

Hyndburn Borough Council – Report for Planning Committee

Application Ref:	11/21/0237
Application Address:	From land off Bolton Avenue Huncoat to land near Pewitt Hall Farm, Back Lane, Accrington.
Date Registered:	14 th May 2021
Date for Decision:	The application is subject to a Planning Performance Agreement with United Utilities.
Applicant:	United Utilities
Description of Development:	<p>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; installation of a tunnel shaft and an open cut connection area within a temporary construction compound, to include site access, storage areas, plant and machinery, drainage infrastructure and a temporary replacement football club car park. In addition, mine grouting works, with associated highway works, to facilitate main tunnelling works.</p> <p>The application is accompanied by an Environmental Statement.</p>

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. The Application

- 1.1 This application is submitted in relation to the proposed enhancement of the applicant's regional drinking water supply infrastructure as part of the Haweswater Aqueduct Resilience Programme (HARP).
- 1.2 The Haweswater Aqueduct extends for 110km from Haweswater Reservoir to Greater Manchester and it directly supplies treated drinking water to large parts of Cumbria, Lancashire and Greater Manchester. A large proportion of households and businesses in Hyndburn also receive their drinking water from the aqueduct.
- 1.3 The existing aqueduct was constructed in the period between 1933 and 1955 and recent exploratory investigations have revealed that its structural condition is deteriorating and

that it now needs to be upgraded in order to safeguard both the long term continuity of that supply and the quality of that drinking water provision.

- 1.4 The Non-Technical Summary of the Environmental Statement explains the background to the proposed development, advising that the applicant manages the water supply network across the North West of England and is proposing to carry out the Haweswater Aqueduct Resilience Programme (HARP), which would replace approximately 53 km of the current 110 km long Haweswater Aqueduct. HARP represents one of the largest UK investments in public water supply infrastructure in the last 50 years. It would increase the resilience of United Utilities' water supplies for customers throughout the North West of England, and deliver world class infrastructure to the region.

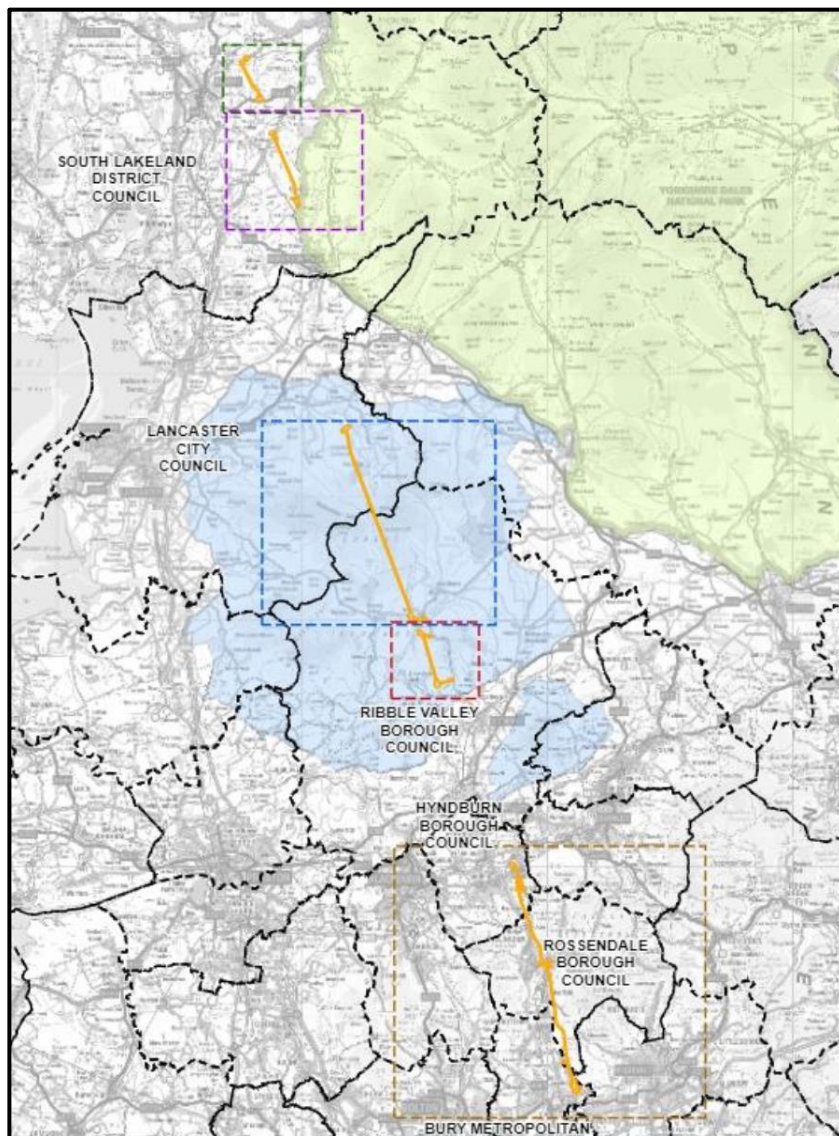


Fig 1. Plan illustrating sections of the aqueduct to be improved, including the section in Hyndburn. Source: Environmental Statement, Non-Technical Summary.

- 1.5 The existing Haweswater Aqueduct comprises a series of single and multi-line underground water supply pipelines taking water from the Haweswater Reservoir in the Lake District National Park to customers in Cumbria, Lancashire and Greater Manchester. Following detailed inspections of the aqueduct, a number of the sections of pipeline showed evidence of poor condition that could lead to leakage or water quality risk. Therefore, the applicant believes it is necessary to replace the single line sections to protect future water quality and provide a more resilient supply of clean drinking water.

- 1.6 The replacement aqueduct (HARP) would comprise the replacement of six single line tunnel sections with five, which United Utilities is proposing to construct as five separate developments. These are listed below, from north to south:
- i. Proposed Docker Section in the South Lakeland District area (green box);
 - ii. Proposed Swarther Section in the South Lakeland District and the Yorkshire Dales National Park areas (purple box);
 - iii. Proposed Bowland Section in the Lancaster City and Ribble Valley Borough areas (blue box);
 - iv. Proposed Marl Hill Section in the Ribble Valley Borough area (red box), and;
 - v. Proposed Haslingden and Walmersley Section in the Hyndburn Borough, Rossendale Borough and Bury Metropolitan Borough areas (yellow box).

Each tunnel section would have a drive shaft compound and reception shaft compound(s) operating during the construction works. At the compounds, connections between the existing multi-line section and proposed tunnel sections would be constructed using an open cut method.

- 1.7 This planning application is for that part of the proposed Haslingden and Walmersley section within Hyndburn. The application is somewhat unusual in that the submitted redlined application site encompasses all of the route of the proposed new underground aqueduct, which is from the Rossendale boundary in the very south of the Borough to the proposed new aqueduct reception site at Bolton Avenue, Huncoat, with temporary working areas to allow for the necessary preparatory mine grouting works being proposed off Plantation Road, on higher ground to the east of Accrington.

- 1.8 Notwithstanding the underground tunnelling works that will extend for 4.4km in a southerly direction from Huncoat to Rossendale, there are two main areas of development in Hyndburn:

- i. **Bolton Avenue Works.** A tunnel reception site at Bolton Avenue including minor permanent developments encompassing a new Valve House, new valve chambers and local access and ground re-profiling works at Bolton Avenue, and;
- ii. **Plantation Road Works.** Preparatory mine grouting works at Plantation Road to secure the structural integrity of the tunnel as it passes through previously mined areas.

To address the local impacts arising from the proposed development each area will be considered separately, notwithstanding the fact they are both an integral part of the same, larger, scheme.

- 1.9 Above ground temporary construction compounds are required in order to facilitate the necessary related construction works and due to the complexity of the proposed aqueduct tunnelling operations these temporary arrangements will potentially be ongoing for about 4 years.

- 1.10 Once the essential construction works have been completed it is intended that all of the temporary working areas will be subject to agreed high quality landscape and habitat restoration schemes.

2. Details of Proposed Development

2.1 The Hyndburn proposals involve boring 4.4km of new tunnels to form part of the new aqueduct, with the new pipeline sections being 3.5m in internal diameter and bored up to a maximum of 200m below ground depending upon the location. The tunnel boring machine (TBM) would work from Rossendale to Hyndburn (moving in a northerly direction), meaning that the majority of boring wastes would be removed from the Rossendale entrance. It is intended that the proposed associated above ground temporary working compounds would both enable and facilitate these tunnelling operations and allow for the necessary preparatory mine grouting.

i. Bolton Avenue Works

2.2 The proposed Bolton Avenue Compound would be the main temporary construction area as it would be the location for the tunnel boring machine 'to be received' after it has been driven northwards from the main tunnel construction site at Haslingden Road Rossendale. The construction compound at Bolton Avenue would be needed in order to both receive the tunnel boring machine and to allow for connections to be made into the adjoining sections of the aqueduct. The tunnel boring machine (TBM) would operate on a 24 hour basis and whilst the initial construction operations would be undertaken between normal working hours, some operations would require 24 hour working.

2.3 The Bolton Avenue site would provide the connection point from the existing Haweswater Aqueduct into the new aqueduct. The compound would cover an area of approximately 5 hectares and comprise a 15 m diameter, 11 m deep reception shaft to remove the TBM being driven from the Haslingden Road Compound. The compound would be in place for up to 4 years, with an estimated 2.5 year period of actual construction activity, starting in 2025 at the earliest. Between 46 to 98 vehicles per day, averaged over a week, would travel to and from the compound during the works.

2.4 The Environmental Statement advises that the compound location is adjacent to a residential area to the south (such as Oakfield Avenue, Oakhurst Avenue, Brown Birks Road) and Bolton Avenue to the west. Residential properties on Bolton Avenue are close to the edge of the compound (on the opposite side of the road) and 55m from the trenching works required to connect the new aqueduct to the existing infrastructure. Huncoat Primary School is located less than 500 m to the north east of the Bolton Avenue Compound. St Augustine's Church and Mapleford Nursing Home are both located within 100 m of the compound location, with Accrington Cemetery and Crematorium located to the west of Bolton Avenue. To the north end of Bolton Avenue, approximately 200 m from the north west of the Bolton Avenue Compound, there are a range of commercial operations including Bensons for Beds distribution centre, Interlink Express Pointcontrol and FPW Axles.

