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Date: 23 November 2023
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Dear Iain

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257: PROPOSED DIVERSION OF PART OF FOOTPATH 0902026, GREAT KNOWLEY, CHORLEY

We act on behalf of FIREM Limited in relation to land at Botany Brow, Great Knowley.

The route of footpath 0902026 where it crosses land at Botany Bay is affected by the implementation of a planning permission for a Business Park. We therefore formally apply for part of the existing route of footpath 0902026 to be diverted to a new alignment to allow for the completion of the employment land development.

Planning Position

Planning permission 21/00439/FULMAJ was granted by Chorley Borough Council on 25th January 2023. The planning permission is for the development of land at Botany Bay, Canal Mill, Chorley PR6 9AF for the following:

“Hybrid planning application seeking detailed and outline planning permission for the development of Botany Bay Business Park comprising development of Blocks A to J (37,661 sqm GIA) as follows:

Detailed planning permission is sought for Blocks C to J (36,996 sqm GIA) for use classes E (light industry only), B2 and B8; retention and improvements to existing vehicular access into site off A674; retention of closed access into the site from the south (for emergency vehicle access only); new main and secondary circulation road; servicing and circulation yards and HGV parking; car parking; pedestrian routes; landscaping and public realm; provision and upgrading of ancillary services and infrastructure and diversion of PROW FP26; and outline planning permission (all matters reserved except for means of access) for Block A (181 sqm) for use class E (food and drink/sui generis (hot food takeaway)) and Block B (484 sqm) for use class E and related access, car parking, circulation and landscaping.”

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The existing Public Right of Way runs through the middle of proposed Building E which is a large employment unit.

The planning permission is enclosure 1 to this letter. Under the existing footpath, the affected part of the existing footpath runs across a rough area of land until recently occupied by car parking. It now forms a building site for the Business Park. The alignment of the footpath requires temporarily diverting.

The Existing Footpath

The existing footpath runs across a rough area of land until recently occupied by car parking. It now forms a building site. The alignment of the footpath requires temporarily diverting to accommodate ongoing building work. An application for a Temporary Traffic Regulation Order for this temporary diversion is being submitted to Lancashire County Council under separate cover.

Implementation of the Development

The development permitted under the planning permission is for a Business Park. The route of the public footpath is affected by part of the development which has been approved in detail. In particular the public footpath runs through the middle of business unit E on the development plan and thereafter through car-parking and ancillary areas. The development is required to be carried out in accordance with certain approved drawings as identified in condition 3 of the planning permission. Those of particular relevance are:

1. Site layout plan – 1181/02 – 001 Revision P13
2. Phasing Plan - 1181/02 – 001 Revision P12
3. Block E drawing 1181/03 – 005 - P05 Block E elevation drawings

Copies of these plans form enclosure 2 to this letter.

The alignment of a diverted public footpath route is shown on the approved phasing plan running between Blocks E and D. Development pursuant to the planning permission has already commenced and the alternative route for the public footpath shown on the phasing plan has been constructed of crushed stone and is available for public use.

Block E which affects the alignment of the footpath is partially constructed with a framework having been erected and some of the cladding installed. The building cannot be completed until such time as a permanent diversion of the footpath has been secured. Extensive works to the building remain to be carried out with cladding not having been installed along the alignment of the public footpath. The route of the public footpath running through the framework of the building remains passable and significant work under the planning permission is still required to be carried out in order to complete Block E and render it suitable for occupation. Until Block E is totally completed the footpath will remain in situ running through the building and will not be obstructed. This can be seen on the photograph at enclosure 3. Until the footpath is permanently diverted the development pursuant to the planning permission, specifically in relation to Block E, cannot be completed and the building cannot be occupied and used.

Existing Footpath Description

The existing route runs from point A on the plan adjacent to the verge of the A574 where it meets junction 8 of the M61 motorway. It runs in a southerly direction for 105m to point B where it turns eastwards running for 108m to point C and then turns back northwards running for 102m to point D. The total length of the part of the path to be diverted is 315m.

Proposed Diversion Route

The proposed diversion route starts at point A and then heads in a northerly direction running for 83m to point F. It then turns and runs in a south easterly direction to point E for a distance of 109m. At point E it joins a part of the existing Public Right of Way 0902026 running between points E and D. At point

D the diversion resumes running in an easterly direction crossing over the site access road to the canal tow path of the Leeds and Liverpool Canal. At the canal bank it turns northwards to point G; the different distance between point D and G is 95m.

The section of the Public of Right of Way that runs initially in a northerly direction and then in an easterly direction to point G is some 71m and that is proposed to be stopped up.

These routes, distances and related Ordnance Survey coordinates are shown on the plan attached at enclosure 4.

We understand the principle of the diversion has been discussed with the Public Rights of Way Officers at Lancashire County Council and agreed as was reported in the Planning Committee Report relating to the planning application. That states that the proposed diverted footpath layout accords with the request of the Lancashire County Council Public Rights of Way Officer. The County Council therefore had no objection to the planning application on the grounds of impact upon the Public Right of Way network.

The Statutory Framework and the Legal Tests

The Order is sought under Section 257 of the Town and Country Planning Act 1990 which provides that a Local Planning Authority may divert a public footpath if it is "*satisfied that it is necessary to do so in order to enable development to be carried out (a) in accordance with a planning permission granted under Part III.*"

The making of the Order and/or its confirmation is subject to a twofold test.

The first essential precondition is that the Council must satisfy itself before making the Order that there is a conflict between the Planning Permission and the continued existence along its present line of Footpath 0902026 in order to enable the development of the business park to be carried out (the Necessity Test).

The second fundamental element in the determination of whether the Order should be confirmed means balancing the respective public interests in favour of allowing the development to proceed with the disbenefit caused by diverting the footpath and reaching a conclusion whether it is appropriate for Footpath 0902026 to be diverted (the Merits Test).

The Necessity Test and its Application

In applying the Necessity Test it is important to remember that it is not for the decision maker to reassess the merits of the development for which planning permission has already been granted. The planning permission that has been granted is to be taken as given.

This proposition is based on the Court of Appeals decision in *Vasiliou -v- The Secretary of State for Transport* [1991] 61 P. and C.R. 507. Lord Justice Nichols said at page 509:

Section 209 of the Town and Country Planning Act 1971, under which the stopping up Order would be made, is solely related to highway matters; it is not concerned as to the merits of the planning permission which has already been granted. For that reason, the Secretary of State cannot agree with the Inspector's conclusion ... that the effect of the stopping up on trade must be a relevant material consideration. In his view the question of any potential loss of trade is a matter for the planning authority to take into account when considering the application for planning consent. If the Secretary of State were to take this matter into account in deciding whether or not to authorise the stopping up of the highway in question under section 209(1) then he would be usurping the planning function and acting beyond his powers.

and at 515:

A pre-requisite to an order being made under the limb of section 209 relevant for present purposes is the existence of a planning permission for the development in question. Thus, the Secretary of State for Transport's power to make a closure order arises only where the Local Planning Authority, or the Secretary of State for the Environment, has determined that there is no sound planning objection to the proposed development. I do not think that there can be any question of the Secretary of State for Transport going behind that determination. He must approach the exercise of his discretion under section 209 on the footing that that issue has been resolved in favour of the development being allowed to proceed.

Here the planning permission is a hybrid planning permission for the construction of a business park. In particular, the footprint of the large business unit E which is approved in detail sits across the line of the public footpath and would totally obstruct passage along it. Beyond the building there is conflict between the footpath and the car parking layout so neither the car park nor the building could be built out in accordance with the approved drawings and in respect of the car parking area, there would clearly be conflict between pedestrians and vehicles which would be unsafe. This can clearly be seen on the site masterplan.

It therefore follows that the detailed layout of the Business Park and particularly Block E which has been approved by the Local Planning Authority to meet planning policy and support employment needs cannot continue to be constructed and the building cannot be occupied unless the affected part Footpath 0902026 is diverted.

In summary, the planning permission for the Botany Bay Business Park is in hybrid with the construction of Building E, resulting in a very large warehouse sitting directly on the top of the line of the public footpath.

The building once completed with cladding and roofing in place and internal fittings will totally physically obstruct passage along the line of the footpath. Outside of the building the footpath will also conflict with the layout of car parking and roads resulting in a danger to users of it.

The footpath cannot be retained in its existing position because the development cannot be completed and used in accordance with the approved drawings. The approved scheme includes an alternative alignment for the public footpath.

