

## Development Control Committee

Meeting to be held on 12 September 2018

Electoral Division affected:  
Preston West, Preston Rural,  
Preston South and Fylde East

### **Preston City and Fylde Borough: Application number. LCC/2016/0046**

**Development of new highways including Preston Western Distributor Road, Cottam Link Road and East West Link Road. The development includes a new motorway junction to the M55 together with temporary soil storage and contractor areas, cycle track alongside all highways, water attenuation ponds, diversion/stopping up of public rights of way, landscaping and ecology mitigation areas, construction of two bridges, two viaducts, two underpasses and a cattle creep.**

**Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.**

(Appendix A refers)

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### **Executive Summary**

Application – Development of new highways including Preston Western Distributor Road, Cottam Link Road and East West Link Road. The development includes a new motorway junction to the M55 together with temporary soil storage and contractor areas, cycle track alongside all highways, water attenuation ponds, diversion/stopping up of public rights of way, landscaping and ecology mitigation areas, construction of two bridges, two viaducts, two underpasses and a cattle creep.

Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.

### **Recommendation – Summary**

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and subject to a section 106 agreement relating to the provision and retention of off site bat mitigation measures planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, construction ecological management plan, hours of working, water resources, archaeology, highway matters, noise, dust, soils and overburden, ecology, and landscaping and habitat management and monitoring.

## Background

A planning application for the construction of the Preston Western Distributor Road, Cottam Link Road and East – West Link Road on land to the north and west of the main urban area of Preston was reported to the meeting of the Development Control Committee on 4<sup>th</sup> October 2017. The report to the 4<sup>th</sup> October 2017 Committee is attached at appendix A.

The Committee resolved to approve the application subject to the signing of a section 106 agreement relating to the provision and retention of off site bat mitigation measures.

The terms of the section 106 agreement have been drafted and are currently being agreed with the land owner for the location of the off site bat mitigation measures.

In the meantime, the applicant has undertaken further design work on the proposed highway and associated mitigation measures and has proposed the following amendments to the previously submitted scheme:-

- Diversion of the Hodder Aqueduct: A United Utilities water main (The Hodder Aqueduct) which transports water from a reservoir to a storage facility near Kirkham crosses the M55 and the proposed route of the PWD close to the proposed new junction 2.

The pipeline is very close to the ground surface and therefore to allow the Preston Western Distributor and widened M55 to be constructed over the route of the pipeline, it needs to be buried at greater depth and protected by a concrete slab in view of the greater loading from the proposed road embankments in this location. A new straight section of aqueduct would join the locations where the pipe is routed under the PWD and M55.

The proposals considered in October 2017 provide for this new section of pipeline to run across the southern edge of the Bartle Wetlands Biological Heritage site, designated for its pond and wetland habitats. An ecological survey of the pipeline diversion route was undertaken and was submitted as supplementary information to the original Environmental Statement.

Whilst, this further information did not identify that the pipeline diversion works would have a major environmental impact as they were to be achieved using directional drilling techniques, the applicant has undertaken further work to establish if the pipeline diversion can be undertaken closer to the M55 and PWD, thereby minimising environmental impacts. The proposal is now to route the diverted pipeline close to the toe of the embankments forming the PWD and M55.

- Details of mitigation measures for bats: The PWD would run close to Crow Lady Farm at the proposed Saddle Inn roundabout. The ecological surveys undertaken as part of the Environmental Impact Assessment found that the farm house was a maternity roost for Brown Long Eared Bats which are a European protected species. Demolition of the farmhouse would not be required to construct the PWD but it was considered that the proximity of the

PWD and EWLR would result in the farmhouse no longer being suitable habitat for bats. In order to comply with the Habitats Regulations it was therefore necessary to provide a new bat roosting habitat to replace that existing at Crow Lady Farm.

To provide replacement habitat, an off site bat barn is proposed to be constructed at Gracemire Farm. The construction of this building was the subject of planning application LCC/2017/0062. The granting of planning permission for the Preston Western Distributor is subject to a section 106 agreement requiring the bat barn to be constructed and then retained for a period of not less than 80 years. One of the conditions of the permission for the bat barn is that constructional details of the building are submitted including dimensions, materials, orientation roosting opportunities and other measures necessary to ensure an appropriate level of mitigation.