2.5 Open-cut trenching would be required when connecting the new section of aqueduct into the existing network. Trenches would be excavated in the ground with pipe(s) being placed in the trenches prior to backfilling with excavated or imported material. Topsoil and subsoil would be carefully stripped from the land and stored appropriately within the compound for later reinstatement. Tunnel related arisings would be removed via the strategic road network and then appropriately disposed of via re-use or in authorised landfill. When the new length of pipe is connected to the existing sections of pipe it will be necessary to work on a 24hr basis because the flow of water through the pipe will have to

be closed off and it is necessary to minimise the length of time that the water supply will be interrupted.

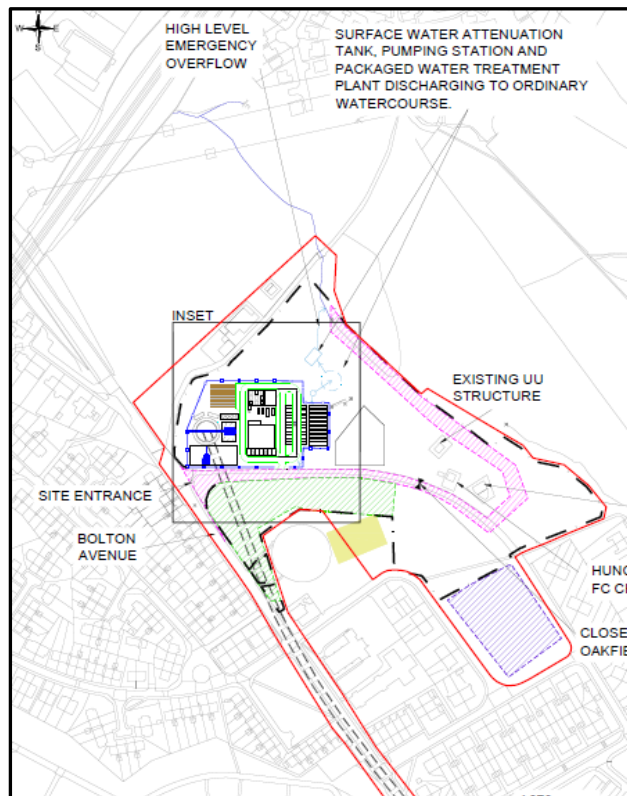


Fig 2. Plan illustrating general location and features of compound at Bolton Avenue.

- 2.6 After the construction period it is intended that all the affected land at Bolton Avenue and Plantation Road would be subject to agreed extensive high quality restoration schemes. In terms of new permanent structures there would be an additional small scale new Valve House needed at Bolton Avenue, to service the operational needs of the new aqueduct, and which would be constructed in agreed local materials. There would also be an additional area of land raising to cover the connections, raised air valves and associated underground chambers and hardstandings.
- 2.7 The area of site compound required by the works means that some land presently occupied by a football pitch will be required and the football pitch would not be available for use during the construction period. The implications arising from this are discussed in more detail later in the report.
- 2.8 A new temporary access would be created close to the existing junction with Bolton Avenue and Oakfield Avenue. Minor changes would be made to the kerbline at the junction of Burnley Road/Bolton Avenue, alterations made to the pedestrian refuge on Bolton Avenue and a traffic calming scheme would be implemented on Burnley Road.

ii. Plantation Road Works

- 2.9 The proposed preparatory mine grouting area at Plantation Road would cover an area approximately 830m long and 75m wide. These works are required to appropriately stabilise (which would be achieved by injecting a grouting mixture into the ground at the required depth) an area of identified historic mine workings prior to the new tunnel alignment subsequently being driven through that area. It is acknowledged that there

would be some temporary localised impacts upon the surrounding environment and disturbance for nearby properties but after these works the area would be subject to an agreed extensive restoration scheme. The applicant has sought to minimise impacts on surface features such as trees and watercourses through the use of angled grouting where possible.

- 2.10 Vehicular access would need to be carefully facilitated from the nearby A56 and its junction with Plantation Road and Sandy Lane would be improved to allow heavy goods vehicles to safely enter and leave the strategic route network. It is anticipated that prerequisite grouting works would be taking place for approximately 12 months (from 2023 at the earliest).
- 2.11 On completion of the grouting works the machinery would be removed from site and the surface workings would be restored.

3.0 Environmental Statement

3.1 The Proposed Haslingden and Walmersley Section has been identified as requiring an Environmental Impact Assessment (EIA) under the Town and Country Planning (Environmental Impact Assessment) Regulations (2017) (the EIA Regulations). An EIA has been carried out to meet the requirements of planning legislation and policy.

3.2 The EIA has followed a series of key steps:

- Identification of the assessment area and the locations, features or communities to be assessed. These range from people, properties, designated sites and ecological species to the surrounding environment and its resources
- Information on the existing environment was collected using methods such as surveys, desk-based studies, and consultation with environmental groups and the public
- Where necessary, modelling was undertaken to support the prediction of effects
- Likely significant environmental effects were identified for each phase of the development (i.e. enabling works, construction, commissioning, and operation), considering whether effects would be beneficial or adverse, permanent or temporary taking agreed mitigation measures into account
- Identification of further mitigation measures required to avoid, reduce or offset potential adverse effects.

3.3 The Environmental Statement also takes into account the cumulative effect of the Proposed Haslingden and Walmersley Section being constructed in combination with other proposed developments in the area, including in combination with the other sections of the Haweswater Aqueduct Resilience Programme being constructed at the same time.

3.4 Extensive engagement and consultation has been undertaken with the local planning authorities, regulatory authorities, people with an interest in the land and affected communities. Engagement and consultation have helped to identify issues and concerns regarding the Proposed Haslingden and Walmersley Section, its design and the EIA process.

3.5 A package of updated and amended information was submitted in October 2021 (Supplementary Environmental Information) and March 2022 (Hyndburn Second

Supplementary Environmental Information) in order to address initial concerns regarding the details of the proposed works.

4. RELEVANT PLANNING HISTORY

- 4.1 The applicant has previously submitted multiple applications in relation to their ongoing water supply operations throughout the Borough.
- 4.2 In response to a request from United Utilities for a Scoping Opinion (in relation to the intended content of the anticipated Environmental Statement) the Council issued a Scoping Opinion.
- 4.3 A subsequent request for an updated Scoping Opinion was submitted in December 2020 and the Council therefore issued an updated Scoping Opinion.

5. POLICY CONTEXT

National

- 5.1 The updated National Planning Policy Framework (NPPF, July 2021) outlines the Government's approach to defining planning policy. As well as recognising the importance of economic, social and environmental objectives for achieving sustainable development, the main relevant sections of NPPF are;

Section 8	Promoting Healthy and Safe Communities.
Section 9	Promoting Sustainable Transport.
Section 12	Achieving Well-Designed Places.
Section 13	Protecting Green Belt Land.
Section 14	Meeting the Challenge of Climate Change, Flooding and Coastal Change.
Section 15	Conserving and Enhancing the Natural Environment.
Section 16	Conserving and Enhancing the Historic Environment.

- 5.2 The National Planning Practice Guidance provides more detail regarding the Government's operation of the planning system with specific guidance being set out regarding;

- Environmental Impact Assessment
- Green Belt
- Healthy and Safe Communities
- Land Stability
- Natural Environment
- Noise
- Public Rights of Way
- Planning Obligations
- Travel Plans, Transport Assessments and Statements
- Use of Planning Conditions
- Water Supply, Wastewater and Water Quality

- 5.3 The National Infrastructure Commission (NIC) recognises the importance of having in place the necessary water infrastructure to meet the nation's needs over the next 30 years

and to deliver additional supply and demand reduction to increase the resilience of water supplies.

Development Plan Policies

5.4 Local policy considerations are set out in the;

Hyndburn Core Strategy (Adopted January 2012)

Policy BD1	The Balanced Development Strategy
Policy ENV1	Green Infrastructure
Policy ENV2	Natural Environment Enhancement
Policy ENV3	Landscape Character
Policy ENV4	Sustainable Development and Climate Change
Policy ENV6	High Quality Design
Policy ENV7	Environmental Amenity
Policy T2	Cycle and Footpath Networks

Hyndburn Development Management DPD (Adopted January 2018)

Policy GC1	Presumption in Favour of Sustainable Development
Policy GC2	Infrastructure, Planning Obligations and CIL
Policy DM17	Trees, Woodlands and Hedgerows
Policy DM18	Protection and Enhancement of the Natural Environment
Policy DM19	Protected Species
Policy DM20	Flood Risk Management and Water Resources
Policy DM21	Protection of Open Spaces
Policy DM22	Heritage Assets
Policy DM24	Contaminated or Unstable Land
Policy DM25	Pollution Control
Policy DM26	Design, Quality and Materials
Policy DM29	Environmental Amenity
Policy DM32	Sustainable Transport, Traffic and Highway Safety
Policy DM33	Sustainable Transport Infrastructure

Lancashire Joint Minerals and Waste Local Plan – Core Strategy 2009

Policy CS2	Minimising the Need for Mineral Extraction
Policy CS6	Promoting Waste Minimisation
Policy CS7	Managing Waste as a Resource

Lancashire Joint Minerals and Waste Local Plan – Allocations and Development Control Policies 2013

Policy M2	Safeguarding Lancashire's Mineral Resources
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6. CONSULTATION RESPONSES

In this section a summary of the responses from statutory consultees is set out:

- 6.1 **Electricity North West** – indicate that the proposals could have an impact on their infrastructure and as such it will need to be safeguarded/appropriately diverted. The comments have been forwarded to the applicant.
- 6.2 **Cadent Gas** – Highlight the existence of their pipelines in the vicinity of these proposals and the related need for appropriate safeguarding of their existing infrastructure but confirm that they have No Objection from a planning perspective.
- 6.3 **HSE (The Health and Safety Executive)** – does not advise, on safety grounds, against the granting of planning permission in this case.
- 6.4 **Department of Levelling Up, Housing and Communities** – confirm that they have no comments to make on the environmental statement.
- 6.5 **Natural England** – confirm that they have no objection because they consider that the proposed development will not have significant adverse impacts on designated sites.
- 6.6 **The Coal Authority** – Indicate that there are historic coal mining features and hazards which need to be considered in relation to the determination of this application and as such they recommend that they have no objections subject to the imposition of appropriate conditions.
- 6.7 **Lancashire Highways (Summary)** - These statutory comments have regard to all relevant information uploaded on the Hyndburn Planning Portal and provided to LCC Highways via email, to date. These include a Transport Assessment, Construction Traffic Management Plan and other relevant plans and documentation.

