

**Item 3d**                      **14/01046/FULMAJ**

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

**Ward**                         **Eccleston And Mawdesley**

**Proposal**                    **The construction of an earth embankment, ancillary control structures and infrastructure, a new permanent access road and borrow pits on the River Yarrow approximately 700m upstream of Eccleston Bridge.**

**Location**                    **Croston Flood Risk Management Project, Land 485M South East Of 77 Lydiate Lane, Eccleston**

**Applicant**                    **Environment Agency**

**Consultation expiry:**      **6<sup>th</sup> November 2014**

**Decision due by:**         **3<sup>rd</sup> February 2014 (this application is subject to a PPA with a Committee date of 20<sup>th</sup> January 2015 and a requirement to issue the decision within 2 weeks of the Committee date)**

**Recommendation**  
**Approve full planning permission**

**Executive Summary**

**The scheme proposed is designed to reduce the risk of flooding in Croston to a 1 in 100 chance of happening each year from the River Yarrow. This will give rise to major beneficial effects for the village. Although the scheme represents inappropriate development within the Green Belt along with the permanent loss of an area of agricultural land it is considered that the benefits outweigh the harm.**

## Representations

<p><b>Euxton Parish Council</b> have commented that although they have criticisms of the consultations undertaken for the scheme and of the documentation produced in support of it, Euxton Parish Council appreciates the need for this scheme and of the implications of delay. The Parish Council have also commented that although they are very concerned for the preservation of the Green Belt in the parish, the Council accepts that this proposal is acceptable development. The Parish Council's specific comments are contained within the body of the report.</p>	
<p><b>In total 3 representations have been received which are summarised below</b></p>	
<p><b>Objection</b></p>	<p><b>Not specified</b></p>
<p>Total No. received:1</p>	<p>Total No. received:2</p>
<ul style="list-style-type: none"> <li>• Object to new permanent access road on Lydiate Lane</li> </ul>	<ul style="list-style-type: none"> <li>• The removal of all or part of the mature hedgerow/property boundary to assist traffic movements on site.</li> <li>• The possible removal of one mature sycamore tree (one of only two mature trees) to assist traffic movements.</li> <li>• Access/egress onto Southport road at an accident hot-spot.</li> <li>• Litter and mud brought onto the road.</li> <li>• Daily Traffic volumes once work begins have not been made clear.</li> <li>• Times the site will operate from and to have not been made clear.</li> <li>• Compensation for impact to property and use during project.</li> <li>• Concerns about safety on Southport Road-the result of more traffic especially large heavy trucks carrying clay and building materials will make it a lot worse.</li> <li>• Vehicles will transfer mud onto the roundabout junction and along the road causing further hazards.</li> <li>• Elevated noise levels</li> <li>• Tree and hedge removal will remove land boundaries and decrease property security.</li> </ul>

## Consultees

Consultee	Summary of Comments received
Greater Manchester Ecological Unit	Have commented on the ecological impacts in respect of the scheme which are addressed in detail below
LCC Archaeology	No objection
LCC Flood Risk Management	Supports the proposed development
Natural England	No objection
English Heritage	Do not wish to comment in detail although they have suggested that LCC Archaeologist is consulted. English Heritage do not consider that there will be a marked impact on the setting of highly graded heritage assets

Chorley Conservation Officer	No objection
Council's Tree Officer	<p>Trees within the flood area will be affected.</p> <p>Hedgerows with mature trees are the dominant field boundary type and a prominent feature within the landscape. The mature trees are mainly oak, alder and willow. The majority of the hedgerows consist of hawthorn with occasional hazel and elder.</p> <p>The River Yarrow is heavily shaded in part by mature willow trees. Woodland is present in narrow strips, forming corridors along the river Yarrow and isolated pockets between fields. Species include alder, willow, oak, ash and occasional beech.</p> <p>Billinge Wood lies immediately outside the area of flood storage forms a significant stand of semi mature woodland, with oak, sycamore, and hawthorn dominating. The woodland will be less exposed to flooding so no loss of trees to accommodate the Flood Management Scheme will be required within the woodland.</p> <p>Loss of mature and veteran trees should be avoided at the design stage. Tolerance of trees affected within the flood water holding area will be determined by a number of factors, soil aeration, pH, organic matter, sedimentation, age, vigour, species, and season. If water is to be held within the flood storage area for prolonged periods on a regular basis it would be advisable to removed affected trees and replant away from the affected area.</p> <p>Retained trees and hedges should be protected during construction work in accordance with BS 5837 2012.</p>
Environment Agency Sustainable Places Team	No objection in principle to the proposed development.
Lancashire County Council (Highways)	Have no objection subject to conditions (the specific comments are contained within the body of the report)
CBC Parks and Open Spaces Officer	Has commented on the visual impact of the proposals

### The Development Plan

1. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003 and the Adopted Central Lancashire Core Strategy.
2. The starting point for assessment of the application is Section 38(6) of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### Adopted Chorley Borough Local Plan Review 2003

3. The 2003 Local Plan Review and the 2012 Adopted Core Strategy comprise the statutory development plan relevant to the application. The Framework confirms that for 12 months from the day of publication of the Framework (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The Framework also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is later in this report.
4. The relevant policies of the Local Plan are as follows:
  - GN5 - Building Design and Retaining Existing Landscape Features and Natural Habitats
  - DC1- Green Belt
  - EP4 - Species Protection
  - EP9 - Trees and Woodlands
  - EP10 - Landscape Assessment
  - EP12 – Environmental Improvements
  - EP17- Water Resources and Quality
  - EP18 – Surface Water Run Off
  - TR1 – Major Development – Tests for Accessibility & Sustainability
  - TR4 – Highway Development Control Criteria
  - LT10 – Public Rights of Way

### Adopted Central Lancashire Core Strategy 2012

5. The following Core Strategy Policies are of relevance to this application:
  - **Policy MP** clarifies the operational relationship between the Core Strategy and the National Planning Policy Framework. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. Planning policies that accord with the policies in the Core Strategy will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date the Council will grant planning permission unless material considerations indicate otherwise taking into account Policy MP a) and b).
  - **Policy 1** Locating Growth
  - **Policy 16** Heritage Assets
  - **Policy 22** Biodiversity and Geiodiversity
  - **Policy 29** Water Management
  - **Policy 31:** Agricultural Land

### Emerging Policy Considerations

#### ***Emerging Local Plan 2012-2026***

6. The Inspector has issued her Partial Report on her findings into the soundness of the emerging Chorley Local Plan which is a material consideration in the assessment of any planning application.

7. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers.
8. Paragraph 18 of the Partial Report states: “For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”
9. The Council accepted the Inspectors modifications for Development Control purposes at its Executive Committee on 21st November 2013 and as such the Policies can be afforded significant weight subject to the main modifications.
10. The following emerging Local Plan Policies are of relevance to this application:
  - BNE8: Protection and Enhancement of Heritage Assets
  - BNE10: Trees
  - BNE11: Species Protection

## **Assessment**

### **Background Information**

11. The Environment Agency (the applicants) have worked in partnership with Lancashire County Council, Chorley Borough Council, United Utilities and the Lower Yarrow Flood Action Group, to devise a flood defence scheme to reduce the flood risk to the village of Croston related to high flows in the River Yarrow.
12. The proposals are designed to improve the standard of flood protection to a 1% chance of flooding in any given year (and also account for the likely changes in river flow related to climate change over the next 100 years). The proposals have been designed to reduce the flood risk to people and property in Croston from the River Yarrow which flows through the centre of the village. In addition to risk of floodwater overtopping river banks, during high flows surface water from heavy rainfall cannot drain to the River Yarrow causing surface water flooding. The proposed embankment and its Flood Storage Area (FSA) are located in the river valley some 3km upstream of Croston.
13. It is estimated that 438 properties (347 residential and 91 commercial properties) are at risk of flooding in an event with a 1 in 100 year probability (i.e. a 1% chance of occurring in any year). The existing flood defences were built following major floods in 1966 and have been modified since but the existing standard of flood protection (i.e. a 5% chance of flooding in any year) is below government guidance. Flooding has occurred in 1987, 2000 and 2008.
14. The proposals involve the construction of an upstream temporary storage area, near the village of Eccleston (approximately 800m from the settlement boundary) which will hold water (up to 1.3 million m<sup>3</sup>) on farmland in the valley floor during peak flows then gradually release it back to the river over several hours. In order to store the flood water, an earth embankment will be built across the valley and the River Yarrow will be diverted through a flow control structure incorporated into the embankment.
15. In addition to reducing flood risk the applicants objectives are as follows:
  - To minimise adverse impacts on the environment.
  - To improve river quality.
  - To conserve and where practical improve the townscape/landscape and recreational quality.
  - To improve the wildlife value of the river corridor.
16. The Environment Agency has designated this as an 'Accelerated Project' and commitments to its delivery have been made to the public by the government and the Environment Agency. The Scheme's funding is dependent on the flood risk management works commencing before March 2015.

### *Public Consultation*

17. Prior to submitting the planning application the Environment Agency carried out public consultation with statutory, non-statutory and local organisations, businesses and members of the general public. Meetings have been held with:
  - Making Space for Water Group.
  - United Utilities.
  - Lower Yarrow Flood Action Group.
  - Friends of the River Yarrow.
  - Chorley Borough Council.
  - Lancashire County Council.
  - Parbold and District Agricultural Discussion Society
18. Additional parties consulted on the environmental effects of the Scheme were:
  - Lancashire Wildlife Trust.
  - Natural England.
19. Opportunities were provided to comment on the proposals at a number of public drop-in events. Quarterly newsletters have been distributed to all landowners directly affected by the Scheme, members of the public that have signed up at the drop-in events to receive newsletters, local

councillors, parish councils, Members of Parliament and other local stakeholders. In addition several press releases and media reports were issued between January 2013 and January 2014, leading to the detailed design of the preferred option.

20. The key issues raised during this consultation are summarised below:

- Management of river (dredging needed?)
- Detail on mechanisms of flooding and routes of flooding.
- How the Scheme could/would be funded.
- Concerns that upstream storage represents 'development' in green belt land.
- Impacts on footpath, and public access across the embankment.
- Traffic management and local disruption during construction.
- Impact on the landscape.

21. The comments made and concerns raised by the public and other consultees have been fed into the developing design. It is considered that the prior consultation has resulted in the submission of the most appropriate scheme for this site that would meet the objectives set out above.

### **Euxton Parish Council's concerns**

22. As set out above Euxton Parish Council initially raised some concerns about the lack of recognition in terms of the impact of the scheme on Euxton. The applicants have responded to these concerns as follows:

1. *The Parish Council is critical of the lack of recognition of Euxton's interest in this scheme. A substantial part of the area to be flooded upstream of the proposed dam is in Euxton Parish, within the Greenbelt. Proposals for development in the green fields and green belt around Euxton have been strongly resisted by the Parish Council.*
2. *Euxton Parish Councillors are, of course, aware of the flooding problems of Croston and of the fact that a scheme to remedy them was in course of preparation. Some were also aware that the scheme involved building a dam across the River Yarrow at some location above Croston but had no indication that it involved Euxton. For this reason no parish councillors attended the various consultation meetings and exhibitions that have been held in connection with the scheme.*

Response: It is regrettable that the Parish Council perceive there to be a lack of recognition of their interest in the scheme. The project team have endeavoured to involve all affected groups and individuals at each stage of the project development. Due to the scale of consultation and the number of stakeholder groups, the conveyance of information to these groups was primarily conducted via email. Project newsletters were distributed via email to the stakeholder list on a quarterly basis. The newsletters contained an update of scheme progress and any upcoming consultation events. The email address used for the Parish Council was 'euxtoncouncil@btinternet.com'. Invites to the consultation events were distributed by post to properties that were envisaged to be directly affected by the construction and operation of the scheme.