Further details of the bat barn have now been submitted. The barn is to have red brick elevations with a slate roof. Various features would be built into the roof structure to provide suitable conditions for brown eared bats and additional roosting opportunities for other bat species.

- Noise mitigation- Condition 17 of the proposed planning permission requires details of proposed noise attenuation measures for existing residential properties.

Since the Committee resolved to grant planning permission for the scheme, the applicant has undertaken further noise modelling work to further assess the noise benefits of noise mitigation measures (fencing or additional bunding) that might be employed at the properties closest to the road and also to assess the visual impacts of such works.

## **Planning Policy**

National Planning Policy Framework – Since this proposal was originally considered in October 2017, the Government has published a revised version of the NPPF (July 2018). The changes in the revised NPPF compared to the original NPPF are not considered to materially impact upon the proposed development such that it fundamentally affects the policy context to this application

Central Lancashire Core Strategy:

Policy 22 Biodiversity and geodiversity

Preston Local Plan 2012 – 20126 Site Allocations and Development Management Policies

Policy EN9 Design of New Development

Policy EN10 Biodiversity and nature conservation

Policy EN11 Species Protection

## **Consultations**

LCC Specialist Advisor (Ecology): It is considered that the details of the bat barn are sufficient to demonstrate that a suitable replacement roost can be constructed and maintained and that the test within the Habitats Regulations relating to maintenance of favourable conservation status can be satisfied.

In relation to the Hodder water main diversion, the revised proposals show that most of the impacts associated with the diversion of the water main are now contained within the footprint of the road and therefore the impacts of these works have already been assessed and mitigation / compensation for the impacts is already addressed as part of the road scheme. The revised diversion route would minimise impacts on the Bartle Wetlands BHS.

It will be important to ensure that the Construction Environmental Management Plan and Landscape Environmental Management Plan includes measures to address the impacts of the water main diversion.

Natural England: The amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal and Natural England did not have any concerns before

Preston City Council: No observations received.

## Representations

Since the application was reported to Committee in October 2017, a further representation has been received from a resident on Harbour Lane in Salwick. The resident is concerned that he will be severely affected by traffic using the new road which will have negative health impacts as a result of the fumes and noise which will be generated at a much closer proximity to the resident's property.

## Advice

The County Council's Development Control Committee resolved to approve the planning application for the Preston Western Distributor road in October 2017 subject to the signing of a section 106 agreement relating to off site mitigation measures for bats.

The section 106 agreement is being negotiated with the landowners but in the meantime, the applicant has continued to develop the design of the new road to reduce costs, enhance ease of construction and reduce environmental impacts. This has resulted in the submission of amended proposals and additional information in relation to the three areas discussed above. The planning issues raised by each of these areas is discussed below:

**Diversion of the Hodder Aqueduct:** The previous diversion route, whilst considered to be acceptable taking into account the overall benefits of the road, would have increased the footprint of the road construction works. The revised diversion route would bring the works necessary to divert the pipeline partially within land that is already required as part of the highway construction operations and therefore minimises the amount of additional land take that is necessary to divert the pipeline. The additional land required to divert the pipeline was subject to ecological survey as part of the original Environmental Statement and therefore the environmental

impacts arising from the diverted route can be quantified and are acceptable. The revised route therefore offers environmental benefits over that which was previously considered particularly in relation to impacts on the Bartle Wetlands BHS and adjacent habitats.

**Bat Mitigation:** The report to Committee in October 2017 concluded that the impacts on bats including those at Crow Lady Farm could be mitigated through the provision of new bat roosting facilities including the new bat barn at Gracemire Farm. Although no details of the new bat barn were available at that stage, it was concluded that in principle, the new bat barn would be capable of providing the correct level and type of mitigation required and therefore the three tests within the Habitats Regulations were satisfied. The additional information now submitted further demonstrates that the proposed mitigation is suitable in terms of demonstrating that the new bat barn would provide the correct environmental conditions demanded by the species of bat that would be impacted by the road construction works at Crow Lady Farm. There is therefore a higher level of confidence that the bat populations in this area can be maintained at a favourable conservation status.

