

# SOUTH LAKELAND DISTRICT COUNCIL

**KENDAL**

Reference: **SL/2018/0925**

TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS  
**NOTICE OF GRANT OF PLANNING PERMISSION**

To: **AXIS**  
Camellia House  
76 Water Lane  
WILMSLOW  
SK9 5BB

Name and Address of applicant (if different from above)      Mrs Selena Pearce (Environment Agency)  
PO Box 12, Richard Fairclough House  
Knutsford Road  
WARRINGTON WA4 1HG

Site of Proposal:      **Land adjacent to Rivers Mint and Kent extending from adjacent to Lakeland Distribution Centre to Helsington Mills, KENDAL**

Development forming the subject of the application:      **Kendal Flood Risk Management Scheme - Phase 1 Kendal Linear Defences, comprising works along the rivers Kent and Mint through Kendal including new and raised flood walls, new and raised flood embankments, ground raising, pumping station and associated changes to the public realm and landscaping**

In pursuance of the powers under the above Act and Orders, the South Lakeland District Council as district planning authority **HEREBY PERMIT** the development described in your application and on the plans and drawings attached thereto, received on the **15 November 2018** subject to due compliance with the conditions specified hereunder.

Condition (1) The development hereby permitted shall be commenced before the expiration of **THREE YEARS** from the date hereof.

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**

Condition (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

### ***Red line boundary Plans***

- Red line boundary Sheet 1 ENV0000489C-CAA-IZ01-3KD-DR-PL-0001
- Red line boundary Sheet 2 ENV0000489C-CAA-IZ01-3KD-DR-PL-0002

- Red line boundary Sheet 3 ENV0000489C-CAA-IZ01-3KD-DR-PL-0003
- Red line boundary Sheet 4 ENV0000489C-CAA-IZ01-3KD-DR-PL-0004

### ***Construction Access and Site Compounds***

- Construction Access and Site Compounds 1 ENV0000489C-CAA-IZ01-3KD-DR-PL-0005
- Construction Access and Site Compounds 2 ENV0000489C-CAA-IZ01-3KD-DR-PL-0006
- Construction Access and Site Compounds 3 ENV0000489C-CAA-IZ01-3KD-DR-PL-0007
- Construction Access and Site Compounds 4 ENV0000489C-CAA-IZ01-3KD-DR-PL-0008

### ***General Arrangement Plans***

- General Arrangement Reach Overview ENV0000489C-CAA-IZ01-3KD-DR-C-0101.P05
- General Arrangement Reach A ENV0000489C-CAA-IZ01-3KD-DR-C-0102.P05
- General Arrangement Reach B ENV0000489C-CAA-IZ01-3KD-DR-C-0103.P05
- General Arrangement Reach C1 ENV0000489C-CAA-IZ01-3KD-DR-C-0104.P06
- General Arrangement Reach C2 ENV0000489C-CAA-IZ01-3KD-DR-C-0105.P06
- General Arrangement Reach D ENV0000489C-CAA-IZ01-3KD-DR-C-0106.P05
- General Arrangement Reach E ENV0000489C-CAA-IZ01-3KD-DR-C-0107.P05
- General Arrangement Reach F1 ENV0000489C-CAA-IZ01-3KD-DR-C-0108.P06
- General Arrangement Reach F2 ENV0000489C-CAA-IZ01-3KD-DR-C-0109.P05
- General Arrangement Reach G1 ENV0000489C-CAA-IZ01-3KD-DR-C-0110.P06
- General Arrangement Reach G2 ENV0000489C-CAA-IZ01-3KD-DR-C-0111.P06
- General Arrangement Reach H ENV0000489C-CAA-IZ01-3KD-DR-C-0112.P06
- General Arrangement Reach I ENV0000489C-CAA-IZ01-3KD-DR-C-0113.P05
- General Arrangement Reach J ENV0000489C-CAA-IZ01-3KD-DR-C-0114.P05
- General Arrangement Reach K ENV0000489C-CAA-IZ01-3KD-DR-C-0115.P05
- General Arrangement Reach L ENV0000489C-CAA-IZ01-3KD-DR-C-0116.P05

### ***Cross Sections***

- Section Embankment A&B ENV0000489C-CAA-IZ01-3KD-DR-C-0201.P03
- Section Embankment C&D ENV0000489C-CAA-IZ01-3KD-DR-C-0202.P03
- Section Floodgate Dble&Sgle ENV0000489C-CAA-IZ01-3KD-DR-C-0203.P02
- Section Floodgate 4m Dble ENV0000489C-CAA-IZ01-3KD-DR-C-0204.P02

