Late Items – Planning & Development Committee				Ribble Valley Borough Council www.ribblevalley.gov.uk	
Meeting Date: 16 MARCH 2023					
Briefing version		**Issue Date:**			
Committee Version	•	**Issue Date:**	16/03/23		
Application Ref:	**3/2022/0660 3/2022/0661**	**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. With the installation of a tunnel portal and an open cut connection area within a temporary construction compound, to include site accesses, storage areas, plant and machinery, and drainage infrastructure and a temporary haul route with bridge over the River Hodder. In addition, a temporary haul route with bridge over the River Ribble (as one of two options for vehicular access to the temporary construction compound); a series of local highway works together with a temporary satellite park and ride facility and a vehicle marshalling area.**		**REC:**	**DEFER AND DELEGATE FOR APPROVAL**

MEMBER SITE VISIT

To assist with Members understanding of the scheme a Planning Committee Member site visit has been undertaken attended by 4 Members of Committee. Some questions were raised during the visit which are clarified below

1. Why will it take 9 months to construct the Ribble bridge?

The 9 month programme we have put forward for the road and bridge construction takes into account the following activities, amongst others.

- Accommodation works for landowners and footpaths
- Site clearance
- Construction of compound and laydown areas
- Earthworks
- Drainage
- Fencing
- Road construction
- Bridge abutments and pier construction
- Bridge installation
- Landscaping and reinstatement

Given the road is circa 1.4km and the bridge is over 100m long with 3 spans 9 months is a realistic allowance. This duration considers a number of constraints including caps on construction vehicle movements to minimise the impact on the existing highway and allowances are included for the risk of encountering unexpected ground conditions or delays due to poor weather.

2. Why can't the bridge be constructed before other construction works commence?

Both the Ribble and Hodder bridges will be constructed ahead of the tunnelling works. Apart from the highway modification works and other minor enabling works no other project work will be undertaken during this phase to minimise disruption to residents. This will be controlled by the proposed planning condition.

3. Is 9 months realistic?

United Utilities contractor would look to complete these works as soon as possible but this time scale is considered to be realistic given the highway constraints and making appropriate allowance for the scope of works and associated risks.

4. *Has the economic impact of the development on local businesses been considered?*

Addressed below

5. *How much material will be removed from the sites?*

The quarry can comfortably take it all. This is a really positive approach to minimising the potential impacts associated to dealing with the surplus tunnel arisings within an enhanced quarry restoration scheme.

6. *What are the number of vehicle movements*

Anticipated vehicle movements are documented in the construction management plan. This estimates that 57% of all two-way vehicle movements will be surplus tunnel arising movements (between the compounds and quarry) and 43% will be route 3 movements (A59 to the compounds and/or quarry). The 43% accounts for vehicles carrying plant, equipment, machinery, materials and personnel to / from the compounds.

To mitigate the impact Heavy Good vehicle (HGV) tipper movements, tippers used for surplus tunnel arising movements would be stored at either the compound or quarry overnight.

To mitigate light good vehicle (LGV) movements, a park and ride system is proposed at the Hanson Cement works. Staff are able to leave their cars here and travel to site via minibus.

To mitigate the impact of wide vehicles a marshalling area is proposed at the Cement works where such vehicles will assemble and then continue the route in an escorted convoy (of up to two vehicles). This will be managed to avoid convoys traveling in opposite directions meeting along the narrow sections of

road. These mitigations are reflected in the anticipated vehicle movement figures.

LCC Highways
Following information appearing in the Press LCC Highways have confirmed the following:
"The LHA, LPA and applicant have been working together since my latest statutory comments dated 17th February 2023 and have now agreed planning conditions. As for the signed S278 agreement, this is progressed post planning permission, in line with scheme details.

From the LHA perspective I am satisfied that the application can be considered by your planning committee, with highway matters being suitably satisfied (with the benefit of scheme detail and planning conditions)."

United Utilities have also discussed the developments with the Lancashire Constabulary, and they have confirmed they accept the principle of United Utilities installing speed indication devices for HARP.

The Constabulary have confirmed that enforcement would be a risk based approach which would be considered should speeding become an issue.

Natural England have commented (8th March 2023) as follows in respect of both applications:
"it is the view of Natural England that providing appropriate conditions are placed on the permission, and that Natural England is consulted regarding the discharge of any relevant conditions then we have no objection to this application."

Additional representations have been received since the main committee report was finalised, expressing concern about the impact on the AONB landscape, road widening impacts, damage to roads, highway safety, wildlife habitat, loss of tourism and impact on businesses, increase in pollution (including noise and light), flood risk, heritage, risk to water supplies, threat to life, new parking spaces proposed, impact on existing infrastructure, impact on mental health, that the requirements of Section 177 of the Planning Act do not appear to have been met by United Utilities, the lack of assessment in respect of major development in the Forest of Bowland AONB, comments from Natural England and for the decision to be deferred and this matter referred to the Secretary of State for Levelling Up, Housing and Communities. Whilst a number of these matters are addressed within the main report some are expanded upon below.