With consideration for all the information now provided, I consider that the impacts of the proposals on the Local Highway Network, could be made acceptable. However, this is subject to a number of matters being suitably addressed and secured by condition, including; agreed highway changes, a legal agreement in place to overcome highway / PRoW deterioration and maintenance issues, and the provision of a resource to enable the highway authority to work closely with the applicant during the full period of the project.

The conditions should ensure that the necessary controls are in place and that measures will be delivered to limit traffic impacts. However, the CTMP suggests a temporary closure of Bolton Avenue may be required (for a period of time). However, at this stage, this is not supported by the Local Highway Authority as we do not have detail on the proposed closure. Should consent be granted, LCC Highways will work with the contractor on the reasonableness of this ask.

- 6.8 **Public Rights of Way (Lancashire CC)** – Initially had concerns regarding the impacts upon the local footpath networks but now subject to the imposition of appropriate conditions all concerns have been resolved.. This is considered in more detail later in the report.
- 6.9 **Lead Local Flood Authority (Lancashire CC)** – Has No Objections subject to the imposition of appropriate drainage conditions.

- 6.10 **National Highways** – have considered both the original and the updated submissions and subject to appropriate access arrangements off the A56 being proposed they recommend that appropriate conditions should be attached to any planning permission that may be granted.
- 6.11 **Historic Environment Team (Lancashire CC)** – these proposals will not have an adverse impact upon the historic environment.
- 6.12 **Environment Agency** – Have confirmed that they have No Objection subject to the imposition of appropriate planning conditions/related obligations in respect of materials/waste management, the management of surface water and the provision of compensatory habitats.
- 6.13 **Sport England** – Have confirmed that they have no objection to the proposals subject to the provision of an appropriate temporary replacement playing pitch and related ancillary football facilities. This is considered in more detail in the report.
- 6.14 **HBC Environmental Health** – recognise the need to protect the amenity of the adjacent properties from unacceptable noise and disturbance and that the related lighting should be designed in order to avoid nuisance to the neighbouring residential properties.
- 6.15 **HBC Landscape Consultant** – Considers that on balance the Assessment does provide sufficient information to support making an informed planning decision. However details of landscape impact need further clarification and it is recommended that minor changes are made to the proposed layout and restoration proposals for both the Bolton Avenue and Plantation Road compounds in order to enhance the landscape mitigations.
- 6.16 **HBC Ecology Officer** – the proposals must safeguard bird and mammal habitats and ensure provision for appropriate biodiversity net gain.
- 6.17 **HBC – Environmental Projects Officer** – because of the disturbance which would be caused by the Plantation Road proposals to the Peel Park Local Nature Reserve suggest the need for sensitive restoration and compensatory enhancements.
- 6.18 **Greater Manchester Ecology Unit** – Considers the Assessment of Ecological Impacts and the related mitigation measures to be acceptable and that the HRA is appropriate. Therefore No Objection subject to the imposition of suitable conditions and related obligations.

7. REPRESENTATIONS

- 7.1 Given the extensive scale, and the complex nature, of this proposal a significant statutory consultation was undertaken with site notices being displayed at key locations all along the route of the proposed new aqueduct and specifically adjoining the proposed temporary construction compound sites, and as such individual nearby properties were directly notified and the requisite EIA press notice published.
- 7.2 To date, a total of 41 letters have been received from 23 properties regarding these proposals.

- 7.3 In respect of the proposed main construction site works at Bolton Avenue residents have raised concerns regarding the potential duration of the temporary works, potential noise and disturbance (especially during any night working), the risks to children in the area, and the potential impacts upon walkers, cyclists and horse riders. A resident has also raised specific concerns regarding the potential tunnelling causing damage to their property.
- 7.4 Representations have also been received in respect of the proposed mine grouting works at Plantation Road – with residents raising concerns regarding the traffic impacts and especially in terms of highway safety in respect of the A56, Plantation Road and Sandy Lane, detrimental impacts on the amenity of local residents, the environment and watercourses, impacts upon walkers and horse riders using the area, and questioning why the works need to be undertaken in this particular area.
- 7.5 Sara Britcliffe MP has also made representations regarding the potential disturbance that the proposed mine grouting works would cause to residents in the Plantation Road/Sandy Lane area.

8. Officers Observations

- 8.1 Planning law requires that planning applications should be determined in accordance with the policies of the development plan, unless material considerations indicate otherwise. In this instance an Environmental Statement (ES) has been submitted by the applicant and in considering the acceptability of the proposed development it is necessary to take into consideration the findings and recommendations of the ES.

The Need for the Development

- 8.2 The proposed upgrading of the Haweswater Aqueduct is of regional importance in terms of ensuring the resilience and quality of the regions strategic drinking water infrastructure. The aqueduct supplies drinking water to a large proportion of homes and business in Hyndburn as well as other areas of Lancashire and Greater Manchester.
- 8.3 Accordingly at the strategic level it is accepted that this planning proposal is considered to be essential in its nature and therefore there is no objection in principle to the provision of the proposed upgraded water supply infrastructure. Significant weight is afforded to the need to have high quality water infrastructure and the importance of this infrastructure in maintaining water supplies to homes and businesses across north west England.
- 8.4 It is considered that the noticeable local impacts of this proposal will not actually be in the long term but rather they will be during the extended periods of construction works. It is also considered that there will be no residual long term harm to the area and the related reinstatements, compensatory provision and environmental net gains would result in local enhancements and legacy benefits. Whilst it is accepted that the identified short-term impacts may last for a period of 4 years in planning terms they can only be considered to be temporary in terms of their nature and impact.
- 8.5 Residents have queried the proposed alignment of the new tunnel (i.e. why does it actually need to be where it is being proposed?). In response, the applicant has advised that the proposed alignment has been necessarily designed for engineering purposes in

order to maintain the gravity flows within the aqueduct and for it to appropriately connect into the adjoining sections. The proposed alignment also seeks to minimise the interactions with existing properties and historical mining locations thereby reducing the extent of the required preparatory grouting works. The location of the works is also largely dictated by the existing location of the infrastructure, the new section of pipe needing to connect to the existing sections that are not being altered.

- 8.6 In conclusion it is considered that rather unusually the most discernable impacts of these planning proposals will be during the temporary construction periods rather than in the long term. Therefore the applicable proposed conditions, and associated planning obligations, are largely designed to appropriately manage this period of the disturbance associated with the necessary construction works and to thereby minimise the impacts upon residents and the environment of the Borough.

The Environmental Assessment Process

- 8.7 Because of its strategic nature and sensitivity this proposal has been subject to the applicable statutory Environmental Assessment process.
- 8.8 That process has been necessarily exhaustive in its approach and it has been shaped by extensive inputs from all of the applicable statutory bodies and other relevant agencies. The validity of the assessment process undertaken has subsequently been validated via the consultation responses received from all of the environmental agencies and the other relevant bodies. Subsequent to the initial consultation process additional environmental information (in the form of addenda) has been submitted in order to suitably further inform the process (and appropriately re-consulted upon).
- 8.9 The Environmental Assessment acknowledges the nature of the potential localised impacts of the proposed development but it also concludes that these would not be significant and that they would only occur for the temporary periods associated with the necessary construction works. It also identifies that there would be related environmental replacements (for example lost trees would be replaced at a ratio of 3:1) and other proposed Biodiversity Net Gains.
- 8.10 It is considered that the Environmental Assessment process has been appropriately thorough and it has concluded that the submitted information appropriately identifies and outlines all of the applicable environmental issues and levels of impact. Accordingly it is considered that, subject to the satisfactory delivery of all of the proposed related environmental mitigations, these planning proposals can now be reasonably determined on their planning merits.

The Proposed Environmental Impacts and Mitigations

- 8.11 Because of the nature of this application a key aspect of this planning process is to ensure that all of the proposed environmental safeguards and the related mitigations can be satisfactorily secured and thereafter delivered, monitored and reviewed. A range of planning conditions are proposed as a means of ensuring the impacts associated with the proposed development are properly managed. A large number of the conditions have been recommended by the relevant statutory consultees and are proposed as a means of making the development acceptable.

i. The Bolton Avenue Site

8.12 The Bolton Avenue Compound is the northern most compound of the Haslingden and Walmersley Section and would provide the connection point from the existing Haweswater Aqueduct into the new aqueduct. The compound would cover an area of 5ha and comprise a 15m diameter, 11m deep reception shaft to remove the tunnel boring machine (TBM) being driven from the Haslingden site to the south. Although the works are temporary, the compound is likely to be in place for up to 4 years with construction taking 2.5 years. The works proposed at the Bolton Avenue site are within an established urban area in close proximity to residential properties. In considering this part of the development the following matters will be considered:

- a. Protection of Amenity
- b. Replacement sports pitches and open space
- c. Traffic and highways considerations

These will be considered in turn.

a. Protection of Amenity

8.13 There are residential properties either adjacent to or in relative close proximity of the proposed Bolton Avenue main construction compound and as such it will be essential that their amenity is safeguarded as far as possible during the protracted construction works. This will be achieved by appropriate controls being put in place with regard to the intended working hours and in terms of mitigating any potential noise, dust or other identified nuisances. There will be a period of time when the new length of pipe is connected to the existing pipe when 24hr working will be required and a planning condition is recommended to minimise the disturbance during this period. Conditions are recommended in relation to the details of the construction of the compound and the measures to be taken to manage noise and dust from the development.

8.14 The tunnelling works themselves have the potential to cause vibration and in turn this could cause damage to properties along the route. The extent of vibration is influenced by the depth of the tunnelling works and geological conditions. Although a condition is recommended that requires details to be submitted setting out how potential damage will be managed, there are provisions under the Water Industry Act 1991 that allow affected parties to make a claim against the applicant for any potential damages arising. The proposed condition seeks details of the measures to be undertaken to manage this process, but it does not seek to duplicate the specific powers provided by this legislation.