- Section Floodwall A1 A2 A3 A5 ENV0000489C-CAA-IZ01-3KD-DR-C-0205.P02
- Section Floodwall B1 B2 B3 B4 B5 ENV0000489C-CAA-IZ01-3KD-DR-C-0206.P02
- Section Floodwall C1 C2 C3 C4 C5 ENV0000489C-CAA-IZ01-3KD-DR-C-0207.P02
- Section Floodwall D1 D3 D4 D5 ENV0000489C-CAA-IZ01-3KD-DR-C-0208.P02
- Section Floodwall E3 H3 H4 H5 ENV0000489C-CAA-IZ01-3KD-DR-C-0209.P02
- Section Floodwall I3 I4 I5 J3 ENV0000489C-CAA-IZ01-3KD-DR-C-0210.P03
- Section Floodwall J4 J5 K6 L6 R7 ENV0000489C-CAA-IZ01-3KD-DR-C-0211.P03
- Landscaping Reach J ENV0000489C-CAA-IZ01-3KD-DR-C-0212.P01

### ***Landscape Masterplan***

- Landscape Masterplan Reach Overview ENV0000489C-CAA-IZ01-3KD-DR-L-0301.P05
- Landscape Masterplan Reach A ENV0000489C-CAA-IZ01-3KD-DR-L-0302.P05
- Landscape Masterplan Reach B ENV0000489C-CAA-IZ01-3KD-DR-L-0303.P06
- Landscape Masterplan Reach C ENV0000489C-CAA-IZ01-3KD-DR-L-0304.P06
- Landscape Masterplan Reach D ENV0000489C-CAA-IZ01-3KD-DR-L-0305.P05
- Landscape Masterplan Reach E ENV0000489C-CAA-IZ01-3KD-DR-L-0306.P05
- Landscape Masterplan Reach F1 ENV0000489C-CAA-IZ01-3KD-DR-L-0307.P07
- Landscape Masterplan Reach F2 ENV0000489C-CAA-IZ01-3KD-DR-L-0308.P05
- Landscape Masterplan Reach G1 ENV0000489C-CAA-IZ01-3KD-DR-L-0309.P07
- Landscape Masterplan Reach G2 ENV0000489C-CAA-IZ01-3KD-DR-L-0310.P04
- Landscape Masterplan Reach H ENV0000489C-CAA-IZ01-3KD-DR-L-0311.P06
- Landscape Masterplan Reach I ENV0000489C-CAA-IZ01-3KD-DR-L-0312.P05
- Landscape Masterplan Reach J ENV0000489C-CAA-IZ01-3KD-DR-L-0313.P05
- Landscape Masterplan Reach K ENV0000489C-CAA-IZ01-3KD-DR-L-0314.P06
- Landscape Masterplan Reach L ENV0000489C-CAA-IZ01-3KD-DR-L-0315.P05

### ***Tree removal and retention***

- Tree removal and retention Plan A ENV0000489C-CAA-IZ01-3KD-DR-EN-1001.P04
- Tree removal and retention Plan B ENV0000489C-CAA-IZ01-3KD-DR-EN-1002.P03

- Tree removal and retention Plan C ENV0000489C-CAA-IZ01-3KD-DR-EN-1003.P04
- Tree removal and retention Plan D ENV0000489C-CAA-IZ01-3KD-DR-EN-1004.P04
- Tree removal and retention Plan E ENV0000489C-CAA-IZ01-3KD-DR-EN-1005.P03
- Tree removal and retention Plan F ENV0000489C-CAA-IZ01-3KD-DR-EN-1006.P03
- Tree removal and retention Plan G ENV0000489C-CAA-IZ01-3KD-DR-EN-1007.P03
- Tree removal and retention Plan H ENV0000489C-CAA-IZ01-3KD-DR-EN-1008.P04
- Tree removal and retention Plan I ENV0000489C-CAA-IZ01-3KD-DR-EN-1009.P03
- Tree removal and retention Plan J ENV0000489C-CAA-IZ01-3KD-DR-EN-1010.P03
- Tree removal and retention Plan K ENV0000489C-CAA-IZ01-3KD-DR-EN-1011.P03
- Tree removal and retention Plan L ENV0000489C-CAA-IZ01-3KD-DR-EN-1012.P03
- Tree removal and retention Plan M ENV0000489C-CAA-IZ01-3KD-DR-EN-1013.P03
- Tree removal and retention Plan N ENV0000489C-CAA-IZ01-3KD-DR-EN-1014.P03
- Tree removal and retention Plan O ENV0000489C-CAA-IZ01-3KD-DR-EN-1015.P04
- Tree removal and retention Plan P ENV0000489C-CAA-IZ01-3KD-DR-EN-1016.P03