It follows that the necessity test is satisfied.

The Merits Test

The Merits Test involves consideration of the advantages and disadvantages of confirming the Order. In doing so the reasons for the grant of planning permission and the planning merits of the scheme cannot be reopened. The planning permission has to be accepted. Instead, the public benefits of the development are to be accepted and acknowledged given the grant of planning permission. Further, as is pointed out in Circular 1/09 at paragraph 7.15, there must be *good reasons* to justify any decision not to confirm the Order. Consideration of the Merits Test requires any disadvantages flowing from the Order to be of such significance to outweigh the benefits of the development before concluding that the Order ought not to be confirmed.

As noted above, the position is based upon the Court of Appeal decision in *Vasiliou -v- The Secretary of State for Transport* [1991] 61 P and CR 507. Lord Justice Nichols went on to say at page 515:

It is on that basis that he must determine whether the disadvantages and losses, if any, flowing directly from a closure order are of such significance that he ought to refuse to make the closure order. In some instances, there will be no significant disadvantages or losses, either (a) to members of the public generally or (b) to the persons whose properties adjoin the highway being stopped up or are sufficiently near to it that, in the absence of a closure order, they could bring proceedings in respect of the proposed obstruction. In such instances the task of the Secretary of

State for Transport will be comparatively straightforward. In other cases, there will be significant disadvantages or losses under head (a) or under head (b) or under both heads. In those cases, the Secretary of State for Transport must decide whether, having regard to the nature of the proposed development, the disadvantages and losses are sufficiently serious for him to refuse to make the closure order sought. That is a matter for his judgment. In reaching his decision he will, of course, also take into account any advantages under heads (a) or (b) flowing directly from a closure order: for example, the new road layout may have highway safety advantages.

Lord Justice Nichols went on to say:

Of course, some proposed developments are of greater importance, from the planning point of view, than others. When making his road closure decision the Secretary of State for Transport will also need to take this factor into account. But here again, I do not think that this presents an insuperable difficulty. In the same way as it is not for the Secretary of State for Transport to question the merits, from the planning point of view, of the proposed development, so also it is not for him to question the degree of importance attached to the proposed development by those who granted the planning permission. The planning objective of the proposed development and the degree of importance attached to that objective by the Local Planning Authority will normally be clear. If necessary, the planning authority can state its views on these points quite shortly. Likewise, if the permission was granted by the Secretary of State for the Environment on appeal, his decision letter will normally give adequate guidance on both those points. Either way, the Secretary of State for Transport can be apprised of the views on these points of the planning authority or of the Minister who granted the planning permission. The Secretary of State for Transport will then make his decision on the road closure application on that footing. In this way there will be no question of objectors being able to go behind the views and decision of the Local Planning Authority, or of the Secretary of State for the Environment, on matters which were entrusted to them alone for decision, viz., the planning merits of the development.

Application of the Merits Test

The Central Lancashire Employments Skills Supplementary Planning document was adopted in September 2017 and relates to the relevant policies in the Core Strategy and the Local Plan as well as guidance within the National Planning Policy Framework in respect of employment development. It states that one of Central Lancashire's priorities is to encourage economic growth within the area that benefits people and businesses. It states that it seeks to:

“Increase employment opportunities by helping local businesses to improve, grow and take on more staff, help businesses to find suitable staff and suppliers, especially local ones, improve the skills of local people to enable them to take advantage of the resulting employment opportunities, help businesses already located in Central Lancashire to grow, and attract new businesses into the area.”

The proposed development creates significant investment in the Borough of Chorley and will create significant jobs both during the construction and operational phase of the development. It will therefore contribute significantly to economic growth within Chorley, supporting the provision of employment and meeting with the expectations of the Chorley Local Plan with regard to the employment allocation on the site. The socio-economic benefits of the proposal and the delivery of Local Plan policies will therefore attract very significant weight and outweigh any minor inconvenience caused by the slight diversion of the Public Right of Way.

Conclusion

In conclusion, the statutory test in Section 257 is met because the diversion of the footpath is “necessary” to implement the planning permission that has been granted. That planning permission is in detail insofar as Building E that sits astride the public footpath is concerned. The planning permission

will deliver significant socio-economic benefits, supporting employment land delivery and the aims of the Local Plan. The diversion will improve the physical quality of the route and therefore its accessibility. The diversion will have minimal impact upon the distance walked and all connections to the public highway and Public Rights of Way network will continue to be available.

In conclusion therefore, the diversion is necessary, and the benefits of the diversion far outweigh any minor inconvenience caused by it so that the statutory test is satisfied.

Yours faithfully



Gateley Legal

Encls.

ENCLOSURE 1

Planning Permission 21/00439/FULMAJ

Date: 25 January 2023
Our Ref: 21/00439/FULMAJ
Please ask for: Mr Iain Crossland

Mr John Francis
538 Newchurch Road
Rawtenstall
Rossendale
BB4 7TL

Planning Application

Dear Mr Francis,

Proposal: Hybrid planning application seeking detailed and outline planning permission for the development of Botany Bay Business Park comprising development of Blocks A to J (37,661 sqm GIA) as follows: detailed planning permission is sought for Blocks C to J (36,996 sqm GIA) for Use Classes E (light industry only), B2 and B8; retention and improvements to existing vehicular access into site off A674; retention of closed access into site from the south (for emergency vehicle access only); new main and secondary circulation roads; servicing and circulation yards and HGV parking; car parking; pedestrian routes; landscaping and public realm; provision and upgrading of ancillary services and infrastructure and diversion of PROW FP26; and outline planning permission (all matters reserved except for means of access) for Block A (181 sqm) for Use Class E (food and drink)/sui generis (hot food takeaway) and Block B (484 sqm) for Use Class E and related access, car parking, circulation and landscaping

Location: Botany Bay Canal Mill Botany Bay Chorley PR6 9AF

Reference: 21/00439/FULMAJ

Please find attached the Decision Notice in respect of the above application. The 'important notes' attached to the notice should be read carefully, they will help you to understand this decision, your rights and other things you may have to do.

Chief Planning Officer
Chorley Council

PLANNING PERMISSION

Town and Country Planning Act 1990

Applicant:

Mr Barry Williams
 FI Real Estate Management Ltd, Canal Mill, Botany Bay, Chorley

Agent:

Mr John Francis
 538 Newchurch Road, Rawtenstall, Rossendale. BB4 7TL

Application Number	Date Received
21/00439/FULMAJ	9 April 2021

The Development:

Hybrid planning application seeking detailed and outline planning permission for the development of Botany Bay Business Park comprising development of Blocks A to J (37,661 sqm GIA) as follows: detailed planning permission is sought for Blocks C to J (36,996 sqm GIA) for Use Classes E (light industry only), B2 and B8; retention and improvements to existing vehicular access into site off A674; retention of closed access into site from the south (for emergency vehicle access only); new main and secondary circulation roads; servicing and circulation yards and HGV parking; car parking; pedestrian routes; landscaping and public realm; provision and upgrading of ancillary services and infrastructure and diversion of PROW FP26; and outline planning permission (all matters reserved except for means of access) for Block A (181 sqm) for Use Class E (food and drink)/sui generis (hot food takeaway) and Block B (484 sqm) for Use Class E and related access, car parking, circulation and landscaping

Location:

Botany Bay Canal Mill Botany Bay Chorley PR6 9AF

Chorley Borough Council (the Local Planning Authority) gives notice of its decision to grant **Planning Permission** for the development, subject to the following conditions -

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.

Reason: To define the permission and in the interests of the proper development of the site.

2. The proposed development of Blocks C to J; retention and improvements to existing vehicular access into site off A674; retention of closed access into site from the south (for emergency vehicle access only); new main and secondary circulation roads; servicing and circulation yards and HGV parking; car parking; pedestrian routes; landscaping and public realm; provision and upgrading of ancillary services and infrastructure and diversion of PROW FP26 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.

3. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan	1181-02-000-REV-P03	28 March 2022
Proposed Site Plan	1181-02-001-REV-P13	28 September 2022
Proposed Site Plan (Phasing)	1181-02-001-REV-	2 November 2022

	P12	
Proposed Site Sections	1181-04-001-REV-P03	9 April 2021
Proposed Site Sections	1181-04-002-REV-P02	9 April 2021
Strategic Landscape Masterplan	10510/P22a	1 November 2021
Proposed Plans Block J	1181-03-010-REV-P04	9 April 2021
Proposed Plans Block J Mezzanine Plans	1181-03-010-REV-P04	9 April 2021
Proposed Roof Plans Block J	1181-03-010A-REV-04	9 April 2021
Proposed Plans Block C	1181-03-003-REV-P04	9 April 2021
Proposed Roof Plans Block C	1181-03-003A-REV-P02	9 April 2021
Proposed Plans Block D	1181-03-004-REV-P04	9 April 2021
Proposed Roof Plan Block E	1181-03-005A-REV-P02	9 April 2021
Proposed Plans Block F	1181-03-006-REV-P04	9 April 2021
Proposed Roof Plan Block F	1181-03-006A-REV-P03	9 April 2021
Proposed Roof Plan Block G	1181-03-007A-REV-P03	9 April 2021
Proposed Elevations Block C-C1	1181-05-003A-REV-P05	9 April 2021
Proposed Elevations Block C-C2	1181-05-003B-REV-P05	9 April 2021
Proposed Elevations Block C-C3	1181-05-003C-REV-P05	9 April 2021
Proposed Elevations Block D	1181-05-004-REV-P05	9 April 2021
Proposed Elevations Block J Sheet 1 of 2	1181-05-010-REV-P05	9 April 2021
Proposed Elevations Block J Sheet 2 of 2	1181-05-010-REV-P05	9 April 2021
Proposed Elevations Block F	1181-05-006-REV-P06	8 November 2021
Proposed Elevations Block G	1181-05-007-REV-P06	8 November 2021
Proposed Plans Block E	1181-03-005-REV-P05	28 March 2022
Proposed Elevations Block E Sheet 1 of 2	1181-05-005-REV-P07	28 March 2022
Proposed Elevations Block E Sheet 2 of 2	1181-05-005-REV-P07	28 March 2022
Proposed Elevations Block H & I	1181-05-009-REV-P08	28 September 2022
Proposed Plans Block H & I	1181-03-009-REV-P06	28 September 2022
Site Plan - Overall Key Plan Layout	21030-DPL-XX-XX-DR-E-6000	9 April 2021
Site Plan External Lighting Layout Sheet 1 of 8	21030-DPL-XX-XX-DR-E-6001	9 April 2021
Site Plan External Lighting Layout Sheet 2 of 8	21030-DPL-XX-XX-DR-E-6002	9 April 2021
Site Plan External Lighting Layout Sheet 3 of 8	21030-DPL-XX-XX-	9 April 2021

	DR-E-6003	
Site Plan External Lighting Layout Sheet 4 of 8	21030-DPL-XX-XX-DR-E-6004	9 April 2021
Site Plan External Lighting Layout Sheet 5 of 8	21030-DPL-XX-XX-DR-E-6005	9 April 2021
Site Plan External Lighting Layout Sheet 6 of 8	21030-DPL-XX-XX-DR-E-6006	9 April 2021
Site Plan External Lighting Layout Sheet 7 of 8	21030-DPL-XX-XX-DR-E-6007	9 April 2021
Site Plan External Lighting Layout Sheet 8 of 8	21030-DPL-XX-XX-DR-E-6008	9 April 2021

Reason: For the avoidance of doubt and in the interests of proper planning.

4. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping for Block A (181 sqm) and Block B (484 sqm) and related access, car parking, circulation and landscaping) must be made to the Council before the expiration of three years from the date of this permission and the development of Block A and Block B and related access, car parking, circulation and landscaping hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

5. The approved means of access to Block A and Block B hereby permitted shall be carried out in accordance with the following approved plans:

Title	Plan Ref	Received On
Location Plan	1181-02-000-REV-P03	28 March 2022
Proposed Site Plan	1181-02-001-REV-P13	28 September 2022

Reason: For the avoidance of doubt and in the interests of proper planning.

6. Prior to the erection of the superstructure of any building hereby approved samples of the associated external facing and roofing materials (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 strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

7. Prior to the erection of the superstructure of any building hereby approved, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development.

8. Prior to any development within a phase other than demolition and ground works full details of the existing and proposed ground levels and proposed finished floor levels (all relative to ground levels adjoining the site) of all buildings in that phase shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details shown on previously submitted plans(s). The development shall be carried out strictly in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

9. No goods, plant or material shall be deposited or stored in the open or displayed for sale in the open on the site.

Reason: In order to protect the amenities of the area, and to maintain adequate parking areas.

10. No development shall take place (including demolition, ground works, vegetation clearance) until a scheme for offsetting biodiversity impacts to achieve net gain shall be submitted to and approved in writing by the Local Planning Authority.

The proposed offsetting scheme shall:

- a) be based on prevailing DEFRA guidance;
- b) comply with prevailing regulatory standards and policy requirements which are in force and applicable to this site;
- c) include details of the offset requirements of the development in accordance with the current DEFRA biodiversity metric;
- d) include the identification of a receptor site or sites;
- e) include the evidence of arrangements with the relevant landowner that secures the delivery of the offsetting scheme;
- f) include a management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures);
- g) Timetable for implementation.

The biodiversity offsetting measures shall be carried out in accordance with the approved scheme and timetable.

11. A detailed scheme for the landscaping of the development and its surroundings shall be submitted prior to the first occupation of any building hereby approved. These details shall include 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, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management plan which should aim to 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.

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.

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.

12. No works to trees and shrubs or vegetation clearance shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Reason: Nesting birds are a protected species.

13. All works and ecological measures shall be carried out in accordance with the details contained in Construction Environmental Management Plan: Biodiversity by United Environmental Services Ltd dated 17th May 2022 (Ref UES03062/03) and submitted on 17 May 2022 unless otherwise agreed in writing with the local planning authority.

Reason: To protect ecologically sensitive features during construction.

14. The development hereby approved shall be carried out in full accordance with the details of on-site ecological enhancement and management and invasive species control contained in the Ecological Management Plan and Invasive Species Method Statement by United Environmental Services Ltd dated 17th May 2022 (Ref UES03062/04) and submitted on 17 May 2022 unless otherwise agreed in writing with the local planning authority.

Reason: Due to the presence of invasive plant species and to ensure on-site ecological enhancements.

15. Prior to any site clearance or soil stripping an Arboricultural Method Statement shall be submitted to and agreed in writing with the Local Planning Authority. This shall include details for the protection of all trees to be retained and details how construction works will be carried out within any Root Protection Areas of retained trees. The development shall only be carried out in accordance with the approved Arboricultural Method Statement. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the Root Protection Areas.

Reason: To safeguard the trees to be retained.

16. Prior to any development within a phase other than demolition and ground works a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, shall be submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons:

1. *To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.*
2. *To prevent deterioration of a water quality element to a lower status class in the underlying aquifer.*

17. No development shall commence other than demolition and ground works until an Employment and Skills Plan that is tailored to the development and will set out the employment skills opportunities for the construction phase of the development has been submitted to and approved by the council as Local Planning Authority (unless otherwise agreed in writing by the council). The development shall be carried out in accordance with the Employment and Skills Plan (in the interests of delivering local employment and skills training opportunities in accordance with Core Strategy Policy 15: Skills and Economic Inclusion).

Reason: In the interests of delivering local employment and skills training opportunities as per the Central Lancashire Core Strategy Policy 15: Skills and Economic Inclusion and the Central Lancashire Employment Skills Supplementary Planning Document September 2017. No Employment and Skills Plan was submitted with the application.

18. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment and surface water drainage strategy (March 2022, Ref: 2945FRA, Integra Consulting Ltd).

The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

19. No development in any phase shall commence other than demolition and ground works until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 year + 40% climate change event), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an assessment of the existing on-site culverted watercourse to be used as a discharge point to confirm that it is in sufficient condition and capacity to accept surface water runoff generated from the development. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

20. No development shall commence, other than demolition, ground works and vegetation clearance, until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the local planning authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reasons: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

21. Prior to the first use of any building hereby permitted a site specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

22. Prior to the first use of any building hereby permitted a site specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

23. Notwithstanding the plans hereby approved, details of the proposed eastern boundary treatment (including foundations, height, specification and materials) and landscape buffer zone shall first have been submitted to and agreed in writing by the Local Planning Authority. The details shall include cross sections clearly showing the relationship between the canal corridor, boundary fencing, existing hedge, proposed depth of the landscaping buffer and access road. The details shall be carried out in full accordance with the agreed details.