**Noise mitigation:** In view of the requirements of condition 17, the applicant has undertaken a further assessment of noise impacts at residential properties and has modelled the noise reduction and visual impacts arising from the installation of differing heights of noise attenuation fencing. The conclusion of the assessment is that some further mitigation can be provided at some locations including at Lea Town and at a property called Many Views. In the other locations, it is concluded that additional fencing would not give rise to a significant noise reduction and the fencing itself would have a significant impact which may be unacceptable in terms of visual and residential amenity. It is therefore considered that condition 17 should be retained but that it be reworded so that it focuses on the two locations where further mitigation is considered to be possible and desirable.

Some minor rewording of some of the other proposed planning conditions will be necessary as a result of the additional information that has now been submitted.

**Other matters:**

Since the application was considered in October 2017, a number of letters have been received from a landowner on the northern part of the route relating to the decision to grant planning permission. The same landowner has also objected to the compulsory purchase order made by the County Council in order to acquire the land that would be necessary to construct the scheme.

One of the grounds of objection refers to a recent case (*People over Wind*) decided by the European Court of Justice in April 2018 relating to the impacts of development on European designated wildlife sites (European sites) and the requirements of the European Habitats Directive. The Court considered whether or not mitigation measures should be taken into account when screening a project to determine whether there would be a likely significant effect on a European site. The judgement in the *People over Wind* case, which runs contrary to previous case law on this matter, concluded that mitigation measures designed solely for the purpose of reducing impacts on European sites should not be taken into account when screening a project for likely significant effects. The significance of this is that where projects would have a likely significant effect on a European site, then an

Appropriate Assessment is required and the presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply.

The original Environmental Assessment for this road scheme included a Habitats Regulations Assessment Screening report, to establish if the Preston Western Distributor scheme would have a likely significant effect on the Ribble and Alt Estuary Special Protection Area (European site). The screening report concluded that there would be no likely significant effect due to the alignment of the proposed road and the mitigation measures incorporated into the design (for such matters as drainage, noise and vibration) which would ensure that there would be no impact on the European site.

The objection raised by the land owner is that this conclusion takes into account mitigation measures at the screening stage, therefore contrary to the judgement in the *People over Wind* case.

To address the point raised by the objector, the applicant has revisited the Habitats Regulations screening assessment that was originally undertaken. The revised assessment reaches the same conclusion as that accompanying the original Environmental Statement that there would be no likely significant effect on the SPA. The revised screening assessment states that in order to address the issue raised in *People over Wind*, it does not include consideration of measures intended to avoid or reduce the harmful effects including integral or embedded mitigation measures.

The *People over Wind* case was clear that projects should be screened without any reference to mitigation measures. If there is then a likely significant effect on a European wildlife site, the project should be subject to full appropriate assessment prior to decision.

The road design does include measures to reduce impacts from lighting, noise and vibration. These are measures that are included within the project for a variety of reasons including to minimise impacts of the road on wildlife. In accordance with the decision in *People over Wind*, it is therefore necessary to consider the impact of the road without these measures being in place. The applicant's revised screening assessment states that there is only a very small and insignificant population of birds associated with the SPA in the area close to the proposed road so therefore even if the mitigation measures were removed from the scheme it is likely that there would not be a significant environmental effect due to noise, lighting or vibration.

In terms of drainage, the revised Habitats Regulations Assessment identifies that the scheme has possible hydrological connections to two European wildlife sites:

- the Ribble and Alt Estuaries SPA and Ramsar site via the Savick Brook which enters the River Ribble approximately 4.2 km downstream of the scheme and
- Morecambe and Duddon Estuary SPA / Morecambe Bay Ramsar via the Blundel Brook and Woodplumpton Brook which flows north and drains into the Wyre Estuary. The length of watercourse between the scheme and the Wyre Estuary is in excess of 10 km.

Whilst there would be a direct hydrological connection between the proposed highway and the two above designated sites, the revised Habitats Regulations Assessment concludes that even with the complete absence of mitigation measures,

there would be no likely significant effects on the qualifying features of the above designated sites due to the substantial distances between the highway and potential receptor. Such distances would provide for sufficient dilution of any pollution impacts. There would also be substantial transition time between the site of any pollution incident and the boundary of the designated site to reduce the likely impacts such that they would not have a likely significant effect.

A similar conclusion is reached in terms of air quality in that the proposed highway is at sufficient distance from the designated sites such that there would be no likely significant effects on the qualifying features due to air emissions or particulates.

It is therefore concluded that even when all mitigation measures within the scheme are discounted, there would still not be a likely significant environmental effect on any European Wildlife Site and no Appropriate Assessment is required to be undertaken.