***Elevations***

- Elevation plan 1 ENV0000489C-CAA-IZ01-3KD-DR-C-1201.P02
- Elevation plan 2 ENV0000489C-CAA-IZ01-3KD-DR-C-1202.P02
- Elevation plan 3 ENV0000489C-CAA-IZ01-3KD-DR-C-1203.P02
- Elevation plan 4 ENV0000489C-CAA-IZ01-3KD-DR-C-1204.P02
- Elevation plan 5 ENV0000489C-CAA-IZ01-3KD-DR-C-1205.P02
- Elevation plan 6 ENV0000489C-CAA-IZ01-3KD-DR-C-1206.P02
- Elevation plan 7 ENV0000489C-CAA-IZ01-3KD-DR-C-1207.P02
- Elevation plan 8 ENV0000489C-CAA-IZ01-3KD-DR-C-1208.P02
- Elevation plan 9 ENV0000489C-CAA-IZ01-3KD-DR-C-1209.P02
- Elevation plan 10 ENV0000489C-CAA-IZ01-3KD-DR-C-1210.P02

- Elevation plan 11 ENV0000489C-CAA-IZ01-3KD-DR-C-1211.P02
- Elevation plan 12 ENV0000489C-CAA-IZ01-3KD-DR-C-1212.P02
- Elevation plan 13 ENV0000489C-CAA-IZ01-3KD-DR-C-1213.P02
- Elevation plan 14 ENV0000489C-CAA-IZ01-3KD-DR-C-1214.P02
- Elevation plan 15 ENV0000489C-CAA-IZ01-3KD-DR-C-1215.P02
- Elevation plan 16 ENV0000489C-CAA-IZ01-3KD-DR-C-1216.P02
- Elevation plan 17 ENV0000489C-CAA-IZ01-3KD-DR-C-1217.P02
- Elevation plan 18 ENV0000489C-CAA-IZ01-3KD-DR-C-1218.P02
- Elevation plan 19 ENV0000489C-CAA-IZ01-3KD-DR-C-1219.P02
- Elevation plan 20 ENV0000489C-CAA-IZ01-3KD-DR-C-1220.P02
- Elevation plan 21 ENV0000489C-CAA-IZ01-3KD-DR-C-1221.P02
- Elevation plan 22 ENV0000489C-CAA-IZ01-3KD-DR-C-1222.P02
- Elevation plan 23 ENV0000489C-CAA-IZ01-3KD-DR-C-1223.P02
- Elevation plan 24 ENV0000489C-CAA-IZ01-3KD-DR-C-1224.P02
- Elevation plan 25 ENV0000489C-CAA-IZ01-3KD-DR-C-1225.P02

***Stock Beck Pumping Station proposals***

- General Arrangement ENV0000489C-CAA-IZ01-3E0-DR-C-0105.P03
- Details of Structures 01 ENV0000489C-CAA-IZ01-3E0-DR-C-0201.P03
- Details of Structures 02 ENV0000489C-CAA-IZ01-3E0-DR-C-0202.P02

Reason: For the avoidance of doubt and in the interests of proper planning.

**Phasing**

Condition (3) No development shall commence until a construction phasing plan has been submitted to, and approved in writing by, the local planning authority. The purpose of the phasing plan is to establish discrete geographical areas in which, once pre-commencement conditions pertaining to that area have been discharged, development can proceed ahead of other areas where compliance with pre-commencement conditions might remain outstanding. The phasing plan is not intended to dictate the order in which different elements of the scheme can progress, nor to prevent different elements proceeding simultaneously.

Thereafter, the development shall proceed in accordance with the agreed construction phasing plan.

Reason: To ensure that the construction proceeds in a manner that minimises disruption to local amenity.

## **Public art and interpretation strategy**

Condition (4) No development shall commence until a public art and interpretation strategy for the entire development has been submitted to, and approved in writing by, the local planning authority. The principles agreed in the strategy will then need to be reflected in the further details required by subsequent conditions, where relevant and specified.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and Policies DM1, DM2 and DM3 of the South Lakeland Development Management Policies Development Plan Document.

