



ADDENDUM TO ENVIROTECH REPORT DATED
MAY 21 AND CHADKIRK CONSULTING POND
REPAIR WORK & MAINTENANCE REPORT

KIRK MILL POND OFF MALT KILN BROW,
CHIPPING

Sep 2022

Introduction

Hodson Homes Limited have been commissioned by SCPI Bowland Ltd to provide an addendum to Envirotech report, dated 10 May 2021 (application 3/2021/0525) and Chadkirk Consulting's pond repair & maintenance report to give further clarification surrounding the management and maintenance of Kirk Mill Pond.

This addendum is to provide the relevant information surrounding Condition 56, item i) to seek discharge of the condition as detailed in appeal decision APP/T2350/W/15/3119224. Condition below for reference:

- *No site clearance, site preparation or development work shall take place on a parcel of land (as defined on Dwg No. 05024_MP_00_105) until a LongTerm Landscape an Ecological Management Plan for that parcel, to include long term design objectives post completion management responsibilities and maintenance schedules for the Mill Pond and all landscaped / habitat areas (other than privately-owned domestic gardens) including any areas of public open space such as grasslands, hedges, trees and any sustainable drainage features has been submitted to and approved in writing by the Local Planning Authority. The Long Term Landscape and Ecological Management Plan shall include (but not limited to):*
 - *i) detailed plans outlining the management and maintenance regimes and responsibilities to be adopted for the Mill Pond;*

The Chadkirk Consulting pond repair & maintenance report was provided to discharge condition 59 of appeal decision APP/T2350/W/15/3119224 and APP/T2350/Y/15/3119225 dated 18th April 2016. Condition 59 is detailed below for reference which is the same item relevance to Condition 56, item i).

- *No part of the development hereby approved with respect to land parcels 1 and 2 (as defined on Dwg No 05024_MP_00_105) shall commence until a scheme for the repair, long-term management and maintenance of the mill pond, including associated works and timings, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and agreed timings/methodology*

Discharge of condition 59 (also applicable to condition 56 i) was refused in the refusal of discharge of condition application No 3/2022/0223 with the following comments:

1. No details of the long-term management and maintenance of the mill pond, including associated works and timings, has been submitted.
2. No details of permanent repair works have been submitted for consideration (including listed building consent requirements).

Under condition 56 item i), item 2 detailed above isn't applicable; therefore, this addendum will only deal with elements surrounding the management and maintenance of item 1 noted above which is consistent with condition 56 item i).

Although condition 59 of appeal decision APP/T2350/W/15/3119224 and APP/T2350/Y/15/3119225 dated 18th April 2016 determines the pond maintenance,

management and responsibilities is to be under parcels 1 and 2. This addendum also seeks to change and determine the responsibilities to be solely re-attributed back to parcel 1 for the reasons detailed within this report.

Envirotech report, dated Monday 10 May 2021, states the following in relation to condition 56:

i) is not applicable to this site as the mill pond is not inside the development footprint.

Regarding Parcel 4, the above statement is entirely accurate and justifiable for the following reasons:

1. The Mill Pond clearly does not form part of parcel 4 as defined on drawing 05024-MP-00-105 (abstract of drawing contained on page 5 of this addendum)
2. The Mill Pond is edged blue on drawing 05024-MP-105 (to identify as land owned by the same landowner) and forms part of parcel 1
3. Point 2 above is reinforced by condition 59 of Appeal Decision APP/T2350/W/15/3119224, which states '*No part of the development hereby approved with respect to land **parcels 1 and 2** (as defined on Dwg No 05024_MP_00_105) shall commence until a scheme for the repair, **long-term management and maintenance of the mill pond**, including associated works and timings, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and agreed timings/methodology.'*
4. Historically the Mill Pond unquestionably belongs to Kirk Mills building, and therefore belongs to parcel 1. They fall under the same Grade II building listing
5. Point 2 above is further reinforced within the Design and Access Statement, application 3/2014/0183, see extract below on page 4. Mill Plan clearly forms part of Parcel 1.

Extract from Design and Access Statement

- Key
1. Kirk Mill
 2. Main Mills Complex
 3. The Hive (Land off Church Raikie / Malt Kiln Brow)
 4. Malt Kiln House and Surrounding Land
 5. New Cricket Pitch Site



Kirk Mill is a traditional three storey stone mill with timber framed single glazed windows and a pitched timber roof. It contains a former waterwheel (or remnants of), associated wheelpit and associated water management system.

