

Development Control Committee

Meeting to be held on 14th November 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, a cattle creep and diversion of the Hodder Aqueduct.

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, a cattle creep and diversion of the Hodder Aqueduct

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 4th October 2017. The report to the 4th October 2017 Committee is attached at appendix A.

The Committee resolved to approve the application subject to the signing of a section 106 agreement relation 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 Preston Western Distributor Road 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, at these locations, 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. The proposals considered in October 2017 provided for the diversion to be achieved by constructing a 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 mainly achieved using directional drilling techniques, the applicant has undertaken further work to establish if the pipeline diversion can be undertaken in another way to minimise environmental impacts. The proposal is now to achieve the diversion by only constructing new sections of pipeline under the M55 and Preston Western Distributor Road alignment and to connect into the existing pipeline thereby reducing the works that would take place within the Biological Heritage site area.

- Details of mitigation measures for bats: The Preston Western Distributor Road 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 Preston Western Distributor Road but it was considered that the proximity of the Preston Western Distributor Road and East – West Link Road 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 offsite 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

Paragraphs 8 – 14, 47, 54 -56, 103 – 104, 127, 155 – 165, 170 – 177, 179 – 181 and 184 -198 are relevant in terms of the presumption in favour of sustainable development, determining planning applications, planning conditions and obligations, promoting sustainable transport , requiring good design, flood risk and conserving and enhancing the natural environment, air quality and heritage assets.

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

Fylde Local Plan to 2032

Policy GD4 Development in the Countryside
Policy GD7 Achieving Good Design in Development
Policy CL1 Flood Alleviation, Water Quality and Water efficiency
Policy CL2 Surface water run-off and Sustainable Drainage
Policy ENV1 Landscape
Policy ENV2 Biodiversity
Policy ENV5 Historic Environment

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 Biological Heritage site.

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. Natural England have also reviewed the Appropriate Assessment that has been prepared by the County Council and concur with the conclusions of the assessment that the proposal will not result in adverse effects on the integrity of any of the sites in question provided that all mitigation measures are appropriately secured in any permission that is granted.

Preston City Council: No observations received.

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 further minimise the amount of additional land needed to divert the pipeline. Apart from the new sections of pipeline under the M55 and Preston Western Distributor, the new pipelines outside of the road corridor would have a total length of approximately 430 metres. These lengths of pipeline would be 825mm in diameter and are required to connect into the existing pipeline. Their construction would require a working area approximately 5 metres on either side of the main. This additional land is outside of the land required to construct the new highway but is within the red line of the original planning application. A revised plan has been submitted showing how the pipeline diversion relates to the main highway construction proposals.

The main impacts of the additional works required to divert the pipeline relate to ecology, specifically the temporary loss of an area of semi improved grassland immediately south of the M55, the removal of 25 metres of hedgerow north of the motorway and potential damage /disturbance to a known bat tree roost. The impacts of these works in terms of loss of habitats and associated species have been assessed by way of a supplement to the original Environmental Statement. The loss of the semi improved grassland would be temporary and the land could be reinstated following completion of the pipeline construction. The loss of the additional hedgerow would be more significant but could be mitigated by undertaking replacement planting. These matters can be the subject of planning conditions to address the additional environmental impacts arising from the pipeline diversion. The revised diversion proposals offer environmental benefits over those which were previously considered particularly in relation to impacts on the Bartle Wetlands Biological Heritage site and adjacent habitats and are therefore considered to be acceptable

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.

More recently solicitors for the same landowner have served a pre action protocol letter on the county council giving details of their intention to apply to the High Court for a judicial review of the Preston Western Distributor Road scheme. The pre action protocol letter provides details of two issues which would form the basis of their proposed legal challenge:-

- That the county council is not empowered to grant planning permission for the scheme and that it should instead be promoted through a Development Consent Order under the Planning Act 2008. This is due to the objectors conclusion that the works to the motorway junction exceed 15ha in area which is the threshold contained in the Planning Act 2008 for highway developments which must be the subject of a Development Consent Order rather than a planning application.
- That the county council should undertake a revised screening assessment of the project in the light of recent case law regarding the impacts of developments on European wildlife sites.

