

Development Management

Subject: FW: LCC/2021/0002 Broadgate, Riverside and Riverside Road, Preston

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Sent: 10 March 2021 22:06

To: Development Management <devman@lancashire.gov.uk>

Cc: Hope, Rob <Rob.Hope@lancashire.gov.uk>; Jones, John <John.Jones@lancashire.gov.uk>

Subject: RE: LCC/2021/0002 Broadgate, Riverside and Riverside Road, Preston

Hi Susan

I apologise for not responding sooner.

have examined the documents submitted with the planning application for the Preston and South Ribble Flood Risk Management Scheme (hereinafter referred to as 'the proposed scheme'), Area 1 and 2, application number LCC/2021/0002 and make the following comments:

1. Felling Licence

Under the Forestry Act 1967, it is an offence to fell licensable trees without having obtained a felling licence or other valid permission.

As part of the proposed scheme, approximately 500 trees along the river between Penwortham New Bridge and Penwortham Old Bridge have recently been felled. As confirmed by the Forestry Commission, a felling licence has not been obtained for this tree felling. In addition, the applicant does not have planning permission to fell these trees. My understanding of the guidance on felling licences is that the felled trees were licensable. However, it will be for the Forestry Commission to determine whether this is the case.

The planning application documents do not explain why these trees had to be removed without a felling licence or planning permission so far in advance of the project's start date. It should also be noted that the tree felling has been undertaken before the county council and the Forestry Commission could complete their assessments of the acceptability of this work against the key tests of planning policy.

2. Removal of existing vegetation

Aside from the felling of large numbers of trees, the proposed scheme would also involve the removal of scrub, ornamental shrubs, hedgerows, species rich grassland and amenity grassland. Of most concern with these proposals, is the tree loss, which would be on a scale rarely seen in the city of Preston.

In determining the acceptability of such a large scale tree loss as proposed, consideration has to be given to determining whether the city of Preston has such an extensive level of tree cover that it has some capacity to accommodate the losses without adverse effects. Evidence from nationally published tree survey data indicates that the simple answer to this is, no. Reference to the data in ***The Canopy Cover of England's Towns and Cities: baselining and setting targets to improve human health and well-being of tree cover in towns and cities*** (Treeconomics, Forest Research) shows that in terms of total tree canopy cover, Preston which sits close to the

bottom third of 300 towns and cities covered by the study does not compare well in either a north western context – lower than Lancaster, Chorley, Skelmersdale, Warrington, Wigan, Burnley, Ellesmere Port, Manchester and Liverpool – or, a national context – lower than Cardiff, Leeds, Coventry, Birmingham, Dover and London.

As data indicates that Preston is not a well treed city, the significance of what trees it does have in cultural, landscape and ecological terms cannot be emphasized enough, especially within a densely populated urban context. In such a context, and with what is a relatively scarce resource, proposals for the removal of large numbers of trees will need to be supported by, *inter alia*, a robust options appraisal demonstrating that the identified losses are unavoidable and that measures can be taken to minimise these losses and any associated adverse effects.

3. Retention of existing trees

Whilst the proposed scheme would involve felling large numbers of trees, many of which are an irreplaceable environmental asset, the applicant does intend to retain trees adjacent to and within the site area. The locations of the trees to be retained are shown on the ***Environmental Masterplan, sheets 1 – 8***. These plans usefully help to illustrate several issues which jeopardise the viability of the applicant's tree retention proposals:

a) many of the trees to be retained have grown within or are adjacent to groups of other trees. Over time, trees within groups tend to develop a degree of interdependency. Their roots can become intertwined and collectively this tends to enhance the tree's stability in the ground. Variations also develop within the group depending on the individual tree's location. All these factors are significant for the retained Broadgate highway trees as they are on located on the edge of a substantial group – felling the group will inevitably affect those that are left. For example, the riverbank trees will have afforded the Broadgate trees some shielding from the prevailing wind which tends to be unconstrained within the river channel. As these trees have now been removed without any gradual adaptation period, the remaining trees on Broadgate may be susceptible to wind throw (more so as some of the tree canopies have been made unbalanced by removal of riverside facing branches). As many of the Broadgate trees are large mature specimens and are within the highway close to residences, it might be prudent to undertake a quantified tree risk assessment of the remaining trees on Broadgate. In any event, it would have been hoped that such a scenario could have been avoided.

b) The ***Existing Trees Constraints Plans, sheets 1 – 8*** show the extent of site tree root protection areas (RPA's). According to ***BS5837:2012 Trees in relation to design, demolition and construction – Recommendations***, a RPA is a "*design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority.*" In recognition of this, good practice requires that construction works, storage of materials, vehicle movements, etc. are all kept out of RPA's wherever possible and the area be protected with some form of barrier along the boundaries. The problem with the proposed scheme is that many of the works would be – and in the case of the tree felling referred to above, WERE – undertaken within RPA's of trees intended for retention. Given the scale of proposed – and now in part completed – works within tree RPA's and the absence of information within the options appraisal as discussed above, it is unclear whether avoidance of them was a consideration at the appraisal and detailed design stages of the project. Many of the trees intended for retention would be adversely affected by the proposed works within their RPA's.

