures can be accommodated on land owned by BAE Systems however the proposed improvement measures to the south of the railway fall on land outside the applicants ownership. The land will be adopted by Chorley Borough Council eventually and as such the applicants are willing to enter into an agreement to provide a commuted sum for the improvements to the site which can be undertaken when Chorley Council adopt the site.

The proposed redevelopment of the site (planning application 08/00910/OUTMAJ) cannot be achieved without the remediation and reclamation of the site. The redevelopment of the site will achieve the reuse of a brownfield site in a sustainable location. This will help to achieve the Council's housing targets (of 417 new dwellings per year for both Chorley and South Ribble) and will contribute to achieving at least 70% of new housing provision on brownfield land, both of which are set out within the North West Regional Spatial Strategy.

It is appreciated that the proposed remediation of the site will have an impact on ecology and habitats within the site. However, the remediation will enable the site to be redeveloped which will make a valuable area of woodland, previously inaccessible to the public, accessible which will be a valuable asset, will provide mitigation measures to compensate for the impacts and will ensure that a area of previously unmanaged woodland is managed and maintained appropriately.

Notwithstanding the Ecologists comments it is considered that active woodland management on this site will be a valuable resource for this previously inaccessible, unmanaged area of woodland. The landscape mound should form part of the mitigation and as such the creation, restoration and management of the woodland compensates for the loss of habitat resulting from the remediation of this site.

It is considered that the proposed remediation will enable the redevelopment of the site which, weighing the negative impacts against the positive impacts, on balance is considered to be acceptable. The proposed redevelopment of the site will contribute to sustainable economic development and will contribute to the creation of safe, sustainable, liveable and mixed communities with good access to jobs.

### **Landscape Character**

The proposed remediation and reclamation works subject to this planning application will have a significant impact on the appearance and character of the site and as such a landscape and visual impacts assessment has been carried out and submitted in support of this application.

This site has a strong green character due to the large number of trees and areas of grassland present. The remnants of the Royal Ordnance Factory also create a distinct character. This site has been split into specific character areas which include the area of ancient woodland. This is located towards the north of the site within the BHS, the trees and ground flora are of high quality. The amenity and landscape value of the woodland is classified as high while its capacity to accommodate development is low. This area of the site equates to approximately 10% of the site area. Parts of this woodland have been disturbed by industrial activities and processes, the remediation process will further reduce the landscape and amenity value of these areas.

Outside the ancient woodland there are other areas of mature trees mostly concentrated within the BHS. Their amenity and landscape value is classified as high and their ability to accommodate development low. Along the southern boundary of the site is a wide band (approximately 75 metres) of self seeded Birch Trees. These trees are relatively young and are classified as having low intrinsic landscape value. Most of these trees will be lost during the remediation process.

Towards the southeast corner of the site a block of coniferous woodland has been planted however the landscape value of this area of planting is considered to be low as it is not characteristic of the local natural landscape. To the western part of the site the landscape character is dominated by grassland which are generally associated with man made features and will be subject to remediation. Existing built factory infrastructure dominates the site but is most prominent in the southern and eastern sections of the site. These areas are classified as having low landscape character. Within the western part of the site there is a large reservoir which provides a valuable feature within the landscape character of the area.

The majority of the site is enclosed by a security fence which creates an urban and industrial character to the site. A number of streams and water bodies are present within the site however the extent of their impact on the landscape character of the area is low due to their size and the fact that they are dominated by vegetation however the natural water courses have a high amenity value. Engineered watercourses are classified as having low value.

It is proposed to tie this site into the green network existing in the wider area and in particular across Buckshaw Village. Some of the BHS will be lost during remediation however it is proposed to secure the quality of the retained woodland through long term management. This area of woodland will connect to woodland to the north-east of the site and the restored landfill zone.

Four areas of structural landscape are proposed which include a landscape corridor along the western part of the site linking the BHS to the proposed southern landscape strip. The southern landscape strip is alongside the railway and will consist of a 10m wide belt of trees on a 3 metre high earth mound. An area of amenity grassland is proposed in the south east corner of the site to link the southern landscape strip with the Central Avenue landscape corridor. The fourth area of structural landscaping involves areas of replanting within Worden Wood which will be subject to remediation, these are located within the northern part of the site.

In respect of the impact of the proposals on the landscape character of the site it is proposed to return levels on the site close to original contours and remove the artificial bunds created for operational purposes. It is proposed to replace the derelict factory land with temporary grassland and the remainder will receive permanent woodland planting treatment. Some woodland and grassland will be removed and replaced with temporary grassland and permanent woodland planting treatment.