On the first issue, the county council considers that the area of the works which affect the M55 junction are less than 15ha and therefore the project does not fall within the thresholds in the Planning Act 2008 for highway schemes. This has been confirmed by the County Council's own legal advice from Counsel and therefore the landowners view is not supported.

The second ground for 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 it is determined at the initial screening stage that a project would have a likely significant effect on a European site, then a full Appropriate Assessment is required.

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 and that it would therefore now be legally incorrect to proceed on this basis given 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 Special Protection Area. 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 surveys that were undertaken as part of the Environmental Impact Assessment for this development did not identify that any of the land crossed by, or close to the alignment of the scheme was used as supporting habitat by any of the bird species that are associated with any of the nearest European protected wildlife sites. It is therefore reasonable to discount impacts such as lighting, noise and vibration from an assessment of the impact of the scheme on European protected wildlife sites. However, in terms of drainage, the proposed highway would have outfalls into existing watercourses that either flow towards the Ribble Estuary or the River Wyre. As any drainage mitigation measures have to be discounted during any screening assessment, it is not possible to conclude that there would be no likely significant effect on a European wildlife site and therefore the County Council, as planning authority, considers that an Appropriate Assessment of the project should be carried out prior to decision as required by the Habitats Regulations and to comply with the judgement in *People over Wind*.

An Appropriate Assessment is a detailed evaluation of the risks of the project to the special interest features of any European wildlife site potentially affected by the proposed development. In this case, it has been concluded that the only risks relate

to drainage / hydrology issues and therefore the Appropriate Assessment can focus on this single topic. At the Appropriate Assessment stage, account can be taken of any mitigation measures which are required to offset the environmental impacts of the development.

In terms of drainage, the scheme has possible hydrological connections to two European wildlife sites:

- the Ribble and Alt Estuaries Special Protection Area and Ramsar site via the Savick Brook which drains into the Ribble Estuary. The length of watercourse between the southernmost road outfall and the boundary of the Special Protection Area is approximately 3.8 km.
- Morecambe and Duddon Estuary Special Protection Area / 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 northernmost outfall and the Wyre Estuary is approximately 17km.

Whilst there would be a direct hydrological connection between the proposed highway and the two above designated sites, the Appropriate Assessment carried out by the County Planning Authority concludes that the integrity of the above designated sites would not be affected. This is due to a combination of factors including the substantial dilution of any pollutants that might run off from the road scheme when considered against the volumes of water in the Ribble and Wyre estuaries, the distances from the outfalls to the Special Protection Area boundaries and the mitigation measures that are embedded within the road design. These include kerbs and gullies, catchpits, wet balancing ponds and swales. If there were to be an accident on the highway resulting in a spillage of polluting liquid, these measures would allow the pollution to be contained and treated preventing its discharge to watercourses. Similarly with impacts during construction, mitigation exists through good working practices implemented through the proposed Construction Environmental Management Plan.

The conclusion of the Appropriate Assessment is that with mitigation measures the project would not affect the integrity of the special interest features of either of the above European wildlife sites. Natural England have reviewed the Appropriate Assessment and concur that the conclusions of the Assessment are acceptable provided that the mitigation measures are secured through any planning permission that may be granted. To address Natural England's observations amendments to the condition relating to the requirement to submit a construction environmental management plan are recommended to address issues raised by the Appropriate Assessment process in relation to impacts during the construction of the road.

Paragraph 177 of the National Planning Policy Framework requires that the normal presumption in favour of sustainable development (set out in paragraph 11) does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined. This is because the presumption in favour of development would then conflict with the presumption in favour of conservation that applies through the Habitats Regulations. The People Over Wind judgement was made subsequent to the consultation on the revised National Planning Policy Framework being published and there was no opportunity

for the Government to reflect the court's decision in the wording of the revised National Planning Policy Framework. A consultation is currently being undertaken on how that might be achieved.

