

## Signing Off Form

**Planning Application Number:** LCC/2024/0001

	<b>Cleared By</b>	<b>Date Cleared</b>	<b>Date Forwarded</b>	<b>Notes</b>
Case Officer – Forward to Head of Development Management	HA	24/05/24		
Head of Development Management for signing by other	JMH	11/06/24	11/06/24	
<b>Signing Off</b>			<b>Tick</b>	
<b>Director of Environment &amp; Planning</b>				
<i>A Mullaneey</i>				
<b>Date:</b> 11 June 2024				
	<b>Date</b>	<b>By</b>		
Decision Notice Issued	<b>14/06/24</b>	<b>SB</b>		
Notifications completed	<b>14/06/24</b>	<b>SB</b>		

**Development Management  
Planning Application Delegated Report**

Electoral Division affected: Preston South West
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<b>Date app.valid</b>	<b>Dec. due by</b>
21/12/2023	14/06/24

**Preston City: Application No. LCC/2024/0001  
Construction of a temporary access off Riversway.  
Riversway, Lea, Preston**

Contact for further information:  
Helen Ashworth, 01772 530084, Environment Directorate  
Devman@lancashire.gov.uk

**Executive Summary**

Application – Construction of a temporary access off Riversway, Lea, Preston

**Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling ecological mitigation, highway safety and site restoration.

**Applicant's Proposal**

This application is for the creation of a temporary access point at Riversway, Lea, Preston.

The proposal would comprise the widening of an existing area of dropped kerbs and field access and removal of some grassland. There would be provision of new carriageway surfacing to adjoin the proposed haul road. Upon completion of construction the site would be restored to its previous condition.

**Description and Location of Site**

The application site is located on the north side of Riversway (A583) at Lea, Preston. The site is approximately 170m east of the roundabout joining Blackpool Road, Riversway and Edith Rigby Way and approximately 350m west of the settlement boundary of Lea. The site is approximately 4km west of Preston City Centre.

The site has an area of approximately 420 sq m and presently comprises agricultural land and a small strip of grass verge adjacent to the pavement. There is a public right of way (ref. FP0608024) approximately 10m to the west of the application site, leading north towards Savick Brook and south towards Blackpool Road.

## **Background**

The proposed access is required in order to enable works associated with the replacement and upgrade of United Utilities infrastructure from Hoyles Lane, Cottam to the existing Lea Gate Pumping Station, which is located north of Blackpool Road (A583), Lea Preston. The works include the upsizing and installation of approximately 4km of new 600mm diameter sewer pipeline to improve the capacity of the existing sewer network at Hoyles Lane.

The upgrades to the sewer network are required in order to provide protection against foul flooding associated with storm events and to help deliver the North West Preston Masterplan, which sets out the growth and development of new residential properties.

In order to facilitate the upgrade works a number of temporary access points along the pipeline route are required. The upgrade works themselves are to be carried out under United Utilities' permitted development rights as statutory undertaker under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

## **Planning History**

The application site is within the application boundary of the following applications:

Lancashire County Council Applications:

LCC/2022/0041

Amendment to approved plans listed in Condition 2 of Planning Permission ref LCC/2016/0046 to permit a revision of the screen mounding and landscaping alongside the Preston Western Distributor Road. Land in Lea, Cottam and Bartle and to the west and north of the existing built-up area of Preston  
Approved 27 April 2023

LCC/2016/0046

Development of new highway including Preston Western Distributor, Cottam Link Road and east west link road.  
Approved 19 November 2018

Preston Council Applications:

06/2018/0885

Outline planning application seeking approval for access for up to 280 dwellings, with associated infrastructure and open space  
Approved 11 January 2021

## **Planning Policy**

*National Planning Policy Framework*

The following paragraphs are considered to be relevant:  
8-11 (presumption in favour of sustainable development),