The impact on the BHS during remediation will have a negative impact however it is proposed to implement woodland management regimes to mitigate for this. It is proposed to retain existing vegetation where possible however any loss will have a negative impact on the landscape character of the area. There will be some loss of agricultural land which will have a negative impact although this is classified as having low significance. The impact on the watercourses is limited to pond creation and as such considered low. The removal of the factory artefacts represents a positive impact however this impact will be high in respect of the character of the area due to the number of artefacts present on the site.

The report concludes that the character of the landscape will change as a result of the proposals however connectivity is retained and enhanced on the site and considers that the positive impacts are greater than the negative impacts. The report classifies the impact on the landscape character being low and positive.

Visual impacts as a result of the proposals have also been considered. Negative impacts include removal of trees and grassland. However the removal of buildings represents a positive impact and the negative impacts are mitigated by the retention of trees and hedges. The proposed structural planting areas will also mitigate the visual impacts. Proposed mitigation for the impact include restoration to original ground levels, minimising tree removal, creation of areas of structural planting and retention of the BHS and other nature trees.

### **Archaeology**

In accordance with Government advice contained in PPG16: Archaeology and Planning developers and local authorities should take into account archaeological considerations and deal with them from the beginning of the development control process. As such an archaeological assessment of the site has been undertaken and submitted in support of this application.

The report concludes that it is inevitable that the disturbance caused by the proposed remediation will result in a range of permanent and adverse impacts upon archaeology and built heritage within the site. However appropriate mitigation is proposed which, it is expected, will ensure there will be no residual impacts on archaeology after the completion of the remedial earthworks.

Four key cultural elements have been identified on site which include standing buildings, known buried remains, unknown buried remains and archive records. There is already a record of the buildings on site which includes a photographic record and details architectural features of interest. This is considered sufficient to provide preservation by record of the buildings which stood on site.

In respect of known buried remains two sites have been identified as having an important archaeological significance. One site relates to the alignment of a Roman Road and the remediation has the potential to impact on Roman remains in the area. It is proposed to undertake an archaeological evaluation of this area prior to commencement of the remediation. The other identified site is located close to the southern boundary of the site and is identified as Lower Buckshaw Farm. Due to poor preservation of this site the cultural significance, within the report, is classified as low. It is proposed to undertake an archaeological watching brief during remediation to assess the extent and significance of any remains associated with the Farm. Both the evaluation and watching brief will be secured via condition.

It is considered that the potential for unknown buried remains is low due to the extent of previous below ground disturbance. An extensive study of the Royal Ordnance Factory archives has previously been undertaken. It is suggested that selection criteria should be established to identify plans, building drawings, technical manuals and photographs for preservation. Other artefacts such as machinery, clothing, specialised containers may also be considered for preservation.



### **Flood Risk**

The site lies within an area designated as a Flood Zone 1 which is not vulnerable to direct flooding. A surface water drainage strategy has been submitted in support of this application.

The existing watercourses on the site have a land drainage function. Due to the amount of earth works required (approximately 250,000 cubic metres of cut/ fill works) this could result in pollution to the watercourse. The Strategy proposes to create a temporary drainage system on the site to protect the existing watercourses. This will intercept and divert potentially contaminated surface/ ground water flows to settlement ponds/ an alternative silt removal system prior to discharge.

The Strategy also includes phasing the earthwork operations, restricting the extent of vegetation removal, sealing existing sewers, silt fences, bunds and grips at the top of watercourse embankments, oil booms/ separators and designated wheel and plant wash facilities. These features are intended to minimise the risk of pollution to existing watercourses.

### **Air Quality and Noise**

In support of this application assessments of the potential air quality and noise implications have been undertaken. In respect of air quality the main impacts as a result of the land reclamation and remediation relate to dust and particulate matter.

The submitted assessment sets out proposed mitigation measures which include keeping earthworks damp, keeping stockpiles to the minimum practicable height, keep haul routes away from sensitive locations, road sweepers and wheel wash facilities.

The report concludes that air quality at the site is good. The main receptor from dust annoyance in respect of this site is the extra care village however any impact will be short term and the proposed mitigation will ensure dust annoyance is minimal.

In respect of noise the site has been assessed in accordance with the Department of the Environments (DoE) Advisory Information on Noise. The report concludes that the noise levels during remediation and reclamation will not exceed those advised by the DoE at the nearest noise sensitive receptor during normal daytime working hours. It is recommended that use of 'best practicable means' is considered to control noise emissions to minimise any potential disturbance.