The further representation that has been received originates from a resident in Salwick whose property is located approximately 400 metres from the proposed Lea roundabout. The property would experience some impacts, most particularly from noise increases, but due to the distance from the proposed highway such impacts would not be unacceptable.

The Human Rights issues raised by this proposal were addressed in the report to the 4<sup>th</sup> October 2017 Committee. The additional information subject to this report does not raise any further human rights issues.

## **Recommendation**

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and subject to a section 106 agreement relating to the provision and retention of off site bat mitigation measures planning permission be **granted** subject to the following conditions:-

1. The development shall commence not later than 5 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(b) of the Town and Country Planning Act 1990.*

2. Notice in writing of commencement of the authorised development of the Preston Western Distributor Road shall be given to the County Planning Authority not later than 7 days after the date on which the authorised development is commenced.

*Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policy of the Preston Local Plan.*

## **Working Programme**

3. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 17th June 2016 as amended by the revised application details entitled 'February 2017 Revised Version' and the details and Ecological Assessment for the Hodder Water Main diversion dated 9th May 2018.

b) Submitted Plans:

Drawing CLM01-DEV-040-007 Rev A - Site Plan  
Drawing CLM01-DEV-040-008 Rev B - Location of typical cross section  
Drawing CLM01-DEV-040-009 1 of 8 Rev B - Typical Cross Sections  
Drawing CLM01-DEV-040-009 2 of 8 Rev B - Typical Cross Sections  
Drawing CLM01-DEV-040-009 3 of 8 Rev B - Typical Cross Sections  
Drawing CLM01-DEV-040-009 4 of 8 Rev B - Typical Cross Sections  
Drawing CLM01-DEV-040-009 5 of 8 Rev B - Typical Cross Sections  
Drawing CLM01-DEV-040-009 6 of 8 Rev B - Typical Cross Sections  
Drawing CLM01-DEV-040-009 7 of 8 Rev B - Typical Cross Sections  
Drawing CLM01-DEV-040-009 8 of 8 Rev B - Typical Cross Sections  
Drawing CLM01-DEV-040-010 1 of 1 Rev A - Location of Long sections  
Drawing CLM01-DEV-040-011 1 of 9 Rev A - Long sections of route  
Drawing CLM01-DEV-040-011 2 of 9 Rev A - Long Sections of route  
Drawing CLM01-DEV-040-011 3 of 9 Rev A - Long Sections of route  
Drawing CLM01-DEV-040-011 4 of 9 Rev A - Long sections of route  
Drawing CLM01-DEV-040-011 5 of 9 Rev A - Long sections of route  
Drawing CLM01-DEV-040-011 6 of 9 Rev A - Long sections of route  
Drawing CLM01-DEV-040-011 7 of 9 Rev A - Long sections of route  
Drawing CLM01-DEV-040-011 8 of 9 Rev A - Long sections of route  
Drawing CLM01-DEV-040-011 9 of 9 Rev A - Long sections of route  
Drawing CLM04-DEV-010-018 Revision J - Outline Drainage Strategy  
Drawing CLM01-DEV-010-033 Revision L - Outline Drainage Strategy  
Drawing CLM01-DEV-040-021 Revision B - Site compounds, Treatment and Storage Areas.  
Drawing CLM01-DEV-040-66114B1/01 Revision 3 - Beconsall Bridge General Arrangement  
Drawing CLM01-DEV-040-6617U1/01D - Bartle Underpass General Arrangement  
Drawing CLM01-DEV-040-33821R1/01A - Bartle Hall Retaining Wall General Arrangement  
Drawing CLM01-DEV-040-66113B1/01H - Bartle Lane Bridge General Arrangement  
Drawing CLM01-DEV-040-6611B1/01 Revision 2 - Lea Viaduct General Arrangement  
Drawing CLM01-DEV-040-6612B1/01F - Earles Farm Cattle Creep General Arrangement  
Drawing CLM01-DEV-040-6610B1/01D - Darkinson Lane Underpass General Arrangement  
Drawing CLM01-DEV-040-6609B1/01 - Revision 3 - Savick Brook Viaduct General Arrangement



Drawings CLM01-dev-040-014B 1B of 19 to 19A of 19 - Drawings showing new road lighting and illuminated traffic sign cabling works  
Drawings CLM01-DEV-040-020 1 of 14 to 14 of 14 - Landscape Enhancement and Mitigation Scheme  
Unreferenced United Utilities Drawing dated April 2018 titled ' Hodder LDTM Diversion Proposed Route'  
Figure 9.9 – Proposed Noise Barrier Locations

c) All schemes and programmes and details approved in accordance with this permission.

