

Development Control Committee

Meeting to be held on 21 December 2022

Electoral Division affected:
Thornton and Hambleton

Wyre Borough: application number LCC/2021/0030

Excavation of a lake and change of use of land to allow a commercial fishing lake associated with Pheasants Wood Fishery. Fisheries at Crane Hall Barn Estate, Rawcliffe Road, St Michaels-on-Wyre

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Brief Summary

Application - Excavation of a lake and change of use of land to allow a commercial fishing lake associated with Pheasants Wood Fishery. Fisheries at Crane Hall Barn Estate, Rawcliffe Road, St Michaels-on-Wyre.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, depths and area of excavation, highway matters, hours of operation and landscaping/ecology.

Applicant's Proposal

The application is for the excavation of a course fishing lake. The application site measures approximately 4.7 hectares with the proposed lake having a broadly rectangular shape measuring 210 metres with a maximum width of 80 metres. The maximum depth of the lake would be 4 metres, but most areas of the lake would be shallower between 2 and 1.5 metres in depth.

Construction of the lake would require the excavation of approximately 31600 m³ of soil and clay material. The application originally proposed that all excavated material would be exported from the site, but an amended proposal provides for approximately 17,000 m³ of excavated material to be retained on site in a landscaped mound. The mound would have a maximum height of 5 metres and would be located to the north of the fishing lake.

Export of the remaining material is expected to take approximately 36 weeks to complete based upon 9 heavy goods vehicle (HGV) loads per day.



Description and Location of Site

The existing Pheasants Wood Fishery is a coarse fishing complex located off Rawcliffe Road approximately 2.3 km north west of Great Ecclestone. The fishery is accessed via a single-track lane with passing places called Crow Lane which provides access to the fishery and also a holiday chalet complex to the east. Crow Lane is also a public right of way.

The application site is located on an area of agricultural pastureland located immediately to the west of the existing fishing lake. The site is crossed by a hedgerow and has an existing pond on its southern edge. The land surrounding the site is comprised of arable agricultural land with an area of woodland to the south.

The nearest residential properties are located off Crow Lane 250 metres to the north east of the proposed fishing lake.

The southern part of the application site is located within Flood Zone 3 (area at highest risk of flooding).

History

There is no relevant planning history

Planning Policy

National Planning Policy Framework (NPPF): The following paragraphs of the National Planning Policy Framework (NPPF) are considered to be particularly relevant: 11 (presumption in favour of sustainable development), 84 (rural development), 111 (highway impacts), 130 (design), 159 – 167 (flooding) and 180 (ecology)

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 – Development management

Wyre Local Plan

Policy SP2 – Sustainable Development

Policy SP4 – Countryside areas

Policy CDMP1 – Environmental protection

Policy CDMP2 – Flood risk and surface water management

Policy CDMP3 – Design

Policy CDMP4 – Environmental Assets

Policy CDMP6 – Accessibility and transport



Consultations

Wyre Borough Council: Object to the application on the following grounds:

- The application site is in the countryside. There is insufficient justification for the provision of the area of car parking and inclusion of wider land within the application site and these elements of the proposal have therefore not been justified as being necessary development in the countryside therefore contrary to policies EP8 and SP4 of the Wyre Local Plan.
- The development is in the countryside and the proposal would represent development in a poorly accessible location detached from the nearest settlement. The site would be accessed by unlit road subject to national speed limits and without footways and users of the site would be reliant on private motor car usage with no opportunity for alternative sustainable travel modes. There is insufficient evidence to demonstrate a business need or benefits from the development to outweigh these impacts. In addition the applicant has not demonstrated a response to climate change and the proposal is therefore not sustainable development contrary to paragraphs 8 and 104 of the National Planning Policy Framework (NPPF) and policies SP2, EP8 and CDMP6 of the Wyre Local Plan.
- The site is in flood zone 3 and no evidence has been submitted to show the availability of sites elsewhere with a lower risk of flooding contrary to section 14 of the National Planning Policy Framework (NPPF) and policies SP2 and CDMP2 of the Wyre Local Plan.
- Inadequate information has been submitted with the application to assess the impacts on trees contrary to the National Planning Policy Framework (NPPF) and policies SP2 and CDMP4 of the Wyre Local Plan.