3. *Until a parish councillor looked at the planning application out of interest the Council was unaware that the scheme would have a direct effect upon Euxton in times of flooding and indirect effects at other times (eg visual effects of the dam, diversion of the footpath which passes along the River Yarrow to and from Euxton).*
4. *Obviously Euxton is not involved to the same extent as Croston, where the main benefits of the scheme occur or as Eccleston, where the project is primarily located and where the greatest negative effects occur. Even so, The Parish Council is a very interested stakeholder in this project and regrets that it has not been treated as such*

Response: Detailed plans were displayed at the consultation events and were discussed in detail with affected landowners/residents prior to the events.

5. *The Environmental Statement (ES), like other documents supporting the scheme, offers little recognition of Euxton's interest in it and most mentions of Euxton are incidental - for example the transport section mentions Euxton's station in relation to the proposed scheme - a matter of no relevance.*

Response: The construction works, with the exception of some very minor works within the river corridor, are within Eccleston Parish and naturally this forms the main focus of the ES. Notwithstanding this, opportunities for comment were provided to the wider community.

6. *Conversely, where Euxton might have been mentioned, it is not. The footpath along the river which will be diverted to avoid the dam is correctly referenced as on the definitive map (ie Footpath from Lydiate Lane to Billinge Wood (9-13 FP8 / 9-14 FP12); However, in practice, this is a footpath that connects Euxton and Chorley to Eccleston and Croston and which follows the river down its valley.*

Response: It is intended that this footpath will remain and these villages will continue to be linked apart from a short period during the construction phase when it will be temporarily diverted.

7. *Even more remiss is ES paragraph 12.2 which discusses the cumulative effect that the scheme might have in conjunction with other potential local developments. It lists four such proposals including those at Charnock Richard Golf Club, Park Hall and 26 houses at Croston Woodwork Ltd. It does not mention more relevant proposed developments in Euxton, much closer to the site, which already have planning approvals which have not yet been implemented at:*
- a) The former Xelflex factory for demolition of the redundant mill building (now completed) and construction of 55 apartments and communal facilities, roads etc. This lies on the banks of the Yarrow and*
  - b) The massive proposed sand quarry in the Euxton Greenbelt, off Dawbers Lane, Euxton most, if not all of which will drain into Culbeck Brook and which could generate heavy traffic whilst the CFRS scheme is on site.*

Response: During preparation of the ES we approached Chorley Borough Council as Planning Authority to obtain details of other development in the area to inform this part of the ES and these proposals were not identified. In addition we worked closely with the Lancashire County Council Highway team to agree an appropriate access route to the site and again, these proposals were not identified as material. Please note that the proposed access route to the FRMS does not pass through Euxton Parish.

23. In terms of the two schemes identified by the Parish Council the first, at the former Euxton Mill, had outline consent however that expired on 24th October 2014 and as such the majority of the site (there is a reserved matters application for 6 cottages at this site) does not have planning consent. Whilst the site did have outline consent at the time the ES was compiled there was no full planning approval on the site and the permission was close to expiry. As such the fact that this site was not taken into account as part of the cumulative impact is considered to be acceptable. There is a new outline application (14/01127/OUTMAJ) for the majority of the site currently under consideration which the Environment Agency have been consulted on and they will comment accordingly in respect of discharge rates.
24. In respect of the second application this was a Lancashire County Council application as the Minerals and Waste Authority. LCC were contacted and they did consider that there should have been some reference to this site within the submission documents however it is important to note that any discharge into the water course from the quarry will require the full consent from the Environment Agency and measures will be put in place at the quarry in the event of a major flood event.
25. Following further consideration of this site by the applicants they have confirmed that when the application was considered no flood risk concerns identified by the EA. There should be no contaminated discharges (including silt laden water) from the quarry development into Culbeck Brook/Chapel Brook. The conditions attached to the Appeal Decision identifies a number of measures to support this. As such the Environment Agency are satisfied that the quarry development will not adversely impact on the proposed scheme.



8. *The footpath affected by the dam is important, both for local and longer distant walkers (who may, for example, be following the Yarrow Valley). The diversion proposed during construction is unreasonable and walkers will probably not become aware it until they are faced with a long, and much less satisfactory route. On this they will have to cross much of the site traffic on the A581 at a roundabout (never the easiest of junctions for a pedestrian). This is the lazy alternative for the developer and suggests that they would wish to prevent the general public from seeing the works in progress. Could this path not be retained more or less on its present or eventual line and the crossing movement controlled (possibly by pedestrian gates and suitable signing etc)*

Response: During construction we have an obligation to eliminate risk to the public and our recommended option of a temporary footpath closure and diversion completely outside the working area would therefore be the ideal solution and should be the first choice. We have no objection to the public seeing the work in progress but do require a working area free from public access. Should a requirement to maintain this footpath during the construction period be confirmed then some form of controlled crossing may be possible but in our view this would introduce risks that otherwise could be eliminated.

9. *The land in the valley is likely to be flooded for up to 35 hours (ES Para 9.5.2) and the effect of this are not thought to be severe. Indeed some flooding can regularly affect the trees near the river now. However there are many small trees and hedgerows which, with the scheme in operation, could be virtually submerged for all or part of this time. The Parish Council would appreciate assurance that this would not affect their health and leave a landscape of dead or feeble trees. If this assurance cannot be given the Council would wish to know what mitigation is proposed.*

Response: The effects on trees from inundation have been considered and will be mitigated appropriately. Any tree/hedgerow that is required to be removed during construction will be replaced with a higher ratio of native species to compensate for the loss. Other improvements to the environment are also proposed such as wetland, reedbeds, fencing and planting of native species along the river corridor.

Any loss that is sustained during operation of the asset will be mitigated appropriately with replacement/repair at the time and will form part of legal agreements developed with individual landowners.

26. Following receipt of this information the Parish Council have confirmed that they are content with the assurances given and are happy that the development should proceed.

### **Neighbours' concerns**

27. As set out above one letter of objection has been received however there is no permanent access from Lydiate Lane proposed which is the basis of the objection received.
28. Two comments have been received not directly objecting to the scheme but raising concerns. Some of the concerns raised were from a land owner and as a number of the concerns were in respect of facilitating the development the applicants have met with the adjacent land owner to discuss the concerns raised and responded as follows:
- *The removal of all or part of my mature hedgerow/property boundary to assist traffic movements on site.* The resident was satisfied that we have minimised the removal required and planned to replant with a native species on completion.
  - *The possible removal of one mature sycamore tree (one of only two mature trees on my land) to assist traffic movements.* No trees are identified for removal. Some tree limbs may need to be pruned which the resident was satisfied with.
  - *Access/egress onto Southport road at an accident hot-spot.* Details of proposed mitigation are included the Design and Access statement and will be developed further in the Site Management Plan produced by the Contractor.
  - *Litter and mud brought onto the road.* The contractor will address these issues in their Site Management Plan

- *Daily Traffic volumes once work begins have not been made clear.* Volumes have been estimated in the ES
- *Times the site will operate from and to have not been made clear.* Working hours have been identified in the ES as restricted to 0800-1800 Monday to Friday and 0830-1330 Saturday, with no noisy works on a Sunday or Public Holidays, or by prior agreement with CBC. Work on Sundays or Bank Holidays will be avoided, except in emergencies.
- *Compensation for impact to property and use during project.* This is now being progressed with the residents appointed land agent

29. The Environment Agency will continue to liaise with the adjacent land owner through his appointed land agent.

### **Proposed Scheme**

30. Alternative options have been considered by the applicants which include:

- **DO NOTHING:** discounted as would lead to an unacceptable increase in flood risk over time.
- **DO MINIMUM:** The present standard of flood risk management to Croston would generally be maintained, although the actual standard of flood risk management may reduce over time due to the effects of climate change. This option would not address surface water flooding.
- **YARROW FLOW DIVERSION:** Divert flood flow over a new weir onto Croston Moss and build new channels to transfer this water to Croston and Mawdesley pumping stations which would pump it into the River Douglas. This option will not lower river levels enough to allow free drainage of surface water through the village.
- **SURFACE WATER PUMPING:** This would involve raising and replacing existing flood defences, building new defences and then pumping surface water over these into the River Yarrow. This option will achieve the target reduction in flood risk.
- **TEMPORARY FLOOD STORAGE UPSTREAM OF ECCLESTON BRIDGE:** This option will also achieve the target reduction in flood risk and is significantly more affordable to build and maintain than the Surface Water Pumping option.

31. The Environment Agency has chosen to pursue the temporary flood storage solution which will comprise of the following elements:

- **Earth embankment-**The earth embankment will be approximately 535m long, up to 45m wide, and up to 4.5m high at the river but reducing relative to ground level until it joins the valley sides. It will be covered in grass, which will overlie concrete reinforcement along 125m of the embankment where flood water can overtop it (the "spillway"), and for an access track on its crest.
- **New permanent access road-**There will be a gravel access track, which will continue around the embankment alongside stock-proof hedging and fencing.
- **Realignment of the River Yarrow-** A new section of river approximately 140m long will be dug to pass through a new culvert under the embankment. About 134m of the existing river will be in-filled for safety, but 70m will be kept as a backwater habitat.
- **Culvert with control gates and ancillary infrastructure-** The new concrete culvert through the embankment will be approximately 5m wide by 2.5m high and 34m long. The entrance and exit will be clad with brick. The culvert will contain a movable flow control structure which will shut when water depth in Croston reaches a trigger level. This will need a brick clad control kiosk on top of the embankment.
- **Five concrete poles** some 5m tall will be set into the riverbed upstream to trap any large debris during a flood event.
- **Two new drainage channels** will be dug on the floodplain to extend existing drains.
- **Two borrow pits:** approximately 40,520m<sup>3</sup> of material will be excavated from borrow pit 1 to the south of the River Yarrow and approximately 7,050m<sup>3</sup> will be excavated from borrow pit 2 to the north of the river.
- **Temporary construction compound:** approximately 0.3ha of land is required for the compound.

32. The scheme works by storing floodwater on agricultural land upstream of the village and limiting forward flows so that fluvial flows remain within the capacity of the river channel. An earth

embankment will be built across the shallow valley containing the River Yarrow and a concrete box culvert will carry the river through the embankment.

33. At the upstream end of the culvert two control gates (penstocks) will be mounted on a flow control structure. These will be operated independently by electric actuators and will be controlled by water levels monitored in the village.
34. The design philosophy is to maximise the forward flow from the storage area whilst not exceeding channel capacity in the village. The penstocks will normally be fully open and at the onset of a flood event, flows will pass unrestricted through the culvert. As river levels rise in the village they will be monitored electronically and at a pre-set trigger level the penstocks will be closed to start impounding water in the storage area. The triggers to which the penstocks are closed will depend on flows from Syd Brook and the other downstream tributaries. Water levels in the village will be continuously monitored and as they reduce, the penstocks will be opened gradually to release more water from the storage area. Operation of the scheme in this way will allow more efficient use of the storage area than operation by allowing a fixed flow through the culvert.

### **Proposed Construction**

35. The provisional location of the main compound is on land approximately 100m to the south of Roemoor House, south of Southport Road (A581). It will be the main site office including single storey cabins and welfare facilities and will also be used for material storage. The compound will be surrounded by hoarding (the height of which will be controlled by condition) to reduce any potential visual impacts for nearby residents and security lighting will be directed away from adjacent properties.
36. Construction access will be via a track leading south from the A581 to Roemoor House and farmyard, and then will follow a route adjacent to existing field boundaries. A one-way on-site traffic system will be designed and detailed in a traffic management plan. This will be implemented to reduce health and safety risks and potential noise impacts from reversing vehicles.
37. The existing track from the A581 Southport Road, through Roemoor farmyard, will be improved to provide a route to the working area and compound area. The track will be finished in macadam from the road junction to the yard entrance, cross the farmyard and then continue as a stone track leading to the crest of the embankment, along a route adjacent to existing field boundaries. This track will also be used for maintenance access during operation of the scheme, and would remain unfenced to avoid severing the existing field and to allow stock to graze across it.
38. A network of haul routes and temporary hard standing areas will be established across the floodplain where the embankment is to be built, to provide access to the culvert site and from the borrow pits to the fill area and storage areas. These temporary haulage routes will be constructed of stone which will be removed and the land reinstated on completion of construction.
39. It is proposed to excavate a supply of impermeable material (clay) for construction of the embankment from two borrow pits on the site. Site investigation has indicated that the material in these locations is suitable for use in the construction of the core of the embankment and sufficient material should be available to construct the embankment without the need to import clay from off site.
40. It is anticipated that material from each of the borrow pits will be excavated as a 'slice' out of the hillside with a steep rear slope, typically a gradient of 1 in 3, and a shallow gradient, representative of the adjacent land, over the rest of the excavation. It has been estimated that approximately 40,520m<sup>3</sup> of material will be excavated from borrow pit 1 to the south of the River Yarrow and approximately 7,050m<sup>3</sup> will be excavated from borrow pit 2 to the north of the river.
41. Borrow pit 2 and 2/3rd of borrow pit 1 will be restored as agricultural land, with the remainder of borrow pit 1 established as wildlife habitat, subject to landowner agreement. This will be secured by condition.