*Reason : To minimise the impact of the development on the amenities of the area and to conform with Policies 16, 17, 21,22, 29, 30 and 31 of the Central Lancashire Core Strategy.*

4. No development of the Preston Western Distributor Road shall commence until details for the design and building materials to be used for the external elevations of all structures including viaducts, bridges and underpasses have been submitted to the County Planning Authority for approval in writing.

Thereafter all structures shall be constructed and use materials contained in the approved details.

*Reason: In the interests of visual amenity and to conform with Policy 17 of the Central Lancashire Core Strategy.*

5. No development shall commence until details of the facilities and measures to be taken to manage surface water run off from the highway have been submitted to and approved in writing by the County Planning Authority. The submitted details shall include the following information:

a) the location, design and landscaping of the surface water balancing ponds including capacity and designed outflow rates to prevent flooding on the receiving watercourse.

b) the location and design of any watercourse diversions

c) the measures including design to be incorporated into each discharge point from the highway into a surface water course to protect water quality in the receiving water course.

The facilities and measures contained in the approved details shall be installed prior to the highway being brought into use and shall be maintained in full working order thereafter.

*Reason: In order to prevent flooding and pollution and to conform with Policy 29 of the Central Lancashire Core Strategy.*

6. No development of the Preston Western Distributor Road shall commence until a scheme and programme of measures to address the flood risks arising from the construction of the Savick Brook Viaduct have been submitted to and approved in writing by the County Planning Authority.

The scheme and programme shall contain details of the following:

- a) the measures to be used for scour protection of the viaduct piers.
- b) the heights of the bridge soffit level which must be at least 600mm above the 1 in 100 year storm level plus 70% climate change allowance.
- c) details of the ground recontouring to be undertaken to provide replacement flood storage capacity for that lost by the construction of the viaduct.

The measures contained in the approved scheme shall be implemented in the construction of the viaduct.

*Reason: In the interests of flood prevention and to conform with Policy 29 of the Central Lancashire Core Strategy.*

7. No development of the Preston Western Distributor road shall take place until a scheme and programme of investigation and management of contaminated land has been submitted to and approved in writing by the County Planning Authority.

The scheme and programme shall contain provision for the following:

- a) further ground investigation over the area of land to be disturbed for the proposed Saddle Inn roundabout and land between the A583 and the Savick Brook viaduct to establish the nature, location and extent of any contaminated land in those areas.
- b) proposals for how any contaminated land identified under a) above will be managed during the highway construction.

The proposals in the approved scheme and programme shall be complied with at all times during the construction of the road.

*Reason: In the interest of preventing pollution and harm to human health and to conform with Policy 17 of the Central Lancashire Core Strategy.*

8. No clearance or soil stripping works shall take place until details of a written scheme of archaeological investigation including survey, recording, and analysis, have been submitted to and approved in writing by the County Planning Authority. Thereafter, the approved scheme of archaeological investigation shall be implemented during the soil stripping works required for the construction of the scheme.

*Reason: To ensure and safeguard the recording and inspection of matters of archaeological importance associated with the site and to confirm with Policy 16 of the Central Lancashire Core Strategy.*

## **Construction Activities**

9. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The Construction Management Plan shall contain details of the following:-
- a) details for the construction of the temporary site compounds shown on drawing CLM01 DEV 040 021 Revision B. The details shall include information on the location and design of access from the public highway, the stripping and storage of soils to create the access and site compounds, the laying of surfacing materials and details of measures to protect existing trees and hedgerows within each compound site.
  - b) details for soil storage within the areas shown on drawing CLM01 DEV 040 021 Revision B including details of heights of storage and measures to be taken to protect existing trees and hedgerows on the boundaries of and within each storage area.
  - c) details for the restoration of site compound and soil storage areas including removal of all plant and equipment, surfacing materials and restoration works including spreading of stripped soils, drainage works, landscaping and removal of temporary access roads from the public highway.
  - d) details for the routing and management of construction traffic, signage to identify approved and prohibited routes and measures to be taken to inform hauliers of the approved and prohibited routes to the construction site.
  - e) details of any highway improvements that are necessary to the approved routes identified in d) above.