Newton in Bowland PC have made further comments as follows:

- None of the assessments required by NPPF (#177) for protection of the AONB have been properly included in the HARP Planning Application.
- The Planning Act (2008) provides the consenting regime for granting planning and other consents for nationally significant infrastructure projects.
- Obtaining Consent under The Planning Act requires submission of an application via the Planning Inspectorate for decision by the Secretary of State.
- Acting in accordance with Planning Law RVBC should defer its consideration of this application and refer it to the Secretary of State.
- Natural England concludes that this application …… "does not deal adequately with our concerns and as such, it is our view that the local planning authority does not have the information it needs to reach a fully informed determination of this scheme."
- The Parish Council make comments on the Members site visit.

Grindleton Parish Council (GPC) have made further comments as follows:

- Members welcome the proposed introduction of time restrictions due to the severe congestion around Grindleton Bridge at school drop-off and collection times.
- Members fully understand the difficulties that lorries will face when seeking to turn left from East View onto Grindleton Rd and head towards West Bradford; this is a tight junction which, even after the proposed road modifications are carried out, will pose problems for the larger vehicles. However, members fear that the use of rolling roadblocks in this vicinity will cause severe traffic congestion- seek further reassurance that all steps to mitigate disruption here have been taken.
- Walkers will be required to exercise extreme care when joining PROWs and it is not apparent that these concerns have been adequately recognised in the CTMP

- Members are clear in their view that a pre-condition survey of roads should also be undertaken in the village of Grindleton
- Members feel that the CTMP fails to pay adequate attention to the impact that HARP will have on the residents of East View. Residents would ask that UU provide safe car parking for residents
- Members see the issue of communication as absolutely key to the successful delivery of the project.
- Members would find it unacceptable if heavy vehicles passing through the village were to be used for construction of the tunnel.
- The CTMP is lacking in detail as to how the residents of Grindleton will be protected during the key 9-month period.
- Road modifications should be kept to a minimum, and a guarantee provided that these will be fully removed at the earliest opportunity with the land restored to its original condition.
- Grindleton Parish Council are very supportive of the comments made by LCC in respect of the CTMP

Major Development Test
Paragraph 177 (formerly p172) of the National Planning Policy Framework (NPPF) stipulates that when considering applications for development within AONB permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. A major development test should be applied. This is also reaffirmed in the Forest of Bowland AONB Management Plan 2019-2024 which is a material consideration for applications within the AONB.

The proposed **Bowland Section (3/2021/0660)** would involve the replacement of the existing Bowland Tunnel, which is entirely within the Forest of Bowland AONB, including the connection points into the multi-line siphons to the north and south. The existing aqueduct was constructed in the 1930s-1950s, which was before the designation of the Forest of Bowland AONB in 1964. The proposed Bowland Section would comprise of the Newton-in-Bowland Compound which would be a temporary construction compound required to receive the tunnel boring machine and the connection point into the existing aqueduct, comprising of a Launch Shaft and associated temporary plant and machinery and access. In addition, a temporary haul road and bridge crossing the River Hodder is proposed for the duration of the construction phase to allow construction traffic to bypass the village of Newton-in-Bowland.

The Proposed **Marl Hill Section (3/2021/0661)** would involve the replacement of the existing Marl Hill Tunnel, which is entirely within the Forest of Bowland AONB including the connection points into the multi-line siphons to the north and south. The existing aqueduct was constructed in the 1930s-1950s, which was before the designation of the Forest of Bowland AONB in 1964. The Proposed Marl Hill Section, would comprise of two temporary construction compounds, required to facilitate the construction of the new tunnel and the connection points into the existing aqueduct. The Proposed Braddup Compound would be the launch compound for the tunnel boring machine and the Proposed Bonstone Compound would incorporate a reception shaft receiving the tunnel boring machine.

This **major development test** is set out at paragraph 5.2 (page 21) of the main committee report. To expand upon the limbs of this test:

a) ***the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;***

Need and national considerations.
The need for the development stems from the requirement to replace parts of an ageing asset, the existing Haweswater Aqueduct, to ensure the continuity of a water supply serving Cumbria, Lancashire and Greater Manchester, and to mitigate potential risks to drinking water quality. The Water Industry Act 1991 sets out the duty of water undertakers to supply drinking water that is safe and of a quality acceptable to consumers.

Tunnel inspections carried out in 2013 and 2016 uncovered areas of concern due to the degradation of concrete lined single line tunnel sections of the aqueduct. It is anticipated that the condition of these single line sections of the existing Haweswater Aqueduct would continue to deteriorate, causing a risk to water supply and water quality. This risk of further deterioration could result in widespread water quality

incidents (for example, advice to boil water for drinking purposes for over a million properties) or loss of supply to many thousands of properties for an extended period.

Following an appraisal of the options the preferred solution of a full replacement of each of the six single line sections of the existing aqueduct. The proposed replacement single line sections need to connect into the existing aqueduct at the end of each existing multi-line siphon section. The location of the proposed tunnel shafts, and associated compounds, is therefore determined by the location of the existing connection points between the single line sections and the multi-line siphons sections.
aqueduct. These are required to be situated at the connection to the multi-line siphon.