8.15 There will also be related visual impacts upon the applicable local landscapes associated with the proposed temporary working areas and the construction compounds. Because of both the scale of the intended construction works and the anticipated extended period for those temporary works these will obviously be most pronounced in respect of the proposed Bolton Avenue construction compound. A condition is recommended requiring details of landscaping, lighting and fencing to be submitted and approved.

8.16 In terms of the environmental outcomes it is accepted that there will be some discernable short term visual and ecological impacts upon the local environment but these will be limited in their nature. In terms of the required mitigations appropriate high quality

reinstatement will be essential as will the delivery of the related net gains via the related obligations. Conditions are proposed to manage this.

- 8.17 This is a complex development which encompasses a series of protracted temporary construction works, with these being ongoing for various periods of time, in a diverse number of separate locations. There is also the fact that these proposed temporary works may be required to commence at differing time periods over what may be an extended period of many years.
- 8.18 As such it will be necessary to ensure that all of the requisite interim mitigations and subsequent restoration requirements for a specific construction site are agreed before the commencement of works at that specific working location.
- 8.19 Therefore it is proposed that stringent phasing/commencement requirements are placed upon any permission whereby for each proposed section of/location for construction no works can actually commence at that location until the Local Planning Authority has agreed to the applicable proposed temporary working practices, the relevant environmental safeguards and the related restoration requirements.
- 8.20 There will also be applicable related phasing requirements in relation to the various stages of the proposed development process including pre-commencement, during the various temporary construction periods, in relation to the subsequent permanent works and especially in relation to the subsequent landscape and environmental restorations and reinstatements.

b. Replacement Sports Pitches and Open Space

- 8.21 The Bolton Avenue compound is located within an area of existing public open space, Bolton Avenue Playing Fields, and the proposed construction works will therefore impact upon the short term usability and nature of that open space. Accordingly extensive negotiations have therefore gone into providing for appropriate compensatory provision (suitable alternative facilities and necessary relocations) and it is intended that the details of this alternative provision will be secured via the related Planning Obligations, planning conditions and subsequent works.
- 8.22 In a manner consistent with national policy, Sport England has advised that replacement pitch provision will need to be made during that period of time when the playing pitches cannot be used. The applicant has worked with the Council to identify a location for the replacement pitches, and conditions are recommended to ensure that replacement provision is made for the duration of the development. This will also be included with the s.106 agreement. It is proposed to make the alternative provision at Memorial Park in Great Harwood and the Council's Parks Department has been involved with these negotiations.
- 8.23 A condition is also recommended to ensure that safe access is provided to people when using the remaining pitch on Bolton Avenue.
- 8.24 With regard to open space, financial contributions would be secured through the Section 106 legal agreement to compensate for permanent and temporary losses of existing open space.

c. Traffic and highway considerations

- 8.25 These proposals would obviously require a considerable number of construction vehicle movements to take place in order to facilitate the necessary preparatory and construction works.
- 8.26 With regard to the Bolton Avenue compound it is anticipated that the intended construction works could generate between 46 and 98 vehicle movements a day with the actual daily numbers being dependent upon the nature of what exact works are underway/taking place at that specific point in the construction process. A new temporary access would be created close to the existing junction with Bolton Avenue and Oakfield Avenue. Established footpaths would need to be appropriately diverted for the duration of the works, including an approximately 2 month diversion of a short section of Huncoat Greenway, before being satisfactorily reinstated. A condition is recommended with regards to the temporary diversion of the cycleway.
- 8.27 Because of the duration and complexity of the anticipated construction periods there will be an overarching requirement for a comprehensive Construction Traffic Management Plan, which will both define the access and haulage routes to be utilised, vehicle types and numbers and working hours, to be agreed and implemented prior to any construction works commencing at any of the proposed locations.
- 8.28 Lancashire County Highways, who are the local highway authority have been extensively involved in protracted negotiations regarding managing the traffic impacts of this application, have subsequently confirmed that they consider the potential impacts of these proposals could be made acceptable. That acceptance would entail the imposition of suitable detailed planning conditions and highway obligations within the proposed Section 106 Agreement. The majority of these requirements have been agreed by the applicant and officers believe that the proposed development is acceptable in this respect.
- 8.29 The works will require minor changes to be made to the kerblines at the junction of Burnley Road/Bolton Avenue, alteration to the pedestrian refuge on Bolton Avenue and traffic calming scheme on Burnley Road. As part of the traffic calming scheme it is proposed to reduce the speed limit of Burnley Road from 40mph to 30mph, a measure that has been supported by local councillors. The Burnley Road / Bolton Avenue junction suffers from congestion at peak times and the Highway Authority has therefore requested details of the measures to be undertaken to manage construction traffic at peak times. A condition is recommended in respect of these matters as well as conditions seeking a routing agreement and details of the design and construction of the access to the compound and its reinstatement.
- 8.30 Lancashire County Council Public Rights of Way has been extensively involved in the negotiations regarding these proposals and whilst they acknowledge the impacts that the proposed temporary closures and diversions may have upon users they have recommended that they can be supported subject to satisfactory reinstatements and via the delivery of positive enhancements to the local footpath/cycleway network. Many of the footpaths and improvements are outside the applicant's site, for this reason their improvement will be sought through the accompanying agreement under s.106 of the act.

- 8.31 A request was also made for the improvement of the Huncoat Greenway, however, the applicant has advised that should not be materially affected by the proposed development and that the contribution sought is not supported by the requirements in National Planning Policy Framework. Although a small stretch of the cycleway will be affected, a diversion is proposed and a condition is recommended in this respect. The larger contribution is not supported.
- 8.32 The Highway Authority also sought funding for a full time Highways Officer through the S.106 agreement. The applicant has objected to the provision of a permanent officer for the duration of the project on the basis that this is not reasonable, however, they have indicated that they will support a temporary 2 year position which would offer part time support after the initial two years with the level of work being agreed with the Highway Authority. This is considered acceptable and will be managed through the s.106 agreement.

ii. Plantation Road / Sandy Lane Site

- 8.33 The Plantation Road mine grouting area is located approximately 1.3km south of the Bolton Avenue compound on higher ground to the west of the A56. The area of grouting extends approximately 0.8km along the proposed route of the aqueduct. The applicant has advised that in areas of sensitive receptors angled drilling would be used. This part of the site is in a rural area to the east of Accrington and the area includes residential housing and two schools and a college to the west. The countryside is characterised as having a mix of woodland, mixed use agricultural fields and some small water bodies.
- 8.34 Parts of the Proposed Haslingden and Walmersley Section, including this section, are underlain by shallow mine workings which would be subject to mine grouting to stabilise the ground in advance of the proposed tunnelling process. An area of land along the route of the aqueduct to the east of Accrington at Plantation Road / Sandy Lane has been identified as having underground former mine workings and there is a need to stabilise the rock prior to the tunnelling taking place.
- 8.35 To stabilise the workings, voids within the former mine workings are injected with liquid grout from the surface. This requires the drilling of boreholes through the soils and into the bedrock to target the voids. These works are carried out in defined areas where the topsoil would be stripped from the working area and stored nearby for use in restoration later. Mine grouting operations are expected to last 12 months and would be undertaken between the hours of 8am to 6pm Monday to Friday excluding commuting time for construction workers (7.30am to 8am). If required, plant maintenance could take place over the weekend however this is anticipated to make minimal noise. Production drilling and mine grouting would not take place during weekends or on public holidays.
- 8.36 A number of compounds for the coordination of activities and the storage of materials would be required, which would be fenced and incorporate security lighting. The grouting area would be accessed via the A56 and its junction with Plantation Road and Sandy Lane which would be improved to allow heavy goods vehicles to safely enter and leave the strategic route network. National Highways are generally satisfied with the proposed development but have recommended conditions in respect of the alignment of the highways and traffic management.

- 8.37 National and local policies all seek to protect the countryside by presuming against inappropriate development but in doing that they do make allowance for very special circumstances to apply in order to make provision for the construction of essential infrastructure.
- 8.38 In order to appropriately preserve character of the countryside all of the proposed temporary construction compounds, and the related access and working areas, would need to be subject to suitable high quality landscape and habitat restoration schemes (and with appropriate ongoing maintenance being required for an extended period in order to ensure their suitable establishment).
- 8.39 There would be a requirement to divert public rights of way for the duration of the works. Lancashire County Council Public Rights of Way has been extensively involved in the negotiations regarding these proposals and whilst they acknowledge the impacts that the proposed temporary closures and diversions may have upon users they have recommended that they can be supported subject to satisfactory reinstatements and via the delivery of positive enhancements to the local footpath network. Many of the footpaths and improvements are outside the applicant's site, for this reason their improvement will be sought through the accompanying agreement under s.106 of the act.
- 8.40 Local residents have raised concerns regarding the proposed traffic management arrangements in respect of disturbance to Plantation Road and Sandy Lane. Inevitably there will be some disturbance to the local area but in order to try and appropriately manage those acknowledged impacts the applicable element of the Construction Traffic Management Plan will need to be very carefully formulated, applied and monitored.
- 8.41 The proposed development is temporary in nature and its location is determined by the route of the aqueduct. Provided the development does not harm local amenity and subject to the site and its surroundings being properly restored, it is considered that this aspect of the development should be supported subject to the conditions recommended and the works being undertaken as described in the accompanying Environmental Statement.

Other Matters

- 8.42 There is now a national policy requirement to demonstrate biodiversity net gain. This cannot be delivered on site and an off-site contribution is therefore being sought to compensate for this shortfall. This will be addressed through the s.106 agreement.
- 8.43 To assist in the delivery of this strategically important scheme, the applicant is also proposing the employment of a Community Liaison Officer and an Ecological Clerk of works to engage with relevant bodies and members of the public as and when is necessary.