### **Conclusion**

It is appreciated that the proposed remediation will adversely impact on the ecological assets and habitats within the site. However the proposal will also enable the redevelopment of a brownfield site within a sustainable location. Additionally the proposals incorporate mitigation measures to compensate for the impacts and will make an important ecological asset accessible and managed. As such, on balance, the proposals are considered to be acceptable.

**Recommendation** Permit Full Planning Permission subject to a legal agreement

**Recommendation: Permit (Subject to Legal Agreement)  
Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. This planning permission gives consent solely for the remediation and reclamation of the site as detailed in the planning application and does not give permission for the final use of the application site. The remediation and reclamation hereby approved shall be carried out in accordance with the submitted approved details, the approved phasing, approved pursuant to Condition 3 below, and in accordance with the submitted remediation strategy (Report Ref: B0031-02-R9-B), unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of the proper development of the site. To protect the environment and prevent harm to human health by ensuring that the land is re-mediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control*

3. No development shall be commenced until details of the proposed phasing of the remediation and reclamation works hereby approved has been submitted to and approved in writing by the Local Planning Authority. In particular the plan shall detail the phasing of the tree removal along the southern railway boundary, details of the phasing of the replacement tree planting along the southern boundary and the type and size of trees to be planted along the southern boundary. The development thereafter shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To protect the environment and prevent harm to human health by ensuring that the land is re-mediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control*

4. If, during development, contamination not previously identified is found to be present at the site then development shall immediately cease and no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement which forms part of Report Ref: B0031-02-R9-B detailing how this unsuspected contamination shall be dealt with. The development thereafter shall be carried out in accordance with the approved method statement.

*Reason: To protect the environment and prevent harm to human health by ensuring that the land is re-mediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control*

5. No material arising from the remediation works shall be exported from the site other than to the adjacent landfill site unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of highway safety to prevent the transportation of waste materials which would result in additional traffic on local highways and detrimentally impact on the amenities of the neighbours.*

6. Prior to the commencement of each Phase of the development (as shown on the details to be approved pursuant to Condition 3), full details of facilities to be provided for the cleaning of the wheels of vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design, specification and locations. The wheel wash facilities shall be provided, in accordance with the approved details, before the commencement of the development of the relevant Phase and thereafter retained at all times during operation of the site.

*Reason: To prevent the tracking of mud and/or the deposit of loose material upon the highway, in the interests of public safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*

7. Prior to the commencement of each phase of the development, details of the routing of heavy goods vehicles within the site and access to the local highway network, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved routing plans unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of the neighbours amenities and highway safety. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

8. No site clearance, site preparation or development work shall take place until a detailed great crested newt mitigation method statement, based on the outline mitigation proposals set out within the Ecological Statement dated February 2009 submitted with the application, has been submitted and approved in writing by the Local Planning Authority. The approved method statement shall thereafter be fully implemented and completed as part of the development in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the continued protection of protected species on the site. In accordance with Government guidance contained in PPS9: Biodiversity and Geological Conservation and Policy EP4 of the Adopted Chorley Borough Local Plan Review*

9. Prior to the felling of trees, identified within the submitted Ecological Statement dated February 2009, which have the potential to support roosting bats further bat surveys shall be undertaken to establish the presence of bats/ bat roosts. Prior to felling the trees the survey shall be submitted to and approved in writing by the Local Planning Authority. If any bats are present then the survey shall include measures to compensate for any resulting impacts on bats/ bat roosts. The development thereafter shall be carried out in accordance with the approved mitigation measures unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the continued protection of protected species on the site. In accordance with Government guidance contained in PPS9: Biodiversity and Geological Conservation and Policy EP4 of the Adopted Chorley Borough Local Plan Review*

10. Prior to the commencement of the development (including site clearance, site preparation and development work) proposals for the protection of species of principal importance, including the common toad, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the continued protection of important species on the site. In accordance with Government guidance contained in PPS9: Biodiversity and Geological Conservation.*

11. Prior to the commencement of the development (including site clearance, site preparation and development work) a detailed mitigation/compensation scheme for ecological impacts, including vegetation translocation, habitat re-establishment, after care, long-term management and monitoring methods shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of the ecological value of the site and in accordance with Government advice contained in PPS9: Biodiversity and Geological Conservation and Policies EP2, EP3 and EP4 of the Adopted Chorley Borough Local Plan Review*

