

Internal Target Decision Date: | 31st December 2019

Application

2019/21002/FUL

Number:

Proposal:

Proposed Gallow Syke Flood Water Storage Scheme - Including:

replacement culvert entrances, lay-by area and access track.,

Site Address: Aireville Park, Gargrave Road, Skipton, BD23 1UD,

On behalf of: Craven District Council

Date Valid: 8th October 2019

Expiry Date: 7th January 2020

EOT Date, if applicable:

Case Officer: Mr Mark Moore

1. <u>Site Description</u>

- 1.1 The application site is comprised of various locations adjoining the Craven Leisure Centre to the west of the town centre of Skipton and to the south adjoining the Leeds Liverpool canal. The site also includes additional land required to form a road for construction traffic that is situated to the west of the leisure centre and connected to the nearby Auction Mart site.
- 1.2 The application site lies outside of the main built up area (MBUA) of Skipton and is also within the Skipton Conservation Area and its Buffer Zone.
- 1.3 The site lies within Flood Zones 2, 3 and 3a.

2. Proposal

2.1 In a supporting letter the applicants have set out the context of this planning application which seeks full planning permission for the construction of a flood water storage scheme. The letter states:

'Craven District Council is implementing a project with the aim of generating economic growth for Skipton, funded by the Government's Local Growth Fund (LGF) via the York, North Yorkshire and East Riding Local Enterprise Partnership.

To the west of Skipton, running parallel to the railway line is a linear industrial estate extending along Ings Lane and Engine Shed Lane which has issues of poor vehicle



accessibility and out of bank surface water flooding from Ings Beck (main river) exacerbated by water originating from Gallow Syke The most recent major flood event took place in 2015 affecting a number of local businesses.

The issue of flooding in this area is validated in the 'Craven Employment Land Review and Future Requirements for Economic Growth' report by consultants 'Lichfields' which notes that although rated as good, potential barriers to future growth of the area are identified as vehicular access and flooding.

In their conclusion Lichfields note that the existing 7.30ha Engine Shed Lane and Ings Lane employment site, with a potential net developable area of 2.20ha, should be protected through local planning policies

In addition, to the south west of Ings Lane a 6.02ha site (Local Plan Reference SK049) is proposed to be allocated for employment led use in the ... Craven Local Plan 2012 – 2032. Within the development principles for the site, and in common with Engine Shed Lane, it is recognised that high flood risk is an issue that will need to be addressed in any proposal to develop the site.

'The first phase of the project, as detailed in this application, proposes to deliver an engineered solution to attenuate water along Gallow Syke to the north of the canal that will delay peak flows into Ings Beck therefore reducing loading downstream and the resulting impact on premises currently at risk of flooding. Supporting the water management proposals complementary works to encourage more light into the woodland (as detailed in the Aireville Park Masterplan 2013) and Gallow Syke will be undertaken with additional planting to encourage ground cover and silt retention'.

'In April 2016 the Craven District Council Policy Committee (POL.746/15-16) approved a series of project proposals for submission to the York, North Yorkshire and East Riding Local Enterprise Partnership (LEP) for consideration as part of the third round of the Local Growth Deal. This included projects related to Skipton as a growth town for the North Yorkshire LEP area and included the 'South Skipton Employment Zone' project.

Following submission of the project proposals Policy Committee agreed, through a further report in January 2017 (POL.608/16-17) that the Council would act as the accountable body and lead organisation for a £5m grant to deliver the 'Employment and Housing Growth in Skipton' project, previously referred to as the 'South Skipton' Employment Zone' project'.

2.2 The proposed flood water storage scheme forms the first element of a series of large-scale projects has been amended since the application was originally submitted and is linked to a substantial time sensitive investment and grant funding. The application includes the following elements:



<u>Creation of a temporary storage area for flood flows, north of Craven Leisure Centre access road:</u>

- o Demolition of existing headwall and removal of existing trash screen.
- o Introduction of a restriction to the upstream end of the existing culvert, with a high-level overflow.
- o Construction of new online headwall with trash screen and overflow chamber.
- Construction of new maintenance layby with access path to new headwall structure.
- o Installation of associated fencing.