With so many groups of trees likely to be (or already have been) affected by the proposed scheme and trees designated for retention likely to have extensive construction works within their RPA's there is a degree of uncertainty over just how many trees will, ultimately, be adversely affected or have to be removed altogether.

4. Value attached to trees

The applicant has undertaken an Arboricultural assessment in accordance with the requirements of **BS5837 Trees in relation to design, demolition and construction – Recommendations**. This is accepted and widely used good practice but the British Standard is not a tool which should be used solely to determine the value of trees which may be affected by construction works as the values placed on trees are heavily influenced by Arboricultural criteria. Whilst this is a useful exercise, the overall value of a tree in the **broadest sense** can be overlooked. This seems to be the case with the proposed scheme as the applicant's **Arboricultural Statement** highlights that *"C' grade trees are of low quality and value and should not place a constraint on the proposals."* As trees play a critical role in mitigating the adverse effects of climate change, produce approximately half of the oxygen that supports life on earth, absorb pollution, greatly enhance the urban landscape and are essential for maintaining and supporting biodiversity, the view that a living tree should not be seen as a design constraint is not something I can support. In my professional opinion, the applicant should have developed the proposed scheme guided by a fundamental principle which recognises all trees have a value regardless of their origin – self-seeded or planted by humans - and that their removal should only be undertaken when there are no other options available, i.e. it is a last resort option when all others have been exhausted. In light of the existential climate change catastrophe that we face and the fact that Lancashire has a low level of tree canopy cover – some of the lowest in Europe/hectare – traditional methods of determining tree value like those used by the applicant are no longer appropriate.

Ironically, the applicant's Planning Statement advises that much of the justification for the proposed scheme arises from climate change which is *"likely to have an impact on river flows and rainfall intensity, which are both likely to contribute to the increased frequency of events such as Storm Eva which will exceed the capacity of the existing flood defence measures within Preston and South Ribble."* With this in mind, it would be unfortunate if the applicant's proposals were guided by principles that did not appropriately consider the value of trees – a key environmental feature in tackling climate change – and as a consequence proposed works which would result in excessive and avoidable tree removal.

There is a degree of inconsistency within the **Arboricultural Impact Assessment**. Category C trees are deemed to be *"of low quality and value and should not place a constraint on the proposals"* yet within the document's assumptions section the following contradictory statement is made: *"It is assumed that tree features within the Red Line Boundary (RLB) are where possible retained with design considerations and appropriate protection."* The latter more protectionist approach is appropriate for this scheme.

5. Options Appraisal

Information on the options considered by the project team in developing the proposed scheme is provided in the following documents:

- **Area 1 and 2 Planning Statement, Final, December 2020**
- **Area 1 and 2 Design and Access Statement, Final, December 2020**
- **Preston & South Ribble Flood Risk Management Scheme Areas 1 & 2, Non-Statutory Environmental Report, Part 1: Main Report, December 2020**

In all these documents, the information provided on the options selected and the process used to determine the preferred option lacks detail. Of particular concern are the following weaknesses and omissions:

a) Key criteria

Reference is made to assessing the merits of the selected options "against key criteria" but little information on these criteria and the hierarchy/weighting attached to them has been provided. Throughout the appraisal process almost no reference is made to any environmental criteria (exception, please see b) below)

b) List of options

The **Main Report** confirms, "A long list of options was developed in accordance with the Flood and Coastal Erosion Risk Management Appraisal Guidance (FCERM-AG)". This guidance is a lengthy 311 page document and its use is deemed appropriate for the project but no information is provided on how this document was used, interpreted, applied, etc. - the applicant's documentation merely confirms that it was used. Of the options put forward in *Table 2.1 Long list of options considered at Outline Business Case (Non-Statutory Environmental Report, Part 1: Main Report, December 2020)*, only *Option 5 Flood Storage* appears to have been assessed with reference to environmental criteria. Of the options presented in Table 2.1, very little detail is provided on the works required for each one, e.g. Option 5: Flood storage – which broad search areas were considered, what structures needed to be constructed, what maintenance would be required and why would there likely be a "major negative environmental impact?"

c) Shortlisting

As with other elements of the options appraisal, little information is provided on how shortlisting was done. What does stand out from the limited information provided are two things: the shortlisting process was based solely on technical (engineering) criteria and there are no references to the use of any environmental criteria, e.g. "these options were subjected to hydraulic modelling and subsequent technical analysis" (*para. 2.2.1 Short-listing, Non-Statutory Environmental Report, Part 1: Main Report, December 2020*).