Reason: To ensure that the external appearance of the development is satisfactory. The boundaries adjacent to waterside developments should provide an attractive façade and poor design can affect how the waterway is perceived.

24. No development (including any site clearance) shall take place within 15m of the edge of the canal until a Risk Assessment and Method Statement (RAMS) outlining all works to be carried out adjacent to the canal has been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate how the buildings, landscaping, level changes, access roads, boundary fencing, paths and supporting infrastructure would be carried out whilst protecting the structural integrity of the canal. The details shall also

include accurate cross sections showing the works relative to the canal corridor. In addition to this demonstrate how any additional loads from the permanent or any temporary works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure. The details shall also set out how any proposed earthmoving and excavation works required in connection with the development activities would be carried out and managed to protect the canal and its users. The development shall be carried out in strict accordance with the agreed details.

Reason: Excavation, earth removal and construction works have the potential to adversely impact on the integrity of the waterway infrastructure.

25. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of archaeological work shall comprise the archaeological strip, map and recording of the sites of the ancillary mill buildings at Canal Mill.

This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists (www.archaeologists.net). The development shall be carried out in accordance with these agreed details.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

26. Prior to the commencement of development other than demolition and ground works a scheme for the phasing of the development and triggers for the delivery and completion of all individual traffic mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority and National Highways. The development shall be implemented wholly in accordance with the submitted and approved phasing plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that both the local and strategic highway networks continue to fulfil their purpose whilst, maintaining the safety for all users and to secure the proper development of the site in an orderly manner.

27. Prior to the construction of any superstructures of any building hereby approved full design details of the traffic mitigation schemes relevant to that phase, as identified in the approved phasing strategy, shall have been submitted to and approved in writing by the Local Planning Authority in consultation with Lancashire County Council and National Highways, unless otherwise agreed in writing with the Local Planning Authority.

The details to be submitted for each of the individual traffic mitigation measures shall include:

M61 Junction 8

- Signal optimisation (MOVA) is required with review as part of the s278 works and also at agreed trigger points
- Queue detectors on links
- Modernisation and performance upgrade of signal equipment and controller
- Technology to link associated signals both upstream and down stream
- CCTV to monitor operation

A674 Blackburn Rd / B6228 Blackburn Rd Signal Controlled Junction and B6229 Corridor

- LCC highways require for signal (MOVA optimisation) review to address impacts to best manage the future network with review at agreed trigger points (in line with development phasing) and white lining scheme (including Moss Lane junction)
- Scheme of measures to be delivered on this alternative route on the B5228 Blackburn Road / Blackburn Brow corridor to address impacts to best manage the future network. The scheme expected to include the following:
 - o Speed review along length (currently 40mph)
 - o Review and update existing TRO's
 - o Road marking review and refresh in vicinity of Great Knowley
 - o Speed Indicator Device (SPID) on the approach from the north
 - o Gateway on approach to Great Knowley from north including white lining, roundells and possible carriageway narrowing (links to road marking review)

- o Nearest bus stops to the PROW to be upgraded to quality bus (and shelter to be provided in the northbound direction towards Blackburn)

A674 Blackburn Road / B6229 Moss Lane priority junction

Provision of a simple scheme of measures to be delivered on this alternative route on the B5229 Moss Lane corridor to address impacts to best manage the future network. The scheme expected to include the following:

- Review of signing onto the corridor with its 7.5t weight restriction.
- Consider influencing driver behaviours by changing the carriageway treatment on the B6229 at either end such as:
 - o road marking including bar markings, or narrowing's
 - o different surface colour at junctions,
 - o raised tables.

A674 Blackburn Road / Proposed Commercial / Site Access roundabout

- Details of Modified kerblines to maintain lane discipline for circulating HGV's having regard to wingmirrors, (whole roundabout to satisfy standards) as per Drawing TPMA1498-109 Rev C.
- Details of Extended 2 lane flare from the southwest (M61) to form a 2 lane approach for a distance that can accommodate a minimum 2 HGV's (in each lane) i.e. circa 40m. (This phase is a lesser requirement for the 2 lane flare than the previous retail application, its need/delivery will be based on future modelling and observations).

A674 Blackburn Road between M61 J8 and the site

A scheme to ensure parking does not take place on this section of road and

A6 / A674 signalised roundabout (Hartwood Hall roundabout)

- o Technology to link associated signals both upstream and down stream
 - o Signal equipment to be updated and controller
 - o Queue detectors on Maple Gove, Drumhead Road and 'Keep Clear' road marking on Millennium Way
- #### A674
- o Queue detector on Hazel Grove
 - o Signal optimisation / MOVA update (and further reviews in line with changes whether to flow or infrastructure)
 - o Traffic signs and road markings review
 - o Bus priority review
 - o Emergency service hurry call (Fire service and Hospital)
 - o CCTV to monitor operation

A6 / Euxton Lane signalised roundabout (Hospital roundabout)

- o Technology to link associated signals both upstream and down stream
- o Signal optimisation / MOVA review and update (and further reviews in line with changes whether to flow or infrastructure)
- o Signal equipment review and updated including controller
- o Review Queue detector locations and make necessary changes
- o Traffic signs and road markings review including TRO's, make necessary changes
- o Bus priority review
- o Emergency service hurry call (Fire service and Hospital)
- o CCTV to monitor operation
- o Widening - on the southbound approach from the north
- o Traffic island to separate straight on from right turning traffic (north to south & west)
- o Re-profile the central island to facilitate movement
- o Signal optimisation / MOVA further review(s) in line with other changes
- o Final MOVA review and optimisation on substantial completion of development build

Euxton Lane / Hospital Access signal controlled junction

- o Technology to link associated signals both upstream and down stream
- o Signal optimisation / MOVA review

New Strawberry Fields Signalised junction on Euxton Lane

- o Technology to link associated signals both upstream and down stream

Other Measures and sustainability provision

- o Signing and road marking review and update
- o Bus priority review
- o TRO review
- o Upgrading of bus provision on Blackburn Road
- o Foot/cycle way provision on A674 between the employment access and M61 J8 including removing of verge, crash barrier changes

Reason: In the interests of safety and sustainable transport.

28. The approved traffic mitigation measures shall be delivered in accordance with the approved phasing strategy, trigger points and details.

Reason: To ensure that both the local and strategic highway networks continue to fulfil their purposes whilst maintaining the safety for all users and in the interests of safety and sustainable transport.

29. The operation of the M61 Junction 8, post implementation of the improvement scheme, if this occurs before other mitigation measures, shall be monitored with particular regard to queue interaction with the adjacent local road network and queue lengths on slip roads throughout the period of monitoring on the local road network to inform the need and scope for intervention.

Reason: to ensure the safe operation of the Strategic Road Network.

30. Beyond construction to superstructure level (shell) no phase of development shall be carried out until the full design details of the traffic mitigation schemes at M61 Junction 8 and the A6 / A674 Hartwood junction, as shown in outline in Curtins drawing reference TPMA1498-108 Revision B, Curtins drawing reference TPMA1498-111 Revision B and WSP drawing reference 70046945 Revision P01, have been submitted to and approved in writing by the local planning authority in consultation with National Highways and Lancashire County Council.

The details to be submitted shall include:

- Final details of how the schemes interface with the existing highway alignment.
- Full carriageway surfacing and carriageway marking details.
- Full construction details.
- Confirmation of compliance with current departmental standards (as set out in the Design Manual for Roads and Bridges) and policies (or approved relaxations/departures from standards).
- An independent Stage 1 & Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes.
- A walking, cycling and horse-riding assessment in accordance with GG142 of the Design manual for Roads and Bridges.

No part of the development hereby approved shall be occupied until the approved traffic mitigation schemes have been constructed and completed in accordance with the approved details.

Reason: to ensure the safe operation of the Strategic Road Network.

31. No phase of development shall be carried out other than demolition and ground works until:

- (a) A plan showing the alignment and elevational treatment of a close-boarded fence of not less than two metres in height to be erected along the northern boundary of the development site (or at least one metre from any part of the existing motorway fence where the boundary lies within one metre of this) has been submitted to and agreed in writing by the local planning authority in consultation with National Highways; and
- (b) The fence approved by part (a) of this condition has been erected in accordance with the agreed details.

Thereafter, the fence shall remain in situ and only be repaired or replaced in accordance with the requirements of this condition.