2.2 Creation of a temporary storage area for flood flows, north of Leeds-Liverpool Canal

- o Demolition of existing headwall and removal of existing trash screen.
- o Placement of additional earthworks to strengthen the existing canal embankment, and to create a uniform profile at the top of the embankment.
- o Seeding and landscaping on new earthworks.
- o Introduction of a restriction to the upstream end of the existing culvert, with a high-level overflow.
- o Construction of new online headwall with trash screen and overflow chamber.
- o Construction of new maintenance track, with access to new headwall structure.
- o Installation of associated fencing.

Officer note: Following ongoing discussion with the EA the proposals no longer include any works to the north of Gargrave Road.

- 2.3 The application has been accompanied by an Ecological Appraisal (undertaken by JBA Consulting in May 2019) that incorporated:
 - Bat Roost Assessment survey;
 - Otter survey; and,
 - Arboricultural survey.
- In summary, the conclusions of the survey were that the main ecological constraints to the proposed works at Gallow Syke were identified as:
 - Potential impacts on nesting birds, should works be undertaken in the breeding season.
 - Impact upon trees.
 - o Impacts on roosting, foraging and commuting bats.
 - o Potential for the wider area to support Otter and Badgers.

The Ecological Appraisal concludes by making a number of recommendations relating to trees, protected species (primarily bats) together with mitigation measures and biological enhancements.



2.5 In addition to the above an archaeological survey has been undertaken. No issues in relation to this aspect of the proposals have been identified although removal of part of the historical canal wall is proposed. The report recommends that a photographic record is taken of the wall before its removal.

3 Planning History

2019/20325/EIASCR: Request for Screening Opinion for the fluvial and pluvial elements of the Gallow Sykes and Ings Beck Natural Flood Management (NFM) measures and flood improvement works.

Decision – environmental assessment not required. April 2019.

4 Planning Policy Background

4.1 Craven Local Plan 2012 to 2032:

SD1: The presumption in favour of sustainable development

SD2: Meeting the challenge of climate change

SP2: Economic activity and business growth

ENV2: Heritage

ENV3: Good Design

ENV4: Biodiversity

ENV8: Water resources, water quality and groundwater

ENV11: The Leeds & Liverpool Canal

4.2 National Planning Policy Framework (February 2019)

4.3 **National Planning Policy Guidance**

5 Parish/Town Council Comments

5.1 **Skipton Town Council:**

'No objection. However, Members wonder if in the future the installation of turbines for generating electricity could be included within similar applications. The Committee suggest that the planning authority should speak to the Environment Agency with regard to this'.

6 <u>Consultations</u>

6.1 **Airedale Drainage Board:**

The ADC were consulted and have responded to say that, although site is outside of their area, they are supportive of the proposals.

6.2 **Northern Gas:**

Following an initial objection due to concerns over proximity of the proposed works to gas infrastructure. Northern Gas has subsequently confirmed they no longer object. A request has been made for an informative to advise developer of need to contact the Northern Gas Plant Protection Team prior to commencing any works.



6.3 **NYCC Ecology:**

'Craven District Council does not have an agreement with North Yorkshire County Council Heritage Services to provide ecological advice on planning matters. As such I am unable to comment on the attached consultation. This does not mean that there are no ecological issues, and you must ensure that in determining the application due consideration has been given to the NPPF and relevant ecological legislation such as the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981'.

6.4 CDC Sports Development Officer:

No objection as proposals would not adversely impact on any recreational land or sports facility.

6.5 **CDC Tree Officer:**

At the time of compiling this report the agent has had a meeting on site with the CDC Tree Officer and has agreed what tree works are acceptable as well as proposals for replacement planting. Final details are to be submitted prior to the application being referred to the Planning Committee.

6.6 **Natural England:**

No objection.

6.7 **NYCC PROW Officer:**

No objection.

6.8 **Environment Agency:**

In a response issued in November 2019 the EA commented as follows:

'In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

Reason The submitted FRA relies on the outputs of the flood modelling carried out by Flood Risk Consultancy and set out in the Ings Lane (Skipton) Hydrology Report 2019. The Environment Agency is in the process of reviewing this modelling and until this is complete and the model has been verified, we are unable to effectively assess the Flood Risk Assessment'.

Overcoming our objection - To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection'.

Officer note: At the time of compiling this report the applicants are liaising with the EA in order to resolve the objection. A provisional recommendation is being made in anticipation of the EA removing their objection. The final EA comments will be included in a late information report.