42. Likely materials that will be required to be imported to the site include steel reinforcement; ready mixed concrete; concrete culvert sections; wall cladding materials (concrete/brick); and fencing. It is possible that clay may need to be imported for embankment construction but this is considered unlikely.
43. The estimated work programme is as follows: February 2015 – Clearance works, March 2015 – Site set up, March 2015 – Main construction phase commences, March 2016 – Main construction phase complete, May 2016 – Scheme operational. The anticipated sequence of construction works is as follows:
1. Mobilise and create construction compound and access from local highway network;
  2. Footpath closure;
  3. Prepare construction access route from A581 (upgrade existing track, create layby and construct new track across farmland to construction compound, working area and borrow pits on both sides of the river;
  4. Erect temporary stock proof fencing to secure the working area;
  5. Site clearance (vegetation) of working area;
  6. Create a temporary access across the River Yarrow, approximately 10m downstream of the new channel, for movement of construction materials across the site;
  7. Strip topsoil from borrow area and footprint of the embankment and stockpile within the working area;
  8. Excavate and stockpile borrow material;
  9. Excavate new sections of drainage channels for existing un-named drains to south of the river currently running beneath the footprint of the embankment;
  10. Complete excavation of new river channel to within 10m of existing river channel at either end;
  11. Install temporary earthworks support on north bank to assist culvert installation;
  12. Commence inlet and outlet construction to permit culvert installation to commence.
  13. Install the upstream precast culvert units and continue until required length of culvert constructed;
  14. Construct outlet and inlet finishes, and control equipment;
  15. Complete excavation of new section of river channel and divert flow into culvert;
  16. Infill 134m of existing river channel from the upstream end to the bend in the existing channel beneath the embankment and associated structures;
  17. Complete earthworks and roadwork's above culvert;
  18. Complete mechanical and electrical works and commissioning;
  19. Reinstate for return to pasture (both borrow pits) and habitat creation (borrow pit 1);
  20. Reinstate working area and undertake landscape planting and environmental mitigation.

### **Green Belt**

44. The application site is previously undeveloped agricultural land located in the Green Belt. National guidance on Green Belt is contained in Chapter 9 of the Framework which states:

*79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*80. Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not*

exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

90. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

45. The proposed development is considered to be an engineering operation in accordance with paragraph 90 of the Framework. Engineering operations are not necessarily inappropriate development within Green Belt locations providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

46. As such there are 2 considerations in respect of the proposals and the appropriateness of the development in the Green Belt as follows:

1) *Will the development preserve the openness of the Green Belt?* Whilst the test for sites such as this relates to preserving openness it is important to note that the Framework contains no specific definition of 'openness'. It is considered that there is an impact to openness simply because building/structures exist and openness generally means the absence of development. As such the engineering operations and structures in this instance do have an impact on openness.

2) *Will the development conflict with the purposes of including land in the Green Belt?* Paragraph 80 of the Framework sets out the five Green Belt purposes which the scheme is assessed against as below:

*Purpose 1 (to check the unrestricted sprawl of large built-up areas).*

The proposals are for a flood defence scheme and do not propose to extend new built development into this Green Belt.

*Purpose 2 (to prevent neighbouring towns merging into one another)*

Development of the site would not lead to the coalescence of neighbouring towns (Chorley and Standish). In respect of the neighbouring villages the development would not lead to a coalescence of neighbouring villages.

*Purpose 3 (to assist in safeguarding the countryside from encroachment;).*

The proposals involve the erection of hard engineering works within an area of previously undeveloped agricultural land so there will be an element of encroachment in conflict with this purpose.

*Purpose 4 (to preserve the setting and special character of historic towns;).*

This does not apply as the site is not located near a historical town

*Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).*

The proposed development does not involve new built residential or commercial development and as such this purpose does not apply. It is unrelated to urban regeneration initiatives as it is a bespoke response to an identified flooding problem.

47. As such it is considered that the engineering operations associated with the proposals (including the embankment, permanent access road and culvert) will impact on openness and will involve the encroachment of hard engineered operations into an area of previously undeveloped agricultural land. As such the proposal falls to be considered inappropriate development. Consequently, the tests of paragraph 88 of the Framework are engaged. In this case very special

circumstances need to be demonstrated which outweigh the harm the development will have to the Green Belt.

### **Visual Impact**

48. The proposals result in encroachment of engineered structures into the Green Belt and as such the visual impact of the development is a key consideration.

49. It has been established in case law that openness and visual impact are different concepts in terms of Green Belt Policy. However they can relate to each other and as such the visual impact is a material consideration. In *Heath & Hampsted Society v LB of Camden* [2007] EWHC 977, the difference between openness and visual impact was explained as follows:

*21. Paragraph 3.6 is concerned with the size of the replacement dwelling, not with its visual impact. There are good reasons why the relevant test for replacement dwellings in the Green Belt and Metropolitan Open Land is one of size rather than visual impact. The essential characteristic of Green Belts and Metropolitan Open Land is their openness ... The extent to which that openness is, or is not, visible from public vantage points and the extent to which a new building in the Green Belt would be visually intrusive are a separate issue...*

*The fact that a materially larger (in terms in footprint, floor space or building volume) replacement dwelling is more concealed from public view than a smaller but more prominent existing dwelling does not mean that the replacement dwelling is appropriate development in the Green Belt or Metropolitan Open Land.*

*22. The loss of openness (ie unbuilt on land) within the Green Belt or Metropolitan Open Land is of itself harmful to the underlying policy objective. If the replacement dwelling is more visually intrusive there will be further harm in addition to the harm by reason of inappropriateness, which will have to be outweighed by those special circumstances if planning permission is to be granted (paragraph 3.15 of PPG 2, above). If the materially larger replacement dwelling is less visually intrusive than the existing dwelling then that would be a factor which could be taken into consideration when deciding whether the harm by reason of inappropriateness was outweighed by very special circumstances.*

50. When interpreting paragraph 89 of the Framework the Judge in *Timmins v Gedling BC and Westerleigh Group Limited* [2014] analysed the relationship between openness and visual impact. He held inter alia:

*74. Any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities. A beautiful building is still an affront to openness, simply because it exists. The same applies to a building this is camouflaged or rendered unobtrusive by felicitous landscaping.*

51. In this case the Judge concluded that:

*78. In short it seems to me that there are three points which arise from the above analysis. First, there is a clear conceptual distinction between openness and visual impact. Secondly, it is therefore wrong in principle to arrive at a specific conclusion as to openness by reference to visual impact. Thirdly, when considering however whether a development in the Green Belt which adversely impacts upon openness can be justified by very special circumstances it is not wrong to take account of the visual impact of a development as one, inter alia, of the considerations that form part of the overall weighing exercise.*

52. As the development falls to be considered inappropriate development the landscape/visual impact of the proposed development is a key material consideration in terms of the overall balance as to whether there is harm. In this regard the application is supported by a Landscape and Visual Impacts Assessment within the Environmental Statement.

53. The application site and proposed development will be visible from the following receptors:

1. Properties along the south side of Southport Road (east of Lydiate Lane),

2. Four Winds (residential property)
  3. Billinge Farm (residential property)
  4. East side of Lydiate Lane in Ulnes Walton
  5. West side of Lydiate Lane
  6. The Mill Race (residential property)
  7. Southern edge of Shaw Green
  8. Old Shaw Green Farmhouse (listed dwelling)
  9. North side of Towngate, Woodcock Fold and Parr Lane in Eccleston
  10. Hilton House (residential property)
  11. Bradley Hall Farm and setting (scheduled monument)
  12. Pedestrians on public footpaths within the study area have open views across agricultural land from paths crossing adjacent fields. The closest views of the river itself are seen from PRoW 9-13-FP8; PRoW 9-14-FP12; and PRoW 9-14-FP11 north of the river which follow the corridor of the River Yarrow between Lydiate Lane and Old Shaw Green.
  13. Transient views from Eccleston Bridge and open elevated views from a section of Dawbers Lane west of Shaw Green, where roadside hedgerows are clipped to around one metre in height.
54. Mitigation measures are proposed including protection of existing features during site clearance and construction and mitigation of scheme proposals and landscape elements lost to the development. The scheme has been assessed by the Council's Parks and Open Spaces Officer who has confirmed that the landscape and visual assessment has been undertaken in accordance with the latest guidance and a 'zone of visual influence' (ZVI) around the proposed development has been defined based on site observations and desk study analysis. The ZVI has formed the basis of the assessment study area.
55. The Officer considers that the extent of the zone of visual influence and the landscape and visual assessment study area is appropriate to the scale and potential visibility of the proposed development.
56. The landscape and visual assessment considers the impact of the proposed development at 3 stages, construction, operation (year 1) and operation (year 15). This allows the assessment to take account of the maturation of mitigation planting by year 15.
57. The assessment is supported by a tree survey which has also been prepared to the relevant standards and is useful in the consideration of loss of existing vegetation which will be necessary during the construction works.
58. The Officer considers that the impacts assessed are a realistic picture of the actual impact which will occur which is as follows:
- Significant residual adverse impacts on landscape character are identified for the two landscape character areas most directly affected by the proposed development as the new structures which will appear alien in the context of the existing landscape setting.
  - Significant residual effects on landscape features are also identified, primarily due to the extensive clearance of vegetation which will be necessary for the proposed development.
  - Significant residual adverse impacts on visual amenity are also identified for users of PROW 9-13-FP8 and residents at 'Four Winds' which are the receptors most directly affected by the proposals.
59. The Officer initially noted that there were certain limitations to the originally submitted study, due to data not being available at the time of site assessment. However additional plans have been provided detailing the extent of tree removal required to facilitate the development along with the root protection zones. The agent for the application has confirmed that at the time of the submission the precise extent of the tree removal hadn't been confirmed. However, further assessment has taken place since the submission and the submitted plans details the full extent of the tree removal.
60. Following receipt of these plans the Council's Parks and Open Spaces Officer has confirmed that the plans show clearly the vegetation to be removed and the protection of trees to be retained.

The Officer considers that the levels of vegetation removal shown on the drawings are broadly consistent with the impact on existing vegetation set out within the originally submitted Landscape Assessment. The drawings therefore address the Officers original comments although a condition has been attached to ensure that tree removal and protection is undertaken in accordance with the submitted plans as advised by the Officer.

61. In conclusion it is considered that the adverse landscape effects caused by the loss of existing trees will be mitigated in the long term by the planting of new trees as part of the required mitigation. However the residual adverse effects on landscape character and visual amenity will not be mitigated in the long term as the embankment and associated structures will appear alien in the existing landscape context and due to the need for the embankment to be kept free of vegetation, for the operation reasons, these adverse visual and landscape character will not be mitigated to the same degree as the landscaping scheme matures.