Reason: To protect highway land from construction activities and to prevent any access between the site and strategic road network for safety reasons. This needs to be a pre-commencement condition as it deals with safeguards associated with both the construction phase and use of the development.

32. Prior to the commencement of any development hereby approved, other than demolition, ground works and vegetation clearance, a CCTV drainage survey of the drainage culvert passing under the M61 motorway into which the surface water arising from the development is to outfall into (including upstream connections) shall be undertaken in accordance with the requirements of CS551 of the design manual for Roads and Bridges and the results shared with National Highways.

Reason: To ensure that the condition of the motorway culvert is recorded prior to the start of start of construction operations and to verify that it is fulfilling the purpose for which it was designed to operate.

33. Prior to the first occupation of any building hereby approved a CCTV drainage survey of the drainage culvert passing under the M61 motorway into which the surface water arising from the development is to outfall into (including upstream connections to be agreed with National Highways) shall have been undertaken in accordance with the requirements of CS551 'Drainage Surveys' of the Design Manual for Roads and Bridges, the results of the CCTV drainage survey shared with National Highways and any damage to the motorway drainage culvert and upstream connection(s) noted from the CCTV drainage survey by National Highways in comparison with the CCTV drainage survey undertaken in Condition 8 rectified by the site owner to the satisfaction of National Highways in accordance with appropriate standards.

Reason: To ensure that the condition of the motorway culvert is recorded after completion of site construction works and to verify that it continues to fulfil the purpose for which it was designed to operate and has not been damaged as a result of the development construction operations.

34. No development shall commence, other than demolition, ground works and vegetation clearance, unless and until full constructional details of the building foundations, earthworks and retaining structures to be utilised have been agreed with National Highways in consultation with the local planning authority in accordance with standard CD622 'Managing Geotechnical Risk' and any relevant structures subject to Technical Approval from National Highways in accordance with the requirements of standard CG300 'Technical Approval of Highway Structures' of the Design Manual for Roads and Bridges.

Reason: in the interests of maintaining the safety and integrity of the M61 motorway.

35. No development shall commence, other than demolition, ground works and vegetation clearance, unless and until a system for vibration monitoring in connection with the construction of building foundations and earthworks associated with this development and which accords with the requirements of BS5228 Part 2 (or any successor National Highways Planning Response (NHPR 21-09) September 2021 standard) has been submitted to and agreed in writing with the Local Planning Authority in consultation with National Highways and thereafter implemented on site for the duration of building foundation, construction and earthworks operations.

Reason: To ensure that the integrity of the asset for which National highways is responsible motorway is protected for the duration of site construction works.

36. No development hereby approved shall commence, other than demolition, ground works and vegetation clearance hereby approved shall commence unless and until an assessment of the site boundary with the M61 motorway has been undertaken by the applicant in relation to the completed development under the Roads Restraint Risk Assessment process and the findings submitted to and agreed in writing with the Local Planning Authority in consultation with National Highways; thereafter any resulting safety barrier work requirement on the M61 motorway agreed with National Highways and implemented at the applicant's expense in accordance with CD377 'Requirements for Road Restraint Systems'. of the Design Manual for Roads and Bridges.

Reason: In the interests of safety.

37. Prior to the commencement of the development hereby approved, other than demolition, ground works and vegetation clearance, a sustainable surface water drainage scheme in accordance with the principles shown within drawings reference 31913-SUT-ZZ-XX-DR-C-621-0001 P03 and 31913-SUT-ZZ-XX-DR-C-

610-0001 shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.

Reason: in the interests of maintaining the safety and integrity of the M61 motorway.

38. No drainage from the proposed development hereby approved shall connect into the motorway drainage system, nor shall any drainage from these sites run-off onto the M61 motorway.

Reason: In the interests of safety and maintaining the integrity of the M61 motorway.

39. No development hereby approved shall commence, other than demolition, ground works and vegetation clearance, until a detailed construction plan working method statement relating to site development earthworks and drainage alongside the motorway has been submitted to and accepted by National Highways in consultation with the Local Planning Authority.

Reason: In the interests of safety and maintaining the integrity of the M61 motorway.

40. No development hereby approved shall commence, other than demolition, ground works and vegetation clearance, until a Construction Management Plan for that has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. vehicle routing and the parking of vehicles of site operatives and visitors;
2. hours of operation (including deliveries) during construction;
3. loading and unloading of plant and materials;
4. storage of plant and materials used in constructing the development;
5. siting of cabins, site compounds and material storage area;
6. the erection of security hoarding where appropriate;
7. wheel washing facilities that shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. Coordinating with the highway authority under adverse weather conditions (rain, snow or icy);
8. measures to mechanically sweep the roads adjacent to the site as required during the full construction period;
9. measures to control the emission of dust and dirt during construction;
10. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
11. Measures to protect all watercourses within and adjacent to the site during the construction phase and to prevent building materials or surface water run-off entering the watercourses.

Reason: In the interests of highway safety at all times of year, to protect the amenities of the nearby residents and to ensure that existing watercourses are protected during the construction phase.

41. Full details of the provision of electric charging points to serve a particular phase of the development shall be submitted to and approved by the Local Planning Authority and the charging points installed and operational before the occupation of the building/s within that phase. The submitted details shall also include details of conduit to be installed at the time of construction to allow the installation of further charging points in the future. The parking bay shall be appropriately marked to ensure sole use by electric vehicles and adequate charging infrastructure with associated cabling provided for the designated parking bay. The charging point shall be located so that a 3m cable will readily reach the vehicle to be charged when parked in the designated parking bay. The charging points shall be retained and maintained thereafter.

Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.

42. Full construction details of the diverted Public Right of Way (PRoW) 9-2-FP 26 shall be submitted to the Local Planning Authority and approved in writing prior to any footpath diversion works commencing. Such details shall ensure that the footpath is fit for purpose, attractive to users and remains so when development is in operation and that it can be used by all, in all-weather conditions and all times of year. The footpath shall be constructed in accordance with the approved details prior to the closure of the existing Public Right of Way (PRoW) 9-2-FP 26.

Reason: to ensure pedestrian access is maintained and support sustainable transport.

43. Prior to the first occupation of any phase of the development hereby permitted, a Full Travel Plan for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan to include

- o Contact details of a named Travel Plan Co-ordinator
- o Results from travel survey
- o Details of existing cycling, pedestrian and public transport infrastructure
- o Details of the provision of cycle parking
- o Objectives
- o SMART Targets for non-car modes of travel, taking into account the baseline data from the survey
- o Action plan of measures to be introduced, and appropriate funding
- o Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years
- o Surveys to capture any employees that park on street.
- o Mechanism and penalties/consequences to both employee and business for those that choose to park on the public highway.

The approved plan(s) will be audited and updated at intervals as approved and the approved plan(s) be carried out. All elements of the Full Travel Plan shall continue to be implemented at all times thereafter for a minimum of 5 years after completion of the development.

Reason: To ensure that the development provides sustainable transport options.

44. Prior to the construction of any superstructures of any buildings hereby approved details of pedestrian crossing provision, a right turn storage pocket and access on approach to Block A along the spine road shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of Block A.

Reason: In the interests of highway safety.

45. Covered cycle storage facilities shall be provided in accordance with a scheme to be submitted to the Local Planning Authority prior to the first occupation of each unit hereby approved. The approved cycle storage facilities shall be provided before that unit is first occupied and shall be permanently maintained thereafter.

Reason: To allow for the effective use of the parking areas the promotion of sustainable forms of transport and aid social inclusion.

46. The private car parking provision for each building shall be marked out in accordance with the approved plans, before the use of that building hereby permitted first becomes operative, and shall be permanently maintained thereafter.

Reason: To allow for the effective use of the parking areas.

47. Prior to the occupation of any building hereby approved the roundabout junction access on the A674 shall be modified and improved as set out in Drawing TPMA1498-109 Rev C (provided to LCC Highways via email on 28th Feb 2022). The proposed improvement to the roundabout includes an overrun area, with which two simultaneous movements of HGVs can be accommodated.

Reason: To satisfy lane discipline for all vehicles including HGV's to and from the proposed development in the interests of highway safety.

48. The emergency access to the south of the site from Blackburn Brow shall be kept clear and made available at all times.

Reason: It is critical that the route for emergency vehicles from the south from the adopted highway through the site is kept clear at all times.