Officer note: In addition to the above the EA has raised concerns regarding the potential impacts on protected species (bats/newts) and has made recommendations regarding conditions which should be attached to any subsequent planning approval.



Officer note: At the time of compiling this report the EA has advised that they have revised information and will advise the Council of their recommendation prior to the meeting of the Planning Committee.

6.9 Canal and Rivers Trust:

CRT has objected to the (original) application due to a lack of information regarding the following:

- o Construction and stability of canal retaining wall
- o Details of access to culvert under canal
- o Details of changes to water levels through culvert
- o Contamination to canal arising from construction works
- o Impact on biodiversity

CRT has requested an informative for applicants to contact the waterways engineering team prior to commencement of any works.

Officer note: The applicants have liaised with the CRT since the above comments were made and have included amendments to the scheme in order to overcome the objections.

6.10 Craven Ramblers;

'The area included includes the full lengths of Public Rights of Way 5.35/11 & 5.37/26. The works don't appear to include alterations to the rights of way and they are only mentioned in passing but we would hope that as part of the drainage improvements and other works they will be upgraded and improved in consultations with NYCC Rights of Way'.

6.11 **Yorkshire Water:**

YW originally objected to the proposals as first submitted. Their objections related to elements of the scheme which were on land to the north of Gargrave Road and have now been removed from the revised scheme. Consequently, the objections are no longer relevant.

6.12 NYCC LLFA:

No comments received at the time of compiling this report.

7 Representations

- 7.1 The application has been advertised by way of a press notice published on 11th October 2019 and site notices erected on the 18th October 2020.
- 7.2 Neighbour notification letters were posted on 11th October 2020.
- 7.3 There has been one third party representation (in response to the original submission) raising concerns regarding the potential impact of the proposed tree removal on protected bat species which are known to be present on the site (Aireville Park woodland). The objector has recommended an alternative route for the proposed access which would be less invasive and could be retained on a permanent basis.



- 7.4 The third party comments are too lengthy to be incorporated in this report however, can be read on the Council's planning website using the following link:
 - https://publicaccess.cravendc.gov.uk/online-applications/
- 8 Summary of Principal Planning Issues
- 8.1 Principle of development
- 8.2 Impact on ecology
- 8.3 Impact on heritage assets
- 8.4 Impact on highway safety
- 9 Analysis

Principle of development:

- 9.1 Policy SD1: The Presumption in Favour of Sustainable Development of the Craven Local Plan sets out a principal aim of the plan which is to deliver sustainable growth across the district. It states that the council will take a positive and proactive approach to the consideration of development proposals that reflect the presumption in favour of sustainable development that is contained in the National Planning Policy Framework (NPPF). The policy also states that the Council will work with applicants to find solutions to secure sustainable development and that planning permission will be granted for development that accords with the provisions of the Local Plan unless material considerations indicate otherwise.
- 9.2 Policy SD2 sets out how the Local Plan will ensure that development contributes to the mitigation of and adaptation to climate change, in accordance with the requirements of section 19(1A) of the Planning and Compulsory Purchase Act 2004. This includes reducing greenhouse gas emissions through the spatial strategy, proposing new development in locations of low flood risk, supporting energy efficiency and renewable technologies, and managing impacts on water supply, biodiversity and landscape.
- 9.3 Policy SP2, in conjunction with related economic (EC) policies of the Local Plan, seeks to ensure that the local economy will grow, diversify and generate new opportunities. This will be achieved by safeguarding existing employment land and commitments for B1, B2 and B8 uses, allocating additional employment land, supporting sustainable economic activity and supporting enhanced regional transport connectivity. The relevance of this policy to this application is that the proposals form part of a larger scheme of projects that seek to safeguard existing and proposed allocations in the Local Plan for economic development.
- 9.4 Policy ENV4 states that growth will be accompanied by improvements in biodiversity and, wherever possible, development will make a positive contribution to achieving net gains in biodiversity. This includes protecting international and national designations; avoiding harm to and encouraging enhancement of sites, networks, habitats and species; increasing tree and woodland cover; safeguarding surface and ground water bodies; enabling wildlife to move freely through the natural and built environment; and ensuring that net gains are delivered on specific allocated sites.