## **Materials and finishes**

Condition (5) No cladding of any wall type incorporating stone facing as shown on the approved plans shall commence until a sample panel detailing: (1) the type of stone to be used (which, for the avoidance of doubt, shall be locally-sourced natural stone for both cladding and coping); and (2) the proposed bedding, coursing, sizing, style and pointing of the stone; has been constructed and approved in writing by the local planning authority. Thereafter, construction of all stone-faced wall types shall be completed in accordance with the approved sample panel.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and Policies DM1, DM2 and DM3 of the South Lakeland Development Management Policies Development Plan Document.

Condition (6) No work shall commence on the erection of the stone faced flood defence wall on the eastern bank of the River Kent immediately downstream of Miller Bridge until further details of the interface between the wall and the existing railings and stone pier have been submitted to, and approved in writing by, the local planning authority. Thereafter, the work to this section shall be completed in accordance with the approved details.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and Policies DM1, DM2 and DM3 of the South Lakeland Development Management Policies Development Plan Document.

Condition (7) No wall type incorporating a printed or patterned concrete finish shall be so finished until a sample panel has been prepared and approved in writing by the local planning authority. The print or pattern should adhere to the principles established in the public art and interpretation strategy referred to in condition 4 above. Thereafter, construction of all wall types incorporating a printed or patterned concrete finish shall be completed in accordance with the approved sample panel.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and Policies DM1, DM2 and DM3 of the South Lakeland Development Management Policies Development Plan Document.

Condition (8) No work on any wall type incorporating glass panels shall commence until a specification for the panels have been submitted to, and approved in writing by, the local planning authority. The specification shall comprise: (1) confirmation of the use of self-cleaning glass; (2) details of the materials proposed for the construction of the frames; and (3) principles established in the public art and interpretation strategy referred to in condition 4 above.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and Policies DM1, DM2 and DM3 of the South Lakeland Development Management Policies Development Plan Document.

Condition (9) No work shall commence on the installation of the wall type incorporating glass panels on the western bank of the River Kent on the sloping ground immediately downstream of the retained stone pier at Miller Bridge until further details of the proposed elevational treatment of the panels has been submitted to, and approved in writing by, the local planning authority. Thereafter, the work to this section shall be completed in accordance with the approved details.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and Policies DM1, DM2 and DM3 of the South Lakeland Development Management Policies Development Plan Document.

Condition (10) No work shall commence on the installation of handrails until details have been submitted to, and approved in writing by, the local planning authority. The style and method of fixing of handrails should adhere to the principles established in the public art and interpretation strategy referred to in condition 4 above.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and Policies DM1, DM2 and DM3 of the South Lakeland Development Management Policies Development Plan Document.

Condition (11) No individual floodgate shall be first installed until details of its design have been submitted to, and approved in writing by, the local planning authority. The detailed design of each floodgate should adhere to the principles established in the public art and interpretation strategy referred to in condition 4 above.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and Policies DM1, DM2 and DM3 of the South Lakeland Development Management Policies Development Plan Document.

Condition (12) No work on the control kiosk serving the Stock Beck Pumping Station shall commence until full elevational details at a scale of 1:100, plus details of the proposed natural walling and roofing materials, have been submitted to, and approved in writing by, the local planning authority. Thereafter, the control kiosk shall be completed in accordance with the approved details.

Reason: To ensure the development achieves a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy, and Policies DM1, DM2 and DM3 of the South Lakeland Development Management Policies Development Plan Document.

Condition (13) For the avoidance of doubt, and notwithstanding any indications to the contrary on the approved plans, any existing walls to be repaired and/or taken down and rebuilt shall be repaired/rebuilt in material salvaged from the existing wall, and/or from new matching material, details of which shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that existing stone walls are retained in order to preserve the character of the area.

### **Landscaping**

Condition (14) The individual phase of development, as agreed in compliance with condition 3 above, shall commence until a detailed landscaping scheme for that phase has been submitted to, and approved in writing by, the local planning authority. The landscaping scheme shall accord with: (1) the principles shown on the approved Landscape Mitigation Plan(s); (2) the numbers and disposition of trees shown in Table 10.6 of the associated Environmental Statement; and (3) the principles established in the public art and interpretation strategy referred to in condition 4 above. The details of the landscaping scheme shall comprise: (i) planting plans; (ii) written specifications and schedules of proposed plants noting species, planting sizes and proposed numbers/densities; (iii) the extent and depth of wetland scrapes and water features (where relevant); (iv) samples of surfacing materials for paths, tracks and other public amenity areas; (v) furniture; (vi) an implementation

timetable;

and (vii) a schedule of landscape maintenance proposals for a period of not less than 10 years from the date of completion of the scheme for that individual phase. Thereafter, the approved landscaping scheme shall be implemented and maintained in accordance with the agreed details and timetable.