#### ***What Constitutes Very Special Circumstances (VSCs)***

62. Firstly the answer to the question will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker, in this case the Planning Committee, acting within the "Wednesbury Principles". This stage will often be divided into two steps. The first is to determine whether any individual factor taken by itself outweighs the harm and the second is to determine whether some or all of the factors in combination outweigh the harm. There is case law that says that a number of factors, none of them "very special" when considered in isolation, may when combined together amount to very special circumstances and goes on to say that "there is no reason why a number or factors ordinary in themselves cannot combine to create something very special.
63. The weight to be given to any particular factor will be very much a matter of degree and planning judgement and something for the decision-taker.
64. There cannot be a formula for providing a ready answer to any development control question on the green belt. Neither is there any categoric way of deciding whether any particular factor is a 'very special circumstance' and the list is endless but the case must be decided on the planning balance qualitatively rather than quantitatively.
65. What is required of the decision taker above all, is a value judgement and inevitably decision takers are given wide latitude, as indeed is inherent in the entire development control regime.

#### **Green Belt Conclusion**

66. The starting point for consideration of the proposals is the development plan (Core Strategy & Adopted Local Plan), and then material considerations which include the Framework and the emerging (partially sound) local plan, and any other relevant material considerations, including the harm and the benefits that arise from the proposal.
67. The proposal constitutes inappropriate development in the green belt and to succeed it must meet the two tests in the Framework as set out above. It is accepted that there will be a greater impact on openness and the proposals conflict with one of the Green Belt purposes and as such "very special circumstances" need to be demonstrated to outweigh the implicit harm from inappropriate development in the green belt. In addition, as stated above, there is harm to landscape character of the area and visual amenity.
68. The applicant has put forward the following points in support of the proposals:
- The probability and impacts of flooding in Croston will be reduced through the implementation of the scheme.
  - The construction of a well-designed scheme will provide protection from flood risk to 438 properties (347 residential and 91 commercial properties) predicted to be at risk of flooding from the Rivers Yarrow and Lostock, and will ensure long term sustainability benefits for the local community in accordance with the principles set out in the Framework.
  - The scheme will reduce flood risk to a 1 in 100 year event.



- Section 10 of the Framework provides detailed guidance with regard to meeting the challenge of climate change, flooding and coastal change. Specifically relevant are paragraphs 100 – 103 of the section which set a test of avoiding inappropriate development in areas of risk and that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by site-specific flood risk assessments. The section and paragraphs are directly relevant to the scheme's intention to help reduce flood risk in Croston, and whilst the development would be located in Flood Risk Zones 2 and 3, a Flood Risk Assessment has been submitted alongside the application which identifies no issues with the scheme, however, there will be an increase in flood risk on agricultural land.
- This principle of development has also been reflected within the Core Strategy through Policy 29: Water Management. The policy seeks to improve water quality, water management and reduce the risk of flooding through a criteria based policy.
- Specifically relevant to the scheme are parts D, F and H [criterion d, f and h of Policy 29]. Part D relates to appraising, managing and reducing flood risk in all new developments, avoiding inappropriate development in flood risk areas particularly in Croston. It is considered the proposed scheme is directly relevant to this part of the criteria. The same also applies to Part F which seeks to manage the capacity and timing of development to avoid exceeding sewer infrastructure capacity. Part F seeks to maximise the potential of Green Infrastructure to contribute to flood relief, therefore through creating a flood storage area the scheme will also help to meet this aspect of the policy.

69. It is not considered that any one of the factors above would, of itself, constitute very special circumstances. Consequently, the question for the decision taker is whether collectively those factors combine with sufficient weight to represent the very special circumstances that would overcome the harm to the green belt by reason of the openness and other harm. To assist in the decision making process the table below of benefit/dis-benefit has been produced. The degree of weight and the impact in the balancing exercise represent the officer assessment of the proposal.

	Material Consideration	Very Special Circumstance (Green Belt Policy)	Weight to be afforded (limited/moderate/substantial)	Impact in balancing exercise (negative/neutral/positive)
<b>BENEFITS</b>				
1	Reduce the risk of flooding	<p>Strategic Objective 23 of the Adopted Core Strategy seeks to manage flood risk and the impacts of flooding especially adjoining the River Ribble and at Croston which this scheme directly relates to</p> <p>Policy 29 of the Core Strategy seeks to reduce the risk of flooding by:  (d) Appraising, managing and reducing flood risk in all new developments, avoiding inappropriate development in flood risk areas particularly in Croston, Penwortham, Walton-le-Dale and southwest Preston;  (f) Managing the capacity and timing of development to avoid exceeding sewer infrastructure capacity;  (h) Seeking to maximise the potential of Green Infrastructure to contribute to flood relief.</p> <p>It is considered that the scheme will assist in reducing river flooding, will address surface water flooding on the area and involves a green earth mound which seeks to contribute to flood relief</p>	Substantial	Positive
2	Address climate change	<p>Chapter 10 of the Framework requires Local Plans to be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards.</p> <p>This scheme seeks to manage flood risk from both rivers and surface water in accordance with the aspirations of the Framework. The scheme is designed to adapt to climate change.</p>	Substantial	Positive
3	Landscaping/habitat creation	New habitats will be created and the areas will be managed which will result in	Moderate	Positive

	and management plan including removal of invasive species	a benefit to biodiversity. There will also be the introduction of new wetland within the footprint of the southern borrow pit to enhance habitat value of the local river valley with additional scrapes, ponds, aquatic and marginal vegetation and native scrub.		
4	Long term flood protection of Croston Conservation Area, and Listed Buildings within Croston	This will ensure that heritage assets are protected in the long term in accordance with the aspirations of the Framework	Substantial	Positive
5	Protection of road infrastructure in Croston ensuring the community does not become isolated during a flood event. Ensuring that the existing businesses can continue operating.	This will ensure that the operation of Croston can continue and reduce future maintenance and management costs which are the result flooding.	Substantial	Positive
	<b>Material Consideration</b>	<b>Concerns</b>	<b>Weight to be afforded (limited/moderate/substantial)</b>	<b>Impact in balancing exercise (negative/neutral/positive)</b>
<b>DISBENEFITS</b>				
1	Inappropriate development in the Green Belt	The proposals are inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt	Substantial	Negative
2	Impact on openness	It has been concluded that the proposals will impact on the openness of the Green Belt in the short term during construction however in the long term the impact is reduced.	Substantial (in the short term). Limited (in the long term when the scheme is completed)	Negative
3	Purposes of the Green Belt	It has been concluded that the proposals conflict with the purposes of the	Substantial	Negative

		Green Belt by encroaching into open land. Substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.		
4	Visual impact- new structure	The two landscape character areas most directly affected by the proposed development as the new structures which will appear alien in the context of the existing landscape setting.	Substantial	Negative
5	Visual impact- vegetation clearance	Extensive clearance of vegetation which will be necessary for the proposed development.	Moderate (in the short term). Limited (in the long term when the replacement planting matures)	Neutral
6	Visual impact- footpath users and Four Winds	Users of PROW 9-13-FP8 and residents at 'Four Winds' which are the receptors most directly affected by the proposals.	Substantial	Negative
7	Loss of 3 hectares of agricultural land	The permanent construction on site will result in the loss of pasture land however the embankment will be reseeded and accessible for sheep grazing reducing permanent land take	Moderate	Neutral
8	Temporary closure of PROW 9-13 FP8	To enable the construction a section of the footpath will need to be closed however this impact is only for the limited period during the construction phase. There are alternative routes available and continuous access to the river will be maintained.	Moderate (in the short term). Limited in the long term (a footpath diversion is proposed)	Neutral
9	Permanent loss of existing vegetation cover	To accommodate permanent elements of the scheme vegetation will be lost however this will be mitigated for by replacement tree planting	Significant (in the short term). Limited in the long	Neutral

			term (when the mitigation is secured and matures)	
10	Potential impacts on water quality	Due to construction activities in proximity to River Yarrow and disturbance of sediment during in-channel works.	Moderate	Neutral
11	Increased number of HGV vehicles	This is a result of the proposed construction works increasing traffic flows on an unadopted road. However the impact will be mitigated by the implementation of traffic management measures.	Moderate (in the short term). Limited in the long term (there will be very few vehicle movements following the construction stage)	Neutral

70. The topography of the site and the fact that the embankment will be grassed ensures that once the scheme is completed the impact on the openness of the Green Belt is significantly reduced. It is not considered that the completed development will have a significant impact on the openness of the Green Belt and the land will remain open in nature. This is demonstrated in the following photomontages, which detail the completed scheme for 2 different view points and demonstrate the limited impact of the scheme when complete:



71. However this does not alter the fact that the development represents inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is particularly pertinent in this case as the hard engineering part of the scheme which will be visible in the surrounding landscape (the culvert, spillway, kiosk and railings shown on the above photomontages) from a visual impact perspective will have a significant impact by creating an 'alien' feature within the landscape resulting in a change to the landscape character of the area.

72. In the case of the proposals it is considered that the fact that the proposals will:

- assist in managing flood risk and reduce the potential for flooding in accordance with the Core Strategy Strategic Objective 23
- Assist in meeting the objectives of Policy 29 of the Core Strategy.
- Are in accordance with one of the core planning principles set out within the Framework (which seeks to mitigate and adapt to climate change taking full account of flood risk, coastal change and water supply and demand considerations)

amounts to very special circumstances and the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by these very special circumstances in accordance with guidance contained within the Framework.

### **Traffic and Transport**

73. The existing access point, where there is already an access track in place on the southern arm of the Southport Road (A581) / Leyland Lane (B5253) roundabout, will be utilised. The access track is not an adopted highway and is currently privately maintained.
74. This preferred option results in a single point of entry and egress from the site and limits the impact as it reduces the need for construction traffic to navigate through Ecclestone or the Southport Road (A581) / Lydiat Lane (B5250) corridors.
75. It is intended to implement a Construction Management Plan as part of the construction phase which will include an access strategy for construction vehicles accessing the site. As part of the submission information it was identified that the preferred option was the following route: via route N1 (via M65 J1a, Lostock Hall, Farrington Moss and Leyland Lane (B5253)). This will mean construction traffic exiting the M6 at junction 28 (this avoids construction traffic travelling through Ecclestone Village which would be the result if the vehicles exited at Junction 27). This route was chosen as it is relatively short distance and ensures that traffic makes a 'straight ahead' movement at the Southport Road (A581) / Leyland Lane (B5253) roundabout. This avoids the need for vehicles to manoeuvre through 90 degree turns either east or west onto Southport Road (A581).
76. However as discussed at the Member presentation in December 2014 there were queries about why the route didn't exit the motorway at junction 29 which would take the traffic away from the busy junction at Clayton le Woods. The Environment Agency have considered this issue and confirmed that they will instruct the contractor to direct deliveries to use Junction 29 as the primary route for HGV traffic coming off the motorway and to limit the use of Junction 28 to an absolute minimum.
77. Given the nature of the development, the greatest impact on traffic and transport in the area will be at the construction phase as there will be an increased number of Heavy Good Vehicles (HGVs) and traffic associated with construction related staff. A Transport Assessment (TA) has been carried out and submitted in support of the application. This assessment considers 2 scenarios to estimate the main vehicular impacts as follows:
- 1) Scenario one 'no material import':
    - A maximum daily trip level of 68 vehicle movements; and
    - A maximum hourly number of trips of 9 vehicle movements.
  - 2) Scenario two '20,000 cubic metres' material import:
    - A maximum daily trip level of 108 vehicle movements; and
    - A maximum hourly number of trips of 12 vehicle movements.
78. As set out above the scheme includes 2 borrow pits which are intended to be the source of the materials for the construction of the embankment reducing the need to import material onto the site. Approximately 47,570m<sup>3</sup> of material for the construction works will be attained onsite however, there will still need to be some earth, clay and concrete imported to the site. The earth and clay will be delivered to site by heavy good vehicles (HGVs) and will either be stored in a storage area within the works area or deposited directly onto the embankment, depending upon requirements. Indicative stockpiling areas are detailed on the submitted plans and these areas will be restricted in height to 2.0m, secured by condition.
79. The TA has been fully assessed by LCC who have made the following comments:
80. The access track is proposed to be widened and improved. Improvement of the access track will include alteration of the existing corner radii, removal of the existing hedgerow along its western side and felling of the mature tree at its junction with Southport Road. A temporary passing place is to be provided along the access track to facilitate safe passage of vehicles. The passing place will work in the instance that opposing vehicles arrive at the site access and are wishing to exit / enter the site at the same time, one of the vehicles will be able to utilise this passing place and allow the other vehicle to pass.