- 9.5 It can be seen from the above that, in common with all other planning proposals, this development has the benefit of there being a presumption in favour of sustainable development which, provided the development is sustainable and accords with all relevant Local Plan policies, would mean that the application is acceptable in principle. In this case the application does not fall into any category of development to which any of the adopted policies would specifically apply and it is necessary therefore to consider the wider principle of the proposal which is for a major infrastructure improvement that would help to alleviate local flooding and thereby safeguard wider strategic objectives. The effective management of water resources which the proposed flood water storage scheme would enable would be consistent with the general objectives of the Local Plan and the proposal is therefore considered to be acceptable in principle.
- 9.6 In coming to the above view the requirements of Local Plan policies SD2, SP2 and ENV4 have been taken into account. It is considered that the proposed scheme can deliver wider long-term benefits that accord with the key objectives of the Local Plan spatial strategy and is acceptable in principle.

Impact on ecology:

- 9.7 Issues relating to ecology are primarily addressed by policies ENV4: Biodiversity and ENV5: Green Infrastructure.
- 9.8 Policy ENV4 states that growth in housing, business and other land uses will be accompanied by improvements in biodiversity and, wherever possible, development will make a positive contribution to achieving net gains in biodiversity. This includes protecting international and national designations; avoiding harm to and encouraging enhancement of sites, networks, habitats and species; increasing tree and woodland cover; safeguarding surface and ground water bodies; enabling wildlife to move freely through the natural and built environment; and ensuring that net gains are delivered on specific allocated sites.
- 9.9 Policy ENV5 states that growth in housing, business and other land uses will be accompanied by an improved and expanded green infrastructure (GI) network. In order to achieve this, development will avoid harm to GI assets and the network they form; enhance or create new GI and secure its long-term management; and create or enhance links in the network, including corridors to help wildlife move freely. GI improvements are also required on specific allocated sites.
- 9.10 In this instance the proposals would comprise other land uses and policies ENV4 and ENV5 therefore apply. The scheme is an engineered solution to attenuate water along Gallow Syke to the north of the canal that will delay peak flows into Ings Beck therefore reducing loading downstream and the resulting impact on premises currently at risk of flooding. Whilst this would comprise an ecological improvement and would be consistent with policy, the proposals would nevertheless require some tree removal from the wooded areas surrounding the beck and, as identified by the Ecological Appraisal, would give rise to a need for protective measures and mitigation in order to limit the impact on the local ecology and animal species.



Officer note: The original planning application, which has now been amended, included works to the north of Gargrave Road which have been omitted from the revised scheme. The original application was assessed by the Council's Tree Officer who had no objections to the application as originally proposed. The amended scheme would require removal of more trees on the elements south of Gargrave Road but overall, the net tree loss would be less than was originally proposed. At the time of compiling this report details of the revised tree works have not been made available to the case officer but the agent is actively pursuing discussion with the CDC Tree Officer in order to agree a scheme that can be supported by the Council. It has been agreed that any tree removal will be offset by replacement planting of an indigenous species and that appropriate tree protection measures will be put in place. The officers' recommendation will be provisional based upon a successful outcome in respect of tree works.

Officer note: Further to the compilation of the original report further details of the proposed tree works have been submitted. The overall tree loss is now:

Northern site: 7 trees to be removed and 1 additional potential removal.

Southern site (adjacent canal): 22 trees to be removed and 1 additional potential removal.

- 9.11 A second element of the ecological impacts of the proposed works are the potential effects of the works and associated tree removal on the local ecology. The Ecological Appraisal is comprehensive and detailed and makes detailed recommendations in relation to:
 - o Habitats and Trees.
 - o Bats
 - o Birds
 - Otters and badgers
 - o Biosecurity
 - o Pollution prevention measures
 - Ecological enhancements
- 9.12 The recommendations of the Ecological Appraisal are too lengthy to incorporate fully in this report but it is concluded that subject to the imposition of appropriate conditions and informatives as set out in the Appraisal the proposals can be undertaken without causing unacceptably harmful ecological impacts. On this basis, and subject to the CDC Tree Officer recommending approval, the application is considered to be consistent with the relevant national and Local Plan policies and therefore acceptable.

Impact on heritage assets:

9.12 Section 16 of the NPPF gives guidance on conserving and enhancing the historic environment. In particular paragraph 192 advises that Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 & 194 goes on to



advise that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation.