100 (public rights of way)  
110-113 (transport and highway considerations)  
130 (design)  
131 (trees)  
167 (flood risks)  
169 (sustainable drainage systems)  
174 and 180 (biodiversity)  
185 (amenity impacts of development)  
194 - 202 (heritage assets)

*Joint Lancashire Minerals Waste Local Plan – Site Allocations and development  
Management Policies – Part One*

Policy NPPF1 – Presumption in Favour of Sustainable Development  
Policy DM1 – Management of Waste and Extraction of Minerals  
Policy DM2 – Development Management

*Central Lancashire Core Strategy*

Policy 1 – Locating Growth  
Policy 2 – Infrastructure  
Policy 3 – Travel  
Policy 16 – Heritage Assets  
Policy 17 – Design of New buildings  
Policy 18 – Green Infrastructure  
Policy 21 – Landscape Character Areas  
Policy 22 – Biodiversity and Geodiversity  
Policy 27 – Sustainable Resources and New Developments  
Policy 29 – Water Management  
Policy 30 – Air Quality  
Policy 31 – Agricultural Land

*Preston Local Plan 2012-26 (Site Allocations and Development Management  
Policies)*

Policy MD1 – Cottam  
Policy MD2 – North West Preston  
Policy ST2 – General Transport Considerations  
Policy EN1 – Development in the Open Countryside  
Policy EN7 – Land Quality  
Policy EN8 – Development and Heritage Assets  
Policy EN9 – Design of New Development  
Policy EN10 – Biodiversity and Nature Conservation

**Consultations**

Preston City Council: Confirm no objections to the proposals.

Lancashire County Council Ecology: No objections. A number of planning conditions are recommended, relating to securing mitigation measures and preventing harm to protected species.

Lancashire County Council Highways: No objections to the development, following receipt of clarification of the plans. A number of planning conditions are recommended relating to issues of traffic management, details of proposed surfacing materials and road cleaning.

Lancashire County Council Archaeology: Confirm no objections to the proposals.

Lea Parish Council: No comments received.

Cadent: No comments received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. No representations have been received.

### **Advice**

The proposed development is required in order to provide access to enable works associated with the replacement and upgrade of United Utilities infrastructure, including the provision of a new sewer pipeline to improve the capacity of the existing sewer network.

The Development Plan for the site is comprised of the Joint Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies Part One (adopted September 2013); the Central Lancashire Core Strategy (adopted July 2012) and the Preston Local Plan (adopted July 2015).

The main issues for consideration include impacts on highways, landscape impacts and ecology.

### *Principle of the development*

The application site is located within the open countryside, as defined in the Preston Local Plan. Policy EN1 states that development in the open countryside will be limited to that need for purposes of agriculture and forestry, or other uses appropriate to a rural area; the re-use of existing buildings and infilling within groups of buildings.

Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan supports development for minerals or waste management operations including waste water, where it can be demonstrated that material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

The applicant has provided the following information in support of the proposals:

- A preliminary ecological appraisal
- An Arboriculture Impact Assessment

- A landscape re-instatement plan
- Copy of the Great Crested Newt District Level Licensing Impact Assessment and Certificate
- Environmental Control Plan
- Assessment of Likely Significant Effect and Shadow Habitats Regulations Assessment
- Construction Traffic Management Plan
- An archaeology and heritage desk based assessment

It is important to note that although the proposed development forms part of a wider programme of works and development, it is only the formation of a number of a total of six temporary points of access to facilitate the works that require planning consent as part of this wider project. This application is for one of those points of access (the other planning applications are references LCC/2024/0002, LCC/2024/0003 and LCC/2024/004).

The proposed development does not fall within any of the categories of development that are listed within policy EN1 of the Preston Local Plan as being considered to be acceptable within open countryside. However, the policy does recognise that there may be other uses appropriate to a rural area that may be acceptable. It is accepted that the works are necessary and essential for the continued provision and upgrading of the foul sewer network in the locality. The National Planning Policy Framework emphasises the timely provision of all types of infrastructure in delivering sustainable development.