Impact on Local Economy
Interruption in supply or degradation of the quality of water is likely to have detrimental impacts on the existing local economy and knock-on effects in terms of regional/national supply chains. The Proposed Programme of Works would reduce the risk of supply interruptions and water quality problems to the region's residents and businesses. The provision of future-proofed infrastructure is vital for commercial customers who rely on the uninterrupted supply of water, and increases resilience to climate change and extreme droughts, which negatively impact different industry sectors, such as construction and tourism.

During the construction phase, capital investment associated with the Programme of Works would generate supply chain benefits, employment opportunities and increased spend in the local economy by contractors and construction workers.

Traffic routing has been designed to minimise disruption to villages with the routing designed to reduce traffic movements through villages reducing the potential impacts on local businesses.

Refusing both applications would negatively impact on the region's businesses and residents due to the increased risk of both water outages and water quality.

Concerns have been raised about the impact of the development on local businesses whilst this is covered in the submission to date United Utilities have suggested the following:

1. For Lancaster we have agreed an Employment and Skills Plan condition. We would be happy to accept similar for Ribble Valley- condition added below.
2. UU has an established process for claiming loss of profits. The provisions relating to compensation are contained in Schedule 12.1 (2) of the Water Industry Act 1991. Further guidance here… https://www.unitedutilities.com/globalassets/documents/retailer-documents/how-to-make-a-claim-for-loss-of-profit---factsheet-2017_acc19.pdf
3. UU have committed to establishing a local authority partnership forum for the duration of the project (secured via the legal agreement) and would appoint a dedicated Community Liaison Officer who would have a visible presence in the local community. Through the Community Forum and Liaison Officer this enables events to be planned plan proactive ensuring potential adverse impacts during these periods are mitigated wherever possible.

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

The Proposed Programme of Works was chosen as the preferred solution following an extensive three stage optioneering exercise which considered many potential combinations of engineering and operational solutions. The optioneering process followed three steps and involved screening approximately 380 options to find the preferred solution:

- **Coarse option screening** (looked to remove unviable options through the following three criteria):
  1) Technical feasibility
  2) Statutory/ Environmental feasibility
  3) Addressing the need
- **Coarse solution screening** (grouped options into solutions, calculated simplified bill impacts (costs), assessed risk reduction and screened out solutions using a dominance criterion, (solutions with lower risk reduction for higher bill impact were removed).
- **Fine solution screening** (screening of the options considered Ofwat's resilience principles,

most notably: ‘resilience in the round’ (Principle 1); ‘Naturally resilient’ (Principle 2); ‘Customer engagement’ (Principle 3); ‘Broad option set’ (Principle 4); ‘Best value solution’ (Principle 5).

Three main areas resulted in the selection of a preferred solution that provides best value for customers. The three areas were as follows:

- Customer engagement
- Cost benefit assessment (CBA)
- Multi-criteria Decision Analysis: a wider analysis looking at resilience in the round covering metrics beyond those provided by customers and included within the CBA. The five ‘Decision Metrics’ used in the multi-criteria analysis were: - Bill Impact (cost) - Economic Impact - Resilience Risk - Environmental Impact - Willingness to pay benefit.

Five solutions were chosen as part of the fine filtering process and were presented in United Utilities’ Draft Water Resources Management Plan, which was published for consultation between March and May 2018. These five solutions are summarised as targeted repairs of the tunnel sections in the worst condition, replacement of the tunnel sections in the worst condition, construct new water treatment works, replacement of all Haweswater Aqueduct tunnel sections. An analysis of Solutions A to E, whether they would involve development within a National Park or AONB and their evaluation is presented in attached table.

As shown in the table, of the five solutions considered, only Solution A involved no development works in an area designated as AONB or National Park. Solution A, however, was assessed as being insufficient in reducing the risk to water quality and supply interruptions. Only Solutions D and E addressed both the water supply and water quality resilience concerns of the deteriorating condition of the tunnel sections of the Haweswater Aqueduct. The Proposed Programme of Works is common to both Options D and E and there is no other feasible way of securing a resilient water supply. Replacing all of the tunnel sections of the aqueduct requires connecting into the existing infrastructure at locations within the designated areas of the Yorkshire Dales National Park and Forest of Bowland AONB and these designated areas cannot be avoided.

Option D was selected as the preferred option as it delivers the long-term resilience benefits and delivers the best value to customers. The additional costs of Option E were considered not to be justified.

The work undertaken to identify a suitable option confirms that alternative options outside the National Park / AONB offered insufficient risk reduction to water quality and risk of supply interruptions. The only feasible means of securing a long term resilient water supply is therefore through replacement all of the tunnel sections of the existing Haweswater Aqueduct, which requires connection into the existing infrastructure at locations within the designated areas of the Yorkshire Dales National Park and Forest of Bowland AONB .