- 9.13 Where a proposed development would lead to substantial harm, local authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm (paragraph 195 refers). Policy ENV2 of the Craven Local Plan supports this position, and states that Craven's historic environment will be conserved, and one of the ways this will be achieved is through ensuring that proposals affecting a designated heritage asset conserve those elements which contribute to its significance.
- 9.14 In this case there are no listed buildings within close proximity to any parts of the application site and therefore there are no impacts in this respect. The main issue is the location of the site within the Skipton conservation area and, in particular, the effects of the proposed works to the Leeds Liverpool canal which is a heritage asset.
- 9.15 The first version of the application proposed works along part of the canal bank that would be constructed from blockwork but this has since been modified on advice from the Councils Heritage Advisor and the Canals and Rivers Trust. Specifically, the amended scheme addresses the issues as follows:

Impact on Land Stability – the retaining wall has been re-designed to retain the earth and the canal embankment and the flood water in a flood event.

Maintenance Access to the culvert – the inlet screen is designed to provide access and also there is an access chamber behind the new wall

Water Flow through the Culvert – the application seeks to restrict flow through the culvert by having a section of pipe upstream of the existing culvert which has less of a capacity than the existing culvert so the flows in the existing culvert will be less than existing therefore there is no risk being posed to the existing culvert through the execution of these works

Leakage from the canal – there will be a land drain between the canal and the retaining wall which would remove any canal leakage

Measures to prevent contamination – appropriate measures in accordance with CRT's requirements would be employed

Biodiversity – subject to compliance with the recommendations of the Ecological Appraisal no significant impact on biodiversity is envisaged.

9.16 In summary, it is considered that the impacts on heritage assets would be minimal and, in any case, would be outweighed by the wider public benefits that the proposals would give rise to. Accordingly, the application is considered to be in accordance with the relevant national and Local Plan policies and is therefore acceptable.

Impact on highway safety:

9.16 The application would not generate any traffic beyond that required during the construction phase and would require construction of a temporary access road to allow use of the existing Auction Mart access and connection with Gargrave Road. Additionally, a lay-by is to be created within the Auction Mart site in order to allow



access for maintenance. It is considered that subject to submission of a construction traffic management plan there are no highway issues associated with this proposal.

Conclusion:

- 9.17 Paragraph 11 of the NPPF, which is reflected in Policy SD1: The Presumption in Favour of Sustainable Development of the Craven Local Plan, advocates support for sustainable development and states that LPA's should be approving development proposals that accord with an up-to-date development plan without delay.
- 9.18 In this case it is considered that the proposal represents sustainable development that meets the relevant policy criteria and can be undertaken, subject to appropriate planning conditions, without any loss of visual impact, or adverse impacts.

 Accordingly, it is considered that the proposal is acceptable and should be approved.
- 10. Recommendation
- 10.1 For the reasons set out in the report the recommendation to approve is provisional.
- 10. Recommendation
- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

1 The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2 This permission relates to the following plans:

Location Plan 0024
Location and Site Plan 9001
General Arrangement 9002 Sheets 1 to 3
Sections 9003
Trash Screen Metal Work Details 9004 Sheets 1 to 3
Sections 9005 Sheets 1 and 2
Sections 9006
Long Section 9007
Trash Screen Metal Work Details 9008
Gallow Syke FRA



Gallow Syke WFDSA
Gallow Syke HEDBA
Detail Section of Inlet -488633
Tree Protection after Fell Surveys-487256-487257
Tree Protection Plan 1 -487257
Tree Protection Plan 2-487256
Tree Influence Plan - 487247
Proposed Works to Culvert Adjacent to Skipton Baths Access Road -487249
Planning Application Supporting Note -487244
Final Issued Sediment Report - 488285

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven Local Plan 2012 to 2032 and the National Planning Policy Framework.

Prior to the commencement of the development a Construction Travel Plan, which shall include routing arrangements for construction vehicles, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the Construction Travel Plan as approved at all times.

Reason: In the interests of local amenity and the free flow of traffic on the public highway.

4 Prior to the commencement of the development hereby approved a comprehensive method statement stating how any bats, great crested newts or nesting birds (including Barn Owls) which are found to be present on the site are to be safeguarded during the construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before the works hereby approved are commenced and shall be retained as such thereafter.

Reason: To ensure that appropriate measures are taken to establish whether habitats on the site which are suitable to support protected species are (or become) used by these species, and to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species. This in accordance with Policies ENV4: Biodiversity and ENV5: Green Infrastructure of the Craven Local Plan 2012 to 2032 and the NPPF.