Out Rawcliffe Parish Council: No objection.

Jacobs UK Ltd (Ecology Comments): The application states that landscaping and management proposals will achieve enhancement of biodiversity in the long term. Based on the proposals, this seems to be a valid statement. However, it should be noted that this is not a commitment to biodiversity net gain and no evidence has been provided such as a biodiversity metric calculation to demonstrate the level of gain provided. It is important that the landscape and management prescriptions are adhered to in full to ensure that the commercial angling activities do not conflict with the wildlife enhancement. Further detail is required for the management of the existing pond and for the seeding of stockpile areas.

Environment Agency (EA): Initially raised objection due to the location of the site in Flood Risk Zone 3 and a lack of a flood risk assessment. Upon receipt of additional information the Environment Agency (EA) withdrew their objection and now consider that the development would be safe without exacerbating flood risk elsewhere. The county council will still need to apply the sequential test in relation to the location of the development and flood risk issues.

Lancashire County Council (LCC) Highways Development Control: No objection – the proposed development will not have a significant impact on highway safety, capacity or amenity in the vicinity of the site. Conditions are required in relation to a



construction traffic management plan and to require a highway condition survey of Rawcliffe Road prior to the construction work commencing to allow an assessment of any damage to the highway arising from undertaking the development.

Representations: The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received stating that permission should not be given for the construction of the lake when there are already plenty of fishing opportunities in rivers and the sea. The resident is concerned about the wildlife impacts of the development and how any impacts will be mitigated. Concern is also raised about the use of guns and cannons on the existing fishing lake site.

Advice

The proposal is for the construction of a new course angling lake. The existing fishing facility at the site has two lakes with 31 fishing platforms in total around both lakes which are operated using a booking system.

The applicant has stated that there is a high demand for fishing at their lakes and the site is regularly booked up. The applicant therefore wishes to develop a larger lake which can be stocked with specimen carp. The applicant states that whilst there are many course angling facilities in the local area, none have lakes of sufficient size to allow carp to develop to specimen size and therefore anglers who are interested in this type of fishing have to travel further afield.

The main issues relate to the planning policy matters raised by the Borough Council, the highway and local amenity impacts relating the export of the material and other general planning and environmental issues.

Planning policy matters

Policy SP4 of the Wyre Local Plan relates to development in countryside areas. It states that development which adversely impacts on the open and rural character of the countryside will not be permitted unless it is demonstrated that the harm to the open and rural character is necessary to achieve substantial public benefits that outweigh the harm. The policy states that within countryside areas planning permission will only be granted for new development that is for agriculture, forestry, mineral extraction or equine related, outdoor sport and leisure activities where a countryside location is needed and justified and for a range of other development that can justify a countryside location.

Policy EP8 relates to the rural economy and states that the council will support proposals to help diversify the rural economy including the expansion of existing businesses with countryside areas where it is demonstrated that the scale and nature of the activity is not detrimental to the rural character of the area and any new building and supporting infrastructure is necessary. The policy states that sustainable development which enhances the diversity of recreational opportunities and visitor attractions in rural areas will be supported.

Policy CDMP6 relates to accessibility and transport considerations and has a number of requirements including that safe and adequate vehicular, cycle and



pedestrian access to and from and circulation within a proposed site would be provided and that measures are included to encourage access by foot, by bicycle and public transport and reduce reliance on cars.

The site is located in a countryside area as designated in the Wyre Local Plan. Under the above policies (particularly policy SP4), development in countryside areas is strictly limited in order to safeguard the intrinsic character of such areas. Wyre Borough Council have objected to the application as they consider that the car parking and other elements of the development have not been justified as necessary development in the countryside.

In terms of the whole development, the site is set back a significant distance from Rawcliffe Road (at least 400 metres) and is screened from that direction by substantial blocks of woodland which would be retained around the site boundaries. The only public views of the site would be from a footpath running close to the northern boundary of the site. The proposed car park would only measure approximately 45 metres by 20 metres and would be screened from many directions by the proposed landscape mounding and other landscaping including a replacement hedgerow. The proposal would not require the loss of any landscape features apart from a length of existing hedgerow approximately 150 metres in length. Although fishing lakes of this size are not generally characteristic of the local area, it is considered that in general the proposal would not detract from the open and rural character of the countryside. It should be noted that the Borough Council do not appear to have any objection to the fishing lake itself.

