

Agenda Item	A5
Application Number	21/00792/FUL
Proposal	Proposed works for and use of replacement section of aqueduct, including earthworks and ancillary infrastructure including: a new valve house building within fenced compound with permanent vehicular access provision and an area of proposed ground raising for landscaping, with the installation of a tunnel shaft and an open cut connection area within a temporary construction compound, to include site accesses, storage areas, plant and machinery, and drainage infrastructure. In addition, a temporary satellite park and ride facility with vehicle marshalling area, a temporary residents' parking area; and a series of local highway works.
Application site	Haweswater Aqueduct, Helks Brow, Wray, Lancashire
Applicant	United Utilities Water Limited
Agent	Mr James Cullen
Case Officer	Mr Mark Jackson
Departure	No
Summary of Recommendation	Approval, subject conditions and a Section 106 Agreement

(i) Procedural Matters

This application has been brought before Elected Members following the resolution at the Planning and Regulatory Committee on the 9 January 2023, to approve permission, subject to a satisfactory resolution with County Council Highways and a Section 106 Agreement and planning conditions.

The application is reported back to the Planning and Regulatory Committee following various further discussions between the County Council Highway's Authority, Lancaster City Council and the Applicant. The discussions have resulted in conditions being reviewed by the County Council Highway's Authority and confirmation given that multiple separate Section 278 agreements will be necessary - and dealt with separately to this planning consent - to ensure that works within the highway are carried out satisfactorily.

The following report is to be read in conjunction with the original report that is attached at Appendix A below. The original report outlines consultee comments and the original planning assessment that was approved by Elected Members.

1.0 Application Site and Setting

1.1 This application has been submitted in relation to the enhancement of the district's strategic regional water supply infrastructure as part of the Haweswater Aqueduct Resilience Programme (HARP).

1.2 The existing Haweswater Aqueduct currently supplies drinking water to Greater Manchester and much of the North-West of England (with it directly supplying treated drinking water to approximately

2.5 million people across the region). The HARP Project, as a whole, incorporates multiple development proposals which are located within several Local Planning Authorities, as the route of the existing/proposed aqueduct cuts through the region, in order to enhance that established water supply.

- 1.3 The HARP programme has required planning applications to be submitted to 7 different Local Planning Authorities all along the existing/intended route. For the Bowland Section of the scheme that has required related planning applications to be submitted to both Lancaster City Council and to Ribble Valley Borough Council infrastructure.

2.0 Proposal

- 2.1 These particular planning proposals are somewhat unusual in that the submitted redlined application site area actually encompasses all of the route of the proposed new underground aqueduct from the existing Lower Houses aqueduct pumping station, which is located some 4km to the south-east of Wray village, underneath Croasdale Fell and through the heart of the Forest of Bowland Area of Outstanding Natural Beauty (AONB) southwards to the district boundary with Ribble Valley Borough.

- 2.2 The proposed Bowland Section of the HARP Project would involve driving a new aqueduct tunnel alignment from the south, from a major temporary working compound which would be located near Newton-In-Bowland within Ribble Valley Borough, to its intended reception site at Lower Houses (within another temporary construction compound). The working areas covered by this application approximately follow the route of the existing Haweswater Aqueduct with the redline application boundary being drawn wide enough (at approximately 25 metres wide) in order to contain/allow for any subsequent minor variations in the exact alignment of the proposed new upgraded tunnels. This particular Lancaster section of the scheme proposes the replacement of some 16.7km of the existing aqueduct with a newly constructed section of new aqueduct and because of the area's obviously challenging topography it is intended that the maximum depth of the new tunnel section would be approximately 380m underground. It is intended that this new constructed section of aqueduct would then connect with the existing multi-line siphon elements of the existing aqueduct at Lower Houses.

- 2.3 The temporary construction compound at Lower Houses is required in order to facilitate the necessary aqueduct construction works and it is anticipated that these temporary works will be ongoing for a total time period of approximately 5 years (which is currently anticipated to be from 2024 until 2029) in order that the site would be ready to await the arrival and subsequent removal of the tunnel boring machine. The related local road access improvements would obviously need to be delivered in advance of works commencing at Lower Houses. During those five years it is anticipated that there would be both periods of activity and relative inactivity on the Lower Houses site with around two and a half years of overall construction related activity in total being necessary. Once the construction works have been completed the temporary working areas will be subject to an agreed landscape and habitat restoration schemes with only a small permanent new vernacular style pump house being required to be constructed at Lower Houses in order to support the future on-going operation of the upgraded aqueduct.

- 2.4 In order to reduce the need for additional associated HGV movements the applicants are proposing that the below ground materials to be extracted, in order to create the required tunnel reception facility at the Lower Houses Compound, would be appropriately reused within the proposed landscape restoration scheme at that location. This would require the depositing of approximately 4,500 cubic metres of excavated rock and earth within/across the restored former construction compound area.