The exterior of the building has been subject to a number of later alterations including a brick built flat roofed extension at the front of the building and insertion of two modern roller shutter doors at ground floor level.

There is a small yard area to the front which overlooks the River (Chipping Brook) and includes a large derelict crane which was previously used to get materials into the Mill.

To the rear is the mill pond which contains the water which previously powered the Mill, the short mill leat that carried the water from the pond to the waterwheel, and the tailrace which removed the used water. These features along with Kirk Mill itself are Grade II Listed. Extracts from English Heritage's listing are contained in Section 2.71 of this chapter. Details of the reasons for the listing are set out in that section.

The mill pond is bounded by Malt Kiln Brow and Mill Pond House to the east. Extensive woodland borders it to the north and west. This woodland extends further north on both sides of Malt Kiln Brow and provides a number of public footpath links to the countryside beyond.

Access to Kirk Mill is taken directly from Malt Kiln Brow which runs north to south, adjacent to the mill to the east. The Mill fronts onto a small number of cottages known as 'Grove House' and 'Grove Cottages'. Adjacent to the east is 'Grove Square'. Whilst all of these properties sit outside of SCPI Bowland Ltd's ownership, they form part of the more recently designated Kirk Mill Conservation Area (details of which are set in Section 2.71 of this chapter).

Kirk House which sits adjacent to Kirk Mill immediately to the west also forms part of the Kirk Mill Conservation Area but again, sits outside of SCPI Bowland Ltd's ownership.

Images:

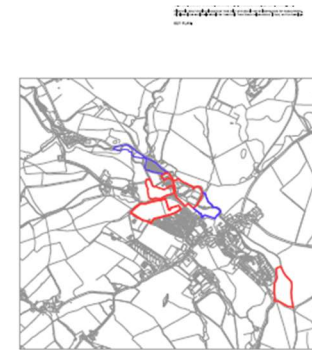
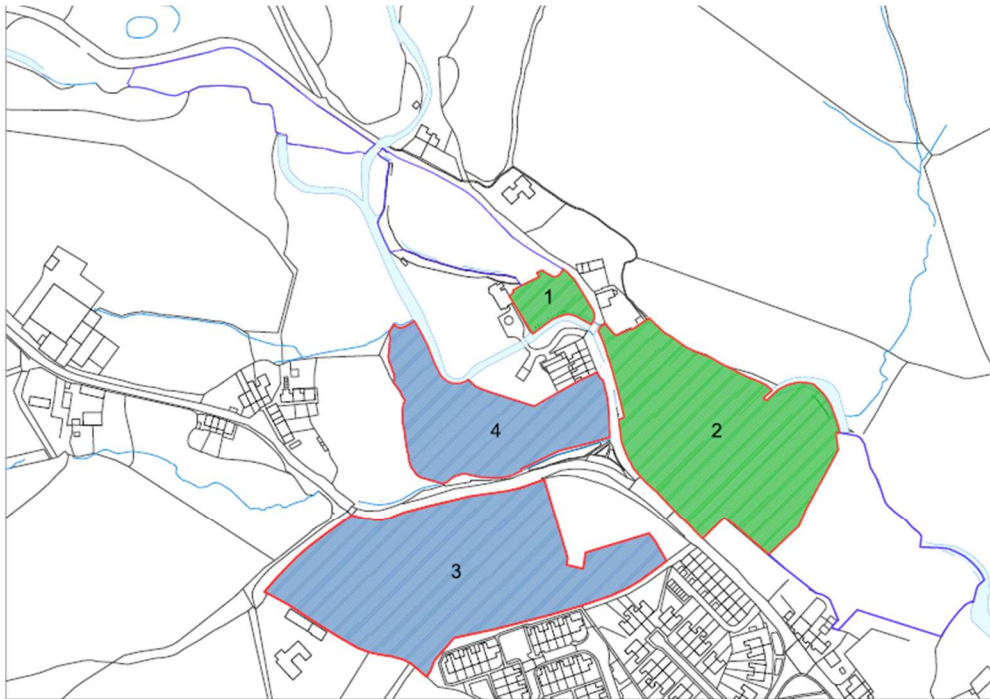
- A. View north along Malt Kiln Brow adjacent mill pond
- B. Dwellings facing mill pond
- C. The mill pond on Malt Kiln Brow
- D. The mill pond on Malt Kiln Brow
- E. The frontage of Kirk Mill
- F. View of Brook parallel to Malt Kiln Brow