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Both applications are accompanied by a full detailed Environmental Statement which accesses the effects of both proposed tunnel sections upon the environment, landscape and recreational opportunities and has informed environmental mitigation measures. Effects relevant to the AONB are, in summary:

- **Environment** - The majority of the proposed works are underground, with the only permanent above ground features being a Valve House and vehicular access. The environmental effects are therefore mainly associated with the construction of the tunnel. Mitigation is proposed in this regard to reduce the impacts with suitable planning conditions proposed.
- **Landscape** - The LVIA finds that during the construction period there will be significant effects on landscape character and people’s views. A series of measures have been developed that seek to avoid or reduce the impact on landscape features and visual amenity, including retaining vegetation and other features along compound boundaries which are included within the CCoP. A detailed Environmental Masterplan is included within the Environmental Statement which proposes post-construction reinstatement and restoration activities, including mitigation planting, the reinstatement of field boundaries and land reprofiling, in order to return the landscape back to its original setting/character.

- Once construction is finished, the permanent valve house buildings would be the only additional feature remaining, which is an unobtrusive building and would be perceived only locally and within a relatively discrete landscape context. The LVIA finds that once the vegetation has established sufficiently, the landscape and visual impacts would have reduced to a point where they are barely noticeable. As a result of the reinstatement and mitigation measures, the sensitive landscape of the Forest of Bowland AONB would be conserved and largely unaffected by the proposals. The distinctiveness, sense of place and tranquillity of this important landscape would, therefore, not be altered in the long-term.
- **Recreational opportunities** – The Environmental Statement concludes that the majority of residual impacts for public access and recreational facilities, recreational activities and events would be Negligible or Minor Adverse. Access to recreational receptors would be maintained throughout the construction period. There would be no impacts on public access and recreational facilities after the construction period.

In conclusion both planning applications have been assessed as major development in accordance with paragraph 177 of the Framework. Both applications have been assessed against the three limbs of the para 177 test, as above, and it is concluded that the relevant tests have been adequately considered before the chosen solution in the case of both developments was identified.

It is concluded that the replacement of sections of the aqueduct, the subject of both planning applications, constitute an essential upgrade and replacement of the Haweswater Aqueduct. Such development is within the public interest and exceptional circumstances exist in support of the development. It is considered therefore that the requirements of paragraph 177 of the Framework have been met.

Call-In
Under section 77 of the Town and Country Planning Act 1990 the Secretary of State has power to direct the local planning authority to refer an application to him for decision. The Secretary of State will, in general, only consider the use of his call- in powers if planning issues of more than local importance are involved.

On **10th March** the following was received from the Planning Casework Unit at DHLUC:
Please note that it is not the Secretary of State's policy to consider a call-in request before the Local Planning Authority has determined the application and resolved to approve it.

If the LPA is minded to approve the application at committee, then the Secretary of State will consider if call-in is appropriate and I would ask you to provide written assurance that the Decision Notice will not be issued until the Secretary of State has considered whether or not to call in the application. Alternatively, the Secretary of State is able to issue an Article 31 holding direction which prevents a local planning authority from issuing a Decision Notice.

Subsequently on **15th March** the Planning Casework Unit, directed by the Secretary of State, confirmed that the SoS was exercising his powers under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as follows:
"the Secretary of State hereby directs your Council not to grant permission on these applications without specific authorisation. This direction is issued to enable him to consider whether he should direct under Section 77 of the Town and Country Planning Act 1990 that the applications should be referred to him for determination."

Noting this correspondence the recommendations for both applications have been amended below.

Flood risk
Concerns have been raised about flood risk, this is expended on below:
Proposed Marl Hill Section
The FRA concludes that the level of flood risk would be low from all sources of flooding. Proposed assets and activities would be generally located away from areas of high flood risk, in Flood Zone 1 and in areas with a low probability of flooding from other sources.

Proposed Bowland Section

The Flood Risk Assessment (FRA) concludes that the level of flood risk would be low from all sources of flooding except for the bridge across the River Hodder and new temporary access road between the B6478 and this bridge section which would be in an area of high risk (flood zone 3). The other proposed assets and activities would be generally located away from areas of high flood risk, in Flood Zone 1 and in areas with a low probability of flooding from other sources.

The Flood Risk Assessment (FRA) is supported by detailed hydraulic modelling and concludes that there is an increase in flood risk associated with the crossing. The increase is temporary in nature and located on third party agricultural land and within the UU Wastewater Treatment Works (WwTW) site. UU has accepted the increased risk within the site in its ownership (WwTW). Given the temporary nature of the increase, UU has proposed to contact the affected third parties and compensate for the anticipated increased risk. This agreement is compliant with the Water Industry Act 1991. As shown in the outputs from the modelling, no other residential or commercial properties are affected by the proposed development. Other impacts identified in the FRA are associated with the commissioning phase discharges. However, a further hydrological analysis has been undertaken to confirm that these would have a negligible impact.

Paragraphs 155 to 163 of the Framework set out the governments approach to managing flood risk stating that 'inappropriate development in areas of flooding should be avoided'. If it is not possible for development to be located in low-risk flooding area through the sequential test, an 'exception test may have to be applied'. The exception test will depend on the potential vulnerability of the site and the development proposed'. For an exception test to be passed is should demonstrate that the benefit of the development outweighs the flood risk and that the development will be safe and not increase flood risk and/or reduce flood risk overall.