Given the size and scale of the proposed access it is considered that it would have a very limited impact on the character of the open countryside. The development is required in order to facilitate the provision of essential infrastructure and will only be required for a temporary period of time. The applicant states that the time from site set up to commissioning and re-instatement works would take approximately 18 months. Re-instatement of the site can be secured by condition.

It is therefore considered that the proposal would not cause any undue long term harm to the character of the countryside and the proposal is acceptable in principle and the proposals accord with the aims and thrusts of both national and local policies to manage waste development and the provision of infrastructure.

### *Ecology*

The proposed pipeline development that the current application site is part of is located within a Natural England (NE) Impact Risk Zone (IRZ) associated with a number of statutorily protected sites. These include Ribble Estuary Site of Special Scientific Interest (SSSI), plus the Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar site located 2.4km southwest of the site and Newton Marsh SSSI located 2.3km west of the site.

Special Protection Areas are designated for rare and vulnerable birds and Ramsar sites are wetlands of international importance. Birds for which the above sites are designated may also rely on areas outside of designated sites, including and such as the application site.

The local planning authority is a competent authority for the purposes of the Habitats Regulations and has a duty to consider whether the proposals would result in likely significant effects on the European site.

A shadow Habitat Regulations Assessment (HRA) has been submitted by United Utilities which covers the creation of the temporary access points, alongside other key construction activities including:

- Site establishment & compound creation,
- Open cut works to install the new 4km sewer pipeline; and
- Guided auger boring works underneath the Lancaster Canal, the Preston to Blackpool railway line and Savick Brook.

Natural England have confirmed (see application LCC/2024/0006) that they consider that the proposed development would not have adverse impacts on the designated sites (Ribble & Alt Estuaries Special Protection Area (SPA) and Ribble & Alt Estuaries Ramsar) subject to the appropriate mitigation being secured and has no objection to the proposed development.

The application is also accompanied by a Preliminary Ecological Appraisal Report (Ref: 23036) identifies that the main ecological issues arising from the proposal relate to:

- Badger
- Breeding Birds
- Otter
- Hedgehog
- Invasive species

The Council's Ecologist has confirmed that the findings of the report and the proposed mitigation measures to ensure that there are no negative impacts on protected or priority species and to prevent the spread of invasive species are acceptable.

A number of planning conditions are recommended, that include measures to be taken should protected or invasive species be detected during construction and adherence to the mitigation measures proposed in the preliminary ecological assessment and shadow habitats regulations assessment.

It is therefore considered that subject to the imposition of conditions as recommended by the Ecologist, the proposals will not cause any undue harm to any designated sites of ecological importance, protected species or any other ecological assets or natural habitats and are therefore in accordance with national and local planning policy.

### *Highway Safety*

Lancashire County Council Highways advise that the widening of the existing field gate can be constructed under a section 171 agreement with Lancashire County Council. The footway at the site presently only serves the proposed Bloor Homes development and the Highways Engineer has advised that in the context of

the proposed time scale for the UU works and use of the temporary access (September 2024 to mid-March 2025), there would be limited occupation of homes on the Bloor Homes site and therefore, the access point does not give undue concern regarding pedestrian safety.

The proposed access is on a unidirectional road and the Highways Engineer advises there is concern for regarding right turns out the site and the need for a design to ensure left in /left out only movements. The applicant has proposed that this can be secured using fencing, signage and the use of a Gateman. It is considered that this can be secured by condition.

Finally, the proposals include reducing the speed limit to 30mph on Riversway in proximity to the proposed site access. The Highways Engineer advises that this has already been discussed with LCC Highway Operations. This traffic management should be in place before any construction on the widened access, and throughout the use of the temporary access.

Lancashire County Council Highways have recommended the imposition of a number of planning conditions to secure the above recommendations. The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The impact on the road network would be localised, and temporary.

