

<b>Agenda Item</b>	(A5) APPENDIX A
<b>Application Number</b>	21/00792/FUL
<b>Proposal</b>	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.
<b>Application site</b>	Haweswater Aqueduct, Helks Brow, Wray, Lancashire
<b>Applicant</b>	United Utilities Water Limited
<b>Agent</b>	Mr James Cullen
<b>Case Officer</b>	Mr Steve Ingram
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval, subject to the satisfactory resolution with County Council Highways and a Section 106 Agreement and conditions.

## 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.	<b>Approach considered to be appropriate</b>
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.	<b>Approach considered to be appropriate</b>

### 4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
<b>DLUHC (Department for Levelling Up, Housing and Communities)</b>	<b>No comments</b> to make on the Environmental Statement.
<b>Lancashire County Council (LCC) Highways</b>	Has extensively considered the highway and traffic management issues associated with securing safe access to the proposed working areas. LCC have been extensively involved in both pre-application and subsequent negotiations regarding these proposals and whilst their views have extensively shaped the intended traffic management responses they have not yet submitted their finalised comments. An update to Members shall be given at Committee regarding their position.
<b>LCC Lead Local Flood Authority</b>	<b>No Objection</b> subject to the imposition of appropriate flood management conditions.
<b>LCC Public Rights of Way</b>	The PROW Officer considered that there were some outstanding issues regarding the potential interactions of the established public footpath network in the vicinity of the proposed Lower Houses Compound that need to be clarified. Further details have

	been provided and it is considered that these <b>issues can be addressed via the proposed planning conditions.</b>
<b>LCC Landscape Officers (inc. AONB)</b>	(See Forest of Bowland AONB Advisors)
<b>LCC Minerals Safeguarding</b>	No comments received.
<b>LCC Archaeology</b>	Consider that the mitigation measures outlined in the ES are <b>appropriate</b> subject to the imposition of a condition to secure a scheme of archaeological work.
<b>Craven District Council</b>	The Council have <b>no objection</b> to the proposal, but they do stress that any land affected is re-instated to the level prior to the works commencing and that the management of traffic is in accordance with the details provided. Craven also confirmed that they have no comments regarding the updated Regulation 25 information.
<b>Ribble Valley Borough Council</b>	Recognise the public benefits that will arise from the necessary repair to this infrastructure and therefore raise <b>no objection</b> subject to appropriate conditions and obligations to mitigate any potential harm arising from the development. Consulted regarding the additional plans but they have no further comments.
<b>North Yorkshire County Council Highways</b>	<b>No Objection</b> subject to an appropriate condition regarding construction traffic management.
<b>Wray with Botton Parish Council</b>	<b>Concerns.</b> The Parish Council were consulted in respect of both the original application and the revised traffic management proposals. The Parish Council notes that, whilst the proposed revisions to the construction traffic routing proposals do seek to address some of the concerns raised, local residents are still concerned regarding the adequacy of the traffic management proposals. The Council is also concerned about the adequacy of the proposed temporary resident's alternative parking arrangements within Wray and the related potential for damage to vehicles and properties. The Council also wants to see proactive environmental reinstatements and especially measures to ensure that construction traffic will not conflict with village school pick-ups and drop-offs.
<b>Hornby with Farleton Parish Council</b>	The Parish Council acknowledge the importance of the proposed works but feel that the current proposals do not sufficiently address their stated concerns regarding road safety and disturbance to residents. After being consulted regarding the amended traffic management proposals the Council is still concerned and <b>objects</b> because of what they consider to be unresolved highway issues.  The Parish Council have also now (November 2022) considered the updated information and reiterated their concerns regarding highway safety matters and the need for further related highway improvements.
<b>Wennington Parish Council</b>	The Parish Council acknowledges the necessity of the scheme but <b>objects</b> to the application on the basis of their concerns regarding road safety, environmental impact, health and safety and damage to the built environment.  The Parish Council were re-consulted with regard to the amended traffic management proposals and state that they continue to have serious concerns regarding the impacts of the potential construction traffic using Route 2.
<b>Tatham Parish Council</b>	The Parish Council recognises the necessity of these works but requires <b>clarifications</b> regarding the nature of the proposed traffic management arrangements and the participation of the PC in the proposed Stakeholder Group.
<b>Roeburndale Parish Council</b>	No comments received.
<b>Bentham Town Council</b>	Ask to be kept updated regarding the programme and that Bentham residents are not disadvantaged by the associated road works.