As the bridge across the River Hodder and new temporary access road between the B6478 and bridge section is located within Flood Zone 3 then this needs to pass the sequential and exceptions tests. Consideration of the catchment area for the sequential test and consideration of alternative locations is set out below.

The Newton-in-Bowland tunnelling location is fixed by the need to provide an equivalent aqueduct alignment to the existing. This enables the hydraulic performance of the system to be maintained and maintains the connection with the Hodder aqueducts (which contributes to the water supply in Ribble Valley).

Suitable access routes were considered including via Dunsop Bridge and Slaidburn. Both of these options were ruled out as being unsuitable given that the existing highway layouts within the villages could not accommodate the proposed vehicles. Furthermore, the wider highway networks for both of these routes are unsuitable for the proposed vehicles with numerous environmental constraints and highway safety concerns. The existing B6478 Hallgate Hill road through Newton-in-Bowland was similarly deemed to be unsuitable for the proposed vehicles (with the exception of a small number of vehicles initially to permit construction of the Hodder crossing). It was therefore identified that a temporary crossing of the river Hodder would be required.

The area immediately south of the access road is outside of the flood zone however having the access further south was ruled out for highway safety reasons and as sight lines would require the removal of a mature trees on Hallgate Hill. The access road itself has little/no bearing on the flood zone. The flood risk is mainly associated to the existing baseline. The impact from this would be to the temporary access road itself. On balance it was felt appropriate for the project to accept that risk rather than remove more trees.

In respect of consideration of not having a crossing over the Hodder the crossing of the Hodder was established to minimise the impact on the village of Newton. Other routes are longer with similar physical challenges. Additionally, access is needed to Waddington Fell Quarry to minimise impacts associated to disposal of surplus tunnel arisings – with the Hodder crossing in place it is not necessary for the traffic disposing the material to go through any settlements.

In respect of the tests included within the Framework the Haweswater Aqueduct Resilience Programme

(HARP) is defined as 'water transmission infrastructure' and the scheme as a whole has been classified as 'water-compatible development' as defined within Annex 3 of the NPPF. Table 2 (Flood risk vulnerability and flood zone 'incompatibility') considers this to be suitable in all areas of flood risk. However, it is also noted that the development includes a range of temporary and permanent infrastructure with differing levels of vulnerability. A considerate and pragmatic approach to flood risk and the application of the Sequential and Exception Test has therefore been applied.

Where the Proposed Scheme interacts with flood sources, an assessment of flood risk has been undertaken. A sequential approach to the location of associated infrastructure has been undertaken. In the areas where the location of infrastructure is not within the sequential preferable location, i.e. outside of areas at risk of flooding, because of other constraints set out above the requirements of the Exception Test have been considered (regardless of the infrastructure vulnerability).

With regards to the Exception Test, it should be demonstrated that:
a) development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Part a) of the Exception Test is considered to be passed as the Proposed Scheme is required to ensure the continuity of a water supply serving areas of Cumbria, Lancashire and Greater Manchester (using same words as below). All associated infrastructure such as the Hodder crossing, is required to deliver the Proposed Scheme in a sustainable manner and have been sited to minimise impacts on local communities and the environment taking all other constraints into consideration.

To address Part b), a site-specific flood risk assessment has been undertaken. The flood risk assessment shows that the development will be safe for its lifetime. With regards to the proposed River Hodder crossing, following the sequential approach to development, the application of appropriate flood design standards and consideration of several additional mitigation solutions, residual impacts remain. Whilst these impacts are considered to be moderate in magnitude, they are temporary in nature and only impacting agricultural land that is already at risk of flooding. Agreements and compensation will be sought to manage the minor impact of flooding to local landowners.

The work undertaken to develop the bridge crossing has resulted in a proposal which results in negligible additional flood risk. Modelling indicates no impact on buildings other than the United Utilities wastewater treatment works structures. The bridge crossing point has been located such that additional flood risk is minimised and flood risk to 3rd party buildings is entirely avoided. The majority of the affected land is in the process of being purchased by United Utilities and is already at risk of flooding. Any residual areas of flooding related to the provision of the temporary bridge would be subject to the compensation provisions provided for under the Water Industry Act 1991.

Heritage
The main committee report identifies adverse impacts on Waddington conservation area. The effect has been assessed as a magnitude and significance of moderate, constituting a significant effect.

Proposed Bowland Section
The Environment Statement identifies negligible / minor impacts from construction traffic on the setting of 21 Listed Buildings which lie within 50m of the proposed traffic routes. Further negligible / minor impact from noise and visual intrusion is identified on the setting of the non-designated Bradford bridge, non-designated Lillands barn and Grade II Listed Brungerley farmhouse.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.

Chapter 10 of the Environmental Statement assesses the impact the Proposed Bowland Section would have on cultural heritage assets during the enabling, construction, commissioning and operational phases of the Project. The impact to heritage assets would mainly occur during the enabling and construction phases of the works.