The S.106 Agreement

- 8.44 Owing to the scale and nature of the proposed development a number of the impacts and mitigations require control through a legal agreement rather than planning conditions. In

order to mitigate the impacts of the proposed development a s.106 agreement is proposed in respect of the following matters:

- i. **Biodiversity Net Gain (BNG).** An amount equating to £15,000 per net unit of loss which equates to approximately £109,500 but will be assessed in accordance with the terms of the agreement. It is proposed that the loss would be off-set through improvements at Peel Park / Pleck Meadows Local Nature Reserve which is near-by.
- ii. **Community Liaison Officer.** To be employed by the applicant during the development to pro-actively engage with the community and to understand issues or problems arising with a view to resolving.
- iii. **Ecological Clerk of Works.** To oversee works undertaken in sensitive habitats and to ensure compliance with relevant environmental law, consents and permissions. To liaise with the applicant, key stakeholders and local authorities.
- iv. **Highways Officer.** Funding of a Highways Officer to work for Lancashire County Council for a period of two years during the initial design, commencement and during the highways improvements, and thereafter on a part-time basis the hours of which would be agreed between the parties. It is proposed this would be at Grade 9. The post would cover the wider development across Lancashire, not just that part of the development in Hyndburn.
- v. **Footpath works.**
 - a. Resurfacing of footpath 1-11-FP11 between Bolton Avenue and the Huncoat Greenway and the provision of a vehicle barrier to be agreed with LCC;
 - b. Resurfacing of footpaths 11-1-FP63, 11-1-FP91 and 11-1-FP131;
 - c. Surface improvements to footpath 11-1-FP131 to include waterbars at location to be agreed;
 - d. Replacement of stiles along footpath 11-1-FP130 and improve surface condition at the start of the footpath from 11-1-FP129 Sandy Lane;
 - e. Surface improvements to footpaths 11-1-FP90 and 11-1-FP365
 - f. Replacement of stiles at the junction of footpath 11-1-FP142 and 11-1-FP143 with a kissing gate;
 - g. Clearance of vegetation alongside Bolton Avenue PROW.
- vi. **Improvements to Plantation Road:**
 - a. Plantation Road footpath 11-1-FP90 to be improved to PROW standard including mobility gates and boundary fencing;
 - b. Plantation Road eastern end – improvement of surface condition and drainage;
 - c. Plantation Road – improvement to 450m of the cobbled section
 - d. Plantation Road – improvement to footpath 11-1-FP365.
- vii. **Local Authority Partnership Forum.**
- viii. **Loss of Open Space:**
 - a. Payment in respect of loss of permanent open space;
 - b. Annual payment in respect of loss of temporary open space.
- ix. **Compensatory Sports Provision.** Provision of funding to Hyndburn Borough Council to bring back into use two sports pitches at Memorial Park, Great Harwood, to compensate for the loss of pitches at Bolton Avenue site. The planning agreement would also include an obligation on the Council to deliver the playing pitches (working with the applicant).

- 8.45 Many of the improvements listed will be implemented by either Lancashire County Council or Hyndburn Borough Council, the cost of the works being paid by the applicant through the legal agreement.

The Planning Balance

- 8.46 It is important for the decision maker to be able to consider both the need for the proposed development and to have the ability to appropriately evaluate both any permanent or temporary harm that may arise from the potential grant of this planning permission.
- 8.47 It is widely accepted that the appropriate upgrading of the Haweswater Aqueduct infrastructure is a strategic planning issue of acknowledged local and regional importance.
- 8.48 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 habitat restorations, are appropriately implemented and thereafter suitably maintained. Indeed these proposals would also create opportunities to deliver significant related net gains in terms of both the required landscape restorations and with regard to the proposed biodiversity enhancements.
- 8.49 It is considered that the discernable impacts of these proposals will be predominantly during the applicable temporary construction periods (which it should again be noted would be for an extended period of up to 4 years in the case of the proposed Bolton Avenue compound). Accordingly in order to balance against these impacts appropriate compensatory open space, amenity and play provision will need to be agreed and secured.
- 8.50 Whilst there is a considerable importance placed upon ensuring that those necessary infrastructure works can readily go ahead they do need to be carried out in such a manner so as to appropriately mitigate both the identified environmental issues and so that they do not unduly impact upon the amenity of nearby affected residents.
- 8.51 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 appropriate planning conditions and via the explicit requirements of the related S106 Agreement obligations.

Conclusions

- 8.52 In conclusion it is considered that these significant development proposals are somewhat unusual in that there are no objections whatsoever to the upgrading of this important piece of regional water supply infrastructure.
- 8.53 Concerns have been raised regarding the localised impacts of the necessary construction works but it is considered that the discernable impacts will only be temporarily experienced and that they can be mitigated via appropriate planning controls and considerate management of the contract and works on site.
- 8.54 The proposed package of compensatory provision and environmental net gains will also ensure that there is a positive long term local legacy.

8.55 Accordingly, provided that those appropriate measures are put in place in order to mitigate as far as possible those temporary impacts, it is considered that this planning permission can reasonably be granted in order to ensure the delivery of the associated long-term regional and local community benefits.

9. RECOMMENDATION

- A. That, having taken into consideration the findings of the Environmental Statement, planning permission be granted for the development subject to:
- i. A legal agreement under s.106 of the Act first being entered into that covers the matters set out at paragraph 8.42 of this report above, and;
 - ii. Subject to the conditions set out below.
 - iii. Delegated authority being given to the Chief Planning and Transportation Officer to finalise the wording of conditions and s.106 requirements as necessary.
- B. That members of Planning Committee resolve to support a reduction in the speed limit of Burnley Road from 40mph to 30mph and that this support be communicated to Lancashire County Council in their role as Highway Authority.

Recommended Conditions

Commencement of Development

1. The development hereby approved must be satisfactorily commenced within five years beginning with the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

Approved Plans and Documents

2. Unless otherwise agreed in writing or unless modified by the conditions of this permission, this permission is granted on the basis that the development shall be implemented in accordance with the attached list of approved plans and documents;

Plans/Drawings:

Scheme Overview Plans HBC-HW-APP-004-01-01 Rev 0

Section Overview Plans HBC-HW-APP-004-01-02 Rev 1

Site Location Red Line Plan HBC-HW-APP-004-02 Rev 1

Site Layout Plans (Existing Site - Bolton Avenue Compound) 80061155-01-JAC-TR5-97-DR-C-00001 Rev P01

Site Layout Plans (Proposed Permanent - Bolton Avenue Compound) 80061155-01-JAC-TR5-97-DR-C-00002 Rev P03

General Arrangement - Scheme Extents (Sheet 1 of 4) HBC-HW-APP-004-04_01 Rev 0

General Arrangement - Scheme Extents (Sheet 2 of 4) HBC-HW-APP-004-04_02 Rev 1

General Arrangement - Scheme Extents (Sheet 3 of 4) HBC-HW-APP-004-04_03 Rev 1

General Arrangement - Scheme Extents (Sheet 4 of 4) HBC-HW-APP-004-04_04 Rev 0

Proposed Bolton Avenue Compound Construction Phase Drawing HBC-HW-APP-004-05 Rev 0
Proposed Bolton Avenue Compound Connection Phase Drawing HBC-HW-APP-004-06 Rev 0
Compound Sections - Bolton Avenue Compound HBC-HW-APP-004-07 Rev 0
Cross Section Easement - Bolton Avenue Pipeline 80061155-01-UU-TR5-XX-DR-C-20020 Rev P02
Layout Connection - Bolton Avenue Pipeline 80061155-01-UU-TR5-XX-DR-C-20021 Rev P03
Compound Elevations - Bolton Avenue Compound HBC-HW-APP-004-09 Rev 0
Bolton Avenue Compound - Proposed Valve House Building 80061155-01-UU-TR5-97-DR-C-00040 Rev P02
Hyndburn - Typical Raised Air Valve Chamber Detail 80061155-01-UU-TR5-97-DR-C-00045 Rev P01
Compound Junction Access Details - Bolton Avenue Compound HBC-HW-APP-004-11_01 Rev 1
Plantation Road Mine Grouting Area Sandy Lane Junction and Access HBC-HW-APP-004-11_02 Rev D0
Indicative Mine Grouting Area (Plantation Road) 1 of 2 HBC-HW-APP-004-13_01 Rev 1
Indicative Mine Grouting Area (Plantation Road) 2 of 2 HBC-HW-APP-004-13_02 Rev 1
Example Mine Grouting Area Compound Layout / Section HBC-HW-APP-004-13_03 Rev 1
UU.ES.P.80061155.HGD.01 Bolton Avenue Compound – Footpath 11-1-FP 11 Temporary Diversion

Planning Documents:

Planning, Design & Access Statement HBC-HW-APP-003 Rev 0
Bolton Avenue Compound Lighting Management Plan HBC-HW-APP-005_01 Final (April 21)
Plantation Road Mine Grouting Area Lighting Management Plan HBC-HW-APP-005_02 Final (April 21)
Statement of Community Involvement HBC-HW-APP-006
Construction Traffic Management Plan HBC_RBC_BMBC-HW-APP-007 Rev 3.0
BNG Report - on site HBC-HW-APP-008_01 Rev 3.0
BNG Report - off site HBC-HW-APP-008_02 Rev 1
SSSI Assessment HBC_RBC_BMBC-HW-APP-009 Rev 3.0
HRA Report HBC_RBC_BMBC-HW-APP-010 Rev 7.0
Final Mining Risk Assessment HBC_RBC_BMBC -HW-APP-011 (Volume 1 – 4) Rev 1.0
Environmental Masterplan HBC_RBC_BMBC-HW-FIG-020-001 Rev 1

Environmental Statement:

Volume 1 Non-Technical Summary
Volume 2 Environmental Statement
Volume 3 Figures
Volume 4 Technical Appendices

First SEI:

Supplementary Environmental Information HBC_RBC_BMBC-HW_SEI Rev 0 (Oct 2021)
HBC_RBC_BMBC-HW_SEI APPENDIX A1 - A11 (Jacobs)
HBC_RBC_BMBC-HW_SEI APPENDIX B1 - B3
HBC_RBC_BMBC-HW_SEI APPENDIX B4

Second SEI:

Second Supplementary Environmental Information – Hyndburn HBC-HW_SEI_2 Rev 0
(March 2022)

Reason: For the avoidance of doubt and to ensure an appropriate standard of development as pursuant to relevant National Planning Policies and the applicable policies contained within the Development Plan.

Phasing of the Proposed Works

3. Prior to the commencement of development, a phasing plan showing the sequencing of the development for managing the construction, restoration and reinstatement works shall be submitted to and agreed in writing by the Local Planning Authority. Conditions (set out below) that are required to be submitted to the Local Planning Authority for approval shall be submitted to and agreed in writing by the Local Planning Authority in accordance with the sequence set out in the agreed phasing plan. The development shall thereafter be implemented solely in accordance with the approved scheme or as subsequently amended by written agreement with the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is implemented in accordance with all of the required mitigations.