49. The existing access to Blackburn Brow to the south of the site shall be maintained for non-motorised users, other than required to facilitate named phases of construction, and a scheme of access improvements for pedestrian and cycle provision to provide non-vehicular connectivity between the site and Blackburn

Brow shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of development. The approved scheme shall be implemented in full prior to the occupation of any building hereby approved.

Reason: To ensure that the development provides sustainable transport options.

50. The building identified as Block A hereby approved shall be used for Class E(b) uses and for hot food takeaway purposes and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To define the development and to protect the amenity of neighbouring occupiers.

51. The building identified as Block B hereby approved shall be used for Class E use purposes and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To define the development and to protect the amenity of neighbouring occupiers.

52. The buildings identified as Blocks C to J hereby approved shall be used for Class B2, B8 and E(g) use purposes and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To define the development and to protect the amenity of neighbouring occupiers.

Please note: The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement of Paragraph 38 of the NPPF.

The applicant is advised that all planning permissions granted on or after the 1st September 2013 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at <http://chorley.gov.uk/Pages/AtoZ/Planning-Policy.aspx>

Please note: You are informed that the responsibility for safe development and secure occupancy of the site rests with the developer. The Local Planning Authority has determined the application on the basis of the information submitted, but this does not mean that the site is free from contamination.

Please note: You are informed that the responsibility for safe development and secure occupancy of the site rests with the developer. The Local Planning Authority has determined the application on the basis of the information submitted, but this does not mean that the land is free from instability.

Please note: The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Please note: Ordinary Watercourse (Land Drainage) Consent

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to build a culvert or structure (such as a weir or outfall) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

As a minimum, the applicant will be expected to:

- o Carry out studies of the existing culvert/watercourse condition and capacity;
- o Undertake an examination of the downstream condition and implications of the development proposal, and;
- o Restrict surface water discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1-year rainfall event and the 1 in 100-year rainfall event should never exceed the peak greenfield runoff rate for the same event.

As per Lancashire County Councils Consenting and Enforcement Policy, it should be noted that the Lead Local Flood Authority will generally refuse consent to applications that seek to culvert an existing ordinary watercourse. This is in line with Environment Agencies guidance on protecting watercourses.

You should contact the Flood Risk Management Team at Lancashire County Council to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. The applicant must obtain Ordinary Watercourse Consent from Lancashire County Council before starting any works on site.

Please note: Public Rights of Way

Temporary closures

If the development is approved and any works are likely to cause a health and safety risk to users of a Public Right of Way the applicant would need to have a temporary closure notice in place prior to work commencing - if one is necessary and not in place the applicant would be open to enforcement proceedings

Diversions

If it is necessary to divert any Public Right of Way a diversion Order should be in place and certified prior to works commencing on the existing Right of Way - if a diversion is necessary and not in place any works on the Right of Way would be deemed an illegal obstruction and again open to enforcement proceedings.

Please note: The applicant/developer is advised to contact the Canal & River Trust Infrastructure Services Team on 01782 779909 or email Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained and that the works comply with the Canal Works affecting the Canal & River Trust.

This decision has been made having regard to the policies of the Development Plan which comprises the Adopted Central Lancashire Core Strategy (2012) and the Adopted Chorley Local Plan 2012-2026 and all other relevant planning policy and guidance including National Policy (the Framework), supplementary planning guidance and supplementary planning documents and Corporate documents of the Council.

Signed:

Date: 25 January 2023

Chief Planning Officer, Chorley Council

Please read the notes attached to this notice carefully. They will help you to understand this decision, your rights and other things you may have to do. Further information is available at chorley.gov.uk/planning.

PLANNING PERMISSION

Important Notes

1. This decision is to grant planning permission. No work may be carried out until all conditions which may have been imposed are satisfied as required.
2. This decision is to grant planning permission only. This decision does not imply or grant any other form of consent or approval which may separately be required under the Planning Acts or any other Act, Byelaw, Order or Regulation. This permission is not:
 - i) an approval under the Building Regulations;
 - ii) a Listed Building Consent or Conservation Area Consent for demolition or other works;
 - iii) a consent to display advertisements;
 - iv) a consent to top, lop, prune, fell or carry out any other works to a protected tree or a tree in a Conservation Area;
 - v) an authority to close, divert, or in any way block a public footpath, a public bridleway or public highway.
 - vi) an authority to carry out any works within the public highway (e.g. to form or alter a footway crossing);
 - vii) an indication that the requirements of any other legislation (e.g. public safety, pollution control or food hygiene) have been satisfied.
3. This permission is for the development described only. Carrying out of a different form of development could result in enforcement action. You should therefore seek advice in writing from the Development Control team on any proposed amendment or alteration.
4. Certain animals species (e.g. Barn Owls) are afforded special legal protection under the Wildlife and Countryside Act 1981. It is an offence to intentionally disturb such protected species.
5. If you are building or carrying out excavation in the vicinity of other buildings you may have a duty under the Party Wall Act 1996 to notify the owner of that property of your intentions.
6. You can usually appeal to the Secretary of State for Communities and Local Government against conditions imposed by the Council. Further details are below. However, it may help to discuss the position with Council officers first.
7. We aim to provide a fair and helpful service. Should you be unclear about any aspect of this decision, wish to discuss the decision, are concerned that the application was not dealt with properly, or have any comments on the Council's planning service, please [contact us](#).

Statement of applicant's rights in accordance with article 22 of The Town and Country Planning (General Development Procedure) Order 1995

Appeals to the Secretary of State

8. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990. You must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

You can appeal online at www.planningportal.gov.uk/pcs to complete an appeals form which you can get from the Planning Inspectorate, Room 3/18A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Direct Line: 0117 372 8562). The Inspectorate will publish details of your appeal on the Planning Portal website. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

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

Purchase Notices

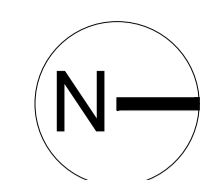
If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use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

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

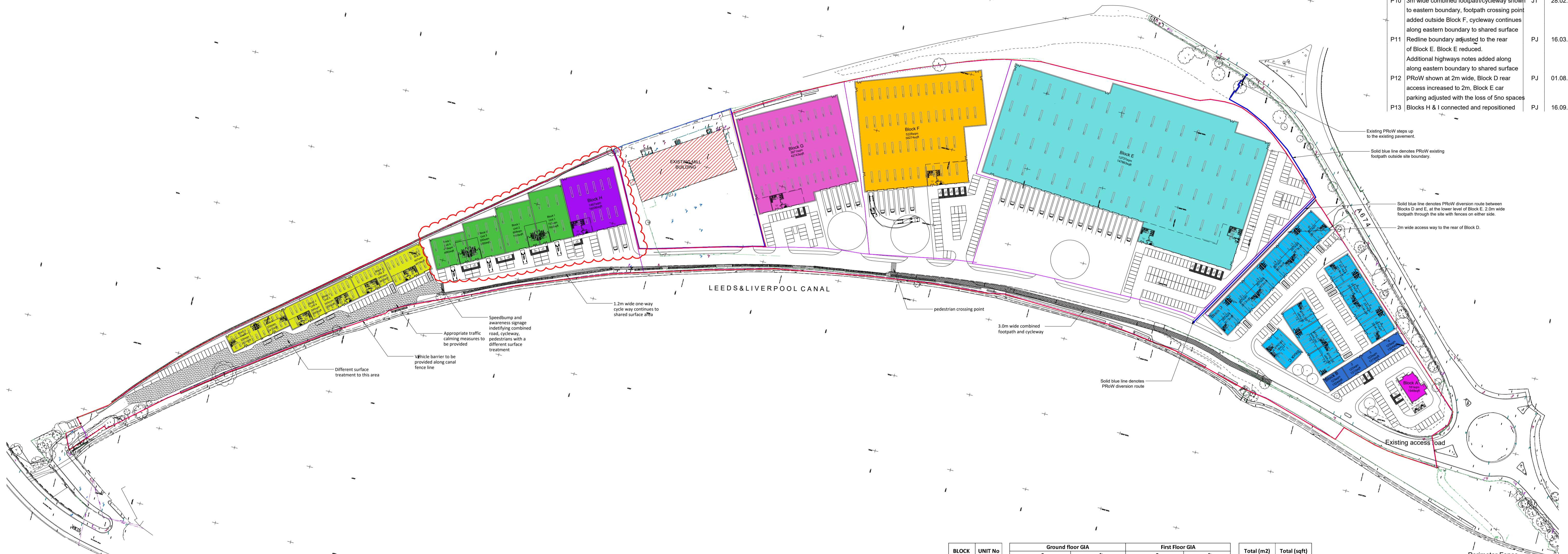
ENCLOSURE 2

Approved Drawings

- Site layout plan – 1181/02 – 001 Revision P13
- Phasing Plan - 1181/02 – 001 Revision P12
- Block E drawing 1181/03 – 005 - P05 Block E Elevation Drawings