Deliveries will call in advance to the banksman on site who will deal with the logistics of vehicles using the accesstrack.

81. Once construction of the development has been completed, the passing place will be removed, the hedgerow reinstated and the ditch along the track realigned. On completion of construction, the improved access track will remain for use as maintenance access during the operation of the flood storage embankment.
82. Lancashire County Council has no objection to the site being accessed from the Southport Road/Leyland Lane roundabout, assuming the Local Authority is satisfied with the applicant's arrangements for use of the private access track with the owners.
83. The Highway Engineer has however commented that while it is appreciated that the proposed access improvement includes a passing place, it is not considered that the proposed single passing place to be sited near the junction alone will be sufficient in ensuring safe passage of two vehicles from opposing directions on the access track while at the same time avoiding delays at the Southport Road/Leyland Lane roundabout.
84. In response to this comment the applicant's appointed transport planner has confirmed that the TA put forward a detailed explanation of the mechanism (in addition to the passing place) that would be put in place to manage the movement of site traffic to minimise likelihood / avoid such vehicle interactions on the access track. It is considered that this can be adequately addressed within the required Construction Traffic Management Plan (CTMP).
85. It is envisaged some earth, clay and concrete, to a volume of 20,000m<sup>3</sup> will need to be imported to site using heavy good vehicles (HGVs) The haulage route involves HGVs travelling from the M65 J1a, turning onto South Ribble Way, then to Lostock Lane, Farrington Road, Flensburg Way, Schleswig Way, Leyland Lane and then crossing over the A581 Southport Road/ B5253 Leyland Lane roundabout onto the site access track. The applicant's main reasons for using this route are, so that mitigation measures can be focused on a defined single access route and the fact that the route supports a 'straight ahead' only movement at the A581 Southport Road/B5253 Leyland Lane roundabout.
86. According to the applicant's estimates, the haulage of 20,000m<sup>3</sup> will generate 108 vehicle movements a day. This comprises 50 HGV movements and 58 light goods vehicle movements during the construction stage of the development. This amounts to 12 vehicle movements per hour, which broken down further equates to a vehicle movement every 5 minutes.
87. The normal practice for establishing trips associated with a development is for the applicant to conduct surveys to establish trip rates (the number of traffic/people movements in and out of the development) and then use recommended national standard such as Trip Rate Information Computer System (TRICS) to analyse the trip to be generated by the site and how it would be distributed on the highway network.
88. The applicant has not undertaken this procedure but instead made assumptions based on 'first principle' to estimate the impact of trips. It is established that obtaining an accurate comparison is not always straightforward, especially for atypical developments which is the case here. In these instances it is recommended that, unless there is a clear valid comparable situation, the assessment trips should be constructed from first principles based on a detailed analysis of the daily operation of the proposed development.
89. It is not considered that the TRICS database offers information of the type needed to reflect the operation of the site and as such the first principles analysis therefore provides a most likely assessment bespoke to the likely construction of the site
90. Notwithstanding the analysis undertaken the Highway Engineer considers that, notwithstanding that fact that the trips to be generated by the development would result in higher flows on the surrounding highway network, the impact might not be as severe as to



warrant any more detailed analysis than provided in the TA. It is indicated in the Design and Access Statement that construction activities would be timed, in terms of avoiding deliveries at peak travel times, to avoid significant adverse impacts on the local community. The Engineer has commented that it is not clear if this includes timing in relation to material haulage to site, however, to reduce the traffic impact on the highway network, the Engineer considers that the applicant should establish peak hours for traffic on the haulage routes and avoid material haulage during these hours. This can be addressed within the Construction Traffic Management Plan.

91. Once the scheme becomes operational, there will be no need for deliveries and permanent staffing on site. As such, vehicular trips to the site will be minimal as only vehicles associated with the maintenance of the flood storage embankment and its components will be required. The submission information estimates that visits for maintenance purposes will be on a scale of 1 visit per week and an annual inspection of the embankment structure and its components. The weekly visits will be by a vehicle capable of removing any collected debris, but smaller than HGVs to be used during the construction stage, while the annual inspection will be undertaken using light vehicles for transport of the inspection team. It is anticipated that the traffic impact in relation to the operation of the flood storage embankment will be minimal.
92. The Highway Engineer agrees that there would be minimal traffic impact during the operation of the scheme and the applicant's proposal to re-consult the County Council in case of a need for significant maintenance seems a reasonable approach and therefore acceptable. An informative can be added in this regard.
93. The applicant has undertaken a review of traffic accidents at the junction of the proposed access and Southport Road/Leyland Lane roundabout; and that of the material haulage routes. Although various recorded traffic accidents have been noted the applicant has concluded that the reasons for the accidents were wide ranging and that there was no common identifiable cause of the accidents. The applicant stated that some of the accidents occurred before the 5 years period normally used as the reference point for assessing the need for impact mitigation.
94. Regarding the junction of the site access with the Southport Road/Leyland Lane, the applicant noted the occurrence of 8 traffic collisions, but considered that there are no existing safety issues as the accidents have occurred before the 5 year period.
95. The Highway Engineer has noted that 5 recorded Personal Injury accidents occurred at the roundabout within the past 5 years. In addition, 2 accidents occurred within 100m of the roundabout each in the direction of Southport Road and Dawbers Lane. One of the accidents at the roundabout occurred as recently as July 2014 involving a cyclist and a vehicle and was recorded as serious.
96. The Highway Engineer therefore disagrees with the applicant that there are no existing safety issues at the roundabout. The Highway Engineer is concerned that no specific measures have been proposed towards mitigation at the roundabout (the site access). The TA states that any mitigation measures at the site access will only form part of the Construction Traffic Management Plan (CTMP) within the overall mitigation strategy to be adopted.
97. The Highway Engineer considers that the applicant's non-inclusion of a suitable solution within the proposal to ameliorate traffic incidents at the roundabout risks exacerbating the seemingly poor accident record at the Southport Road/Leyland Lane roundabout when development commences. Therefore, the applicant's mitigation measures within the CTMP relating to the roundabout will be critically examined to ensure that the proposed development does not lead to a surge in the rate of traffic accidents at the roundabout. One possible solution may be to include a temporary traffic light solution. This however can be addressed by condition.

98. The CTMP is to include a Travel Plan with measures to encourage sustainable modes travelling to the site by staff and visitors. The measures within the CTMP must be agreed with the Highway Authority prior to implementation. A suitable condition should therefore be attached to the approval for submission of the CTMP.
99. The applicant's proposed traffic management measures in relation to the haulage routes are noted, however, this should essentially form part of the CTMP.
100. Given that the site access track is single lane, the applicant should consider whether the proposed passing place should not be made a permanent feature for the benefit of the operation of the FRMS and the frontages along the access. However following the completion of the development traffic generation along the Lane will be low and as such it is not considered that a passing place is essential in the long term. Removal of this feature will assist in reinstating the rural character of this Lane and will be secured by condition.
101. It is noted that provision will be made in the CTMP for vehicle wheel washing to prevent dirt, dust, mud and debris from being carried from the site onto the highway. However, given the existing condition of the access track, the Highway Engineer does not consider that this measure alone will be sufficient in preventing debris being carried onto the main roads. Therefore, despite the TA proposing tarmacing the access track after construction of the development, the Engineer has requested that a suitable condition is attached to the approval to enable 10 metres of the access track from its junction with Southport Road to be paved in an approved material prior to commencement of development.
102. However, the proposed sequence of engineering operations identifies that the access road will be upgraded early on within the proposed sequence of activities at the site including creating a layby. This will be controlled via a separate condition to the CTMP condition.
103. The CTMP referred to in several of the paragraphs above will cover the following items:
- the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - full details including the height, materials and maintenance of the security hoarding (the site compound shall not exceed an area of 0.3 hectares)
  - The timing of deliveries to the site (to ensure that deliveries avoid peak travel movements on the surrounding road networks)
  - Mitigation/ measures to improve the site access
  - Traffic managements measures (including the one way system within the site)
  - Road condition surveys (including the surrounding construction transport routes)
  - Travel Plan
  - Wheel washing facilities to be sited at the entrance/exit of the farm yard
  - Full details, including details of motion sensors, of the security lighting
104. The applicant's proposal regarding the assessment of the condition of roads associated with the development before and after construction does not appear to have gone far enough. It is only concentrated on the site access track, which is not a true representation of the highway network area covered by the proposed development. The condition of the material haulage routes, particularly around the waiting areas identified for use during the material transport should be assessed prior to commencement and on completion of construction with the view to remedying any damage caused. The details of this should form part of the CTMP as indicated by the applicant, but should essentially be conducted jointly by the Highway Authority and the applicant and can be addressed by the CTMP condition.

### **Public Rights of Way**

105. There are several rights of way within the vicinity of the site as follows:
- Footpath from Lydiate Lane to Billinge Wood (9-13 FP8 / 9-14 FP12);
  - Footpath from Billinge Wood north across Culbeck Brook (9-13 FP8 / 9- 14 FP15); and
  - Footpath from Eccleston to Church of the Blessed Mary (9-13 FP7).
106. For safety reasons, during construction this will involve the temporary closure of 9-13 FP8. Once the development is operational, the footpath will be reinstated and diverted across the top of the existing embankment as shown below by the pink and purple dotted lines:



107. Additionally as the proposals will create a temporary water storage area during periods of heavy rainfall footpaths may become flooded and as such unusable. In this case signs will be erected warning footpath users of potential issues further along the routes. Whilst the loss of a continuous route is a negative impact of the scheme continuous access will be maintained for the majority of the time and it is considered that during periods of heavy rainfall use of these routes will be significantly reduced anyway.
108. The Highway Engineer at LCC has considered the Public Rights of Way and made the following comments:
109. The above measures including appropriate signage seem acceptable although the Engineer has confirmed that it is the responsibility of the applicant to ensure that the PROW (FP8) is temporarily closed following the appropriate legal procedures. It is also the responsibility of the applicant to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way.
110. The Engineer has also advised that objections may be raised to the diversion and the applicant is advised to contact the Lancashire County Council Public Rights of Way section early in advance of commencement of development to discuss the modalities with regard to the temporary closure and the subsequent diversion of the PROW. The applicant is also advised to liaise with the Lancashire County Council's Countryside Services early to ensure that the signage to be provided and erected in relation to the temporary closure and diversion of the PROW and the public flood warning signs are sympathetic to the countryside environment.

### **Agricultural Land**

111. Policy 31 of the Core Strategy seeks to protect the best and most versatile agricultural land, (Grades 1, 2 and 3a) that occurs in the west of Central Lancashire when considering both agricultural and other forms of development to avoid irreversible damage to, and instead achieve the full potential, of the soil. The scheme falls in Grade 2 and 3a agricultural land which Policy 31 seeks to protect. During the construction of the embankment, the associated working area will cover approximately 23ha of Grade 2 and 3a agricultural land. This includes the proposed borrow pits covering an area of 0.7ha (north borrow pit) and 3.0ha (south borrow pit) of Grade 2 and 3a agricultural land.

112. During operation of the scheme the area of land covered by the embankment and associated access routes will cover approximately 3ha of Grade 3 agricultural land. The applicants have assumed this land is Grade 3a (high value) land and it is expected to result in a minor adverse impact.
113. The northern borrow pit (0.7ha) and approximately 2ha of the southern borrow pit will be reinstated to agricultural land. The remaining 1ha of the southern borrow pit will be reinstated as a wetland habitat to mitigate the loss of river channel habitat beneath the embankment. The reinstated borrow areas will result in a negligible impact, whilst the minor loss of agricultural land within the southern borrow pit area is considered to give rise to a minor positive impact as a result of habitat creation.
114. The footprint of the development has been designed to be kept to a minimum and although 23ha of agriculture land will be temporarily unavailable for use during the construction of the development when the development becomes operational the impact is considered to be negligible.
115. Although the scheme will result in the loss of some agricultural land the majority of the land will be available following the completion of the construction and although during flood events the land will be flooded this is pasture land which regenerates a lot more quickly than cropped land. As such it is considered that the benefits of reducing flood risk downstream outweigh the loss of a small area of agricultural land.