<p><b>Forest of Bowland AONB Advisors</b></p>	<p>The AONB Landscape Advisor raised questions regarding the completeness of the applicable environmental information (as per the Regulation 25 issued by the Local Planning Authority (LPA). With regard to the additional information submitted in response to the Regulation 25 the extent of the landscape impacts have been clarified and the AONB Advisors now consider that the updated landscape impact assessments <b>is sufficient</b> in order to allow the LPA to reasonably determine this application subject to the imposition of specific conditions.</p> <p>The AONB Ecological Advisor raised other questions regarding the completeness of the applicable environmental information (as per the Regulation 25 issued by the LPA). With regard to the additional information submitted in response to the Regulation 25 the AONB Advisors now consider that the submitted package of initial and additional ecological information <b>is sufficient</b> in order for the LPA to appropriately discharge its requirements in respect of the Habitats Regulations. The additional submitted information has clarified the limited extent of potential disturbance to protected species and the AONB Advisors now consider that the updated ecological assessments <b>are sufficient</b> in order to allow the LPA to reasonably determine this application subject to the imposition of specific conditions.</p>
<p><b>Greater Manchester Ecology Unit (GMEU)</b></p>	<p>The GMEU consider that the survey work undertaken has been comprehensive and that the assessment of ecological impacts as presented is acceptable and that <b>no further surveys</b> need to be carried out before determination of the application. The works in the Lancaster section will not affect any sites and therefore the LPA could adopt the HRA in order to fulfil its duties under the terms of the Habitats and Species Regulations. There will be no impacts upon any SSSI's. The proposed mitigation measures in respect of water pollution should safeguard the nearby County Wildlife Sites. Impacts upon notable habitats and species will be very limited and satisfactory mitigation and compensation proposals are proposed. Appropriate conditions and obligations would need to be imposed upon any permission.</p>
<p><b>Natural England (NE)</b></p>	<p>Designated Landscape – NE initially queried the proposed Lower Houses and Wray satellite compound locations and raised other questions regarding the completeness of the applicable environmental information (as per the Regulation 25 issued by the LPA). With regard to the additional information submitted in response to the Regulation 25 NE have considered the additional information that have been submitted and as such they now have <b>No Objection</b> subject to appropriate conditions being imposed.</p> <p>Habitats Regulation Assessment – <b>No Objection</b> (Considers that the updated appropriate assessment would not result in adverse effects upon the integrity of any of the relevant designated sites and that LCC will need to adopt the HRA in order to fulfil its duty as competent authority).</p> <p>SSSI Assessment – <b>No Objection</b> (Considers that the SSSI updated assessment correctly concludes that there would not be any adverse impacts on any of the relevant SSSI's).</p>
<p><b>Environment Agency</b></p>	<p><b>No Objections</b> subject to the imposition of appropriate recommended planning conditions/obligations in respect of materials/waste management, management of surface water, the safeguarding of private water supplies and the delivery of compensatory habitats.</p>
<p><b>Lune River Trust</b></p>	<p>No comments received.</p>
<p><b>RSPB</b></p>	<p>No comments received.</p>
<p><b>Wildlife Trust for Lancashire</b></p>	<p>No comments received.</p>

<b>The Ramblers Association</b>	No comments received.
<b>National Highways</b>	<b>No objection.</b>
<b>The Coal Authority</b>	<b>No objection</b> – the only areas potentially affected would be in relation to the highway modification enabling works.
<b>Electricity North West</b>	Have supplied information regarding the approximate position of their apparatus known to be in the vicinity of the sites.
<b>Lancaster City Council (LaCC) – Environmental Health</b>	Has reviewed the detailed proposed management plans and is satisfied that <b>sufficient mitigation</b> has been planned into the application (and that these mitigation methods should be appropriately conditioned).
<b>LaCC Tree Protection</b>	Has reviewed the Environment Statement and considered the potential impact of the proposed development with 38 features (trees, groups and hedgerows) at risk of removal and 44 features at risk of partial removal. But taking into account the need for the development he has <b>No Objection</b> subject to the provision of detailed Arboricultural Method Statements, Tree Protection Plans and appropriate net gain proposals which will enable the extent of removal to be kept to an absolute minimum.

4.2 The following responses have been received from members of the public:

14 representations have been received in respect of this application.