The applicant wishes to construct a new fishing lake in this area as it is directly adjacent to their existing course angling facility. The applicant has stated that the new lake would provide a fishing facility of a type that is not found on either of their current lakes or on any of the other commercial angling facilities in the local area. It is very unlikely that a lake of the size proposed could be developed on a site within any of the main urban areas and therefore a rural location is considered acceptable for this type of recreational development. Whilst the site is not served by any public transport routes, course angling often requires large amounts of equipment and therefore it is very unlikely that users of the facility would use public transport even if it existed. The development is therefore considered acceptable in relation to Policy SP4 of the borough local plan.

Highways and Local Amenity Issues

The main issue relates to the highway impacts arising from export of the excavated materials and associated impacts on the amenity of residents living alongside Rawcliffe Road.

Paragraph 111 of the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highways ground if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan (JLMWLP) states that development for minerals operations will be supported where it can be



demonstrated that all material impacts can be eliminated or controlled to acceptable levels.

The site is accessed from Rawcliffe Road which is C class road linking Hambleton with St Michaels on Wyre where there is a junction with the A586. It is possible to access the A586 at Great Eccleston via a shorter route but this requires crossing the toll bridge across the River Wyre so it is unlikely that this route would be used by heavy goods vehicles (HGVs). Rawcliffe Road to the west of the site is an increasingly rural and tortuous lane which is not readily suitable for heavy goods vehicle (HGV) traffic. The applicant therefore proposes that all traffic would access the site via the A586 at St Michaels, a distance along Rawcliffe Road of around 6km.

For the majority of this distance Rawcliffe Road is of reasonable width and alignment although there are some areas of more restricted width and/or forward visibility. The section west of the junction with Lancaster Road also forms part of the Lancashire Cycle Way. There are approximately 20 properties which front onto Rawcliffe Road within St Michaels village and a similar number of scattered houses located elsewhere along the route.

Given the nature of the road network that would be used, some concerns are raised in terms of the impacts of heavy goods vehicle (HGV) traffic on highway safety and local amenity. The initial proposal involved all the excavated materials being exported but in order to reduce the impacts of heavy goods vehicle (HGV) movements, the applicant was asked to investigate the ability to retain some of the materials on site. The applicant has addressed this requirement by proposing to retain some of the material within a mound on the northern side of the lake which is outside the flood zone. The mounding would accommodate approximately half of the excavation volume and therefore would significantly reduce the highway and amenity impacts of the development. The remaining materials would take approximately nine months to export at a rate of nine loads per day although the excavation would be completed more quickly if the number of daily loads increased. Rawcliffe Road whilst having some points of more restricted width is largely of reasonable standard and Lancashire County Council (LCC) Highways have raised no objection to the use of this road for a temporary project such as this.

The main issue relating to the export of the excavation material relates to the impacts on the amenities on the residents along this route particularly where Rawcliffe Road passes through St Michaels where the houses are closer to the highway. There would be some impacts in this location from traffic noise and to mitigate those impacts it is considered that export of materials should be restricted to Monday to Friday and with more restricted hours for the export of materials than for works on the site itself. It is also considered that the maximum level of export from the site should be restricted to 16 loads per day which would equate to approximately two loads per hour. These restrictions would also help to address any impacts for users of the Lancashire cycle way, part of which follows Rawcliffe Road.

Lancashire County Council (LCC) Highways have requested a condition relating to a construction management plan and also a condition requiring a pre and post development highway condition survey. Their concerns in relation to damage to the highway surface from heavy goods vehicles (HGVs) are acknowledged but it is considered that such a condition would not meet the tests of reasonableness and



enforceability for planning conditions given that the route is already used by other traffic. Such a condition is therefore not recommended.

In conclusion, it is considered that the proposal would not result in unacceptable or severe highway impacts and therefore passes the test in paragraph 111 of the National Planning Policy Framework (NPPF). It is considered that conditions should be also imposed in addition to those described above to require the mound to be constructed prior to any materials being exported from the site, to control the depths of excavation and to address wheel cleaning, sheeting and hours of operation issues. With such conditions the proposal complies with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Ecology/Landscaping

The site is currently comprised of two agricultural fields divided by a hedgerow and with an existing pond on its southern side. The hedgerow would require removal to construct the lake, but the existing pond would be retained. No other trees or other landscape/habitat features would require removal to construct the fishing lake.