However, in the meantime, the application has to be considered against the national policy that is currently in place and which requires the presumption in favour of sustainable development to be discounted for developments where Appropriate Assessment has been undertaken. In this case the Appropriate Assessment has determined that the project would not affect the integrity of any European site and therefore the decision whether to authorise the project must be a balanced one taking into account the impacts and benefits of the development. In this case, taking into account all impacts and benefits of the scheme it is considered that the balance weighs in favour of granting planning permission.

Since the report to Committee in October 2017, there have been some changes to planning policy. Firstly the National Planning Policy Framework has been revised, the revised version being published in July 2018. It is therefore necessary to review the proposal against the amended national policy context. The policies found in the updated NPPF relating to environmental protection are considered to be very similar compared to the national policies that were in place at the time of the original committee resolution in October 2017 and would not have a material effect on the consideration of the application. Some of the most significant changes to the NPPF were to the sections dealing with the provision of new housing. As a general theme, the revised National Planning Policy Framework has reinforced and strengthened the policies relating to the provision of new housing and then maintenance of supply and delivery. Given the role of the proposed highways in helping to release new land for housing in north west Preston, it is considered that the proposal would benefit from the support provided by these policies in the revised National Planning Policy Framework. The proposal is therefore still supported by national policy.

Secondly the Fylde Borough Local Plan to 2006 has now been replaced by a new local plan. Only a very small part of the proposed highway is located within Fylde Borough and it is not considered that the policies in the new local plan would have a material effect on the determination of this planning application

Since the report to Committee in October 2017, a further objection has also been received from a resident on Harbour Lane, Salwick, approximately 400 metres from the alignment of the proposed Preston Western Distributor Road. The resident considers that the new road would have a negative health impact as a result of fumes and noise pollution that would be generated at a much closer position to the property. Whilst the new road would create some changes in noise and pollutant levels in the local area, the resident's property is at some distance from the new highway. There are also other properties which are located at a closer distance to the new road where it has already been determined that the noise and air quality impacts are acceptable. It is therefore considered that the impacts would not be unacceptable at the resident's property.

The Human Rights issues raised by this proposal were addressed in the report to the 4th 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:-

Time Limits

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 B - Site Plan

Drawing CLM01-DEV-040-008 Rev B - Location of typical cross sections

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 - DEV040-011 9 of 9 Rev A - Long sections of route
Drawing CLM04 -DEV010 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 - Becconsall 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'

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 the storage of any fuels, chemicals or other substances hazardous to the water environment.
 - c) 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.
 - d) details of the measures to be taken during construction operations to control run off to existing watercourses
 - e) details for the management of works within existing watercourses to reduce sediment pollution including timing of works.
 - f) 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.

- g) 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.
- h) details of any highway improvements that are necessary to the approved routes identified in g) 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.

- 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.

- 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.

- 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 a scheme and programme of noise attenuation measures for existing residential properties at Lea Town and at 'Many Views' has been submitted to and approved in writing by the County Planning Authority.

The scheme and programme shall contain details for the implementation of noise mitigation measures within the road design to reduce the impacts of highway noise on existing residential properties at the locations listed above. The measures shall include noise attenuation fencing including location and design of measures to be implemented and their landscaping.

The noise mitigation measures contained in the approved scheme and programme 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.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) 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 Biological Heritage site and other areas of wetland between the highway and the Biological Heritage site 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 including restatement of the pipeline route and replanting of any hedgerows removed to construct the diversion.

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 and thereafter managed in accordance with the requirements of condition 29.

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 hibernacular.
- 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.

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 /Ext
LCC/2016/0046		Jonathan Haine Planning and Environment 534130
Reason for Inclusion in Part II, if appropriate		
N/A		