- Significantly none of those representations relate to the principle of the development – rather they all relate to concerns regarding the impacts of the related construction works.
- 10 of the representations relate to the impacts of the proposed construction traffic on road safety in respect of Hornby and Wennington.
- 1 representation raises concerns regarding the impact the development works would have upon the character and amenity of Wray.
- 1 representation from residents close to Lower Houses regarding potential impacts upon their amenity and business.
- 2 representations from local agricultural businesses expressing their concerns regarding the originally proposed traffic management arrangements.

## 5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- The **Need for the Development** and
- The **Mechanisms proposed in order to manage the impacts of the temporary construction works.**

5.2 Consideration 1 (The Relevant National and Local Planning Framework)

- 5.2.1 National Planning Policy Framework – as revised in July 2021 and specifically Sections 2 Achieving Sustainable Development, 4 Decision-Making, 8 Promoting Healthy and Safe Communities, 9 Promoting Sustainable Transport, 15 Conserving and Enhancing the Natural Environment (particularly Paragraphs 176 and 177), and 16 Conserving and Enhancing the Historic Environment.
- 5.2.2 National Planning Practice Guidance – with regard to the applicable guidance in respect of Determining a Planning Application, Environmental Impact Assessment, Healthy and Safe Communities, the Historic Environment, Light Pollution, the Natural Environment, Noise, Planning Obligations, and the Use of Planning Conditions.
- 5.2.3 The Development Plan – currently comprises the Lancaster District Local Plan 2020 (Parts One and Two) and the applicable adopted Neighbourhood Plans. Of particular relevance are Policies SP1 the Presumption in Favour of Sustainable Development, SP7 Maintaining Lancaster District’s Unique Heritage, SP8 Protecting the Natural Environment, SP9 Maintaining Strong and Vibrant Communities, EN2 Areas of Outstanding Natural Beauty, EN7 Environmentally Important Areas, and SC1 Neighbourhood Planning Areas.
- 5.2.4 The AONB Management Plan 2019-2024 outlines the special characteristics of the area and sets out the related themes and supporting actions that will sustain the wellbeing of the AONB. Relevant themes include 1 An Outstanding Landscape of Natural and Cultural Heritage, and 2 Resilient and Sustainable Communities.
- 5.2.5 Relevant Neighbourhood Plans
- Wray-with-Botton Neighbourhood Plan 2019 – the Adopted Plan recognises the Parish’s location within the Forest of Bowland AONB and thereby seeks to meet the needs of the community whilst safeguarding the special characteristics of the area. Relevant Neighbourhood Plan policies include Policies OS1 Delivering Sustainable Development, OS2 Landscape, BE1 Design, NE1 Protection and Enhancement of Trees, Woodland and Hedgerows, NE3 Historic Environment, and TRA1 Infrastructure for New Development.
  - Wennington Neighbourhood Plan 2019 – the Adopted Plan looks to safeguard the established character of the area. Relevant Neighbourhood Plan policies include Policies WEN1 Protecting and Enhancing Local Wildlife, WEN2 Protecting and Enhancing Local Landscape Character, and WEN6 Transport and Accessibility.

### 5.3 Consideration 2 (The Environmental Assessment Process)

- 5.3.1 Because of the nature of the intended works and the related acknowledged sensitivities of the proposed working areas these planning proposals have been appropriately subject to statutory Environmental Impact Assessment.
- 5.3.2 United Utilities have recognised those sensitivities from the outset and prior to commencing this application process they submitted applicable Environmental Statement Scoping requests in 2020 and 2021 and the LPA, after consulting with all of the relevant statutory bodies and other interested parties, subsequently issued appropriate responses.
- 5.3.3 Within their applicable responses both the AONB Advisors and Natural England considered that additional updated environmental information was required in order to enable the Local Planning Authority to reach a reasoned conclusion regarding the likely impacts of the proposed development. Accordingly in June 2022 Lancaster City Council acting in respect of its role as the LPA formally issued a Regulation 25 letter requiring the submission of additional relevant information. The applicants formally responded to that request in

September 2022 via the submission of clarifying information and the Council then re-consulted with all of the applicable statutory and other consultees.

5.3.4 Having regard to all the environmental information that has now been submitted, and after taking into account the views of the relevant expert consultees, it is considered that the Environmental Impact Assessment that has been undertaken is appropriately extensive with the submitted information identifying all of the potentially applicable environmental issues and the related necessary mitigations. Accordingly it is considered that, subject to mechanisms being put in place in order to satisfactorily delivery of all of the proposed related mitigations, these planning proposals can now be reasonably determined on their planning merits.