d) Transparency

The options appraisal lacks transparency. *Table 2.1 Long list of options considered at Outline Business Case (Non-Statutory Environmental Report, Part 1: Main Report, December 2020)* confirms that the project team did not take *Option 5 Flood Storage* forward to the shortlisting stage as it would have resulted in a "major negative environmental impact." Despite this, the applicant's options appraisal process has led to the development of a flood risk management scheme that would result in major negative environmental impacts due to the substantial tree losses - many of which are irreplaceable environmental assets - required for its completion. This also suggests that the applicant's appraisal process has failed to deliver a more balanced outcome.

e) Large scale tree loss avoidable?

The applicant's options appraisal *does not* provide enough information to determine whether the proposed substantial tree losses are avoidable.

Collectively, these weaknesses and omissions undermine the reliance that can be placed on the applicant's options appraisal. With so little information provided I cannot determine whether an appropriate robust and transparent appraisal process was used, whether the most 'balanced' option was taken forward for detail design, what environmental criteria – if any – were used to inform judgements and the weighting given to them. Such is the inadequacy of the applicant's options appraisal that I cannot see how the planning application can be determined unless it is significantly improved.

6. Climate change

The applicant's Planning Statement indicates "that climate change is likely to have an impact on river flows and rainfall intensity, which are both likely to contribute to the increased frequency of events such as Storm Eva which will exceed the capacity of the existing flood defence measures within Preston and South Ribble." According to the Woodland Trust, there is a simpler solution to

tackling climate change than the technological carbon capture options currently being explored - *"it's our most powerful weapon in the fight against climate change: trees."* The Woodland Trust also advises that *"trees do more than just capture carbon. They also fight the cruel effects of a changing climate. They can help: Prevent flooding."* In this context, it has to be accepted that large scale tree felling as proposed is not an appropriate way to tackle the existential threat posed by climate change and, amongst other things, an increased frequency of events such as Storm Eva that it causes.

7. Lack of clarity concerning tree removal

There are various references on the drawings to retaining trees where possible. The **Arboricultural Impact Assessment** confirms that *"Where partial removals are required for groups of trees impacted, removal limits shall be agreed between the arboricultural consultant and the appointed contactor in order to accommodate the Proposed Scheme."* This lack of certainty and use of the 'sort on site' approach means that the true extent of tree felling required for the scheme cannot be determined at this stage of the project. It is essential that full details of all the proposed tree losses are provided in the planning application documents.

8. Ribble sidings

The proposed scheme would have significant effects on the Ribble Sidings recreation ground. Whilst the play area would be retained as part of the applicant's scheme, practically everything else would be removed, most notably the large mature trees and informal public open space (which, I would imagine, is a popular space for football, cricket, informal kickabout, dog walking, etc.). As stated above, it is not possible from the applicant's option appraisal to determine whether the proposed felling of the mature trees is avoidable but what is clear is that the proposed habitat creation area (essentially a wetland) would not compensate - by some way - for these losses. The existing trees effectively assimilate the engineered flood embankment into the landscape and enhance the riverside walkway. **Figure 1.9** confirms that mitigation tree and shrub planting is proposed to *"replace existing and to soften views of the new flood defence wall and embankment from the north"* but as the amounts proposed are insignificant the desired effect would not be achieved. Some tree planting is proposed to soften views of the new flood embankment but as its location is close to Margaret Road views of the open space from residences along it would be affected. **Figure 1.9** also confirms that *"Existing riverside planting to be retained where possible"*. As stated above, all tree losses need to be identified in the planning application documents so the determining authority can undertake avoidability and acceptability tests as part of the assessment process. Considering these concerns, I strongly recommend that applicant re-evaluates the design of Ribble Sidings so that:

- a) it respects the informal public open space used by the local community for a variety of activities.
- b) the existing irreplaceable mature trees are retained or, if this is unavoidable, appropriate mitigation/compensation is provided.
- c) the 'engineered' flood embankment is sympathetically integrated into the landscape.
- d) views of open space enjoyed by residents are respected.
- e) all unavoidable tree losses are clearly identified.