All construction compounds and soil storage areas shall be restored in accordance with the details approved under this condition by not later than one year from the Preston Western Distributor Road being opened to traffic.

*Reason: In the interests of the amenities of the area and highway safety and to conform with Policy 17 of the Central Lancashire Core Strategy.*

10. All mobile plant/vehicles retained on site to be used in connection with the construction phase of the development shall be fitted with broadband/non-audible reversing systems, which shall be employed during the operation of the mobile plant.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy of the Preston City Local Plan.*

11. Any vehicles transporting excavated materials, soils and/or subsoils from the site shall have securely sheeted or enclosed loads.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy G17 of the South Ribble Local Plan.*

12. Wheel cleaning facilities shall be made available at all access points from the construction site to the public highway to ensure that no debris from the site is deposited by vehicle wheels upon the public highway.

*Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy of the Preston Local Plan.*

13. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy of the Preston Local Plan.*

14. Measures shall be taken to prevent dust or wind blown material being carried on to adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions, at all times during construction development.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy 30 of the Central Lancashire Core Strategy.*

15. All available topsoil and subsoil shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles, plant or machinery. All stripped topsoil and subsoil shall be stored in separate mounds for use in the final landscaping of the site.

*Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to comply with Policy 31 of the Central Lancashire Core Strategy.*

16. No construction working, importation of materials or removal of materials off-site shall take place outside the hours of:

0730 to 1800 hours, Mondays to Fridays (except Public Holidays)  
0800 to 1300 hours on Saturdays

No construction development, importation of materials or removal of materials off site shall take place at any time on Sundays or Public Holidays.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 17 of the Central Lancashire Core Strategy.*

17. No development shall commence until details of the noise barriers to be erected at the locations shown on Figure 9.9 dated 2<sup>nd</sup> May 2018 have been submitted to and approved in writing by the County Planning Authority. The submitted details shall include information on the location, specification and heights of the fencing to be erected.

The approved noise barriers shall be installed prior to the highway being brought into use and shall be retained and maintained thereafter.

*Reason: In the interests of local amenity and to conform with Policy 17 of the Central Lancashire Core Strategy.*

18. No development of the Preston Western Distributor Road shall commence until details for the replacement of the existing United Utilities observational borehole identified in the letter from United Utilities dated 12th July 2017 has been submitted to and approved in writing by the County Planning Authority.

The submitted details shall contain information on the location of the replacement borehole, details of construction including depth and means of access.

The replacement borehole shall be installed in accordance with the approved details prior to any development taking place of the Preston Western Distributor Road.

*Reason: In order to provide for adequate replacement of an existing water monitoring borehole and to conform with Policy 17 of the Central Lancashire Core Strategy.*

19. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) or method statements to avoid or reduce impacts on biodiversity during construction.

c) The location and timing of sensitive works to avoid harm to biodiversity features.

- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: In the interests of biodiversity and to comply with Policy 22 of the Central Lancashire Core Strategy.

### **Traffic Management**

- 20. Prior to the Preston Western Distributor road being opened to traffic, details of a highway monitoring and management strategy shall be submitted to and approved in writing by the County Planning Authority. The strategy shall include details for a programme of surveys, observations and defined targets, and a mechanism where targets are not achieved, to deliver further highway change. The approved highway monitoring and management strategy shall be employed for a period of three years commencing on the 1st anniversary of the scheme opening.

*Reason: In the interest of highway safety, the satisfactory operation of the highway network, to safeguard the amenity of local residents and adjacent properties/landowners and land users, and to comply with Policy 3 of the Central Lancashire Core Strategy.*

- 21. Within two years of the Preston Western Distributor Road being opened to traffic, a report shall be submitted to the County Planning Authority detailing sustainable transport improvements to be implemented along the B5411 Tag Lane / Woodplumpton Road and the A583 Riversway corridors. The report shall contain details of a package of public transport and sustainable transport improvements to be implemented to include improvements to bus services, cycling and pedestrian improvements including a timescale for the implementation of the proposed improvements.