5.4 Consideration 3 (The Need for the Development)

5.4.1 The NPPF in Paragraph 172 affords AONB's the highest status of protection within the planning process and as such great weight should be given to preserving and enhancing both their landscape and scenic beauty. Therefore applications for major development in such areas must be considered within that policy context and therefore they are subject to a specific test of appropriateness – that being the Major Development Test.

5.4.2 The applicable Major Development Test requires the planning decision maker to specifically consider;

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, development elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

5.4.3 In considering the requirements of that test it has to be accepted that it is essential for there to be a continuity of safe drinking water supply to the region. United Utilities have considered a range of options in order to fulfil their water supply responsibilities but these have not been deemed feasible because of the need to integrate with the established infrastructure. Fundamentally, the HARP project looks to integrate with, connect to and enhance the existing water supply infrastructure, all of which of course is already established and located in situ within the AONB, therefore in this instance there is an obvious fixed locational imperative. The proposed aqueduct construction works obviously mean that there will be some temporary impacts upon the character and appearance of the AONB but in the planning judgement these will only be short term in their nature and it is intended that these will be mitigated as far as possible by the imposition of the suggested planning conditions and the related planning obligations (especially in terms of the required landscape and habitat restorations and proposed enhancements).

5.4.4 To conclude regarding the need for the development it is considered that therefore there is an essential need for this proposed development to take place within the AONB. The development is acknowledged to be in the wider public interest and whilst there will be some limited short term environmental and visual impacts upon the character and appearance of the AONB these will be only temporary rather than permanent in their nature.

5.5 Consideration 4 (The Localised Impacts upon the AONB)

5.5.1 The associated Environmental Statement outlines that there will be some noticeable temporary environmental and visual impacts upon the character and appearance of the



AONB mainly due to the establishment of the tunnel reception compound at Lower Houses, and the other related other temporary compounds and working areas, and the associated road enhancements that are required in order to allow for safe access to that construction site.

5.5.2 The AONB's Advisors and Natural England have been closely involved in the formulation of these proposals and they have requested further information regarding the potential landscape and visual factors in relation to the locational constraints placed upon this development. The proposed Lower Houses Compound would be sited in an area of fringe farmland located 'above' the existing aqueduct and adjacent to the existing United Utilities valve house building. Obviously there would be localised landscape and visual impacts associated with the use of the Lower Houses compound but it is considered that careful control over the form and nature of the compound and in the way that it operates will help to minimise those temporary impacts. Similarly the proposed Wray satellite compound needs to be located adjacent to the B6480 in order to facilitate the necessary safe access and egress of vehicles and again it is considered that appropriate controls over the form and use of that compound will help to mitigate its impacts.

5.5.3 The potential ecological impacts have been thoroughly assessed, with the AONB and NE applying an appropriate precautionary approach, and it has been concluded, that with the addition of the updated bat surveys, that the ecological information is now sufficient in order to allow the LPA to discharge its requirements in respect of protected species and therefore to be able to determine this planning application. The specialist advisors now consider that the updated landscape and ecological assessments are satisfactory and therefore they are content for the local planning authority to determine the planning application subject to the imposition of appropriate conditions.

5.5.4 LCC's Tree Protection Officer has reviewed the Environment Statement and considered the potential impact of the proposed development with 38 features (trees, groups and hedgerows) at risk of removal and 44 other features at risk of partial removal. He concludes that these potential cumulative works will indeed impact upon local landscape character and temporarily fragment the local wildlife corridors but taking into account the need for the essential development he has no objection subject to the provision of detailed Arboricultural Method Statements and Tree Protection Plans to enable the extent of removal to be kept to an absolute minimum that the overall scheme obligations will ensure the delivery of appropriate environmental net gain proposals.

5.5.5 To conclude regarding the impacts of this intended major development upon the AONB it is accepted by all parties that there will be some discernible short term impacts that will be perceived for the duration of the temporary construction works. However the permanent impacts of this development will be minimal and as such there are opportunities for long term enhancements of the AONB via the quality of all the related landscape reinstatements and the associated environmental net gains.