#### **Ecological Impacts**

116. The unknown impacts on the potential effects of the development on the surrounding ecology and hydrology along with the long-term impact on the geomorphological status, fisheries and biodiversity was the reason why it was determined at EIA Screening stage that this proposal is EIA development (hence why the development is supported by a Environmental Statement).
117. The application is supported by various species surveys and habitat surveys which have been reviewed by Greater Manchester Ecology Unit (GMEU) on behalf of the Council. The Ecologist has made the following observations:
118. The ecological survey reports that have been submitted as part of the application have been prepared by suitably qualified consultants and are to appropriate and proportionate standards. No further surveys are considered to be necessary prior to determining the application.
119. The development proposal has the potential to cause some harm to a locally designated wildlife site (Lydiate Lane Grassland BHS), statutorily protected species (great crested newts, otters, badgers and bats) and habitats of local importance (trees, hedgerows, river and grassland). Significant proposals have been put forward for mitigating and compensating for these harmful effects.

#### **Legal Responsibility in respect of Protected Species**

120. Great crested newts, bats, otters, badgers, water voles and their habitats (European Protected Species) are protected under UK and European legislation and are a material consideration when determining planning applications. Further, under the Conservation of Habitats and Species Regulations 2010 which enacts the EU Habitats Directive into the UK, a licence will be required from Natural England to derogate the terms of this legislation before any work can commence with the potential to cause harm to protected species. Before a licence can be granted three tests must be satisfied. These are:
- i) That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
  - ii) That there is "no satisfactory alternative";
  - iii) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

121. In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions. All three tests must be satisfied before planning permission is granted on a site and Natural England will seek evidence from the LPA that the three tests were considered during the grant of any planning permission before agreeing to issue a license.

***Great crested newts***

122. The development will not result in any permanent losses to breeding or terrestrial habitat used by great crested newts. However there will be temporary losses of amphibian habitat during the course of the works and there is potential for the works to directly harm newts should they be present in the works area.

123. As regards the third test the Ecologist at GMEU has noted the submission of an outline method statement giving details of measures to be taken to mitigate for any potential harm to newts and to compensate for habitat loss. The Ecologist considers that providing that these measures are implemented the third test above can be satisfied and the development could be allowed to proceed without substantive harm being caused to local great crested newt populations. This can be addressed by condition.

124. Overall it is considered that the nature of the development is such when taken with the mitigation proposals to be secured by condition that the statutory duty has been met.

***Badgers***

125. Badgers have been recorded in the local area and may be affected by works. As such conditions will be attached requiring a pre-construction survey to check for any new badger setts within 100m of the proposed works and for excavations to be covered at night or by providing a means of escape to avoid injury to badgers.

***Impact on Bats***

126. It is possible that some trees with potential to support bats will be affected by the scheme, although this is a little unclear at this stage. The Ecologist is confident that because there is sufficient alternative habitat available nearby for bats, that habitat enhancement and recreation is planned and because mitigation for bats will be relatively straightforward no substantive harm will be caused to local bat populations.

127. A precautionary tree inspection will be required by condition prior to any tree works occurring.

***Impact on Otters***

128. Otters have been recorded in the area and the proposed development may affect otters. The Ecologist considers that adverse impact on otters can be avoided by the imposition of a suitable condition.

***Protection of water voles***

129. Water voles have been recorded locally and voles are mobile in their habitats. The Ecologist has recommended that precautionary surveys for water voles be carried out within the works area prior to any works commencing. This can be addressed by condition.

***Protection of nesting birds***

130. The Ecologist has advised that no vegetation clearance required by the scheme should take place during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. This can be addressed by condition.

**Legal Responsibility in respect of Protected Species Conclusion**

131. Following the Supreme Court ruling (Morge vs Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
- Is the proposal likely to result in a breach of the Habitats Regulations?
  - If so, is Natural England likely to grant a licence?
132. Natural England have been consulted on the proposals and confirmed that they have not assessed this application and associated documents for impacts on protected species. The advisor at Natural England has advised that their standing advice is a material consideration. As set out above Great Crested Newts have been recorded immediately adjacent to the construction, borrow and haulage area and as such the proposed works will need to proceed under a European Protected Species Licence (EPSL) from Natural England.
133. In such cases the Great Crested Newt standing advice confirms that a mitigation and compensation strategy should be produced which will be included within the mitigation licence application to assess how the proposals will affect the newts.
134. As set out above the Ecologist at GMEU is satisfied with the outline mitigation statement submitted in respect of Great Crested Newts and there is no reason to believe that a licence would not be issued.
135. Other protected species present on/ within the vicinity of the site include bats, otters, badgers and water voles. However the surveys undertaken consider that significant impacts on these species are unlikely within the footprint of the proposed scheme. Precautionary surveys are recommended which can be addressed by condition. Whilst the results of these surveys may necessitate a Natural England licence at this stage it is not considered that the scheme will result in a breach of the Habitats Regulations in respect of these species.
136. Following the high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) 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:
- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
  - (b) there must be no satisfactory alternative and
  - (c) favourable conservation status of the species must be maintained.
137. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
138. As set out above the Ecologist at GMEU considers that a favourable conservation status of the protected species will be maintained which satisfies the third test.
139. In respect of the first two tests, which are essentially 'land-use planning' tests and need to be considered by the Local Planning Authority, it is considered that reducing flood risk to the residents of Croston is within the public interest and alternative options have been considered by the applicant, including doing nothing, which have been discounted for the reasons set out above. As such it is considered that the proposals satisfy the three tests and the ecological impacts of the scheme can be satisfactorily addressed via condition/ Natural England licence.

### **Other Ecological Impacts**

#### ***Impact on Local Wildlife Site (Lydiate Lane BHS)***

140. The Ecologist initially recommended that in case indirect harm to the BHS does result from the scheme, that areas for potential grassland enhancement / creation be identified at this stage. However the applicant has confirmed that the flood model has been refined and it shows no flooding of the BHS before or after the scheme. Therefore, the BHS is unlikely to be affected given the flood extent is not likely to substantially change from the current situation.

141. Following receipt of this information the Ecologist has confirmed that given the refined modelling which has been provided it can be concluded that the SBI will not be harmed by the scheme and therefore no mitigation is required

***Impact on important habitats***

142. Certain habitats that will be affected by the scheme have local nature conservation value. Although the ecologist notes the proposals for habitats enhancement and recreation he has recommended the following in the interests of protecting local nature conservation interests –

- That trees and hedgerows to be retained be properly protected during the course of works (BS5837:2012)
- That Best Practice be followed throughout works to avoid any possibility of polluting the water courses present in the works area.
- That a comprehensive long-term habitat creation and management plan be prepared for habitats to be created as part of the scheme.

143. This will all be secured by condition.

**Ecological Impacts Conclusion**

144. In conclusion the Ecologist at GMEU has no overall objections to the scheme on nature conservation grounds however there are significant nature conservation concerns that will need to be taken into account if biodiversity interests are to be properly protected and, where possible, enhanced during the course of the works.

145. In addition to the above recommendation the Ecologist has further recommended, the following which will be addressed by condition:

- That a comprehensive over-arching Environmental Construction Method Statement (ECMS) be prepared to inform the development. The ECMS should incorporate all of the measures to be implemented to protect important species and habitats during the course of the works.
- That an Environmental Clerk of Works (or Environmental Manager) be appointed to oversee the works to ensure that all of the required ecological avoidance, mitigation and compensation measures are implemented in full and in a co-ordinated and coherent way, in line with the requirements of the ECMS and any other mitigation proposals.

146. As part of the Environment Agencies tender package which is supplied to contractors tendering for the construction of the scheme an Environmental Action Plan (EAP) has been produced. The EAP summarises the actions required to implement the environmental mitigation and outcomes of the proposed works, contained within the Environmental Statement. During the preparation of the EAP the EA has internally identified a number of further environmental mitigation measures and improvements that they want to be implemented. These are as follows:

***Water Framework Directive***

A WFD assessment has been completed that concludes that deterioration in status is unlikely provided that the stated mitigation is implemented. The scope and detail of this mitigation is currently considered insufficient to fully compensate for the scale of expected impacts on the waterbody, particularly in terms of hydrology and geomorphology. Some of the suggested mitigation is also subject to landowner agreement.

**ACTION:**

- Following landowner agreement, the final package of mitigation will be agreed with the Agency Geomorphology expert and the WFD assessment updated accordingly.
- Before construction begins, project details will be recorded on the Environment Agency's WFD compliance register.

#### *River Channel Mitigation*

The Environmental Statement identifies an adverse impact associated with the loss of 28m of natural river channel due to the straightening and culverting of the river under the flood embankment. Currently insufficient mitigation is presented to address this adverse effect.

#### ACTION:

- The principal of no net loss of aquatic habitat will be adopted in the design and the commitment to deliver recorded in the Environmental Action Plan.
- The project will compensate for the loss of river channel through the creation of new ditch habitat within the storage area of at least 28 metres.
- The design will aim to maximise biodiversity potential

#### *Protected species - Otters*

Ecology surveys have confirmed the presence of otters in the river valley. Two potential holts were identified but are not considered to be adversely affected by the maximum storage extent. The Environmental Statement concludes the impact on otters as "not significant". However, there is still the potential that the operation of the scheme will increase the risk of flooding to future holts in the valley with potential adverse consequences for individuals – especially young. In addition the construction of the embankment has the potential to deter otters from using the river to commute and bring individuals into greater risk of injury/death due to road traffic etc

#### ACTION:

- The EAP will propose mitigation to address the potential impact on otters associated with the operation of the scheme. This will include construction of an otter holt outside of the inundation area.
- Monitor mammal activity during construction. Should evidence emerge that the culvert is preventing the movement of otters along the river corridor, mitigation will include alternative routes. New fencing will incorporate mammal gates.

#### *Protected species – Great Crested Newts*

#### ACTION:

- The ponds to be created in the borrow pit location south of the embankment will be designed to be suitable for both water voles and great crested newts.

### **Fish**

147. All new river structures which are deemed to be a new barrier must comply with certain regulations. Measures have been taken at the design stage to ensure that fish passage can continue along the modified river (including the culvert) and that the scheme complies with the regulations.
148. The stretch of the River Yarrow where the scheme is being constructed is not a known spawning area for migratory salmonid species, but it is for coarse fish. The coarse fish spawning window is mid-March until mid-June and the salmonid window is 15th October through to 15th May. However, this is very much temperature dependant. The ideal time for in channel work is July to September. Within this period there will be no eggs in riffles and low summer flows.
149. A migration route will be maintained at all times and in-channel works will require measures to prevent harm to fish which may include localised electrofishing to remove fish from working areas, for example during connection of the existing and new channels.



150. The scheme has also included the provision of baffles to create areas of slack water (which is water where there is no movement either way). Continuous monitoring is needed to identify the fish species present and in what numbers on completion of the works.
151. The EAP discussed above also includes the following actions in respect of fish:
- The final design will be approved by the Environment Agency Fisheries team and the finished product tested to demonstrate that it meets the required flow conditions.
  - The culvert will include provision for future monitoring of fish movement.