In terms of landscape, the site is well screened by other surrounding hedgerows and woodland blocks and the excavation works would not be particularly visible in the landscape apart from the footpath to the north. The proposed mound used to accommodate some of the excavation arisings would not be particularly characteristic of the landscape in this area but on balance it is considered that with appropriate tree and shrub planting, the feature would be acceptable given the highway issues discussed above.

In terms of ecology, the applicant carried out a preliminary ecological assessment which included e-DNA surveys for great crested newts. Jacobs UK have considered the applicant's assessment and agree that there will be no impacts on statutory wildlife sites and that impacts on great crested newts are also unlikely. Jacobs comment that there is no specific commitment to biodiversity net gain such as a net gain metric calculation. There is currently no legal requirement to undertake such an assessment and given the habitat creation and landscaping proposals it is likely that there would be some upfit in the ecological value of the site compared to the existing situation. Conditions are recommended regarding landscaping and ecological mitigation.

Flooding/water issues

Part of the site is located in flood zones 2 and 3 (areas at highest risk of flooding). Paragraphs 161 – 162 of the National Planning Policy Framework (NPPF) require a sequential approach so that development is not located within a flood risk zone if there are other suitable sites available. The location of the facility is restricted by the applicant's land holding and the need to be close to the existing access road and central fishing facilities (club house and retail facility). The application is supported by a flood risk assessment to assess whether the development would be safe and not result in additional flooding impacts elsewhere. The proposal has been designed so that the only feature with the flood zone is the lake which would not increase flood risk elsewhere nor would users of the facility be exposed to undue risk. The proposed mound feature has been located outside of the flood zone so that it would



result in no loss of flood plain capacity. The Environment Agency have reviewed the assessment and consider that it addresses their original objection to the application and the proposal is therefore considered acceptable in terms of paragraphs 161 – 162 of the National Planning Policy Framework (NPPF).

Conclusions

This proposal is for the construction of new course angling facility. It would be a recreational facility and therefore is considered to be an acceptable use of land within a countryside area. There would be some highway and amenity impacts arising from the export of excavated materials, but these impacts would be temporary and subject to planning conditions, it is considered that the impacts can be controlled to acceptable levels. The landscaping proposals would enable the development of new habitats that would offset the ecological impacts and provide new landscape features. The proposal is therefore considered acceptable in terms of the policies of the National Planning Policy Framework (NPPF) and the Development Plan.

In view of the scale, location and nature of the proposal, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3years from the date of this permission.

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

Working Programme

2. 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 11 May 2021.
 - b) Submitted Plans and documents:
 - Drawing GA3269 LP 01A - Location Plan
 - Drawing GA3269 PSEC - 01D - Proposed site sections
 - Drawing GA3269 PSEC - 01C - Proposed site plan
 - Drawing GA3269 PMSEC - 01 - Proposed mound sections
 - c) All schemes and programmes approved in accordance with this permission.



Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the of the Joint Lancashire Minerals and Waste Local Plan.

3. No excavated materials shall be exported from the site until the mounding shown on drawing ref GA3269-PSPECO-01C has been constructed to the contours shown on that drawing.

Reason: To minimise the volume of materials leaving the site in the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

4. No excavation works to construct the lake shall take place outside of the area shown on drawing GA3269 -PSPECO-O1C.

Reason: In order to control the scale of the excavation operations in the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

5. No development shall take place until a plan drawn to 1 metre intervals showing the proposed basal contours of the fishing lake has been submitted to the County Planning Authority for approval in writing.

No excavation shall take place below the basal levels shown on the approved drawing.

Reason: In order to control the scale of the excavation operations in the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

6. No excavation works shall take place outside the hours of:

07.30 to 18.00 hours, Mondays to Fridays (except Public Holidays)
08.00 to 13.00 hours on Saturdays

No excavation works shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.



7. No heavy goods vehicles associated with the export of excavated materials from the site, as defined in this permission, shall leave the site outside the hours of:

08.30 to 17.00 hours, Mondays to Fridays (except Public Holidays)

No heavy goods vehicles shall enter or leave the site on Saturdays, Sundays or Public Holidays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

8. Notification of the date of commencement of the export of excavated materials from the site shall be provided to the County Planning Authority within seven days of such commencement.