12. Prior to the commencement of the development (including site clearance, site preparation and development work) a woodland management plan for the woodland areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall cover a period of 25 years following the completion of the remediation and reclamation works. The Management Plan thereafter shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the satisfactory management, maintenance and retention of the woodland. In accordance with Government advice contained in PPS9: Biodiversity and Geological Conservation and Policies EP2 and EP9 of the Adopted Chorley Borough Local Plan Review.*

13. Prior to the commencement of the development a tree survey of the entire site shall be undertaken. The survey shall be carried out in accordance with British Standard BS5837:2005 and shall detail the type, size, maturity, health and required root protection areas of all the trees on site. This survey shall be submitted to the Local Planning Authority and the site shall be made available for the Local Planning Authority to assess the trees to ascertain which trees are both worthy and capable of retention. No development shall be commenced until the Local Planning Authority has provided written confirmation of which trees will be retained as part of the development and which can be removed. The development thereafter shall be carried out in accordance with the approved details and no tree which the Local Planning Authority has confirmed in writing should be retained as part of the development pursuant to this Condition shall be removed unless the Local Planning Authority agrees otherwise in writing.

*Reason: In the interests of the visual amenities of the site and in accordance with policy EP9 of the Adopted Chorley Borough Local Plan Review.*

14. During the construction period, all trees to be retained, pursuant to Condition 13 above, shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.

*Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*

15. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.

*Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*

16. Prior to the commencement of the development hereby approved and notwithstanding the previously submitted details, schemes of landscaping shall be submitted to and approved in writing by the Local Planning Authority for the following areas of the site ( as shown on plan reference 976/P/09 dated 9<sup>th</sup> February 2009):

- Landscape Area 1
- Landscape Area 3
- Landscape Area 4

The schemes shall indicate all existing trees and hedgerows on the land; detail any to be retained (in accordance with Condition 13 above) , together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of the amenity of the area and to provide adequate mitigation for the impacts on the Biological Heritage Sites and geological assets resulting from the remediation activities. In accordance with Government advice contained in PPS9: Biodiversity and Geological Conservation and Policy Nos.GN5, EP2 and EP9 of the Adopted Chorley Borough Local Plan Review.*

17. Prior to the commencement of the development hereby approved, notwithstanding the submitted details, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority for the following area of the site (demonstrated on plan reference 976/P/09 dated 9<sup>th</sup> February 2009):

- Landscape Area 2

The schemes shall indicate all existing trees and hedgerows on the land; detail any to be retained (in accordance with Condition 13 above), together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. The replacement trees shall be semi-mature heavy standard trees. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of the amenity of the area and to provide adequate mitigation for the impacts on the Biological Heritage Sites and geological assets resulting from the remediation activities. In accordance with Government advice contained in PPS9: Biodiversity and Geological Conservation and Policy Nos.GN5, EP2 and EP9 of the Adopted Chorley Borough Local Plan Review.*

18. All planting, seeding or turfing comprised in the approved details of landscaping (conditions 16 and 17) shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*

19. The remediation and reclamation works hereby permitted shall not take place except between the hours of:

- 0800 hrs to 1800 hrs Monday to Friday
- 0800 hrs to 1300 hrs on Saturdays.

No remediation and reclamation activities shall take place on Sundays or Bank Holidays. These hours shall be adhered to during the development of the whole site unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To safeguard the amenities of local residents, to protect nearby noise sensitive buildings and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.*

20. All vehicles, plant, equipment and other machinery used in connection with the remediation and reclamation of the site shall be equipped with effective silencing or soundproofing equipment to the standard of design set out in the manufacturers original specification and to a standard which has previously been agreed in writing by the Local Planning Authority. The vehicles, plant, equipment and other machinery shall be maintained in accordance with the approved details at all times unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To safeguard the amenities of local residents, to protect nearby noise sensitive buildings and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.*

21. Prior to the importation or use of any recycled subsoil and/or topsoil material on the proposed development site, a report detailing the sampling regime and laboratory analysis results of the material shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To protect the environment and prevent harm to human health by ensuring that the land is re-mediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control*

22. Prior to the commencement of the development full details to measures to reduce dust and particulate matter resulting from the remediation activities shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall be in accordance with the Environmental statement (Pages 101 and 102), submitted as part of planning application 08/00910/OUTMAJ, which detail the mitigation measures to be employed at the site during demolition and remediation activities. The development thereafter shall be carried out in accordance with the approved details.

*Reason: To reduce the amount of dust and particulate matter created as a part of the remediation of the site, in order to minimise the air quality impacts and to provide adequate mitigation measures to reduce dust production. In accordance with Policy EP21 of the Adopted Chorley Borough Local Plan Review*

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