### **Trees and Hedgerows**

152. The application site is currently agricultural fields characterised by mature trees and hedgerows along field boundaries. Given the extent of the development trees and hedgerows will be affected by the proposed works and as such the application is supported by a Tree Survey.
153. Trees are identified to be felled (G8, G15, T4 and T9) along with a group of sycamore, alder, birch, hawthorn, oak and willow, under the footprint of the embankment (Group G5). Further mapping of G5 has been undertaken which indicates that there are approximately 58 trees within the group however the applicant's agents do not consider that this number of trees will be felled as the mapping identifies large juveniles and other large shrubs and vegetation and as such it is considered that between 45 -50 trees is more realistic.
154. As set out above the Highway Engineer has queried tree removal along the access route. The agent for the application has confirmed that if felling is required (and not just pruning) along the access route; G1 (2 trees; sycamore & elder), H4 (a length of hedgerow containing sycamore, hazel, hawthorn and elder) and G10 (3 trees; sycamore, hawthorn and oak) will be lost. That would be 14 trees in total. However the agent has confirmed that pruning would be the preferred option and this is the expected approach.
155. Approximately 150m of hedgerow beneath the embankment footprint will also be lost.
156. To mitigate for this loss compensation is proposed in the form of the planting of native, locally occurring trees around the toe and the upstream face of the embankment.
157. The tree impact has been assessed by the Council's Tree Officer who has concluded that trees within the flood area will be affected although Billinge Wood will be less exposed to flooding so no loss of trees to accommodate the Flood Management Scheme will be required within the woodland.
158. The Officer considers that loss of mature and veteran trees should be avoided at the design stage. Tolerance of trees affected within the flood water holding area will be determined by a number of factors, soil aeration, pH, organic matter, sedimentation, age, vigour, species, and season. If water is to be held within the flood storage area for prolonged periods on a regular basis then the Officer considers that it would be advisable to remove affected trees and replant away from the affected area.
159. The proposed scheme is intended to reduce the risk of flooding to a 1 in 100 chance each year from the River Yarrow. In the event of such an event the flood water will rise up to a level of approximately 17.1mAOD within the proposed storage area and the water depth within the storage area will increase up to a maximum of approximately 4m immediate upstream of the proposed embankment.
160. It is considered that floodwater will only be stored at the site on an infrequent (20% probability in any year) and short-term timescale. Vegetation within the existing floodplain is already subjected to occasional flooding and as such it is not considered that there will be any long term damage to trees or hedgerows due to the infrequent and short term periods that flood water will be stored.

### **Flood Risk Assessment**

161. A Flood Risk Assessment (FRA) has been prepared in support of the planning application for the scheme in line with the Framework requirement for a site-specific flood risk assessment for all types of development within flood risk areas or where development in non-flood risk areas may increase the risk of flooding.
162. The FRA concludes that:
- The proposed Scheme will be constructed within Flood Zone 3; this is however accepted for flood mitigation purposes to improve community living standards;
  - The proposed storage area will alter the local hydraulics and will widen the existing flood extents purposely within the storage areas of defined location in order to provide maximum flood risk management objectives for the Croston community;
  - Flood Zone data for the undefended scenario in the wider catchment will not be changed by this Scheme, so there will be no increase in flood risk to the wider catchment. The Scheme components are being designed to minimise any residual flood risks. Adequate measures are in place to manage any residual flood risks from this Scheme.
163. This assessment has been reviewed by the Sustainable Places Team at the Environment Agency who have confirmed that they have no objection in principle to the proposed development.
164. The scheme has also been assessed by LCC's Flood Risk Management team who have made the following comments. As part of the Climate Change Policy in Chorley's emerging Local Plan there is a Core Strategic Objective SO23 to 'manage flood risk and the impacts of flooding especially at Croston.' This planning application relates to a flood alleviation scheme designed to significantly reduce flood risk to the village of Croston and is therefore in keeping with the Local Planning Policies for this area.
165. The flood risk for this proposal is limited to the flood storage area which is designed to retain a 1:100 year event. The key residual flood risk is therefore the breach or overtopping of the flood embankment during a flood event. An overflow spillway has been provided and if flows do reach Croston the flooding scenario will be much reduced when compared with current levels.
166. There is an ordinary watercourse located on the site. Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent if you want to build a culvert or structure (such as a weir) which may alter or impede the flow of water on any ordinary watercourse. In this regard Land Drainage Consent will be required from LCC.
167. The Flood Risk Management Team supports the proposed development and originally requested that a drainage strategy be submitted to and approved in writing by the Local Planning Authority however LCC have confirmed that the reference to a drainage strategy is one of their standard conditions which shouldn't have been included. As such a drainage strategy is not required.

### **Heritage**

168. Section 12 of the Framework is pertinent as are policy 16 of the Adopted Central Lancashire Core Strategy (2012) and policy BNE8 of the emerging Chorley Local Plan 2012 – 2026.
169. Within the Framework paragraph 129 states that, '*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*'

170. Paragraph 132 states, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*
171. The Adopted Central Lancashire Core Strategy (2012), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to, *'Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:*  
*a. Safeguarding heritage assets from inappropriate development that would cause harm to their significances.'*
172. The emerging Chorley Local Plan 2012 – 2026, Policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *'Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate. The enhancement of the setting of heritage assets.'*
173. English Heritage have been consulted on the proposals and they have commented that the scheme has the potential to impact on buried archaeological remains, this is addressed elsewhere within this report (please see archaeology section below) is not considered to be an issue.
174. English Heritage do not consider that the proposals will impact on the setting of highly graded heritage assets although they have commented that the impact on the setting and visual amenity of historic places needs to be considered. The proposals have been fully considered by the Council's Conservation Officer who has confirmed that the application site does not itself include any heritage assets, designated or otherwise. However it is surrounded by a number of listed buildings and scheduled monuments. The nearest of these is located over 425 metres from the site. All other designated heritage assets are located at greater distances than this from the site. Given the prevailing topography and the incidence of other buildings between these assets and the site it is considered that their significance will be sustained as a result of the proposed development.

### **Archaeology**

175. The Planning Officer (Archaeology) at LCC has considered the proposals and confirmed that the 2013 National Museums Liverpool Field Archaeology Unit Desk-Based Assessment suggested a limited potential for the proposals to encounter deposits of archaeological significance, a suggestion borne out by the results of the 2014 GSB geophysical survey which did not identify any potential archaeological features, or the 2014 Oxford Archaeology Unit Archaeological Watching Brief, which failed to encounter any archaeological deposits whilst monitoring the excavation of a number of geotechnical test pits.
176. As such it is considered that the current proposals have a low-nil potential to encounter previously unknown archaeological deposits, and that no further archaeological work is therefore necessary in advance of the determination of the application.

## **Benefits/ Negative Impacts**

177. The Scheme will reduce the risk of flooding in Croston to a 1 in 100 chance of happening each year from the River Yarrow. This will give rise to major beneficial effects for the village. However there are negatives impacts associated with the scheme, particularly during the construction phase, which need to be taken into account along with the clear benefits of the scheme which can be summarised as follows:

### Construction Phase

- Loss of agricultural land (23ha) in the vicinity of the upstream storage area during construction due to the extent of the working area and access requirements.
- Temporary closure of PRoW 9-13 FP8 across working area (and subsequently permanent diversion around the northern end of the embankment).
- Impact on landscape character within Eccleston valley due to vegetation clearance and construction operations including siting and use of the site compound and construction access for the duration of the works.
- Visual impact for residents along the valley receptors and pedestrians on public footpath 9-13-FP8 with views of vegetation clearance and construction operations for the duration of the works.
- Permanent loss of existing vegetation cover including trees, hedgerows, riverine habitat and agricultural grassland to accommodate permanent elements of the scheme.
- Potential adverse impact on undiscovered archaeological finds, although surveys have suggested a low probability of these being present. This has been confirmed by LCC Archaeology.
- Modifications to the water bodies in the working area including River Yarrow, Culbeck Brook and two un-named drains with potential damage to channel bed and banks.
- Potential impacts on water quality due to construction activities in proximity to River Yarrow and disturbance of sediment during in-channel works.
- Increased number of HGV vehicles on local road network and along site access route (north of the site) in the short-term, to be addressed through a Traffic Management Plan.

### Operation Phase

#### *Positives:*

- Increased level of flood protection and improved health and safety for local residents and businesses in Croston giving rise to a major beneficial impact.
- Long term flood protection of Croston Conservation Area, and Listed Buildings within Croston benefitting from enhanced flood protection.
- Protection of road infrastructure in Croston ensuring the community does not become isolated during a flood event. Ensuring that the existing businesses can continue operating.

#### *Negatives:*

- Permanent loss of 3ha agricultural land beneath the footprint of the embankment and associated infrastructure.
- Permanent effect on landscape character within Eccleston valley due to the height, length and man-made characteristics of the operational embankment across the valley.
- Permanent change of residential receptors' and pedestrians' views where the embankment features within their views.
- Locally-reduced floodplain connectivity downstream of the flood storage area, loss of natural river channel at the culvert, reduced stream power and therefore changes in morphological processes downstream and upstream of the culvert, and sediment deposition in the upstream river (including Culbeck Brook). However the changes are not significant at the water body scale
- Loss of continuity of river bank habitat for otter using the River Yarrow, Culbeck Brook and unnamed drains at the embankment site.
- Loss of mature trees and subsequent loss of opportunity for nesting birds at the embankment.

178. To mitigate for the impacts the following measures are proposed:
- Minimising working areas and limiting access routes to reduce temporary land take.
  - Full reinstatement of temporary construction land take including return of agricultural land used for access or borrow pit excavation to match or improve on existing condition.
  - Reinstatement of grassland with appropriate seed mixes according to land use and landowner requirements.
  - The embankment will be reseeded and accessible for sheep grazing, subject to landowner requirements, reducing permanent land take.
  - Footpath closure will be enforced for the minimum period required, together with community liaison and suitable signage.
  - Minimising vegetation clearance and protecting trees and hedgerows adjacent or in close proximity to the construction works areas including the site compound and construction access.
  - Replacement tree and scrub planting will, over time, restore the continuity of the river corridor and maintain otter and other mammal movements.
  - Replacement planting of hedgerows and/or laying, gapping up and replenishment with native species of existing hedgerows.
  - Vegetation will be removed outside the bird nesting season to reduce disturbance to breeding birds.
  - The Scheme includes provision for bat and bird boxes to mitigate for the loss of habitat whilst the replacement trees mature.
  - Visual integration of the embankment and associated structures and finishes by introduction of mitigation planting including new hedgerow and hedgerow tree planting; gapping up of existing hedgerows; native riverine scrub and tree planting.
  - Softening of embankment structural features including access tracks and hardstanding by the specification and seeding of 'Grasscrete' tracks and hardstanding areas; and topsoiling and seeding of the stilling basin.
  - Sensitive design and the use of finishes and materials
  - Introduction of new wetland within the footprint of the southern borrow pit to enhance habitat value of the local river valley with additional scrapes, ponds, aquatic and marginal vegetation and native scrub.
  - Provision of method statements for all construction activities which will be approved by an Environmental Clerk of Works (advised by other specialists as required).
  - Introduction of new planting along the river enclosed by fencing to preserve habitat and protect the banks from erosion and poaching by livestock.

#### **Referral to Secretary of State**

179. As Members are aware certain types of application need to be referred to the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 for development in the Green Belt as Green Belt which consists of or includes-

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

180. However although it is considered that the creation of the embankment and associated control structures and kiosk will alter the character of this rural area in the long term it is not considered that the creation of a grassed embankment on this site will have a significant impact on the openness of the Green Belt as the essential characteristics of this Green Belt location following the completion of the development, its openness and permanence, will be maintained. As such in this case it is not considered that referral to the Secretary of State is required.

#### **Overall Conclusion**

181. The proposals are contrary to the statutory development plan as the development represents inappropriate development within the Green Belt and will impact on the visual appearance of the area. However in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 it is considered that the fact that the scheme will assist in

managing flood risk and reduce the potential for flooding in accordance with the Core Strategy Strategic Objective 23 and will assist in meeting the objectives of Policy 29 of the Core Strategy are material considerations in favour of the proposals. The proposals are also in accordance with one of the core planning principles set out within the Framework which seeks to mitigate and adapt to climate change taking full account of flood risk, coastal change and water supply and demand considerations. As such the proposals are recommended for approval.