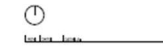
See below pond parcel land demarcation contained within application 3/2014/0183, drawing 05024_MP_00_103 rev _



The mill pond forms part of the wider 5 parcel planning permission as detailed in planning application 3/2014/0183. The parcels of land are identified 1 to 5 on plan 05024_MP_00_105 rev – as shown below



- Application Site Boundary
 - Additional Land In Ownership of Applicant
 - Detailed Planning Consent
 - Outline Planning Consent
1. Mill Mill please refer to: 01 Drawing Series - The Mill
 2. Mill Mill Complex please refer to: 02 Drawing Series - The Barn
03 Drawing Series - New Mill Shop
04 Drawing Series - Workshop
05 Drawing Series - Accessing Vehicle
07 Drawing Series - Mill C1
08 Drawing Series - Mill C2
 3. The Hive (Land off Church Hall-Mill In Brow)
 4. Mill Mill House and Surrounding Land
 5. New Cricket Pitch Site please refer to: 06 Drawing Series - Cricket Pavilion



5plus architects
 05024_MP_00_105 rev
 12/2014 A1 24/1/14 234 JM
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 05024_MP_00_105 rev

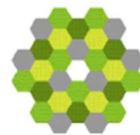
Condition 56 states that a long term landscape and ecological management plan for the relevant parcel of land is required prior to site commencement, but not limited to a management & maintenance plan for the pond. This meaning that should parcel 1 or 2 require a site start, as well as the landscape and ecological management plan being required for that parcel, it's not limited to solely its own boundary and should include the pond as per its ownership and historical connection. As well as looking to discharge condition 56, item i) following application 3/2021/0525, this addendum also demonstrates that the current and future management, maintenance and responsibility lies with the current and future owner of parcel 1.

The Mill Pond was formally used to hold water supply required to drive the waterwheel for the former cotton-spinning mill. The water was channelled from the pond to the mill via a short headrace which then provided power for the former mill which was positioned over parcels 1 and 2.

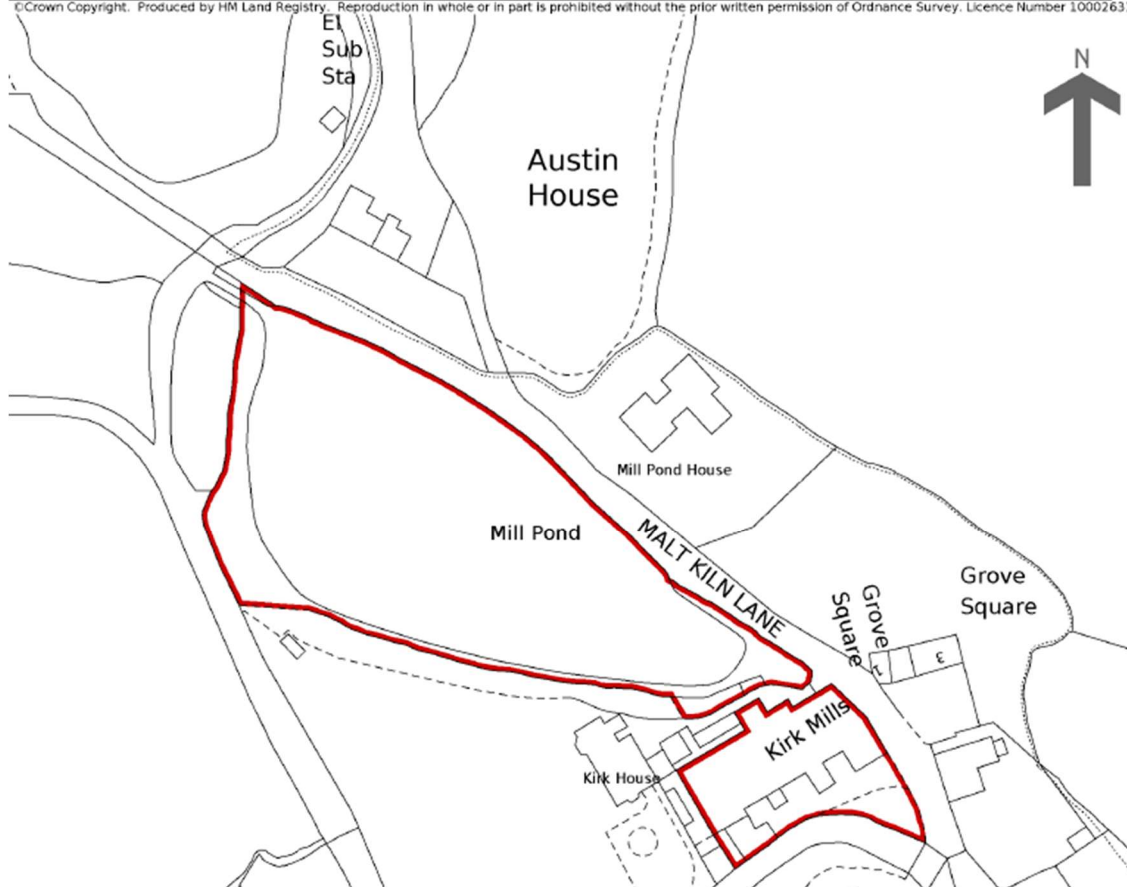
The current land ownership of the Mill Pond is within the title ownership of Kirk Mills. See below Kirk Mill & Pond Title Ownership in red. Owner: SCPI Bowland Ltd, Altrincham.