Reason: To ensure that adverse visual effects are mitigated as quickly and effectively as possible.

Condition (15) Except where covered by the phased landscaping details approved in accordance with condition 14 above, within one month of the completion of the development approved by this permission the various compound/storage/stockpile areas shown on the approved "Kendal FRMS Temporary Construction Access and Compounds" drawings shall be reinstated in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that adverse visual effects are mitigated as quickly and effectively as possible.



## **Tree removal and protection**

Condition (16) No development shall commence until a method statement detailing how the authorised removal of trees will be managed during the course of the construction process has been submitted to, and approved in writing by, the local planning authority. The method statement will set out the timescales for removal of trees within each of the phases agreed in compliance with condition 3 above, prioritising the retention of trees for as long as is practicably possible having regard to the requirements of other conditions imposed on this consent and other legislative responsibilities, i.e. those imposed by the Wildlife and Countryside Act 1981. Thereafter, tree removal shall proceed in accordance with the agreed method statement.

Reason: To ensure that the authorised removal of trees proceeds in a manner than minimises the loss of amenity.

Condition (17) No individual phase of development, as agreed in compliance with condition 3 above, shall commence until those individual trees and groups of trees shown to be retained on the relevant Tree Removal and Retention Plans have been protected in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority. Thereafter, the implemented protection measures shall be maintained for the duration of construction works within that phase of the development.

Reason: To ensure that those trees shown for retention are adequately protected before development commences.

## **Archaeological recording**

Condition (18) No individual phase of development, as agreed in compliance with condition 3 above, shall commence until implementation of a programme of archaeological work in accordance with a written scheme of investigation that shall first have been submitted to, and approved in writing by, the local planning authority. For the avoidance of doubt, "development" in this context shall not include any clearance of vegetation, felling of trees, or undertaking of any groundworks necessary to inform the required written scheme of investigation.

Reason: (i) to afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains; (ii) to ensure that permanent records are made of the heritage assets of architectural and historic interest prior to their alteration as part of the proposed development.

Condition (19) If the works require the "riverside steps and stone flag plinth" marked on approved plan "General Arrangement Reach G1 ENV0000489C-CAA-IZ01-3KD-DR-C-0110.P06" to be removed and reinstated then this shall be undertaken in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure the retention of this historically significant feature.

## **Traffic**

Condition (20) No individual phase of development, as agreed in compliance with condition 3 above, shall commence until a Transport Assessment / Construction Traffic Management Plan (TA/CTMP) for that phase has been submitted to, and approved in writing by, the local planning authority. The TA/CTMP shall include details of:

- the numbers and types of vehicles associated with construction;
- construction vehicle routing;
- the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary;
- arrangements for the parking of vehicles of site operatives and visitors;
- arrangements for loading and unloading of plant and materials;
- storage arrangements for plant and materials used in constructing the development;
- measures to control noise and vibration from plant, equipment and development processes;
- measures for cleaning of site entrances and the adjacent public highway;
- proposed wheel washing facilities;
- the arrangements for the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- surface water management details during the construction phase.

Construction lighting should be designed to negate light spillage from site boundaries and mitigate glare.

Thereafter, development of each phase shall proceed in accordance with the relevant TA/CTMP.

TA/CTMPs for development beyond the first phase shall address the cumulative effects of earlier phases.

Reason: In the interests of ensuring highway safety and efficiency, and to ensure that the highway network has sufficient capacity to safely accommodate the increased levels of construction traffic. To keep the impact of construction traffic on the amenity of local residents and other road users to acceptable levels.

## **Surface water**

Condition (21) Every phase of development, as agreed in compliance with condition 3 above, in which linear defences coincide with areas at risk of surface water flooding (identified on figures 4-1, 4-2 and 4-3 within the Flood Risk Assessment (Kendal flood risk management scheme - Phase 1 Kendal Linear Defences) January 2019) shall incorporate measures to allow the disposal of surface water into the river in conditions when the level of the river would not otherwise prevent it. The details of

such measures shall first have been submitted to, and approved in writing by, the local planning authority.

Reason: To safeguard against flooding from surface water to neighbouring sites.