## 5.6 Consideration 5 (The Phasing of the Proposed Works)

5.6.1 This is a complex application which encompasses a series of preparatory and temporary construction works that would be ongoing for various periods of time primarily at the Lower Houses compound but also in other separate locations. There is also the fact that the proposed preparatory and temporary works may be required to commence at differing time periods over what may be a number of years.

5.6.2 As such it will be necessary to impose a suitably robust 'Grampian Condition' mechanism to ensure that all of the related details for each location are agreed prior to the proposed works commencing at that particular location. In essence that requirement will mean that no works can commence at any temporary working location until the Local Planning Authority

has agreed to the proposed temporary working practices, the relevant environmental safeguards and especially with regard to the related restoration requirements for that location.

5.6.3 There will also potentially be other applicable phasing requirements in relation to the various stages of the proposed related development process including pre-commencement, during the preparatory works and the temporary construction periods and especially in relation to the required subsequent landscape and environmental restorations and reinstatements. These will also be agreed via the phasing condition discharge requirements.

5.6.4 To conclude regarding the phasing of the proposed works the Local Planning Authority obviously needs to be able to agree the principle of the overall scheme and to acknowledge the basis of the related details at this application stage. However this is a complex application and its inherent elements are bound to be subject to review prior to any actual works commencing. Therefore it is proposed that appropriate flexibility be built into the conditions/obligations in order to allow for the specific elements of the permission to be appropriately phased, implemented and reinstated.

## 5.7 Consideration 6 (The Proposed Environmental Mitigations)

5.7.1 Nearly all of the intended works are located within the designated Forest of Bowland Area of Outstanding Natural Beauty and as such it is essential that the character and appearance of that area is safeguarded as much as possible during the period of the temporary construction works. The associated environmental statement identifies and acknowledges the potential related temporary impacts upon the landscape and environment but the identified mitigations, restorations and reinstatements would seek to ensure that there is no long-term harm.

5.7.2 Because of the very rural nature of this part of the district there are very few residential properties in close proximity to the areas of proposed operations. The properties at Lower House Farm and Lower House Cottage are 300m away from the boundary of the proposed Lower Houses Compound and as such their amenity will need to appropriately monitored and safeguarded during the period of the nearby construction works. More widespread residential properties will be intermittently effected by the anticipated construction traffic and as such that traffic will need to appropriately routed and effectively managed in order to keep that disruption to an acceptable limited level.

5.7.3 In order to appropriately minimise the discernible impacts upon the landscape and ecology of the AONB it will be necessary to ensure that these temporary construction works are carried out in such a way so that the areas of disturbance are minimal in themselves and that each specific working area, including every local access improvement location, is sympathetically reinstated and effectively reintegrated into the local environment. Comprehensive planning conditions and the related obligations will ensure that this happens.

5.7.4 To conclude regarding the proposed environmental outcomes it is accepted that there will be some discernible localised impacts during the construction phase of this infrastructure project. However it is accepted that those impacts are temporary in their nature and subject to the satisfactory delivery of the related mitigations it is considered that there would be no enduring impacts upon the local environment.

## 5.8 Consideration 7 (The Traffic Management Arrangements)

5.8.1 Lancashire County Council Highways Authority have been consulted on the proposal and have heavily influenced the scheme to date. Final comments have not been received but an update will be given to Members at the Committee. Because of the very rural nature of

the intended working areas and the scale and form of the intended construction works it will be necessary for the associated traffic management arrangements to be carefully thought-out and thereafter sensitively implemented. It is therefore intended that this will be precisely conditioned in the form of the LPA prohibiting specific works at designated sites from commencing until it has appropriately considered and signed off the applicable elements of the applicant's Traffic Management Strategy.