HM Land Registry
Current title plan

Title number **LAN116428**
Ordnance Survey map reference **SD6143NE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Lancashire : Ribble Valley**



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Due to the mill pond's current land ownership, the management and maintenance of the pond will not be legally implemented by the current and future owner of the land in parcels 1 & 2 as per its historical connection, but will be undertaken by the legal owner of the Kirk Mill / Pond at any given and relevant time. Therefore, moving responsibility to parcel 1 only within Chadkirk Consulting Report, it details that the long-term management and maintenance of the Mill Pond will depend on the final owner / end-user of Kirk Mill, and they remain unknown at this time despite many years of marketing the site. The report further states that the final long-term management and use for the pond will be submitted for discharge once an operator for the Kirk Mills building and pond is secured. However, the current owner, SCPI now propose to take the responsibility of implementing the management and maintenance themselves. Once a successful purchase / sale of parcel 1 (Kirk Mills and pond) is achieved, the responsibilities of this management and maintenance plan will then pass to the new owner.

Management & Maintenance Plan for the Mill Pond

This plan is to be read in conjunction with the Ecology Solutions Ltd ecological assessment and JCA Ltd tree survey BS 5837. The pond is within a conservation area with no currently planned work, therefore the maintenance is to preserve its current state. The pond is bounded by a structural stone retainer to the North East acting as a retainer to Malt Kiln Brow. The remainder of the pond is embanked by vegetation and trees. The area is believed to have loamy and clayey soils.

A number of wildfowl are present on the pond, however there is very little aquatic vegetation present or blanket weed. Along the western boundary of the mill pond, tree species include Sycamore, Ash, Hazel, Beech, Yew and Silver Birch, with Hawthorn and Bramble in the understory and ground floral species including Red Campion, Black Knapweed, Hogweed, Male Fern *Dryopteris filix-mas*, Cock's-foot, Lesser Burdock and Wood avens *Geum urbanum*.

Current status of pond

The pond is currently un-used following the shutdown of Kirk Mill's cotton spinning mill. The pond is maintained for visual and flood prevention measures only, including the preservation of existing wildlife and habitats. Inflows to the mill pond are believed to have been historically taken from both Chipping Brook and Dobson's Brook. The pond is currently fed by inflows from Chipping Brook. When the pond is full, excess water goes into Dobson's Brook via an overflow at the North Western end of the pond upstream of the confluence of Dobson's Brook and Chipping Brook. There is a current low risk of flooding to the pond area according to flood risk assessments.

Photos of the mill pond



The following denoted emergency work has already been carried out as identified in Chadkirk Consulting Report. Following completion of the emergency repair work, flooding of adjacent areas has been prevented and the pond levels are relatively self-maintaining at present.

- Repair works were carried out to the wall
- The inlet and outlet for the pond has been rebuilt, providing a mechanism for maintenance and greater control of the water levels in the pond

Frequent Maintenance Requirements

The currently implemented maintenance is to be continued to ensure a well maintained pond, keeping water levels to a point where wildlife is preserved and to prevent flooding of adjacent areas. However, it should be noted that the pond levels will fluctuate throughout the year because of weather patterns. The currently implemented maintenance is detailed below:

- Visual check and removal if required of any debris in the large sluice adjacent the road
- Visual check and removal if required of any debris in the secondary higher-level outlet
- Visual check and cleaning of grid immediately behind Kirk Mill should silt build up

Further considerations in addition to the above are for the general small scale trimming and maintenance of grassland; however this is not considered a requirement of this mill pond due to its current self-maintaining nature.