*Reason: In the interests of promoting sustainable transport and to conform with Policy 3 of the Central Lancashire Core Strategy and Policy IN1 of the Preston Local Plan.*

- 22. No development of the junction of the East West Link Road with Tabley Lane shall take place until a scheme and programme for the design of the junction has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

a) details of a gateway feature to be constructed at the junction of the East West Link Road and Tabley Lane including details of carriageway treatments and other highway infrastructure.

b) proposals for the implementation of a weight restriction along Tabley Lane south of the East West Link Road in order to control the use of the road by HGV.

The measures contained in the approved scheme and programme shall be implemented prior to the junction being opened to traffic.

*Reason: In the interests of local amenity and to conform with Policy 17 of the Central Lancashire Core Strategy and the North West Preston Masterplan SPD.*

23. Within two years of the junction of the East West Link Road and Tabley Lane being opened for traffic, a report relating to monitoring and mitigation of traffic levels on Tabley Lane shall be submitted to the County Planning Authority for approval in writing.

The report shall contain details of the following:-

a) monitoring information to assess traffic levels on Tabley Lane in terms of peak hour flows, annual average daily traffic flows and levels of congestion.

b) the setting of traffic trigger levels to be used to indicate the requirement to undertake traffic calming or other works to control the level of traffic using Tabley Lane.

c) details of traffic calming measures, traffic regulation orders or other traffic control proposals to reduce impacts on Tabley Lane having regard to the monitoring information collected in a) above compared to the trigger levels in b)

d) a timescale for the implementation of any works or promotion of Orders identified in c) above.

Thereafter, subsequent reports addressing the requirements of a) - d) above shall be submitted at two yearly intervals commencing on the second anniversary of the submission of the initial report until 2030 or until the completion of the development of the North West Preston Masterplan area whichever is the later.

*Reason: In the interests of local amenity and to control the use of the public highway and to conform with Policy 3 of the Central Lancashire Core Strategy*

## **Landscaping and Ecology**

24. No site clearance works or soil stripping works shall take place where there may be an impact on nesting birds during the bird-breeding season between 1st March and 31st July inclusive. If areas cannot be cleared outside this time, they should be checked for breeding birds in accordance with Natural England's Guidance, and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

*Reason: To protect nesting birds and to conform with Policy 22 of the Central Lancashire Core Strategy.*

25. No development shall take place until a scheme of landscaping of the proposed highway has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall be based upon the landscaping proposals shown on drawings CLM01-DEV-040-020 1 of 14 to 14 of 14 (Landscape Enhancement and Mitigation Scheme) and shall include details of the following:-

- a) details of gradients and contours of embankments and cutting slopes
- b) details for the soiling or all embankment and cutting slopes, highway verges and other landscaping areas including depth of soils to be placed and cultivation measures.
- c) details for the seeding of all landscaping areas including seed mixes to be used and rates of application.
- d) details for the planting of trees and shrubs including definition of areas to be planted, layout of planting, numbers and sizes of species to be planted, planting techniques and protection measures.
- e) details for the creation of the new ponds to replace those lost including details of location and design and landscaping.

The landscaping proposals for the East West Link Road shall take into account the landscape guidance contained in the North West Preston Masterplan Supplementary Planning Document together with any approved landscape schemes for development located adjacent to the East West Link Road.

The landscaping measures contained in the approved scheme and programme shall be carried out not later than the first planting season following the proposed highway being brought into use.

*Reason : In the interests of the visual amenities of the area and to ensure the proper landscaping of the road and to conform with Policies 17 and 21 of the Central Lancashire Core Strategy.*



26. No development shall commence until a tree and hedgerow protection scheme has been submitted to and approved in writing by the County Planning Authority.

The scheme shall contain details of the following

- a) identification of the trees and hedgerows that are required to be removed to construct the road.
- b) details of the protection measures that will be employed to ensure that no trees or hedgerows other than those identified in the approved scheme are removed or damaged by construction works.

The measures approved under b) above shall be installed prior to any construction operations commencing and retained throughout the duration of highway construction operations.

*Reason: In the interests of visual amenity and ecology and to conform with Policies 17 and 22 of the Central Lancashire Core Strategy.*

27. The works to divert the Hodder Aqueduct shall be undertaken in accordance with the report from Jacobs Ltd titled 'Hodder Water Main Diversion' dated 9th May 2018 including the drawing dated April 2018 titled ' Preston Western Distributor Road Hodder LDTM Diversion proposed route'.