### Planning History

Reference	Description	Decision	Date
13/01197/SCE	Request for Screening Opinion Pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 for the Croston Flood Risk Management Project	EIA required	Jan 2014
14/00028/SCOPE	Scoping Opinion for the Environmental Statement, pursuant to Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales)	Formal scoping opinion provided	Feb 2014

## Suggested Conditions

No.	Condition																																																																					
1.	<p>The proposed development must be begun not later than three years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</p>																																																																					
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 528 1286 2024"> <thead> <tr> <th data-bbox="368 528 671 562">Title</th> <th data-bbox="671 528 1002 562">Drawing Reference</th> <th data-bbox="1002 528 1286 562">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 562 671 622">Location plan</td> <td data-bbox="671 562 1002 622">497849/500/01 Rev 0</td> <td data-bbox="1002 562 1286 622">29th September 2014</td> </tr> <tr> <td data-bbox="368 622 671 779">Figure 5-2 Location of embankment and potential 100 year flood outline</td> <td data-bbox="671 622 1002 779">475712/100/019 Rev: P0</td> <td data-bbox="1002 622 1286 779">29th September 2014</td> </tr> <tr> <td data-bbox="368 779 671 840">Figure 7.5 Mitigation plan</td> <td data-bbox="671 779 1002 840">497849/100/004 Rev 0</td> <td data-bbox="1002 779 1286 840">29th September 2014</td> </tr> <tr> <td data-bbox="368 840 671 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	Reason: For the avoidance of doubt and in the interests of proper planning		
3.	<p>Prior to any tree works commencing on any of the mature trees highlighted (detailed within the submitted Extended Phase 1 Habitat Survey (2014 Update) dated September 2014) as having potential to support bats a precautionary survey shall be undertaken to establish the presence of bats. If evidence of bats is found at any stage then a method statement shall be prepared giving details of measures to be taken to mitigate any possible harm to bats. This method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall thereafter be implemented in full.</p> <p>Reason: to avoid harm/ injury to bats and to fully mitigate against any loss of bat roosts</p>		
4.	<p>Any excavations shall be completely covered at night or a means of escape for badgers shall be provided to mitigate for potential direct injury to badgers.</p> <p>Reason: to avoid injury to badgers within the excavation works that will be undertaken.</p>		
5.	<p>No vegetation clearance/ tree removal required by the scheme shall take place during the optimum period for bird nesting (March to July inclusive) unless prior to such vegetation clearance/tree removal nesting birds have been shown to be absent by a suitably qualified person and the absence confirmed in writing by the Local Planning Authority.</p> <p>Reason: to avoid adversely impacting on nesting birds</p>		
6.	<p>Prior to the commencement of the development (including vegetation clearance) a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall incorporate all of the measures to be implemented to protect important species and habitats during the course of the works and shall include the following:</p> <ol style="list-style-type: none"> <li>a) Detailed Method Statement incorporating full details of the measures to be taken to mitigate for any possible harm to amphibians that may arise from the scheme. The Method Statement and agreed mitigation measures shall thereafter be implemented in full.</li> <li>b) A pre-construction survey to check for any new badger setts within 100m of the proposed works. If new badger setts are identified then works on site shall cease until a suitable mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved mitigation measures.</li> <li>c) A pre-construction survey to check for water voles within the works area. If water voles are identified then works on site shall cease suitable mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved mitigation measures.</li> <li>d) The following measures shall be adhered to throughout the entire construction period: <ul style="list-style-type: none"> <li>• Access along river banks (e.g. ledges) and in and out of the channel should be maintained during the course of the works to allow access through the site.</li> <li>• Pipework should be capped overnight or stored within a fenced area to prevent animals being accidentally trapped/ killed.</li> <li>• Best Practice should be adopted throughout to avoid any possible pollution of watercourses</li> </ul> </li> <li>e) Full contact details for the named person / body who will oversee the</li> </ol>		



	<p>implementation of the CEMP</p> <p>The scheme shall be undertaken fully in accordance with the approved CEMP.  <i>Reason: to ensure that biodiversity interests are protected and, where possible, enhanced during the course of the works.</i></p>
7.	<p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are known to occur on the site, including Himalayan balsam and Japanese knotweed. These species shall be eradicated from the site and working methods shall be adopted to prevent their Spread in accordance with Environment Agency guidance and codes of practice.  <i>Reason: to ensure the eradication and control of any invasive species which are found on the site</i></p>
8.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include the identification of all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted (to mitigate for the tree loss resultant from the development), their distribution on site, those areas to be seeded. The scheme shall include a landscaping/habitat creation and management plan which shall identify measures that contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within 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.</p> <p><i>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i></p>
9.	<p>During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.  <i>Reason: To safeguard the trees to be retained</i></p>
10.	<p>The development hereby permitted shall be carried out in accordance with the approved site clearance plans (ref: 497849/100/131, 497849/100/132 Rev T0 and 497849/100/133 Rev T0 received 9th December 2014) in respect of tree removal and tree protection areas.</p> <p>Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting (on a ratio of 5 replacement trees for every tree lost) shall have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Before any tree felling is carried out full details (including number and location) of the bat and bird boxes shall have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The replacement tree planting shall be carried out and the bat and bird boxes shall thereafter be installed in accordance with the approved details within nine months of the tree felling.</p>

	Reason: To safeguard the visual amenity of the area and to mitigate for the loss of bird and bat habitat whilst the replacement trees mature
11.	<p>Prior to the commencement of the development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall accord with the details set out within the submitted Transport Assessment and in particular shall, amongst the other elements, include:</p> <ul style="list-style-type: none"> <li>• the parking of vehicles of site operatives and visitors</li> <li>• loading and unloading of plant and materials</li> <li>• storage of plant and materials used in constructing the development</li> <li>• full details including the height, materials and maintenance of the security hoarding (the site compound shall not exceed an area of 0.3 hectares)</li> <li>• The timing of deliveries to the site (to ensure that deliveries avoid peak travel movements on the surrounding road networks)</li> <li>• Mitigation/ measures to improve the site access</li> <li>• Traffic managements measures (including the one way system within the site)</li> <li>• Road condition surveys (including the surrounding construction transport routes)</li> <li>• Travel Plan</li> <li>• Wheel washing facilities to be sited at the entrance/exit of the farm yard</li> <li>• Full details, including details of motion sensors, of the security lighting</li> </ul> <p><i>Reason: The development thereafter shall be undertaken in accordance with the approved plan</i></p>
12.	<p>The soil/ earth stockpiling areas associated with the proposed construction of the embankment, detailed on plans ref: 497849/500/01, 497849/500/03 and 497849/500/05, shall be maintained at a height no greater than 2 metres above ground level. Within 12 months of the completion of the development all surplus earth/ soil shall be removed from these areas and the land restored to its former condition.</p> <p>Reason: in the interests of the visual amenities of the area and due to the fact that these areas are only necessary during the construction phase of the development.</p>
13.	<p>The construction works, deliveries associated with the development and any development of the site hereby permitted shall not take place except between the hours of:</p> <ul style="list-style-type: none"> <li>• 0800 hrs to 1800 hrs Monday to Friday</li> <li>• 0830 hrs to 1330 hrs on Saturdays.</li> </ul> <p>No construction activities shall take place on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of local residents and to protect nearby noise sensitive buildings</p>
14.	<p>No works in the river shall take place between the months of July to September inclusive.</p> <p>Reason: to ensure avoidance of the works impacting on fish spawning.</p>
15.	<p>Prior to the completion of the development full details of warning signs to be erected along the footpaths shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be erected prior to the completion of the development to advise footpath users of possible footpath flooding which could result in the footpath being impassable. The signage shall be maintained in perpetuity.</p> <p>Reason: due to the nature of a temporary storage area and the lengths of footpath routes present at the site to ensure users have advanced notice of possible</p>

	blockages along the network.
16.	<p>Within 12 months of the completion of the development hereby permitted the land utilised as part of the construction phase, including the compound, borrow pit 2, 2 thirds of borrow pit 1 (the remainder of borrow pit 1 will be established as wildlife habitat), and storage areas, shall be restored to its former condition and made suitable for agricultural use. The grassland shall be reinstated with appropriate seed mixes according to land use and the newly constructed embankment shall be reseeded and made available for grazing purposes.</p> <p>Reason: a large part of the site is only required during the construction phase and thereafter the land can be returned to its agricultural use reducing the amount of land take associated with the development.</p>
17.	<p>Within 2 months of the commencement of the development full details of the replacement hedgerows and/or laying, gapping up and replenishment with native species of existing hedgerows shall be submitted to and approved in writing by the Local Planning Authority. The approved planting shall be carried out in the first planting season following the completion of the development and any hedgerows 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.</p> <p>Reason: In the interest of the appearance of the locality and to mitigate for the loss of hedgerows as a result of the approved development.</p>
18.	<p>The proposed/ upgraded access tracks hereby approved shall be constructed utilising the following materials:</p> <ul style="list-style-type: none"> <li>• The resurfaced access track from Southport Road to the farm yard shall be resurfaced in macadam from the road junction to the yard entrance. As detailed on plan reference 497849/500/02</li> <li>• The newly created access track from the edge of the farmyard to the crest of the embankment along the existing field boundaries shall be constructed out of permeable stone material. As detailed on plans reference 497849/500/02, 497849/500/03, 497849/500/04 and 497849/500/05</li> <li>• The newly created 4m wide access track around the toe north of the river and along the crest of the embankment shall be constructed out of seeded 'Grasscrete'. As detailed on plans reference 497849/500/02, 497849/500/03, 497849/500/04 and 497849/500/05</li> </ul> <p>Reason: in the interests of the visual amenities of the area and to reduce the medium to long term impact of the rural character of the area.</p>
19.	<p>Within 12 months of the completion of the development two thirds of the southern borrow pit shall be reinstated to agricultural land. A new wetland area shall be created on the remaining third, as detailed on plan reference 497849/500/013, incorporating additional scrapes, ponds, aquatic and marginal vegetation and native scrub.</p> <p>Reason: to enhance habitat value of the local river valley and to mitigate for the loss of habitats as a result of the development</p>
20.	<p>Within 6 months of the completion of the development hereby approved all of the temporary elements of the development (which are required to enable the construction of the approved development), including the temporary haul roads and site compound, shall be removed off site and the land restored to its former agricultural land status.</p> <p>Reason: in the interests of the visual amenities and character of this rural area and due to the fact that these elements are only necessary during the construction phase of the development.</p>

21.	<p>The proposed development shall be undertaken in accordance with the anticipated sequence of construction works detailed within the submission information. In particular the access route from A581 shall be upgraded (surfaced in macadam from the road junction to the yard entrance) and the layby shall be created prior to any vegetation site clearance, the creation of the temporary access across the River Yarrow or material excavation on site. The access route shall be resurfaced in accordance with plan reference 497849/500/02 and the details submitted as part of the Construction Traffic Management Plan.</p> <p>Reason: to ensure that a safe and suitable access is provided to the site and to ensure that debris is prevented from being carried onto the main roads</p>
22.	<p>Within 6 months of the completion of the development the following works to the access track (from the Southport Road junction to the farm yard entrance) shall be undertaken:</p> <ul style="list-style-type: none"> <li>• Hedgerow reinstated</li> <li>• Passing place removed</li> <li>• Ditch realigned</li> </ul> <p>The access track thereafter shall be maintained as an access route for maintenance purposes in respect of the embankment.</p> <p>Reason: in the interests of maintaining the rural character of the area and to rectify the impacts of the construction phase of the development.</p>
23.	<p>Prior to the commencement of development samples of all external bricks for the culvert hereby approved (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in accordance with the details as approved.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
24.	<p>Prior to the commencement of the stripping of any earth at the site a scheme and programme for the final restoration of the remaining agricultural land shall be submitted to and approved in writing by the Local Planning Authority. The scheme and programme shall include details of the following:</p> <ol style="list-style-type: none"> <li>a) Details of the contours of the restored land.</li> <li>b) Details for the replacement of topsoils and subsoils and their treatment to a level suitable for the proposed afteruse.</li> <li>c) Details for the seeding of the restored areas including the seed mixes to be used on different areas of the site and rates of application.</li> <li>d) Details for the restoration of the borrow pits and stockpile areas including the removal of the internal haul roads and hard standing areas and regarding of the land to the contours shown in (a) above.</li> <li>e) The measures to be undertaken to reinstate the Public Right of Way on the site</li> </ol> <p>The approved scheme and programme shall be carried out in full.</p> <p>Reason: To ensure that the land is reinstated to a suitable standard following the completion of the construction phase of the development.</p>