With appropriate mitigation it is considered that the significance of effects on Cultural Heritage in association with the Proposed Bowland Section is assessed as moderate/no significance for archaeology, slight, moderate and negligible for Historic Buildings and slight/negligible for Historic Landscape Types.

The identified significant effect on the setting of Waddington Conservation area would be caused from the temporary presence of construction traffic going through the village presenting noise and visual intrusion in the village. The magnitude of this temporary effect on the Conservation Area has been assessed as moderate; in terms of policy compliance, this is considered to represent 'less than substantial' harm to the designated heritage asset. In this case Paragraph 96 of the NPPF requires that the harm to the conservation area be weighed against the public benefits of the proposal.

In terms of the impact on Grade II Listed Brungerley farmhouse the adverse effects are considered to amount to "less than substantial" harm which is a policy threshold in the NPPF. Paragraph 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Para 203 states the effect of an application on the significance of a non-designated heritage asset should be taken into account and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Due to the impact on the non-designated heritage assets being considered negligible / minor this material consideration carries slight weight in the overall planning balance.

It is considered that benefits and need for the replacement sections of the aqueduct which would address the requirement to replace parts of an ageing asset, the existing Haweswater Aqueduct, to ensure the continuity of a water supply serving areas of Cumbria, Lancashire and Greater Manchester, and to mitigate potential risks to drinking water quality, outweigh the temporary harm to the heritage assets.

Therefore, both applications accord with Paragraphs 189, 190, 192 and 193-203 of the NPPF and Key Statement EN5, Policy DME4 of the Ribble Valley Core Strategy and Objective 1.3 of the Forest of Bowland AONB Management Plan

CONCLUSIONS
Bowland Section (3/2021/0660)
This is the third of the five tunnel sections (when viewed from north to south) which extends from Lower Houses, near Wray in the north, below the Bowland fells, to Newton-in-Bowland in the south. The new tunnel would be bored north from a launch compound at Newton-in-Bowland, with a reception shaft at Lower Houses. The existing tunnel is 16.7km long at a depth of 370m.

The proposed Bowland Section would be constructed in tunnel below ground level over approximately 16.4 km with a very small additional distance (approximately 465m) of open-cut trenching at the surface to transition from the new tunnel to the retained multi-line sections. The total length would therefore be approximately 16.9 km. The tunnel would be approximately 3.5 m internal diameter (4.1 m external diameter). The tunnel route runs in a south by southeast direction with a slight curve below Thrushgill Fell before running in a straight line to Gamble Hole farm where another slight curve brings the tunnel to a portal trench at the Newton-in-Bowland Compound. The maximum depth of the tunnel would be approximately 380 m below ground level.

The replacement section of tunnel needs to connect into the existing aqueduct at the end of each existing multi-line siphon section. The location of the proposed tunnel shafts, and associated compounds, is therefore determined by the location of the existing connection points between the single line sections and the multi-line siphons sections.

The proposed development has been assessed against both national and local planning policy. Whilst the main impact of the development works will be the impact on the AONB, albeit temporarily, in terms of the planning balance it is considered that the benefits associated with replacing this section of the

aqueduct outweighs the harm of the development and accordingly the development is recommended for approval.

RECOMMENDATION
If Members are minded to approve the application the application will have to be referred to the Secretary of State. The Secretary of State will then determine whether he wants to call in the application for determination or whether this can be determined at the local level.

If the Secretary of State determines that this application can be determined at the local level the application will be **APPROVED** following the satisfactory completion of a Legal Agreement, which will be within 6 months from the date of the Secretary of State confirming the application will not be called in (or delegated to the Director of Economic Development and Planning in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 6 months) and subject to the conditions within the Committee report including the conditions amended below and additional conditions below.

Marl Hill Section (3/2021/0661)
This is the fourth of the five tunnel sections (when viewed from north to south), which extends from Bonstone, south of the River Hodder near Newton-in-Bowland, to Bashall Eaves, north of Waddington. The new tunnel would be bored north from a launch shaft at Braddup, with a reception shaft at Bonstone. The existing Marl Hill section is 4.2 km and is approximately 127 m below ground level.

The 4.3 km route of the Proposed Marl Hill Section passes below a mixture of moorland and agricultural areas. It runs from the pastoral landscape of the Hodder valley, continuing southwards below the moorland of Waddington Fell before then terminating in the agricultural, pastoral landscape to the north of Waddington. The Marl Hill tunnel would have a launch compound (referred to as the Braddup Compound) approximately 4.5 km to the northwest of Clitheroe with a second, reception shaft approximately 1.5 km south of Newton-in-Bowland (referred to as the Bonstone Compound). The replacement tunnel between the Bonstone and Braddup Compounds would be approximately 3 m internal diameter and 3.6 m external diameter.

The replacement section of tunnel needs to connect into the existing aqueduct at the end of each existing multi-line siphon section. The location of the proposed tunnel shafts, and associated compounds, is therefore determined by the location of the existing connection points between the single line sections and the multi-line siphon sections.

The proposed development has been assessed against both national and local planning policy. Whilst the main impact of the development works will be the impact on the AONB, albeit temporarily, in terms of the planning balance it is considered that the benefits associated with replacing this section of the aqueduct outweighs the harm of the development and accordingly the development is recommended for approval.