*Reason: In the interests of visual amenity and ecology and to conform with Policies 17 and 22 of the Central Lancashire Core Strategy.*

28. No development shall commence until a scheme and programme of ecological mitigation, compensation and enhancement measures has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall be based upon the details shown on drawings CLM01 -DEV-040-020 1 of 14 to 14 of 14 (Landscape Enhancement and Mitigation Scheme) and shall contain details of the following:-

- a) the measures to be implemented to mitigate the impacts on the Bartle Wetlands BHS and other areas of wetland between the highway and the BHS boundary including measures to avoid and minimise physical disturbance and details for the creation and landscaping of new ponds and wetland features to be constructed and details of enhancement works to marginal areas.
- b) the measures to be taken to address ecological impacts on the Savick Brook and Lancaster Canal including pollution prevention, avoidance of light pollution and compensation for shading effects.
- c) identification of lengths of hedgerow to be translocated including techniques to be used and identification of receptor locations.

- d) details including location, design and landscaping of new ponds to mitigate for the loss of existing ponds to the new highway.
- e) details of mitigation measures for European protected species (bats and great crested newts) including updating of the outlining mitigation strategies for bats and GCN's contained in the environmental statement and details for the implementation of the proposed mitigation measures.
- f) mitigation measures and details of habitat creation for other protected and priority species (as listed in section 41 of the NERC Act 2006)
- g) a methodology for the management of veteran and mature trees that require to be felled during road construction operations.
- h) the design of the underpass shown on drawing CLM01 - DEV-040-020 1 of 14 including dimensions, surfacing of the right of way and materials for external elevations.
- i) the location and design of all dry tunnels and culverts running under the proposed highway.
- j) the landscaping measures to be implemented on the Bartle Lane bridge to mitigate for impacts on bats.
- k) the measures required to mitigate for the impacts of diverting the Hodder water main.

The scheme and programme shall contain a timescale for the implementation of each of the mitigation measures.

Thereafter the mitigation measures contained in the approved scheme and programme shall be implemented in the construction and landscaping of the new highway.

*Reason: In order to ensure that the ecological impacts of the development are adequately mitigated and to conform with Policy 22 of the Central Lancashire Core Strategy.*

29. Within one year of the proposed highway opening to traffic, an Environmental Management Plan for all landscaping and ecological mitigation works shall be submitted to the County Planning Authority for approval in writing. The Environmental Management Plan shall set out the management works that shall be undertaken to all landscaping and ecological mitigation works for a period of 20 years following the implementation of the landscaping and ecological mitigation works approved under the requirements of conditions 25 and 28 above and shall contain details of the following:-
  - a) the management works to all grassland areas including mowing or grazing regimes to be followed. The mowing or grazing regimes proposed for all

wildflower or species rich grassland areas shall be designed to enhance the ecological value of such areas.

- b) measures to control invasive weeds
- c) management of all planting works including replacement of failed planting, weed control, maintenance of protection measures and cutting / hedgerow laying measures to be implemented.
- d) the maintenance and management of all wetland features including replacement field ponds, realigned water courses and attenuation ponds.
- e) management and maintenance works to ecological mitigation measures including bat boxes, barn owl nest / roost boxes, underpasses, dry tunnels and amphibian hibernaculum.
- f) provision for monitoring to evaluate the effectiveness of the ecological mitigation measures. The monitoring proposals shall contain details for the reporting of monitoring results to the County Planning Authority and proposals for the modification of mitigation measures if demonstrated to be necessary as a result of the monitoring including a timescale for the implementation of any works. The monitoring scheme shall provide for the monitoring of impacts on bats, barn owls, amphibians and breeding and wintering birds.

Thereafter, the ecological and landscape mitigation works shall be subject to management for a period of 20 years following their implementation in accordance with the management measures contained in the approved scheme and programme.

*Reason: In order to ensure the success of the landscape and ecological mitigation measures and to conform with Policies 21 and 22 of the Central Lancashire Core Strategy.*

## **Definitions**

**Planting Season:** The period between 1 October in any one year and 31 March in the following year.

## **Notes**

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping - up or diversion of a right of way should be the subject of an Order under the appropriate Act.

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

Local Government (Access to Information) Act 1985

## List of Background Papers

Paper	Date	Contact/Directorate/Ext
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None

Reason for Inclusion in Part II, if appropriate

N/A