#### *Landscape and Visual impacts*

The approved plans for the landscaping of the Preston Western Distributor Road (ref. LCC/2022/0041, plan ref. CLM01-LCC-DR-3000-2328 P01 CLM01-LCC-DR-3000-1128 rev C.05 sheet 28 of 42) show the existing access retained and hedgerow planting either side. There is presently no hedgerow planting at the site.

The illustrative development framework submitted as part of application 06/2018/0885 shows that the site would bound an area to the north that would form part of an area of open/amenity space (following the line of the overhead power line that crosses the proposed development site). It is important to note that this application is in outline only, with matters of layout, scale, appearance, access and landscaping reserved.

A landscape reinstatement plan has been submitted with the application (plan ref. 80061057-02-EMG-MISCE-99-DR-04-00004 rev. P03). This proposes that the verge be seeded with a low maintenance grass mix Emorsgate Grass Mixture for Hedgerows and Woodland EG9 and the field be reseeded with a general purpose meadow ley mix or as requested by the landowner according to current land use requirements, such as cattle or sheep grazing or horse paddock.

The proposed re-planting is considered to be acceptable, and in keeping with the character of the area as it exists at present. Taking into consideration the extant outline planning permission for the site it is considered unnecessary to require further hedgerow planting in this location.



### *Historic Environment*

The application is accompanied by an Archaeology and Heritage Desk Based Assessment. Lancashire County Council Archaeologists have advised that the area of the proposed pipeline has been the subject of archaeological assessment and investigation in recent years in relation to the Preston Western Distributor and East/West Link Road and Cottam Parkway Railway Station.

The nearest listed building to the application site is a Grade II listed barn at New Hall farmhouse, approximately 400m to the south of the application site. Given the distance of the listed building from the application site, and the temporary nature of the proposals it is not considered that there would be any harm to the significance of any heritage assets as a result of the proposals and the application is therefore in accordance with both national and local planning policies.

### *Conclusion*

The proposed development is required as part of a wider scheme of works to improve wastewater infrastructure. The impacts arising from the development would be temporary. The proposal is accordingly recommended for approval, subject to conditions.

In view of the nature of the proposals it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

### **Recommendation**

That planning permission be Approved subject to the following conditions

#### **Time Limits**

1. The development shall commence not later than 3 years 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 and supporting statement received by the County Planning Authority on 21st December 2023.
  - b) Submitted Plans and documents:

Drawing No. 80061057-02-BET-MISCE-99-DR-W-00067 Rev. A01 Site Location Plan

Drawing No. 80061057-02-BET-MISCE-99-DR-W-00068 Rev. A01 Existing Site Layout

Drawing No. 80061057-02-BET-MISCE-99-DR-W-00069 Rev. A01 Proposed Site Layout

Drawing No. 80061057-02-BET-MISCE-99-DR-W-00070 Rev. A01 SWEPT PATH ANALYSIS & VISIBILITY SPLAYS

Drawing No. 80061057-02-BET-MISCE-99-DR-W-00071 Rev. A01 Existing and Proposed Levels

Drawing No. 80061057-02-BET-MISCE-99-DR-W-00072 Rev. A01 Temporary Access Works

Drawing No. 80061057-02-EMG-MISCE-99-DR-04-00004 Ref. P03 Landscape Reinstatement Plan

Construction Traffic Management Plan dated 17/11/2023

Environmental Control Plan v1.2 dated 8th December 2023

Assessment of Likely Significant Effect Doc. No. 80061057-02-EMG-MISCE-99-RP-04-00006 rev P01 Date: November 2023

Shadow Habitats Regulations Assessment Doc. No. 80061057-02-EMG-MISCE-99-RP-04-00007 rev P01 Date: November 2023

Arboricultural Impact Assessment Doc. No. 80061057-02-EMG-MISCE-99-RP-04-00008 rev P03 Date: December 2023