RECOMMENDATION
If Members are minded to approve the application the application will have to be referred to the Secretary of State. The Secretary of State will then determine whether he wants to call in the application for determination or whether this can be determined at the local level.

If the Secretary of State determines that this application can be determined at the local level the application will be **APPROVED** following the satisfactory completion of a Legal Agreement, which will be within 6 months from the date of the Secretary of State confirming the application will not be called in (or delegated to the Director of Economic Development and Planning in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 6 months) and subject to the conditions within the Committee report including the conditions amended below and additional conditions below.

Conditions
Since writing the report discussion have been ongoing between United Utilities and LCC Highways in respect of the following conditions, the wording as amended has been agreed with LCC:

Condition 38. Amend to allow for +/- 1 vehicle per hour.

38) The maximum number of HGV movements permitted to and from the development hereby approved, along Route 1b (as defined in Condition 33) in any time period will not exceed the permitted levels set out below:

a) The average number of HGVs using this corridor, in any projected forthcoming year in line with their latest programme, shall be no more than 30 in each direction in any one working day (total 60 two-way movements);
b) Notwithstanding (a) above, no more than 45 HGVs shall use this corridor in each direction in any one working day (total 90 two-way movements); and
c) The average number of HGVs using this corridor, in any working day, shall be no more than 5 (+/- 1) in each direction in any one working hour (total 10 two-way movements).

As the development progresses any proposed changes to the above permitted levels shall be submitted to and approved in writing by the Local Planning Authority supported by the necessary monitoring and evidence to support the proposed changes. Thereafter the HGV movements, associated with the development hereby permitted, shall adhere to the approved volumes.

Reason: To maintain the operation and safety of the local highway network during site preparation and construction

Condition 42. Amend to allow for +/- 1 vehicle per hour.

42) The maximum number of HGV movements permitted to and from the development hereby approved, along Route 2b (as defined in Condition 34) in any time period will not exceed the permitted levels set out below:

a) The average number of HGVs using this corridor, in any projected forthcoming year in line with their latest programme, shall be no more than 36 in each direction in any one working day (total 72 two-way movements);
b) Notwithstanding (a) above, no more than 60 HGVs shall use this corridor in each direction in any one working day (total 120 two-way movements);
c) The average number of HGVs using this corridor, in any working day, shall be no more than 6 (+/- 1) in each direction in any one working hour (total 12 two-way movements); and

As the development progresses any proposed changes to the above permitted levels shall be submitted to and approved in writing by the Local Planning Authority supported by the necessary monitoring and evidence to support the proposed changes. Thereafter the HGV movements, associated with the development hereby permitted, shall adhere to the approved volumes.

Reason: To maintain the operation and safety of the local highway network during site preparation and construction.

Condition 43. Amend to allow for +/- 1 vehicle per hour.

43) The maximum number of HGV movements permitted to and from the development hereby approved, along Route 2c (as defined in Condition 34) in any time period will not exceed the permitted levels set out below:

a) The average number of HGVs using this corridor, in any projected forthcoming year in line with their latest programme, shall be no more than 75 in each direction in any one working day (total 150 two-way movements);
b) Notwithstanding (a) above, no more than 125 HGVs shall use this corridor in each direction in any one working day (total 250 two-way movements);
c) The average number of HGVs using this corridor, in any working day, shall be no more than 13 (+/- 1) in each direction in any one working hour (total 26 two-way movements); and

As the development progresses any proposed changes to the above permitted levels shall be submitted

to and approved in writing by the Local Planning Authority supported by the necessary monitoring and evidence to support the proposed changes. Thereafter the HGV movements, associated with the development hereby permitted, shall adhere to the approved volumes.

Reason: To maintain the operation and safety of the local highway network during site preparation and construction.

45. Prior to the commencement of each Phase of the development a written scheme for the installation and operation of continuous monitoring equipment to monitor detailed highway usage (such as classification and numbers of all vehicles and speeds of HGV's) during the project and record the number of HARP vehicles and other vehicles on the permitted routes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the precise locations for the installation of the equipment, the dates which the equipment will be installed and the duration of time that the equipment will be in situ. Thereafter the approved scheme shall be implemented and operated in accordance with the approved details.

    Reason: To maintain the operation and safety of the local highway network during site preparation and construction.

46. A detailed record shall be maintained by either the contractor or developer of ALL vehicle movements along the permitted routes, through use of equipment as specified under the previous condition. Such records shall contain the vehicle classification and the time, date and direction of movement, for all vehicles, and include the speed for HGV's.

    The record shall be made available in report form for the inspection by the Local Highway Authority or their appointed representative on request. The record shall be retained for the whole duration of the project, including remediation post project, and kept available for inspection. This record shall be made available within 10 working days of request.
    Annual progress reports shall be submitted to the Local Planning Authority, summarising 12 months of data and alignment with programme on each 12-month anniversary of the date of this planning permission.

    Reason: To maintain the operation and safety of the local highway network during site preparation and construction.