Compliance with Construction Code of Practice

4. Development within each phase approved under Condition 3 above shall not be commenced until a fully comprehensive proposed Construction Code of Practice, indicating how the appointed contractor(s) intend to operate in an environmentally suitable and neighbourly manner, for the relevant phase has been submitted to and agreed in writing by the Local Planning Authority. The appointed contractor(s) shall then operate in accordance with that approved Construction Code of Practice (or as may be subsequently amended by the written agreement of the Local Planning Authority).

Reason: For the avoidance of doubt and to ensure that the appointed contractor operates in accordance with all of the required and agreed mitigations.

A. Bolton Avenue Works

Hours of Working

5. Except in relation to the operations specified by condition 6 below, construction works at the Bolton Avenue site shall not take place outside 0700 hours to 1900 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and shall not take place at any time on Sundays and Public Holidays.

This condition does not apply to the operation of the tunnel boring machine (TBM).

Reason: In the interests of residential amenity and to accord with Policy Env 7 of the Hyndburn Core Strategy

6. Prior to any works being undertaken outside the permitted hours set out by condition 5 above, including but not limited to the removal of the tunnel boring machine and its associated essential above-ground activities and the connection works to the existing aqueduct, the following details shall be submitted to the Local Planning Authority and approved in writing:
- i. The reason for the extended works;
 - ii. Details of the working hours required and the duration of the proposed works;
 - iii. Details of additional measures to be taken to prevent harm to residential amenity outside the working hours specified by Condition 5.

The works shall be undertaken in accordance with the approved details.

This condition does not apply to the operation of the tunnel boring machine.

Reason: Recognising the strategic importance of the development and in the interests of residential amenity and to comply with policies Env7 of the Hyndburn Core Strategy.

The Construction Traffic Management Plan

7. Development within each phase at the Bolton Avenue site approved under Condition 3 above shall not be commenced until a Construction Traffic Management Plan (CTMP) for the relevant phase has been submitted to and agreed in writing by the Local Planning Authority. The CTMP will include the following information:
- i. proposed traffic routing strategies that shall include:
 - a. Details of the routes to be taken by construction traffic entering and leaving the site and the means by which this will be managed and monitored. Construction traffic shall only enter and leave the site via the A56 junction with Burnley Road (A679) to the east of Huncoat.
 - b. Details of the average and maximum numbers of heavy goods vehicles entering and leaving the site on a monthly, weekly, daily and hourly basis and the means by which the numbers of HGV's will be managed and monitored.
 - c. Details of means by which any heavy goods vehicles that are not able to enter the site immediately (for example, before opening times or when the queueing system would not allow them to enter) will be managed and where they will wait.
 - d. Details of signage to be erected along the route to inform drivers.
 - ii. the intended access and haul routes;
 - iii. the measures to be taken to prevent mud being tracked onto the highway and the measures to be taken should mud be tracked onto the highway;
 - iv. A Construction Travel Plan for each phase of the development which shall include details of the proposed vehicle types and numbers and the measures to be taken to manage the impacts arising from construction traffic;

At no time will construction traffic park on or wait on the public highway. The proposed construction traffic management arrangements shall be implemented in accordance with the agreed CTMP (or as may be subsequently amended by the written agreement of the Local Planning Authority).

Reason: In order to ensure safe and appropriate local traffic management and access arrangements in accordance with the applicable Development Plan policies.

Highway Works and Local Traffic Management Schemes

8. Development within each phase at the Bolton Avenue site approved under Condition 3 above shall not be commenced until a scheme and programme of highway works to be undertaken on Burnley Road and Bolton Avenue for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme and programme shall include the following:
- i. Details of the changes to the kerblines of Burnley Road / Bolton Avenue;
 - ii. Details of the changes to the refuge island on Bolton Avenue;
 - iii. Details of the means by which monitoring of queuing at Bolton Avenue junction with Burnley Road at both am and pm peak periods will be carried out and the means by which traffic will be held back and managed should it be necessary;
 - iv. Details of the traffic calming scheme to be implemented on Burnley Road including the implementation of a reduction in the speed limit from 40mph to 30mph;
 - v. Details of the full design and construction of the required local highway schemes and improvements as specified by Lancashire County Council Highways and Transport in their detailed planning consultation response reference 11/21/0237/NJS1 dated 26th August 2022).
 - vi. Details of how and when these works will be implemented.

The proposed local highway management schemes and improvements shall be implemented in accordance with those agreed details (or as may be subsequently amended by the written agreement of the Local Planning Authority).

Reason: In order to ensure safe and appropriate local traffic management and access arrangements in accordance with the applicable Development Plan policies.

Construction Site Access

9. i. Unless otherwise agreed in writing by the Local Planning Authority, the vehicular access, pedestrian access and bollards to the construction site and compound from Bolton Avenue shall be constructed in accordance with the details shown in drawing HBC-HW-APP-004-11_01 Rev 1. The visibility splays shown in drawing B27070CQ-JAC-XX-DR-C-TR6_VS-2010 P01.5 (Figure 2 Appendix A of the CTMP) and the areas within the visibility splays shall be kept clear from obstruction for the duration of the development.
- ii. Prior to the commencement of development at the Bolton Avenue site a Traffic Regulation Order (TRO) to prevent vehicles parking on this section of Bolton Avenue as shown in Figure 5 Appendix A (drawing B27070CQ-JAC-XX-DR-C-TR6_VS-2010A Rev P01.2) of the CTMP will be made, to provide safe entry and egress of construction vehicles.
- iii. Prior to the commencement of development at the Bolton Avenue site, a scheme and programme setting out how the 15 parking spaces to be provided on Bolton Avenue will be managed and maintained shall be submitted to and approved in writing by the Local Planning Authority. These car-parking spaces shall be made available for use prior to the implementation of the Traffic Regulation Order referred to in part ii. of this condition. The development shall be carried out in accordance with the approved details.

iv. Prior to commencement of development at the Bolton Avenue site a scheme and programme for the re-instatement and/or downgrading of the site compound access shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

v. No HGVs larger than 18.5m shall access the Bolton Avenue Compound without being controlled under The Road Vehicles (Authorisation of Special Types) (General) Order 2003 (STGO) or later amendment unless otherwise agreed in writing with the Local Planning Authority in association with the Local Highways Authority.

Reason: In the interests of highway Safety and to secure the smooth operation of the local highway network.

Construction Compound Details (Micro-siting)

10. Development within each phase at the Bolton Avenue site approved under Condition 3 above shall not be commenced until full details of the proposed construction compounds (including their exact siting, intended layouts, proposed hoarding design, details of noise generating equipment and lighting details) for the relevant phase shall be submitted to and agreed in writing by the Local Planning Authority. The following details shall be submitted:
- i. Details of the siting of the compound and the layout of buildings, storage, parking areas and equipment etc within them at the different stages of development;
 - ii. Details of the hoarding including its height, colour and materials of construction including;
 - iii. Details of any fencing that may be used to prevent unauthorised access;
 - iv. Details of the location of any plant or equipment that may generate noise, such as generators and the measures to be taken to ensure that noise at residential properties does not exceed recognised acceptable limits;
 - v. Details of the location of lighting within the compound;
 - vi. Details of the construction / removal of the compounds and areas proposed for the storage of topsoil that shall be removed and later used in the restoration of the site, and;
 - vii. Details of temporary / permanent landscaping around the compound.

The compounds shall then be set up and operated in accordance with those approved details (or as may be subsequently amended by the written agreement of the Local Planning Authority).

Reason: For the avoidance of doubt and to ensure that the development is implemented in accordance with the required mitigations.

Cycleway Diversion

11. Development within each phase at the Bolton Avenue site approved under Condition 3 above shall not be commenced until a scheme and programme for temporary diversion of the Huncoat Greenway cycle track for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
- i. details of the location and construction of the cycleway,
 - ii. the measures to direct cyclists and secure their safety during the works, and
 - iii. a timetable of development and reinstatement.

The development shall be carried out in accordance with the approved details (or as may be subsequently amended by the written agreement of the Local Planning Authority).

Reason: To secure the development of a safe and appropriately designed temporary diversion to the cycleway in accordance with Policy T2 of the Hyndburn Core Strategy.

Dust Management

12. Development within each phase at the Bolton Avenue site approved under Condition 3 above shall not be commenced until a scheme and programme setting out the measures to be taken to manage construction activities to prevent dust being generated and to mitigate the impact of dust should it arise, for the relevant phase has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the following:
- i. The measures to be taken during construction to prevent dust from arising;
 - ii. The management and monitoring of dust, and;
 - iii. The measures to be taken should dust be generated to mitigate the impacts.

In addition and in order to minimise the effects of any dust from the project, the good practice measures outlined in the application shall be carried out, reference Environmental Statement Volume 2 Chapter 18: Air Quality and Climate Change May 2021 document. The development shall be carried out in accordance with the approved details (or as may be subsequently amended by the written agreement of the Local Planning Authority).

Reason: In the interests of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy and Policy DM29 of the Hyndburn Development Management DPD.

Playing Pitches

13. Prior to loss of, and/or access to (for the purposes of construction or intrusive survey works), the existing 7v7 football pitch at Bolton Avenue Playing Fields the following documents shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England:
- a) A Scheme that identifies a site for the replacement pitch within the locality, schedule of works required informed by a Feasibility Report, timetable for implementation including any planning approvals that may be required; and
 - b) A Certificate of Practical Completion to show the replacement pitch has been constructed and is ready for use in accordance with the Scheme prior to loss of, and/or access to (for the purposes of construction or intrusive survey works) the existing 7v7 football pitch.
 - c) A Scheme to reinstate the 7v7 football pitch on the current site. The reinstatement should be informed by a Feasibility Report with schedule of works and timetable for implementation.

The reinstated football pitch shall be implemented and ready for use prior to the loss of the temporary replacement football pitch. The development shall be carried out in accordance with the approved details.

Reason: To protect playing fields from damage, loss or availability of use during the construction of the development, to ensure continuity of access to replacement facilities during construction, and to accord with Policy HC2 of the Hyndburn Core Strategy] and paragraph 99 of the NPPF.

14. Development within each phase at the Bolton Avenue site approved under Condition 3 above shall not be commenced until a scheme and programme setting out how access to and from the remaining sports facilities at Bolton Avenue will be managed for pedestrians, and the means by which the measures set out will be implemented for the relevant phase has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety and to comply with Policy HC2 of the Hyndburn Core Strategy and national Planning Policy Framework.