Infrequent Maintenance Requirements

The following procedures and protocols are to be organised and implemented

- Structural: A detailed structural engineer check of all structures including pond inlets and outlets with a brief written or verbal report of the findings to be carried out every 5 years.
- Trees: To be visually checked by a tree consultant. Should it be determined that a tree is dying and could cause potential damage if not removed, the tree is to be taken down by a specialist tree surgeon. Should the tree have a preservation order, a report is to be issued to the council requesting permission for its removal. Tree pruning to be undertaken on overhanging branches and cutting back of limbs to prevent leaf fall into the pond should it be an assistance to the control of the outlet
- General scrub control and clearing of any vegetation causing the deterioration of the dam wall's structural integrity. Prior to recent repair works, roots have been reported to displace mortar along the wall's face. Roots were also growing through the clay base of the pond causing leaks to the roadside elevation of the pond. Further checks regarding this will be continued in the future
- Ecologist visual check for Invasive species, such as Rhododendron, Cherry Laurel, Bamboo, Himalayan Balsam and Skunk Cabbage, need to be controlled and reduced to avoid them becoming established. Where possible these species should be

removed with the roots. However, if this is not possible the plants can be cut down. For some species such as Rhododendron and Cherry Laurel, the stumps can be chemically treated.

Should any maintenance work be considered to potentially disrupt the ecology of the pond area, an ecologist consultancy is to undertake any required bird, bat, newt, badger, otter, water vole, mammal, reptile or amphibian surveys as determined by the ecologist on review of the maintenance work to be undertaken, including any protection work required to the pond. Any further considerations or reports determined by the ecologist are to be acted upon following receipt of the ecologists' findings prior to undertaking any maintenance work. On review of any required and planned maintenance work, a detailed risk assessment and method statement is to be obtained from instructed contractors to ensure that no planned work conflicts with any restrictions determined by the relevant consultant.

If Great Crested Newts are in presence, work should only be carried out during November, December or January, and a license from Natural England, Countryside Council for Wales or Scottish Natural Heritage should be sought.

If any repair or alteration work is deemed necessary, listed building consent is to be sought and works agreed with Ribble Valley Council prior to carrying out the identified repair work.

Management

The current owner of the pond, at any given point, is to identify a designated person/s or outsourced company responsible for the required checks as detailed in the maintenance plan requirements and organise work in accordance with the report. The current role is undertaken by Stephen Chicken (current owner of SCPI). At a time when the pond is owned by another person / company, the management roles and responsibilities are to be established and confirmed at the time of purchase / sale.

Responsibilities

As previously identified within this addendum report, the responsibility to the management plan and maintenance of the mill pond will be the legal owner of the pond. The current owners intention is to sell the mill pond to the same purchaser as Kirk Mill to maintain its current legal boundaries and title along with maintaining its historical connection with Kirk Mill.

Maintenance Plan

Activity	Frequency	Time of year	Details / description
Vegetation & scrub control to perimeter	Once per year	October	Ecologist visual check for Invasive species, such as Rhododendron, Cherry Laurel, Bamboo, Himalayan Balsam and Skunk Cabbage, need to be controlled and reduced to avoid them becoming established. Where possible these species should be removed with the roots. However, if this is not possible the plants can be cut down. For some species such as Rhododendron and Cherry Laurel, the stumps can be chemically treated. This should be undertaken by a specialist contractor
Pond vegetation	Once per year	October	Control other plant growth within main body of pond by manual means. Hand pulling, digging out or raking. Any pond vegetation cleared should be bagged and removed from the site to inhibit cross contamination and spreading.
Tree pruning	As and when needed	October to January	Prune back overhanging branches or cutting back limbs to prevent leaf fall into the pond should it be an assistance to the control of the outlet
Tree removal	As and when needed	October to January	Should it be determined that a tree is dying and could cause potential damage if not removed, the tree is to be taken down by a specialist tree surgeon
Leaf collection	As and when needed	October to December	Leaves should be collected should it be an assistance to the control of the outlet
Sluice, inlet, outlet cleaning	As and when needed	January to December	Remove any debris causing blockage
Structural wall, outlets	Once every 5 years	January to December	Repairs to be undertaken as directed by a structural engineer (listed building consent to be sought and works agreed with the LPA prior to carrying out any identified repair work)