No development shall take place until a scheme for the provision of wheel washing facilities to be operated during the construction period has been submitted to and



approved in writing by the Local Planning Authority. The duly approved scheme shall be adhered to for the entirety of the construction period.

Reason: To ensure that satisfactory provisions are made for wheel washing facilities for construction traffic in order to prevent material trailing onto the highway in the interests of highway safety and visual amenity in accordance with the requirements of the Craven Local Plan 2012 to 2032.

The development hereby approved shall be carried out in strict accordance with the tree protection measures detailed in the approved plans, supporting documentation and Tree Protection Plans. The identified tree protection measures shall be implemented before any development takes place and maintained as such thereafter for the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of policies ENV4: Biodiversity and ENV5: Green Infrastructure of the Craven Local Plan 2012 to 2032.

Any clearance of vegetation required to permit works and access shall only be carried out outside of the bird breeding season (i.e. avoiding March to September inclusive). If works are proposed for the bird breeding season, or if following initial clearance, it becomes apparent that some further de-vegetation is necessary during the bird breeding season, an experienced ecologist should first check all areas for the presence of nesting birds. Should any active nests be found, they should have an appropriate exclusion zone put in place, if possible, to safeguard the nests until the chicks have successfully fledged. No works as described above shall be undertaken within the bird breeding season without first obtaining permission to do so from the local planning authority.

Reason: To ensure that appropriate measures are taken to establish whether habitats on the site which are suitable to support protected species are (or become) used by these species, and to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species. This in accordance with Policies ENV4: Biodiversity and ENV5: Green Infrastructure of the Craven Local Plan 2012 to 2032 and the NPPF.

The approved temporary access road shall be removed within 6 months of completion of the works hereby approved and shall be adapted to the narrower permanent access in accordance with the approved plans.

Reason: For the avoidance of doubt and to specify the terms of the planning permission.

9 Before any of the protected trees to be felled as part of this permission are removed, a scheme for the replacement of each tree shall first be submitted to and approved in writing by the Local Planning Authority.



The scheme shall include details of the size, species and location of the replacement trees. Each replacement tree shall be planted during the first planting season after the existing protected tree is removed in full accordance with the approved scheme.

If any of the replacement trees are removed, die, become severely damaged or seriously diseased within 10 years of planting, they shall be replaced by trees of a similar size and species.

Reason: To ensure appropriate compensatory planting following the loss of protected trees on the site in the interests of visual amenity in accordance with the requirements of The Craven Local Plan policies ENV4: Biodiversity and ENV5: Green Infrastructure of the Craven Local Plan 2012 to 2032 and the NPPF.

The Desk Based Assessment submitted with the application has identified a Dry-stone wall WSP01 which is likely of 18th century date and contemporary with the construction of the adjacent Leeds and Liverpool Canal. The wall is low value heritage asset. The approved scheme will require the permanent removal of a small section of the wall as part of the canal embankment works. Given

the fragmentary nature of this wall and the poor condition of this section, the impacts are judged to be Minor Adverse and the effects Slight Adverse. Although the effects are slight, they will be permanent and therefore it is recommended that a programme of recording is undertaken before the heritage asset is removed. Given the low value of the asset, any recording required should be no

more than a Level 1 Building Recording (photographic survey).

Reason: To record and advance understanding of the heritage asset to be lost and to make information concerning the building's significance as a heritage asset publicly accessible in accordance with the requirements of policies ENV2: Heritage and ENV11: The Leeds & Liverpool Canal and the National Planning Policy Framework.

<u>Informatives</u>

1. Wildlife Protection:

The applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats or other protected species. If a protected species including the bats known to inhabit the site is found all work should cease immediately and a suitably licensed person is employed to assess how best to safeguard the species. Natural England should also be informed.