Appropriate Restoration, Reinstatement and Aftercare

15. Development within each phase at the Bolton Avenue site approved under Condition 3 above shall not be commenced until a scheme and programme for the comprehensive restoration, reinstatement and aftercare of the site, landscape and environment of that impacted area for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The proposed restorations, reinstatements and aftercare shall be implemented in accordance with those agreed details (or as may be subsequently amended by the written agreement of the Local Planning Authority).

Reason: For the avoidance of doubt and to ensure that the required restorations and reinstatements are implemented in accordance with the required and agreed environmental mitigations.

Valve House Materials

16. Prior to construction of the proposed permanent new Valve House details of the proposed external materials shall be submitted to and agreed in writing by the Local Planning Authority. The building shall then be constructed in accordance with those approved details (or as may be subsequently amended by the written agreement of the Local Planning Authority).

Reason: In order to ensure an appropriate standard of development in accordance with Development Plan policies.

Archaeological Investigation

17. Prior to the commencement of development at the Bolton Avenue site a scheme and programme of archaeological investigation and recording shall be submitted to and approved in writing by the Local Planning Authority. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists (www.archaeologists.net) and the findings shall be submitted in a report to the Local

Planning Authority. The development shall be carried out in accordance with the approved scheme and programme.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with this site.

B. Plantation Road / Sandy Lane Site

18. Development within each phase at the Plantation Road / Sandy Lane Site approved under Condition 3 above shall not be commenced until a scheme and programme setting out the full design and construction details of the required highway access improvements between the work site and the A56 Trunk Road at Sandy Lane and Plantation Road for the relevant phase shall be submitted to and agreed in writing by the Local Planning Authority in consultation with National Highways. The details to be submitted shall include:
- i. Final details of how the scheme interfaces with the existing highway alignment.
 - ii. Temporary signing and any carriageway marking details.
 - iii. Full construction details.
 - iv. Confirmation of compliance with current departmental standards (as set out in the Design Manual for Roads and Bridges) and policies (or approved relaxations/departures from standards).
 - v. An independent Stage 1 & Stage 2 Road Safety Audit carried out in accordance with the Design Manual for Roads and Bridges Standard GR119.
 - vi. Confirmation that the applicant has control of any third-party land as may be required for the said accesses not belonging to the applicant or the highway authority.

The development shall be carried out in accordance with the approved scheme and programme (or as may be subsequently amended by the written agreement of the Local Planning Authority in consultation with National Highways).

Reason: In the interests of highway safety and to ensure that the risks to the strategic road network asset are suitably mitigated.

19. Development within each phase at the Plantation Road / Sandy Lane Site approved under Condition 3 above shall not be commenced until a detailed site construction traffic management plan and working method statement relating to the required access improvements at Sandy Lane and Plantation Road for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways (or as may be subsequently amended by the written agreement of the Local Planning Authority in consultation with National Highways).).

Reason. To ensure that the risks to the strategic road network asset are suitably mitigated.

20. No works pursuant to this application shall involve the closure of traffic on the A56 Trunk Road.

Reason: To ensure the safety and integrity of the Strategic Road Network is maintained.

Hours of Working

21. The mine grouting works at the Plantation Road / Sandy Lane site shall only take place between 8am and 6pm Monday to Friday (excluding commuting time for construction workers (7.30am to 8am)). No works shall be carried out at weekends or on public holidays.

This condition does not apply to the operation of the tunnel boring machine (TBM) or essential plant maintenance.

Reason: In order to appropriately safeguard the amenity of existing properties and residents.

Construction Compound

22. Development within each phase at the Plantation Road / Sandy Lane Site approved under Condition 3 above shall not be commenced until full details of the proposed construction compounds (including their exact siting, intended layouts, proposed hoarding design, details of noise generating equipment and lighting details) for the relevant phase shall be submitted to and agreed in writing by the Local Planning Authority. The following details shall be submitted:

- i. Details of the siting of the compound and the layout of buildings, storage, parking areas and equipment etc within them at the different stages of development;
- ii. Details of the hoarding / fencing including its height, colour and materials of construction including;
- iii. Details of any security fencing that may be used to prevent unauthorised access;
- iv. Details of the location of any plant or equipment that may generate noise, such as generators and the measures to be taken to ensure that noise at residential properties does not exceed recognised acceptable limits;
- v. Details of the location of lighting within the compound;
- vi. Details of the construction / removal of the compounds and areas proposed for the storage of topsoil that shall be removed and later used in the restoration of the site, and;
- vii. Details of temporary / permanent landscaping around the compound.

The compounds shall then be set up and operated in accordance with those approved details (or as may be subsequently amended by the written agreement of the Local Planning Authority).

Reason: For the avoidance of doubt and to ensure that the development is implemented in accordance with the required mitigations.

Dust Management

23. Development within each phase at the Plantation Road / Sandy Lane Site approved under Condition 3 above shall not be commenced until a scheme and programme setting out the measures to be taken to manage construction activities to prevent dust being generated and to mitigate the impact of dust should it arise, for the relevant phase has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the following:

- i. The measures to be taken during construction to prevent dust from arising, particularly from large areas where soil has been removed;

- ii. The management and monitoring of dust, and;
- iii. The measures to be taken should dust be generated to mitigate the impacts.

In addition and in order to minimise the effects of any dust from the project, the good practice measures outlined in the application shall be carried out, reference Environmental Statement Volume 2 Chapter 18: Air Quality and Climate Change May 2021 document. The development shall be carried out in accordance with the approved details (or as may be subsequently amended by the written agreement of the Local Planning Authority).

Reason: In the interests of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy and Policy DM29 of the Hyndburn Development Management DPD.

Appropriate Restoration, Reinstatement and Aftercare

24. Development within each phase at the Plantation Road / Sandy Lane Site approved under Condition 3 above shall not be commenced until a scheme and programme for the comprehensive restoration, reinstatement and aftercare of the site, landscape and environment of that impacted area for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The proposed restorations, reinstatements and aftercare shall be implemented in accordance with those agreed details (or as may be subsequently amended by the written agreement of the Local Planning Authority).

Reason: For the avoidance of doubt and to ensure that the required restorations and reinstatements are implemented in accordance with the required and agreed environmental mitigations.

C. Bolton Avenue and Plantation Road Sites

Highway Repairs and Maintenance

25. No development shall take place until a scheme and high level programme setting out adequate provision for the monitoring and addressing of any abnormal wear and tear to the highway is submitted to and approved in writing by the Local Planning Authority. The submitted scheme and programme should include the following:
- i. Details of the lengths of highway to be monitored for abnormal wear and tear;
 - ii. Details of the surveys/monitoring to be undertaken prior to, during and following completion of the development;
 - iii. Details of the means by which any works will be implemented, in agreement with the Highway Authority.

Thereafter, the development shall be implemented in accordance with the approved scheme and programme.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer and in accordance with Policy Env7 of the Hyndburn Core Strategy and Policy DM32 of the Development Management DPD.

Vibration

26. Development within each phase approved under Condition 3 above shall not be commenced until a scheme and programme setting out the measures to be taken to manage the impacts of vibration on properties along the route of the proposed aqueduct for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the following:
- i. Details of the checks and assessment of properties to be undertaken prior to the commencement of tunnel boring and the location of properties to be assessed;
 - ii. Details of the checks and assessment of the properties in i. that will be undertaken on completion of tunnel boring, and;
 - iii. Details of the means by which any damage arising to properties by the development will be made good.
- The development shall be carried out in accordance with the approved details (or as may be subsequently amended by the written agreement of the Local Planning Authority).

Reason: In the interests of residential amenity and to ensure that the potential impacts arising from the development are properly managed in accordance with Policy Env7 of the Hyndburn Core Strategy and Policy DM29 of the Hyndburn Development Management DPD.

Lighting

27. All site lighting shall be designed and constructed so as not to cause Statutory light nuisance to neighbouring residential properties. If the area of the compound is to be moved the applicant should revisit the lighting management plans initially submitted in April 2021 reference HBC-HW-APP-005_01 (Bolton Avenue) and HBC-HW-APP-005_02 (Plantation Road).

As per these plans any lighting installed shall be monitored during the course of the works in-case of any movement of the lighting heads by the in-house Environmental Clerk of Works.

Reason: In the interests of local amenity in compliance with Policy Env7 of the Hyndburn Core Strategy.

Noise

28. Development within each phase approved under Condition 3 above shall not be commenced until a scheme and programme of noise management and mitigation for the relevant phase has been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme and programme shall include:
- i. Details of noise sensitive properties in proximity to the development;
 - ii. Measured background noise levels at noise sensitive properties at different times of day and night (where operations will be carried on at night);
 - iii. Details of acceptable noise level thresholds at sensitive properties during daytime and night time hours (where applicable);
 - iv. Details of the measures to be taken to meet the acceptable noise levels;
 - v. Details of noise monitoring to be carried out during the development at noise sensitive properties, and;
 - vi. Details of the measures to be taken should noise levels be exceeded at noise sensitive properties or complaints be made about noise.

The development shall be carried out in accordance with the approved details, unless agreed in writing by the Local Planning authority.

Reason: To protect local amenity in accordance with Policy Env 7 of the Hyndburn Core Strategy, Policy DM29 of the Development Management DPD and National Planning Policy Framework.

Tree/Landscape Safeguarding/Reinstatement Measures

29. Development within each phase approved under Condition 3 above shall not be commenced on site until full details of the intended tree and landscape safeguarding measures and the intended related tree and landscape reinstatements for the relevant phase has been submitted to and agreed in writing by the Local Planning Authority. The works shall then be implemented in accordance with the agreed details (or as may be subsequently amended by the written agreement of the Local Planning Authority).

Reason: In order to deliver the required tree and landscape mitigations and environmental enhancements.

Flood Risk and Surface Water Drainage

30. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the submitted flood risk assessment and outline drainage strategies:
- i. Document name: Proposed Haslingden and Walmersley Section ES, Volume 4 Appendix 8.1: Flood Risk Assessment, Reference: HBC_RBC_BMBC-HW-TA-008-001 Rev:0, Dated: May 2021, Prepared by: Jacobs.