Rev	Description	By	Date
P01	Initial Issue	PJ	18.01.21
P02	Amendments - Client Comment	MC	21.01.21
P03	Site Boundary and Block E amended	PJ	26.01.21
P04	Layout Amended	PJ	19.02.21
P05	Perimeter Fences Added	MC	08.03.21
P06	Planning Issue	MC	29.03.21
P07	Survey replaced with SEP survey	JT	29.10.21
P08	Block A road adjusted to Curtins comment, car parking spaces clarified	JT	18.01.22
P09	Parking to Mill removed. Public right of way repositioned. Traffic calming measures and road surface change added	PJ	16.02.22
P10	3m wide combined footpath/cycleway shown to eastern boundary, footpath crossing point added outside Block F, cycleway continues along eastern boundary to shared surface	JT	28.02.22
P11	Redline boundary adjusted to the rear of Block E. Block E reduced. Additional highways notes added along eastern boundary to shared surface	PJ	16.03.22
P12	PRoW shown at 2m wide, Block D rear access increased to 2m, Block E car parking adjusted with the loss of 5no spaces	PJ	01.08.22
P13	Blocks H & I connected and repositioned	PJ	16.09.22



— Perimeter Fence
— Site Boundary Line; approximate and subject to land registry and title information
 Approximate Site Area: 20.4 acres (8.2 hectares / 82917sqm)

BLOCK	UNIT No	Ground floor GIA		First floor GIA		Total (m2)	Total (sqft)
		m2	sqft	m2	sqft		
A	1	181	1948			181	1948
	1	123	1324			123	1324
	2	122	1313			122	1313
B	3	122	1313			122	1313
	4	123	1324			123	1324
	1	317	3412	92.9	1000	409.9	4412
C	2	267	2874	92.9	1000	359.9	3874
	3	267	2874	92.9	1000	359.9	3874
	4	267	2874	92.9	1000	359.9	3874
	5	241	2594	92.9	1000	333.9	3594
	6	241	2594	92.9	1000	333.9	3594
	7	241	2594	92.9	1000	333.9	3594
	8	241	2594	92.9	1000	333.9	3594
	1	267	2874	92.9	1000	359.9	3874
D	2	267	2874	92.9	1000	359.9	3874
	3	267	2874	92.9	1000	359.9	3874
	4	267	2874	92.9	1000	359.9	3874
	5	267	2874	92.9	1000	359.9	3874
	6	267	2874	92.9	1000	359.9	3874
	1	13737	147865	975	10495	14712	158360
F	1	5228	56274	356	3832	5584	60106
G	1	3971	42744	271	2917	4242	45661
H	1	1487	16006	113	1216	1600	17222
	1	737	7933	92.9	1000	829.9	8933
	2	658	7083	92.9	1000	750.9	8083
I	3	550	5920	92.9	1000	642.9	6920
	4	436	4693	92.9	1000	528.9	5693
	1	457	4919	102	1098	559	6017
J	2	340	3660	90	969	430	4629
	3	340	3660	90	969	430	4629
	4	340	3660	89.6	964	429.6	4624
	5	224	2411	92.9	1000	316.9	3411
	6	224	2411	92.9	1000	316.9	3411
			33084	356116	3944.6	42460	
						37028.6	398576
						TOTAL AREA	

Parking - Units A to J - 420 spaces
 Existing Mill - 0 spaces
 Total - 420 spaces

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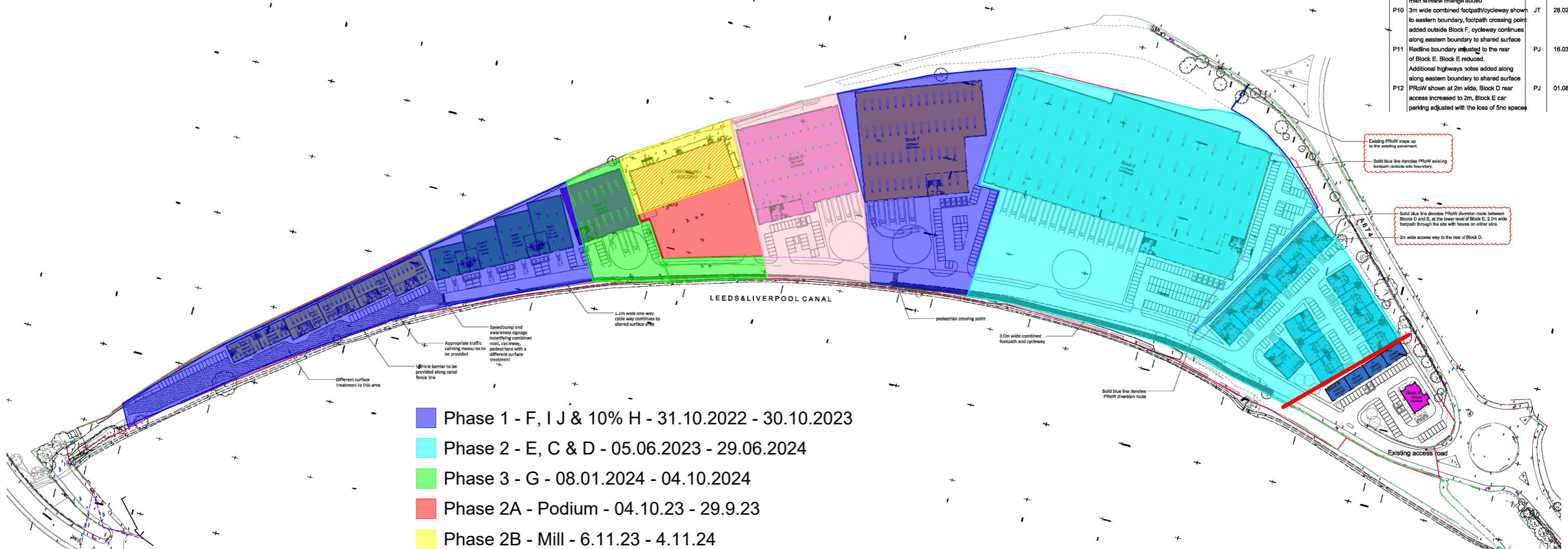
Client
FI Real Estate Management
 Project
Botany Bay Industrial Chorley
 Description
Proposed Site Plan

Status
Planning
 Scale 1:1250@A1
 Drawn By PJ
 Date Jan 21
 Job Number 1181
 Drawing Number 02-001
 Revision P13

Contract Phasing Plan



Rev	Description	By	Date
P01	Initial Issue	PJ	18.01.21
P02	Amendments - Client Comment	MC	21.01.21
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P11	Redline boundary adjusted to the rear of Block E. Block E reduced. Additional highways notes added along eastern boundary to shared surface	PJ	16.03.22
P12	PRoW shown at 2m wide, Block D rear access increased to 2m, Block E car parking adjusted with the loss of 5no spaces	PJ	01.08.22



- Phase 1 - F, I J & 10% H - 31.10.2022 - 30.10.2023
- Phase 2 - E, C & D - 05.06.2023 - 29.06.2024
- Phase 3 - G - 08.01.2024 - 04.10.2024
- Phase 2A - Podium - 04.10.23 - 29.9.23
- Phase 2B - Mill - 6.11.23 - 4.11.24
- Phase 4 - H - After mill works - 04.11.2024 - 26.05.2025