54. Prior to the commencement of each Phase of the development hereby approved a scheme for conducting a structural survey to assess the condition and loading capacity of all structures (including cattle grids and their substructures, culverts, bridges and retaining walls), along the full local corridor route to be used by construction vehicles (relating to the routes identified within conditions 33 and 34), shall be submitted to and approved in writing by the Local Planning Authority.

    The structural survey scheme shall include provision for:

    a. An initial structural survey, recording any deterioration and loading capacity of the structures (with consideration of multiple and cyclic loading from all vehicles in a convoy), suitability and listing locations, type and extent of deterioration and remediation works including a timetable for implementing the identified remediation works, which shall thereafter be completed in accordance with the agreed details;
    b. The structural survey to be undertaken at suitable frequencies (to be agreed), for highway structures in close proximity to buildings, and on the remaining routes, recording any deterioration and loading capacity of the structures (with consideration of multiple and cyclic loading from all vehicles in a convoy), suitability and listing locations, type and extent of deterioration and remediation works, for the full duration of the project including site remediation.

The following further additional condition has been suggested:

Prior to commencement of each Phase of the development hereby approved a vibration monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority.
The scheme shall include:

- The parameters to determine locations of monitoring (including distance between carriageway and building, structure or other receptor). This approach shall be kept under review during the construction period to accommodate any changes in circumstance.
- Plan and list of monitoring locations
- A programme of continuous monitoring with detail of the data to be collected including timeframes for submitting the monitoring reports to the Local Planning Authority
- Method to link development related HGV's passing each monitoring station and that data collected including time, date, speed and direction.
- Strategy for dealing with development related exceedances (drivers/contractors/sub contractors) or consequences of exceedances (damage)
- Benchmarking with existing similar vehicle (unladen) driving appropriately to each location

Thereafter the scheme shall be implemented in accordance with the approved details for the full duration of the works. The monitoring reports and full results shall be submitted to the Local Planning Authority at a frequency as agreed including details and timescale for implementation of any necessary identified works required to rectify damage caused.
Reason: To ensure that travelling HGV's do not result in vibration that impacts on adjacent buildings, structures, other receptors or the amenity of local residents.

Prior to the commencement of each Phase of the development hereby approved details of the applicants associated Employment and Skills Plan, outlining their proposals to support local jobs and skills growth, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the agreed measures.
Reason - To ensure that this development supports the growth of local employment opportunities and skills

Table A.2: Evaluation of Solution

Solution	Description	Within AONB / National Park? (Assumptions based on SEA)	Evaluation
A	Targeted repairs of the tunnel sections that are in the worst condition: the Haslingden and Walmersley Section, supported by upgrading the West East Link Main (WELM) from Prescot WTW with a new abstraction from the River Irwell and an associated new water treatment works.	No	**DISCOUNTED** – Unrepaired sections of Haslingden and Walmersley and all upstream sections would continue to deteriorate with associated risk to water quality and supply. **Estimated annual bill impact: £2**
B	Replacement of the tunnel sections in the worst condition: the Haslingden and Walmersley Section and the installation of partial UV and metals treatment at existing United Utilities facilities along the length of the existing Haweswater Aqueduct.	Yes – solution would involve the development of new aboveground infrastructure of a Water Treatment Works in Forest of Bowland AONB due to the UV and Metals Treatment installations. A new Water Treatment Works would also be required within, or close to the Yorkshire Dales National Park National Park.	**DISCOUNTED** – Unrepaired upstream sections continue to deteriorate with associated risks to water quality and supply. **Estimated annual bill impact: £8**
C	Convert the Haweswater Aqueduct to 'raw (untreated) water' supply and construct new water treatment works at Bury and in the Ribble Valley.	Yes - solution would involve the development of new aboveground infrastructure of a Water Treatment Works at Newton-in Bowland in the Forest of Bowland AONB, which would be required to convert raw water to drinking water. No development required in YDNP, however.	**DISCOUNTED** – Addresses the water quality resilience concerns by providing additional downstream treatment. However, all sections would continue to deteriorate structurally and the risk to supply interruptions would not be resolved. **Estimated annual bill impact: £7**

Solution	Description	Within AONB / National Park? (Assumptions based on SEA)	Evaluation
D	Replacement of all six Haweswater Aqueduct tunnel sections	Yes – solution replacement of tunnel sections would involve construction works in the YDNP and Forest of Bowland AONB. Permanent, above ground buildings would however be limited to smaller buildings such as valve house buildings.	**THE PROPOSED SOLUTION -** Addresses the risk to both water quality and of supply interruptions. **Estimated annual bill impact: £11**
E	Replacement of all Haweswater Aqueduct tunnel sections (same as Solution D) and provide additional water sources including new Water Treatment Works.	Yes – as for Solution D. Would also include the construction of a new Water Treatment Works at Newton-in Bowland in the Forest of Bowland AONB.	**DISCOUNTED –** Essentially the same as Option D with the added resilience benefits of providing additional water supplies. However, the marginal resilience benefit provided not considered to justify the significant additional costs. **Estimated annual bill impact: £15**