2. Nesting Birds:

All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and September may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. Such work should be scheduled for the period 1



October-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins

3. Otter and Badger Protective Measures:

Whilst no evidence of Otter or their resting places has been found during the Otter survey, they are known to use the Leeds-Liverpool Canal. The following general mitigation measures should be implemented during works to minimise impacts on any Otter, and also other large mammals such as Badger, that may be commuting or foraging along, or in close proximity to, the works:

- o Limit the hours of working to daylight hours, to limit disturbance to nocturnal and crepuscular animals.
- The use of lighting at night should be avoided. If the use of lighting is essential, then a directional cowl should be fitted to all lights to prevent light spill and to be directed away from the Leeds-Liverpool Canal and Gallow Syke.
- o Contractors must ensure that no harm comes to wildlife by maintaining the site efficiently and clearing away materials which are not in use, such as wire or bags in which animals can become entangled.
- o Any pipes should be capped when not in use (especially at night) to prevent animals becoming trapped. Any excavations should be covered overnight to prevent animals from falling and getting trapped. If that is not possible, a strategically placed plank should be provided to allow animals to escape.

4. Biodiversity:

The developer must ensure that measures are put in place to ensure that there is no spread of invasive non-native species or diseases. The Check-Clean-Dry approach should be followed, ensuring that all PPE and equipment is cleaned before leaving site. For more information go to:

www.nonnativespecies.org/checkcleandry

5. Pollution Prevention Measures:

Appropriate mitigation measures should be implemented to ensure that habitats within proximity of the works are not degraded as a result of pollution events during the construction phase. Mitigation should include:

- o Abiding by relevant pollution prevention measures e.g. NetRegs: http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/ [site accessed: 28/05/2019].
- o Preventing accidental oil and fuel leaks can be achieved by the following actions:
- Any chemical, fuel and oil stores should be located on impervious bases within a secured bund with a storage capacity 110% of the stored volume.
- Biodegradable oils and fuels should be used where possible.
- Drip trays should be placed underneath any standing machinery to prevent pollution by oil/fuel leaks. Where practicable, refuelling of vehicles and machinery should



be carried out on an impermeable surface in one designated area well away from any watercourse or drainage (at least 10m).

- Emergency spill kits should be available on site and staff trained in their use.
- Operators should check their vehicles on a daily basis before starting work to confirm the absence of leakages. Any leakages should be reported immediately.
- Daily checks should be carried out and records kept on a weekly basis and any items that have been repaired/replaced/rejected noted and recorded. Any items of plant machinery found to be defective should be removed from site immediately or positioned in a place of safety until such time that it can be removed.
- o Silt run off can be prevented by incorporating the following actions:
- Silt curtains should be used where appropriate to prevent silt from the construction works entering the watercourse.
- Exposed bare earth should be covered as soon as possible to prevent soil erosion and silt run-off. This can be achieved by selecting a fast growing and soil binding seed mix such as Boston Seed's EA Special Mixture No.10 for river bank reinstatement: http://www.bostonseeds.com/advice/1/Grass-Seed/96/River-Bank-Reinstatement/ [site accessed: 03/09/18].

Alternatively, geotextile coverings can be used to cover any exposed earth and prevent soil erosion.

o Water quality downstream of the works can be monitored to detect any changes in water quality that could indicate a pollution incident. Should monitoring indicate potential pollution from the construction activities, works should be stopped, and a solution found to prevent the pollution source entering the watercourse. Monitoring could include visual monitoring to see if water colour has changed or if a plume is visible indicating sediment input and/or water quality meter measurements for Dissolved Oxygen and pH.

6. Enhancements:

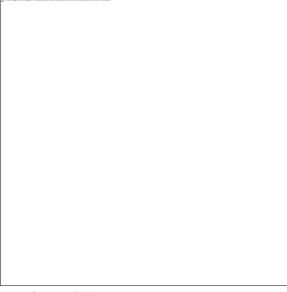
There are several enhancement features that should be incorporated within the site area to improve the ecological value of the site, these include:

- o Installing bird nesting boxes.
- o Installing both crevice style (e.g. Kent Bat Boxes) and cavity style (e.g. 2FN Schwegler Boxes) bat boxes.
- o Installing insect houses.
- o Utilise felled material to form log piles to create refugia.
- Reinstatement of grassland areas using more species-rich native mixes.
- o Increased in-channel vegetation of the pond by planting suitable native aquatic species, this will increase diversity and improve water quality.

Statement of Positive Engagement:

In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.





Application Number: 2019/21002/FUL

Proposal:

Proposed Gallow Syke Flood Water Storage Scheme - Including: replacement culvert entrances, lay-by area and access track.,

Aireville Park, Gargrave Road, Skipton, BD23 1UD, Site Address:

On behalf of: Craven District Council