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							TOTAL AREA

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 Total 420 spaces

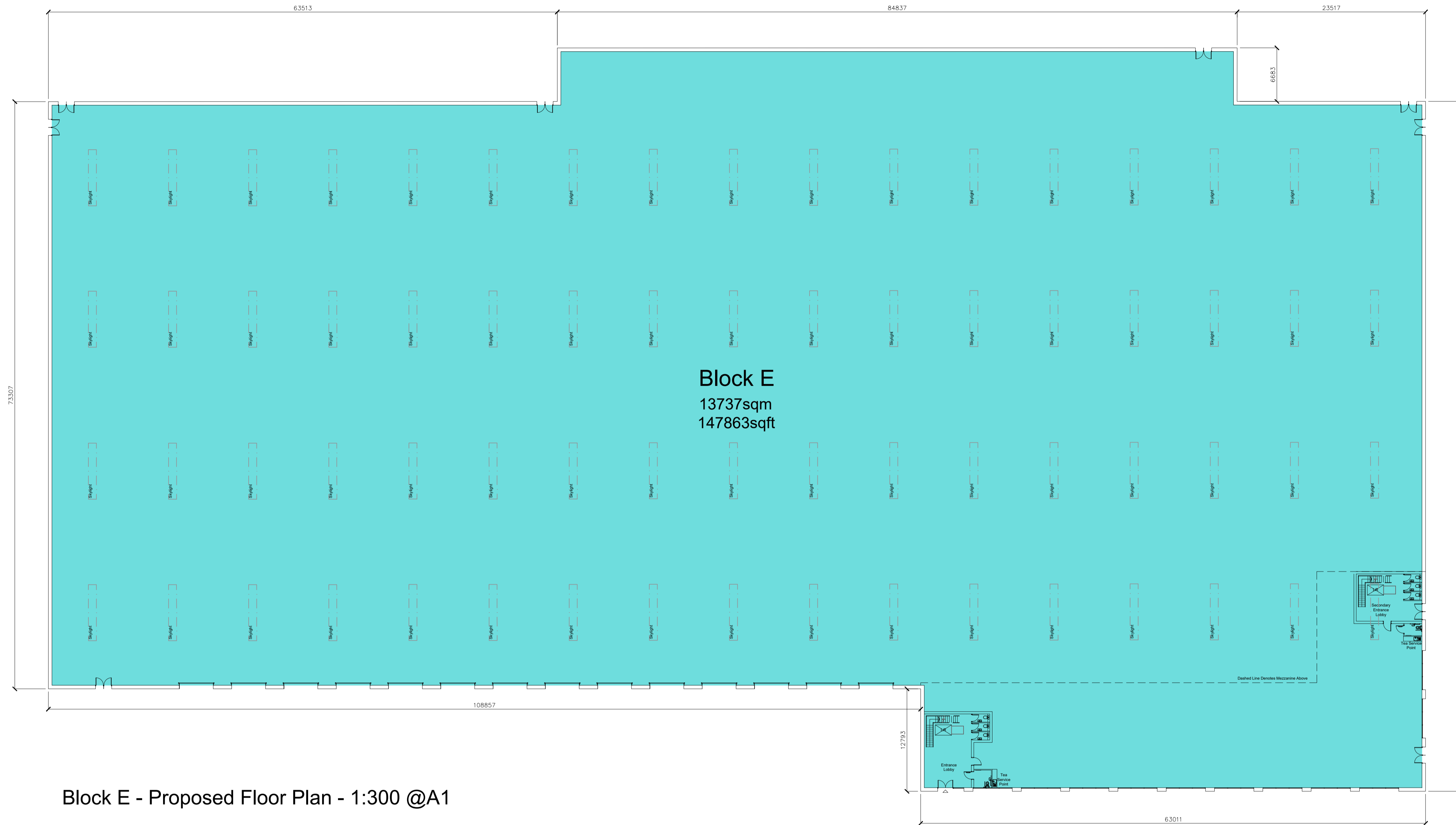
Perimeter Fence
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Client
FI Real Estate Management
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Botany Bay Industrial Chorley
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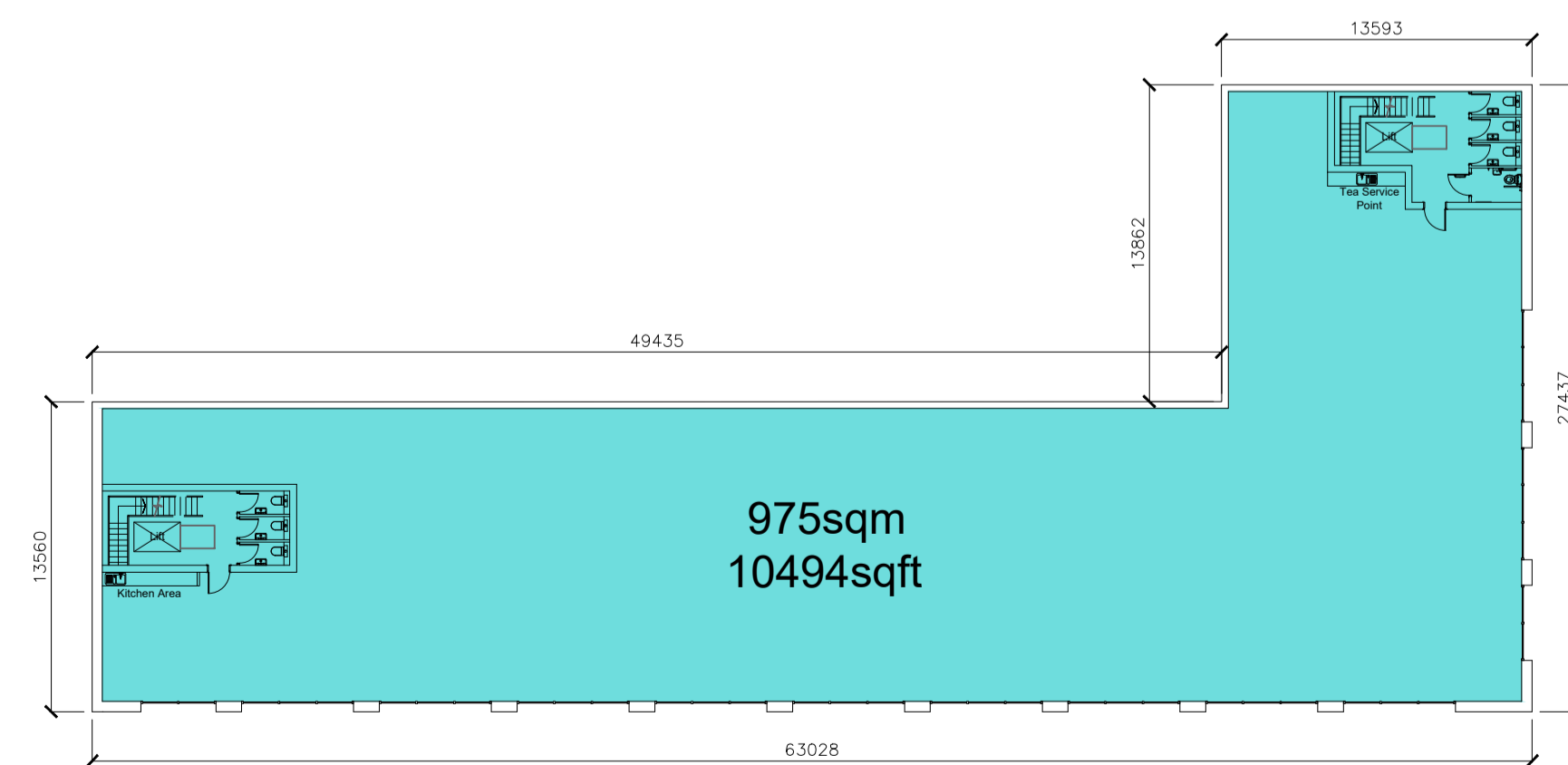
Rev	Description	By	Date
P01	Initial Issue	MC	06.11.20
P02	Mezzanine Amended	MC	17.11.20
P03	Windows Amended	MC	09.02.21
P04	Planning Issue	MC	29.03.21
P05	Rear wall extension reduced	PJ	16.03.22



Block E - Proposed Floor Plan - 1:300 @A1



Key Plan



Block E - Proposed Mezzanine Floor Plan - 1:300 @A1

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Client
FI REAL ESTATE
 Project
**Botany Bay Industrial Park
 Chorley**
 Description
**Proposed Plans
 Block E**

Status
Planning
 Scale 1:300@A1 Drawn By MCAU Date Jul20
 Job Number 1181 Drawing Number 03-005 Revision P05

ENCLOSURE 3

Photographs of partially constructed Block E



View from rear of building along RoW line showing front elevation



View along side of building back towards steps



View from rear of building, through building with front elevation in background

Botany Bay Photos PRow
12/9/23

ENCLOSURE 4

Plan of the existing and proposed footpath