Reason: To enable the County Planning Authority to monitor the activities on the site in the interests of local amenity and highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Highway Matters

9. No more than 16 heavy goods vehicles, as defined in this permission, shall leave the site in any one day during Mondays to Fridays, inclusive associated with the export of excavated materials from the site.

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 DM2 of the Joint Lancashire Minerals and Waste Local Plan.

10. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicle's weight, registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority or his representative at all reasonable times. The records shall be retained at the site for a period of 12 months.

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 DM2 of the Joint Lancashire Minerals and Waste Local Plan.

11. The excavation of the lake and export of excavated materials from the site shall be completed within six months of the date notified to the County Planning Authority under the provisions of condition 8 above.

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 DM2 of the Joint Lancashire Minerals and Waste Local Plan.

12. Measures shall be taken throughout the period of exportation of excavated materials to ensure that no mud, dust or deleterious materials are deposited on the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

13. All vehicles transporting excavated materials from the site shall be securely sheeted.

Reason: In the interests of highway safety and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

14. The sole access to and egress from the site shall be from Rawcliffe Road and Crow Lane as shown on Drawing GA5269-LP-O1A.

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 DM2 of the Lancashire Minerals and Waste Local Plan.

15. No development shall commence until a Traffic Management Plan has been submitted to and approved in writing by the County Planning Authority. The traffic management plan shall contain the following information:

- a) Details for the control of heavy goods vehicle (HGV) routing to ensure that heavy goods vehicles (HGVs) only access the site using Rawcliffe Road to its junction with the A586 at St Michaels on Wyre.
- b) The measures that will be used to ensure that drivers only use the routes that are proposed in a) above.

The traffic management measures contained in the approved scheme shall be undertaken through the period of export of excavated materials.

Reason: In the interests of highway safety and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Landscaping and restoration

16. No hedgerows other than that shown in a dashed red line and that necessary to construct the mounding as shown on Drawing GA5269-PSPECO-O1C shall be removed. All other hedgerows and trees within or on the boundaries of the site shall be retained and protected throughout the duration of construction operations.

Hedgerow removal shall only take place between 30 August to 1 March unless the hedgerows to be removed have been previously checked by a



qualified ecologist and it has been confirmed that the hedgerows are not being used by nesting birds.

Reason: In the interests of ecology and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

17. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall be based upon the landscape layout shown on drawing and shall contain the following:
- a) Details of hedge planting on the boundaries of the site to include details of location of new hedges to be planted, sizes, types and species to be planted, planting methods and protection measures. The length of new hedgerow planting shall not be less than the length of hedgerow to be removed.
 - b) Details of new tree and shrub planting including on the mound feature. The details shall include details of location of new trees and shrubs to be planted, sizes, types and species to be planted, planting methods and protection measures.
 - c) Details of seeding including on the mound feature.
 - d) Landscaping of the lake margins.
 - e) Details of any otter protection fencing including landscaping measures to mitigate the visual impacts of such fencing.
 - f) Ecological enhancement works to the existing pond including removal of fish and measures to increase habitat value.
 - g) Seeding works including seed mixes to be used.
 - h) Details for the creation of the new car park including surfacing.
 - i) Details of fishing facilities to be provided around the lake edge.

The fishing lake shall be developed and landscaped in accordance with the approved details. All hedge and tree planting shall be carried out in the first planting season following the completion of the excavation works.

Reason: In the interests of the proper landscaping of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan

18. All tree and hedge planting works, and habitat creation measures shall be managed for a period of five years from the date when the County Planning Authority certifies in writing that the restoration of the site is complete. Such management works shall include the maintenance of all tree and hedge planting including replacement of failures, weed control and maintenance of protection measures.



Reason: In the interests of the proper landscaping of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

19. No bird scaring sirens or guns shall be used on the site during the operation of the fishery.

Reason: In the interests of local amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

Definitions

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

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 18 have been completed satisfactorily.

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2021/0030	December 2022	Jonathan Haine Planning and Environment 01772 534130

Reason for Inclusion in Part II, if appropriate

N/A