9. Proposed Scheme Details

Pre-cast concrete flood wall

The proposed pre-cast concrete flood walls are illustrated on various drawings and, usefully, in photomontages (Figures 11, 14 and 18). Perhaps it is an issue with the monitor on my laptop, but to my eyes, as shown in these figures the strong buff colour of the retaining wall is unrealistic. A weathered grey with green mould colour would have been more representative of how the wall would look in this location. A buff coloured dye could be added to the pre-cast concrete mix but

over time this tends to fade away. As proposed, the pre-cast concrete walls would have a very simple almost 'brutalist' appearance which is not appropriate for the area's local landscape character. The dominant building material in the locality is brick and structures directly across or within the river channel are constructed of stone. No reference is made to these materials or local architectural features in the proposed flood wall. This in combination with the bland and monotonous single material/surface finish only broken by very widely spaced but matching pillars, would ensure that the new walls appeared as stark incongruous structures especially once the concrete has become aged and weathered. The use of glass panels as proposed is a worthwhile attempt to minimise the visual effects of the flood walls but overall, these generic structures - a retrograde step in comparison to those currently in place which at least have *some* detailing reflecting local design elements - would detract from the local landscape character and affect the setting of the historic Penwortham Old Bridge (an effect magnified by the applicant's felling of all existing riverside trees in the vicinity) and Penwortham New Bridge. I strongly recommend that the applicant re-design the proposed flood walls, select appropriate materials, surface finishes and detailing so that they create locally distinctive structures which contribute positively to maintaining and enhancing the local landscape character and heritage assets.

Redi-Rocks

These are large – each one weighs around a ton – coloured pre-cast *concrete* modular blocks, not real rocks. The concrete is cast into moulds derived from real rocks but, the artificial nature of the product is very evident, despite the manufacturer's best efforts. This is not a criticism of the product – I think it has great potential in certain locations – but I am not convinced that it is the right product for the proposed scheme due to its artificial appearance. Structures within the river corridor in the vicinity of the application site are primarily constructed from stone – this material should be used for new retaining walls to maintain design continuity and a high standard of building materials appropriate for a city. The hard to maintain small recess within the Redi-Rocks is far too small to hold sufficient growing medium for anything other than grass species.

10. Mitigation and Compensation of Tree Losses

Due to the issues discussed above it is not possible to determine the extent of land required to compensate for the large loss of trees. As there is insufficient land within the application site for the substantial amount of mitigation/compensation planting required, alternative locations will have to be sought. The ***Preston & South Ribble Flood Risk Management Scheme Areas 1 & 2, Non-Statutory Environmental Report, Part 1: Main Report, December 2020*** confirms, "*Trees will be replanted in local areas such as Ribble Sidings, and additional sites for replanting have been identified at Fishwick Bottoms and land adjacent to the Golden Way footpath. The Landscape Masterplans (ENV000009C-JAC-ZZ-ZZ-DR-L-0002 to ENV000009C-JAC-ZZ-ZZ-DR-L-0009) show proposed tree replanting locations.*" However, detailed proposals for mitigation/compensation tree planting at Fishwick Bottoms and Golden Way Footpath are not shown on the drawings referred to or described in any of the other application documents. The applicant must have provided a set of detailed drawings illustrating the proposed mitigation/compensation planting and habitat creation/enhancement works at Fishwick Bottoms and Golden Way footpath. I cannot see how the planning application can be determined without this critical information as the significance of the proposed scheme's likely landscape and visual impacts cannot be established in full. Furthermore, certainty over the delivery of the Fishwick Bottoms and Golden Way footpath schemes is essential as without these areas the required quantity of compensation planting cannot be obtained. With this in mind and certainly before the application is determined, I recommend that confirmation be sought from the applicant that sufficient land is within his/her ownership at these locations to enable them to implement appropriate mitigation/compensation schemes. It is also vital that agreement is made before the application is determined concerning the appropriate methods for calculating the amount(s) of land required for this purpose.

When determining what is appropriate mitigation/compensation for the loss of trees, a special case must be made for the replacement of veteran, ancient or notable trees and other trees of special interest, such as those having a particular cultural importance or significant size. Trees such as these are irreplaceable and should be recognised as such. The proposed replacement ratio of 5 replacement trees to 1 lost does not provide adequate compensation for trees of this importance; the loss of such trees must be met with a replacement regime that fully reflects their importance. Appropriate replacement numbers should be between 30 and 300 trees for each one lost. The proposals for Fishwick Bottoms and Golden Way Footpath which, should be submitted before the application is determined, will need to address this issue in full.

11. Summary

I am unable to make judgements on the acceptability in landscape and visual terms of the proposed scheme against the key tests of planning policy because, as briefly discussed above, insufficient information has been submitted in support of the planning application. Also of concern is the recent felling of 500 trees at Broadgate without a felling licence or planning permission, the lack of clarity and transparency concerning tree losses and replacements, the dearth of detail in the options appraisal, poor choice of building materials, serious design weaknesses that would create incongruous new built features and the absence of information concerning the mitigation/compensation schemes at Fishwick Bottoms and Golden Way footpath. I therefore recommend that the planning application for the Preston and South Ribble Flood Risk Management Scheme is not determined until these serious weaknesses and omissions have been addressed.

I hope you find my comments helpful.

Regards

Steve

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