- 5.8.2 In order to allow for the essential 'very heavy' machinery and materials to access the Lower Houses Compound there will be certain periods when local roads, including Main Street in the centre of Wray village, will need to be subject to planned road closures and other related traffic management arrangements. It is anticipated that such extreme measures will only be potentially intermittently required during 18 weeks of the proposed construction programme with an associated enhanced facility for displaced residents parking to be provided off Main Street (at the Bridge House Tea Rooms). The details of the necessary arrangements will need to be submitted to and agreed by the LPA prior to any such actions. In considering the reasonableness of those proposed arrangements the LPA will specifically consider the appropriateness of the proposed local community mitigations.
- 5.8.3 During the anticipated extended construction period it will also be necessary to appropriately manage the day to day 'more normal' construction traffic (modelled at 42 movements each way per day) needing to access the Lower Houses Compound. It is intended that this will involve an agreed routing arrangement involving the creation of a localised one way traffic management regime and this will also need to be agreed by the LPA prior to the commencement of any works. In considering the reasonableness of those proposed traffic management arrangements the LPA will again specifically consider the nature and appropriateness of the proposed local community mitigations.
- 5.8.4 As an aspect of the intended traffic management strategy a temporary satellite compound is also proposed on agricultural land directly off the B6480 between Hornby and Wray. This compound would be used as a facility to appropriately collate and manage construction traffic going on to the Lower Houses Compound and to allow for shared and managed journeys, within 4 vehicle convoys, to be made in order to minimise the number of required vehicular movements.
- 5.8.5 To enable safe use of the local roads and access to the Lower Houses Compound, via all of the intended prescribed routes, it will also be necessary for a series of targeted local road improvements to be made. These improvements will in the majority of cases be retained in situ as local legacy benefits but all will be required to be mitigated by associated high quality landscape reinstatements. It is intended that there would be 22 related local road improvements as outlined below;
- RW1 – Proposed road widening and visibility enhancement on the southern side of the A683/B6480 junction Hornby Road.
  - RW2 – Proposed road widening and visibility enhancements along a section of the B6480 Hornby Road opposite Whitmore.
  - RW3 – Proposed road widening and visibility enhancement at the junction of the B6480 and Back Lane Hornby Road.
  - RW4 – Proposed road widening and visibility enhancements along a 250m long bending section of the B6480 Wennington Road just to the north of Wray (originally proposed but no longer required in respect of the amended access proposals).
  - RW5 – Proposed road widening and visibility enhancements along the eastern side of the B6480 just to the south of The Bridge Inn Tatham.

- RW6 – Proposed road widening and visibility enhancement on the southern side of the B6480 to the east of Wennington.
- RW7 – Proposed road widening and visibility enhancements along a 100m long section of the southern side of the B6480 to the east of Toll Bar House in Craven District.
- RW8 – Proposed road widening and visibility enhancements along the first sections of Eskew Lane in Craven District.
- RW9 – Proposed road widening and visibility enhancement to the western side of Long Lane opposite the entrance to Masons and Sons Farm.
- RW10 – Proposed road widening and visibility enhancement along a 100m long section of the southern side of Long Lane (south of the junction with Cross Road).
- RW11 – Proposed road widening and visibility enhancement to the southern side of Long Lane at the junction with Fairheath Road.
- RW12 – Proposed road widening and visibility enhancement on the bend of the access lane just to the east of Lower Houses Farm.
- RW13 to RW15 - Proposed road widening and visibility enhancements along a 500m section of Helks Brow from the proposed access to the Lower Houses Compound towards Wray.
- RW16 to RW 17 - Proposed road widening and visibility enhancements along a 400m section of Helks Brow from the junction with Park House Lane towards Wray.
- RW18 – Proposed road widening and visibility enhancements along a 100m long section of Helks Brow further towards Wray.
- RW19 to RW 21 - Proposed major sections of road widening and visibility enhancements for 400m to the north and south of Lane House Helks Brow.
- RW22 – Proposed major section of road widening and visibility enhancement on the junction of Helks Brow towards Wray.

These road improvements will all require appropriate related hedgerow, stone wall and railing reinstatements.

There are also related proposals to enhance passing places on the local network in 6 other locations;

- PP01 to PP03 – to be installed on Helks Brow on the improved section of roadway close to the proposed access to the Lower Houses Compound.
- PP04 to PP06 – to be installed on Helks Brow to the east of Wray village (all three were originally proposed but only PP05 is still required in light of the amended access proposals).

These passing place improvements will also all require appropriate related hedgerow, stone wall and railing reinstatements.