- 2.5 It should also be noted that part of the intended vehicle routing arrangements, which are intended to allow construction vehicles to access as safely as possible the proposed Lower Houses temporary working area, potentially involves utilising some of the minor local roads within the adjoining local authority areas (which are administered by Craven District Council and North Yorkshire County Council).

- 2.6 Notwithstanding those issues it is important to note that all the intended major tunnelling operations would be undertaken from the southern end of this section of the new aqueduct from the proposed major Newton in Bowland temporary construction compound located in Ribble Valley. Accordingly, it is proposed that all the tunnel arisings (those being all the waste materials created by the tunnelling

operation) would be removed from that southern end of the new tunnel before being transferred to a nearby former quarry for use within a revised restoration scheme (subject to a separate planning approval and appropriate obligations).

- 2.7 The aqueduct route and the proposed temporary working at Lower Houses, and large tracts of the related access routes, are all located within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and as such due to the scale and nature of these planning proposals, and the inherent acknowledged sensitivity of the proposed working locations, these proposals have been necessarily subject to environmental assessment in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The associated Environmental Statement, and its subsequent related updated information and addenda, therefore outlines the anticipated impacts of the proposed development and also identifies the related proposed mitigation measures.
- 2.8 Further to the initial submission the applicants have made some environmental and access related updates to the application in response to issues raised by both residents and other consultees. These amendments primarily focus upon providing updated environmental information to the AONB and Natural England and providing requested revisions to the proposed construction traffic management plan. The access proposals are now based upon the intended use of marshalled 'convoys' of up to 4 vehicles travelling from the Wray satellite compound, transiting via Wennington and Low Bentham, to a further new holding area at Spen Brow and then in a controlled manner through the immediate local lanes network onto the Lower Houses Compound. To facilitate this, 8 additional road widening improvements would be required along the Eskew Lane, Long Lane and Fairheath sections of the route (although 3 previously proposed road improvement areas nearer Wray would now no longer be required).
- 2.9 To incorporate these revisions the package of application information has been appropriately updated with addenda being provided for both the Habitats Regulations Assessment, the SSSI Assessment and the SEI report. In that regard it should be noted that Section 4 of that updated SEI Report specifically addresses in further detail the established constraints upon the location of the proposed aqueduct works and the potential impacts upon the AONB of other potential/possible alternative construction locations and methods.

3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
19/01371/EIO	A request for a Screening Opinion in accordance with Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was submitted in 2019, and the related decision was issued in March 2020, with the proposed approach to managing the anticipated environmental impacts being considered appropriate.	Approach considered to be appropriate
21/00134/EIO	An Addenda to that Screening Opinion in accordance with Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was subsequently submitted in February 2021, and a further related decision was issued in March 2021, with the proposed approach to managing the anticipated environmental impacts again being considered appropriate.	Approach considered to be appropriate

4.0 Consultation Responses

- 4.1 Following the Committee resolution to grant consent subject to a satisfactory resolution with the County Council Highway's Authority, further discussions have been held and conditions have been drafted. The small changes to the conditions outlined in the original report, have not warranted

further consultation with all statutory and internal consultees.

4.2 The discussions have not led to any formal objection being received, although concerns are maintained, and comments provided state that there will be impacts upon the public highways. The discussions have also confirmed that various highway's alterations and improvements will be subject to Section 278 agreements ensuring that any works arising following the discharge of planning conditions are secured.

4.3 No further representations have been received from the public.

5.0 Analysis

5.1 The resolution made at the Planning and Regulatory Committee of the 9 January 2023 required a satisfactory resolution with County Council Highway's Authority, owing to the comments not objecting nor supporting the proposal. Owing to the nature of the proposal it has been identified that there will be some impacts to the local highway network, but that these will be limited and can be suitably mitigated through the imposition of detailed conditions and a Section 106 legal agreement. The County Council Highways Authority have also confirmed that there will be multiple Section 278 agreements that will need to be entered into by the Applicant at the time that details are being submitted to discharge the conditions. It is important to note that until such time the Section 278 agreements are signed no works can commence on the local highway network.

5.2 The discussions with County Council Highway's Authority, have resulted in conditions being drafted to provide a degree of consistency with the conditions that have been imposed on the planning applications that relate to the HARP scheme that have been submitted/ approved in neighbouring District Authorities. The subtle difference proposed to the conditions listed in the previous report (and that are outlined in this subsequent report) is that the Construction Traffic Management Plan is now proposed to be combined with the details of implementation.