The measures shall be fully implemented prior to and be carried out in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

31. Development within each phase approved under Condition 3 above shall not be commenced until a final, detailed surface water sustainable drainage scheme for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage scheme shall be based upon the submitted flood risk assessment and sustainable drainage principles set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), either directly or indirectly. The detailed sustainable drainage scheme shall include, as a minimum:
- a) Final sustainable drainage plans, appropriately labelled to include:
 - i. A final surface water drainage layout plan showing all pipe and structure references, dimensions and design levels.

- ii. A plan identifying the areas contributing to the surface water drainage network, including surface water flows from outside the curtilage as necessary.
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate.
 - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems.
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building.
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary.
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components.
- b) A full set of sustainable drainage flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus an additional 40% allowance for climate change. Surface water run-off must not exceed the green field run off rates mentioned in Proposed Haslingden and Walmersley Section ES, Volume 4 Appendix 8.1: Flood Risk Assessment.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

32. Development within each phase approved under Condition 3 above shall not be commenced until details of how surface water and pollution prevention will be managed for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. Those details shall include, as a minimum:
- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
 - b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance

The development shall be constructed in accordance with the approved details.

Reasons:

1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere;
2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

33. No building hereby permitted shall be brought into use until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

Materials Management Plan

34. Development within each phase approved under Condition 3 above shall not be commenced until a Materials Management Plan for the relevant phase has been submitted to, and approved in writing by the Local Planning Authority. The materials management plan shall be developed following the site investigations and risk assessments and shall:
- a. Identify all locations from which material will be excavated;
 - b. Utilising the information contained within the contaminated land investigation, identify those areas of excavation which are contaminated
 - c. For areas of excavation which may be subject to contamination estimate the volume of material arising, the approximate volumes of material to be remediated on site and provisional volume to be disposed of off-site;
 - d. Illustrate where and how the remediation of contaminated material would take place;
 - e. Illustrate where and how remediated material would be re-used, including volumetric calculations to demonstrate that the material can be accommodated within the proposed area of use and any measures for containment for this material;

- f. Detail the frequency of testing and testing specification for soils generated during the cut and fill operations, including how the materials are to be segregated and stored;
- g. Identify screening criteria for assessment of whether the materials can be reused without treatment or mitigation;
- h. For areas of excavation which are not subject to contamination provide the volume of material arising, and illustrate where and how non-contaminated material would be re-used including volumetric calculations to demonstrate that the material can be accommodated within the proposed area.

Once approved the materials management plan shall be implemented in its entirety.

Reason: To ensure the proposed development does not pose an unacceptable risk of pollution to controlled waters.

Site Waste Management Plan

35. Development within each phase approved under Condition 3 above shall not be commenced until a Site Waste Management Plan (SWMP) for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall include details of:
- a. the anticipated nature and volumes of waste that will be generated by construction work;
 - b. the measures to minimise the generation of waste as a result of the proposed works;
 - c. measures to maximise the re-use on-site of such waste;
 - d. measures to be taken to ensure effective segregation at source of other waste arising during the carrying out of such works, including the provision of waste sorting, storage, recovery and recycling facilities as appropriate.

The approved SWMP shall be implemented throughout the period of construction work on site.

Reason: To ensure the construction activities associated with the proposed development do not pose an unacceptable risk of pollution to controlled waters through the inappropriate management of waste on site.

36. Development within each phase approved under Condition 3 above shall not be commenced until a scheme detailing how surface water flows and quality will be controlled and managed during the relevant phase of the construction of the development has been submitted to and approved by the Local Planning Authority. The construction phase surface water management plan shall include the following and be implemented before construction starts:
- a. An assessment of potential flows that would need to be managed during construction, including flows from the existing aqueduct, construction compounds and access roads and as a result of any groundwater dewatering or tunnelling activities;
 - b. Details of the measures which would be put in place to capture, manage, treat and discharge flows from the component parts of the site identified in part a.

- c. A programme for the installation, maintenance and removal of the measures set out in part b. This should include provision for adapting the mitigation if it proves not to be effective.
- d. An assessment of potential contaminants which may be present in surface water runoff, and measures to segregate this surface or ground water from clean runoff;
- e. Assessment of potential options to retain, test and treat or remove potentially contaminated surface water runoff during the works;
- f. Details of a monitoring scheme to be implemented to confirm that no contaminants are present in runoff from the site intended for discharge to controlled waters (before, during and post construction), and;
- g. Details of how existing surface waters will be protected from any surface and ground waters generated.

Once approved, the construction phase surface water management plan shall be implemented in its entirety and remain for the duration of the development. Should a need for amendments to the plan be required as a result of changing conditions, these must be submitted to and approved by the LPA.

Reason: To ensure the construction activities associated with the proposed development do not pose an unacceptable risk of pollution to controlled waters and associated species and habitats.

37. Development within each phase approved under Condition 3 above shall not be commenced until, in accordance with Land Contamination: Risk Management and Model Procedures for the Management of Land Contamination (CLR11), the Developer has submitted the following information for the relevant phase to the Local Planning Authority for approval in writing:

- (a) A desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
- (b) If the desk study identifies potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.
- (c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
- (d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

Reason: To ensure that:

- i. the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and;
- ii. the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

in accordance with the National Planning Policy Framework.

38. Development within each phase approved under Condition 3 above shall not be commenced until a scheme for the provision and management of any compensatory habitat necessary to mitigate the impacts of the project for the relevant phase has been submitted to, and agreed in writing by the Local Planning Authority and implemented as approved. Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason: To ensure the protection of wildlife and supporting habitats and secure opportunities for enhancing the site's nature conservation value in line with local and national planning policy.

39. Development within each phase approved under Condition 3 above shall not be commenced until a Private Water Supply Management Plan has been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the submitted management plan shall include the following details:

- 1) Details to demonstrate that all reasonable steps have been taken to ensure that all private water supplies that may be impacted by the proposed development have been identified.
- 2) A programme for the monitoring of impacts on private water supplies including:
 - i. The details of the private water supplies affected within Hyndburn's area, including results of any prior monitoring.
 - ii. The scope of the intended monitoring of any private water supply within Hyndburn's area during the course of the works undertaken,
 - iii. The intended length of monitoring, post-works.
 - iv. Information on what substances are being monitored, any laboratory analysis, or any issues found during monitoring, and information on any mitigation such as repairs to pipes or source, any temporary or permanent replacement of water supplies.

Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure that the proposed development does not harm the water environment in line with paragraph 174 of the National Planning Policy Framework.

Ecological Safeguards

40. Development within each phase approved under Condition 3 above shall not be commenced on site until a scheme and programme of appropriate ecological safeguards for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include and ensure compliance with all the stated environmental mitigations (as set out in the associated Environmental Statement

and addenda), the applicable requirements of the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992.

Reason: In the interests of protecting wildlife and the natural environment.

Footpath Safeguarding/Diversions/Reinstatement

41. Development within each phase approved under Condition 3 above shall not be commenced in respect of either the Bolton Avenue Compound or the Plantation Road MGA until full details of the proposed related Public Rights of Way closures, necessary diversions and essential reinstatements/restorations for the relevant phase have been submitted to and agreed in writing by the Local Planning Authority. All subsequent works to, and reinstatements of, the public rights of way network shall be carried out in complete accordance with those agreed details.

Reason: In order to satisfactorily safeguard and then ensure appropriate reinstatement of the affected Public Rights of Way.

Coal Mining Conditions

42. Development within each phase approved under Condition 3 above shall not be commenced until:
- a) A scheme of targeted additional intrusive investigations (either in advance of the proposed works or during the mine stabilisation phase) has been agreed and carried out as required on site to establish the risks posed to the development by past coal mining activity.
 - b) Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in accordance with the approved details in order to ensure that the site is safe and stable for the development proposed (unless otherwise agreed in writing by the Local Planning Authority).

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance

Reason: In order to address any identified coal mining legacy issues and to ensure the development is carried out on stable ground in accordance with National Planning Policy Framework.

4. Prior to the development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In order to address any identified coal mining legacy issues and to ensure the development is carried out on stable ground in accordance with National Planning Policy Framework.

Ecology and Protected Species

454. No tree felling or vegetation clearance required to facilitate the scheme should be undertaken during the optimum time for bird nesting (March to August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.

Reason: All nesting birds, their eggs and young are legally protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

45. Any trees scheduled for removal as part of detailed plans for the scheme should be further inspected for the possible presence of bat roosts before any felling work commences. Surveys must be carried out by suitably qualified persons and to appropriate standards. If bats are found, measures must be proposed for the avoidance of harm to bats and for compensatory provision of replacement roosting sites.

Reason: All UK bats and their resting places are legally protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species regulations 2019 (as amended)

46. A precautionary survey of the works areas for Badgers must be undertaken prior to work commencing. If the presence of badgers is recorded, a method statement must be prepared giving details of measures to be taken to avoid any possible harm to badgers

Reason: Badgers are mobile in their habits, and are protected under the terms of the Protection of Badgers Act 1992. There is suitable habitat in the works areas to support badgers.

47. Development within each phase approved under condition 3 shall not be commenced until a detailed method statement for the relevant phase is submitted to and approved in writing by the Local Planning Authority giving details of measures to be taken to prevent the spread of the invasive plant Himalayan balsam during the course of the scheme.

Reason: The spread of certain invasive species is prohibited under the terms of the Wildlife and Countryside Act 1981 (as amended).

48. Measures proposed for mitigating and compensating for the ecological harm which the scheme will cause as set out in the Environmental Statement (and in particular in the Construction Code of Practice (Appendix 3)) and Chapter 9 (Terrestrial and Aquatic Ecology)) should be required to be implemented in full.

Reason: In the interests of protecting wildlife and the natural environment

49. Comprehensive Habitat and Landscape Management Plans must be required to be prepared for new on-site landscapes and habitats. Management Plans should include details of the legal and funding mechanism{s} by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

Reason: In the interests of landscape and habitat quality and sustainability

50. An Ecological Clerk of Works must be required to be appointed to oversee all aspects of the enabling, construction and reinstatement works.

Reason: In the interests of protecting wildlife and the natural environment.

Diesel Storage

51. Diesel storage should be kept secure and on an area of hardstanding and in a bunded area so as not to contaminate the soil in the compound areas.

Reason: To prevent pollution.

Informatives