Preliminary Ecological Appraisal Report Doc. No. 80061057-02-EMG-MISCE-99-RP-04-00009 rev P02 Date: December 2023

Environmental DNA (eDNA) & Habitat Doc. No. 80061057-02-EMG-MISCE-99-RP-04-00012 rev P01 Date May 2023

ARCHAEOLOGICAL AND HERITAGE DESK BASED ASSESSMENT  
December 2023

*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 Joint Lancashire Minerals and Waste Local Plan, Site Allocation and Development Management Policies Part One and policies ST2, EN1, EN9 and EN10 of the Preston Local Plan.*

## **Ecology**

3. If, at any point, before or during development work, the presence of a protected species that could be adversely affected by the development works is detected or suspected, then works must stop and advice must be sought on the need for a licence from Natural England and necessary species protection measures.

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

4. All works must be undertaken in line with the species avoidance/mitigation measures put forward in table 5 of the Preliminary Ecological Assessment (Ref: 23036) which include:

A pre-commencement survey for badger, to be undertaken immediately prior to the start of works on site.

Protection of ground nesting birds in line with measures put forward in section 5.54 and 5.55 of the report.

Adherence to best practice measures in relation to otter as set out in section 5.57 of the report.

Adherence to best practice measures in relation to hedgehog as set out in section 5.65 of the report.

Production of a method statement to prevent the spread of Himalayan balsam and Japanese Rose during construction.

*Reason: In order to avoid any potential impact on protected species and in accordance with Policy EN10 of the Preston Local Plan.*

5. All works must be undertaken in line with the proposed mitigation and monitoring measures put forward in the Shadow HRA where relevant to this planning application (ref: Ref: 80061057-02-EMG-MISCE-99-RP-04-00007).

*Reason: in the interests of protected species and in accordance with Policy EN10 of the Preston Local Plan.*

### **Highway Matters**

6. The traffic management measures contained in drawing no. KHW131123GHv2, dated 14/06/24 shall be implemented and adhered to at all times for the duration of the use of the access.

*Reason: In the interests of highway safety and in accordance with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, Site Allocation and Development Management Policies Part One and Policy ST2 of the Preston Local Plan.*

7. All traffic movements out of the proposed access shall turn left only. During operating hours a gateman shall be employed to control the routing of traffic leaving the site and signage shall also be erected informing traffic leaving the site of the approved routing.

*Reason: In the interest of highway safety and in accordance with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, Site Allocation and Development Management Policies Part One and policy ST2 of the Preston Local Plan.*

8. Before the widened access is used for vehicular purposes that part of the access extending from the highway boundary for a minimum distance of 10 metres into the site shall be appropriately paved in tarmacadam, concrete, or other hard material.

*Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users and in accordance with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, Site Allocation and Development Management Policies Part One and policy ST2 of the Preston Local Plan.*

9. Measures shall be taken during the duration of the development to ensure that no mud, dust or other debris is deposited on the surface of the public highway by vehicles leaving the site.

*Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety and in accordance with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, Site Allocation and Development Management Policies Part One and policy ST2 of the Preston Local Plan.*

10. Within six months of cessation of use of the access hereby permitted the site shall be re-instated in accordance with details provided in plan ref. 80061057-02-EMG-MISCE-99-DR-04-00004 P03 Landscape re-instatement plan.

*Reason: In the interests of visual amenity and highway safety and in accordance with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, Site Allocation and Development Management Policies Part One and policies ST2 and EN9 of the Preston Local Plan.*

## Notes

Licences from Natural England are likely to be required if protected species or their habitat would be affected.

This consent requires the construction, improvement, or alteration of an access to the public highway. Under the Highways Act 1980 Section 171 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roadsparking-andtravel/roads/vehicle-crossings.aspx>

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

Paper	Date	Contact/Directorate/Ext
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Helen Ashworth Planning and Environment 01772 530083		
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