5.3 The County Council Highway Authority maintain that they have concerns with the scheme and the routes proposed for construction traffic, given the rural nature of the roads, which the routes will comprise of. Although concerns are maintained, the discussions held have acknowledged that the imposition of conditions can provide a sufficient mechanism to ensure mitigation can be secured and implemented. It is also recognised by the County Council Highway Authority that the Section 106 legal agreement and multiple Section 278 Agreements that will be entered into before development is commenced, will ensure any highway impacts are mitigated.

5.4 Following the discussion held with the County Council Highways Authority, it is considered that the decision arrived at in January by the Planning and Regulatory Committee is still sound and a satisfactory resolution has been reached with the County Council Highway's Authority. The discussions that have been held have streamlined the conditions outlined previously and have allowed the drafting of the legal agreement to be progressed. It is considered that in light of the discussions held with the Highways Authority, the proposal can now be approved subject to the Section 106 being entered into.

6.0 Conclusions and Recommendation

6.1 In conclusion it is considered that these proposals are somewhat unusual in that there are no in principle objections to the upgrading of this important piece of regional water supply infrastructure and it is accepted that any discernible impacts will only be temporarily experienced during the potential (albeit extended for a considerable temporary period) construction stage.

6.2 Accordingly provided that appropriate measures can be put in place in order to manage and mitigate as far as possible those temporary impacts, and to ensure the delivery of the associated long-term regional and community benefits, it is considered that this

planning permission can reasonably be granted.

- 6.3 With consideration being given to all other matters, it is therefore recommended that Planning Permission **BE GRANTED** subject to the following conditions and satisfactory completion of the related Section 106 Agreement in order to secure the required temporary mitigations and long-term enhancements.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions and related obligations:

Proposed Planning Conditions

The proposed related planning conditions (to be imposed upon this permission) are;

- Time Limit – to allow for the necessary commencement of the scheme.
- Approved Plans and Documents – to ensure effective alignment between the proposed working arrangements and required environmental mitigations.
- Phasing of Works – to allow for the agreement of the LPA to the specific timing/phasing of the proposed works. No works to commence at any specific location until appropriate complete details (including final extent and complete reinstatement proposals) have been submitted to and agreed in writing by the LPA. All works to then accord with those approved details.
- Operating/Construction Code of Practice and Environmental Management Strategies – to tie the proposed ways of working to the agreed method statements and management strategies during the construction phase.
- Final Construction Traffic Management Plan – to require and ensure the appointed contractor's strict adherence with the agreed construction traffic management plan (CTMT) and arrangements (including specified access routes/impact mitigation measures and other actions) for each phase of development. The condition will also ensure implementation of highway improvements that are required by Lancashire Highways prior to any construction works commencing.
- Appropriate Landscape Restoration, Reinstatement and Aftercare – to ensure the implementation of the required/agreed landscape and other reinstatements and for appropriate extended maintenance period.
- Lower Houses and Other Compounds Schemes – to require the temporary working compound to be appropriately screened (including hoardings and other mechanisms), to be sympathetically illuminated and otherwise appropriately marshalled and operated.
- Valve House Materials – to ensure the use of appropriate local building materials.
- Approved Hours of Working – to ensure compliance with specified/agreed local working arrangements/the CTMP.
- Tree/Landscape Safeguarding and Reinstatement Measures – no works to commence until required/agreed tree and landscape protection measures are in place/comprehensive reinstatement plans submitted and thereafter appropriately reinstated.
- Scheme of Archaeological Works – in order to safeguard areas of archaeological importance.
- Footpath Diversions and Reinstatements – in order to appropriately safeguard and reinstate the affected public footpaths.
- AONB Safeguarding Conditions – requiring a Construction Environment Management Plan, Precautionary Working Methods, Habitat Creation Restoration and Management Plans and the appropriate removal of all temporary construction features.

- Drainage/Flood Risk Assessment/Surface Water Sustainable Drainage/surface Water and Private Water Supply Management Plans – to ensure compliance with all the agreed water management solutions.
- Employment and Skills Plan – to ensure compliance with the proposed related local employment opportunities.

Proposed Related Planning Obligations

The proposed related planning obligations will be required to secure the;

- No Implementation until Waddington Fell Quarry Permission Extant
- Delivery of Biodiversity Net Gains/Compensatory habitats
- Provision of the Community Liaison Officer
- Ecological Clerk of Works
- Safeguarding of Existing Residences and Premises
- Traffic Impact Reinstatements
- Traffic Management Contributions
- Delivery of North Yorkshire Traffic Enhancements

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

Lancaster City Council has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

- Application Reference 21/00792/FUL and the associated Environmental Statement
- Lancaster City Council – EIA Scoping Opinion – March 2020
- Lancaster City Council – Addenda to EIA Scoping Opinion – March 2021