- 5.8.6 A number of local Public Rights of Way would be affected by the proposed works at the Lower Houses compound and as such appropriate temporary closures and diversions will need to put in place for the period of those works. All the existing routes can be effectively reinstated thereafter.
- 5.8.7 Subsequent to the consideration of the initial traffic management proposals, and allowing for appropriate reflection regarding the representations received from local residents and businesses, the applicants have submitted additional proposals to amend elements of the intended traffic management arrangements and to further extend the related schedule of proposed minor road works. These amended proposals include a significant variation whereby the previously proposed potentially complex 'local one way' traffic routing would now be replaced by vehicles primarily utilising the proposed routing via Wennington and Eskew Lane to a newly proposed additional holding area at Spen Brow. From that holding area at Spen Brow appropriately marshalled 'convoys' would then be carefully directed and managed along Furnessford Road in order to safely access the Lower Houses Compound.
- 5.8.8 These amended proposals, in addition to the creation of the proposed Spen Brow holding area, have also given rise to the need for eight additional localised road improvements along Eskew Lane, Long Lane and Fairheath section of the proposed access route.
- 5.8.9 To conclude regarding the proposed traffic management arrangements it has to be accepted that both the existing aqueduct and especially the proposed Lower Houses Compound are located in highly inaccessible rural areas. The road network serving Lower Houses is predominantly made up of B roads and minor local roads and lanes and as such it is obviously not ideal. However, it is essential that the required construction traffic can access the Lower Houses Compound and as such we are looking at intensive traffic management proposals that would result in the 'least worst' outcomes. In addition it will be absolutely essential that mechanisms are put in place in order to ensure that the established local traffic management arrangements can be kept under constant review and that they are able to be amended in order to address any changed or unforeseen issues that may subsequently arise.
- 5.9 Consideration 8 (The Other Specific Local Mitigations)
- 5.9.1 The residential properties located at Lower Houses Farm are in relative close proximity to the proposed Lower Houses construction compound. Accordingly the basis of that relationship will need to be respected and reflected in the embedded local operating practices so as to be in-line with the identified environmental health requirements.
- 5.10 Consideration 9 (The Operating/Construction Code of Practice)
- 5.10.1 Because the impacts of this development is primarily going to be experienced during the potentially prolonged construction phase it will be vital that the appointed contractors operate in an appropriate manner. Accordingly it is proposed that the intended construction code of practice i.e. how the contractor looks to operate within the framework of all of the proposed and agreed operating restrictions is carefully considered and controlled by condition.
- 5.10.2 For example specifically negotiations with Lancashire Highways have resulted in agreement that the construction traffic movements will need to carefully managed in order not to interfere with both the morning and afternoon school runs. Therefore all related construction vehicle movements would be prohibited between 8.45 and 9.30am and between 2.30 and 3.15pm.
- 5.10.3 To conclude it will essential that the proposed operating and construction codes of practice appropriately manages the ways in which the appointed contractors undertake these works

and how they proactively interact and engage with the local community in order to address any unforeseen issues that may emerge.

## **6.0 Conclusion and Planning Balance**

### **6.1 Consideration of the Planning Balance**

- 6.1.1 It is important for the decision maker to be able to consider both the need for the proposed development and to have the facility to appropriately evaluate both any permanent or temporary harm that may arise from the potential grant of any planning permission.
- 6.1.2 In this instance it is widely accepted that the appropriate upgrading of the Haweswater Aqueduct in order to provide an appropriate source of drinking water for much of the North West is a planning issue of acknowledged regional importance.
- 6.1.3 It is also accepted that the proposed development will give rise to very limited new permanent impacts provided that all of the proposed environmental mitigations, especially in terms of the required landscape and environmental mitigations, are appropriately implemented and thereafter suitably maintained. Indeed the proposals create the opportunities to deliver significant related net gains in terms of both the quality of the required landscape restorations and the proposed related biodiversity net gains.
- 6.1.4 It is accepted that the discernible impacts of these proposals will be during the construction periods (which it should again be noted could be for an extended period of up to 5 years with regard to the proposed construction works at the Lower Houses Compound). Therefore whilst there is a considerable importance placed upon ensuring that those necessary construction works can readily go ahead they need to be carried out in such a manner so as to appropriately mitigate both the identified environmental issues and so as to not unduly impact upon the amenity of nearby residents.
- 6.1.5 In considering the planning balance it is also important to consider how all of the identified and proposed mitigations can and will be appropriately delivered. In this instance the proposed mitigations will be ensured via the imposition of both the requisite planning conditions and via the explicit requirements of the related Section 106 Agreement.

### **6.2 Conclusions and Recommendation**

- 6.2.1 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.
- 6.2.2 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.
- 6.2.3 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.
- Agreed 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).
- Implementation of Highway Improvements – to ensure that the required highway improvements as required by Lancashire Highways are implemented prior to any construction works commencing at the Lower Houses compound.
- 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**