Condition (22) Any surface water drainage outfalls encountered during construction shall be logged and the logbook shall be shared with the local planning authority on a weekly basis. The logbook shall note the location of the outfalls with an assessment of the drainage area that they serve. On site, a drainage engineer shall consider the likelihood of increased flood risk to people and property due to the proposal and appropriate mitigation shall be taken if required. Any mitigation and reasoning should be recorded in the logbook and approved in writing by the local planning authority prior to the completion of the development.

Reason: To safeguard against flooding from surface water elsewhere.

### **Air quality**

Condition (23) No individual phase of development, as agreed in compliance with condition 3 above, shall commence until mitigation measures to control dust during the course of construction works (as recommended in Table 7.24 of the Environmental Statement submitted in support of this application) has been submitted to, and approved in writing by, the local planning authority. Thereafter, the agreed mitigation measures shall be retained for the duration of construction works in the relevant phase.

Reason: To keep disruption to local amenity to a minimum.

Condition (24) No building work or associated deliveries shall occur on Bank Holidays or otherwise outside the hours of 0800 – 1800 Monday to Saturday without the prior written agreement of the local planning authority.

Reason: To safeguard amenity.

### **Contamination**

Condition (25) No individual phase of development, as agreed in compliance with condition 3 above, shall commence until a Phase One Assessment and conceptual model of the various potential contaminated land sites within and adjacent to the development corridor, including potential for migration of pollutants into the areas of proposed works has been submitted to, and approved in writing by, the local planning authority.

If any contamination is encountered during the project (not addressed in previous assessments), work must be halted on that part of the site, and a further assessment specifying the measures to be taken to make the site suitable (including any remediation proposed) shall be submitted to, and approved in writing by, the local planning authority. Work shall then proceed in accordance with the further assessment.

Within three months of completion of the scheme a validation report and statement from a competent person detailing contamination assessment, including any found

during development, and any remediation undertaken, shall be submitted to, and approved in writing by, the local planning authority. The validation report should cross-refer to the Phase One Assessment and any further assessments.

Reason: To remove any risk or concerns regarding human health (also to ensure that site workers are not exposed to the unacceptable risks) and the environment.

### **Biodiversity**

Condition (26) No individual phase of development, (including demolition, ground works, vegetation clearance) as agreed in compliance with condition 3 above, shall commence until a Construction Environmental Management Plan covering biodiversity issues (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features (including a commitment to no in river works between 1st October and 30th June in any given year in order to protect white-clawed crayfish).
- e) Details of how rescues of fish and white-clawed crayfish shall be undertaken by appropriately qualified persons (with the relevant permissions) prior to any activities that could result in physical harm to these animals.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.
- j) The numbers and locations of bird and bat boxes, along with a timetable for installation.

Thereafter, development of each phase shall proceed in accordance with the approved CEMP: Biodiversity.

Reason: To safeguard biodiversity interest on the site.

Condition (27) Prior to the commencement of development, a biosecurity protocol shall be submitted to and approved by the local planning authority detailing measures to minimize or remove the risk of introducing non-native species into a particular area during the construction, operational or decommissioning phases of a project. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To safeguard biodiversity interest on the site.

Condition (28) No individual phase of development, as agreed in compliance with condition 3 above, shall commence (including demolition, ground works and vegetation clearance) until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to identify changes in bat activity. The content of the Strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: To safeguard biodiversity interest on the site.

**NOTE (1)** In the exercise of its judgement in determining the appropriate balance of considerations, the Local Planning Authority has acted positively and proactively in determining this application proposal, taking into account all material considerations. Material considerations include planning policies and any representations that may have been received preceding the determination to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework. The Local Planning Authority is satisfied that its processes and practices are compatible with the Human Rights Act and the decisions of the European Court of Human Rights.

**NOTE (2)** NOTICE OF DECISIONS ON APPLICATIONS FOR PLANNING PERMISSION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT: The information to accompany decisions required by regulation 29(2) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the statement required by regulation 30 are recorded as separate documents on the planning register. However, they need to be read in conjunction with this decision notice and the officers' report to the Planning Committee held on 06 June 2019.

Please note that the Community Infrastructure Levy (CIL) was adopted by South Lakeland District Council on 1 June 2015. You should check with the CIL section whether or not the works you propose are liable for payment of CIL.

Please contact the CIL officer during office hours on 01539 793439.



Lowther Street  
Kendal

Director of Customer and Commercial Services

**28 June 2019**